

By letter from Hon. Charles H. Graves, of Toledo, it is learned that the absence of words of perpetuity, as above noted, resulted from omissions of the abstracter to quote the granting clauses which are quoted in such letter, and show the grants to be to the respective individual grantees and their "heirs and assigns forever." and to the Ohio State Rifle Association Company, and to "its successors, heirs and assigns forever." It is noted also that this last deed was acknowledged before the mayor of Port Clinton, Ohio, and not the "mayor of Ottawa county," as appears in the abstract.

As to the break in the chain of title, it is noted that the present grantor, Frank Holt, trustee, and his predecessors in title, as shown by the abstract, and the information submitted therewith, have been in the open, adverse, notorious and continuous possession of this real estate for thirty-five years or more, and any prior irregularities in the record title are cured by a title thus made by prescription.

In view of these considerations, and in the light of the circumstances above referred to, notwithstanding the matters pointed out, it is believed that the abstract constitutes a merchantable title and it is therefore approved.

Respectfully,
 JOHN G. PRICE,
Attorney-General.

1094.

APPROVAL OF FORMS OF RESOLUTION BY BOARDS OF TOWNSHIP TRUSTEES AS TO HIGHWAY IMPROVEMENTS—PART OF COST CONTRIBUTED BY STATE—SEE OPINION No. 779, NOVEMBER 15, 1919.

COLUMBUS, OHIO, March 23, 1920.

HON. A. R. TAYLOR, *State Highway Commissioner, Columbus, Ohio.*

DEAR SIR:—

In the matter of approval of forms of resolution by boards of township trustees as to highway improvements, a part of the cost of which is to be contributed by the state.

In line with preparation of two forms of resolution for use by county commissioners as covered by approval of this department in my letter to you of November 15, 1919 (opinion No. 779), I have also revised the form now in use by township trustees, and have provided for two forms of resolution, the first to be designated "Resolution Approving Plans and Determining to Proceed," which form has particular reference to sections 1199 and 1200 G. C., and the second to be designated "Final Resolution," which has particular reference to sections 1218 and 5660 G. C.

The two forms as revised, which I now approve, are respectively as follows:

"Received.....County,
Pct. No.....Township,
Name of Road.....	I. C. H. No.....Sec.....
.....	

(Township Trustees.)

Resolution Approving Plans and Determining to Proceed.

(Sec. 1200, G. C.)

WHEREAS, At a meeting of the Board of Trustees of _____ Township, _____ County, Ohio, held in the office of the Trustees of said township, on the _____ day of _____ 19____ a quorum being present, the improvement of the _____ Road, _____ Highway No. _____ under the provisions of sections 1178 to 1231-11 inclusive of the General Code of Ohio, came on for further consideration; said section of road as described in the preliminary application of this board to the State Highway Department, on the _____ day of _____ 19____, being as follows: (1) _____

and located in the Township of _____, in all a distance of about _____ miles.

WHEREAS, The State Highway Commissioner has approved said application and has caused a map of the following described section of said highway to be made in outline and profile, to-wit:

(2) _____ and has caused to be made plans and specifications and estimate of cost and expense for improving the above described highway, and has transmitted the same to this board, with the certificate of his approval indorsed thereon: Therefore, Be It

RESOLVED, That the section of highway above described in paragraph (2), be improved under the provisions of aforesaid law. That said work be done under the charge, care and superintendence of the State Highway Commissioner, and that said maps, plans, specifications and estimates for this improvement as approved by the State Highway Commissioner, are hereby approved and adopted by this board.

RESOLVED, That the clerk of this board be, and he is hereby directed to transmit to the State Highway Commissioner a certified copy of these Resolutions.

(Signed) _____ Trustees of _____ Township, _____ Name of Road _____ County.

STATE OF OHIO, County of _____ Township of _____ ss.: OFFICE OF TOWNSHIP CLERK.

This is to certify that I, _____ as Clerk of the Board of Trustees of the township of _____, County of _____, have compared the within and foregoing copy with the Resolution Approving Plans and Determining to Proceed adopted by the said Board of Trustees on the _____ day of 19____, and recorded in Road Record, Volume _____, page _____ and that the same is a true and correct transcript of such Resolution Approving Plans and Determining to Proceed and the whole thereof.

Dated _____ 19____ Attest _____ Clerk of the Board of Township Trustees."

Highway Commissioner that such money shall be available at such time or times as it may be needed in the construction of said highway.

(Signed)

Trustees of

----- Township,
----- County."

STATE OF OHIO,

Office of the

----- County, — Township Clerk.
----- Township, ss: —

This is to certify that I, -----, as Clerk of the Board of Township Trustees of ----- Township, ----- County, Ohio, have compared the within and foregoing copy with the Final Resolution adopted by the said Board of Trustees on the ----- day of -----, 19-----, and recorded in Road Record, Volume -----, page -----, and that the same is a true and correct transcript of such Final Resolution and the whole thereof.

Dated -----, 19----- Attest -----
Clerk of Board of
Township Trustees.

TO THE ATTORNEY-GENERAL:

I do hereby certify that there has been appropriated from the ----- fund of the State Highway Department of Ohio the sum of \$ ----- to the credit of ----- Township, ----- County.

Dated -----
Chief Clerk, State
Highway Department.

DEPARTMENT OF THE ATTORNEY-GENERAL:

Pursuant to the requirements of sections 1178 to 1231-11 inclusive of the General Code of Ohio, the foregoing agreement of the Board of Trustees of ----- Township, ----- County, Ohio, is approved as to form and legality.

Dated -----
Attorney-General of Ohio."

In addition to the above, there will be provided a blank setting forth the township clerk's certificate as it appears in the body of the Final Resolution as above copied, such blank for township clerk's certificate to consist of an original and duplicate, the original to be filed by the township clerk with the board of township trustees, and the duplicate to be forwarded to you by the township clerk with the certified copy of Final Resolution. It is believed advisable to follow this course with reference to the township clerk's certificate because of the amendment of section 1218 G. C. as appearing 108 O. L. 491. The original and duplicate blanks covering township clerk's certificate may be forwarded by your department to the township trustees at the same time as you furnish them the form covering Final Resolution.

Respectfully,
JOHN G. PRICE,
Attorney General.