

3872.

DISAPPROVAL, BONDS OF VILLAGE OF MENTOR, LAKE COUNTY,  
\$3,850.00.

COLUMBUS, OHIO, December 9, 1926.

Re: Bonds of Village of Mentor, Lake County, \$3,850.00.

*Department of Industrial Relations, Industrial Commission of Ohio, Columbus, Ohio.*

GENTLEMEN:—The foregoing bonds have been issued under the provisions of section 3860 of the General Code for delinquent sidewalk assessments.

The affidavit of the publisher giving notice of the filing of the assessment is to the effect that said notice was published for two consecutive weeks from June 22, 1926, and the publication thereof gave notice that objections must be filed on or before July 6, 1926.

Section 3895 of the General Code provides:

“Before adopting an assessment made as provided in this chapter, the council shall publish notice for three weeks consecutively, in a newspaper of general circulation in the corporation, that such assessment has been made, and that it is on file in the office of the clerk for the inspection and examination of persons interested therein.”

It will therefore be observed that the foregoing publication has not been made in accordance with the provisions of this section, which provides that at least twenty-one days must elapse from the date of the first publication up to the date in which the property owners have the right to file objections to make claims.

Under the notice as published, the property owners have not been given the time as required by the within statute under the ruling in the case of the village of Maple Heights vs. Holtz, Clerk, 100 O. S., page 264; this notice would be held insufficient and could be attacked by the property owners.

The bond ordinance was passed on September 2, 1926, and provided that the first bond shall mature on October 1, 1927.

Section 2295-12 of the General Code provides:

“All bonds hereafter issued by any county, municipality, including charter municipalities, school district, township or other political subdivision, shall be serial bonds maturing in substantially equal semi-annual or annual installments. If issued with semi-annual maturities the first installment shall mature not earlier than the first day of March next following the fifteenth day of July next following the passage of the ordinance or resolution authorizing such bonds; and if issued with annual maturities, the first installment shall mature not earlier than the first day of the second September next following said fifteenth day of July. In either case the first installment shall mature not later than eleven months after said earliest date thereof.”

These bonds have not been issued as to maturities in accordance with the foregoing section. This defect can be corrected by amendment, but in view of the failure to meet the statutory requirements of section 3895 of the General Code, I am compelled to advise that said assessments have not been made legally, and for that reason, you are advised not to accept the bonds issued in anticipation of the collection thereof.

Respectfully,

C. C. CRABBE,

*Attorney General.*