

in you with respect to the sale of these lands is that conferred by the provisions of the Act of April 19, 1929, 113 O. L., 521. Assuming, as I do, that the parcel of land here in question has not been sold or leased to any other person or corporation, I am of the opinion that you have authority to make this sale under the provisions of the act of the legislature above referred to.

Upon examination of this transcript, I further find that you have made a finding of the facts upon the existence of which your authority to make this sale is predicated. And inasmuch as your proceedings relating to this sale appear to be in all respects regular, I am approving the same as is evidenced by my approval endorsed upon the transcript of your proceedings and upon the duplicate copy thereof, both of which are herewith returned.

Respectfully,

HERBERT S. DUFFY,
Attorney General.

3044.

APPROVAL — SALE, PARCEL ABANDONED HOCKING
CANAL LANDS IN NELSONVILLE, OHIO, TO JOHN
ASHTON AT A PRICE OF \$265.00.

COLUMBUS, OHIO, October 4, 1938.

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

DEAR SIR: You have submitted for my examination and approval a transcript of your proceedings relating to the sale to one John Ashton of Nelsonville, Ohio, of a parcel of abandoned Hocking Canal lands in said city which is more particularly described as follows:

Beginning at a point, same being the intersection of the westerly line of Fulton Street and the northerly line of Parkway Drive, in said city, said point being sixty-five (65') feet northerly from station 2153+37.1 on the transit line of Bruce Doughton's Survey of the Hocking Canal property; thence north 66° 15' west along said northerly line of Parkway Drive, one hundred sixty-nine and eight-tenths (169.8') feet to a point; thence north 7° 27' east, thirty and nine-tenths (30.9') feet to a point, same being the intersection of the Hocking Canal property line and the rear line of the lots fronting on Columbus Street; thence south 68° 50' east along said canal property line forty-two and two-tenths (42.2') feet to a point;

thence south $61^{\circ} 30'$ east along said canal property line, one hundred thirty and seven-tenths (130.7') feet to a point same being the intersection of the westerly line of Fulton Street and the Hocking Canal property line; thence south $7^{\circ} 27'$ west along said westerly line of Fulton Street, twenty-one and five-tenths (21.5') feet to the point of beginning and containing four thousand six hundred and twelve (4,612) square feet, more or less.

Although on an examination of your proceedings relating to this sale, which is one to the vendee above named in consideration of the sum of \$265.00 to be paid by him to the State of Ohio, the thought occurs that the legislature of this state has from time to time enacted a number of statutory provisions relating to and affecting these canal lands in the city of Nelsonville, Ohio, it seems quite clear upon the considerations noted in former opinions of this office and in the opinion directed to you herewith relating to the sale of a parcel of said lands to one R. B. Stuart, that the only authority now reposed in you with respect to the sale of these lands is that conferred by the provisions of the Act of April 19, 1929, 113 O. L., 521. Assuming, as I do, that the parcel of land here in question has not been sold or leased to any other person or corporation, I am of the opinion that you have authority to make this sale under the provisions of the act of the legislature above referred to.

Upon examination of this transcript, I further find that you have made a finding of the facts upon the existence of which your authority to make this sale is predicated. And inasmuch as your proceedings relating to this sale appear to be in all respects regular, I am approving the same as is evidenced by my approval endorsed upon the transcript of your proceedings and upon the duplicate copy thereof, both of which are herewith returned.

Respectfully,

HERBERT S. DUFFY,

Attorney General.