

1476

OPINIONS

3832.

APPROVAL, BONDS OF CITY OF AKRON, SUMMIT COUNTY, OHIO  
—\$28,000.00.

COLUMBUS, OHIO, December 9, 1931.

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

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3833.

APPROVAL, CONTRACT FOR ROAD IMPROVEMENT IN COLUMBIANA  
COUNTY, OHIO.

COLUMBUS, OHIO, December 9, 1931.

HON. O. W. MERRELL, *Director, Department of Highways, Columbus, Ohio.*

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3834.

APPROVAL, ABSTRACT OF TITLE TO LAND OF MARTHA W. BAT-  
TENFIELD, IN THE CITY OF DELAWARE, DELAWARE COUNTY,  
OHIO.

COLUMBUS, OHIO, December 10, 1931.

HON. O. W. MERRELL, *Director, Department of Highways, Columbus, Ohio.*

DEAR SIR:—You have submitted for my examination and approval an abstract of title, warranty deed form, encumbrance estimate No. 1359 and certificate of the board of control relating to the proposed purchase by the state of Ohio of certain tracts of land owned of record by one Martha W. Battenfield, in the city of Delaware, Delaware County, Ohio, which said tracts of land are more particularly described as follows:

*First Tract.* Being in Range 19, Township 5, Section 4, U. S. M. lands, bounded on the north by the right-of-way of the C. C. C. & St. L. Ry. Co.; on the east by the west line of Henry Street; on the south by the north line of Out Lot No. 14, as designated on the original plat of the Town of Delaware; and on the west by the east line of the tract of one and 5/10 (1 5/10) acres conveyed by Morris W. Battenfield to the Sunray Stove Company by deed dated Jan. 12, 1916, recorded in Vol. 146, page 540, Records of Deeds of Delaware County, Ohio.

*Second Tract.* Being the whole of Out Lot No. 14, as designated on the original plat of the Town of Delaware, Ohio, excepting so much of said Out Lot as is included in an addition to said town made by the

heirs of M. Gerhard, a plat of which addition is recorded in Vol. 2, page 275, Records of Plats of Delaware County, Ohio.

*Third Tract.* In Lots Nos. 2166, 2167, 2168, 2169, 2171, and 2172, in M. Gerhard's heirs' addition to the town (now city) of Delaware, Ohio.

Upon careful examination of the abstract of title which is certified by the abstracter under date of October 3, 1930, I am of the opinion that as of said date said Martha W. Battenfield had a good merchantable title to the above described property, free and clear of all encumbrances except the taxes for the year 1931 on said several lots, parcels and tracts of land, the amount of which taxes was undetermined at the time said abstract of title was certified and was, for this reason, not stated therein. These taxes, to the extent that the same may be now or hereafter determined, are a lien upon said respective lots, parcels and tracts.

As above noted, there was submitted to me with the abstract of title a deed form of the warranty deed to be executed by said Martha W. Battenfield. The form of said deed is such that the same, when it is properly executed and acknowledged by Martha W. Battenfield, will be effective to convey the above described property to the state of Ohio with a warranty that said property is free and clear of all encumbrances whatsoever. Before the transaction for the purchase of this property is closed by the issuance of the voucher and warrant covering the purchase price, care should be taken to see that said deed form is properly and legally executed and acknowledged by Martha W. Battenfield.

Encumbrance estimate No. 1359, submitted as a part of the files relating to the purchase of this property, has been properly executed and the same shows a sufficient balance in the appropriation account to pay the purchase price of said property, which purchase price is the sum of \$1200.00.

It is likewise noted that the purchase of this property has been approved by the board of control and that the money necessary to pay said purchase price has been released by said board.

I am herewith returning to you said abstract of title, warranty deed form, encumbrance estimate No. 1359, board of control certificate and other files relating to the purchase of the above described property.

Respectfully,

GILBERT BETTMAN,  
*Attorney General.*

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3835.

OFFICER INCOMPATIBLE—CONCURRENT EMPLOYMENT OF VILLAGE CLERK AS CARETAKER OF PARKS, SUPERINTENDENT OF WATER DEPARTMENT AND ASSISTANT SUPERINTENDENT OF LIGHT DEPARTMENT.

**SYLLABUS:**

*Concurrent employment of a village clerk by the village council as caretaker of parks, and by the village board of trustees of public affairs as superintendent*