

1368.

SALE — STATE TO E. C. POWELL, DESIGNATED PARCEL,
ABANDONED HOCKING CANAL LAND, CITY OF NEL-
SONVILLE.

COLUMBUS, OHIO, November 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 of your proceedings as Superintendent of Public Works relating to the sale to one E. C. Powell of Nelsonville, Ohio, of a parcel of abandoned Hocking Canal land in the City of Nelsonville, Athens County, Ohio, which is more particularly described as follows:

“Beginning at a point, same being the intersection of the easterly line of Monroe Street and the northerly line of Parkway Drive in said city, said point being north $5^{\circ} 0'$ east and sixty-one and four-tenths (61.4') feet northerly from Station 2168+14.5 on the transit line of Bruce Doughton's Survey of the Hocking Canal property; thence north $5^{\circ} 0'$ east along the easterly line of Monroe Street four (4') feet, to a point, same being the intersection of the easterly line of Monroe Street and the northerly line of said canal property; thence south $66^{\circ} 55'$ east along the northerly line of said canal property, ninety (90') feet, more or less, to a point, same being the dividing line of the properties of E. C. Powell and Harry Dilcher; thence south $5^{\circ} 00'$ west along said dividing line four (4') feet, to a point, same being the intersection of said dividing line and the northerly line of Parkway Drive; thence north $66^{\circ} 35'$ west along said northerly line of Parkway Drive, ninety (90') feet, more or less, to the point of beginning and containing three hundred sixty (360) square feet, more or less.”

The sale of the described land which is in consideration of the payment by said E. C. Powell, of the sum of \$23.40 the appraised value of the property, is one made by you under the authority of the provisions of Section 13971, General Code, relating to the sale of canal lands generally, and of House Bill No. 417, enacted by the 88th General Assembly under date of April 19, 1929, 113 O. L., 521.

An examination of the transcript submitted to me shows findings made by you that this parcel is not required for the use, maintenance and operation of the canal and that the same cannot be leased so as to produce an annual rental of six percent on the appraised value of the property,

which findings of fact are required by law as a predicate to your authority to sell this property. It appears further, that the appraised value and sale price of this property does not exceed \$500.00; and in this situation you are authorized to sell this property at private sale subject to the approval of the Governor and the Attorney General.

Upon the consideration above noted, I am approving the sale of this property and the transcript of your proceedings relating to such sale, all of which is evidenced by my approval endorsed upon the transcript of your findings relating to the sale and upon the duplicate copy thereof, both of which are herewith enclosed.

Respectfully,

THOMAS J. HERBERT,
Attorney General.

1369.

COUNTY AGRICULTURAL SOCIETY—WHERE FAILURE TO SUBMIT REPORTS WITHIN TIME PROVIDED BY RULES, DEPARTMENT OF AGRICULTURE — WHERE FORMER DIRECTOR REFUSED TO ISSUE CERTIFICATE REFERRED TO IN SECTIONS 9880, 9884 G. C.—PRESENT DIRECTOR HAS NO AUTHORITY TO ISSUE—FAILURE OF COMPLIANCE IN ANY ONE YEAR DOES NOT PRECLUDE SUCH SOCIETY FROM PARTICIPATION IN COUNTY FUNDS IN SUCCEEDING YEARS.

SYLLABUS:

1. *The present Director of Agriculture has no authority to issue to a county agricultural society the certificates referred to in Sections 9880 and 9884, General Code, for the years 1936 and 1937 when such certificates were refused the society by a former Director of Agriculture because of the failure of such society to submit reports within the time provided for by the rules of the Department of Agriculture.*

2. *The failure of a county agricultural society to make the proper reports within the time specified by law and the rules of the Department of Agriculture in any one year does not preclude such society from participating in county funds in succeeding years.*

COLUMBUS, OHIO, November 1, 1939.

HON. JOHN T. BROWN, *Director of Agriculture, State Office Building, Columbus, Ohio.*

DEAR SIR: Your request for my opinion presents the following questions for consideration:

1. Does the present Director of Agriculture have the authority to issue to a county agricultural society the certificates