

north line of Lot No. 91 of Clarkson's Second Subdivision extended and produced eastwardly (said intersection being 154 feet, more or less, north of the north line of Charlotte St.); thence north 165 feet, more or less, along the west line of Central Parkway to the inter-section of a line which is 183.18 feet north of and parallel with the south line of Lot No. 91 of Clarkson's Second Subdivision, said 183.18 feet measured along the east line of Central Avenue; thence west 20 feet, more or less, along said line which is 183.18 feet north of the south line of said Lot No. 91, to the west State line of the Miami and Erie Canal land; thence southeastwardly 163 feet, more or less, along the said west State line to the north line of said Lot No. 91; thence east 15 feet, more or less, along the north line of said Lot No. 91 extended eastwardly to the place of beginning, and being part of Miami and Erie Canal State land and containing approximately 2705 square feet, and being all that strip of land lying between the west line of the Central Parkway, in the City of Cincinnati, Hamilton County, Ohio, and the east line of the property now owned by the grantees herein."

An examination of the transcript of your proceedings relating to the sale of this parcel of land shows that you have made all the findings and determinations now necessary to be made with respect to this property under the provisions of Section 13971, General Code, under the authority of which section and of Section 464, General Code, this sale is made.

Wholly aside from the question as to whether the provisions of Section 9 of the Act of April 20, 1927 (112 O. L. 210) do not confer upon you additional and specific authority to sell the canal land here in question, I am of the opinion that the sections of the General Code, above mentioned, confer upon you ample authority to this end, and that your proceedings are in all respects in conformity with the provisions of said sections. I am therefore approving your proceedings relating to the sale of the above described parcel of abandoned Miami and Erie Canal lands, as is evidenced by my approval endorsed upon said transcript and upon the duplicate copy thereof.

I have likewise examined the deed form of the deed to be executed by the Governor, conveying the above described parcel of land to the purchaser thereof and find the same to be in proper legal form and the same is approved, as is indicated by my approval endorsed upon said form.

I am herewith returning said transcript and the duplicate thereof as well as the deed form submitted.

Respectfully,
GILBERT BETTMAN,
Attorney General.

1661.

APPROVAL, TRANSCRIPT OF PROCEEDINGS FOR SALE OF MIAMI AND ERIE CANAL LANDS IN THE CITY OF CINCINNATI, HAMILTON COUNTY, OHIO.

COLUMBUS, OHIO, March 24, 1930.

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

DEAR SIR:—This is to acknowledge receipt of your recent communication submitting for my examination and approval a transcript of your findings and pro-

ceedings relating to the proposed sale of a certain parcel of abandoned Miami and Erie Canal lands, in the city of Cincinnati, to Peter J. Feichtner and Genevieve Feichtner, as well as a deed form of a deed to be executed by the Governor conveying said parcel of land to the persons above named. The parcel of canal lands to which these proceedings relate is more particularly described as follows:

"Being Parcel No. 187-A of the allotment of Miami and Erie Canal lands, in the city of Cincinnati, in Section 16, Millcreek Township, Hamilton County, Ohio, as surveyed and platted by the Cincinnati Rapid Transit Commission, under the direction of the Superintendent of Public Works of Ohio, in the summer of 1927, and described as follows:

A tract of land in the city of Cincinnati, and a part of Section 16, lying immediately east of Mitchell Avenue in said city, and north of and adjacent to a tract of land owned by Peter J. Feichtner and Genevieve Feichtner, bounded and described as follows: Beginning at a point where the southerly line of the Miami and Erie Canal land is intersected by the south line of Kessler Park Subdivision and running thence N. 88 deg. 03' west 11.66 feet, along the extension of the south line of said Kessler Park Subdivision to a point; thence S. 34 deg. 52' west 75.10 feet, to a point that is 124.55 feet south of the southerly line of the Rapid Transit System; thence S. 57 deg. 46' west, 118.80 feet, more or less, to a point in the east line of Mitchell Avenue, that is 124.55 feet south of the southerly line of the Rapid Transit System; thence S. 30 deg. 14' east 50.90 feet, to a point in the south line of the Miami and Erie Canal land; thence N. 37 deg. 31' 20" east, 212.43 feet, more or less, to the place of beginning, and containing 5724 square feet, more or less, and being all that portion of Lot Number Eight (8) of Henry Muhlhauser's Subdivision of Lot Two (2) of Lot One (1) of the West Estate, a plat of which Muhlhauser Subdivision is recorded in Plat Book 14, page 67, in the office of the Recorder of Hamilton County, Ohio, claimed by the State of Ohio as surplus canal lands, said portion of said lot lying immediately south-eastwardly from and abutting the northwesterly line of said Lot No. 8."

An examination of your proceedings with respect to the proposed sale of the above described tract of land shows that you have made all of the findings and determinations now required to be made with respect to said parcel of land as a predicate to the sale of the same, under the provisions of Section 13971, General Code, which section, together with Section 464, General Code, is set out in said transcript by way of recital as your authority to sell this parcel of land. In this connection, I am inclined to the view that the provisions of Section 9 of the Act of April 20, 1927, 112 O. L., 210, in and of themselves, afford ample authority for the sale of this property. However this may be, the statutory provisions, first above mentioned, providing ample authority for the sale and, as above noted, you have, in my opinion, made all of the findings necessary to enable you to sell the property here in question, which I note is to be sold to the persons above named for the sum of four hundred dollars (\$400.00).

I am therefore approving the transcript of your proceedings relating to the sale of the above described property, as is evidenced by my approval endorsed upon said transcript and upon the duplicate copy thereof.

An examination of the deed form of the deed to be executed by the Governor, conveying the above described tract of land to Peter J. Feichtner and Genevieve Feichtner, shows that the same is in proper legal form, and the same is herewith approved as is evidenced by my approval endorsed upon said deed form.

I am herewith returning the original and duplicate copies of the transcript of your proceedings relating to the sale of this property, as well as said deed form, all with my approval endorsed thereon as above indicated.

Respectfully,

GILBERT BETTMAN,
Attorney General.

1662.

APPROVAL, CO-OPERATIVE CONTRACTS AND FINAL RESOLUTION
ON ROAD IMPROVEMENTS IN FRANKLIN, HAMILTON, HANCOCK,
PAULDING AND WILLIAMS COUNTIES.

COLUMBUS, OHIO, March 24, 1930.

HON. ROBERT N. WAID, *Director of Highways, Columbus, Ohio.*

DEAR SIR:—You have submitted for my approval the following co-operative contracts:

Hamilton County—Section "A"—SH No. 39
Hancock County—Section "D"—SH No. 220
Paulding County—Payne Village—SH No. 427
Williams County—Section "O"—SH No. 21
Franklin County—Section "I-2(a)"; Types A-B, B and C—SH No. 1

You also have submitted a final resolution covering project upon Section "F"—No. 225. Finding said contracts and resolution correct as to form and legality, I have accordingly endorsed my approval thereon and return the same herewith to you.

Respectfully,

GILBERT BETTMAN,
Attorney General.

1663.

VACATION OF STREET—ADJUTANT GENERAL UNAUTHORIZED TO
FILE WRITTEN CONSENT TO VACATION OF CITY STREET UPON
WHICH ARMORY PROPERTY ABUTS.

SYLLABUS:

There is no provision of law authorizing the Adjutant General or any other officer of the State to file with the council or other authority of a municipality written consent to the vacation of a street or alley in such municipality, abutting upon which the State owns property for armory purposes.

COLUMBUS, OHIO, March 24, 1930.

HON. A. W. REYNOLDS, *Adjutant General of Ohio, Columbus, Ohio.*

DEAR SIR: This is to acknowledge receipt of your communication of recent date, enclosing a communication received by you from a firm of attorneys at