

to the above bond issue was approved by this office in an opinion rendered to your board under date of May 16, 1938, being Opinion No. 2458.

It is accordingly my opinion that these bonds constitute valid and legal obligations of said city.

Respectfully,

HERBERT S. DUFFY,  
*Attorney General.*

---

2721.

APPROVAL—CORRECTED ABSTRACT OF TITLE AND OTHER INSTRUMENTS, STATE OF OHIO, THROUGH OHIO AGRICULTURAL EXPERIMENT STATION, SECRETARY, BOARD OF CONTROL, WITH C. W. MILLER, DESCRIBED TRACT OF LAND, RUSH TOWNSHIP, SCIOTO COUNTY, OHIO, PURCHASE PRICE, \$1,706.74, USE FORESTRY DIVISION.

COLUMBUS, OHIO, July 19, 1938.

HON. CARL W. STEEB, *Secretary, Board of Control, Ohio Agricultural Experiment Station, Administration Building, Ohio State University, Columbus, Ohio.*

DEAR SIR: There has been submitted to me for my examination and approval a corrected abstract of title, warranty deed, contract encumbrance record No. 63 and other files relating to the proposed purchase by the State of Ohio of a certain tract of land which is owned of record by one C. W. Miller, in Rush Township, Scioto County, Ohio. This property is described as being parts of Surveys Nos. 15730 and 15315 and is more particularly described by metes and bounds as follows:

Beginning at a stone pile near a small marked hickory on the point of a high ridge, Northeast corner of Survey No. 13499 and in the back line of Survey No. 1270; thence with the North line of Survey No. 13499, S. 87 deg. 53' W. 1089.40 feet crossing a deep hollow to a marked hickory near an old fence corner on the point of a ridge; thence S. 41 deg. 48½' W. 1389.90 feet following the ridge to a pine stump corner of Survey No. 13499; thence S. 2 deg. 19' W. 66.00 feet to a concrete boundary marker of the State of

Ohio, Division of Forestry and in the Township line between Rush and Washington Townships; thence following the Township line and the top of the ridge, S. 80 deg. 47½' W. 345.92 feet to a marked stone on a flat on the top of the ridge; thence S. 38 deg. 34½' W. 604.76 feet to a stone near a marked pine on top of a knob; thence N. 76 deg. 10' W. 392.19 feet to a stake; thence N. 44 deg. 40' W. 399.10 feet to a stone; thence N. 65 deg. 59½' W. 299.47 feet to a stone near a marked black oak; thence S. 21 deg. 50½' W. 245.25 feet to a stone between a marked black oak and white oak; thence S. 75 deg. 09' W. 410.54 feet to a marked stone; thence N. 65 deg. 25½' W. 499.51 feet to a stone near a white oak stump; thence S. 59 deg. 03' W. 343.74 feet to a stone; thence S. 81 deg. 55' W. 1050.19 feet to a stake; thence S. 71 deg. 19½' W. 414.91 feet to a marked hickory; thence N. 84 deg. 32' W. 230.07 feet to a stake; thence S. 70 deg. 04½' W. 197.71 feet to a large marked black oak; thence S. 87 deg. 09' W. 303.56 feet to a stake near a black oak; thence S. 42 deg. 40½' W. 395.50 feet to a stone near a large marked black oak; thence N. 81 deg. 32½' W. 539.17 feet to a stone near a white oak and marked pine; thence N. 8 deg. 25' W. 240.12 feet to a stake near two small black oaks; thence N. 27 deg. 46½' W. 426.18 feet to a stone near a large marked black oak; thence N. 0 deg. 30' W. 370.16 feet leaving the Township line between Rush and Washington Townships, but still following a branch of the ridge, to a stake; thence N. 77 deg. 18' 459.86 feet to a stake near a locust and small chestnut oak; thence N. 3 deg. 11' E. 325.26 feet to a stake near a large pine and small chestnut oak; thence N. 23 deg. 15½' W. 1020.16 feet to a stake near a white oak; thence N. 35 deg. 37½' E. 668.23 feet to a stake on a flat knoll; thence N. 45 deg. 18½' E. 353.83 feet to a stake near a marked chestnut oak; thence N. 5 deg. 52' E. 497.02 feet to a stake; thence N. 76 deg. 21½' E. 357.08 feet to a stone pile and hickory; thence N. 86 deg. 20' E. 999.88 feet to a stone pile and hickory; thence N. 71 deg. 59' E. 329.97 feet to a stake between three large chestnut oaks; thence S. 65 deg. 48½' E. 330.94 feet dropping over the side of the ridge to a stake between three red buds and two chestnut oaks and in the line between Surveys No. 15730 and No. 13315 and corner to Lot No. 4 of Heaton's land; thence with line of the aforesaid surveys, N. 24 deg. 32½' E. 824.25 feet diagonally up the hill to a stake near a large black oak; thence N. 50 deg. 35' E. 733.50 feet to a stone in fence cor-

ner and in the line of aforesaid Surveys; thence leaving the line of the Surveys, S. 56 deg. 09½' E. 1315.78 feet down the hill and across the hollow to a stone on the hillside; thence S. 12 deg. 35' W. 198.56 feet to a marked hickory; thence S. 73 deg. 54½' W. 196.97 feet to a stake at the foot of the slope; thence S. 11 deg. 53' E, 364.23 feet up the run to a stake in the West bank; thence S. 19 deg. 11½' E. 460.55 feet to a stake in the run bottom, a beech stump called for in the line between Surveys No. 15315 and No. 15730; thence with the line of aforesaid Surveys, S. 63 deg. 51' E. 741.25 feet up the hill to a stone by a locust post; thence S. 62 deg. 36½' E. 1867.67 feet over top of the hill, crossing hollow to a large marked chestnut oak on the point of a hill; thence N. 72 deg. 36½' E. 637.50 feet to a stake between a marked white oak and gum tree; thence N. 32 deg. 34' E. 343.58 feet to a marked gum and ash corner of Surveys No. 15315 and No. 15730 in the line of Survey No. 1270; thence S. 4 deg. 06' W. 1090.80 feet up the hill to the beginning, containing 487.64 acres.

Upon examination of the corrected abstract of title submitted to me, I am of the opinion that said C. W. Miller has a good merchantable fee simple title to the above described tract of land and that he owns and holds the same free and clear of all encumbrances except certain unpaid taxes which are now a lien upon this property. The abstract of title does not definitely state the amount of taxes which are a lien upon this property; the only information which has been given to me in regard to this matter is that the taxes on this property for the first half of the year 1936 have been paid. I infer from this that the taxes for the last half of the year 1936 and those for the years 1937 and 1938 are unpaid and are a lien upon the property. Before closing the transaction for the purchase of this property, you should have some authorized representative of the Forestry Division ascertain the amount of these taxes; and some provision should then be made for the payment of the taxes before the State Auditor's warrant is issued to Mr. Miller covering the purchase price of the property.

Upon examination of the warranty deed tendered by Mr. C. W. Miller, the owner of this property, I find that the same has been properly executed and acknowledged by said grantor and by Irene Miller, his wife, and that the form of this deed is such that the same is legally sufficient to convey this property to the State of Ohio by fee simple title free and clear of the dower right and interest of said Irene Miller, as the wife of said C. W. Miller, with a covenant of

warranty that this property is free and clear of all encumbrances whatsoever.

Upon examination of contract encumbrance record No. 63, I find that the same has been properly executed and that there is shown thereby a sufficient unencumbered balance in the rotary fund to the credit of the Division of Forestry of the Ohio Agricultural Experiment Station to pay the purchase price of this property, which purchase price is the sum of \$1706.74. Inasmuch as this property is being purchased in the name of the State of Ohio for the use of the Forestry Division of the Ohio Agricultural Experiment Station under the authority of House Bill No. 571, Section 1173-6, General Code, no approval of the purchase of this property by the Controlling Board was or is necessary.

I am herewith returning to you for your further attention in closing the transaction for the purchase of this property said corrected abstract of title, warranty deed, contract encumbrance record No. 63 and other files relating to the proposed purchase of this property.

Respectfully,

HERBERT S. DUFFY,

*Attorney General.*

2722.

APPROVAL—BONDS, CITY OF MASSILLON, STARK COUNTY, OHIO, \$65,000.00, DATED JULY 1, 1938.

COLUMBUS, OHIO, July 19, 1938.

*The Industrial Commission of Ohio, Columbus, Ohio.*

GENTLEMEN :

RE: Bonds of City of Massillon, Stark County, Ohio,  
\$65,000.00.

I have examined the transcript of proceedings relative to the above bonds purchased by you. These bonds comprise all of an issue of street improvement bonds dated July 1, 1938, bearing interest at the rate of  $3\frac{1}{4}\%$  per annum.