

Officer, to summarily decide the question when submitted to him by the clerk of such board.

Respectfully,  
GILBERT BETTMAN,  
*Attorney General.*

4050.

APPROVAL, NOTES OF NORTON TOWNSHIP RURAL SCHOOL  
DISTRICT SUMMIT COUNTY, OHIO—\$7,000.00

COLUMBUS, OHIO, February 10, 1932.

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

4051.

APPROVAL, BONDS OF CITY OF NILES, TRUMBULL COUNTY,  
OHIO—\$12,720.00.

COLUMBUS, OHIO, February 10, 1932.

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

4052.

APPROVAL, ABSTRACT OF TITLE TO LAND IN MIDDLETOWN,  
OHIO.

COLUMBUS, OHIO, February 11, 1932.

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

DEAR SIR:—This is to acknowledge receipt of your recent communication, submitting for my examination and approval an abstract of title, warranty deed, encumbrance record No. 1379 and a certificate of approval of the Board of Control, relating to the proposed purchase by the State of Ohio, of a tract of land situated at Middletown, Ohio, and being more particularly described as follows:

“Beginning at a point at the intersection of the east line of Section 18, Town 2, Range 4, Lemon Township, and the survey line established by the Board of Public Works of the Miami & Erie Canal; thence south  $62^{\circ} 15'$  west, a distance of 388.1'; thence south  $69^{\circ} 09'$  west, a distance of 1500'; thence south  $62^{\circ} 17'$  west, a distance of 200'; thence south  $57^{\circ} 57'$  west, a distance of 1562' to a point at station 10531+62 is said survey line; thence north  $32^{\circ} 03'$  west, a distance of 31.77' to a point in the west line of State property; thence along said west line of State property, south  $57^{\circ} 25'$  west, a distance of 271.5' to a point at the northeast corner of the Grantors' property; said point being the place of beginning of tract conveyed; thence continuing along the west line of State property,

which is also the Grantor's east line, south  $57^{\circ} 25'$  west, a distance of 774.7' to a point, said point being 22.03' northwest of and at right angles to station 10542+08.15 in the survey line established by the Board of Public Works of the Miami Erie Canal; said point being also in the east right of way line of the C. & L. E. R. R. Co.; thence along said right of way line north  $28^{\circ} 05'$  east, a distance of 59' to a point; thence continuing in a northerly direction and on a curve to the right having a radius of 1596.02', a distance of 1027.67' to a point; said point being south  $32^{\circ} 03'$  east, a distance of 41' from the center line of the C. & L. E. R. R. Company's track; thence south  $32^{\circ} 03'$  east, a distance of 76.8' to a point; thence in a southerly direction and on a curve to the left, having a radius of 970.93' a distance of 145' to a point; thence in a westerly direction along a radial line, a distance of 2.5'; thence continuing in a southerly direction and on a curve to the left, having a radius of 973.43' a distance of 162' to the place of beginning, and containing 3.65 acres."

Upon examination of the abstract of title submitted, which abstract is certified by the abstractor under date of January 6, 1932, I find that the Middletown Hydraulic Company owns the above described property by fee simple title, free and clear of all encumbrances whatsoever except the taxes on the property for the year 1931, the amount of which apparently has not been segregated with respect to the particular tract above described. Inasmuch as by the deed which has been tendered to the State of Ohio by the Middletown Hydraulic Company it is recited that this property is conveyed to the State of Ohio free and clear of all encumbrances whatsoever, I assume that it is the intention of the Middletown Hydraulic Company to pay the taxes upon the property conveyed as a part of the taxes which have been extended on the larger acreage of which the above described tract is a part.

Upon examination of the warranty deed tendered by the Middletown Hydraulic Company I find that the same has been properly executed by said company by the hands of its vice-president and secretary and that the form of said deed is such that it is sufficient to convey the above described property to the State of Ohio by fee simple title, free and clear of all encumbrances of whatsoever kind.

Encumbrance record No. 1379, which has been submitted as a part of the files relating to the purchase of the above described property has been properly executed and the same shows that there is a sufficient balance in the proper appropriation account to pay the purchase price of this property, which purchase price is the sum of \$730.00.

It is likewise noted that the purchase of the above described property has been approved by the Board of Control in accordance with the provisions of Section 8 of House Bill No. 624, the General Appropriation Act enacted by the 89th General Assembly.

I am accordingly herewith returning, with my approval, said abstract of title, warranty deed, encumbrance record No. 1379, certificate of the Board of Control and other files relating to the purchase of the above described property.

Respectfully,

GILBERT BETTMAN,  
*Attorney General.*