

1414.

APPROVAL, BONDS OF FRANKLIN COUNTY—\$108,110.00.

COLUMBUS, OHIO, January 14, 1930.

Industrial Commission of Ohio, Columbus, Ohio.

1415.

ABANDONED CANAL LANDS—GRANTED ORIGINALLY TO A MUNICIPALITY WITH REVERTER PROVISION—HOW STATE MAY RE-GAIN TITLE.

SYLLABUS:

Where by an act of the Legislature, abandoned canal lands of the state, within the corporate limits of a municipality, are granted to such municipality on the condition that it occupy and use such lands for street, sewerage and water purposes, with a further provision that if such lands are not occupied and used by the municipality for said purposes within a period of ten years from the date of said grant such lands shall revert to the state, the state may repossess itself of said lands either by judicial proceedings or by legislative act declaring a forfeiture of the rights of the municipal corporation in such canal lands by reason of the breach of the condition upon which the conveyance to the municipality was made; or the state may assert its right and title to such lands by selling or leasing the same through the Superintendent of Public Works pursuant to the specific authority of an act of the Legislature enacted for the purpose.

COLUMBUS, OHIO, January 15, 1930.

HON. ALBERT T. CONNAR, *Superintendent of Public Works, Columbus, Ohio.*

DEAR SIR:—This is to acknowledge receipt of your recent communication, which reads as follows:

“The eighty-third General Assembly of Ohio, in 1919, abandoned for canal purposes that portion of the Hocking Canal within the corporate limits of the city of Nelsonville, Ohio (O. L. 108, page 691, Sec. 1) (14152-10), Page’s Annotated General Code.

Section 2 (14152-11) granted to the said city of Nelsonville authority and permission to enter upon, improve and occupy forever, as a public highway and for sewerage and water purposes, that portion of the Hocking Canal situate within the corporate limits of said city.

Provided, however, said city shall have the right to dispose of the width of any portion of the canal in excess of sixty feet, the street to be defined by straight lines as nearly as possible, and that no portion of the canal property in the sixty feet reserved for street purposes herein described shall ever be used for any purpose or purposes other than for streets and avenues, parking purposes, sewerage and water purposes, and provided further that any portion of the said abandoned canal property that is not so occupied and used at the end of ten years from the date of the passage of this act, shall