

servancy District with respect to the expenditure of the moneys appropriated by said act for the uses and purposes of the Conservancy District.

In this view and for the purpose above stated, this contract encumbrance record has been properly executed and the same shows that there is a sufficient unencumbered balance in the appropriation account covered by the moneys released by the Board of Control to pay the purchase price of the real property here in question, which purchase price is the sum of \$3,868.35. In this connection, it is noted that under date of December 5, 1934, the Controlling Board released from this appropriation account an additional sum of \$100,000, which is an amount sufficient to cover the purchase price of the real property here in question and of all other tracts of land which have been submitted to this office for consideration.

Subject to the exceptions above noted, the title to the above described property of Francis W. Lapp and Flora E. Lapp is approved, and the certificate of title, warranty deed, contract encumbrance record No. 21 and other files relating to this purchase are herewith enclosed for further appropriate action on your part and upon the part of the Auditor of State.

Respectfully,

JOHN W. BRICKER,

Attorney General.

3801.

APPROVAL, CERTIFICATE OF TITLE, ETC., TO LAND IN FRANKLIN TOWNSHIP, COSHOCTON COUNTY, OHIO, IN CONNECTION WITH MUSKINGUM WATERSHED CONSERVANCY DISTRICT.

COLUMBUS, OHIO, January 12, 1935.

The Board of Directors of the Muskingum Watershed Conservancy District, New Philadelphia, Ohio.

GENTLEMEN:—You have submitted for my examination and approval a certificate of title, detailed chain of title and comments, certificate of items not of record, warranty deed form, owner's description, surveyor's certificate, statement as to unrecorded mining agreement, contract encumbrance and Controlling Board certificate, relating to the proposed purchase by the Muskingum Watershed Conservancy District of three tracts or parcels of land which are owned of record by Fred W. Randles and Marie Randles, in Franklin Township, Coshocton County, Ohio, which parcels of land are more particularly described by metes and bounds as follows:

The following lands situate in the State of Ohio, County of Coshocton, Township of Franklin, being a part of Section Twenty-two (22), Town Four (4) North, Range Six (6) West of the United States Military Survey; the lands hereby conveyed being all the lands of Fred W. and Marie Randles in said Section Twenty-two (22) and being more particularly described as the following three (3) parcels:

First Parcel:

All lands in the north half of the southwest quarter of said Section Twenty-two (22) lying south and east of the centerline of Wills Creek,

excepting therefrom the lands within the lines described as follows, to wit: Beginning at a point on the south line of the north half of the southwest quarter of said Section Twenty-two (22), said point being three hundred (300) feet westerly from the southeast corner of the north half of said southwest quarter; thence westerly along the south line of the north half of said southwest quarter one hundred and thirty-four (134) feet; thence North twenty-one (21) feet; thence easterly and parallel with the south line of the north half of said southwest quarter one hundred and thirty-four (134) feet; thence south twenty-one (21) feet to the place of beginning and containing six-hundredths (.06) of an acre be the same more or less.

The part hereby conveyed as the first parcel containing sixty-one and seventy-five hundredths (61.75) acres be the same more or less.

Second Parcel:

All lands in the south half of the northwest quarter of said Section Twenty-two (22) lying east of the centerline of Wills Creek and containing thirty-five and seventy-five hundredths (35.75) acres be the same more or less.

Third Parcel:

All lands in the southwest quarter of the northeast quarter of said Section Twenty-two (22) and containing forty (40) acres be the same more or less.

The certificate of title above referred to is over the signature of one Nettie Nulton, Title Attorney of the Conservancy District, and the same is supplemented by a report on the title to this property as the same appears in an abstract of title, which was likewise submitted to me in connection with my investigation of the title, in and by which Fred W. Randles and Marie Randles own and hold this property. From the examination thus made by me, I find that Fred W. Randles and Marie Randles have a good merchantable fee simple title to the above described property, subject to the lien of the undetermined taxes on the property for the year 1934 and subject further to the following oil and gas lease, a mortgage, and a mining agreement executed on and with respect to this property:

Oil and Gas Lease from John N. and Minnie Erman (predecessors in title to Fred W. and Marie Randles), dated August 18, 1922, recorded in Lease Record 22, page 10. Above lease now owned by The Ohio Fuel Gas Company as to the gas rights and The Preston Oil Company as to oil rights.

Mortgage from Fred W. Randles and Marie Randles to Land Bank Commissioner (Federal Land Bank of Louisville) for \$1,200.00, dated July 13, 1934, recorded in Mortgage Record 78, page 353. This mortgage is to be paid up to date.

Unrecorded mining agreement from Fred Randles and Marie Randles to John McAllister, dated March 30, 1934. Attached is chief engineer's certificate that the unrecorded right of John McAllister to mine mineral stone will not interfere with purpose of our acquisition of this property.

As it is understood that the Conservancy District will take title subject to

leases and easements (to be adjusted later) there should be separate assignments of them, to accompany the deed.

With the other files relating to the purchase of this property, you have submitted a deed form of a warranty deed to be executed by Fred W. Randles and Marie Randles, husband and wife, for the purpose of conveying this property to the Muskingum Watershed Conservancy District, which is a body corporate and a political subdivision of the state of Ohio. Upon examination of the deed form submitted, I find that the form of this deed is such that the same, when it is properly executed and acknowledged by said Fred W. Randles and Marie Randles, will be effective to convey the property here in question to the Muskingum Watershed Conservancy District by full fee simple title, free and clear of the inchoate dower interest of Fred W. Randles and Marie Randles, with a warranty that the property is free and clear of all encumbrances whatsoever.

As a part of the files relating to the purchase of the above described property, you have submitted to me contract encumbrance No. 12. This instrument, which is executed upon the regular form used by state officers and departments in encumbering funds for the purpose of meeting contractual obligations of the State for the use of such officers or departments, is authenticated by the signatures of T. J. Haley and C. W. Ullom, acting pursuant to the authority of a resolution of the Board of Directors of the Muskingum Watershed Conservancy District. Although this resolution of the Board of Directors of said Conservancy District does not, of course, give to the persons above named the status of state officers or agents, or give them any authority to contract on behalf of the state of Ohio, their signatures on this contract encumbrance record do have the effect of authenticating the fact that the Muskingum Watershed Conservancy District has contracted for the purchase of the particular property therein described and afford a sufficient predicate to the certificate of the Director of Finance that there is a sufficient unencumbered balance to the credit of the Muskingum Watershed Conservancy District under the appropriation made to said Conservancy District in and by House Bill No. 61 enacted by the 90th General Assembly under date of April 7, 1934; all of which is contemplated by and between the Controlling Board and the Board of Directors of said Conservancy District with respect to the expenditures of the moneys appropriated by said act for the uses and purposes of the Conservancy District.

In this view and for the purpose above stated, this contract encumbrance record has been properly executed and the same shows that there is a sufficient unencumbered balance in the appropriation account covered by the moneys released by the Board of Control to pay the purchase price of the real property here in question, which purchase price is the sum of \$4,500.00. In this connection, it is noted that under date of December 5, 1934, the Controlling Board released from this appropriation account an additional sum of \$100,000, which is an amount sufficient to cover the purchase price of the real property here in question and of all other tracts of land which have been submitted to this office for consideration.

Subject to the exceptions above noted, the title to the above described property, of Fred W. Randles and Marie Randles, is approved, and the certificate of title, warranty deed, contract encumbrance record No. 42 and other files relating to this purchase are herewith enclosed for further appropriate action on your part and upon the part of the Auditor of State.

Respectfully,
JOHN W. BRICKER,
Attorney General.