

2764.

ABSTRACT, STATUS OF TITLE, LOT NO. 9, SECTION 13, TOWNSHIP NO. 11, BENTON TOWNSHIP, HOCKING COUNTY, OHIO.

COLUMBUS, OHIO, Sept. 8, 1925.

HON. EDMUND SECRIST, *State Forester, Ohio Agricultural Experiment Station, Wooster, Ohio.*

DEAR SIR:—Examination of a deed, abstract and encumbrance estimate submitted by you to this department for our examination and approval, discloses the following:

The abstract under consideration was prepared by Claude W. Pettit, attorney, under date of July 14, 1925, and pertains to the following premises situated in Benton township, Hocking county, Ohio:

Being fractional lot No. 9, section 13, township No. 11 (Benton), and fractional lot No. 2, section 14, in said township, the two lots containing twenty-six and ninety-three hundredths (26.93) acres more or less; also a right of way from said premises to the county road beginning at a point on the line between Solomon Parish and James R. Glass, from which the northwest corner of the southeast quarter of the southwest quarter of section 13 bears south 28 degrees east 221 links; thence a southeasterly direction on suitable ground for a road fifteen (15) feet wide about 800 links to the county road, containing about one-fifth (1-5) of an acre.

Upon examination of said abstract, I am of the opinion that same shows a good and merchantable title to said premises in Elmer O. Pettit, subject to the following exceptions:

At page 22, et seq. of the abstract there appears a gas and oil lease by Elmer O. Pettit and wife to the Ohio Fuel Gas Company. Your attention is directed to the terms and conditions of said gas and oil lease, with the suggestion that you should determine for yourself how far, if at all, the operations for drilling gas and oil wells will interfere with the use of the premises by the state of Ohio for forest reserve. I understand that there has already been drilled some wells on these premises, and that certain royalties are now being paid on account of same. After the transfer of the premises these royalties will become due and payable to the state of Ohio.

The certificate of the abstractor shows that the taxes for the year 1924 and all previous years are fully paid. The taxes for the year 1925 are a lien on said premises, the amount of which has not as yet been determined.

The warranty deed as submitted has already been executed, and appears to be in proper form and sufficient to convey the title of the premises under consideration, when properly delivered.

The encumbrance estimate submitted bears No. 526, is addressed to Elmer O. Pettit, and appears to be only for a partial payment of the consideration being in the sum of \$214.51. Same has not as yet been certified by the Director of Finance nor approved by the director of your department. In view of the fact that the consideration for the premises is \$5,400.00, other encumbrance estimate should be submitted covering the balance of the consideration, totaling \$5,185.49.

Your attention is also directed to the provisions of section 12 of the general appropriation act of the 86th general assembly which provides that no moneys herein appropriated for the purchase of real estate shall be expended without the consent

and approval of the controlling board. Such approval must be evidenced by a majority vote of the board entered on their minutes. A transcript of sufficient of the minutes of the controlling board as evidence their consent and approval must accompany the encumbrance estimate before the final consummation of this transaction.

The abstract, warranty deed and encumbrance estimate submitted by you are herewith returned.

Respectfully,
C. C. CRABBE,
Attorney General.

2765.

APPROVAL, BONDS OF AURORA RURAL SCHOOL DISTRICT, PORTAGE COUNTY, \$3,700.00.

COLUMBUS, OHIO, Sept. 8, 1925.

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

2766.

DISAPPROVAL, BONDS CITY OF DENNISON, TUSCARAWAS COUNTY, \$47,096.25.

COLUMBUS, OHIO, Sept. 9, 1925.

Re: Bonds of City of Dennison, Tuscarawas County, \$47,096.25.

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

GENTLEMEN:—Transcript for the above issue of bonds discloses that the bonds are being issued under the provisions of section 3914 G. C., providing assessments for property owners' portions for the improvements.

The transcript does not contain any proof of publication or notice of the assessments as required by section 3895 G. C. Upon request for this information to complete the transcript the clerk of the council recited that such publication was not made.

Section 3895 G. C. is as follows:

"Before adopting an assessment made as provided in this chapter, the council shall publish notice for three weeks consecutively, in a newspaper of general circulation in the corporation, that such assessment has been made, and that it is on file in the office of the clerk for the inspection and examination of persons interested therein."