

this land has been legally abandoned for canal purposes, that the same is not necessary or required for the use, maintenance and operation of the canal, and that the property cannot be leased so as to yield an income of six per cent upon the appraised value of the land. All of these findings are required to be made as a condition precedent to the exercise of your power and authority to sell this land; and such findings having been made by you in the exercise of powers conferred upon you by law, such findings are, of course, binding in the absence of any showing that such findings or any of them are palpably wrong.

It appears further in this connection that since the appraised value of this property does not exceed the sum of \$500.00, you were authorized to sell this property at private sale subject to the approval of the Governor and the Attorney General. No reason for disapproving this sale appears on the face of the transcript or from any other information submitted to me; I am accordingly approving this sale and the transcript of your proceedings relating to the same as is evidenced by my approval endorsed upon the transcript and upon the duplicate copy thereof, both of which are herewith returned.

Respectfully,

HERBERT S. DUFFY,
Attorney General.

3340.

APPROVAL—CONTRACT, STATE OF OHIO, THROUGH DEPARTMENT OF PUBLIC WORKS, WITH THE NORFOLK AND WESTERN RAILWAY COMPANY, ROANOKE, VIRGINIA, PARCEL, ABANDONED OHIO CANAL LANDS, FRANKLIN COUNTY, OHIO, \$500.00.

COLUMBUS, OHIO, December 5, 1938.

HON. CARL G. WAHL, *Director, Department of Public Works, Columbus, Ohio.*

DEAR SIR: This is to acknowledge the receipt of your communication of recent date submitting for my examination and approval a transcript of your proceedings relating to the sale to The Norfolk and Western Railway Company, Roanoke, Virginia, in consideration of the payment by said company of the sum of \$500.00, the appraised value of the property, of a parcel of abandoned Ohio Canal lands in Franklin County, Ohio, which is more particularly described as follows.

Beginning at a point on the center line of future eastbound main track of The Norfolk and Western Railway, 800.9 feet distant in a general western direction from Mile Post No. 691, as measured from Norfolk, Virginia, said point of beginning being on the south or eastern line of property of the Ohio and Erie Canal; thence S. $75^{\circ} 55' W.$ along said line of said property, 51.05 feet to an iron pin in the foot of the outer slope of the towing path embankment of the Ohio Canal, opposite Station 2433+58.5 of Alfred Albright's Survey of the Ohio Canal through the village of Lockbourne, Franklin County, Ohio, made under the direction of the State Board of Public Works in the Fall of 1912; thence in a general western direction and crossing the said Ohio and Erie Canal property and parallel with the said center line of future eastbound main track of said railway, and 50 feet distant westerly therefrom, by line curving toward the right with a radius of 1,538.48 feet, a distance of 86.6 feet to an iron pin adjacent to the foundation of the Myers Grain Company elevator; thence N. $80^{\circ} 10' E.$ along the south line of said foundation 18.8 feet to an iron pin; thence N. $9^{\circ} 50' W.$ 1.35 feet to an iron pin placed on the north or west line of said Ohio and Erie Canal property; thence along said property line N. $80^{\circ} 20' E.$ 5.75 feet to an iron pin; thence N. $43^{\circ} 43' E.$ 104 feet to an iron pin; thence N. $20^{\circ} 40' E.$ 67 feet to an iron pin; thence southeasterly and parallel with said center line of future eastbound main track of said railway and 65 feet distant easterly therefrom, crossing said Ohio and Erie Canal by line curving toward the left with a radius of 1,423.48 feet, a distance of 174.8 feet to an iron pin in the aforesaid south or east property line of said Ohio and Erie Canal property; thence along said property line, S. $38^{\circ} 17' W.$ 43.2 feet to an iron pin; thence S. $75^{\circ} 55' W.$ 36.8 feet to the place of beginning, containing 0.31 acres, more or less, and being more fully shown colored red on Map N-5720, revised March 1st, 1937.

It appears that the property above described was sold by you to said railroad company at private sale, subject to the approval of the Governor and the Attorney General, under the provisions of Section 13971, General Code, relating to the general power and authority of the State Canal Commission to sell canal lands, the more specific provisions of the Act of April 19, 1929, 113 O. L., 524, relating to the sale of abandoned canal lands between the flume at Buckeye Lake in Fairfield County, Ohio, and Little Walnut Creek in Pickaway County, Ohio, and the provisions of Section 464, General Code, which confer upon the Superintendent of Public Works all of the power and authority

therefore vested in the Ohio Canal Commission and the Board of Public Works with respect to the sale of canal lands.

Looking to the transcript of your proceedings relating to the sale of the particular parcel of abandoned Ohio Canal lands here in question, it is noted that said transcript contains a finding duly made by you that this land has been legally abandoned for canal purposes, that the same is not necessary or required for the use, maintenance and operation of the canal, and that the property cannot be leased so as to yield an income of six per cent upon the appraised value of the land. All of these findings are required to be made as a condition precedent to the exercise of your power and authority to sell this land; and such findings having been made by you in the exercise of powers conferred upon you by law, such findings are, of course, binding in the absence of any showing that such findings or any of them are palpably wrong.

It appears further in this connection that since the appraised value of this property does not exceed the sum of \$500.00, you were authorized to sell this property at private sale subject to the approval of the Governor and the Attorney General. No reason for disapproving this sale appears on the face of the transcript or from any other information submitted to me; I am accordingly approving this sale and the transcript of your proceedings relating to the same as is evidenced by my approval endorsed upon the transcript and upon the duplicate copy thereof, both of which are herewith returned.

Respectfully,

HERBERT S. DUFFY,
Attorney General.

3341.

APPROVAL—BONDS, AKRON CITY SCHOOL DISTRICT, SUMMIT COUNTY, OHIO, \$5,000.00, DATED DECEMBER 1, 1926.

COLUMBUS, OHIO, December 6, 1938.

*Retirement Board, State Public School Employes Retirement System,
Columbus, Ohio.*

GENTLEMEN :

RE: Bonds, Akron City School District, Summit County,
Ohio, \$5,000.00.

I have examined the transcript of proceedings relative to the above bonds purchased by you. These bonds comprise part of an issue of