

4079.

APPROVAL, CERTIFICATE OF TITLE, ETC., RELATING TO THE PROPOSED PURCHASE BY THE MUSKINGUM WATERSHED CONSERVANCY DISTRICT, OF LAND IN FRANKLIN TOWNSHIP, TUSCARAWAS COUNTY, OHIO—ELIZABETH SIMONETTA AND GRACE P. SNYDER.

COLUMBUS, OHIO, MARCH 22, 1935.

The Board of Directors of the Muskingum Watershed Conservancy District, New Philadelphia, Ohio.

GENTLEMEN:—You have submitted for my examination and approval a certificate of title, certificate of items not of record, warranty deed contract encumbrance record No. 54, owner's description, surveyor's certificate and Controlling Board certificate, relating to the proposed purchase by the Muskingum Watershed Conservancy District of one tract or parcel of land which is owned of record by Elizabeth Simonetta and Grace P. Snyder in Franklin township, Tuscarawas County, Ohio, which parcel of land is more particularly described by metes and bounds as follows:

Being a part of fractional lot eighteen (18) in the second quarter of township ten (10) north, range three (3) west of the United States Military Survey; and being included within the lines described as follows, to wit:

Beginning at a point on the county line between Tuscarawas county and Stark county, which point is the northeast corner of said fractional lot eighteen (18) and which point is also south eighty (80) degrees and no minutes west eight hundred and sixty-two and sixth tenths (862.6) feet from the southeast corner of section thirty-six (36), township eleven (11) north, range ten (10) west of the Ohio River Survey; thence southerly along the east line of said fractional lot eighteen (18) five hundred and eighty-one and five tenths (581.5) feet, more or less, to the southeast corner of said fractional lot eighteen (18); thence along the south line of said fractional lot eighteen (18), north eighty-nine (89) degrees and no minutes west one thousand four hundred and nineteen (1419) feet; thence northerly and parallel to the east line of fractional lot eighteen (18), three hundred and thirty (330) feet, more or less, to a point on the said county line between Tuscarawas county and Stark county; and thence along the said county line north eighty (80) degrees and no minutes east one thousand four hundred and thirty-six and nine tenths (1436.9) feet, more or less, to the point of beginning; containing an area of fourteen and eight tenths (14.8) acres, more or less.

The lands hereby conveyed being all of the lands of the grantors, Elizabeth Simonetta and Grace P. Snyder, in the said fractional lot eighteen (18) in Franklin township, Tuscarawas county, Ohio, and being the same lands described in deed from M. Alice Allman Bartruff to Elizabeth Simonetta and Grace P. Snyder, dated December 1, 1933, and recorded in volume 216, page 544, of the Tuscarawas county, Ohio, deed records.

The certificate of title above referred to is over the signature of one Nettie Nulton, Title Attorney of the Conservancy District, and the same is supplemented by a report on the title to this property as the same appears in an abstract of title, which was likewise submitted to me in connection with my investigation of the title, in and

by which Elizabeth Simonetta and Grace P. Snyder own and hold this property. From the examination thus made by me, I find that Elizabeth Simonetta and Grace P. Snyder have a good merchantable fee simple title to the above described property, subject to the lien of delinquent taxes and taxes for the year 1934 estimated at \$59.58, and subject further to the following oil and gas lease.

Oil and Gas lease from Alice M. Bartruff to The Ohio Fuel Gas Company, dated February 3, 1933, recorded in Vol. 27, page 581.

It appears that The State National Bank of Massillon has two judgment liens against this property and The Union National Bank of Massillon also has one; but it is arranged that these shall be paid off out of the purchase price, before any money goes to the land owners.

With the other files relating to the purchase of this property, you have submitted a deed form of a warranty deed to be executed by Elizabeth Simonetta, unmarried, Grace P. Snyder and M. K. Snyder, her husband, for the purpose of conveying this property to the Muskingum Watershed Conservancy District, which is a body corporate and a political subdivision of the state of Ohio. Upon examination of the deed form submitted, I find that the form of this deed is such that the same, when it is properly executed and acknowledged by said Elizabeth Simonetta, Grace P. Snyder and M. K. Snyder, will be effective to convey the property here in question to the Muskingum Watershed Conservancy District by full fee simple title, free and clear of the inchoate dower interest of M. K. Snyder, with a warranty that the property is free and clear of all encumbrances whatsoever.

As a part of the files relating to the purchase of the above described property, you have submitted to me contract encumbrance record No. 54. This instrument, which is executed upon the regular form used by state officers and departments in encumbering funds for the purpose of meeting contractual obligations of the State for the use of such officers or departments, is authenticated by the signatures of T. J. Haley and C. W. Ullom, acting pursuant to the authority of a resolution of the Board of Directors of the Muskingum Watershed Conservancy District. Although this resolution of the Board of Directors of said Conservancy District does not, of course, give to the persons above named the status of state officers or agents, or give them any authority to contract on behalf of the state of Ohio, their signatures on this contract encumbrance record do have the effect of authenticating the fact that the Muskingum Watershed Conservancy District has contracted for the purchase of the particular property therein described and afford a sufficient predicate to the certificate of the Director of Finance that there is a sufficient unencumbered balance to the credit of the Muskingum Watershed Conservancy District under the appropriation made to said Conservancy District in and by House Bill No. 61 enacted by the 90th General Assembly under date of April 7, 1934; all of which is contemplated by and is in accordance with the agreement entered into by and between the Controlling Board and the Board of Directors of said Conservancy District with respect to the expenditure of the moneys appropriated by said act for the uses and purposes of the Conservancy District.

In this view and for the purpose above stated, this contract encumbrance record has been properly executed and the same shows that there is a sufficient unencumbered balance in the appropriation account covered by the moneys released by the Board of Control to pay the purchase price of the real property here in question, which purchase price is the sum of \$1186.00. In this connection, it is noted that under date of December 5, 1934, the Controlling Board released from this appropriation account an additional sum of \$100,000, which is an amount sufficient to cover the purchase

price of the real property here in question and of all other tracts of land which have been submitted to this office for consideration.

Subject to the exceptions above noted, the title to the above described property, of Elizabeth Simonetta and Grace P. Snyder is approved, and the certificate of title, warranty deed, contract encumbrance record No. 54, and other files relating to this purchase are herewith enclosed for further appropriate action on your part and upon the part of the Auditor of State.

Respectfully,
JOHN W. BRICKER,
Attorney General.

4080.

APPROVAL, BOND FOR THE FAITHFUL PERFORMANCE OF HIS DUTIES—
P. C. SHAFER, AS RESIDENT DISTRICT DEPUTY DIRECTOR OF HIGHWAYS.

COLUMBUS, OHIO, MARCH 22, 1935.

HON. JOHN JASTER, JR., *Director of Highways, Columbus, Ohio.*

DEAR SIR:—You have submitted for my approval a bond in the penal sum of \$5,000, with sureties as indicated, to cover the faithful performance of the duties of the official, as hereinafter listed:

P. C. Shafer, Resident District Deputy Director in Portage County—
Glens Falls Indemnity Company.

The above listed bond is undoubtedly executed pursuant to the provisions of sections 1183 and 1182-3, General Code. Section 1183, General Code, provides in part:

“ * * * Such resident district deputy directors shall * * * give bond in the sum of five thousand dollars. * * * ”

Section 1182-3, General Code, provides:

“ * * * All bonds hereinbefore provided for shall be conditioned upon the faithful discharge of the duties of their respective positions and such bonds * * * shall be approved as to the sufficiency of the sureties by the director (of highways) and as to legality and form by the attorney general, and be deposited with the secretary of state * * * . ”

(Words in parenthesis the writer's)

Finding said bond to have been properly executed in accordance with the above statutory provisions, I am hereby approving it as to form, and am returning same to you herewith.

Respectfully,
JOHN W. BRICKER,
Attorney General.