

199.

DEED—ABANDONED HOCKING CANAL LANDS—STATE TO CHESAPEAKE AND OHIO RAILWAY COMPANY, RICHMOND, VA., DESIGNATED PORTION, CITY OF NELSONVILLE, RIVER LOT NUMBER 636.

COLUMBUS, OHIO, February 25, 1939.

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

DEAR SIR: You have submitted in duplicate a transcript of your proceedings as Superintendent of Public Works and as Director of said Department, relating to the sale to the Chesapeake and Ohio Railway Company of Richmond, Va., of a parcel of abandoned Hocking Canal lands in the city of Nelsonville, Ohio, which parcel is more particularly described as being in River Lot Number 636, in Section 17, Township 12, North, Range 15, West, Ohio Company's Purchase survey, and is more particularly described as follows:

Beginning at an iron monument marking the state property line of the abandoned Hocking Canal in River Lot No. 636, said monument being 63.6 feet southwesterly at right angles from the canal survey transit line at canal survey station 2199+99.5; thence north $38^{\circ} 52'$ west (C&O bearing) north $39^{\circ} 46\frac{1}{2}'$ west (Allen bearing) 37.5 feet to a corner in the right of way of The Chesapeake and Ohio Railway Company; thence north $51^{\circ} 47\frac{1}{2}'$ east, (C&O bearing) north $53^{\circ} 53'$ east (Allen bearing) at right angles to the center line between curbs of the street or boulevard now under construction by the city of Nelsonville, 56.6 feet to a point which is 7.5 feet distant from the canal survey transit line measured along the last described course extended at canal survey station 2199+61.88, said point being also 35 feet distant at right angles from the center line between curbs of said street or boulevard; thence south $38^{\circ} 12\frac{1}{2}'$ east (C&O bearing) south $39^{\circ} 07'$ east (Allen bearing) parallel with and 35 feet distant from said center line between curbs 250 feet to a point; thence south $51^{\circ} 47\frac{1}{2}'$ west (C&O bearing) south $53^{\circ} 53'$ west (Allen bearing) 53.88 feet to a point in the state property line; thence north $38^{\circ} 48\frac{1}{2}'$ west (C&O bearing) north $39^{\circ} 44'$ west (Allen bearing) 212.54 feet to the point of beginning and containing 0.31 acres, more or less.

The sale of the above described parcel of land, which sale is in consideration of the payment by said Railway Company of the sum of Five

Hundred Dollars (\$500.00), the appraised value of this property, is made by you under the general authority conferred upon you as Superintendent of Public Works with respect to the sale of canal lands by Sections 13971 and 464, General Code, and the more particular authority of House Bill No. 417, enacted by the 88th General Assembly, under date of April 19, 1929, 113 O. L., 521. By Section 1 of this act, the Superintendent of Public Works, subject to the approval of the Governor and the Attorney General, is authorized to sell in conformity with the provisions of Section 13971, such portions of the abandoned Hocking Canal lands in Fairfield, Hocking and Athens Counties as remained unsold at the time of the enactment of said act. By section 2 of this act, it is provided that there is reserved from the provisions of the act any portion of said abandoned canal land that was occupied by state highways, or that might be designated for highway purposes by the Director of Highways within one year from the effective date of the act. In this connection, I am advised that within a period of one year from the effective date of the act above referred to, the Director of Highways designated the above described and other parcels of the Hocking Canal in the city of Nelsonville, Ohio, as lands needed for highway purposes. As to this it is noted, however, that the Director of Highways, under date of January 5, 1939, made and entered on the journal of his office a finding that the above described parcel of abandoned Hocking Canal lands is not needed in any scheme of highway improvement; and further, in said entry the Director of Highways released the above described and other parcels of such abandoned Hocking Canal lands to the Director of Public Works for disposition as provided by law.

In this situation, you are authorized to sell the above described parcel of land for and on behalf of the State of Ohio, subject to the conditions provided for by the act above referred to and by Section 13971, General Code. As to this, it is noted that in your proceedings relating to the sale of this property you have made the finding necessary as a predicate to your authority to sell this property; and inasmuch as the appraised value and sale price of this property does not exceed the sum of Five Hundred Dollars (\$500.00), you are authorized to sell the property at private sale subject, of course, to the approval of the Governor and Attorney General.

Finding your proceedings relating to the sale of this property to be in all respects regular and no reason appearing which requires my disapproval of the sale of this property to the Chesapeake and Ohio Railway Company for the price above stated, such sale and your proceedings to the same are hereby approved as is evidenced by my approval endorsed on the transcript and the duplicate copy thereof, both of which are herewith enclosed.

Respectfully,

THOMAS J. HERBERT,
Attorney General.