

143.

APPROVAL—TRANSCRIPT AND OTHER INSTRUMENTS, STATE, THROUGH SUPERINTENDENT OF PUBLIC WORKS, TO JOHN ASHTON, SALE DESIGNATED ABANDONED HOCKING CANAL LAND, NELSONVILLE, ATHENS COUNTY, OHIO, \$38.00.

COLUMBUS, OHIO, February 14, 1939.

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 transcript of your proceedings as Superintendent of Public Works

relating to the sale to one John Ashton of Nelsonville, Ohio, of a small parcel of abandoned Hocking Canal land in said city which is more particularly described as follows:

Beginning at a point, same being north $66^{\circ} 15'$ west and one hundred seventy-seven and one-tenth (177.1') feet from the intersection of the north line of Canal Parkway and the westerly line of Fulton Street in said city; thence along the northerly line of said Canal Parkway north $66^{\circ} 15'$ west, twenty-five (25') feet to a point, same being the intersection of the west line of Out Lot No. 7, and the northerly line of said Canal Parkway; thence north $7^{\circ} 27'$ along said west line of Out Lot No. 7, twenty-four and three tenths (24.3') feet to a point, same being the intersection of the west line of Out Lot No. 7 and the southerly line of the lots fronting along Columbus Street; thence south $82^{\circ} 33'$ east along said lot lines, twenty-four (24') feet to a point; thence south $7^{\circ} 27'$ west, thirty-one and thirty-two hundredths, (31.32') feet to the point of beginning and containing six hundred sixty-seven (667) square feet, more or less.

The sale of the above described parcel of land is made under the authority of Section 13971, General Code, relating to the sale of canal lands generally, and of the provisions of House Bill No. 417 enacted by the 88th General Assembly under date of April 19, 1929, 113 O. L., 521, which authorizes the Superintendent of Public Works as Director thereof to sell or lease those portions of the abandoned Hocking Canal lands in Fairfield, Hocking and Athens Counties which are still owned by the State of Ohio; such sale to be made subject to the approval of the Governor and the Attorney General. In this connection, it is noted that by Section 2 of the act above referred to there was reserved from the provisions of said act any portion of said abandoned Hocking Canal lands that might be designated by the Director of Highways as lands needed for highway purposes. As to this, it appears, however, that the Director of Highways by entry made in the journal of his office has made a finding that the above described and other portions of the abandoned Hocking Canal lands in the city of Nelsonville will not be needed for highway purposes and said officer by said entry has released lands including that above described to the Superintendent of Public Works for sale or other disposition as is provided by law. In this situation, you are, of course, authorized to sell the parcel of land here in question, subject to the approval of the Governor and the Attorney General, as is provided for in said act and by the general provisions of Section 13971, General Code, above noted; and inasmuch as the appraised value and sale price of this property is less than the sum of \$500.00, to wit, the sum of \$38.00, and since you have made in this transcript a finding of all jurisdictional facts

which authorize you to sell this property, your sale of the same is hereby approved as is the transcript of your proceedings relating to such sale; which approval is hereby evidenced by my approval endorsed upon the transcript and upon the duplicate copy thereof, both of which are herewith returned.

Respectfully,

THOMAS J. HERBERT,

Attorney General.