

The same premises were under consideration in an opinion of my predecessor, No. 2700, rendered to your department under date of October 11, 1928, and the title thereto, as disclosed by the abstract, was disapproved for the reasons therein set forth, which need not be repeated herein. It now appears that the objections therein mentioned have been sufficiently corrected by certain changes in the abstract and by supplements attached thereto.

After a careful examination of said abstract as corrected, together with the supplements attached thereto, I am of the opinion that said instruments disclose a sufficient title in said premises in the name of Leonard Siler, free from encumbrances.

There has also been submitted a form of deed which is believed to be sufficient to properly convey said premises to the State when it has been properly executed, delivered and accepted.

You also submit encumbrance estimate No. 3194, which contains certificate of the Director of Finance to the effect that there are unencumbered balances, legally appropriated, sufficient to pay for the purchase price.

You also submit evidence indicating that the Controlling Board, on March 1, 1929, approved the purchase of said premises.

You have further submitted a tax receipt indicating that the taxes for the year 1928 have been paid.

Enclosed herewith you will find said abstract, form of deed, encumbrance estimate, certificate of the secretary of the Controlling Board, and other data submitted in this connection.

Respectfully,  
GILBERT BETTMAN,  
*Attorney General.*

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APPROVAL, ABSTRACT OF TITLE TO LAND OF EDJEL C. LUTZ, IN THE CITY OF URBANA, CHAMPAIGN COUNTY.

COLUMBUS, OHIO, March 25, 1929.

HON. ROBERT N. WAID, *Director of Highways, Columbus, Ohio.*

DEAR SIR:—This is to acknowledge receipt of your recent communication, submitting for my examination and approval abstract of title, deed form, encumbrance estimate No. 3193, and Controlling Board certificate relating to a tract of land in the city of Urbana, Champaign County, Ohio, and now owned of record by one Edjel C. Lutz. Said tract of land is more particularly described as follows:

Situate in the northeast quarter of Section 29, Township 5, Range 11, in the city of Urbana, Champaign County, Ohio, and more particularly described as follows:

Beginning at a point in the center of Edgewood Avenue, distant three hundred ninety-six and thirty-three hundredths (396.33) feet southwardly from the intersection of the center lines of Edgewood Avenue and Miami Street. Thence south 87°-10' east, four hundred sixty-two (462.00) feet to a point in the east line of lot 4 of Dagger's Addition as recorded in Plat Book D, page 77, records of Champaign County. Thence with the east line of said lot 4, south 1°-35' west, one hundred sixty-seven and sixty-four hundredths (167.64) feet to the southeast corner of said lot 4. Thence with the south

line of said lot 4, north 87°-10' west, four hundred sixty-two (462.00) feet to the southwest corner of said lot 4. Thence with the west line of said lot 4, north 1°-35' east, one hundred sixty-seven and sixty-four hundredths (167.64) feet to the place of beginning. Containing one and seven tenths (1.7) acres more or less. Being all of said lot 4 excepting a strip uniformly thirty and thirty-six hundredths (30.36) feet wide off the north side of said lot.

Upon examination of the abstract of title submitted which is certified by the abstracter under date of November 10, 1928, I find that said Edjel C. Lutz has a good and merchantable fee simple title to the above described tract of land, free and clear of all encumbrances whatsoever except taxes for the year 1928 amounting to \$5.24 and assessments in the sum of \$5.02. Inasmuch as some time has elapsed since the date of the certification of this abstract, it is suggested that before the transaction relating to the purchase of this property is closed, that a check be made of the records of Champaign County, Ohio, for the purpose of ascertaining whether or not any mortgages, other liens and encumbrances by way of judgments, mechanics liens or foreign executions have been placed on said premises since the date of the certification of said abstract.

I have examined the deed form submitted, and find the same to be incorrect in the following particulars: 1. The consideration stated in the deed form is "one dollar and other good and valuable considerations." This should be stricken out and in place thereof should be inserted "Five Hundred Dollars, (\$500.00)." 2. There should be stricken from the warranty clause in said deed form the following: "which taxes and special assessments the grantee assumes and agrees to pay as part of the purchase price." The deed form submitted is otherwise according to law and when properly executed by said Edjel C. Lutz will be sufficient to convey to the State of Ohio a fee simple title to said property, free and clear of all encumbrances save and except such taxes and assessments as may be due and payable in June, 1929. It is suggested that when said deed has been executed and acknowledged by said grantor that the same be submitted to this department for approval.

Encumbrance estimate No. 3193, submitted to me, shows that an appropriation in the amount of \$500.00 has been made to pay the purchase price of this property; that no payments have been made from said appropriation and that the same is now intact for the purpose of paying the purchase price of this tract of land.

The controlling board certificate submitted to me, shows that under date of March 1, 1929, the Controlling Board approved the purchase of this tract of land for the sum of \$500.00.

I am herewith returning said abstract of title, deed form, encumbrance estimate No. 3193, controlling board certificate, and the blue print to said property which accompany said abstract.

Respectfully,  
GILBERT BETTMAN,  
*Attorney General.*

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#### MUNICIPALITY—AUTHORITY TO ISSUE BONDS FOR A CADASTRAL SURVEY.

##### SYLLABUS:

*A municipality is authorized by the Uniform Bond Act to issue bonds for the purpose of paying the cost of a cadastral survey.*