

1936. Said contract calls for an expenditure of nine hundred and fifty-four dollars (\$954.00).

You have submitted the certificate of the Director of Finance to the effect that there are unencumbered balances legally appropriated in a sum sufficient to cover the obligations of the contract. You have also submitted certificates of the Controlling Board showing that such board has released funds for this project in accordance with section 8 of House Bill No. 531 of the regular session of the 91st General Assembly.

In addition, you have submitted a contract bond upon which the United States Fidelity and Guaranty Company of Baltimore, Md., appears as surety, sufficient to cover the amount of the contract.

You have further submitted evidence indicating that plans were properly prepared and approved, notice to bidders was properly given, bids tabulated as required by law and the contract duly awarded. Also it appears that the laws relating to the status of surety companies and the workmen's compensation have been complied with.

Finding said contract and bond in proper legal form, I have this day noted my approval thereon and return the same herewith to you, together with all other data submitted in this connection.

Respectfully,

JOHN W. BRICKER,
Attorney General.

6062.

APPROVAL—TRANSCRIPT OF PROCEEDINGS RELATING TO
SALE OF PARCEL OF HOCKING CANAL LANDS IN ATHENS,
ATHENS COUNTY, OHIO.

COLUMBUS, OHIO, September 10, 1936.

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

DEAR SIR: You have submitted for my examination and approval a transcript of your proceedings as Superintendent of Public Works and as Director of said department, relating to the sale of a parcel of Hocking Canal lands in the city of Athens, Athens County, Ohio.

The parcel of canal lands covered by this transcript is more particularly described therein, as follows:

“All that part of the abandoned Hocking Canal property in the city of Athens, Athens County, Ohio, lying west of the

east lines of outlots Nos. 106 and 103, as shown upon the original recorded plat of said city, and east of a line running north parallel to east line of lot No. 103, produced across said canal from the northeast corner of that part of said outlot No. 103, formerly owned by J. R. Harvey, and by him conveyed to The Athens Ice and Storage Company, May 19, 1920, as recorded in Vol. 132, page 349, of the Record of Deeds of Athens County, Ohio, and by The Athens Ice & Storage Company conveyed to Hull Foster, Jr., father of H. Z. Foster, the grantee herein, April 16, 1930, as recorded in Vol. 152, page 145, of the Record of Deeds in the Recorder's Office of Athens County, Ohio, said line running north across said canal and being a prolongation northward of the east line of said Harvey Tract, said line being distant about three hundred seventy (370') feet west of the east lines of said outlots Nos. 103 and 106, referred to above."

Upon consideration of this transcript of your proceedings for the sale of the above described parcel of Hocking canal lands, it is noted that House Bill No. 417, enacted by the 88th General Assembly under date of April 19, 1929 (113 O. L., 521), provides that the Superintendent of Public Works of Ohio, as Director thereof, subject to the approval of the Governor and the Attorney General, is authorized to lease or sell, as he may deem to be for the best interests of the state, parcels of Hocking Canal lands in Fairfield, Hocking and Athens Counties which have been abandoned for canal purposes, and that such lease or sale shall be in strict conformity with the provisions of Sections 13965, 13966, 13970 and 13971 of the General Code. In this situation the question presented upon the consideration of this transcript is whether your proceedings relating to the sale of this property conform to the provisions of Section 13971, General Code. Upon careful examination of this transcript I find that you have made all of the findings required by this section as a predicate to your authority to sell this property under the power conferred upon you by this section of the General Code. And inasmuch as the appraised value of this parcel of land for the purposes of this sale is the sum of \$230.00, it appears that you are authorized to sell this property without advertisement, with the approval of the Governor and the Attorney General.

Upon the considerations above noted, I am approving the sale of this property and the transcript of 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 enclosed, together with the other files submitted to me with this transcript.

Respectfully,

JOHN W. BRICKER,
Attorney General.