

316.

APPROVAL—WARRANTY DEED EXECUTED BY ALLEN
RENICK, ETC., FOR PARCEL OF LAND IN SCIOTO TOWN-
SHIP, ROSS COUNTY, OHIO.

COLUMBUS, OHIO, March 23, 1937.

*The Ohio State Archaeological and Historical Society, Ohio State
Museum Building, Columbus, Ohio.*

GENTLEMEN: This is to acknowledge the receipt of your recent communication with which you submit for my examination and approval a warranty deed executed by one Allen Renick Cunningham and his wife, Helen E. Cunningham, by which there is conveyed to The Ohio State Archaeological and Historical Society a parcel of land in Scioto Township, Ross County, Ohio, which is more particularly described as follows:

Beginning at a point in the center of the Chillicothe-Portsmouth Pike at the N. E. corner of W. E. Cooper; thence with the center of said Pike N. 26° E. 200 feet to the S. W. corner of said tract of land to be conveyed; thence, following said center of Pike N. 26° E. 400 feet; thence S. 64° E. 80 feet; thence S. 26° W. 400 feet; thence N. 64° W. 80 feet to the S. W. corner in the center of said pike, the place of beginning, containing .74 of an acre, as calculated by D. M. D. method and as surveyed and platted by Robert L. Bonner, D. C. E. on the 1st of August, 1936.

From your communication it appears that this parcel of land is the site of a monument erected in the year 1925 to one Felix Renick commemorating the first public sale of pedigreed shorthorn cattle in America. By means of the deed above referred to, your Society is acquiring this property by gift or donation from said grantors for the purpose above stated; and, I assume, you are accepting the conveyance of this property to you under the authority of Section 10198-1, General Code, which section provides that an incorporated association or society of this kind may acquire real estate in this state which is the site of any historic event.

In this connection, it may be further assumed that your Society has found and determined that the event commemorated by the monument is an historic event within the meaning of this section of the General Code and, in this view, you are authorized to acquire this land as a site for such monument.

It appears that the parcel of land above described is a part of a larger tract of land which is subject to the lien of two mortgages executed by Allen Renick Cunningham and Helen E. Cunningham under date of April 24, 1935, to The Federal Land Bank of Louisville and to A. S. Coss, Land Bank Commissioner, respectively, securing promissory notes of even date therewith executed by said grantors. Accompanying the deed here in question are releases executed by The Federal Land Bank of Louisville as to the mortgage executed to it, and by A. S. Coss, Land Bank Commissioner, acting through the Federal Land Bank of Louisville, as attorney in fact, as to the mortgage executed to him as Land Bank Commissioner, by which the above described parcel of land is released from the operation of said mortgages. These releases are in proper form and are effective to release this property from the lien of said mortgages.

I am accordingly approving this deed and I am returning the same, together with the mortgage releases above referred to.

Respectfully,

HERBERT S. DUFFY,

Attorney General

317.

CITY COUNCIL—CHARTER CITY—BOARD OF CONTROL—
CLAIMS AGAINST CITY—SETTLEMENT OF CLAIMS
AGAINST EXCESS OF AUTHORITY, VOID, WHEN—RE-
SPONSIBILITY OF MEMBERS.

SYLLABUS:

1. *A city council of a charter city has the right to delegate to the Board of Control of such city the power and authority to adjust, compromise, settle and pay claims against the city in any amount up to \$5,000, without the approval of council. Opinions of the Attorney General, 1928, Vol. III, page 1914, followed.*

2. *When the city council of a charter city provides in effect by ordinance that in no case shall any claim against the city be settled, adjusted or compromised when the payment required therefor by the city exceeds the sum of \$5,000 unless and until such payment is authorized by council the payment by the Board of Control of such city of the sum of \$6,000 in settlement of a claim against the city without the authorization of council first had and obtained is null and void in toto and makes those respons-*