

3667.

APPROVAL—BONDS OF NEW MARKET RURAL SCHOOL DISTRICT,
HIGHLAND COUNTY, OHIO, \$742.97.

COLUMBUS, OHIO, December 19, 1934.

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

3668.

APPROVAL—BONDS OF NEWTON VILLAGE SCHOOL DISTRICT,
LICKING COUNTY, OHIO, \$4,851.70.

COLUMBUS, OHIO, December 19, 1934.

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

3669.

APPROVAL—ABSTRACT OF TITLE, WARRANTY DEED, ENCUMBRANCE RECORD NO. 9 AND CONTROLLING BOARD CERTIFICATE RELATING TO THE PROPOSED PURCHASE OF TWO TRACTS OF LAND IN HANOVER TOWNSHIP, PERRY COUNTY, OHIO.—JOHN G. SMITH.

COLUMBUS, OHIO, December 20, 1934.

HON. CARL E. STEEB, *Secretary, Board of Control, Ohio Agricultural Experiment Station, Columbus, Ohio.*

DEAR SIR:—This is to acknowledge the receipt of your recent communication with which you submit for my examination and approval an abstract of title, warranty deed, encumbrance record No. 9 and Controlling Board certificate, relating to the proposed purchase in the name of the State of Ohio for the use of your department of two tracts of land which are owned of record by the heirs and devisees of John G. Smith, deceased, in Hanover Township, Perry County, Ohio, which tracts of land are more particularly described as follows:

Beginning at the North East corner of the West half of the North West quarter of Section Number Seven Township Number Nineteen of Range Sixteen in the County of Ashland, thence West along and with the quarter line forty-two rods, thence South parallel with the East boundary line of half quarter Nine and four tenths perches, thence South

69° 15' E. fourteen and five tenths perches, thence South parallel with the East boundary line of said half quarter, one hundred and forty-two and six tenths perches to the quarter line, thence East with said quarter line thirty rods to the South East corner of said half quarter, thence North along and with said half quarter line one hundred and sixty rods to the place of beginning, containing thirty-one acres.

Also the North East Quarter of the North West Quarter of Section Number 7, Township Number 19 of Range Number 16 in said Richland County, containing forty-seven and 62/100 (47.62) acres more or less.

Upon examination of the abstract of title submitted, which abstract is certified by the abstracter under date of November 19, 1934, I find that Gailord I. Smith, Herbert H. Smith, Lottie Zimmerman, Eva Shafer, Marion Smith, Delta Allen, Otic Darling, Jennie Oakes and Wilbert Smith, sons and daughters of John G. Smith, deceased, have, as tenants in common of the above described tracts of land, a good merchantable fee simple title in and to the same, which title, aside from the respective dower interests of the spouses of the above named persons, is free and clear of all encumbrances except the following:

1. On May 14, 1917, Mary A. Smith and Jennie Steward, then owners of interests in the above described tracts of land, granted to The Ohio Fuel Gas Company a right of way easement in and by which the grantee company and its successors and assigns were given the right to lay and maintain a pipe line in and over said lands. This easement is an encumbrance upon this property.

2. On June 18, 1931, Gailord I. Smith and the other above named children of John G. Smith, deceased, together with their mother, Mary A. Smith, then living, executed to The Ohio Fuel Gas Company a lease of the above described tracts of land by which there was granted to said lessee the right to take oil and gas from said premises for a term of twenty years from the 20th day of May, 1932. This lease is, of course, an encumbrance upon the property.

The abstracter certifies that there are no "over-due taxes." I infer from this that all of the taxes on the property are paid except the taxes for the year 1934, the first installment of which is due and payable in December, 1934.

Upon examination of the warranty deed tendered by Gailord I. Smith and his brothers and sisters above named who, with him, are the owners as tenants in common of the property here under investigation, I find that said deed has been properly executed and acknowledged by said grantors and by their respective spouses who have therein released their respective rights of dower in this property.

I further find, upon examination of this deed, that the form of the same is such that it is legally sufficient to convey this property to the state of Ohio by full fee simple title with covenant of warranty on the part of said grantors that the property is free and clear of all encumbrances except the oil and gas lease to The Ohio Fuel Gas Company, above referred to.

Upon examination of contract encumbrance record No. 9, which has been submitted as a part of the files relating to the purchase of this property, I find that the same has been properly executed and that there is shown a sufficient balance in the proper appropriation account to pay the purchase price of the property, which purchase price is the sum of \$1,361.34. I further find from the certificate of the Controlling Board that the purchase of this property has been approved by said Board and that the money necessary to pay the purchase price of the property has been duly released for this purpose. I am herewith returning to you said abstract of title, warranty deed, encumbrance record No. 9 and Con-

trolling Board certificate for the preparation of a voucher covering the purchase price of this property.

Respectfully,
JOHN W. BRICKER,
Attorney General.

3670.

APPROVAL—RESERVOIR LAND LEASE IN MERCER COUNTY, FOR THE RIGHT TO USE AND OCCUPY FOR AGRICULTURAL PURPOSES.—B. C. ANDERSON.

COLUMBUS, OHIO, December 20, 1934.

HON. EARL H. HANEFELD, *Director, Department of Agriculture, Columbus, Ohio.*

DEAR SIR:—This is to acknowledge the receipt of a communication over the signature of the Chief of the Bureau of Inland Lakes and Parks, submitting for my examination and approval a reservoir land lease executed by the Conservation Commissioner to one B. C. Anderson of St. Marys, Ohio. This lease, which is one for a term of fifteen (15) years, and which provides for an annual rental of seventy-two dollars (\$72.00), payable semi-annually, leases and demises to the lessee above named the right to occupy and use for agricultural purposes, the following described State property located in the St. Marys Reservoir:

Anderson Island situated in Section 1, Township 6, South, Range 3 East, being in Mercer County, Ohio, containing 4.87 acres as surveyed by I. F. Raudabaugh in 1888.

Upon examination of this lease I find that the same has been properly executed by the Conservation Commissioner on behalf of the state of Ohio and by B. C. Anderson, the lessee therein named. I further find upon examination of the provisions of this lease and of the conditions and restrictions therein contained, that the same are in conformity with section 471, General Code, under the authority of which these leases are executed, and with other statutes relating to leases of this kind.

I am, therefore, approving this lease as to legality and form as is evidenced by my approval endorsed upon the lease and the duplicate and triplicate copies thereof, all of which are herewith returned.

Respectfully,
JOHN W. BRICKER,
Attorney General.