

3502.

APPROVAL, ABSTRACT OF TITLE TO LAND IN ANDOVER TOWNSHIP, ASHTABULA COUNTY, OHIO, OWNED BY THE PYMATUNING LAND COMPANY, FOR PUBLIC PARK, HUNTING AND FISHING GROUNDS.

COLUMBUS, OHIO, November 24, 1934.

HON. WILLIAM H. REINHART, *Conservation Commissioner, Columbus, Ohio.*

DEAR SIR:—You have submitted for my examination and approval an abstract of title to certain tracts of land in Andover Township, Ashtabula County, Ohio, which tracts, together with other tracts of land in Williamsfield, Andover and Richmond Townships in said county, the state of Ohio is acquiring from The Pymatuning Land Company. These lands are being acquired for the purpose and to the end that such lands and the waters inundating and submerging the same as a result of the construction and maintenance by the Water and Power Resources Board of the commonwealth of Pennsylvania of the dam at and across the outlet of the Pymatuning Swamp into the Shenango River in Crawford County, Pennsylvania, may be used as a public park and as public hunting and fishing grounds or territory.

The tracts of land above referred to are the east parts of lots 45 and 46, respectively, in the original survey of said township, and are bounded and described as follows:

Parcel One: Beginning at a point in the Ohio-Pennsylvania State line, in the center of the highway running East and West between Lots numbers 45 and 46, in said township, which said point is known as Monument "J" on survey made by R. N. Case, County Surveyor of Ashtabula County, Ohio, and recorded May 20th, 1919, in Volume 4, Page 96, of Ashtabula County, Ohio; thence South 89 deg. 45' West along the center of said highway, a distance of 1079.2 feet to the South-East corner of lands formerly owned by William Webb and Ida Webb, in said Lot No. 45; thence North 0 deg. 23' West, a distance of 2767.5 feet along the East line of said Webb lands to the South line of lands described herein in Sub-Parcel One, said point being also in the South line of said Lot No. 44; thence North 89 deg. 57' East, along the South line of said Lot No. 44, a distance of 1102.5 feet to the Ohio-Pennsylvania State Line; thence South 0 deg. 5' West, along said Ohio-Pennsylvania State line, to the place of beginning, and containing about 69.3 Acres of land.

Parcel Two: Beginning at Monument "J" as described in Parcel One herein; thence South 89 deg. 45' West along the center of the highway, a distance of 1653.8 feet to the North-East corner of lands formerly owned in said Lot No. 46 by William Webb and Ida Webb; thence South 1 deg. 59' East, along the East line of said Webb lands, a distance of 2319.8 feet to the North line of lands formerly owned by the heirs of Theodore L. Wade; thence East along the North line of said Wade lands, a distance of 1570.1 feet to the Ohio-Pennsylvania State line; thence North 0 deg. 5' East, along said State line, a distance of 2352 feet to the place of beginning, and containing 86.67 Acres of land.

These tracts of land are the same as those conveyed by The Realty Guarantee and Trust Company to The Pymatuning Land Company by deed under date of December 30, 1921, which is recorded in Deed Volume 263, page 421, of the Record of Deeds in the office of the Recorder of Ashtabula County, Ohio.

Upon examination of the abstract of title submitted to me and upon consideration of other information with respect to the title to this property since the date of the certification of said abstract by the abstracter, I find that The Pymatuning Land Company, the present owner of record of this property, has a good and indefeasible fee simple title to the property free and clear of all encumbrances except the taxes on this property for the year 1934, which are a lien thereon. In this connection, I am advised that The Pymatuning Land Company is to convey this property to the state of Ohio free and clear of all encumbrances except the taxes on the property for the year 1934, above referred to; and that with respect to such taxes an application is to be made by you on behalf of the Conservation Council to the Tax Commission of Ohio for an order transferring these lands to the tax exempt list under the authority conferred upon the Tax Commission of Ohio by the provisions of sections 5570-1 and 5616 of the General Code of Ohio. The lien of the taxes above referred to on the property here in question is in legal contemplation of the lien of the State itself. And, in this view, this lien on the acquisition of the property by the state of Ohio will merge and become lost in the larger fee simple title in and by which the State will then own and hold the property. However, in order that the county auditor may be enabled to transfer this and other properties acquired by the State from The Pymatuning Land Company, to the tax exempt list in his office authorized and provided for in section 5570-1, General Code, it is suggested that upon the delivery and acceptance of the deed of The Pymatuning Land Company conveying these properties to the State, an application should be made immediately for an order of the Tax Commission exempting these properties from taxation under the authority of the sections of the General Code above referred to.

Inasmuch as the conveyance of this property by The Pymatuning Land Company to the state of Ohio for the purposes indicated is in fact a gift of this property to the State for said purposes, no contract encumbrance record or Controlling Board certificate is required as a condition precedent to the right and authority of the Conservation Council to accept this conveyance on behalf of the state of Ohio.

Upon the considerations above noted, the title of The Pymatuning Land Company to these tracts of land is approved and the abstract of title to the same is herewith returned to the end that the same, together with the deed executed by The Pymatuning Land Company conveying this property to the State, may on acceptance of such deed by the Conservation Council, be filed with the Auditor of State in the manner provided by law.

Respectfully,
JOHN W. BRICKER,
Attorney General.