

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

fact, the Southern Ohio Electric Company now holds a pole line lease on this property, the conveyance to the railway company be made subject to the rights of the Southern Ohio Electric Company under said lease without attempting in the deed of conveyance to the railway company to define the rights of the Southern Ohio Electric Company under this lease.

The sale of the property described in the transcript is under the authority of House Bill No. 417, 113 O. L. 521, and inasmuch as it appears from a communication from the director of highways attached to the transcript submitted that no part of the tract of land here in question will be needed for highway purposes, and it appears from the transcript and the recitals therein that you, in your official capacity as superintendent of public works and as director of said department, have made all of the findings of fact necessary under said act and under section 13971, General Code, to be made in order to authorize you to sell this property, I am approving this transcript as to legality and form as is evidenced by my approval endorsed upon the transcript and upon the duplicate copy thereof, both of which are herewith returned.

Respectfully,
GILBERT BETTMAN,
Attorney General.

4449.

APPROVAL, BONDS OF SUMMIT COUNTY, OHIO—\$100,000.00.

COLUMBUS, OHIO, June 23, 1932.

HON. HOWARD L. BEVIS, *Director of Finance, Columbus, Ohio.*

4450.

WILBERFORCE UNIVERSITY—PRESIDENT OF UNIVERSITY MAY NOT BE APPOINTED SUPERINTENDENT OF C. N. AND I. DEPARTMENT.

SYLLABUS:

Question as to the eligibility of the president of Wilberforce University being appointed superintendent of the C. N. & I. Department of such university discussed.

COLUMBUS, OHIO, June 24, 1932.

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

DEAR SIR:—Your recent communication reads as follows:

“The undersigned respectfully asks you for an official opinion on the following stated facts:

At a meeting of the Board of Trustees of the Combined Normal