

Code, and upon the considerations above noted this lease is hereby approved and the same is returned to you.

Respectfully,

HERBERT S. DUFFY,
Attorney General.

1647.

APPROVAL—TRANSCRIPT OF PROCEEDINGS RELATING
TO THE SALE OF A PARCEL OF ABANDONED OHIO
AND ERIE CANAL LAND IN WALNUT TOWNSHIP,
FAIRFIELD COUNTY, OHIO, TO ARTHUR YOUNG AND
LILLIE YOUNG OF BALTIMORE, OHIO.

COLUMBUS, OHIO, December 16, 1937.

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

DEAR SIR: You have submitted for my examination and approval a transcript in duplicate of your proceedings of the sale of a parcel of abandoned Ohio and Erie Canal land in Walnut Township, Fairfield County, Ohio, to Arthur Young and Lillie Young of Baltimore, Ohio, in consideration of the payment by said purchasers of the sum of \$55.00, which is the appraised value of this parcel of land as the same has been found and determined by you. This parcel of land, together with the reservations upon which the same is to be conveyed to said purchasers, is more particularly described and set out in said transcript as follows:

Commencing at a line drawn at right angles across the canal through Station 1069+21, of W. H. Heiby's Survey of the Ohio Canal through Fairfield County, Ohio, and extending thence southwesterly with the southerly line of said canal property, a distance of five hundred seventy-two (572') feet, more or less, to a point, same being the property line between the lands formerly owned by D. H. and Grover Blosser and J. K. Miller; thence northerly along said line a distance of one hundred seventeen and four-tenths (117.4') feet, more or less, to a point, same being where said line intersects the northerly line of said canal property; thence northeasterly along said property line, a distance of four hundred ninety-

eight (498') feet, more or less, to a point, same being opposite to Station 1069+21, of said survey; thence southerly along said line, a distance of ninety-one and eight-hundredths (91.08') feet, more or less, to the point of commencement and containing one and twelve-hundredths (1.12) acres, more or less; reserving and excepting therefrom any portion of the same now occupied by public highway; and also reserving any existing pipe line or pole line leases.

This parcel of land is, apparently, a part of that section of the Ohio and Erie Canal between the flume at Buckeye Lake in Fairfield County, Ohio, and Little Walnut Creek in Pickaway County, Ohio, which was abandoned for canal purposes by an act of the 88th General Assembly under date of April 19, 1929, 113 O. L., 524. By Section 8 of this act, it is provided that if the Superintendent of Public Works recommends the sale of the tract of canal land abandoned by said act, and the appraisalment thereof is satisfactory to the Governor and the Attorney General, the Governor, upon the payment of the purchase price into the State Treasury, shall execute a deed for such tract of land, conveying to the purchasers thereof, a title in fee simple.

Although it is not clear from the provisions of this act whether sales of abandoned canal lands made under the authority of said act must likewise comply with the provisions of Section 13971, applying generally to the sale of canal lands, I note the finding made by you in this transcript that this parcel of land cannot be leased so as to produce an annual income of six per cent. on the appraised value of the parcel of land; and, in this respect, your proceedings for the sale of this parcel of land conform to the requirements of Section 13971, relating to the sale of canal lands. And assuming that the provisions of Section 13971, General Code, apply to the sale of the parcel of land here in question, it is further noted that the appraised value of the property is such that, subject to the approval of the Governor and the Attorney General, you are authorized to sell this property without advertising the property for sale as otherwise provided for in said section of the General Code.

Inasmuch as your proceedings for the sale of this property appear to be in all respects regular and inasmuch as I have no reason to question the appraised value of the property as the same is found and determined by you, your proceedings for the sale of this property are approved as is indicated by my approval endorsed upon the transcript

and upon the duplicate copy thereof, both of which are herewith enclosed.

Respectfully,

HERBERT S. DUFFY,
Attorney General.

1648.

APPROVAL—BONDS OF WASHINGTON TOWNSHIP RURAL
SCHOOL DISTRICT, DEFIANCE COUNTY, OHIO, \$60,000.00
(Unlimited).

COLUMBUS, OHIO, December 17, 1937.

Retirement Board, State Teachers Retirement System, Columbus, Ohio.
GENTLEMEN:

RE: Bonds of Washington Twp. Rural School Dist.,
Defiance County, Ohio, \$60,000.00 (Unlimited).

I have examined the transcript of proceedings relative to the above bonds purchased by you. These bonds comprise all of an issue of school building and equipment bonds dated December 1, 1937, bearing interest at the rate of 3% per annum.

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

Respectfully,

HERBERT S. DUFFY,
Attorney General.