

3847.

ABSTRACT, STATUS OF TITLE, TO 90.05 ACRES OF LAND IN EAST UNION TOWNSHIP, WAYNE COUNTY, OHIO, TO BE USED AS PART OF SITE FOR AN ADDITIONAL INSTITUTION FOR THE FEEBLE MINDED IN NORTHERN OHIO.

COLUMBUS, OHIO, December 2, 1926.

HON. JOHN E. HARPER, *Director, Department of Public Welfare, Columbus, Ohio.*

DEAR SIR:—Examination of an abstract, warranty deed and other data submitted for my examination and approval, discloses the following:

The abstract as submitted was prepared by the Wayne County Abstract Company, of Wooster, Ohio, and is certified under date of November 4, 1926, and pertains to 90.05 acres in East Union township, Wayne county, Ohio, to be used as part of the site for an additional institution for the Feeble Minded in Northern Ohio, and which real estate is more particularly bounded and described as follows:

Situated in the township of East Union, county of Wayne, State of Ohio, known as the west side of the northeast quarter of section 20, township 16, range 12, commencing at a stone monument at the northwest corner of said quarter; thence south  $86^{\circ} 52'$  east and along the north line of said quarter 22 chains 26 links to a stone and brick monument; thence south  $3^{\circ}$  west and parallel with the east line of said quarter 40 chains  $8\frac{1}{2}$  links to an iron pin monument on the south line of said quarter; thence north  $87^{\circ}$  west and along the south line of said quarter 22 chains 64 links to a stone monument at the southwest corner of said quarter; thence north  $3^{\circ} 33'$  east and along the west line of said quarter 40 chains 14 links to the place of beginning, containing 90.05 acres.

The description in the deed set forth on page 29 has two erroneous directions. However, the intention is clear and the error was corrected in subsequent conveyances so that I am of the opinion that this may be disregarded.

The deed to Walter M. Wecht and Ida B. Wecht for said premises, shown on pages 29, 30 and 31 of said Abstract, states that this conveyance is subject to the right of way over and across the above described premises as now located and in use on said premises. The same recital is contained in the deed to Theodore M. Shaffer and Dora O. Shaffer for the adjacent farm. These two farms were originally a part of the same farm and this recital was put in both deeds to give the owner of each tract the right to go over the other tract to the road, the Shaffer farm being on one road and the McClelland farm on another road. I have investigated and have found this driveway to be used very little and to be a private right intended to be granted only to the owners of the adjacent farms. As the state is acquiring both farms I think the matter can be entirely disregarded.

There is submitted herewith an assignment of the oil and gas lease now held by The Empire Gas and Fuel Company as set forth on pages 36 and 37 of the Abstract, which lease the state in its contract of purchase agreed to assume.

On page 38 of the Abstract is an uncanceled mortgage held by B. H. Bricker, which Mr. and Mrs. McClelland in their contract of sale agreed to pay, and the payment of which should be made a condition of the delivery of the voucher.

Taxes for the year 1926, shown on page 40 of the Abstract amounting to \$122.58 are unpaid and a lien. However, Mr. and Mrs. McClelland in their contract of purchase have agreed to pay these taxes. Payment should of course be made a condition of the delivery of the voucher.

With the exception of said lease, mortgage and taxes, all of which are taken care of in the contract of sale, I am of the opinion that said Abstract shows a good and merchantable title to said 90.05 acres in said Daniel W. McClelland and Anna M. McClelland.

A warranty deed from Daniel W. McClelland and wife, Anna M. McClelland is submitted herewith and is in my opinion sufficient to convey the title to said premises to the State of Ohio.

It also appears from a copy of minutes herewith enclosed that said purchase has been approved by the Controlling Board. A regularly certified encumbrance estimate should accompany this abstract.

The Abstract, warranty deed and other data submitted are herewith returned.

Respectfully,  
C. C. CRABBE,  
*Attorney General.*

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3848.

ABSTRACT, STATUS OF TITLE, TO 81.61 ACRES OF LAND IN EAST UNION TOWNSHIP, WAYNE COUNTY, TO BE USED AS A PART OF A SITE FOR AN ADDITIONAL INSTITUTION FOR THE FEEBLE MINDED IN NORTHERN OHIO.

COLUMBUS, OHIO, December 3, 1926.

RE: *John L. Amiet tract.*

HON. JOHN E. HARPER, *Director, Department of Public Welfare, Columbus, Ohio.*

DEAR SIR:—Examination of an abstract, warranty deed and other data submitted for my examination and approval, discloses the following:

The first thirty-five pages of the abstract as submitted were prepared by G. W. Spangler and have been rechecked by the Wayne County Abstract Company and said abstract has been continued to September 13, 1926, by said The Wayne County Abstract Company, of Wooster, Ohio.

Said abstract relates to 81.61 acres of land in East Union Township, Wayne County, Ohio, to be used as a part of a site for an additional institution for the feeble minded in northern Ohio, which real estate is more particularly bounded and described as follows:

Situated in the township of East Union, county of Wayne and State of Ohio and known as a part of the southeast quarter of section number sixteen (16), township number sixteen (16), range twelve (12), bounded as follows, to-wit: commencing at the southeast corner thereof; thence west on the south line thereof 27 chains and 65 links; thence north parallel with the west line 17 chains and 50 links; thence north  $80\frac{3}{4}$  deg. east 13 chains and 95 links; thence north parallel with the east line 21 chains and  $37\frac{1}{2}$  links to the north line of said quarter; thence east on said north line 13 chains and 88 links to the northeast corner of said quarter; thence south on the east line 40 chains and 50 links to the place of beginning, containing 81 61-100 acres be the same more or less.