

261.

APPROVAL—BONDS OF CITY OF NEW BOSTON, SCIOTO
COUNTY, OHIO, \$12,000.00.

COLUMBUS, OHIO, March 16, 1937.

State Employees Retirement Board, Columbus, Ohio.

GENTLEMEN :

RE: Bonds of City of New Boston, Scioto County, Ohio,
\$12,000.00.

I have examined the transcript of proceedings relative to the above bonds purchased by you. These bonds comprise part of an issue of flood defense bonds in the aggregate amount of \$36,000.00, dated July 1, 1936, bearing interest at the rate of 4% per annum.

From this examination, in the light of the law under authority of which these bonds have been authorized, I am of the opinion that bonds issued under these proceedings constitute a valid and legal obligation of said city.

Respectfully,

HERBERT S. DUFFY,

Attorney General.

262.

APPROVAL—WARRANTY DEED, ABSTRACT OF TITLE, ETC.,
FRANKLIN TOWNSHIP, ROSS COUNTY, OHIO, TWO
TRACTS OF LAND OWNED BY GRANT DEMENT AND
MARY A. DEMENT.

COLUMBUS, OHIO, March 16, 1937.

*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, contract encumbrance record No. 40 and other files relating to the purchase by the Board of Control of the Ohio Agricultural Experiment Station of two tracts of land in

Franklin Township, Ross County, Ohio, which are owned of record by Grant Dement and Mary A. Dement, respectively, and which are more particularly described as follows:

Tract One in Survey No. 14523: Beginning at a white oak, the West corner of the Duncan McArthur Survey, No. 10696 & 10725; Thence S. 36 deg. 05' E. 1974.400 feet; Thence S. 53 deg. 16' W. 1437.440 feet; Thence N. 36 deg. 53½' W. 1970.812 feet; Thence N. 53 deg. 06½' E. 1465.217 feet to the beginning, containing 65.72 acres of land; and being the same premises conveyed to Grant Dement by Harry and Martha Howard, by deed dated August 1, 1922, and recorded in Vol. 193 at Page 199 of the Deed Records of Ross County, Ohio.

Tract Two in Survey No. 15356: Beginning at a point in the center of the Stony Creek and Alma Road, and in the West line of the land of Kate Floyd, 18 poles N. E. from the N. W. Corner of the Isham Brittain Survey, No. 14523; Thence with the center of said Road as follows, to-wit:—S. 51 deg. 57½' W. 717.471 feet; S. 40 deg. 04½' W. 114.693 feet; S. 48 deg. 09½' W. 190.629 feet; S. 42 deg. 17' W. 356.136 feet; S. 50 deg. 25½' W. 221.168 feet; S. 80 deg. 49½' W. 258.548 feet; Thence N. 12 deg. 30' E. 1910.066 feet; Thence S. 81 deg. 42½' E. 809.739 feet; Thence S. 19 deg. 48½' E. 686.984 feet to the beginning, containing 33.21 acres; being the same premises conveyed by Harvey & Tana Osborne to Mary A. Dement, by deed dated December 1, 1934, and Recorded in Vol. 220 at page 84 of Ross County, Ohio, Deed Records, Except the First Tract described therein.

Upon examination of the abstract of title submitted to me, which abstract is certified by the abstracter under date of January 19, 1937, and which covers both of the tracts of land above described, I find that Grant Dement and Mary A. Dement, husband and wife, have a good merchantable fee simple title to the respective tracts of land above described, free and clear of all outstanding claims, interests and encumbrances except the respective inchoate dower interest which each of these persons has in the tract of land owned by the other and except the undetermined taxes on these properties for the year 1936, which taxes on each of these tracts of land are a lien upon the same. These taxes have doubtless been determined by this time as to each of these tracts and inasmuch as by the deed of Grant Dement and Mary A. Dement hereinafter referred to this property is to be conveyed to the State of Ohio free and clear of all encumbrances, you should see that these

taxes are paid before the transaction is closed for the purchase of this property by the issuance of vouchers and warrants covering the purchase price of the same.

Upon examination of the warranty deed tendered to the state by Grant Dement and Mary A. Dement, I find that said deed has been properly executed and acknowledged by both of these grantors and that the form of the deed is such that it is legally sufficient to convey this property to the State of Ohio by fee simple title free and clear of the inchoate dower interest which each of these grantors has in the property of the other therein described with a covenant of warranty that both of these tracts of land are conveyed to the state free and clear of all encumbrances whatsoever.

Contract encumbrance record No. 40 covering the purchase price of this property has been properly executed and the same shows a sufficient unencumbered balance in the rotary fund set up by the State Treasurer to the credit of the Board of Control of the Ohio Agricultural Experiment Station under Section 3 of House Bill No. 571 (Sec. 1173-4, G. C.), to pay the purchase price of the above described property which, covering both tracts of land, is the sum of \$772.38.

Since, the purchase price of this property is to be paid out of the segregated fund in the hands of the State Treasurer from revenues derived from lands now owned and held for the use of said board, and the payment of the purchase price of the lands here in question will not impose any liability upon the general credit and taxing power of the state, no approval of this property by the Controlling Board was or is necessary.

I am accordingly approving said abstract of title, warranty deed, contract encumbrance record No. 40 and other files and the same are herewith returned to you for the issue of voucher covering the purchase price of the property.

Respectfully,

HERBERT S. DUFFY,

Attorney General.