

3638.

## APPROVAL CONDITIONALLY—ABSTRACT OF TITLE TO CERTAIN TRACTS OF LAND IN ANDOVER TOWNSHIP, ASHTABULA COUNTY, OHIO—PYMATUNING LAND COMPANY.

COLUMBUS, OHIO, December 18, 1934.

HON. WILLIAM H. REINHART, *Conservation Commissioner, Columbus, Ohio.*

DEAR SIR:—You have submitted for my examination and approval an abstract of title to certain tracts of land in Andover Township, Ashtabula County, Ohio, which tracts together with other tracts of land in Williamsfield, Andover, and Richmond Townships in said county, the state of Ohio is acquiring from the Pymatuning Land Company. These lands are being acquired for the purpose and to the end that such lands and the waters inundating and submerging the same as a result of the construction and maintenance by the Water and Power Resources Board of the commonwealth of Pennsylvania of the dam at and across the outlet of the Pymatuning Swamp into the Shenango River in Crawford County, Pennsylvania, may be used as a public park and as public hunting and fishing grounds or territory.

The tracts of land here in question are a part of Lots 36, 46 and 47, respectively, of the original survey of lands in said township and are bounded and described as follows:

Parcel One: Known as part of Lot No. 47 in said Township, bounded as follows:

Bounded on the East by the Ohio-Pennsylvania State line; on the North by the South line of Lot No. 46; on the West by the middle line of said Lot No. 47 running North and South through the middle of said lot, and on the South by lands formerly owned by W. H. Dir, and containing about 35 acres of land.

Parcel Two: Known as part of Lot No. 46 in said Township, and bounded and described as follows:

Beginning in the Ohio-Pennsylvania State line, at the North-East corner of Lot No. 47 in said Township; thence Northerly along the State line, to the South-east corner of lands formerly owned by Mabelle F. Boyd; thence Westerly along the Southerly line of said Boyd lands and lands formerly owned by William Webb and Ida Webb, a distance of 3052.8 feet to one of the South-West corners of said Webb lands; thence South 0 deg. 17' East, a distance of 303 feet to the North line of Lot No. 47; thence Easterly along the North line of said Lot No. 47, to the place of beginning, and containing about 21 Acres of land.

Parcel Three: Known as the South part of the West half of Lot No. 46 in said Township, and bounded and described as follows:

Beginning at a point in the center of the highway running North and South along the West line of said Lot No. 46 at the North-West corner of Lot No. 47, said point being also the North-west corner of lands formerly owned by W. H. Dir, et al.; thence Northerly along the center of said highway, a distance of 1566.5 feet to the South-West cor-

ner of lands formerly owned by the Estate of A. A. Moore; thence North 89 deg. 27' East, along one of the South lines of said Moore lands, a distance of 829.7 feet to a point; thence South 0 deg. 51' West, a distance of 265 feet to one of the South-Westerly corners of said Moore lands; thence South 89 deg. 54' East, along the line of said Moore lands, a distance of about 837.8 feet to the West line of lands formerly owned by William Webb and Ida Webb; thence Southerly along the West line of said Webb lands, a distance of 15.4 feet to the South-west corner of said Webb lands; thence South 89 deg. 54' East, a distance of 1402 feet to a point; thence South 0 deg. 17' East, along one of the West lines of said Webb lands and the West line of Parcel Two herein described, a distance of 1289.7 feet to the North line of Lot No. 47; thence South 89 deg. 59' West, along the North line of said Lot No. 47, a distance of 3070 feet to the place of beginning, and containing 96.75 Acres of land.

Parcel Four: Known as part of Lot No. 36 in said Township, and bounded and described as follows:

Beginning at a point in the center of the highway running North and South between Lots No. 36 and No. 46 in said Township, 7 rods South along the center of said highway from the point of intersection of said North and South road with the center of the highway running East and West between Lots No. 35 and No. 45 and No. 36 and No. 46 in said Township, said point of intersection of said highways being known as 'Monument "G" as shown on survey made by R. N. Caso, County Surveyor of Ashtabula County, Ohio, and recorded May 20th, 1919, in Volume 4, page 96, of Ashtabula County Records of Surveys; thence South 0 deg. 9' East, along the center of said North and South highway, a distance of 2494.3 feet to the North-East corner of Lot No. 37 in said Township; thence South 89 deg. 59' West, along the North line of said Lot No. 37, a distance of 1639.8 feet to a stake at the South-East corner of lands now or formerly owned by W. B. Frazier; thence Northerly along the East line of said Frazier lands, a distance of 2604.3 feet to the center line of said East and West highway; thence North 89 deg. 45' East, a distance of 1522 feet to the North-West corner of the school house lot; thence Southerly along the West line of said school lot, a distance of 115.5 feet to the South-West corner thereof; thence Easterly along the South line of said school house lot, a distance of 99 feet to the center of the highway, the place of beginning, and containing about 97.33 Acres of land.

These tracts of land are the same as those conveyed by the Realty Guarantee and Trust Company to the Pymatuning Land Company by deed under date of December 30, 1921, which is recorded in deed volume 263, page 421 of the Record of Deeds in the office of the recorder of Ashtabula County, Ohio.

Upon examination of the abstract of title submitted to me and upon consideration of other information with respect to the title to this property since the date of the certification of said abstract by the abstracter, I find that this property, has a good and indefeasible fee simple title to the property free and clear of all encumbrances except the taxes on this property for the year 1934, which are a lien thereon. In this connection, I am advised that the Pymatuning Land Company is to convey this property to the state of Ohio free and clear of

all encumbrances except the taxes on the property for the year 1934, above referred to; and that with respect to such taxes an application is to be made by you on behalf of the Conservation Council to the Tax Commission of Ohio for an order transferring these lands to the tax exempt list under the authority conferred upon the Tax Commission of Ohio by the provisions of section 3570-1 and 5616 of the General Code of Ohio. The lien of the taxes above referred to on the property here in question is in legal contemplation the lien of the State itself. And, in this view, this lien on the acquisition of the property by the state of Ohio will merge and become lost in the larger fee simple title in and by which the State will then own and hold the property. However, in order that the county auditor may be enabled to transfer this and other properties acquired by the State from the Pymatuning Land Company, to the tax exempt list in his office authorized and provided for in section 5570-1, General Code, it is suggested that upon the delivery and acceptance of the deed of the Pymatuning Land Company conveying these properties to the State, an application should be made immediately for an order of the Tax Commission exempting these properties from taxation under the authority of the sections of the General Code above referred to.

Inasmuch as the conveyance of this property by the Pymatuning Land Company to the state of Ohio for the purposes indicated is in fact a gift of this property to the State for said purposes, no contract encumbrance record or Controlling Board certificate is required as a condition precedent to the right and authority of the Conservation Council to accept this conveyance on behalf of the state of Ohio.

Upon the considerations above noted, the title of the Pymatuning Land Company to this tract of land is approved and the abstract of title to the same is herewith returned to the end that the same, together with the deed executed by the Pymatuning Land Company conveying this property to the State, may on acceptance of such deed by the Conservation Council, be filed with the Auditor of State in the manner provided by law.

Respectfully,  
JOHN W. BRICKER,  
*Attorney General.*

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3639.

APPROVAL, BONDS OF BREWSTER VILLAGE SCHOOL DISTRICT,  
STARK COUNTY, OHIO—\$453.67.

COLUMBUS, OHIO, December 18, 1934.

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