

4439.

APPROVAL, CONTRACT FOR ROAD IMPROVEMENT IN FRANKLIN COUNTY, OHIO.

COLUMBUS, OHIO, June 21, 1932.

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

4440.

DISAPPROVAL, DEED TO LAND IN ALLEN COUNTY, OHIO, FROM WESTERN OHIO RAILWAY COMPANY.

COLUMBUS, OHIO, June 21, 1932.

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

DEAR SIR:—I have examined the deed of Mahala Alexander, Guardian, etc., to the Western Ohio Railway Company, together with certified copy of the proceedings authorizing such deed, which deed is recorded in Volume 112, Page 71, Allen County Deed Records. Also deed from Sarah Goble, to such railroad company, conveying the property described in the enclosed deed, recorded in Volume 112, Page 246, Allen County Deed Records.

In my opinion, by virtue of the provisions contained in Paragraph 2, of "Conditions, Stipulations and Limitations" the title to such premises reverts to the heirs and assigns of the grantor whenever such premises are not used for railroad purposes for a period of one year. It is therefore evident that by virtue of this reversionary clause, the State of Ohio cannot obtain legal title to such premises by virtue of a deed from the Western Ohio Railway Company, its successors or receivers, but must obtain the title to each of these parcels by deed from the heirs of John Alexander, who was the ward of Mahala Alexander, as to the premises described in deeds recorded in Volume 112, page 71, and from the heirs of Sarah Goble, as to the premises described in Volume 112, page 246; unless such persons in conveying the remainder of the premises, of which the above referred to premises are a part, have included the conveyance of the reversionary rights to such grantee; in which case, it will be necessary to examine the records of Allen County to determine the proper parties from whom a valid title may be procured.

Respectfully,

GILBERT BETTMAN,
Attorney General.