

3886.

APPROVAL, BONDS OF VILLAGE OF OTTAWA, PUTNAM COUNTY, OHIO,  
\$18,500.00.

COLUMBUS, OHIO, January 30, 1935.

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

3887.

APPROVAL, CERTIFICATE OF TITLE, ETC., RELATING TO PROPOSED  
PURCHASE BY THE MUSKINGUM WATERSHED CONSERVANCY DIS-  
TRICT, OF LAND IN ASHLAND COUNTY, OHIO—BIRDIE M. WHITTEN-  
MIRE.

COLUMBUS, OHIO, January 31, 1935.

*The Board of Directors of the Muskingum Watershed Conservancy District, New Philadel-  
phia, 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, contract encumbrance record No. 17 and Controlling Board certificate, relating to the proposed purchase by the Muskingum Watershed Conservancy District of one tract or parcel of land which is owned of record by one Birdie M. Whittenmire in Mifflin Township, Ashland County, Ohio, which parcel of land is more particularly described by metes and bounds as follows:

Being the east half of the northwest quarter, and a part of the east half of the southwest quarter of Section Thirty-five (35), Town Twenty-three (23) North, Range Seventeen (17) West of the Ohio River Survey: the lands hereby conveyed being included within the lines described as follows, to wit:

Beginning at a stone at the northwest corner of the northwest quarter of said Section Thirty-five (35); thence along the east line of the northwest quarter of said Section 35, South one degree and no minutes West (S 1° 00' W) two thousand six hundred and seventy-three (2673) feet, more or less, to a stone at the center of said Section 35; thence along the centerline of said Section 35, North eighty-nine degrees and forty-five minutes West (N 89° 45' W) four hundred and seventy-one and nine tenths (471.9) feet: thence South fifteen degrees and thirty minutes East (S 15° 30' E) two hundred and seventy-eight and eight-tenths (278.8) feet, to a point in the center of Black Fork Creek; thence South seventy-seven degrees and no minutes West (S 77° 00' W) four hundred and twenty five and seven-tenths (425.7) feet; thence North seventy-seven degrees and fifty-three minutes West (N 77° 53' W) four hundred and sixty-five and six tenths (465.6) feet, to a point in said Black Fork Creek; thence North eighteen degrees and forty-five minutes East (N 18° 45' E) two hundred and ninety-seven (297) feet to a point on the South line of the northwest quarter North eighty-nine degrees and forty-five minutes West (N 89° 45' W) one hundred and five (105) feet, more or less, to the southwest corner of the east half of the northwest quarter of said Section 35;

thence along the west line of the said east half of the northwest quarter, North no degrees and fifteen minutes West ( $N 0^{\circ} 15' W$ ) two thousand six hundred and seventy-one and seven-tenths (2671.7) feet, to a point on the north line of said Section 35; and thence along the said north line of Section 35, South eighty-nine degrees and forty-five minutes East ( $S 89^{\circ} 45' E$ ) one thousand three hundred and twenty-nine and nine-tenths (1329.9) feet, more or less, to the place of beginning; containing an area of eighty five and nine-tenths (85.9) acres, more or less.

The lands hereby conveyed being all of the lands owned by the grantor, Birdie M. Whittenmire, in the said east half of the northwest quarter and the east half of the southwest quarter of Section Thirty-five (35).

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 Birdie M. Whittenmire (widow) holds this property. From the examination thus made by me, I find that Birdie M. Whittenmire has a good merchantable fee simple title to the above described property, subject to the lien of the undetermined taxes on the property for the year 1934 and subject further to the following oil and gas leases and pipe line right of way executed on and with respect to this property by predecessors in title of Birdie W. Whittenmire, to wit:

An oil and gas lease from S. Whittenmire and wife to I. H. Forbing, dated June 21, 1905, recorded in Vol. 5, page 136, and on January 2, 1905, assigned to The Ohio Oil Company, recorded in Vol. 4, page 419; an oil and gas lease from Simon Whittenmire to The Ohio Fuel Supply Co., dated April 28, 1910, recorded in Vol. 11, page 195; and a pipe line right of way from S. Whittenmire to Ohio Fuel Supply Co., dated April 29, 1911 and recorded in Vol. 9, page 597.

It appears further that Birdie Whittenmire March 1, 1932, gave a farm lease on this ground to John Crawford, who assigned it to Elmer Crawford. The term has expired, but Elmer Crawford has retained possession without paying rent, and Birdie Whittenmire has served him with written notice to vacate.

Further one John Byerly occupies a house on this land under oral lease at \$2.00 per month, and he is in default on his rent.

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 Birdie M. Whittenmire, widow, 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 Birdie M. Whittenmire, will be effective to convey the property here in question to the Muskingum Watershed Conservancy District by full fee simple title 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. 17. 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 \$3,750.00. 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 Birdie M. Whittenmire is approved, and the certificate of title, warranty deed, contract encumbrance record No. 17 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.*

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3888.

APPROVAL, CERTIFICATE OF TITLE, ETC., RELATING TO PROPOSED PURCHASE BY THE MUSKINGUM WATERSHED CONSERVANCY DISTRICT, OF LAND IN ASHLAND COUNTY, OHIO—THE PEERLESS LUMBER COMPANY.

COLUMBUS, OHIO, January 31, 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. 37 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 The Peerless Lumber Company in Mifflin Township, Ashland County, Ohio, which parcels of land are more particularly described by metes and bounds as follows: