

of certain real property situated in the City of Columbus, Franklin County, Ohio, and more particularly described as follows:

Being lot number twenty-one (21) of Critchfield & Warden's Subdivision of the south half of the north half of Lot No. 278, of Woodruff's Agricultural College Addition to the City of Columbus, Ohio, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 4, page 234, Recorder's Office, Franklin County, Ohio.

From my examination of this abstract I am of the opinion that Edna E. Bauer Stewart, the owner of record of said lot, has a good and merchantable fee simple title to said premises, subject only to the inchoate dower interest of her husband, Charles T. Stewart, and to the lien of the taxes on said premises for the last half of the year 1927, amounting to the sum of \$2.29.

I have examined the warranty deed executed by said Edna E. Bauer Stewart and Charles T. Stewart, her husband, and find said deed to be properly executed and to be in form sufficient to convey a fee simple title to said lot and to lots 19 and 20 of said subdivision to the State of Ohio, free and clear of the dower interest of said Charles T. Stewart and free and clear of all encumbrances whatsoever.

An examination of the encumbrance estimate with respect to the purchase of said property shows that the same is in proper form and that there are unencumbered balances legally appropriated sufficient to pay the purchase price of said lot and of lots 19 and 20 in the same subdivision above referred to.

No action of the Controlling Board was necessary with respect to the purchase of said property and no proceedings of said board in this matter has been submitted.

I am herewith forwarding to you said abstract of title, warranty deed, encumbrance estimate and other files pertaining to the purchase of said property.

Respectfully,  
EDWARD C. TURNER,  
*Attorney General.*

1882.

TOWNSHIP TRUSTEES—AUTHORITY TO PURCHASE TRUCKS FOR  
CONSTRUCTION AND MAINTENANCE OF ROADS—ADVERTISE-  
MENT—SECTION 3373, GENERAL CODE, DISCUSSED.

*SYLLABUS:*

*All purchases of trucks or other machinery by township trustees for use in constructing, maintaining and repairing roads must, where the amount involved exceeds five hundred dollars, be made from the lowest responsible bidder after advertisement, as prescribed in Section 3373, General Code.*

COLUMBUS, OHIO, March 21, 1928.

HON. W. S. PAXSON, *Prosecuting Attorney, Washington C. H., Ohio.*

DEAR SIR:—This will acknowledge receipt of your recent communication which reads:

“The trustees of one of our townships desire to purchase a truck for use in maintaining and repairing the roads in their township. The list price of the

truck which they desire to purchase exceeds five hundred dollars. Under Section 3373 of the General Code it appears that where the amount involved exceeds five hundred dollars it is necessary that an advertisement for bids be inserted in a newspaper.

I am under the impression, and in discussing the matter with the county auditor he also is under the same impression, that your department has ruled that where a certain kind of truck which has a fixed list price is to be purchased it is not necessary to advertise for bids. Kindly advise me whether or not you consider it necessary under the circumstances above stated."

Section 3373 of the General Code to which you refer, reads as follows:

"In the maintenance and repair of roads the township trustees may proceed either by contract or force account. When they proceed by contract the contract shall, in case the amount involved exceeds two hundred dollars, be let by the township trustees to the lowest responsible bidder after advertisement for bids once not later than two weeks prior to the date fixed for letting of such contract, in a newspaper published in the county and of general circulation within such township, if there be any such paper published in the county, but if there be no such paper published in the county, then in a newspaper having general circulation in said township. If the amount involved is two hundred dollars or less the contract may be let without competitive bidding. Such contract shall be performed under the supervision of a member of the board of township trustees or the township highway superintendent.

Township trustees are hereby authorized to purchase or lease such machinery and tools as may be deemed necessary for use in maintaining and repairing roads and culverts within the township. The township trustees shall provide suitable places for housing and storing machinery and tools owned by the township. They shall have the power to purchase such material and to employ such labor and teams as may be necessary for carrying into effect the provisions of this section, or they may authorize the purchase or employment of the same by one of their number or by the township highway superintendent at a price to be fixed by the township trustees. All payments on account of machinery, tools, material, labor and teams shall be made from the township road fund as provided by law. All purchases of materials, machinery, and tools, shall, where the amount involved exceeds five hundred dollars, be made from the lowest responsible bidder after advertisement made in the manner hereinbefore provided. All force account work shall be done under the direction of a member of the board of township trustees or of the township highway superintendent."

In construing this section it was held by this department in an opinion found in Opinions of the Attorney General for 1923, page 636, rendered to the prosecuting attorney of Meigs County, that:

"All purchases of materials, machinery, and tools, shall where the amount involved exceeds five hundred dollars, be made from the lowest responsible bidder after advertisement made in the manner provided in said section."

I had occasion to construe Section 3373, General Code, in an opinion, No. 660, rendered June 24, 1927, to the prosecuting attorney of Gallia County, and stated as follows:

"Inasmuch as, according to your letter, the expenditure contemplated by the township trustees for the purchase of a tractor involves more than five hundred dollars, it will be necessary to advertise for bids and let the contract for such purchase to the lowest responsible bidder as provided in Section 3373 of the General Code."

Under the provisions of Section 7201, General Code, township trustees may purchase trucks and other equipment for use in constructing, maintaining and repairing roads, and the terms upon which said purchase may be made and the manner of payment are prescribed; but no provision is made in said section for the advertisement for bids.

It is evident that in enacting Section 3373, General Code, the intent of the Legislature was to prescribe for township trustees methods of procedure which would secure to the township in the purchase of trucks and other road machinery the lowest price obtainable.

It therefore enacted that all purchases of machinery by township trustees for use in constructing, maintaining and repairing roads must, where the purchase price exceeds five hundred dollars be made from the lowest responsible bidder after advertisement as prescribed in said section.

Generally, trucks have a fixed list price, but the list price is not always the purchase price, and it is mandatory upon the township trustees to purchase the truck from the lowest responsible bidder after advertisement for bids in the manner prescribed by law.

Moreover, there may be two or more dealers selling the same truck and one dealer may submit a bid much lower than the other.

In consideration of the provisions of Section 3373 and the former holdings of this department, it is my opinion that all purchases of trucks or other machinery by township trustees for use in constructing, maintaining and repairing roads must, where the amount involved exceeds five hundred dollars, be made from the lowest responsible bidder after advertisement, as prescribed in Section 3373, General Code.

Respectfully,  
EDWARD C. TURNER,  
*Attorney General.*

1883.

#### FINDINGS MADE BY BUREAU OF INSPECTION AGAINST POLITICAL SUBDIVISIONS—HOW COMPROMISED.

##### SYLLABUS:

*Findings for the recovery of monies due to local political subdivisions or taxing districts of the state, made by the Bureau of Inspection and Supervision of Public Offices, may be compromised or abated, either before or after civil action has been instituted thereon, by proper action of the proper authorities of the local subdivision or taxing district, with the approval of the Auditor of State and the Attorney General.*

COLUMBUS, OHIO, March 21, 1928.

*Bureau of Inspection and Supervision of Public Offices, Columbus, Ohio.*

GENTLEMEN :—This will acknowledge receipt of your communication which reads as follows :