

4447.

APPROVAL, BONDS OF CITY OF AKRON, SUMMIT COUNTY, OHIO--  
\$100,000.00.

COLUMBUS, OHIO, June 22, 1932.

*Industrial Commission of Ohio, Columbus, Ohio.*

---

4448.

APPROVAL, CORRECTED TRANSCRIPT OF PROCEEDINGS RELATING  
TO SALE OF HOCKING CANAL LANDS IN STARR TOWNSHIP,  
HOCKING COUNTY, OHIO.

COLUMBUS, OHIO, June 23, 1932.

HON. T. S. BRINDLE, *Superintendent of Public Works, Columbus, Ohio.*

DEAR SIR:—This is to acknowledge the receipt of your recent communication submitting for my examination and approval a corrected transcript of your proceedings relating to the proposed sale to the Chesapeake and Ohio Railway Company of a certain tract of 3.6 acres of abandoned Hocking Canal lands in Starr Township, Hocking County, Ohio, which tract of land is more particularly described by metes and bounds in the transcript submitted.

The proposed sale of the tract of land here in question is for the stated consideration of \$216.00, which amount you find is the appraised value of said land. In this connection, I am advised by a communication received by me from the director of highways that one of the considerations entering into the proposed sale and conveyance of this property to the railway company is the agreement of the railway company to make certain drainage improvements at a cost of approximately \$4,000.00, which drainage improvements will be of great benefit to a state highway which parallels the railway at this point. It thus appears that the proposed sale and conveyance of this property to the railway company is to some extent a matter of arrangement and understanding between your department, the department of highways and the railway company. Although the benefits accruing to the state highway above referred to by reason of this transaction would not, as a matter of law, justify you in effecting a sale of this property to the railway company for less than the appraised value of the land, it is entirely proper in passing upon this transcript to call attention to the real considerations involved in the sale of this property.

It is noted that in the corrected transcript submitted it is provided that the sale of this property to the railway company is to be made subject to a certain lease with the right of renewal thereof, now owned by the Southern Ohio Electric Company, as granted to the Hocking Power Company, under date of May 25, 1920, for an electric transmission line along the inner slope of the towing-path embankment on a part of the canal lands to be conveyed to the railway company. Inasmuch as there is some question as to whether the then superintendent of public works had a right to insert into the lease granted to the Hocking Power Company a right of renewal of such lease, it is suggested that if, as a matter of