

issued under these proceedings constitute a valid and legal obligation of said village.

Respectfully,

HERBERT S. DUFFY,  
*Attorney General.*

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805.

APPROVAL—TRANSCRIPT OF PROCEEDINGS RELATING TO  
THE SALE OF OHIO CANAL LANDS IN NEWARK, OHIO,  
TO FRANK L. STARE, SR., OF THAT CITY.

COLUMBUS, OHIO, June 30, 1937.

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 and as Director of said department, relating to the sale of a parcel of abandoned Ohio Canal lands in Newark, Ohio, to one Frank L. Stare, Sr., of that city, for and in consideration of the payment of the sum of \$100.00 which, as determined by you, is the appraised value of the property.

The property here in question is located in Newark Township, Licking County, Ohio, and is more particularly described as follows:

Beginning at the intersection of the center line of Ramp Creek with the easterly line of said canal property, said point of intersection being at right angles to the transit line at Station 277÷64.5 of W. H. Heiby's survey of said canal property; thence southwesterly with the said state property line a distance of 600 feet, more or less, to the intersection of the said state property line with the easterly line of the State Highway No. 359 (being State Route No. 79) as relocated and constructed in 1932, said point of intersection being at right angles to and at or near the transit line at Station 283÷58 of said W. H. Heiby's survey; thence northeasterly with the easterly line of said State Highway to the center line of Ramp Creek; thence southeasterly along said center line a distance of 70 feet, more or less, to the place of beginning, and containing sixty-three hundredths (0.63) acres, more or less.

From the reference made in this transcript to Sections 14203-20 and 14203-23 of the General Code as your statutory authority for the sale of this parcel of land in connection with that conferred upon you to this and by Section 13971, General Code, I infer that the parcel of land above described is a part of that section of the Ohio Canal extending from Raccoon Creek in West Newark, Ohio, to the village of Hebron, Licking County, Ohio, which was abandoned for canal and hydraulic purposes by an act of the legislature in the year 1917, 107 O.L., 741, which act was carried into the General Code as Sections 14203-20 to 14203-23.

By Section 14203-23, General Code, as the same was amended by a later act, 108 O.L., Part I, 608, the Superintendent of Public Works is authorized to sell the state canal lands abandoned by said act, subject to the approval of the Governor and the Attorney General. Section 14203-23, General Code, as amended, contains the following provision:

“Before proceeding to sell or lease any of said abandoned Ohio Canal lands, except to the owners of existing leases, the superintendent of public works shall give at least thirty days notice by publication in two newspapers of opposite politics and of general circulation in the county where said lands are located, that he will on and after the date of publication and for ninety days thereafter receive applications for the purchase or lease of said abandoned canal lands, and after the expiration of said period, leases and sales of said abandoned canal lands may be made in accordance with the provisions of this act.”

The above quoted provisions of this section seem to require that before canal lands in the section abandoned by this act are sold, other than such lands as are sold to the holders of existing leases thereof, the Superintendent of Public Works shall publish notice of his intention to receive applications for the purchase or lease of such property. It does not appear from this transcript by way of recital or otherwise that any publication of this notice was given. However, upon investigation at your office and upon information received from persons in your department in a position to know the facts, I am satisfied that publication of this notice was made before sales of canal lands in this section were made.

In this view and it further appearing that all other necessary findings of fact have been made in this transcript, the same is herewith approved, as is evidenced by my approval endorsed upon the transcript and upon the duplicate copy thereof, which are herewith returned to

the end that proper deed may be prepared conveying the within described property to the purchaser thereof, above named.

Respectfully,

HERBERT S. DUFFY,  
*Attorney General.*

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806.

DISAPPROVAL—GRANT OF EASEMENT EXECUTED TO THE  
STATE OF OHIO FOR A TRACT OF LAND IN DELAWARE  
TOWNSHIP, DELAWARE COUNTY, OHIO.

COLUMBUS, OHIO, June 30, 1937.

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

DEAR SIR: You have submitted for my examination and approval a certain grant of easement, No. 883, conveying to the State of Ohio, for the purposes therein stated, a certain tract of land in Delaware Township, Delaware County, Ohio.

Upon examination of the above instrument, it appears that the property is in the name of Charles E. Smith and signed by Mrs. V. K. Stine as agent for Charles E. Smith. However, before this instrument can be approved as to legality and form, there must be attached thereto a copy of the written power of attorney of Mrs. V. K. Stine, duly recorded, giving her authority to execute the grant of easement.

I am therefore returning this easement to you without my approval endorsed thereon.

Respectfully,

HERBERT S. DUFFY,  
*Attorney General.*

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807.

APPROVAL—GRANT OF EASEMENT IN LANDS IN DELA-  
WARE TOWNSHIP, DELAWARE COUNTY, OHIO, EXE-  
CUTED TO THE STATE OF OHIO BY G. R. WILLIAMS.

COLUMBUS, OHIO, June 30, 1937.

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

DEAR SIR: You have submitted for my examination and approval