

2504.

DISAPPROVAL, ABSTRACT OF TITLE TO LAND IN CITY OF VAN WERT, VAN WERT COUNTY, OHIO.

COLUMBUS, OHIO, November 3, 1930.

HON. ROBERT N. WAID, *Director of Highways, Columbus, Ohio.*

DEAR SIR:—This is to acknowledge receipt of your communication under date of November 1, 1930, submitting for my examination and approval abstract of title, warranty deed, encumbrance estimate No. 1341, and certificate of the board of control relating to the proposed purchase by the State of Ohio of a parcel of land in the city of Van Wert, Van Wert County, Ohio, which parcel of land is more particularly described as follows:

“Commencing at the point where the north line of Summit Street intersects the west line of Pratt Street as now used in the said city of Van Wert, which point is twenty-five (25) feet west of the southeast corner of Outlot Number eleven (11) in Alexander Wetherills Southwest Addition to the town of Van Wert as described in the Plat thereof recorded in Deed Book S, pages 197-198, which is now known as Outlot Number seventy (70), Revised Number of Outlots in the said city of Van Wert; thence north on the west line of said Pratt Street sixteen and three hundredths (16.03) rods; thence west ten (10) rods; thence south parallel with said west line of said Pratt Street sixteen and three hundredths (16.03) rods to the north line of said Summit Street; thence east ten (10) rods to the place of beginning and being the east part of the land known on the Auditor's Duplicate of said county as Outlot Number 70-A.”

Upon examination of the abstract of title submitted, I find that Clift C. Haller, the owner of record of said parcel of land, has a good and indefeasible fee simple title to the same, free and clear of all encumbrances except a certain right of way and easement which one Jennie Baxter, then the owner of said property, granted to the Ft. Wayne, Van Wert & Lima Traction Company under date of February 3, 1905, by which said traction company, its successors and assigns, has the right to erect and maintain a line of poles along and upon the north side of Ervin Road and Summit Street, upon which said premises front, and to string thereon tension and feed wires. How far, if at all, the exercise of this easement by said traction company will interfere with the use you desire to make of this property, is a matter for the determination of your department.

Upon examination of the warranty deed tendered by said Clift C. Haller, I find that the same has been executed and acknowledged by said Clift C. Haller and by Madge Haller, his wife, and that the form of said deed is such that it conveys the above described property to the State of Ohio free and clear of the dower interest of said Madge Haller and free and clear of all encumbrances whatsoever.

Upon examination of the encumbrance estimate No. 1341, which has been submitted as part of the files relating to the purchase of said property, I find that the same has been properly executed and approved, and that there is shown thereby a sufficient balance in the proper appropriation account to pay the purchase price of said property.

Said abstract of title, warranty deed, and encumbrance estimate No. 1341, are accordingly hereby approved.

However, I find that I am unable to approve the transaction relating to the pur-

chase of this property by reason of a material and substantial discrepancy in the description of said property as contained in the warranty deed executed by Clift C. Haller and wife and in the encumbrance estimate as compared with the description of the property contained in the certificate of the board of control. The certificate of the board of control submitted to me shows that the said board released the sum of \$1500.00 for the purchase of the following described property, situated in the city of Van Wert, Van Wert County, Ohio:

“Commencing twenty-one (21) rods east and twenty (20) rods north of the southwest corner of Section 13, Township two (2) south, Range two (2) east being at the southwest corner of Out Lot No. 70 in the city, county and state as aforesaid; thence north on the west line of said outlot, sixteen and three hundredths (16.03) rods; thence east nineteen and sixteen hundredths (19.16) rods; thence south sixteen and three hundredths (16.03) rods; thence west twenty (20) rods to the place of beginning.”

It is evident from the description of the property contained in the certificate of the board of control that said board contemplated that the state was to obtain a much larger parcel of land for the purchase price therein named than the state will actually obtain by the deed tendered to it by Clift C. Haller, the owner of said property, which deed likewise recites that the purchase price of the property therein described and conveyed to the State of Ohio is the sum of \$1500.00.

For the reason above stated, I am unable to approve the purchase of said property, and the abstract of title, the warranty deed, encumbrance estimate No. 1341, the certificate of the board of control, and the other files relating to the purchase of this property are herewith returned.

Respectfully,
GILBERT BETTMAN,
Attorney General.

2505.

APPROVAL, LEASE TO STATE RESERVOIR LAND AT INDIAN LAKE,
LOGAN COUNTY, OHIO—CYRIL E. KNOTTS.

COLUMBUS, OHIO, November 4, 1930.

HON. PERRY L. GREEN, *Director of Agriculture, Columbus, Ohio.*

DEAR SIR:—This is to acknowledge receipt of your communication under date of November 1, 1930, over the signature of the Chief of the Bureau of Inland Lakes and Parks, of the Division of Conservation, in your department, submitting for my examination and approval a certain reservoir land lease in triplicate. This lease, which is executed by the Conservation Commissioner, leases and demises to one Cyril E. Knotts, Urbana, Ohio, for a term of fifteen years, a certain parcel of state reservoir land at Indian Lake, Logan County, Ohio, the same being more particularly described as follows:

“The outer slope of the southerly fifty (50) feet of Embankment Lot No. 1, north of Stubb's Landing; also the State land in the rear thereof extending from the foot of the outer slope of the raceway embankment to the westerly