

3774.

APPROVAL, BONDS OF CLINTON TOWNSHIP RURAL SCHOOL DISTRICT, KNOX COUNTY, OHIO, \$3,101.26.

COLUMBUS, OHIO, January 8, 1935.

*Retirement Board, State Teachers Retirement System, Columbus, Ohio.*

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3775.

APPROVAL, BONDS OF JACKSON TOWNSHIP RURAL SCHOOL DISTRICT, HIGHLAND COUNTY, OHIO, \$2,352.43.

COLUMBUS, OHIO, January 8, 1935.

*Retirement Board, State Teachers Retirement System, Columbus, Ohio.*

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3776.

APPROVAL, BONDS OF CANAL WINCHESTER VILLAGE SCHOOL DISTRICT, FRANKLIN COUNTY, OHIO, \$8,339.36.

COLUMBUS, OHIO, January 8, 1935.

*Retirement Board, State Teachers Retirement System, Columbus, Ohio.*

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3777.

APPROVAL—WARRANTY DEED, ABSTRACT OF TITLE, ENCUMBRANCE RECORD AND CONTROLLING BOARD CERTIFICATE RELATING TO THE PROPOSED PURCHASE OF LAND BY THE STATE OF OHIO IN HENRY COUNTY.

COLUMBUS, OHIO, January 8, 1935.

HON. WILLIAM H. REINHART, *Conservation Commissioner, Columbus, Ohio.*

DEAR SIR:—This is to acknowledge the receipt of your recent communication in which you submit for my examination and approval an abstract of title, warranty deed, encumbrance record No. 24 and Controlling Board certificate relating to the proposed purchase by the state of Ohio of a parcel of land which is owned of record by Henry Weddelman and Ida Weddelman in Flat Rock Township, Henry County, Ohio, which parcel of land is a part of the fractional Northwest quarter of the Southeast quarter of Section Four in Township Four North of Range Six East and which is more particularly described as follows:

Beginning at a point in the North line of said Section Four that is 247.5 feet East of the North and South Half-Section line and thence South on a line parallel to and 15 rods East of said Half-Section line 3057.3 feet to the Southerly right-of-way line of U. S. Highway No. 24, said point being the true place of beginning; thence South 89.1 feet to the North line of the Miami and Erie Canal property; thence North 81 deg. 00' East 259 feet to a point; thence North 79 deg. 41' East 317.8 feet to a point; thence North 89 deg. 20' East 230.8 feet to a point; thence South 81 deg. 52' East 269.3 feet to a point in said Canal property line; thence North 8 deg. 03' East 60.8 feet to the Southerly line of said U. S. Highway No. 24; thence North 72 deg. 11' West 100.6 feet to a concrete marker; thence to the left on a 10 degree curve 202.1 feet to a concrete marker; thence South 86 deg. 29' West 362.7 feet to a concrete marker; thence to the left on a 4 deg. 38' curve 194.6 feet to a concrete marker; and thence South 77 deg. 17' West 224.9 feet to the place of beginning, containing 2.12 acres of land.

Upon examination of the abstract of title submitted I find that Henry Weddelman and Ida Weddelman have a good merchantable fee simple title to the above described parcel of land and that said land is free and clear of all encumbrances except such taxes and assessments, current and delinquent, (if any) as may be a lien upon the property. The abstract of title is wholly silent with respect to the matter of the taxes and assessments on this property. It is altogether probable that the taxes for the year 1934 on the lands owned by Henry Weddelman and Ida Weddelman, including the parcel here under investigation, are unpaid and before the transaction for the purchase of this property is closed such taxes and any delinquent taxes on the property should be paid or some satisfactory arrangement should be made for the payment of the same.

Upon examination of the warranty deed tendered by Henry Weddelman and Ida Weddelman I find that the same has been properly executed by the grantors therein, above named, and that the form of this deed is such that it is legally sufficient to convey this property to the state of Ohio by fee simple title with a covenant of warranty against all lawful claims.

Contract encumbrance record No. 24 which has been submitted as a part of the files relating to the purchase of this property has been properly executed and the same shows an unencumbered balance in the proper appropriation account to the credit of the Conservation Division to pay the purchase price of this property, which purchase price is the sum of \$169.60. It further appears by recital in said contract encumbrance record as well as by the Controlling Board certificate over the signature of the president of said board that this board has approved the purchase of this property and has released from the appropriation account the money necessary to pay said purchase price.

There is nothing in the files submitted to me with respect to the purchase of this property to show that the purchase of the same has been provided for by the Conservation Council. I am advised that this property is being procured for park purposes under the control of the Division of Conservation. As pointed out in former opinions relating to the acquisition of property for recreation park and reservoir purposes, the Conservation Council is the only constituted authority which is vested with power and authority to acquire lands for this purpose. It follows, therefore, that before any warrant is issued for the purchase of this property it should appear from the files in your office that the purchase of this

property has been provided for by appropriate action on the part of the Conservation Council and before these files are submitted to the Auditor of State for the issue of a warrant covering the purchase price of the property you should have prepared a copy of the minutes of the Conservation Council authorizing the purchase of this property and submit the same to the Auditor of State. Subject to the minor exception hereinabove noted with respect to the payment of taxes on this property the title of Henry Weddelman and Ida Weddelman to the same is hereby approved as is likewise the purchase and acquisition of the property for the purposes above stated. I am likewise approving the warranty deed tendered by the grantors above named and the contract encumbrance record.

I am herewith returning to you for the issue of a voucher covering the purchase price of this property said warranty deed and contract encumbrance record. I am retaining the abstract of title and the Controlling Board certificate temporarily for the reason that the same likewise relate to and cover contiguous property owned by another property owner, which property the Conservation Division desires to acquire as a part of the park project above referred to.

Respectfully,

JOHN W. BRICKER,  
*Attorney General.*

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3778.

APPROVAL, TRANSCRIPT OF PROCEEDINGS RELATING TO THE  
PROPOSED SALE OF LAND IN FAIRFIELD COUNTY, OHIO, TO  
THE CHESAPEAKE AND OHIO RAILWAY COMPANY.

COLUMBUS, OHIO, January 8, 1935.

HON. T. S. BRINDLE, *Superintendent 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 in duplicate of your proceedings as Superintendent of Public Works and as director of said department relating to the proposed sale and conveyance to The Chesapeake and Ohio Railway Company of a parcel of state canal land in Section 1, Township 14 north, Range 20 west, Bloom Township, Fairfield County, Ohio, which tract of land is more particularly described as follows:

Beginning at the point of intersection of the right of way line of The Chesapeake and Ohio Railway Company with the northerly state property line of the abandoned Ohio Canal, said point being fifty (50') feet distant westerly at right angles from the center line of the main line track of said railway company; thence with said northerly state property line, south 64 deg. 20' east 106.95 feet to a point, crossing the center line of said main line track at a distance of 55.31 feet and intersecting said center line at Valuation Station 1174+12.25; thence with said state property line, south 61 deg. 30' east, 3.77 feet to a point; thence south 0 degrees 21' west, parallel with and 50 feet distant at right angles from said center line, a distance of 97.26 feet to a point in the southerly state property line; thence with said state property line, north 57 deg. 33' west, 1.43 feet to a point; thence north 60 deg. 23' west, 113.24 feet,