

2353.

APPROVAL—CERTIFICATES OF TITLE AND OTHER INSTRUMENTS, STATE OF OHIO, THROUGH DIRECTOR DEPARTMENT OF PUBLIC WORKS, PROPOSED PURCHASE, TWO TRACTS OF LAND, DESIGNATED AND DESCRIBED, GREEN TOWNSHIP, SUMMIT COUNTY, OHIO, FOR NIMISILA BASIN RESERVOIR PROJECT, PURCHASE PRICE, \$6625.00.

COLUMBUS, OHIO, April 20, 1938.

HON. CARL G. WAHL, *Director, Department of Public Works, Columbus, Ohio.*

DEAR SIR: You have submitted for my examination certificates of title, warranty deed and contract encumbrance record No. 35, all of which relate to the proposed purchase of two certain tracts of land in Green Township, Summit County, Ohio, and which are described as follows:

PARCEL ONE: Being part of the southwest quarter of Section No. 19 of Green Township, Summit County, Ohio, and being described as:

Beginning at a stake on Nelson Carmany's northeast corner, said stake being S. $83^{\circ} 11' 40''$ E. nineteen hundred sixty and twenty hundredths (1960.20) feet measured along the north line of the southwest quarter of Section No. 19 from an iron pipe on the northwest corner of the southwest quarter of Section No. 19; thence S. $83^{\circ} 11' 40''$ E. seven hundred ninety-two and no hundredths (792.00) feet to a stake on the west line of lands owned by Almus Dissinger; thence along Dissinger's west line S. $6^{\circ} 59' 58''$ W. twenty-three hundred twenty and seventy-one hundredths (2320.71) feet to the center line of the Clinton-Greensburg Road; thence along the center line of the Clinton-Greensburg Road S. $85^{\circ} 44' 40''$ W. eight hundred four and twenty-one hundredths (804.21) feet to a stake on the southeast corner of lands owned by Nelson Carmany; thence along Carmany's east line N. $6^{\circ} 55' 25''$ E. twenty-four hundred seventy-five and no hundredths (2475.00) feet to the place of beginning and containing forty-three and fifty-one hundredths (43.51) acres of land as surveyed June 3rd, 1936, by Francis Stafford.

PARCEL TWO: Situated in the Township of Green, County of Summit and State of Ohio, and known as being part

of the northwest quarter of Section No. 29 of Green Township, Summit County, Ohio, and being more completely described as follows:

Beginning at a point in the east line of land now or formerly owned by Charles E. Snyder, said point being on the west line of the northwest quarter of Section No. 29, S. 6° 56' 30" W. four hundred fifty-three and thirty hundredths (453.30) feet from the northwest corner of Section No. 29; thence S. 59° 02' 20" E. ten hundred thirty-six and eighty-one hundredths (1036.81) feet to a point; thence S. 19° 57' 14" W. six hundred eight and twenty-two hundredths (608.22) feet to a point in the north line of lands now owned by Homer Hook; thence along Hook's north line N. 83° 25' 38" W. eight hundred ten and nine hundredths (810.09) feet to a point in the west line of the northwest quarter of Section No. 29 and Snyder's east line; thence along the west line of the northwest quarter of Section No. 29 and Snyder's east line N. 6° 56' 30" E. ten hundred nineteen and eighty-two hundredths (1019.82) feet to the place of beginning and containing sixteen and fifty-nine hundredths (16.59) acres, as surveyed July 20, 1936, by Francis W. Stafford.

Also hereby conveying an easement or right of flowage over a marginal strip of land, adjoining the waters of Nimisila Reservoir over, along and between the spillway crest elevation of 1000 feet and elevation 1005 feet, both over mean sea level and as further described as being along the north and the east boundaries of the above described parcel and on the east shore line of Nimisila Reservoir.

Upon examination of said certificate of title which is certified by The Northern Ohio Guarantee Title Company under date of March 24, 1938, I find that one Sada A. Rohrer, otherwise known as Sadié A. Rohrer and Sarah A. Rohrer, owns and holds the above described real estate by what practically amounts to a life estate in her with an underlying and undivided fee simple title and interest in ten children of hers and of one Isaac B. Rohrer, deceased, from whom said estate came. These ten children, who with their mother, Sada A. Rohrer, own and hold the entire estate and interest in the above described parcels of real estate, are: Howard B. Rohrer, Burton F. Rohrer, Herbert Clark Rohrer, Emmett W. Rohrer, Edith C. Rollins, Edna E. Koontz, Sidney P. Rohrer, Clarence J. Rohrer, Elta M. Carmany and Lotta Dourm. I further find that the persons herein named, together with said Sada A. Rohrer, own and hold this property free and clear of all encumbrances except the

taxes on this property for the last half of the year 1937 and except the taxes on the property for the year 1938, the lien of which attached to this property under date of April 10, 1938, and except certain encumbrances affecting only the second parcel of land above described as a part of a larger tract of land subject to such encumbrances, to wit:

1. On September 6, 1918, Sada Rohrer, under the name of Sadie Rohrer, and the children of Isaac B. Rohrer, above named, executed an easement deed to The Northern Ohio Traction and Light Company in and by which said company was given the right to construct, operate and maintain an electric transmission line or lines consisting of towers, poles, wires and all other necessary appliances, on and over a certain tract of land in the northwest quarter of Section 29 in said township and county, which tract of land apparently included the second parcel of land hereinabove described. I am not advised by the certificate of title submitted to me as to what, if anything, was done by The Northern Ohio Traction and Light Company or by its assigns under this easement. You are doubtless familiar with the facts in regard to this matter; and it is sufficient for me to note that this easement stands of record as an apparent encumbrance upon the second parcel of land above noted.

2. On November 14, 1932, said Sada A. Rohrer, under the name of Sarah A. Rohrer, together with the children and heirs at law of Isaac B. Rohrer, executed an oil and gas lease to The East Ohio Gas Company in and by which said company was given and granted the right to drill and explore for oil and gas in and upon a tract of land owned by said grantors in Section 29 in said township and county, which tract of land apparently included the second parcel of land hereinabove described. I am not advised by the certificate of title or by any other information in the files submitted to me as to what, if anything, The East Ohio Gas Company has done in the way of developing this property for oil and gas or for either of these minerals. This oil and gas lease, however, is here noted as an apparent encumbrance upon the property.

Upon examination of the warranty deed tendered by said grantors, I find that the same has been properly executed and acknowledged by said grantors (except Herbert Clark Rohrer, whose interest in the property is conveyed by his guardian, Clarence J. Rohrer, acting pursuant to the authority conferred upon him by the Probate Court of Summit County, Ohio) and by the respective spouses of such of the grantors as are married; said spouses thereby releasing and forever quit claiming to the State of Ohio as the grantee in said deed all of their respective dower interests in this property. I further find that the form of this deed is such that the same is legally sufficient to convey this property to the state of Ohio by fee simple title with a covenant of warranty against all encumbrances whatsoever.

Contract encumbrance record No. 35, which has been submitted as a part of the files relating to the proposed purchase of the above described property as a part of the Nimisila Basin Reservoir Project, has been properly executed and the same shows a sufficient balance in the appropriation account to the credit of your department for the acquisition of lands for the purposes of this project, to pay the purchase price of the above described parcels of land, which purchase price is the sum of \$6625.00; which purchase price by the terms of the agreement is to be paid by separate warrants to the owners and holders of this property in the sum of \$625.00 to Sada A. Rohrer and in sums of \$600.00 each to the other grantors above named. It is likewise noted from appropriate recital thereof in said contract encumbrance record, that the purchase of this property has been duly approved by the Controlling Board. I am herewith returning said certificates of title, warranty deed and contract encumbrance record No. 35 with my approval, for your further consideration in closing the transaction for the purchase of this property.

Respectfully,

HERBERT S. DUFFY,
Attorney General.

2354.

APPROVAL.—BONDS, CITY OF CLEVELAND, CUYAHOGA COUNTY, OHIO. \$3,000.00. PART OF ISSUE DATED NOVEMBER 1, 1932.

COLUMBUS, OHIO, April 20, 1938.

*Retirement Board, State Public School Employes' Retirement System,
Columbus, Ohio.*

GENTLEMEN:

RE: Bonds of City of Cleveland,
Cuyahoga County, Ohio, \$3,000.00.

The above purchase of bonds appears to be part of an issue of bonds of the above city dated November 1, 1932. The transcript relative to this issue was approved by this office in an opinion rendered to the State Employes Retirement Board under date of October 21, 1935, being Opinion No. 4817.