

2423.

APPROVAL, CORRECTED ABSTRACT OF TITLE TO LAND OF J. WILEY WEST IN MARIETTA TOWNSHIP, WASHINGTON COUNTY, OHIO.

COLUMBUS, OHIO, October 7, 1930.

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

DEAR SIR:—This is to acknowledge the receipt of your recent communication, with which you submit for my examination and approval a corrected abstract of title and a corrected warranty deed relating to the purchase by the State of Ohio of a certain tract of twenty-five acres of land owned of record by one J. Wiley West in Marietta Township, Washington County, Ohio, which tract of land is more particularly described in Opinion No. 2108 of this office, directed to you under date of July 19, 1930.

In the opinion above referred to, the title of said J. Wiley West in and to said tract of land was approved subject to certain exceptions therein noted. One of the exceptions noted in said opinion has reference to the taxes which were then a lien upon this property. These taxes were the taxes for the last half of the year 1929 and the undetermined taxes for the year 1930. From the files accompanying your communication it appears that the taxes for the last half of the year 1929 have since been paid and that this property is to be entered upon the tax exempt list as soon as the same is transferred of record to the State of Ohio.

One of the further exceptions noted in said former opinion of this office was with reference to an encumbrance on this property created by a certain oil and gas lease executed by said J. Wiley West and wife under date of February 28, 1917, to Shankland Brothers.

With said abstract of title, and as a part of the same, you have submitted to me a release of said oil and gas lease signed by the various persons, individually and corporate, who succeeded to the interest of Shankland Brothers in said lease.

In the situation now presented by the said corrected abstract of title, the title of J. Wiley West in and to the property here in question is hereby approved, subject only to the minor exceptions noted in said former opinion with respect to a number of outstanding easements against this property for pipe line, telephone line and telegraph line rights of way.

As above indicated, there has likewise been submitted to me a new and corrected warranty deed executed by said J. Wiley West, and Annie I. West, his wife, conveying this property to the State of Ohio. By this new warranty deed, which was executed by said grantors October 3, 1930, the property here in question is conveyed to the State of Ohio free and clear of the oil and gas lease executed to Shankland Brothers and which has since been released as above noted. Said warranty deed has been properly and legally executed and acknowledged by said J. Wiley West and Annie I. West, his wife, and the form of said deed is such that it conveys said real property to the State of Ohio by fee simple title, free and clear of the inchoate dower interest of said Annie I. West, and free and clear of all encumbrances whatsoever except those stated as exceptions in the warranty clause of said deed, as follows: "Except and subject to the pipe line rights of way thereover and to State Highway No. 7 and the rights of way of the Kanawha Traction and Electric Company, the Crescent Producing Company and the Ohio Bell Telephone Company over and near said highway." Each and all of the easements referred to above are more particularly noted and discussed in Opinion No. 2108, above referred to. Said warranty

deed is hereby approved by me and the same, together with the abstract of title and other files submitted to me, are herewith returned.

Respectfully,
GILBERT BETTMAN,
Attorney General.

2424.

APPROVAL, CONTRACT BETWEEN STATE OF OHIO AND THE JOHNSON SERVICE COMPANY, CINCINNATI, OHIO, FOR TEMPERATURE REGULATION IN CENTRAL UNIT OF CHEMISTRY BUILDING, MIAMI UNIVERSITY, OXFORD, OHIO, AT AN EXPENDITURE OF \$2,422.00—SURETY BOND EXECUTED BY THE AETNA CASUALTY AND SURETY COMPANY OF HARTFORD, CONNECTICUT.

COLUMBUS, OHIO, October 7, 1930.

HON. A. T. CONNAR, *Superintendent of Public Works, Columbus, Ohio.*

DEAR SIR:—You have submitted for my approval a contract between the State of Ohio, acting by the Department of Public Works, for and on behalf of the board of trustees, Miami University, Oxford, Ohio, and the Johnson Service Company, of Cincinnati, Ohio. This contract covers the construction and completion of contract for temperature regulation in a building known as the central unit of Chemistry Building, Miami University, Oxford, Ohio, as set forth in Item M-4; Item M-23 Alternate AB of the form of proposal dated June 24, 1930. Said contract calls for an expenditure of two thousand, four hundred and twenty-two dollars (\$2,422.00).

You have submitted the certificate of the director of finance to the effect that there are unencumbered balances legally appropriated in a sum sufficient to cover the obligations of the contract. You have also submitted a certificate from the controlling board showing that said board has approved the expenditure of funds appropriated by the 88th General Assembly for the purpose covered by this contract, in accordance with Section 2 of House Bill 513 and Section 11 of House Bill 510, of the 88th General Assembly. In addition, you have submitted a contract bond upon which the Aetna Casualty and Surety Company of Hartford, Connecticut, appears as surety, sufficient to cover the amount of the contract.

You have further submitted evidence indicating that plans were properly prepared and approved, notice to bidders was properly given, bids tabulated as required by law and the contract duly awarded. Also it appears that the laws relating to the status of surety companies and the workmen's compensation have been complied with. A certificate of the Secretary of State indicates that the contracting foreign company is authorized to do business in Ohio.

Finding said contract and bond in proper legal form, I have this day noted my approval thereon and return the same herewith to you, together with all other data submitted in this connection.

Respectfully,
GILBERT BETTMAN,
Attorney General.