

2798.

ABSTRACT, STATUS OF TITLE OF CERTAIN PREMISES LOCATED IN
THE CITY OF SANDUSKY, OHIO.

COLUMBUS, OHIO, Sept. 22, 1925.

HON. CHARLES V. TRUAX, *Director of Agriculture, Columbus, Ohio.*

DEAR SIR:—This will acknowledge return to this department of Part II of an abstract of title of certain premises located in the city of Sandusky, Ohio.

The supplementary matter pertaining to said abstract requested in our communication of August 26th, has also been supplied and submitted direct to this office.

The abstract as originally submitted consists of two parts, part one pertaining to the history of the premises under consideration up to and including the time Erie county was established as a separate county, and the second part pertaining to the history of the title since that date.

Part I of the abstract as submitted was prepared and certified by the Holiday and Tucker Company, by C. E. Tucker, president, Abstracters, under date of August 4, 1925.

Part II of the abstract, together with the subsequent matter furnished at the request of this department, was prepared and certified by the Erie County Investment Company, by C. J. Wagner, its vice president under date of July 31, 1925.

The abstract as submitted pertains to the following premises:

Situated in the city of Sandusky, county of Erie and state of Ohio and bounded and described as follows:

Situated in that part of Water Lots 38, 39 and 40 lying northerly of the northerly line of Railroad Street, in said city, and more definitely described as follows:

Beginning at a point in the northerly line of said Railroad Street 84.00 feet easterly, measured in said street line, from the westerly line of said lot No. 40; thence westerly in said northerly line of Railroad Street, 84.00 feet to the westerly line of said Lot No. 40; thence northerly, in the westerly line of said Lot No. 40, a distance of 358.00 feet to the northerly face of the new dock; thence easterly, at right angles to the westerly line of said lot No. 40, a distance of 84.00 feet; thence southerly 350.08 feet to the place of beginning. Together with the riparian rights pertaining or belonging to the above described premises.

Examination of the abstract submitted discloses a good and merchantable title to said premises in George C. Matthes and Ethel N. Matthes, husband and wife.

Attention is directed to the certificate in Part II of the abstract which discloses that the taxes for the year 1924 are paid in full. The taxes for the year 1925, the amount of which are not yet determined, are now a lien.

Your attention is also directed to the necessity of an encumbrance estimate which contains the certificate of the director of finance to the effect that there are unencumbered balances sufficient to cover the purchase price of said property before this purchase can be effected. In this connection 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 therein appropriated for the purchase of real estate shall be expended without the consent and approval of the controlling board, such approval to be evidenced by a majority vote of the board entered on the min-

utes. In view of this provision it will be necessary that such action as above indicated be had and properly evidenced by a transcript of the minutes of the controlling board before the consideration of this conveyance can be legally expended.

It is further suggested that the proper delivery of the already executed deed submitted with the abstract will be sufficient to convey the premises when properly delivered.

The abstract of title in two parts, the warranty deed and blue print of the premises are herewith returned.

Respectfully,
C. C. CRABBE,
Attorney General.

2799.

APPROVAL, BONDS OF VILLAGE OF GARFIELD HEIGHTS, CUYAHOGA COUNTY, \$14,000.00.

COLUMBUS, OHIO, Sept. 23, 1925.

Department of Industrial Relations, Industrial Commission of Ohio, Columbus, Ohio.

2800.

BONDS—HOUSE BILL 339 (SECTION 5654-1 G. C.) CONSTRUED—PROVISIONS OF SECTION 1224 G. C. DISCUSSED.

SYLLABUS:

1. *The mandatory provisions of house bill No. 316, passed by the 86th general assembly, providing that the bonds cannot be advertised for sale nor issued until the contract is let, require the issuance of notes as provided in said act, to provide available funds for the issuance of the certificate of the fiscal officer as required by senate bill No. 94, that such funds are available to let the contract.*

2. *The authorized bonds may be advertised for sale and issued as soon as the contract is let for the improvement.*

3. *Section 2295-11, General Code, provides that not to exceed one year's interest may be included in the cost of construction of any building, utility, or improvement. Such amount of interest may be included in the estimate for such improvement and included in the authorized issue and paid out of the proceeds of the sale of the bonds, or from any excess left from the issue of notes.*

4. *The provision of house bill No. 316, "such other items of cost as may be included in the total cost of construction," includes interest on notes issued, inspection, compensation and damages, and supplementary contracts under section 6948 G. C., but does not include advertising and printing bonds, except in the case of assessment bonds.*