

tion Commissioner, acting on behalf of the state of Ohio, as the party of the first part, and by the respective lessees therein named.

I have examined the provisions of these several leases and the conditions and restrictions therein contained and find the same to be in conformity with section 471, General Code, under the authority of which you have executed these leases, and with other statutory enactments relating to leases of this kind. I am, accordingly, approving each and all of these leases as to legality and form, as is evidenced by my approval endorsed upon these several leases and upon the duplicate and triplicate copies thereof, all of which are herewith enclosed.

Respectfully,

JOHN W. BRICKER,

Attorney General.

5850.

APPROVAL—BONDS OF LIMA CITY SCHOOL DISTRICT,
ALLEN COUNTY, OHIO, \$30,000.00.

COLUMBUS, OHIO, July 16, 1936.

Industrial Commission of Ohio, Columbus, Ohio.

5851.

APPROVAL—WARRANTY DEED TO LAND IN BERNE TOWNSHIP,
FAIRFIELD COUNTY, OHIO—RALPH W. WYMER,
SUGAR GROVE, OHIO.

COLUMBUS, OHIO, July 17, 1936.

HON. CARL E. STEEB, *Secretary, Board of Control, Ohio Agricultural Experiment Station, Columbus, Ohio.*

DEAR SIR: You recently submitted for my examination and approval a warranty deed executed by Lee Roy Wymer and Ralph W. Wymer of Sugar Grove, Ohio, by which for a stated consideration of one dollar and other good and valuable considerations, but presumably as a gift, there is conveyed to the state of Ohio as a site for a forest fire lookout tower and for other forest fire prevention purposes a small tract of real estate, situated in Berne Township, Fairfield County, Ohio; which tract of land is a part of the southwest quarter of West Section 12, North

Range 18, in said township and county, and which is more particularly described by metes and bounds as follows:

Beginning at a spike in the intersection of the center lines of the Enterprise and Sugar Grove Roads, near the county line,

Thence N 38 deg. 09' 30" W 217.27 ft. along the center of Enterprise Road to a spike;

Thence S 37 deg. 05' 30" W 30.00 ft. to a standard Ohio Division of Forestry State Forest Boundary Monument;

Thence S 37 deg. 05' 30" W 233.51 ft. to a standard Ohio Division of Forestry State Forest Boundary Monument;

Thence S 37 deg. 05' 30" W 30.00 ft. to a spike in the center of the Sugar Grove Road;

Thence N 81 deg. 49' 30" E 172.40 ft. along the Sugar Grove Road to a spike in the center thereof;

Thence N 74 deg. 37' 30" E 145.90 ft. along the Sugar Grove Road to a point of beginning;

Said tract containing 0.75 acres more or less, and being a part of the Lee Roy Wymer and Ralph W. Wymer 80.25-acre tract.

With the warranty deed above referred to, you likewise submit to me a release in proper form executed by The Columbus Mutual Life Insurance Company by which the above described tract of land is released from the operation and lien of a mortgage heretofore held by The Columbus Mutual Life Insurance Company upon the above described and other lands of the grantors.

Upon examination of this deed, I find that the same has been properly executed and acknowledged by Lee Roy Wymer and Ralph W. Wymer, the grantors therein named, it appearing in this connection that neither of said grantors is married and that for this reason there are no outstanding dower interests in this property.

The form of this deed is such that the same is legally sufficient to convey the property to the state of Ohio by full fee simple title, subject to the provision and condition subsequent therein stated that this tract of land shall be used by the state as a site for a forest fire lookout tower and for forest fire prevention purposes and that in the event the use of this property by the state for the above stated purposes is discontinued, the property shall revert to the grantors, their heirs and assigns, subject to the right of the state to remove from the land the tower and other structures and improvements constructed and erected by the state in and upon this land.

Under the provisions of Section 1173-2, General Code, the Board of

Control of the Agricultural Experiment Station is authorized to accept by way of gift or donation lands for forestry purposes, on behalf of the state; and under the more general provisions of Section 18, General Code, the state is authorized to receive by gift lands or other properties and use the same in accordance with the terms and conditions of the gift. In this view, I am clearly of the opinion that the Board of Control of the Ohio Agricultural Experiment Station, acting on behalf of the state, was authorized to accept the deed here in question upon the terms and conditions therein provided; and said deed is accordingly hereby approved.

No abstract or certificate of title has been submitted to me in connection with the deed above referred to and I am, of course, unable to express any opinion upon the underlying title in and by which Lee Roy Wymer and Ralph W. Wymer owned and held this property prior to the conveyance of the same to the state. It may be assumed, however, that inasmuch as, apparently, the Columbus Mutual Life Insurance Company took a mortgage upon this and other lands of the above named grantors, they had a good and indefeasible fee simple title to the property and that other than said mortgage the property was free and clear of encumbrances. As above noted, the insurance company above named has released the tract of land here in question from the operation of said mortgage and it would seem to follow from this that the state by this conveyance has obtained an indefeasible fee simple title to this property, subject only to the requirement that the property shall be used for the purposes stated in the deed with a reversion to the grantors or to their heirs or assigns if the property should not be used for these purposes.

I am herewith enclosing the deed and mortgage release, above referred to.

Respectfully,

JOHN W. BRICKER,
Attorney General.

5852.

APPROVAL—LEASE TO RESERVOIR LAND AT PORTAGE LAKES, SUMMIT COUNTY, OHIO—ART KLATT, AKRON, OHIO.

COLUMBUS, OHIO, July 17, 1936.

HON. L. WOODDELL, *Commissioner, Conservation Division, Columbus, Ohio.*

DEAR SIR: You have submitted for my examination and approval a reservoir land lease in triplicate executed by you as Conservation Commissioner to one Art Klatt of Akron, Ohio.