

2365.

APPROVAL—CERTIFICATE OF TITLE AND OTHER INSTRUMENTS, STATE OF OHIO, THROUGH DIRECTOR, DEPARTMENT OF PUBLIC WORKS, APPROPRIATION PROCEEDINGS, TRACT OF LAND OWNED BY PETER NEUHAUSER AND SUSANNA NEUHAUSER, DESIGNATED AND DESCRIBED, PARTS SECTION 18, GREEN TOWNSHIP, SUMMIT COUNTY, OHIO, FOR NIMISILA CREEK RESERVOIR PROJECT, PURCHASE PRICE, \$2506.10.

COLUMBUS, OHIO, April 21, 1938.

HON. CARL G. WAHL, *Director, Department of Public Works, Columbus, Ohio.*

DEAR SIR: This is to acknowledge the receipt of your recent communication with which you submit for my examination and approval a transcript of your proceedings relating to the appropriation by you for and in the name of the State of Ohio of a tract of land owned of record by Peter Neuhauser and Susanna Neuhauser in Green Township, Summit County, Ohio, subject to certain liens, leases, easements and claims owned and held by other persons and corporations who, together with said Peter Neuhauser and Susanna Neuhauser, were made parties in such appropriation proceedings.

The property above referred to, which was appropriated by you as Superintendent of Public Works for use in connection with the Nimisila Creek Reservoir Project, is described in the certificate of appropriation as follows, to wit:

Being part of the southwest and southeast quarters of Section No. 18, Green Township, Summit County, Ohio, and being more completely described as follows:

Beginning at an iron pipe on the southwest corner of the southwest quarter of Section No. 18; thence along the south line of Section No. 18 S. $83^{\circ} 13' 00''$ E. fourteen hundred seventy-two and sixty-five hundredths (1472.65) feet to a point and the true place of beginning of the description of the property to be conveyed; thence continuing along the south line of Section No. 18, S. $83^{\circ} 13' 00''$ E. fourteen hundred forty-four and sixty-seven hundredths (1444.67) feet to a point in the north line of lands now owned by Clara E. Wagner, et al, and in the center line of Caston road; thence along the center line of Caston road, N. $36^{\circ} 12' 00''$ W. nine hundred ten and thirty hundredths

(910.30) feet to a point; thence continuing in the road center line N. $77^{\circ} 29' 20''$ W. eight hundred twenty-four and eighty-seven hundredths (824.87) feet to a point in the northeast corner of lands now or formerly owned by M. Krasinski; thence along Krasinski's east line S. $7^{\circ} 02' 14''$ W. seven hundred forty-eight and one hundredth (748.01) feet to a point and the true place of beginning and containing eighteen and four hundredths (18.04) acres of land as surveyed June, 1936, by Francis W. Stafford.

Upon examination of the transcript of your proceedings as Superintendent of Public Works for the appropriation of the above described property, which transcript includes a certificate of title of said property, I find that your proceedings for the appropriation of this property and those in the Probate Court of Summit County relating to the assessment of the compensation and damages to be paid by the State of Ohio for the property are in all respects regular. And since it further appears that no motion for a new trial was filed by any of the parties to this proceeding with respect to the verdict of the jury assessing the compensation and damages to be paid by the State of Ohio for and with respect to this property, no reason is seen why a voucher and warrant covering the amount of such compensation and damages and the costs of such proceedings in the Probate Court should not be issued to the Probate Court of Summit County, Ohio, to the end that the proceeds thereof may be paid and distributed in the manner provided by law.

In this connection, it is noted that with the transcript of the proceedings relating to the appropriation of this property you submit for my examination and approval contract encumbrance record No. 36 in the amount of \$2506.10, which includes the sum of \$2440.00 assessed by the jury as compensation and damages with respect to said land and the sum of \$66.10, court costs. Voucher and warrant payable to Dean F. May, Probate Judge of Summit County, Ohio, should be issued in accordance with the terms of said contract encumbrance record. And further in this connection it is suggested that when a warrant in the amount of \$2506.10 is issued and delivered to said Dean F. May, Probate Judge, another and further entry be filed in said Probate Court in words and figures as indicated by the proposed entry herewith enclosed.

I am herewith returning to you the transcript and other files above referred to, together with the entry to be filed in the Probate Court upon

the delivery to the Probate Judge of the warrant of the State of Ohio in the amount above stated.

Respectfully,

HERBERT S. DUFFY,
Attorney General

2367.

APPROVAL—BONDS, CITY OF ROCKY RIVER, CUYAHOGA COUNTY, OHIO, \$2,000.00, PART OF ISSUE DATED OCTOBER 1, 1934.

COLUMBUS, OHIO, April 22, 1938.

The Industrial Commission of Ohio, Columbus, Ohio.

GENTLEMEN:

RE: Bonds of City of Rocky River,
Cuyahoga County, Ohio, \$2,000.00.

The above purchase of bonds appears to be part of an issue of bonds of the above city dated October 1, 1934. The transcript relative to this issue was approved by this office in an opinion rendered to the Teachers Retirement System under date of December 11, 1935, being Opinion No. 4993.

It is accordingly my opinion that these bonds constitute valid and legal obligations of said city.

Respectfully,

HERBERT S. DUFFY,
Attorney General
