

As noted above, Section 1 of said act provides that the lease or sale of abandoned Hocking Canal lands now owned by the state shall be made in strict conformity with the provisions of Sections 13965 et seq. of the General Code.

An examination of the transcript of your proceedings relating to the purchase of this property shows that you have made the findings necessary under the provisions of Section 13971, General Code, to authorize you to sell the parcel of land above described, and your proceedings relating to the sale of this property being otherwise in conformity with law, the transcript thereof is hereby approved as is evidenced by my approval endorsed upon said transcript and upon the duplicate copy thereof.

I have examined the deed form of the deed to be executed by the Governor, conveying the above described property to Norman Cooper, and, finding the same to be in proper form, said deed form is hereby approved.

Respectfully,  
GILBERT BETTMAN,  
*Attorney General.*

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1539.

APPROVAL, TRANSCRIPT OF PROCEEDINGS FOR SALE OF CANAL  
LAND IN GREEN TOWNSHIP, HOCKING COUNTY.

COLUMBUS, OHIO, February 19, 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 the proceedings of your office relating to the proposed sale and conveyance of a parcel of abandoned Hocking canal lands to one C. S. Matheny, of Haydenville, Ohio, which parcel of land is situated in Green Township, Hocking County, Ohio, and which, together with the exceptions to which the conveyance is subject, is more particularly described as follows:

“Commencing at Station 1836 plus 12 of Bruce Doughton’s survey of said abandoned Hocking Canal, made under the direction of the State Board of Public Works in 1912, and extending thence southeasterly, including the full width of the bed and banks thereof, a distance of 2518 feet, more or less, to the south line of Green Township, and containing six and thirty hundredths (6.30) acres, more or less;

Excepting and reserving therefrom, however, any portion of said abandoned Hocking Canal lands that has recently been designated by the Director of Highways of the State of Ohio, under the provisions of Section 2 of House Bill No. 417, as passed by the 88th General Assembly of Ohio (O. L. 113, page 522), as necessary in the proposed scheme of the Department of Highways to relocate and improve State Highway No. 155, Section K, of surveys made for the relocation and improvement thereof, a blueprint plat of which survey was filed with the Superintendent of Public Works on the 16th day of January, 1930, and to which reference is hereby made for additional description of the tract herein excepted;

Also excepting and reserving therefrom all state leases for portions of said abandoned Hocking Canal property that were in force at the date of the passage of said House Bill No. 417, most of which tracts are included in the selections made by the Department of Highways for Highway purposes, as

shown upon the Highway Department's plat of said survey filed with the Department of Public Works on the date noted above; Said lands are also a part of the abandoned Hocking Canal property as shown on plat No. 22 of Bruce Doughton's survey of the abandoned Hocking Canal lands, on file in the office of the Department of Public Works, at Columbus, Ohio."

The proposed sale and conveyance of the above described property is pursuant to the authority of the provisions of House Bill 417, passed by the 88th General Assembly April 5, 1929, and which went into effect July 24, 1929. This act has been carried into the General Code by designation as Sections 14152-3, 14152-3a and 14152-9a, and provides by the first section thereof (Section 14152-3 G. C.) that the Superintendent of Public Works of Ohio, as Director thereof, is authorized, subject to the approval of the Governor and Attorney General, to lease or sell, as he may deem for the best interest of the state, in strict conformity with Sections 13965, 13966, 13970 and 13971 of the General Code, those portions of the abandoned Hocking canal lands in Fairfield, Hocking and Athens Counties that are still owned by the State of Ohio. Section 2 of said act (Section 14152-3a G. C.) provides that there is excepted and reserved from the provisions of the act any portion of said abandoned Hocking Canal that is now occupied by state highways or that may be designated by the Director of Highways within one year from the effective date of said act as necessary in any scheme of highway improvement adjacent to said abandoned canal lands.

It appears from the transcript that the Director of Highways, acting under authority of said act, has designated certain portions of the above described tract and parcel of abandoned canal lands that will be needed for highway purposes, which portions of said parcel so needed for highway purposes are designated in a plat thereof filed in the office of the Superintendent of Public Works, and which by reference to said plat are excepted from the description of the parcel of land sold and conveyed to Mr. Matheny.

As noted above, Section 1 of said act provides that the lease or sale of abandoned Hocking canal lands now owned by the State shall be made in strict conformity with the provisions of Sections 13965 et seq., of the General Code.

An examination of the transcript of your proceedings relating to the purchase of this property shows that you have made the findings necessary under the provisions of Section 13971, General Code, to authorize you to sell the parcel of land above described, and your proceedings relating to the sale of this property being otherwise in conformity with law, the transcript thereof is hereby approved as is evidenced by my approval endorsed upon said transcript and upon the duplicate copy thereof.

I have examined the deed form of the deed to be executed by the Governor, conveying the above described property to C. S. Matheny, and finding the same to be in proper form, said deed form is hereby approved.

Respectfully,

GILBERT BETTMAN,

*Attorney General.*