

3802.

APPROVAL, CERTIFICATE OF TITLE, ETC., TO LAND IN FRANKLIN TOWNSHIP, COSHOCTON COUNTY, OHIO, IN CONNECTION WITH MUSKINGUM WATERSHED CONSERVANCY DISTRICT.

COLUMBUS, OHIO, January 12, 1935.

The Board of Directors of the Muskingum Watershed Conservancy District, New Philadelphia, Ohio.

GENTLEMEN:—You have submitted for my examination and approval a certificate of title, detailed chain of title and comments, certificate of items not of record, warranty deed form, owner's description, surveyor's certificate, contract encumbrance record and Controlling Board Certificate, relating to the proposed purchase by the Muskingum Watershed Conservancy District of two tracts or parcels of land which are owned of record by one George H. Sandel in Franklin Township, Coshocton County, Ohio, which parcels of land are more particularly described by metes and bounds as follows:

First Parcel:

The following lands situate in the State of Ohio, County of Coshocton, Township of Franklin, being a part of Section Twenty-three (23), Town Four (4) North, Range Six (6) West of the United States Military Survey; the lands hereby conveyed being all the lands of George H. Sandel in said Section Twenty-three (23) and being more particularly described as follows, to-wit:

All lands in the east half of the northeast quarter of said Section Twenty-three (23), containing eighty-three (83) acres be the same more or less.

Second Parcel:

The following lands situate in the State of Ohio, County of Coshocton, Township of Franklin, being a part of Section Twenty-two (22), Town Four (4) North, Range Six (6) West of the United States Military Survey; the lands hereby conveyed being all the lands of George H. Sandel in said Section Twenty-two (22) and being more particularly described as follows, to-wit:

All lands in the northwest quarter of said Section Twenty-two (22) lying west of the center line of Wills Creek, excepting therefrom the lands within the lines described as follows, to-wit: Beginning at an iron pin on the north line of said Section Twenty-two (22), said pin being four hundred and thirty-six and five-tenths (436.5) feet more or less, measured easterly along the north section line, from an iron pin at the northwest corner of said Section Twenty-two (22); thence South fourteen degrees and five minutes East (S. 14° 05' E.) one hundred and sixty and six-tenths (160.6) feet more or less to an iron pin; thence South eighty-four degrees and fifty-seven minutes East (S. 84° 57' E.) four hundred and seven and seven-tenths (407.7) feet more or less to

an iron pin on the west bank of Wills Creek; thence continuing South eighty-four degrees and fifty-seven minutes East (S. 84° 57' E.) fifty-nine and five-tenths (59.5) feet to the centerline of Wills Creek; thence along the centerline of Wills Creek North twelve degrees and seven minutes West (N. 12° 07' W.) one hundred and forty-three (143) feet more or less to the north line of said Section Twenty-two (22); thence along said north line of section North eighty-three degrees and twelve minutes West (N. 83° 12' W.) four hundred and seventy-seven and four-tenths (477.4) feet more or less to the place of beginning, and containing one and six-tenths (1.6) acres be the same more or less.

The part hereby conveyed as the second parcel containing seventy-eight and five-tenths (78.5) acres be the same more or less.

The certificate of title above referred to is over the signature of one Nettie Nulton, Title Attorney of the Conservancy District, and the same is supplemented by a report on the title to this property as the same appears in an abstract of title, which was likewise submitted to me in connection with my investigation of the title, in and by which George H. Sandel owns and holds this property. From the examination thus made by me, I find that George H. Sandel has a good merchantable fee simple title to the above described property, subject to the lien of the undetermined taxes on the property for the year 1934 and subject further to the following oil and gas lease and Telephone and Telegraph right of way and easements executed on and with respect to this property:

Telephone and Telegraph Line Easement from George H. Sandel to The Ohio Bell Telephone Company, on 161.5 Acres, dated January 26, 1933, recorded in Lease Record 34, page 246.

Oil and Gas Lease from George H. Sandel to The Logan Natural Gas & Fuel Company, on 162 Acres, dated August 18, 1922, recorded in Lease Record 22, page 7, and assigned as follows: To the Logan Gas Co., January 2, 1923, Lease Record 21, page 353, and to The Ohio Fuel Gas Co. July 3, 1929, Lease Record 27, page 121. Oil Rights assigned to Preston Oil Company, December 31, 1929, Lease Record 29, page 7.

As it is understood that the Conservancy District will take title subject to these leases and easements (to be adjusted later) there should be separate assignments of them, to accompany the deed.

With the other files relating to the purchase of this property, you have submitted a deed form of a warranty deed to be executed by George H. Sandel and Stella Sandel, his wife, for the purpose of conveying this property to the Muskingum Watershed Conservancy District, which is a body corporate and a political subdivision of the state of Ohio. Upon the examination of the deed form submitted, I find that the form of this deed is such that the same, when it is properly executed and acknowledged by said George H. Sandel and Stella Sandel, his wife, will be effective to convey the property here in question to the Muskingum Watershed Conservancy District by full fee simple title, free and clear of the inchoate dower interest of Stella Sandel, with a warranty that the property is free and clear of all encumbrances whatsoever.

As a part of the files relating to the purchase of the above described property, you have submitted to me contract encumbrance record No. 13. This instrument, which is executed upon the regular form used by state officers and departments in encumbering funds for the purpose of meeting contractual obligations of the State for the use of such officers or departments, is authenticated by T. J.

Haley and C. W. Ullom, acting pursuant to the authority of a resolution of the Board of Directors of the Muskingum Watershed Conservancy District. Although this resolution of the Board of Directors of said Conservancy District does not, of course, give to the persons above named the status of state officers or agents, or give them any authority to contract on behalf of the state of Ohio, their signatures on this contract encumbrance record do have the effect of authenticating the fact that the Muskingum Watershed Conservancy District has contracted for the purchase of the particular property therein described and afford a sufficient predicate to the certificate of the Director of Finance that there is a sufficient unencumbered balance to the credit of the Muskingum Watershed Conservancy District under the appropriation made to said Conservancy District in and by House Bill No. 61 enacted by the 90th General Assembly under date of April 7, 1934; all of which is contemplated by and is in accordance with the agreement entered into by and between the Controlling Board and the Board of Directors of said Conservancy District with respect to the expenditure of the moneys appropriated by said act for the uses and purposes of the Conservancy District.

In this view and for the purpose above stated, this contract encumbrance record has been properly executed and the same shows that there is a sufficient unencumbered balance in the appropriation account covered by the moneys released by the Board of Control to pay the purchase price of the real property here in question, which purchase price is the sum of \$9,500.00. In this connection, it is noted that under date of December 5, 1934, the Controlling Board released from this appropriation account an additional sum of \$100,000, which is an amount sufficient to cover the purchase price of the real property here in question and of all other tracts of land which have been submitted to this office for consideration.

Subject to the exceptions above noted, the title to the above described property, of George H. Sandel, is approved, and the certificate of title, warranty deed, contract encumbrance record No. 13 and other files relating to this purchase are herewith enclosed for further appropriate action on your part and upon the part of the Auditor of State.

Respectfully,
JOHN W. BRICKER,
Attorney General.

3803.

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