

3844.

APPROVAL, BONDS OF GLENMONT RURAL SCHOOL DISTRICT, RICHLAND TOWNSHIP, HOLMES COUNTY, \$2,036.66.

COLUMBUS, OHIO, November 29, 1926.

Retirement Board, State Teachers Retirement System, Columbus, Ohio.

3845.

APPROVAL, BONDS OF VILLAGE OF MAPLE HEIGHTS, CUYAHOGA COUNTY, \$13,908.30.

COLUMBUS, OHIO, November 29, 1926.

Department of Industrial Relations, Industrial Commission of Ohio, Columbus, Ohio.

3846.

ABSTRACT, STATUS OF TITLE, TO PREMISES IN EAST UNION TOWNSHIP, WAYNE COUNTY, TO BE USED AS PART OF THE SITE FOR ADDITIONAL INSTITUTION FOR FEEBLE MINDED IN NORTHERN OHIO.

COLUMBUS, OHIO, December 2, 1926.

HON. JOHN E. HARPER, *Director, Department of Public Welfare, Columbus, Ohio.*

DEAR SIR:—Examination of an abstract, warranty deed and other data submitted for my examination and approval, discloses the following:

The abstract as submitted was prepared by the Wayne County Abstract Company of Wooster, Ohio, and is certified under date of November 4, 1926, and pertains to 70 acres in East Union township, Wayne county, Ohio, to be used as part of the site for an additional institution for the Feeble Minded in Northern Ohio, and which real estate is more particularly bounded and described as follows:

Situated in the township of East Union, county of Wayne, State of Ohio, known as the east part of the northeast quarter of section 20, township 16, range 12, commencing at a stone monument at the south-east corner of said quarter; thence north 87° west and along the south line of said quarter 18

chains 72 links to an iron pin monument; thence north 3° east and parallel with the east line or said quarter 40 chains 8½ links to a stone and brick monument on the north line of said quarter; thence south 86° 52' east and along the north line of said quarter 5 chains 72 links to a stone and brick monument; thence south 3° west and parallel with the east line of said quarter 3 chains 84.6 links to an iron pin monument; thence south 86° 52' east and parallel with the north line of said quarter 13 chains to a stone and brick monument on the east line of said quarter; thence south 3° west and along the east line of said quarter 36 chains 19.4 links to the place of beginning, containing 70 acres.

The deed to Theodore M. Shaffer and Dora O. Shaffer for said premises, shown on pages 30 and 31 of said Abstract, states that this conveyance is subject to the right of way over and across the above described premises as now located and in-use on said premises. The same recital is contained in the deed to Daniel W. McClelland and Anna M. McClelland for the adjacent farm. These two farms were originally a part of the same farm and this recital was put in both deeds to give the owner of each tract the right to go over the other tract to the road, the Shaffer farm being on one road and the McClelland farm on another road. I have investigated and have found this driveway to be used very little and to be a private right intended to be granted only to the owner of the adjacent farm. As the state is acquiring both farms I think the matter can be entirely disregarded.

There is submitted herewith an assignment of the oil and gas lease now held by the Logan Gas Company as set forth on pages 33 and 34 of the Abstract, which lease the state in its contract of purchase agreed to assume.

On page 32 of the Abstract is an uncancelled mortgage held by The Apple Creek Banking Company of Apple Creek, Ohio, which Mr. and Mrs. Shaffer in their contract of sale agreed to pay, and payment of which should be made a condition of the delivery of the voucher.

Taxes for the year 1926 amounting to \$66.84 are unpaid and a lien. However, Mr. and Mrs. Shaffer in their contract of sale have agreed to pay these taxes. Payment should of course be made a condition of the delivery of the voucher.

With the exception of said lease, mortgage and taxes, all of which are taken care of in the contract of sale, I am of the opinion that said Abstract shows a good and merchantable title to said 70 acres in said Theodore M. Shaffer and Dora O. Shaffer.

A warranty deed from Theodore M. Shaffer and Dora O. Shaffer, is submitted herewith and is in my opinion sufficient to convey the title of said premises to the State of Ohio.

It also appears from a copy of minutes herewith enclosed that said purchase has been approved by the Controlling Board. A regularly certified encumbrance estimate should accompany this abstract.

The Abstract, warranty deed and other data submitted are herewith returned.

Respectfully,

C. C. CRABBE,

Attorney General.