

2940.

APPROVAL, ABSTRACT STATUS OF TITLE SUBMITTED ON PREMISES  
IN LICKING COUNTY, VILLAGE OF JOHNSTOWN, STATE OF OHIO.

COLUMBUS, OHIO, November 12, 1925.

HON. G. F. SCHLESINGER, *Director, Department of Highways and Public Works, Columbus, Ohio.*

DEAR SIR:—Examination of an abstract of title and warranty deed submitted by you to this department for examination and opinion, discloses the following:

The abstract under consideration was prepared and certified under date of August 29, 1925, and pertains to the following premises:

Situated in the county of Licking in the State of Ohio and in the village of Johnstown and bounded and described as follows:

Being a part of lot two hundred and sixty in the Frederick Stevens Addition to said village, bounded and described as follows:

Beginning at the point of intersection of the west line of the right of way of The Toledo and Ohio Central Railway Company and the north line of Coshocton street; thence west along the north line of said Coshocton street fifty-four and 20-100 (54.20) feet to the southwest corner of said lot 260; thence north along the west line of said lot two hundred and forty-seven and 7-100 (247.07) feet to the south line of a proposed alley; thence east on a line parallel with the south line of said lot eighty feet more or less to the west line of the right of way of said railroad; thence following the right of way of said railroad in a southerly direction to the place of beginning.

Upon examination of said abstract, I am of the opinion that same shows a good and merchantable title to said premises in George P. Hill, subject to the following exceptions:

In connection with the abstract of a power of attorney at page 3 of the abstract, there does not appear any positive statement as to whether or not the parties named in the power of attorney are all of the heirs of Oliver Bigelow, but in view of the supplementary statement of the abstracter to the effect that no question has ever been raised with reference to the power of attorney referred to; and in view of the further fact of long lapse of time, it is believed this condition may be disregarded.

Attention is also directed to the mortgages abstracted at pages 20, 21 and 22. Neither of these mortgages appear to have been released of record, but in view of the supplementary statement of the abstracter, and the further fact of long lapse of time, over one hundred years, it is believed this situation may be disregarded.

Attention is also directed to the taxes for the year 1925, which are a lien, but the amount of which is as yet undetermined.

Attention is also directed to a condition with reference to the use of the premises, written into the deed, which provides "that no barn, shed or building other than a dwelling house shall be erected on said lot so that any part thereof shall be less than one hundred feet from the Coshocton street line of said lot." Particular attention is directed to this condition in order that you may determine whether or not this condition will interfere in any wise with the intended use by your department of the premises.

It is further suggested that the warranty deed as submitted will convey the title of the premises to the State of Ohio when properly delivered.

The provision of section 12 of the general appropriation act of the 86th General Assembly requiring the approval of this purchase by the controlling board has been complied with as evidenced by the certificate of Wilbur E. Baker, Director of Finance, attached to the abstract.

Attention is also directed to the necessity of an encumbrance estimate properly certified by the Director of Finance before the final consummation of this purchase. The abstract of title and warranty deed are herewith returned.

Respectfully,

C. C. CRABBE,  
*Attorney General.*

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2941.

APPROVAL, ABSTRACT OF TITLE ON LAND LOCATED IN VILLAGE OF  
ETNA, LICKING COUNTY, OHIO.

COLUMBUS, OHIO, November 13, 1925.

HON. G. F. SCHLESINGER, *Director, Department of Highways and Public Works,  
Columbus, Ohio.*

DEAR SIR:—Examination of an abstract of title, warranty deed and a statement by Hon. Wilbur E. Baker, Director of Finance, showing that the approval of the purchase of a certain parcel of land located in the village of Etna, Licking county, Ohio, submitted by you to this department for examination and opinion, discloses the following:

The abstract as submitted was prepared and certified under date of September 9, 1925, and pertains to the following premises:

Situated in the county of Licking in the State of Ohio, and in the township of Etna, and in the town of Etna and bounded and described as follows:

Being in lot number six in the said town of Etna in said county of Licking and State of Ohio.

Upon examination of said abstract, I am of the opinion that same shows a good and merchantable title to said premises in Thomas H. Parker, subject to the following exceptions:

The taxes for the year 1925 are a lien, but the amount of same are as yet undetermined.

Your attention is directed to the encumbrance clause of the warranty deed as submitted, which excepts from the covenant against encumbrances the taxes for the year 1925, and further indicates that the grantee assumes and agrees to pay said taxes as a part of the purchase price.

Attention is also directed to the necessity of the proper certificate of the Director of Finance to the effect that there are unencumbered balances legally appropriated sufficient to cover the purchase price before the purchase of these premises is finally consummated.

The approval of the controlling board evidenced by the certificate submitted by you is sufficient.