

The question which you present resolves itself into a determination of whether or not placing street signs either on standards at the curbs or upon buildings at street intersections constitutes part of the construction or maintenance of the street. Municipalities customarily place the names of streets at street corners regardless of whether the streets so marked be improved or maintained. These signs or name plates are not, like state highway markings, primarily for the convenience, benefit or safety of the motorists but rather are for the convenience of the municipality at large. In my view, the erection of street signs does not have any direct relation or bearing upon the matter of the construction or maintenance of a street, but is a distinct and separate municipal function the cost of which should be borne by the taxpayers at large rather than by the motorists.

Specifically answering your question, it is my opinion that a municipality's portion of the motor vehicle license and gasoline tax receipts may not be used for the purpose of purchasing and erecting signs bearing the names of streets at street intersections.

Respectfully,  
GILBERT BETTMAN,  
*Attorney General.*

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2796.

APPROVAL, BONDS OF BOARDMAN RURAL SCHOOL DISTRICT, MAHONING COUNTY, OHIO—\$170,000.00.

COLUMBUS, OHIO, January 5, 1931.

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

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2797.

APPROVAL, ABSTRACT OF TITLE TO LAND OF WILLIAM J. O'BRIEN AND ELLA CROWE IN UNION TOWNSHIP, SCIOTO COUNTY, OHIO.

COLUMBUS, OHIO, January 6, 1931.

HON. PERRY L. GREEN, *Director of Agriculture, Columbus, Ohio.*

DEAR SIR:—Some time ago you submitted to me for examination and approval an abstract of title, warranty deed, encumbrance estimate No. 1126 and certificate of the board of control, relating to the proposed purchase of three several tracts of land aggregating in amount 541.6 acres, which tracts of land are situated in Union Township, Scioto County, Ohio, and which are owned of record by William J. O'Brien and Ella Crowe, children and sole devisees of John W. O'Brien, deceased. The property here in question is more particularly described as follows:

"FIRST TRACT. A part of Surveys Nos. 15496 and 15836, beginning at a stake in Englebrecht run and in the n. e. corner of the Dosa Swords 5 acre tract, said stake is ten feet north of an old gate post in the former fence line;

thence with the east line of said tract and continuing up the point S. 23 deg. E. 2435 ft. to a small white oak on top of the ridge near two hickories, the corner of the 'Roosevelt Game Preserve'; thence with the top of the main ridge and following the line of the said Game Preserve, S. 6 deg. 45' W. 1360 ft. to a locust stake at forks of ridge (original 16' pine gone); thence following the ridge and line of Game Preserve, the general course of which is S. 83 deg. 15' W. 1250 ft., N. 29 deg. W. 1260 ft., S. 88 deg. W. 1515 ft., N. 64 deg. 45' W. 470 ft., N. 8 deg. 30' W. 610 ft., S. 87 deg. W. 1300 ft., N. 36 deg. 30' W. 900 ft. to a large stone corner at forks of ridge; thence continuing along the main northerly ridge and Game Preserve line, the general course of which is N. 36 deg. 45' E. 860 ft., N. 76 deg. E. 500 ft., N. 5 deg. 30' E. 705 ft., N. 65 deg. 45' E. 400 ft., N. 1 deg. 15' W. 1700 ft., N. 76 deg. E. 760 ft., to a black oak at forks of ridge, corner to Hornung tract; thence with the ridge S. 43 deg. 45' E. 960 ft. to a stake; thence down the side of the ridge S. 86 deg. E. 530 feet to a stake near the head of Jarrell hollow (Little Buck Lick); thence down the hollow S. 32 deg. 45' E. 1603 feet to a stake; thence continuing down the hollow S. 52 deg. 45' E. 665 feet to a stake on the south bank of Englebrecht run and in the line of the Dosa Swords tract from which stake a 10' maple bears S. 48 deg. W. 130 feet; thence down the run N. 48 deg. E. 215 feet to the beginning corner, containing 384.6 acres, more or less, saving and excepting therefrom the Dosa Swords 5 acres, owned now by Jarrells and the Jarrell 20 acre tract in the Englebrecht Survey No. 15496, leaving 359.6 acres more or less in the tract hereby conveyed, being same premises conveyed to John W. O'Brien by Gaar-Scott Co. by deed recorded in Scioto County record of deeds Vol. 92, page 120.

SECOND TRACT. A part of Survey No. 15830/15836, beginning at a black oak on top of ridge, known as the Hornung corner and corner to Gaar-Scott tract (First Tract) and the William Swords tract; thence with the Gaar-Scott line, along the ridge S. 43 deg. 45' E. 960 feet to a stake on the ridge; thence down the side of the ridge and across the head of Jarrell hollow to top of main ridge and continuing with the same S. 86 deg. E. 1850 feet to a stake on top of the ridge; thence N. 61 deg. 45' E. 1226 feet to a stake on top of ridge near corner of an old peach orchard; thence N. 14 W. 464 feet to a stake in a low gap of ridge, corner to Samuel Spradling (formerly Clark Wilson); thence with his line N. 79 deg. W. 750 feet to a stake on the east bank of Buck Lick run (white oak and maple gone); thence down Buck Lick run N. 23 deg. E. 300 feet to a large poplar stump, the original poplar and dogwood corner, one rod west of Buck Lick spring (Corner to Santy in the Wilson line); thence S. 78 deg. 30' W. 2160 feet with the Santy line to a large stone corner on a stoney ridge, corner to Santy and Hornung tract; thence with the Hornung line S. 35 deg. W. 1290 feet to the beginning, containing 104 acres, and being the same premises sold to John W. O'Brien by Herman Swords, April 2, 1912, by deed recorded in book 101, page 401.

THIRD PARCEL. Part of surveys 15830/15836 and 13915, beginning at a sugar tree on the south bank of Pond creek on the easterly side of Buck Lick run, near the mouth thereof, corner to a piece of land formerly sold and conveyed to Clark Wilson by David F. Heaton and wife; thence with two lines and corners thereof N. 79 deg. W. 27 poles to a white oak in a line of a fence, being the dividing line between Santy and said Wilson and Swords; thence with said line N. 10 deg. W. 3 poles to a hickory corner to said Clark Wilson's land, now owned by Swords; thence N. 10 deg. W. 80 poles to a gum, dogwood and white oak; thence S. 60 deg. W. 150 poles to a stake, corner to a piece of land lately sold to Horace Hunter by David F. Heaton and wife;

thence with a line thereof S. 45 deg. E. 70 poles to an ash on the east side of a branch of Pond creek near the mouth thereof, northeast corner to Edwin Knapp's land; thence with a line thereof S. 42 deg. E. 75 poles to a stake, southeast corner thereof; thence easterly about 90 poles to a point one pole west from Buck Lick spring on the west side of Buck Lick run; thence down said run N. 21 deg. E. 60 poles to the beginning, excepting therefrom off the southwest corner thereof sold and conveyed by Henry M. Swords by deed recorded in deed book 51, page 423; and a further tract of 50 acres thereof sold and conveyed by John W. O'Brien to Jos. Wishman et al., by deed recorded in book 133, page 186, Scioto county record of deeds, the tract hereby conveyed containing 78 acres more or less, and being part of the premises conveyed by Frank R. Crowe to John W. O'Brien, Aug. 11, 1919, by deed recorded in volume 129, page 613, Scioto county record of deeds."

Upon examination of the abstract of title which has been supplemented and corrected by the abstractor at my request since its original submission to me, I find that said William J. O'Brien and Ella Crowe, as tenants in common, have a good merchantable title to the above described property, free and clear of all incumbrances, except the inchoate dower interests of their respective spouses, and except the taxes on said property for the year 1930, which, of course, are a lien.

At the time of the certification of the abstract by the abstractor who prepared the same, the amount of the taxes for the year 1930 was undetermined, and the same does not, for this reason, appear in the abstract. Some adjustment with respect to these taxes should, of course, be made before the transaction for the purchase of this property is closed.

Upon examination of the warranty deed tendered by William J. O'Brien and Ella Crowe, I find that said deed has been properly executed and acknowledged by said grantors and by Margaret E. O'Brien, wife of William J. O'Brien, and by Frank R. Crowe, husband of Ella Crowe. I likewise find that the form of said deed is such that it is effective to convey to the State of Ohio a fee simple title to the above described property, free and clear of the respective dower rights of said Margaret E. O'Brien and Frank R. Crowe, and free and clear of all incumbrances whatsoever.

Upon examination of encumbrance estimate No. 1126, which has been submitted as a part of the files relating to the purchase of the above described property, I find that said encumbrance estimate has been properly executed and approved and that there is shown thereby a sufficient balance in the proper appropriation account to pay the purchase price of the above described property, which purchase price is the sum of three thousand seven hundred ninety-one dollars and twenty cents.

By the certificate of the board of control above referred to, it appears that the money necessary to pay the purchase price of the above described property has been released by said board in accordance with the requirements of Section 11 of House Bill 510.

Subject only to the exception above noted, with respect to the taxes for the year 1930 upon the above described property, the corrected abstract of title of this property is hereby approved, which corrected abstract of title is herewith returned to you, together with said warranty deed, encumbrance estimate and controlling board certificate, all of which are likewise approved by me.

Respectfully,  
GILBERT BETTMAN,  
*Attorney General.*