

W. Ullon, acting pursuant to the authority of a resolution of the Board of Directors of the Muskingum Watershed Conservancy District. Although this resolution of the Board of Directors of said Conservancy District does not, of course, give to the persons above named the status of state officers or agents, or give them any authority to contract on behalf of the state of Ohio, their signatures on this contract encumbrance record do have the effect of authenticating the fact that the Muskingum Watershed Conservancy District has contracted for the purchase of the particular property therein described and afford a sufficient predicate to the certificate of the Director of Finance that there is a sufficient unencumbered balance to the credit of the Muskingum Watershed Conservancy District under the appropriation made to said Conservancy District in and by House Bill No. 61 enacted by the 90th General Assembly under date of April 7, 1934; all of which is contemplated by and is in accordance with the agreement entered into by and between the Controlling Board and the Board of Directors of said Conservancy District with respect to the expenditure of the moneys appropriated by said act for the uses and purposes of the Conservancy District.

In this view and for the purpose above stated, this contract encumbrance record has been properly executed and the same shows that there is a sufficient unencumbered balance in the appropriation account covered by the moneys released by the Board of Control to pay the purchase price of the real property here in question, which purchase price is the sum of \$7,175.00. In this connection, it is noted that under date of December 5, 1934, the Controlling Board released from this appropriation account an additional sum of \$100,000, which is an amount sufficient to cover the purchase price of the real property here in question and of all other tracts of land which have been submitted to this office for consideration.

Subject to the exceptions above noted, the title to the above described property, of Austin H. Bash and Anna Bash, is approved, and the certificate of title, warranty deed, contract encumbrance record No. 56 and other files relating to this purchase are herewith enclosed for further appropriate action on your part and upon the part of the Auditor of State.

Respectfully,

JOHN W. BRICKER,
Attorney General.

3997.

APPROVAL, CERTIFICATE OF TITLE, ETC., TO LAND IN FRANKLIN TOWNSHIP, TUSCARAWAS COUNTY, OHIO, IN CONNECTION WITH MUSKINGUM WATERSHED CONSERVANCY DISTRICT.

COLUMBUS, OHIO, March 4, 1935.

The Board of Directors of the Muskingum Watershed Conservancy District, New Philadelphia, Ohio.

GENTLEMEN:—You have submitted for my examination and approval a certificate of title, certificate of items not of record, warranty deed form, owner's description, surveyor's certificate, contract encumbrance record No. 40 and Controlling Board certificate, relating to the proposed purchase by the Muskingum Watershed Conservancy District of two tracts or parcels of land which are owned of record by Cora Woodling

Hattery and Lillie Woodling Thompson, in Franklin Township, Tuscarawas County, Ohio, which parcels of land are more particularly described by metes and bounds as follows:

First Parcel:

Being a part of Lot Twenty-four (24) of the First Quarter, Township Ten (10) North, Range Three (3) West of the United States Military Survey, and being included within the lines described as follows, to wit:

Beginning at the northwest corner of the said Lot Twenty-four (24); thence along the north line of said Lot 24, South eighty-nine degrees and no minutes East (S 89° 00' E) one thousand one hundred and ninety-nine and nine-tenths (1199.9) feet, more or less, to a stone; thence South no degrees and no minutes West (S 0° 00' W) seven hundred and ninety-two (792) feet, more or less, to a stone; thence South eighty-nine degrees and thirty minutes West (S 89° 30' W) one thousand two hundred and twenty-five and six-tenths (1225.6) feet, more or less, to a point on the west line of said Lot 24; and thence along the said west line of Lot 24, North one degree and no minutes East (N 1° 00' E) eight hundred and twenty-five and seven-tenths (825.7) feet, more or less, to the place of beginning; and containing an area of twenty-two and five-tenths (22.5) acres, more or less.

Second Parcel:

Being a part of Lot Twenty-five (25) of the First Quarter of Township Ten (10) North, Range Three (3) West of the United States Military Survey, and being included within the lines described as follows, to wit:

Beginning at the southwest corner of the said Lot Twenty-five (25); thence along the west line of said Lot 25, North one degree and no minutes East (N 1° 00' E) one thousand six hundred and fifty-four (1654) feet, more or less, to the northwest corner of said Lot 25; thence South thirty-four degrees and fifty-six minutes East (S 34° 56' E) two thousand and forty-three and four-tenths (2043.4) feet, more or less, to a point on the south line of said Lot 25; and thence North eighty-nine degrees and no minutes West (N 89° 00' W) one thousand one hundred and ninety-nine and nine-tenths (1199.9) feet, more or less, to the place of beginning; and containing an area of twenty-two and eight-tenths (22.8) acres, more or less.

The two tracts hereby conveyed and described as the First and Second Parcels having a combined area of forty-five and three-tenths (45.3) acres, more or less; and being all of the lands of the Grantors (Cora W. Hattery and Lillie W. Thompson) in the said Lot 24, and the southwest part of the lands of the said Grantors in the said Lot 25, in the First Quarter in Franklin Township, Tuscarawas County, Ohio; excepting therefrom the easement acquired by prescription by the Cleveland, Lorain and Wheeling Railway Company (now known as the Baltimore and Ohio Railroad Company) across the lands herein described.

Being part of the premises conveyed by Amos Woodling to Cora Woodling Hattery and Lillie Woodling Thompson by deed dated April 1, 1912, recorded in Vol. 170, page 244, and conveyed by The Ohio Edison Company to Cora Woodling Hattery and Lillie Woodling Thompson by deed dated August 1, 1931, recorded in Vol. 214, page 189, Deed Records of Tuscarawas County, Ohio.

The certificate of title above referred to is over the signature of one Nettie Nulton,

Title Attorney of the Conservancy District, and the same is supplemented by a report on the title to this property as the same appears in an abstract of title, which was likewise submitted to me in connection with my investigation of the title, in and by which Cora Woodling Hattery and Lillie Woodling Thompson own and hold this property. From the examination thus made by me, I find that Cora Woodling Hattery and Lillie Woodling Thompson have a good merchantable fee simple title to the above described property, subject to the lien of the taxes on the property for the year 1934 estimated at 92.44, and subject further to the following right of way and unreleased mortgages, to wit: Title by prescription and present occupation exists in—Right of way of the Baltimore & Ohio R. R. Co. 66 feet wide for which there is no conveyance of record. Northern Ohio Traction and Light Company right of way abandoned.

Unreleased mortgage on right of way of the interurban railway, from Northern Ohio Traction & Light Co. to New York Trust Co., Trustee, (The Citizens Savings & Trust Co., of Cleveland, Authenticating Trustee), dated August 1, 1916, recorded in M. R. 104, page 332, assumed by The Ohio Edison Co., July 5, 1930, D. B. 212, page 281; Union Trust Co. of Cleveland succeeded The Citizens Savings & Trust Co. as authenticating trustee. The National City Bank of Cleveland, was substituted as authenticating trustee Jan. 5, 1934, M. R. 140, page 170.

Unreleased Mortgage on right of way from Northern Ohio Traction & Light Co. to The National City Bank of New York, as Trustee, dated March 1, 1922, recorded in M. R. 119, page 358, transferred to City Bank Farmers Trust Co., as Trustee, Feb. 1, 1930; Partial Rel. Rec. 3, page 340. Assumed by Ohio Edison Co. July 5, 1930, D. B. 212, page 280.

Unreleased Mortgage on right of way from Ohio Edison Co. to Bankers Trust Co., of New York, as Trustee, dated Aug. 1, 1930, M. R. 137, page 510.

With the other files relating to the purchase of this property, you have submitted a deed form of a warranty deed to be executed by Cora Woodling Hattery and Seth Hattery, her husband, and Lillie Woodling Thompson and J. A. Thompson, her husband, for the purpose of conveying this property to the Muskingum Watershed Conservancy District, which is a body corporate and a political subdivision of the state of Ohio. Upon examination of the deed form submitted, I find that the form of this deed is such that the same, when it is properly executed and acknowledged by said Cora Woodling Hattery, Seth Hattery, Lillie Woodling Thompson and J. A. Thompson, will be effective to convey the property here in question to the Muskingum Watershed Conservancy District by full fee simple title, free and clear of the inchoate dower interest of Seth Hattery and J. A. Thompson, with a warranty that the property is free and clear of all encumbrances whatsoever.

As a part of the files relating to the purchase of the above described property, you have submitted to me contract encumbrance record No. 40. This instrument, which is executed upon the regular form used by state officers and departments in encumbering funds for the purpose of meeting contractual obligations of the State for the use of such officers or departments, is authenticated by the signatures of T. J. Haley and C. W. Ullom, acting pursuant to the authority of a resolution of the Board of Directors of the Muskingum Watershed Conservancy District. Although this resolution of the Board of Directors of said Conservancy District does not, of course, give to the persons above named the status of state officers or agents, or give them any authority to contract on behalf of the state of Ohio, their signatures on this contract encumbrance record do have the effect of authenticating the fact that the Muskingum Watershed Conservancy District has contracted for the purchase of the particular property therein described and afford a sufficient predicate to the certificate of the Director of Finance that there is a sufficient unencumbered balance to the credit of the Muskingum Watershed Conservancy District under the appropriation made to said Conservancy District in and

by House Bill No. 61 enacted by the 90th General Assembly under date of April 7, 1934; all of which is contemplated by and is in accordance with the agreement entered into by and between the Controlling Board and the Board of Directors of said Conservancy District with respect to the expenditure of the moneys appropriated by said act for the uses and purposes of the Conservancy District.

In this view and for the purpose above stated, this contract encumbrance record has been properly executed and the same shows that there is a sufficient unencumbered balance in the appropriation account covered by the moneys released by the Board of Control to pay the purchase price of the real property here in question, which purchase price is the sum of \$3800.00. In this connection, it is noted that under date of December 5, 1934, the Controlling Board released from this appropriation account an additional sum of \$100,000, which is an amount sufficient to cover the purchase price of the real property here in question and of all other tracts of land which have been submitted to this office for consideration.

Subject to the exceptions above noted, the title to the above described property, of Cora Woodling Hattery and Lillie Woodling Thompson, is approved, and the certificate of title, warranty deed, contract encumbrance record No. 40 and other files relating to this purchase are herewith enclosed for further appropriate action on your part and upon the part of the Auditor of State.

Respectfully,
JOHN W. BRICKER,
Attorney General.

3998.

APPROVAL, BONDS OF VILLAGE OF LYNCHBURG, HIGHLAND COUNTY,
OHIO, \$4,525.00.

COLUMBUS, OHIO, March 4, 1935.

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

3999.

APPROVAL, BONDS OF MARTINSVILLE RURAL SCHOOL DISTRICT, CLINTON COUNTY, OHIO, \$975.00.

COLUMBUS, OHIO, March 4, 1935.

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