

The provision of section 12 of the general appropriation act of the 86th General Assembly requiring the approval of this purchase by the controlling board has been complied with as evidenced by the certificate of Wilbur E. Baker, Director of Finance, attached to the abstract.

Attention is also directed to the necessity of an encumbrance estimate properly certified by the Director of Finance before the final consummation of this purchase.

The abstract of title and warranty deed are herewith returned.

Respectfully,

C. C. CRABBE,
Attorney General.

2941.

APPROVAL, ABSTRACT OF TITLE ON LAND LOCATED IN VILLAGE OF
ETNA, LICKING COUNTY, OHIO.

COLUMBUS, OHIO, November 13, 1925.

HON. G. F. SCHLESINGER, *Director, Department of Highways and Public Works,
Columbus, Ohio.*

DEAR SIR:—Examination of an abstract of title, warranty deed and a statement by Hon. Wilbur E. Baker, Director of Finance, showing that the approval of the purchase of a certain parcel of land located in the village of Etna, Licking county, Ohio, submitted by you to this department for examination and opinion, discloses the following:

The abstract as submitted was prepared and certified under date of September 9, 1925, and pertains to the following premises:

Situated in the county of Licking in the State of Ohio, and in the township of Etna, and in the town of Etna and bounded and described as follows:

Being in lot number six in the said town of Etna in said county of Licking and State of Ohio.

Upon examination of said abstract, I am of the opinion that same shows a good and merchantable title to said premises in Thomas H. Parker, subject to the following exceptions:

The taxes for the year 1925 are a lien, but the amount of same are as yet undetermined.

Your attention is directed to the encumbrance clause of the warranty deed as submitted, which excepts from the covenant against encumbrances the taxes for the year 1925, and further indicates that the grantee assumes and agrees to pay said taxes as a part of the purchase price.

Attention is also directed to the necessity of the proper certificate of the Director of Finance to the effect that there are unencumbered balances legally appropriated sufficient to cover the purchase price before the purchase of these premises is finally consummated.

The approval of the controlling board evidenced by the certificate submitted by you is sufficient.

The abstract of title warranty deed and certificate of the action of the controlling board with reference to section 12 of the General Appropriation Act are herewith returned.

Respectfully,
C. C. CRABBE,
Attorney General.

2942.

APPROVAL, CERTIFIED COPY OF FINAL RESOLUTION ON ROAD IMPROVEMENT IN BUTLER COUNTY.

COLUMBUS, OHIO, November 13, 1925.

Department of Highways and Public Works, Division of Highways, Columbus, Ohio.

2943.

COUNTY COMMISSIONERS ARE NOT AUTHORIZED TO MAKE CONTRIBUTION IN MONEY TO A VILLAGE TO PAY A PORTION OF COST OF IMPROVEMENT OF VILLAGE STREET WHICH IS ALSO A COUNTY ROAD.

SYLLABUS:

County commissioners are not authorized, by section 7467 of the General Code or elsewhere in the statutes, to make a contribution in money to a village of an amount representing a proportion of the cost of the improvement of a village street, which is also a county road.

COLUMBUS, OHIO, November 14, 1925.

Bureau of Inspection and Supervision of Public Offices, Columbus, Ohio.

GENTLEMEN:—This will acknowledge receipt of your recent communication in which you submit the following question:

“May the county commissioners contribute to a village an amount representing a proportion of the cost of the improvement of a village street which is also a county road?”

Accompanying your communication are copies of two letters, written by an examiner of your department, and from these enclosures it is disclosed that the county commissioners of the particular county contemplate the contribution to a village within the county of a sum of money equal to thirty-five per cent of the cost of the improvement of a street, which is a county road, within the village.