

Commencing at an iron marker that marks the northwesterly line of the Ohio Canal property, where the same is intersected by the easterly line of Lot No. 3, in Block 21, of King's Addition to said city of Akron, which iron marker is 198.80 feet southerly from the southerly line of Bowery street in said city, measured along the easterly line of said Lot No. 3, and running thence westerly with the line of the State Canal property and along the southerly line of said Lot No. 3, in Block 21, of King's Addition, 67.37 feet, more or less, to the northeasterly corner of the tract of land of the Main Street Akron Amusement Company, which tract is 214.12 feet in length and 18 feet in width and which was sold by the State of Ohio to The Akron Arcade Company of Akron, Ohio, in 1920, by deed recorded in Volume 856, Page, 505, Summit County Records, thence south along the easterly end of said last mentioned tract of land 18 feet, to the southeasterly corner of said last mentioned tract of land; thence easterly on a line parallel to and 18 feet southerly from the first line described above, 67.37 feet, more or less, to a point established by projecting the easterly line of said Lot No. 3 in a straight line southerly for a distance of 18 feet and thence northerly along the said line so projected 18 feet, to the point or place of beginning, and containing 1212.6 square feet, more or less; excepting and reserving to the State of Ohio an easement in a strip of ground 12.12 feet in width off the southerly side of the above described tract of land for embankment purposes to restrain the water of the adjacent canal within its proper channel so long as the same is used for canal or hydraulic purposes, or for both."

to the Main Street Akron Amusement Company, of Akron, Ohio.

The land is being sold at public sale under the provisions of Section 13971 of the General Code, for the sum of two thousand four hundred and twenty-five dollars and thirty-two cents (\$2,425.32), this being more than two-thirds of its appraisal.

Finding that said sale is authorized under the provisions of Section 13971, supra, and that said resolution is in proper form and legal, I have entered my approval upon the resolution.

Respectfully,
EDWARD C. TURNER,
Attorney General.

2103.

APPROVAL, CONTRACT BETWEEN THE STATE OF OHIO AND J. W. WEEKS, DAYTON, OHIO, FOR THE CONSTRUCTION OF A FISH HATCHERY, NEAR MILLERSPORT, FAIRFIELD COUNTY, OHIO, AT AN EXPENDITURE OF \$7,897.95—SURETY BOND EXECUTED BY THE SOUTHERN SURETY COMPANY.

COLUMBUS, OHIO, May 15, 1928.

HON. RICHARD T. WISDA, *Superintendent of Public Works, Columbus, Ohio.*

DEAR SIR:—You have submitted for my approval a contract between the State of Ohio, acting by the Department of Public Works, for the Department of Agriculture, Division of Fish and Game, and J. W. Weeks, of Dayton, Ohio. This contract covers the construction and completion of general contract for a Fish Hatchery located in the Ohio Canal, two miles south of Millersport, Fairfield County, Ohio,

and calls for an expenditure of seven thousand eight hundred ninety-seven and 95/100 (\$7,897.95) dollars.

You have submitted the certificate of the Director of Finance to the effect that there are unencumbered balances legally appropriated in a sum sufficient to cover the obligations of the contract. You have also furnished evidence to the effect that the consent of the Controlling Board to the expenditure has been obtained as required by Section 12 of House Bill No. 502 of the 87th General Assembly. In addition you have submitted a contract bond, upon which the Southern Surety Company appears as surety, sufficient to cover the amount of the contract.

You have further submitted evidence indicating that plans were properly prepared and approved, notice to bidders was properly given, bids tabulated as required by law, and the contract duly awarded. Also it appears that the laws relating to the status of surety companies and the workmen's compensation have been complied with.

Finding said contract and bond in proper legal form, I have this day noted my approval thereon and return the same herewith to you, together with all other data submitted in this connection.

Respectfully,
EDWARD C. TURNER,
Attorney General.

2104.

APPROVAL, ABSTRACT OF TITLE TO LAND OF LINNIE J. SHULL, IN
SALEM TOWNSHIP, JEFFERSON COUNTY, OHIO.

COLUMBUS, OHIO, May 15, 1928.

HON. CHARLES V. TRUAX, *Director of Agriculture, Columbus, Ohio.*

DEAR SIR:—Under date of September 21, 1927, this department directed to you Opinion No. 1024, in which my opinion was stated with respect to a certain abstract of title and warranty deed of one Linnie J. Shull, covering a certain tract of 158½ acres of land in Salem Township, Jefferson County, Ohio, which is more particularly described in said opinion above referred to.

In said opinion, the title of Linnie J. Shull in and to said lands and the abstract of title thereof were disapproved solely for the reason that in the deed whereby Linnie J. Shull obtained this property from Wm. A. Johnston in 1913, said Wm. A. Johnston reserved out of said tract of 158½ acres thereby conveyed, the coal lying under 66½ acres of the tract conveyed with the right in said Wm. A. Johnston to remove the coal so reserved in a manner which in the opinion of this department might constitute a serious interference with the use of the surface of the land by the State of Ohio.

In said opinion of this department above referred to, objection was likewise taken to the deed tendered by said Linnie J. Shull and husband to the State of Ohio for the reason that this deed reserved the coal under the whole of said 158½ acres of land other than that previously reserved by William A. Johnston in his deed to Linnie J. Shull. In the opinion of this department, the reservation made by Linnie J. Shull in the deed tendered to the State of Ohio and the manner of mining and removing said coal were such reservation as might interfere with the use of the