

referred to. Upon examination of the transcript of your proceedings relating to the sale of this land, I find that the same contains a finding of all of the jurisdictional facts necessary to the exercise of your authority to sell this land except the finding therein with respect to the notice of sale provided for in the second paragraph of section 14203-23, General Code, which provides:

“Before proceeding to sell or lease any of said abandoned Ohio Canal lands, except to the owners of existing leases, the superintendent of public works, shall give at least thirty days notice by publication in two newspapers of opposite politics and of general circulation in the county where said lands are located, that he will on and after the date of publication and for ninety days thereafter receive applications for the purchase or lease of said abandoned canal lands, and after the expiration of said period, leases and sales of said abandoned canal lands may be made in accordance with the provisions of this act.”

Upon making inquiry of your department in regard to this matter, I am advised that the notice of sale with respect to the Ohio Canal lands abandoned for canal and hydraulic purposes by the acts above referred to, was given in the manner required by section 14203-23, General Code.

In this view and finding as I do that the sale of this property and the transcript of your proceedings relating to such sale are otherwise in compliance with the law, I am approving this sale and 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,

THOMAS J. HERBERT,  
*Attorney General.*

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685.

SALE—STATE TO W. P. FLOWERS, DESIGNATED PORTION,  
OHIO CANAL LAND, NEWARK TOWNSHIP, LICKING  
COUNTY.

COLUMBUS, OHIO, June 1, 1939.

HON. CARL G. WAHL, *Director, Department 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 of a certain parcel of abandoned Ohio Canal land to one W. P. Flowers of

Newark, Ohio, in and for a consideration of \$31.50 to be paid by said W. P. Flowers for such land.

The parcel of land here in question, which, together with other Ohio Canal lands in this section, was abandoned for canal and hydraulic purposes by certain acts of the General Assembly which have been carried into the General Code as sections 14203-20 to 14203-25, is located in Newark Township, Licking County, Ohio, and is more particularly described as follows:

Beginning at a point in the easterly line of said canal property, same being opposite to Station 214+80, of W. H. Heiby's Survey of said canal property; thence southwesterly along said canal property line, two hundred twelve (212') feet, more or less, to a point, same being opposite to Station 216+92; thence northwesterly at right angles to said station 216+92, sixty (60') feet, more or less, to a point, same being the intersection of the aforementioned line and the easterly right of way of State Highway No. 359 (being State Route No. 79) as relocated, and constructed in 1932; thence northeasterly along said right of way line, two hundred and twelve (212') feet, more or less, to a point, same being at right angles to and opposite Station 214+80; thence southeasterly sixty (60') feet, more or less to the point of beginning and containing twenty-nine-hundredths (0.29) acres, more or less.

The parcel of Ohio Canal land here under consideration is being sold by you under the general authority conferred upon you with respect to the sale of canal lands by section 13971, General Code, and by the more special provisions of sections 14203-20, et seq., General Code, above referred to. Upon examination of the transcript of your proceedings relating to the sale of this land, I find that the same contains a finding of all of the jurisdictional facts necessary to the exercise of your authority to sell this land except the finding therein with respect to the notice of sale provided for in the second paragraph of section 14203-23, General Code, which provides:

"Before proceeding to sell or lease any of said abandoned Ohio Canal lands, except to the owners of existing leases, the superintendent of public works, shall give at least thirty days notice by publication in two newspapers of opposite politics and of general circulation in the county where said lands are located, that he will on and after the date of publication and for ninety days thereafter receive applications for the purchase or lease of said abandoned canal lands, and after the expiration of said period, leases and sales of said abandoned canal lands may be made in accordance with the provisions of this act."

Upon making inquiry of your department in regard to this matter, I am advised that the notice of sale with respect to the Ohio Canal lands abandoned for canal and hydraulic purposes by the acts above referred to, was given in the manner required by section 14203-23, General Code.

In this view and finding as I do that the sale of this property and the transcript of your proceedings relating to such sale are otherwise in compliance with the law, I am approving this sale and 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,

THOMAS J. HERBERT,  
*Attorney General.*

686.

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BONDS—CITY OF AKRON, SUMMIT COUNTY, \$55,000.00.

COLUMBUS, OHIO, June 1, 1939.

*The Industrial Commission of Ohio, Columbus, Ohio.*

GENTLEMEN :

RE: Bonds of the City of Akron, Summit County, Ohio,  
\$55,000.00.

I have examined the transcript of proceedings relative to the above bonds purchased by you. These bonds comprise part of an issue of \$115,000 of a \$2,400,000 voted authorization, and are issued for the purpose of reconstructing the grade elimination viaduct in East Market Street near College Street in the city of Akron, and to participate in federal aid. Said bonds are dated December 1, 1938, and bear interest at the rate of 4% per annum.

From this examination, in the light of the law under authority of which the above bonds have been authorized, I am of the opinion that bonds issued under these proceedings constitute valid and legal obligations of said city.

Respectfully,

THOMAS J. HERBERT,  
*Attorney General.*