

2635.

APPROVAL, BONDS OF SALEM TOWNSHIP RURAL SCHOOL DISTRICT, JEFFERSON COUNTY, \$7,370.00.

COLUMBUS, OHIO, July 1, 1925.

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

2636.

ABSTRACT, STATUS OF TITLE, THE ISLAND OF GIBRALTAR, SITUATED IN PUT-IN-BAY TOWNSHIP, OTTAWA COUNTY, OHIO.

COLUMBUS, OHIO, July 1, 1925.

HON. CARL E. STEEB, *Secretary, Board of Trustees, Ohio State University, Columbus, Ohio.*

DEAR SIR:—Examination of an abstract of title submitted by the board of trustees of Ohio State University to this department for examination and opinion, discloses the following:

The abstract under consideration was prepared and certified by Ruel Crawford, abstracter, under date of February 2, 1920, with a further continuation thereto under date of June 20, 1925, and pertains to the following premises:

The Island of Gibraltar, situated in Put-in-Bay township, Ottawa county, Ohio.

Examination of the abstract as submitted shows a good and merchantable title to said premises in the trustees of the estate of Laura E. C. Barney, deceased, subject to the following:

A deed by the trustees of the estate of Laura E. C. Barney transferring the property to Julius F. Stone was filed for record with the recorder of Ottawa county at the date of the last continuation of the abstract, and transfers a fee simple title to said grantee.

A general warranty deed by Julius F. Stone, together with a release of dower by his wife, has also been executed and delivered, and conveys the fee simple estate to the state of Ohio.

The last continuation of the abstract above referred to shows all taxes and assessments due and payable in June, 1925, have been fully paid. The taxes for the year 1925, due and payable in December, 1925, and in June, 1926, the amount of which cannot as yet be ascertained, are a lien and unpaid.

The recent transfers of the premises have been made subject "to the right, if any, of the Perry Monument Association, otherwise known as the 'Battle of Lake Erie Monument Association' started in Sandusky about the year 1859."

However, the abstract as presented, shows no instrument of record whereby said Perry Monument Association ever acquired any right, title, claim or interest in said premises, and therefor said exception can cast no cloud upon the title.

Herewith enclosed I am returning the abstract, a copy of the deed executed by

the trustees of the estate of Laura E. C. Barney, and also a copy of the deed by Julius F. Stone and wife to the state of Ohio, and two other former conveyances of the premises under consideration.

Respectfully,
C. C. CRABBE,
Attorney General.

2637.

DISAPPROVAL, BONDS OF VILLAGE OF GROVE CITY, FRANKLIN COUNTY, \$9,965.30.

COLUMBUS, OHIO, July 2, 1925.

Re: Bonds of Village of Grove City, Franklin County, \$9,965.30.

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

GENTLEMEN:—I have examined the transcript submitted for the foregoing issue of bonds and find that I cannot approve the proceedings had. The transcript covers bonds to be issued under the provisions of section 3914, General Code.

The transcript contains evidence of the passage of declaratory resolutions for improvements, but does not show service of the passage of such resolution on the property owners as required by statute before further proceedings can be had to bind the abutting property owners.

Transcript also contains a so-called ordinance determining to proceed, which contains the following language:

“Section VI. That bonds of the village of Grove City shall be issued in anticipation of the collection of special assessments by installments and in an amount equal thereto.

“Section VII. That in anticipation of the levy of said special assessments or the issuance of bonds as herein provided, notes of the village shall be issued and money borrowed thereon in an amount not to exceed that portion of the estimated cost of the improvement for which said assessments are levied, said notes to be due and payable not later than two years from the date of issue.”

Section 3914, General Code, provides for the issuance of notes in anticipation of the levy of special assessments for a period of time not to exceed two years.

From the provisions of the ordinance above quoted, it is assumed that council intends to issue notes for a period of time not to exceed two years in anticipation of the levy of the special assessments.

The transcript contains no evidence of proceedings placing the assessments in process of collection for which a bond issue may be made. Complete proceedings for such purpose are now necessary before bonds can be issued under the provisions of section 3914, General Code, as amended in 110 O. L., page 458.

Transcript contains no bond ordinance. If it is the intention of the council to issue notes in accordance with the ordinance above quoted, in anticipation of the levy of the assessments, and the proceedings have not been completed for the levying and collection of the assessments, and for the issuance of the bonds, then such bonds cannot be issued at this time to comply with the amounts and maturi-