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APPROVAL, DEEDS TO TOLEDO, BOWLING GREEN AND SOUTHERN TRACTION COMPANY, OF LANDS IN ALLEN COUNTY, FOR HIGHWAY PURPOSES.

COLUMBUS, OHIO, May 10, 1933.

HON. O. O. MERRELL, *Director of Highways, Columbus, Ohio.*

DEAR SIR:—You have submitted for my opinion, photostatic copies of deeds from George W. Peffley and wife, John T. Poteet and wife, Mary Barnhouse and husband, Peter May, and Eli Spitler and wife, to the Toledo, Bowling Green & Southern Traction Company, of certain lands located in Allen County, Ohio, more particularly described in such deed.

You ask whether such railroad company, by virtue of the title acquired under such deed could convey a valid right or easement to the state of Ohio, for highway purposes.

An examination of the deeds from George W. Peffley, and wife, Peter May, and Eli Spitler and wife, discloses that upon the abandonment of the railroad the title conveyed to the railroad company in and to such premises would revert to such grantor.

I am therefore of the opinion that as to the premises described in such three deeds, the railroad company could not convey to you a valid easement for right of way purposes.

Respectfully,

JOHN W. BRICKER,
Attorney General.

803.

APPROVAL, DEED OF ANNA GRATZ, ET AL., TO THE WESTERN OHIO RAILWAY COMPANY, FOR HIGHWAY PURPOSES.

COLUMBUS, OHIO, May 10, 1933.

HON. O. O. MERRELL, *Director of Highways, Columbus, Ohio.*

DEAR SIR:—You have submitted for my approval, photostatic copies of warranty deeds from Anna Gratz, et al. and Margaret Launtz, conveying certain premises in Allen County to the Western Ohio Railway Company.

Without expressing any opinion as to the validity of the title of the grantors of such deed it is my opinion that assuming the title of the grantors therein to be valid, the railroad company acquired sufficient title by virtue of such deeds to convey to the state of Ohio a good and indefeasible right of way easement for highway purposes in and to the premises described in such deed.

Respectfully,

JOHN W. BRICKER,
Attorney General.