

more or less to the place of beginning and containing forty-five hundred and fifty (4550) square feet, more or less."

It appears from this transcript, that The Eagle Machine Company is the owner of land abutting upon the parcel of abandoned Hocking Canal lands above described, and inasmuch as it does not appear that this property has been designated by the Director of Highways, for highway purposes and the same is not held adversely by any other person than The Eagle Machine Company, it follows that said company is authorized to purchase this property under the provisions of House Bill No. 417, 114 O. L. 536.

I am accordingly approving as to legality and form, the transcript of your proceedings relating to the sale of this property, as is evidenced by my approval endorsed upon the transcript and upon the duplicate copy thereof, both of which are herewith returned.

Respectfully,
JOHN W. BRICKER,
Attorney General.

2238.

APPROVAL, TRANSCRIPT OF PROCEEDINGS RELATING TO THE
SALE OF ABANDONED HOCKING CANAL LANDS IN FAIR-
FIELD COUNTY, E. H. BININGER.

COLUMBUS, OHIO, January 29, 1934.

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 in duplicate of your proceedings relating to the sale to one E. H. Bininger of Lancaster, Ohio, of two parcels of abandoned Hocking Canal lands. These parcels of canal lands are being sold by you under the authority of House Bill No. 417, enacted by the 89th General Assembly, 114 O. L., page 536, and the same are more particularly described as follows:

"Being marginal Tracts Nos. 1 and 24, as shown by the plats of said canal lands made under the provision of the said House Bill No. 417, and described as follows:

TRACT No. 1.—Beginning at the point of intersection of the easterly line of the 66 foot highway, as established by the city of Lancaster under authority of the said House Bill No. 417, as passed by the 89th General Assembly of Ohio, and the southerly line of Chestnut Street in said city, and running thence easterly with the southerly line of Chestnut Street 19.4 feet to the northwesterly corner of that part of Lot No. 42, as owned by the grantee herein; thence southerly with the westerly line of Lot No. 42, fifty-two and three-tenths (52.3') feet to a point; thence southerly with the westerly line of Lot No. 42, twelve (12') feet, more or less, to the southwesterly line of that part of Lot No. 42, as owned by the grantee herein; thence westerly, with

the southerly line produced, of the said part of Lot No. 42, twenty-six (26') feet, more or less, to the said easterly line of the said sixty-six (66') foot highway; thence northerly with the said easterly line of said highway sixty-three and fifty-three hundredths (63.53') feet, to the place of beginning and containing fourteen hundred and forty-two (1442) square feet, more or less, and appraised at Two Hundred (\$200.00) Dollars.

TRACT No. 24.—Beginning at the point of intersection of the southerly line of Walnut Street in the city of Lancaster, Ohio, and the northeasterly line of the lands owned by the Grantee herein and running thence northeasterly with the southerly line of Walnut Street, produced sixteen (16') feet to the southwesterly line of the 60 foot highway, as established by the city of Lancaster under authority of the said House Bill No. 417, as passed by the 89th General Assembly of Ohio; thence southeasterly with the said southwesterly line of said highway, two hundred thirty-seven and six-tenths (237.6') feet to a point; thence northwesterly with the southeasterly line of said lands as owned by the grantee herein, two hundred forty-three (243') feet, more or less, to the place of beginning and containing nineteen hundred (1900) square feet, more or less; being a triangular tract of land, and appraised at Twenty-five (\$25.00) Dollars."

Upon examination of the transcript of your proceedings relating to the sale of these parcels of abandoned Hocking Canal lands, it appears that the purchaser, E. H. Bininger, is the owner of lands abutting upon these parcels, which are marginal tracts remaining after the construction by the city of Lancaster of a sixty-six foot highway over and along the abandoned Hocking Canal at this point; which action of the city of Lancaster was likewise taken under the provisions of said act. Inasmuch as it does not appear that these parcels of land or either of them has been designated by the Director of Highways as lands to be used for highway purposes and inasmuch as it does not appear that either of these parcels were held under lease by any person other than Mr. Bininger at the time of enactment of said act, it follows that Mr. Bininger, as the owner of lands abutting upon these parcels, is entitled to purchase the same at the appraised values thereof, which are Two Hundred (\$200.00) Dollars and Twenty-five (\$25.00) Dollars respectively.

I am accordingly approving these proceedings for the sale of this property to Mr. Bininger, as is evidenced by my approval endorsed upon the transcript and upon the duplicate copy thereof, both of which are herewith returned.

Respectfully,
JOHN W. BRICKER,
Attorney General.