

4316.

APPROVAL, QUIT CLAIM DEED CONVEYING TO STATE OF OHIO
LAND IN SUMMIT COUNTY, OHIO.

COLUMBUS, OHIO, May 13, 1932.

HON. T. S. BRINDLE, *Superintendent of Public Works, Columbus, Ohio.*

DEAR SIR:—This is to acknowledge the receipt of your recent communication submitting for my examination and approval a certain quitclaim deed executed by The American Steel and Wire Company of New Jersey and by which there is conveyed to the State of Ohio four certain parcels of land, which parcels are parts of Northfield Township, Lots Nos. 90, 92, 93 and 94 in Summit County, Ohio, and which parcels are more particularly described by metes and bounds in said deed.

Upon examination of this deed, which has been executed by said company to take the place of a former deed which was disapproved as to form by me in an opinion directed to you, I find that this deed has been properly executed and acknowledged, and that the form of said deed is such that the same is legally sufficient to convey the property therein described to the State of Ohio by full fee simple title subject only to the reservation that during the term of the canal land and surplus water lease executed by the State of Ohio to said company under date of December 22, 1931, or of any renewal or renewals of this lease, the company is to have the right to use the lands conveyed by the deed for the purpose of (a) wasting dredgings from the Ohio Canal, (b) for spillways, or (c) any other purpose incidental to the maintenance and operation of the canal. This reservation does not affect the fee simple title to this property which the state receives by the conveyance, and the same is in accordance with the understanding and agreement between your department and the company which has been in effect since the execution of the lease above referred to.

In your communication submitting this deed to me, you note the fact that this deed does not affirmatively show on its face that the execution thereof has been authorized by the board of directors of The American Steel and Wire Company of New Jersey, the grantors in the deed. Inasmuch as the canal land and surplus water lease, above referred to, provided for the execution of a quitclaim deed conveying the property here in question to the state, and said lease and acceptance thereof were approved by the formal action of the board of directors of the company, this constitutes a sufficient authorization in fact of the execution by its proper officer or officers of the deed here in question. Moreover, this deed is one executed in the name of the company by its president under the corporate seal of the company and these facts, as a matter of law, carry the presumption that the deed has been authorized by the directors of the company and that the same is a valid deed. *Railroad Company vs. Harter*, 26 O. S. 426; *Bank vs. Flour Company*, 41 O. S. 552, 557; *Sheehan vs. Davis*, 17 O. S. 571, 581.

Upon the considerations above noted, said deed is hereby approved as to legality and form and the same is herewith returned with my approval endorsed thereon.

Respectfully,

GILBERT BETTMAN,
Attorney General.