

1046.

APPROVAL, CONTRACT BETWEEN STATE OF OHIO AND THE E. H. SHELDON & COMPANY, MUSKEGON, MICHIGAN, FOR CONSTRUCTION OF CABINET AND SOAPSTONE CONTRACT, FOR CHEMISTRY BUILDING, OHIO STATE UNIVERSITY, COLUMBUS, OHIO, AT AN EXPENDITURE OF \$34,506.00—SURETY BOND EXECUTED BY THE CONTINENTAL CASUALTY COMPANY.

COLUMBUS, OHIO, October 17, 1929.

HON. RICHARD T. WISDA, *Superintendent of Public Works, Columbus, Ohio.*

DEAR SIR:—You have submitted for my approval a contract between the State of Ohio, acting by the Department of Public Works, for the Board of Trustees of the Ohio State University, and The E. H. Sheldon & Company, of Muskegon, Michigan. This contract covers the construction and completion of cabinet and soapstone contract, "Equipment—Chemistry Building", Ohio State University, Columbus, Ohio, and calls for an expenditure of thirty-four thousand five hundred and six dollars (\$34,506.00).

You have submitted the certificate of the Director of Finance to the effect that there are unencumbered balances legally appropriated in a sum sufficient to cover the obligations of the contract. You have also submitted evidence that the consent of the Controlling Board to the release of funds has been obtained in accordance with Section 11 of House Bill No. 510 of the 88th General Assembly. In addition, you have submitted a contract bond upon which the Continental Casualty Company appears as surety, sufficient to cover the amount of the contract.

You have further submitted evidence indicating that plans were properly prepared and approved, notice to bidders was properly given, bids tabulated as required by law and the contract duly awarded. Also it appears that the laws relating to the status of surety companies and the workmen's compensation have been complied with.

Finding said contract and bond in proper legal form, I have this day noted my approval thereon and return the same herewith to you, together with all other data submitted in this connection.

Respectfully,

GILBERT BETTMAN,  
*Attorney General.*

1047.

APPROVAL, ABSTRACT OF TITLE TO LAND OF DON SHERA, IN THE CITY OF OXFORD, BUTLER COUNTY, OHIO.

COLUMBUS, OHIO, October 17, 1929.

HON. W. P. ROUDEBUSH, *Secretary, Board of Trustees, Miami University, Oxford, Ohio.*

DEAR SIR:—This is to acknowledge receipt of your communication of recent date, including therewith abstract of title, warranty deed and encumbrance estimate No. 6003, relating to the proposed purchase of the perpetual leasehold interest in the following described premises:

"Being a part of Out Lot numbered nine (9) in the village of Oxford, Butler County, Ohio, and described as follows: Beginning at a point in the west line of said out lot located one hundred and forty-four and 5/10 (144.5) feet south of the northwest corner thereof, and running thence south along the west line of said out lot a distance of fifty (50) feet; thence east on a line parallel with the north line of said out lot a distance of one hundred and twelve and 5/10 (112.5) feet; thence north on a line parallel with the west line of said out lot a distance of fifty (50) feet to a point which point is located one hundred and forty-four and 5/10 (144.5) feet south of the north line of said out lot; thence west parallel with the north line of said out lot a distance of one hundred and twelve and 5/10 (112.5) feet to the place of beginning. This conveyance is made subject to the payment of an annual ground rent of \$1.00 due and payable to the Treasurer of Miami University on May 22 of each year."

Said abstract goes back to August 29, 1787, when John Cleve Symmes petitioned Congress for the purchase of a tract of land between the Big and Little Miami Rivers in Ohio.

The land in question came into possession of the trustees of Miami University through an act of the General Assembly of Ohio, enacted February 17, 1809 (7 Ohio Laws 184), entitled "An act to establish Miami University."

The abstract shows that on September 7, 1810, the president and trustees of the Miami University conveyed to Merrikin Bond a leasehold in

"Lot numbered 9, being 25 poles in width by 25 poles and 6/10 parts of a pole in length and containing four acres strict measure."

for a period of 99 years, renewable forever, on condition that said Bond, or his assigns or representatives, pay annually on May 22 the sum of \$2.28, "being the amount of interest on the purchase money at the rate of six per cent per annum" to the treasurer of Miami University.

In subsequent transfers of the perpetual leasehold the land was divided and the abstract now covers only such portion of Lot 9 as is described in the deed and abstract.

After careful consideration, I find that the abstract, which is certified to by Charles A. Williams, Abstracter, of Oxford, Ohio, shows a good and merchantable title to the perpetual leasehold on said premises in the name of Don Shera on October 4, 1929, the date of said abstract, free from encumbrances except taxes for the year 1929, which are a lien upon the property, and the claims of Miami University for annual ground rent of \$1.00 per year, due and payable to the Treasurer of Miami University May 22 of each year.

The encumbrance estimate is numbered 6003 and is dated October 7, 1929, showing an appropriation of \$2500 for the purchase of this property out of unincumbered balances in the fund known as "Land Grants". It has been properly executed and certified, and I hereby approve the same.

The deed is a warranty deed conveying the perpetual leasehold and was executed by Don Shera, a bachelor, on August 27, 1929, and by him acknowledged on the same date before a notary public and two witnesses. This deed is made subject to

"the payment of an annual ground rent of one dollar, due and payable to the trustees of the Miami University on May 22 of each year."

The deed is approved and will, when delivered, convey the perpetual leasehold

on the land under consideration to the State of Ohio, its successors and assigns, the latter already holding the fee.

I have by parallel mail, pursuant to your request, delivered the abstract of title, encumbrance estimate and the deed to the Auditor of State, together with a copy of this opinion.

Respectfully,  
GILBERT BETTMAN,  
*Attorney General.*

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1048.

APPROVAL, BONDS OF MUSKINGUM COUNTY—\$14,500.00.

COLUMBUS, OHIO, October 17, 1929.

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

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1049.

APPROVAL, BONDS OF VILLAGE OF WELLINGTON, LORAIN COUNTY—  
\$55,000.00.

COLUMBUS, OHIO, October 17, 1929.

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

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1050.

APPROVAL, BONDS OF STRUTHERS CITY SCHOOL DISTRICT, MA-  
HONING COUNTY—\$45,000.00.

COLUMBUS, OHIO, October 17, 1929.

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