

You further advise that said property is to be exchanged, under the terms of House Bill No. 122, 113 O. L. p. 122, for an armory site in the city of Piqua, now owned by the State of Ohio, which is more particularly described as follows:

"Situate in the city of Piqua, county of Miami, state of Ohio, and being lots numbered six hundred and twenty-one (621) and three thousand eight hundred and eighty-one (3,881) on the plat of the city of Piqua."

You also request that I draw a deed of conveyance for the latter property from the State of Ohio to Charles H. May.

Since receiving my Opinion No. 1210, dated November 20, 1929, you have caused the abstract to be extended under date of November 21, 1929, by the Abstractors, H. E. Green and Son, and they now certify under said date that "Chas. H. Hay" is the owner of the lands in question, but this is presumably a typographical error, as the chain of title shows it to rest in Chas. H. May. This error, appearing on page 91 of the abstract, should be corrected.

I am of the opinion that the abstract of title, corrected as above outlined, will show that Chas. H. May, the owner of record of said premises, has a good and merchantable fee simple title to the same, free and clear of all encumbrances except taxes for the year 1929 and any special assessments which may be due.

The warranty deed from Chas. H. May to the State of Ohio is in proper legal form, is duly signed, acknowledged and witnessed, and conveys all the title and estate of Chas. H. May in said premises to the State of Ohio.

I am enclosing herewith a deed form as requested, and am returning the documents submitted by you.

Respectfully,
GILBERT BETTMAN,
Attorney General.

1359.

APPROVAL, DEED TO LAND OF STATE OF OHIO IN CITY OF TOLEDO,
LUCAS COUNTY, TO BE SOLD TO THE CITY OF TOLEDO.

COLUMBUS, OHIO, January 2, 1930.

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

DEAR SIR:—Acknowledgment is made of your communication under date of December 28, 1929, enclosing correspondence between your department and the city of Toledo, relative to the sale of one-half acre of land belonging to the state, for the sum of thirty-five hundred dollars (\$3,500.00), to the city of Toledo, to be used by said city for the sole purpose of constructing, maintaining and operating a fire station.

Under the terms of House Bill No. 180, as enacted by the eighty-eighth General Assembly (113 O. L. 493), the governor is authorized to execute a deed to the city of Toledo, conveying the premises therein described upon the conditions stated in the last paragraph thereof, which reads:

"Provided, however, that such deed shall contain a restriction that the property so conveyed shall be used by the city of Toledo for the construction, maintenance and operation of a fire station and for no other purpose, and that in case the property so conveyed is not used for the purpose aforesaid

that it shall revert to the state of Ohio; such deed shall be executed upon the payment to the state of such consideration as may be agreed upon by the director of public welfare of the state and said city of Toledo."

From the data submitted, it appears that the city of Toledo and you, as Director of Public Welfare, have agreed upon the price, which is in accordance with the provisions of the act. It also appears that the city of Toledo has duly accepted the proposition submitted to it and has taken the proper legal action in order to pay the state for said premises.

The form of deed submitted appears in all respects to be sufficient when executed by the Governor and countersigned by the Secretary of State, and, therefore, I hereby approve said form.

Said form of deed and other data which you submitted are being returned herewith.

Respectfully,
GILBERT BETTMAN,
Attorney General.

1360.

SCHOOL DISTRICT—HAVING INCORPORATED VILLAGE WITHIN ITS BOUNDARIES AND TOTAL TAX VALUATION OF HALF-MILLION DOLLARS—CONSTITUTES VILLAGE SCHOOL DISTRICT—EXCEPTION.

SYLLABUS:

A school district containing within its boundaries an incorporated village, which, together with the territory attached to it for school purposes, and excluding the territory within its corporate limits detached for school purposes, and having in the district thus formed, a total tax valuation of not less than \$500,000.00 is a village school district, unless proceedings have at some time theretofore been had dissolving such village district and joining the same to a contiguous rural district, by authority of Section 4682-1, of the General Code.

COLUMBUS, OHIO, January 3, 1930.

HON. EVERETT L. FOOTE, *Prosecuting Attorney, Ravenna, Ohio.*

DEAR SIR:—This will acknowledge receipt of your request for my opinion, which reads as follows:

"At a joint meeting of the Windham Village Board of Education and the Windham Township Rural Board of Education, the following resolution was passed unanimously on August 29th, 1911:

RESOLUTION BY THE WINDHAM VILLAGE SCHOOL DISTRICT.

WHEREAS, It is deemed for the best interest of Windham Village School District that all of the territory of Windham Village School District be annexed to and form a part of Windham Township School District, therefore be it

RESOLVED, That all of the territory included within Windham Village School District and including territory annexed to said district for school