

1803.

APPROVAL, BONDS OF WARREN TOWNSHIP RURAL SCHOOL DISTRICT, TRUMBULL COUNTY, OHIO—\$10,000.00.

COLUMBUS, OHIO, November 1, 1933.

Retirement Board, State Teachers Retirement System, Columbus, Ohio.

1804.

APPROVAL, TRANSCRIPT OF PROCEEDINGS RELATING TO THE SALE OF ABANDONED OHIO CANAL LANDS IN LICKING COUNTY, OHIO.

COLUMBUS, OHIO, November 1, 1933.

HON. T. S. BRINDLE, *Superintendent 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 the proceedings of your department relating to the sale to one Wallace D. Swisher of Newark, Ohio, of a certain section of abandoned Ohio canal lands in Newark township, Licking county, Ohio, which is more particularly described as follows:

Being that portion of the abandoned Ohio Canal property located in Newark Township, Licking County, Ohio, and beginning at the north-westerly corner of a certain tract of land sold to the applicant herein under date of February 24th, 1923, and running thence westerly with the northeasterly line produced of said certain tract of land twenty-eight feet, more or less, to the easterly line of State Highway No. 359 and being State Route No. 79, as re-located and constructed in 1932; thence southerly with the said easterly line of said State Highway Four Hundred and Eighty (480') feet, more or less, to the southerly line produced of the said certain tract of land, as sold to the applicant herein under date of February 24th, 1923; thence easterly with said southerly line produced twenty-two (22') feet, more or less, to the southwesterly corner of said tract; thence northerly with the westerly line of said tract Four Hundred Ninety (490') feet, more or less, to the place of beginning and containing 0.283 acres, more or less.

The sale of the abandoned Ohio canal lands here in question is under the authority of section 13971, General Code, relating to the sale of canal lands generally, and of section 14203-23, General Code, relating to the sale of Ohio canal lands between the city of Newark and the village of Hebron, Licking county, Ohio, abandoned by an act of the legislature passed in 1917, found in 107 Ohio Laws, 741.

Under the provisions of section 14203-23, General Code, which was enacted as a part of the act of 1917, above referred to, no sale or lease of any of such abandoned canal lands could be effected until after publication in the manner

therein provided of a notice by the Superintendent of Public Works of his intention to receive applications for the purchase or lease of such abandoned canal lands. It does not appear from the transcript of your proceedings relating to the proposed sale of that parcel of abandoned canal land here in question, above described, that any publication of the required notice has been made by you or by any of your predecessors in office, dating back to the time of the act above referred to. However, upon inquiry, I find that publication of such notice was made after the enactment of said act; and inasmuch as it does not appear that responsive to said published notice, or otherwise, any application was made for the purchase or lease of the parcel of land here in question, or that any such application other than that of Mr. Swisher is now pending, I am of the opinion that you are authorized to effect a sale of this property to Mr. Swisher upon this transcript, which appears to contain a recital of all other facts necessary to your authority to sell this property.

I am accordingly approving as to legality and form this transcript relating to the proposed sale of the above described canal property as is evidenced by my approval endorsed upon the transcript and upon the duplicate copy thereof.

Respectfully,

JOHN W. BRICKER,
Attorney General.

1805.

EXEMPTED VILLAGE SCHOOL DISTRICT—METHOD BY WHICH VIL-
LAGE SCHOOL DISTRICT MAY BECOME EXEMPTED—FAIRVIEW
VILLAGE NOT ENTITLED TO EXEMPTION.

SYLLABUS:

The only way a village school district with a population of three thousand or more, which contains within its boundaries a village from which some territory has been detached for school purposes, may become an exempted village school district, is by taking a census within the district and having that census approved by the director of education and due notice thereof given to the county board of education, as provided by Section 4688-1, General Code.

COLUMBUS, OHIO, November 2, 1933.

HON. B. O. SKINNER, *Director of Education, Columbus, Ohio.*

DEAR SIR:—This will acknowledge receipt of your request for my opinion which reads as follows:

"Fairview Village, Ohio, by the census of 1930, contains thirty-six hundred and eighty-nine (3,689) inhabitants, of which number forty-five (45) are located in the Rocky River, Ohio, school district. Recently Fairview Village applied to the Cuyahoga County Board of Education for exemption, which was granted. However, the Prosecuting Attorney of Cuyahoga County has ruled that since a portion of this village is located in another district, exemption must be made under Section 4688-1 of the General Code.