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APPROVAL—SALE, ABANDONED HOCKING CANAL LANDS,
DESIGNATED, NELSONVILLE, ATHENS COUNTY, OHIO,
TO EDWARD FISK, PURCHASE PRICE, \$135.00.

COLUMBUS, OHIO, January 14 1939.

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

DEAR SIR: This is to acknowledge the receipt of your recent communication with which you submit for my examination and approval a transcript of your proceedings relating to the sale to one Edward Fisk of Nelsonville, Ohio, of a parcel of abandoned Hocking Canal lands in said city for the sum of \$135.00, the appraised value of this parcel of land.

This sale is one made by you under the authority of House Bill No. 417 enacted by the 88th General Assembly under date of April 19, 1929, 113 O. L., 521, which authorizes you to sell abandoned Hocking Canal lands in Fairfield, Hocking and Athens Counties by proceedings in compliance with the provisions of section 13970, General Code; which authority so conferred upon the Superintendent of Public Works is subject to the right of the Director of Highways to reserve for highway purposes such portions of these canal lands as may be desired for such purposes. In this connection, it appears that the Director of Highways, acting under the authority of section 2 of said act, made a reservation for highway purposes of all of the abandoned Hocking Canal lands in the City of Nelsonville, Ohio, including the parcel of land here in question, which is described as follows:

Beginning at a point, same being the intersection of the southerly line of Washington Street in said city and the northerly property line of the Hocking Canal property; also being one hundred five (105') feet, more or less, opposite to and at right angles to station 2134+76, in the transit line of Bruce Doughton's Survey of said canal property; thence south $61^{\circ} 0'$ east along said canal property line, two hundred twenty-two (222') feet more or less; thence south $69^{\circ} 56'$ east along said canal property line, forty-seven (47') feet, more or less, to a point, same being the intersection of the northerly property line of said canal property and the easterly line of Lot No. 273 produced; thence south $7^{\circ} 27'$ west along said lot line produced nine (9') feet more or less, to a point, same being the intersection of said lot line produced and the northerly line of Parkway Drive, also being opposite to Station 2137+49 in the transit line of said

Doughton Survey; thence north $66^{\circ} 15'$ west along the northerly line of said Parkway Drive, two hundred seventy-three (273') feet, more or less, to a point, same being eighty (80') feet, more or less opposite to and at right angles to station 2134+76 in the transit line of said Doughton Survey; thence north $23^{\circ} 45'$ east, twenty-five (25') feet, more or less, to the point of beginning and containing three thousand five hundred and six (3,506) square feet, more or less.

Attached to the transcript of your proceedings relating to the sale of the above described parcel of land is a copy of an entry entered upon the journal of the Department of Highways in and by which the Director of Highways has released to the Superintendent of Public Works a certain part of the abandoned Hocking Canal lands in the City of Nelsonville which includes the parcel of land above described; which release so made and entered by the Director of Highways is predicated on a finding made by him in this journal entry that these lands are not needed in any scheme of highway improvement contemplated by the Highway Department.

In this situation, I am of the opinion that you are authorized to sell the above described parcel of land subject to the approval of the Governor and the attorney General; and inasmuch as it appears that you have in these proceedings made all the findings of fact necessary under the provisions of section 13970, General Code, and of the later act of the legislature above referred to, to authorize you to sell this property, I am approving such sale and your proceedings relating thereto as is evidenced by my approval endorsed upon the transcript and upon the duplicate copy thereof, both of which are therewith returned.

Respectfully,

THOMAS J. HERBERT,
Attorney General.