

1908.

APPROVAL.—TRANSCRIPT OF PROCEEDINGS, SALE PARCEL ABANDONED HOCKING CANAL LANDS, VILLAGE OF SUGAR GROVE, BERNE TOWNSHIP, FAIRFIELD COUNTY, OHIO, CONSIDERATION, \$500.00, STATE OF OHIO THROUGH DEPARTMENT OF PUBLIC WORKS TO VILLAGE OF SUGAR GROVE, OHIO.

COLUMBUS, OHIO, February 10, 1938.

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 in duplicate of your proceedings for the sale to the village of Sugar Grove, Ohio, in consideration of the payment by said village of the sum of \$500.00, the appraised value thereof, of a parcel of abandoned Hocking Canal lands, including the full width of the bed and banks thereof, located in the village of Sugar Grove, Berne Township, Fairfield County, Ohio, and described as follows:

Beginning at the north corporation line of the village of Sugar Grove, said corporation line crossing the transit line of the Bruce Doughton Survey of said canal property, made under the direction of the Board of Public Works of Ohio, in 1912, at Station 839+79, of said survey and running thence southerly with the lines of said canal property, terminating at Station 863+08.

As indicated by the transcript submitted to me, the sale of this property is under the authority of the Act of April 19, 1929, 113 O. L., 521, which 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 for the best interests of the state, in conformity with the provisions of Sections 13965, 13966, 13970 and 13971 of the General Code, those portions of the abandoned Hocking Canal lands in Fairfield, Hocking and Athens County that are still owned by the State of Ohio. Section 2 of this act provides as follows:

“There is hereby excepted and reserved from the provisions of this act any portion of said abandoned Hocking canal that is now occupied by state highways, or that may be designated,

within one year from the date at which this act becomes effective by the director of highways as necessary in any scheme of highway improvement adjacent to said abandoned canal lands."

Assuming that the above described parcel of abandoned canal land was not at the time of the enactment of the act above referred to occupied by state highways and has not since said time been designated by the Director of Highways as lands needed for highway improvement purposes, as authorized and provided for in the above quoted section of this act, it follows that, subject to the approval of the Governor and the Attorney General, you are authorized to sell this property as provided for in Section 13971, General Code. By this section, read in connection with the provisions of Section 464, General Code, it is provided that any land or lands belonging to the State of Ohio near or remote from the line of any canal in this state, that cannot be leased so as to yield six per cent. on the valuation thereof may be sold by the Superintendent of Public Works acting together with the Governor and the Attorney General at private sale, if the appraised value of the property sold is \$500.00 or less.

Upon examination of the transcript of your proceedings relating to the sale of this property, I find that all the conditions of the statutory provisions above referred to authorizing you to sell this property have been complied with; and I am accordingly approving such sale and the transcript of your proceedings relating thereto as is evidenced by my approval endorsed upon the transcript and upon the duplicate copy thereof, which are herewith enclosed.

Respectfully,

HERBERT S. DUFFY,

Attorney General.

1909.

INDIGENT TRANSIENTS—COUNTY—CITY—INDIVIDUALLY
HAVE POWER AND AUTHORITY TO FURNISH RELIEF
AND HOUSING—MAY NOT JOINTLY CONSTRUCT AND
MAINTAIN BUILDING—COUNTY COMMISSIONERS MAY
LEASE TO MUNICIPALITY PART OF COUNTY BUILD-
ING—POWER OF CITY TO LEASE BUILDING.

SYLLABUS:

1. *A county has power and authority under Sections 3476 and*