

otherwise leads to the conclusion that there are no minerals of any consequence in this tract of land, except possibly a bed of limestone which lies two or three hundred feet below the surface of the land.

In this situation I do not think the reservation of mineral grants to the government in this tract of land is one of any legal consequence so far as the statutory right and authority of the state to purchase this land for forestry purposes is concerned; and inasmuch as the purchase of this particular tract of land is greatly desired by the forestry department on account of the situation of this particular tract of land with respect to the larger acreage of land above referred to, and to lands now owned by the state in the vicinity, it is recommended that the transaction relating to the purchase of all of the property here in question be closed at once by the acceptance of the deeds tendered conveying this property to the state, and by the issuance of warrants covering the purchase price of said property.

Respectfully,  
 GILBERT BETTMAN,  
*Attorney General*

3391.

APPROVAL, TRANSCRIPT OF PROCEEDINGS RELATING TO SALE OF  
 OHIO CANAL LANDS IN THE VILLAGE OF BALTIMORE, FAIR-  
 FIELD COUNTY, OHIO.

COLUMBUS, OHIO, July 1, 1931.

HON. A. T. CONNAR, *Superintendent of Public Works, Columbus, Ohio.*

DEAR SIR:—You have submitted for my examination and approval a transcript of your findings and proceedings relating to the proposed sale to The Toledo and Ohio Central Railway Company of two contiguous tracts of abandoned Ohio canal lands of 0.508 and 0.086 acres, respectively, located in the Village of Baltimore, Fairfield County, Ohio, which tracts of land are now, and for many years have been, occupied by said railroad company for its tracks and road bed under successive leases executed by the state through your department. On investigation I find that the property here in question on either side of the canal bed was low ground through which the tracks of the railroad company formerly passed by means of a trestle; and that thereafter by permission of your department the railroad company filled in this ground, and the tracks of the railroad company are now constructed in and upon this fill.

The authority for the sale of the property here in question is found in an act passed by the 88th General Assembly, April 5, 1929, 113 O. L. 524, and which went into effect on the 25th day of July, 1929. The act here referred to is one providing for the abandonment of that portion of the Ohio canal by the Buckeye Lake in Fairfield County, Ohio, to the junction of said canal with Little Walnut Creek in Pickaway County, Ohio, and of all basins, feeders and wide waters and state lands heretofore used in connection with said canal for navigation purposes. Section 4 of said act, which has been carried into the General Code by designation made by the Attorney General as section 14203-82, provides as follows:

“Any municipality through which any of the canals herein abandoned for canal purposes passes, shall have the first right to purchase, or if

it prefers to lease for a term of fifteen (15) years, or multiples thereof up to ninety (90) years, with the right of renewal thereof for any portion of said abandoned canal property within its corporate limits, providing application therefor is made to the superintendent of public works within one year from the date at which this act becomes effective.

"If such municipality does not apply for such a lease within the time limit herein stipulated, the abutting property owner or owners shall then have the first right to purchase or lease, as the superintendent of public works may deem for the best interests of the state, the abutting canal lands, within such municipality upon the same terms as the municipality might have obtained the same, and if the abutting land owners neglect to purchase or lease said abutting canal lands, they may then be sold or leased by the superintendent of public works, upon the same terms, to any one desiring the same."

In view of your action upon the application of said railroad company for the purchase of this property, and your approval of same, I assume that the village of Baltimore has not made any application to your department for either the purchase or lease of this property; and that you are authorized to sell this property to the railroad company upon its application under the second paragraph of section 4 of said act above quoted.

It appears from the transcript of your findings and proceedings before me that the valuation placed by you upon this property is \$600.00 and that this is the amount which is to be paid by the railroad company for said property. This valuation, I am advised, is that upon which the railroad company is paying to the state an annual rental under the terms of the lease of said property now held by it.

Upon consideration of your findings and proceedings relating to the sale of the property here in question, I find no reason to question your authority to make this sale under the terms of the act of the legislature above quoted; and for this reason I am hereby approving the legality of your proceedings relating to the sale of this property as is evidenced by my approval endorsed upon the transcript of said proceedings and upon the duplicate copy thereof.

Respectfully,

GILBERT BETTMAN,

*Attorney General.*

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3392.

APPROVAL, ABSTRACT OF TITLE TO LAND OF J. H. FITE IN JEFFERSON TOWNSHIP, ADAMS COUNTY, OHIO.

COLUMBUS, OHIO, July 1, 1931.

HON. CARL E. STEEB, *Secretary, Ohio Agricultural Experiment Station, Columbus, Ohio.*

DEAR SIR:—This is to acknowledge the receipt of a recent communication from your department, enclosing for my examination and approval, an abstract of title, warranty deed, encumbrance estimate No. 805, certificate of the Board of Control, and other files relating to the proposed purchase by the State of Ohio of a certain tract of land in Jefferson Township, Adams County, Ohio, which tract of land is owned of record by one J. H. Fite, and is more particularly described as follows: