

3059.

APPROVAL, CONTRACT BETWEEN STATE OF OHIO AND ART METAL CONSTRUCTION COMPANY, JAMESTOWN, NEW YORK, COVERING CONSTRUCTION AND COMPLETION OF 3,528 LINEAL FEET METAL BOOK SHELVING FOR BASEMENT LIBRARY ROOM FOR OHIO ARCHAEOLOGICAL AND HISTORICAL SOCIETY, COLUMBUS, OHIO, AT AN EXPENDITURE OF \$2,186.04. SURETY BOND EXECUTED BY THE AETNA CASUALTY AND SURETY COMPANY.

COLUMBUS, OHIO, January 8, 1926.

HON. GEORGE F. SCHLESINGER, *Department of Highways and Public Works, Columbus, Ohio.*

DEAR SIR:—You have submitted for my approval a contract between the State of Ohio, acting by the Department of Highways and Public Works, and the Art Metal Construction Company, of Jamestown, New York. This contract covers the construction and completion of 3,528 lineal feet metal book shelving for basement library room, for Ohio Archaeological and Historical Society, Columbus, Ohio, and calls for an expenditure of \$2,186.04.

You have submitted the certificate of the Director of Finance to the effect that there are unencumbered balances legally appropriated in a sum sufficient to cover the obligations of the contract. There has further been submitted a contract bond upon which the Aetna Casualty and Surety Company appears as surety, sufficient to cover the amount of the contract.

You have further submitted evidence indicating that plans were properly prepared and approved, notice to bidders was properly given, bids tabulated as required by law and the contract duly awarded. Also it appears that the laws relating to the status of surety companies and the workmen's compensation have been complied with.

Finding said contract and bond in proper legal form, I have this day noted my approval thereon and return the same herewith to you, together with all other data submitted in this connection.

Respectfully,

C. C. CRABBE,

*Attorney General.*

3060.

ABSTRACT, STATUS OF TITLE TO PREMISES IN THE CITY OF RAVENNA, PORTAGE COUNTY, OHIO.

COLUMBUS, OHIO, January, 11, 1926.

HON. GEORGE F. SCHLESINGER, *Department of Highways and Public Works, Columbus, Ohio.*

DEAR SIR:—Examination of an abstract of title, two warranty deeds, encumbrance estimate and a certificate of the Director of Finance to the effect that the Controlling Board has approved the purchase of the property under consideration, as required by section 12 of the Appropriation Acts of the 86th General Assembly, sub-

mitted by you to this department for examination and our formal opinion discloses the following:

The abstract as submitted was prepared and certified under date of December 30, 1925, and pertains to the premises located in the city of Ravenna, Portage county, Ohio, and being a three acre tract and a part of township lot No. 12 of the subdivision of lots of said Ravenna Township, and being more particularly described by metes and bounds in the caption of the abstract to which this opinion is attached.

Upon examination of said contract, I am of the opinion that same shows a good and merchantable title to said premises in W. J. Beckley and the Ravenna Chamber of Commerce, a corporation, subject to the following exception:

Attention is directed to the matter of the taxes for the year 1925 which are now a lien, and one-half of which, in the sum of \$23.51, was due and payable December 20, 1925. The second half will be due and payable in June, 1926.

However, in this connection, I note that the entire amount of taxes will be taken care of by the Chamber of Commerce of Ravenna when this transfer is finally consummated.

Attention is also directed to the matter of special assessments, the certificate of the Abstracter indicating that no examination has been made with reference to special assessments. This matter should be given attention before the final consummation of this purchase, and the Abstracter requested to furnish a further certificate relative to the matter of special assessments that may exist against the premises under consideration.

Attention is directed to the reservations in the warranty deeds to the State of Ohio wherein it is agreed that the grantors shall have the joint use of a railroad switch running from the Erie railroad to said property, together with a right to extend said switch to the property of the grantors, which shall, however, be done at grantors own expense, together with a further agreement that if and when such extension is constructed the grantor and grantee shall have the right jointly to receive and send out cars over said switch, and that the expense of repairing and maintaining said switch shall be paid jointly by the said grantor and grantee, said expense to be prorated on the number of cars received by each.

Your department should determine to what extent, if any, such arrangement will interfere with the proposed uses of the premises being purchased. Otherwise the warranty deeds as submitted are sufficient to convey the title to the premises under consideration to the State of Ohio.

The encumbrance certificate covering the amount of the consideration for the purchase of the premises is properly certified by the Director of Finance under date of December 16, 1925.

The certificate of the Director of Finance showing approval of the purchase by the controlling board, has also been regularly submitted, and is sufficient to meet the requirements of section 12 of the General Appropriation Act of the 86th General Assembly.

The abstract of title, two warranty deeds, encumbrance estimate and the certificate of the Director of Finance, showing the approval of the controlling board, submitted by you, are herewith returned.

Respectfully,  
C. C. CRABBE,  
*Attorney General.*