

2978.

APPROVAL, BONDS OF THE VILLAGE OF NEW WATERFORD, COLUMBIANA COUNTY, OHIO—\$12,000.00.

COLUMBUS, OHIO, December 6, 1928.

Industrial Commission of Ohio, Columbus, Ohio.

2979.

APPROVAL, FINAL RESOLUTIONS ON ROAD IMPROVEMENTS IN HENRY COUNTY.

COLUMBUS, OHIO, December 6, 1928.

HON. HARRY J. KIRK, *Director of Highways, Columbus, Ohio.*

2980.

APPROVAL, ABSTRACT OF TITLE TO LAND OF JOHN T. FLACK, XENIA TOWNSHIP, GREENE COUNTY, OHIO.

COLUMBUS, OHIO, December 6, 1928.

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

DEAR SIR:—This is to acknowledge receipt of a recent communication from your department enclosing a corrected abstract of title, warranty deed and encumbrance estimate relating to three tracts of land aggregating 14.63 acres of land which you propose to purchase on behalf of the state for the use of the Combined Normal and Industrial Department of Wilberforce University, and which property is fully described in former Opinion No. 2775 of this department under date of October 25, 1928.

An examination of the corrected abstract of title submitted shows that the exceptions noted in said former opinion of this department have been corrected with the exception of that relating to the mortgage executed by John T. Flack, the owner of said property and Helen U. Flack, his wife, to the Peoples Building and Savings Company of Xenia, Ohio. As to this mortgage it appears from the corrected abstract that there is now due on said mortgage the sum of \$2,000.00 with

interest thereon at seven (7) per cent, payable semi-annually, from the 8th day of March, 1924, the date of the execution of said mortgage. This mortgage, together with the amount due and payable thereon is of course a lien on the lands here in question.

Corrected abstract of title further shows that the following taxes are a lien on said premises, to-wit, delinquent taxes, \$45.04, taxes for the last half of the year 1927, due and payable in June, 1928, \$12.03, and taxes for the year 1928.

I am therefore of the opinion that said John T. Flack has a good and merchantable fee simple title to the lands and premises here in question, subject only to the lien of the mortgage and the taxes above referred to.

An examination of the warranty deed consigned by said John T. Flack and Helen U. Flack, his wife conveying said property to the State of Ohio, has been properly executed and acknowledged and the same is in form sufficient to convey to the State of Ohio a fee simple title to said premises, free and clear of all encumbrances.

An examination of Encumbrance Estimate No. 3494 shows that the same has been signed by the Director of Finance and that there are sufficient balances in a proper appropriation act to pay the purchase price of said lands.

There was not submitted to me with the other files referred to relating to the purchase of this property, a certificate showing that the purchase of this property out of said appropriation has been approved by the Controlling Board, and before proceeding further with the transaction relating to the purchase of this property you will have to see that such certificate is filed with you.

I am returning herewith the abstract, warranty deed, Encumbrance Estimate No. 3493 and Opinion No. 2775.

Respectfully,
EDWARD C. TURNER,
Attorney General.

2981.

APPROVAL, CONTRACT BETWEEN STATE OF OHIO AND THE JOHN J. WILLIAMS COMPANY, OF WARREN, OHIO, FOR REMODELING POWER HOUSE AND NEW STACK, KENT STATE NORMAL SCHOOL, KENT, OHIO, AT AN EXPENDITURE OF \$17,990.00.

COLUMBUS, OHIO, December 6, 1928.

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 Kent State Normal School, and the John J. Williams Company, of Warren, Ohio. This contract covers the construction and completion of General Contract for Remodeling Power House and New Stack, Kent State Normal School, Kent, Ohio, and calls for an expenditure of Seventeen thousand nine hundred and ninety dollars (\$17,990.00).

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 furnished evidence to the effect that