

Based upon the foregoing and in specific answer to your inquiry, you are advised that when the county commissioners acquire land for widening or straightening of county roads, an abstractor may be paid from the county treasury for an abstract or search of the records in those instances wherein the judgment of such commissioners the same is necessary in order to properly determine who are the owners of the land to be so acquired.

Respectfully,  
GILBERT BETTMAN,  
*Attorney General.*

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283.

APPROVAL, LEASE TO LAND OF THE HEATHER DOWNS REALTY  
COMPANY IN LUCAS COUNTY FOR USE OF THE TOLEDO STATE  
HOSPITAL.

COLUMBUS, OHIO, April 9, 1929.

HON. H. H. GRISWOLD, *Director of Public Welfare, Columbus, Ohio.*

DEAR SIR:—This is to acknowledge receipt of your communication of recent date transmitting for my examination and approval a lease in triplicate, executed by the Heather Downs Realty Company and by which there is leased and devised to you as Director of the Department of Public Welfare, for the use of the Toledo State Hospital, four certain tracts of land in Lucas County, aggregating 281 acres of land.

An examination of said lease shows that the same has been corrected to meet the objections noted in my recent opinion to you relating to the same. The matter of taking this lease is within the authority conferred upon you by Section 1848, General Code, and inasmuch as said lease is properly executed and is otherwise in proper form, the same is herewith approved.

You will find my approval endorsed on said original lease and the duplicate and triplicate copies thereof, all of which are returned.

Respectfully,  
GILBERT BETTMAN,  
*Attorney General.*

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284.

APPROVAL, ABSTRACT OF TITLE TO LAND OF ALVIN F. CYFERS, IN  
NILE TOWNSHIP, SCIOTO COUNTY, OHIO.

COLUMBUS, OHIO, April 9, 1929.

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

DEAR SIR:—This is to acknowledge receipt of corrected abstract of title, warranty deed and encumbrance estimate relating to the proposed purchase of the tract of 35 acres of land in Nile Township, Scioto County, Ohio, now owned of record by one Alvin F. Cyfers, which property is more particularly described in Opinion No. 2032 of this department.

An examination of the corrected abstract of title submitted shows that said Alvin F. Cyfers has a good and merchantable title in said land subject only to the lien for taxes for the last half of the year 1927 and for the years 1928 and 1929. The amount of these taxes is not stated in the abstract but I assume that it is small.

As suggested in the former opinion of this department referred to above, said Alvin F. Cyfers has obtained a quit-claim deed from the heirs of William H. Scoles who owned this property at the time the same was sold at forfeited land sale to Cyfers. It appears that one of the signatures to the quit-claim deed is that of D. W. Bixler, as guardian of Merle Scoles, a minor, who is apparently the grandson of Wm. H. Scoles, deceased. The abstract does not show any court order authorizing said D. W. Bixler to sign or otherwise execute this quit-claim deed. However, as I see it, the moral risk involved by reason of this defect is, under the circumstances, very slight and remote, and I can approve the title so far as this objection is concerned. Some adjustment, however, should be made with respect to the taxes on this property before the transaction relating to the purchase of the same is closed.

An examination of the former opinion of this department above referred to, shows that the warranty deed of Alvin F. Cyfers and Minnie Cyfers, his wife, was therein approved as to execution and form.

In said former opinion the encumbrance estimate was disapproved for the reason that the same was not properly executed. I note that this objection has been corrected and the same is herewith approved.

The Controlling Board certificate was referred to and approved in the former opinion and requires no further notice herein.

I am herewith enclosing said corrected abstract of title, warranty deed and encumbrance estimate.

Respectfully,  
GILBERT BETTMAN,  
*Attorney General.*

285.

DEDICATION OF LAND—SIGNATURES OF A PART OF SEVERAL OWNERS DEDICATING LAND ON A PLAT—DEDICATION BINDING ON THOSE SIGNING, IF ACCEPTED BY COUNTY COMMISSIONERS IN STATUTORY MANNER—EXCEPTION.

**SYLLABUS:**

*Where a number of persons owning separate parcels of land dedicate the same for the purpose of a public road by signing a plat which designates and describes said several parcels of land as well as other parcels of land owned by persons who do not sign said plat, such dedication when the same is accepted by the county commissioners and recorded in the manner provided by Section 6886, General Code, is effective as to the property of the persons signing said plat, notwithstanding the fact that the owners of other parcels of land designated and described in said plat did not sign the same; at least, this is the rule in the absence of facts showing that those who signed said plat did so on the condition precedent that their several acts in signing said plat should not be effective as a dedication unless all of the owners of the parcels of land designated and described in said plat sign the same.*