

6474.

APPROVAL—CERTIFICATE OF TITLE, ETC., TO LAND IN GREEN TOWNSHIP, SUMMIT COUNTY, OHIO—FREEMAN DAILY.

COLUMBUS, OHIO, December 7, 1936.

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

DEAR SIR: You recently submitted for my examination and approval a certificate of title, warranty deed and contract encumbrance record No. 12, relating to the proposed purchase by the state of Ohio for the use of your department in the construction of the Nimisila Creek Basin Reservoir improvement, of a tract of land owned of record by one Freeman Daily in Green Township, Summit County, Ohio, which parcel of land is a part of the northeast quarter of section No. 31 in said township and is more particularly described by metes and bounds as follows:

Beginning at a stone set in the center line of Christman Road and on the northeast corner of Section No. 31; thence along the south line of lands now or formerly owned by Steve Andrus N. $82^{\circ} 55' 10''$ W. ten hundred five and sixty three hundredths (1005.63) feet to a stone set on the northwest corner of lands now or formerly owned by John Paul and the true place of beginning of the description of the property to be conveyed; thence N. $82^{\circ} 55' 10''$ W. two hundred thirty-six and forty-nine hundredths (236.49) feet along Andrus' south line to a stake in the southeast corner of land now or formerly owned by Kelly Myers; thence N. $84^{\circ} 00' 40''$ W. eight hundred forty and sixty-one hundredths (840.61) feet along Myers' south line to a stone in the southeast corner of lands now or formerly owned by J. Nelson Pippus; thence N. $82^{\circ} 45' 50''$ W. five hundred nineteen and eighty-five hundredths (519.85) feet along Pippus' South line to a stake in the center line of Clinton-Comet Road; thence S. $30^{\circ} 32' 20''$ W. twenty-two and eighty-eight hundredths (22.88) feet along the center line of Clinton-Comet Road; then S. $82^{\circ} 45' 50''$ E. twenty-two and eighty hundredths (22.80) feet along property owned by the Comet Milling Company to an iron pipe; thence S. $15^{\circ} 6' 00''$ E. nine and seventy-one hundredths (9.71) feet along the Comet Milling Company's property to a point; thence S. $82^{\circ} 45' 50''$ E. five hundred two and seventy-four hundredths (502.74) feet to a point; thence S. $84^{\circ} 00'$

40' E. eight hundred forty and sixty-five hundredths (840.65) feet to a point; thence S. 82° 55' 10" E. two hundred thirty-six and ninety-three hundredths (236.93) feet to a point in the west line of John Paul's property; thence N. 5° 40' 52" E. thirty and one hundredth (30.01) feet along Paul's west line to the true place of beginning. The land herein intended to be conveyed is a strip of land thirty and no hundredths (30.00) feet wide along the north side of Freeman Daily's property and contains one and ten hundredths (1.10) acres as surveyed July 27th, 1936 by Francis Stafford.

Upon examination of the certificate of title submitted to me, which certificate of title is executed by The Northern Ohio Guarantee Title Company of Akron, Ohio, as of the 30th day of July, 1936, I find that Freeman Daily has a good merchantable title to the above described premises subject to the following exceptions:

1. On August 19, 1902, George F. Heiss executed an easement deed to The East Ohio Gas Company in and by which he granted to said company a right of way in and upon certain lands then owned by him, apparently including a part or all of the lands above described, for the construction, maintenance and operation of two gas lines and a telegraph line, with the provision that said gas lines were to be buried in the ground so as not to interfere with cultivation and that any telegraph line erected should be along the public road outside of the fence enclosing the grounds. There is nothing in the certificate of title to show what, if anything, has been done by said grantee with respect to the construction of either pipe lines for the transportation of gas or of the telegraph line above mentioned. These questions of fact can probably be determined by an inspection of the blue print that has been prepared in connection with the Nimisila Creek Reservoir improvement.

2. On August 13, 1928, Freeman Daily and Savilla A. Daily, his wife, executed an oil and gas lease to The East Ohio Gas Company in and by which instrument there was leased and demised to The East Ohio Gas Company the right to drill and operate on the above described premises for the purpose of developing thereon oil and gas and in this connection said company was given the right to construct and lay down on said premises pipe lines for the transportation of oil and gas and likewise the right to construct thereon tanks, stations and other necessary structures for this purpose. This lease is for a term of ten years from the date thereof and for so much longer as oil or gas is found on said premises in paying quantities. There is nothing in the certificate of title to show what, if anything, has been done by The East Ohio Gas Com-

pany with respect to operations, if any, conducted by it for the purpose of developing oil or gas under this lease. This matter can likewise be determined by you from other information which you have at hand.

3. On December 2, 1930, Freeman Daily and Savilla Daily executed an oil and gas deed to The East Ohio Gas Company in and by which the grantors sold and conveyed to said company all of the oil and gas or their constituents lying in and under the premises therein described, together with the right to drill in and upon said premises and to reduce the oil and gas therein to the possession of said company. To this end, the further right was granted to said company, its successors and assigns to use the surface of the premises therein described or so much thereof as may be necessary for the purpose of operating for oil and gas. There is nothing in the certificate of title to advise me as to what, if any, operations have been conducted by The East Ohio Gas Company under this instrument. However this may be, the deed has the effect of conveying to said company oil and gas as minerals in place in and under the lands therein described which presumably include the tract of land here in question.

4. It appears from the certificate of title that at the time of the execution thereof the taxes on this property for the last half of the year 1935, amounting to the sum of \$5.21, were unpaid and were a lien upon this property. The undetermined taxes on this property for the year 1936 were then and now are likewise a lien upon this property.

Upon examination of the warranty deed tendered by Freeman Daily, I find that this deed has been properly executed and acknowledged by said grantor and by Savilla Daily, his wife, and that the form of this deed is such that the same is legally sufficient to convey the above described property to the state of Ohio by fee simple title free and clear of the dower interest of Savilla Daily in and to this property with a covenant of warranty that the property is free and clear of all encumbrances whatsoever.

Upon examination of contract encumbrance record No. 12, 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 thereby a sufficient unencumbered balance in the appropriation account to the credit of the Department of Public Works for the purchase of lands in the Nimisila Creek Basin for purposes of this reservoir improvement, to pay the purchase price of this property which is the sum of \$200.00. It likewise appears that the purchase of this land for the purpose above indicated has been approved by the Controlling Board.

I am herewith returning said certificate of title, which has been approved by me subject to the exceptions above noted, and therewith I am

likewise enclosing said warranty deed and contract encumbrance record No. 12, both of which are hereby approved.

Respectfully,

JOHN W. BRICKER.

Attorney General.

6474-A.

APPROVAL—BONDS OF CITY OF TOLEDO, LUCAS COUNTY, OHIO, \$5,000.00.

COLUMBUS, OHIO, December 7, 1936.

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

6475.

APPROVAL—BONDS OF RUSSIA RURAL SCHOOL DISTRICT, SHELBY COUNTY, OHIO, \$26,530.00.

COLUMBUS, OHIO, December 7, 1936.

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

6476.

APPROVAL—NINETEEN GRANTS OF EASEMENT TO LAND IN PIKE AND BETHEL TOWNSHIPS, CLARK COUNTY, OHIO.

COLUMBUS, OHIO, December 8, 1936.

HON. L. WOODDELL, *Conservation Commissioner, Columbus, Ohio.*

DEAR SIR: You have submitted for my examination and approval certain grants of easement executed to the State of Ohio by several property owners in Pike and Bethel Townships, Clark County, Ohio, conveying to the State of Ohio, for the purposes therein stated, certain tracts of land in said townships and county.