

I am herewith returning to you said abstract of title, warranty deed form and encumbrance estimate No. 5640.

Respectfully,
GILBERT BETTMAN,
Attorney General.

1014.

APPROVAL, ABSTRACT OF TITLE TO LAND IN THE CITY OF XENIA,
GREENE COUNTY—ARMORY SITE.

COLUMBUS, OHIO, October 9, 1929.

HON. A. W. REYNOLDS, *Adjutant General of Ohio, Columbus, Ohio.*

DEAR SIR:—This is to acknowledge receipt of your communication submitting for my examination and approval abstract of title, supplemental abstract of title, and deed relating to a tract of real property situated in the State of Ohio, County of Greene, City of Xenia, in Survey No. 2243, and being more particularly described as follows:

“Beginning at the northwest corner of Lot No. 12 of Block No. 7 of F. W. Dodds' Addition to the City of Xenia; thence with the west line of said lot No. 12 and the east line of Detroit Boulevard south 20 feet to a point in said west line of said lot; thence at right angles to the west line of said lot 16 feet to the point of beginning of the following description; thence southwardly parallel and 16 feet east of the west line of Lots No. 12 and Lot No. 1, 289 feet to a point 35 feet north of the north line of Park Drive; thence in a northeasterly direction parallel with the north line of Park Drive and 30 feet from the same 444 feet to a point; thence in a northwesterly direction 29 feet to a point 20 feet south of the south line of Weaver Street; thence in a westerly direction parallel with the south line of said Weaver Street and 20 feet south of the same 340 feet to the beginning of this description, containing 54,444 sq ft. The above described tract is part of Lots Nos. 1-2-3-4-5-6-7-8-9-10-11-12 of Block No. 7 of Frank W. Dodds Second Addition to said city as recorded in Plat Book No. 2, Page — of Greene County Plat Records.”

The supplemental abstract of title above referred to, which is certified by the abstractor under date of September 13th, 1929, covers a number of steps and proceedings taken for the purpose of correcting a number of objections that were noted by me in the examination of the original abstract of title submitted, as well as certain proceedings whereby the City of Xenia obtained title to Lots Nos. 1 to 12, inclusive, of Block No. 7 of Dodds' Second Addition to the City of Xenia, Ohio, and the ordinance of said city authorizing the mayor and auditor of said city to execute a deed conveying the above described property to the State of Ohio for state armory purposes. An examination of this supplemental abstract of title, relating to the property here under investigation, shows that all of the objections noted by me in my examination of the original abstract of title and set out in Opinion No. 752 directed to you under date of August 16th, 1929, have been obviated by corrections made as suggested in said former opinion.

I am therefore of the opinion that the City of Xenia has a good and indefeasible fee simple title to the above described property.

Under the provisions of Section 3631, General Code, a municipal corporation is

authorized to acquire real property for the purpose of donating the same by deed in fee simple to the State of Ohio for a site for the erection of an armory. Likewise, under the provisions of Section 5239, General Code, you are authorized to receive donations of land for this purpose, the requirement of the statute being that all land so acquired shall be deeded to the State of Ohio and shall become the property of the State.

An examination of the deed submitted by the City of Xenia shows that the same has been signed and otherwise properly executed and acknowledged by the mayor and auditor of said city pursuant to the authority granted to them by ordinance of the council of said city, and that said deed is in form sufficient to convey to the State of Ohio a good and indefeasible fee simple title to the above described premises.

Said abstract of title, together with the supplement thereto, and the deed of the City of Xenia above referred to are hereby approved.

I am herewith returning said abstract of title, supplemental abstract of title, deed and map of said property which were submitted to me in connection with my investigation of the title to the above described property.

Respectfully,
GILBERT BETTMAN,
Attorney General.

1015.

CANDIDATE—RURAL BOARD OF EDUCATION—NOMINATING PETITION NOT SPECIFYING TERM SOUGHT INVALID—NECESSITY FOR ROTATING NAMES ON BALLOTS WHEN NUMBER OF CANDIDATES LESS THAN NUMBER TO BE ELECTED.

SYLLABUS:

1. *When both candidates for the long term and short term, of a rural board of education, are to be elected and nominating petitions of candidates fail to state the term sought, such petitions are insufficient, and the names of such candidates cannot appear on the ballot.*

2. *Where there are five members of a newly created school district to be elected, three for a long term and two for a short term, and only two candidates have filed nominating petitions for the long term and no candidates have filed for the short term, the board of elections must rotate the names of the two long term candidates on the ballot, and provide immediately beneath such names a third space. Two blank spaces must be provided so that the voters of the district may write in their choices for the short term.*

COLUMBUS, OHIO, October 10, 1929.

HON. D. H. PEOPLES, *Prosecuting Attorney, Pomeroy, Ohio.*

DEAR SIR:—I am in receipt of your request for an opinion which is substantially as follows:

Five members of the board of education of the Olive-Orange Rural School District are to be elected at the November, 1929 election; three for the long term and two for the short term. Ten candidates filed nominating petitions for these offices, two of the ten, W. E. M. and C. F. B. specifying that they were seeking the long term, and the other eight candidates failing to specify which term they sought. The petitions of these eight candidates were sufficient in other respects.