OPINIONS

By letter from Hon. Charles H. Graves, of Toledo, it is learned that the absence of words of perpetuity, as above noted, resulted from omissions of the abstracter to quote the granting clauses which are quoted in such letter, and show the grants to be to the respective individual grantees and their "heirs and assigns forever." and to the Ohio State Rifle Association Company, and to "its successors, heirs and assigns forever." It is noted also that this last deed was acknowledged before the mayor of Port Clinton, Ohio, and not the "mayor of Ottawa county," as appears in the abstract.

As to the break in the chain of title, it is noted that the present grantor, Fiank Holt, trustee, and his predecessors in title, as shown by the abstract, and the information submitted therewith, have been in the open, adverse, notorious and continuous possession of this real estate for thirty-five years or more, and any prior irregularities in the record title are cured by a title thus made by prescription.

In view of these considerations, and in the light of the circumstances above referred to, notwithstanding the matters pointed out, it is believed that the abstract constitutes a merchantable title and it is therefore approved.

Respectfully,

JOHN G. PRICE, Attorney-General.

1094.

APPROVAL OF FORMS OF RESOLUTION BY BOARDS OF TOWNSHIP TRUSTEES AS TO HIGHWAY IMPROVEMENTS-PART OF COST CONTRIBUTED BY STATE-SEE OPINION No. 779, NOVEMBER 15, 1919.

COLUMBUS, OHIO, March 23, 1920.

HON. A. R. TAYLOR, State Highway Commissioner, Columbus, Ohio.

DEAR SIR:-

In the matter of approval of forms of resolution by boards of township trustees as to highway improvements, a part of the cost of which is to be contributed by the state.

In line with preparation of two forms of resolution for use by county commissioners as covered by approval of this department in my letter to you of November 15, 1919 (opinion No. 779), I have also revised the form now in use by township trustees, and have provided for two forms of resolution, the first to be designated "Resolution Ap proving Plans and Determining to Proceed," which form has particular reférence to sections 1199 and 1200 G. C., and the second to be designated "Final Resolution," which has particular reference to sections 1218 and 5660 G. C.

The two forms as revised, which I now approve, are respectively as follows:

"Received	County,
Pët. No Name of Road	I. C. H. NoSec

(Township Trustees.)

Resolution Approving Plans and Determining to Proceed.

(Sec. 1200, G. C.)

WHEREAS, The State Highway Commissioner has approved said application and has caused a map of the following decribed section of said highway to be made in outline and profile, to-wit:

(2) _____

.

and has caused to be made plans and specifications and estimate of cost and expense for improving the above described highway, and has transmitted the same to this board, with the certificate of his approval indorsed thereon: Therefore, Be It

RESOLVED, That the section of highway above described in paragraph (2), be improved under the provisions of aforesaid law. That said work be done under the charge, care and superintendence of the State Highway Commissioner, and that said maps, plans, specifications and estimates tor this improvement as approved by the State Highway Commissioner, are hereby approved and adopted by this board.

RESOLVED, That the clerk of this board be, and he is hereby directed to transmit to the State Highway Commissioner a certified copy of these Resolutions.

(Signed)	Trustees of
	Township,
	County.
STATE OF OHIO, County of OFFICE OF TOWNSHIP	CLERK.
This is to certify that I,	as Clerk
of the Board of Trustees of the towns	hip of, County
of, have co	mpared the within and foregoing copy
with the Resolution Approving Plans	and Determining to Proceed adopted
by the said Board of Trustees on the_	day of
19, and recorded in Road Record,	Volume, page
and that the same is a true and correct	et transcript of such Resolution Approv-
ing Plans and Determining to Procee	d and the whole thereof.
Dated19	Attest
	Clerk of the Board of

Township Trustees."

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"Received	•	County,
Pet. No		Township.
Name of Road		I. C. H. NoSec

(Township Trustees.)

Final Resolution.

(Sec. 1218, G. C.)

WHEREAS, on the______day of______19____, this board adopted a resolution approving plans and determining to proceed under the provisions of sections 1178 to 1231-11 G. C. in the matter of the improvement of the following described section of highway, to-wit:

and directing the clerk of this board to transmit a certified copy of said resolution to the State Highway Commissioner, and

WHEREAS, The clerk has reported to this board that such certified copy has been duly transmitted to said State Highway Commissioner; and

WHEREAS, Funds for the payment of the estimated cost of said improvement other than the proportion and share of said cost that is to be borne by the State have become available, as to which funds the Township Clerk has made a certificate, now on file with this board, and here recorded, as follows:

I HEREBY CERTIFY, That the money, to-wit, \$______, required for the payment of the cost other than that part thereof assumed by the state, of the improvement known as I. C. H. No_______. Section _______, County of_______, is in the treasury to the credit of, or has been levied, placed on the duplicate and in process of collection for the state and township road improvement fund and not appropriated for any other purpose or is being obtained by sale of bonds of said township issued on account of said improvement, which bonds are sold and in process of delivery.

		(Signed)	
		Township Cler	k.
(Seal)		Towns	hip,
	0	County, O	hio.

THEREFORE, BE IT RESOLVED, That the sum of Dollars (\$______) being_______ of the total cost of and expense of construction (which total estimated cost and expense amounts to \$______), be and the same is hereby appropriated for improving under the provisions of said law, the highway described above: and the Township Clerk is hereby authorized and directed to issue his order on the Township Treasurer for said sum or part thereof upon the requisition of the State Highway Commissioner, to pay the cost and expense of said improvement, as the same may become due under the provisions of said law. We hereby agree to assume in the first instance the share of the cost and expense over and above the amount to be paid by the State and guarantee the State

¢

ATTORNEY-GENERAL.

Highway Commissioner that such money shall be available at such time or times as it may be needed in the construction of said highway. (Signed) Trustees of

	Township,
	County."
	Oddity.
STATE OF OHIO,	Office of the
County, —	Township Clerk.
Township, ss: —	
This is to certify that I,	ag Clerk
of the Board of Township Trustees of	
County, Ohio, have compared the within	
Resolution adopted by the said Board of '	Trustees on theday of
, 19, and	recorded in Road Record, Volume
, page	, and that the same is a true
and correct transcript of such Final Resol	
Dated, 19	Attest
	Clerk of Board of
	Township Trustees.
TO THE ATTORNEY-GENERAL:	
I do hereby certify that there has been	n appropriated from the
fund of the State Highway Department o	
the credit of	
Dated	
	Chief Clerk, State
	Highway Department.
	8 0 1
DEPARTMENT OF THE ATTORNEY	ζ ΩΈΝΈΡΑΙ ·
Pursuant to the requirements of secti	
General Code of Ohio, the foregoing agree	
Township,	County, Ohio,
is approved as to form and legality.	
Dutul	

Attorney-General of Ohio."

In addition to the above, there will be provided a blank setting forth the township clerk's certificate as it appears in the body of the Final Resolution as above copied, such blank for township clerk's certificate to consist of an original and duplicate, the original to be filed by the township clerk with the board of township trustees, and the duplicate to be forwarded to you by the township clerk with the certified copy of Final Resolution. It is believed advisable to follow this course with reference to the town ship clerk's certificate because of the amendment of section 1218 G. C. as appearing 108 O. L. 491. The original and duplicate blanks covering township clerk's certificate may be forwarded by your department to the township trustees at the same time as you furnish them the form covering Final Resolution.

> Respectfully, JOHN G. PRICE, Attorney General.