

relating to surety companies, the recommendations of the State Architect and Engineer, Director of Public Welfare and the Director of Public Works, letter of certification from the Auditor of State showing that the necessary papers and documents are on file in said office, Controlling Board releases and the tabulation of bids received on this project.

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 papers submitted in this connection.

Respectfully,

HERBERT S. DUFFY,

Attorney General.

2617.

APPROVAL—ABSTRACT OF TITLE AND OTHER INSTRUMENTS, PROPOSED PURCHASE, STATE OF OHIO, THROUGH DIRECTOR, DEPARTMENT OF PUBLIC WORKS FOR USE KENT STATE UNIVERSITY, FROM WILLIAM THOMAS AND CLARA M. THOMAS, DESCRIBED PARCEL OF LAND, LOT NO. 13, FRANKLIN TOWNSHIP, PORTAGE COUNTY, OHIO.

COLUMBUS, OHIO, June 20, 1938.

HON. CARL G. WAHL, *Director, Department of Public Works, Columbus, Ohio.*

DEAR SIR: This is to acknowledge the receipt of your recent communication with which you resubmit for my examination and approval an extended abstract of title, warranty deed, contract encumbrance record No. 2194 and other files relating to the proposed purchase by the State of Ohio for the use of Kent State University of a parcel of land which is owned of record by William Thomas and Clara M. Thomas in the city of Kent, Portage County, Ohio, which is known as being part of Franklin Township, Lot No. 13, and which is bounded and described as follows:

Commencing at a point in the northerly line of Summit Street, 116 feet southeasterly, measured at right angles to the southeasterly line of premises now owned by Julia Sawyer, which said southeasterly line has a bearing of S. 43° 01' W, and running thence N. 43° 01' E. 160 feet; thence S. 50° 13' E. 50 feet; thence S. 43° 01' W, 160 feet to the northerly line of Sum-

mit Street; thence N. 50° 13' W. 50 feet to the place of beginning and containing 0.1831 of an acre of land, more or less.

This opinion supplements Opinion No. 1529 directed to you under date of November 23, 1937, relating to this parcel of land owned by William Thomas and Clara M. Thomas but which was incorrectly described in the former deed tendered to the State by the owners of this property, as pointed out in said former opinion. Since that time a resurvey of this property has been made and a new deed has been executed by William Thomas and Clara M. Thomas in which this property is described, presumably, according to such new survey. Likewise, since the rendition of said former opinion, further information has been furnished which obviates the objections noted with respect to the early title of this property when the same was a component part of a tract of land which, other than the parcel of land here in question, is now owned by Reese J. Davis and Charlotte E. Davis.

Upon examination of the abstracts of title to this property as the same have been extended from time to time down to the last continuation thereof which is under date of May 9, 1938, I find that William Thomas and Clara M. Thomas have a good and indefeasible fee simple title to the above described tract of land and that they own and hold the same free and clear of all encumbrances except the taxes on the property for the last half of the year 1937, amounting to the sum of \$29.12, and for the whole of the year 1938 (undetermined as to amount), which taxes are a lien upon the property.

Upon examination of the warranty deed tendered by William Thomas and Clara M. Thomas, the owners of this property, I find that said deed has been properly executed and acknowledged by said grantors; and that the form of this deed is such that the same is legally sufficient to convey the above described property to the State of Ohio by fee simple title free and clear of the respective dower interests of each of said grantors in and to the undivided title and interest of the other in said property, and with a covenant of warranty that this property is deeded to the State of Ohio free and clear of all encumbrances whatsoever except all taxes and assessments becoming due and payable in June, 1938, and thereafter "which the grantee assumes and agrees to pay." In other words, by the provision of this deed the State of Ohio as the grantee therein is to pay the taxes on this property for the last half of the year 1937 which become due and payable in June, 1938, and, likewise, the undetermined taxes for the year 1938 which are a lien upon this property unless, of course, these taxes are remitted by action of the Tax Commission on proper application therefor.

Contract encumbrance record No. 2194 has been properly executed

and the same shows a sufficient balance in the appropriation made to Kent State University by Amended Senate Bill No. 315 to pay the purchase price of this property. It is further noted from the recitals contained in this contract encumbrance record that the purchase of this property has been approved by the Controlling Board.

I am herewith returning to you said warranty deed and contract encumbrance record No. 2194, but I am retaining the abstracts of title and extensions thereto temporarily for use in the investigation of the title of other property which is being purchased through your department for the use of Kent State University.

Respectfully,

HERBERT S. DUFFY,

Attorney General.

2618.

APPROVAL—CORRECTED AND EXTENDED ABSTRACT OF TITLE AND OTHER INSTRUMENTS, STATE OF OHIO, THROUGH DIRECTOR, DEPARTMENT OF PUBLIC WORKS, FOR USE KENT STATE UNIVERSITY, PROPOSED PURCHASE PARCEL OF LAND, DESCRIBED, FROM REESE J. DAVIS AND CHARLOTTE E. DAVIS, LOT NO. 13, PART OF FRANKLIN TOWNSHIP, PORTAGE COUNTY, OHIO.

COLUMBUS, OHIO, June 20, 1938.

HON. CARL G. WAHL, *Director, Department of Public Works, Columbus, Ohio.*

DEAR SIR: This is to acknowledge the receipt of your recent communication with which you submit for my examination and approval a corrected and extended abstract of title, a corrected warranty deed, contract encumbrance record No. 2195 and other files relating to the proposed purchase by the State of Ohio, for the use of Kent State University, of a parcel of land which is owned of record by Reece J. Davis and Charlotte E. Davis in the City of Kent, Portage County, Ohio, the same being a part of Franklin Township Lot No. 13, and being more particularly described as follows:

Beginning at a marked stone at the northeast corner of Township Lot No. 13, thence south 0° 12' west along the east line of said lot, six hundred thirty-three and sixty-six hundredths