

Ohio State University, and The Cleveland Marble Mosaic Company, of Cleveland, Ohio. This contract covers the construction and completion of marble, tile and terrazzo contract for "Remodel and complete old Chemistry building for Liberal Arts building," Ohio State University, Columbus, Ohio, and calls for an expenditure of eighteen thousand eight hundred and thirty (18,830.00) dollars.

You have submitted the certificate of the Director of Finance to the effect that there are unencumbered balances legally appropriated in a sum sufficient to cover the obligations of the contract. You have also furnished evidence to the effect that the consent and approval of the Controlling Board to the expenditure has been obtained as required by Section 12 of House Bill No. 502 of the 87th General Assembly. In addition you have submitted a contract bond, upon which the Eagle Indemnity Company appears as surety, sufficient to cover the amount of the contract.

You have further submitted evidence indicating that plans were properly prepared and approved, notice to bidders was properly given, bids tabulated as required by law and the contract duly awarded. Also it appears that the laws relating to the status of surety companies and the workmen's compensation have been complied with.

Finding said contract and bond in proper legal form, I have this day noted my approval thereon and return the same herewith to you, together with all other data submitted in this connection.

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

2539.

APPROVAL, CONTRACT BETWEEN STATE OF OHIO AND THE HUFFMAN-WOLFE COMPANY, COLUMBUS, OHIO, FOR THE CONSTRUCTION OF HEATING AND PLUMBING FOR "REMODEL AND COMPLETE OLD CHEMISTRY BUILDING FOR LIBERAL ARTS BUILDING," OHIO STATE UNIVERSITY, COLUMBUS, OHIO, AT AN EXPENDITURE OF \$42,238.00—SURETY BOND EXECUTED BY THE STANDARD ACCIDENT INSURANCE COMPANY.

COLUMBUS, OHIO, September 4, 1928.

HON. RICHARD T. WISDA, *Superintendent of Public Works, Columbus, Ohio.*

DEAR SIR:—You have submitted for my approval a contract between the State of Ohio, acting by the Department of Public Works, for the Board of Trustees of the Ohio State University, and The Huffman-Wolfe Company, of Columbus, Ohio. This contract covers the construction and completion of heating and plumbing contract for "Remodel and complete old Chemistry building for Liberal Arts building," at Ohio State University, Columbus, Ohio, and calls for an expenditure of forty-two thousand two hundred and thirty-eight (\$42,238.00) dollars.

You have submitted the certificate of the Director of Finance to the effect that there are unencumbered balances legally appropriated in a sum sufficient to cover the obligations of the contract. You have also furnished evidence to the effect that the consent and approval of the Controlling Board to the expenditure has been obtained as required by Section 12 of House Bill No. 502 of the 87th General Assembly. In addition you have submitted a contract bond, upon which the Standard Accident Insurance Company appears as surety, sufficient to cover the amount of the contract.

You have further submitted evidence indicating that plans were properly prepared and approved, notice to bidders was properly given, bids tabulated as required by law and the contract duly awarded. Also it appears that the laws relating to the status of surety companies and the workmen's compensation have been complied with.

Finding said contract and bond in proper legal form, I have this day noted my approval thereon and return the same herewith to you, together with all other data submitted in this connection.

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

2540.

STREET IMPROVEMENT—CONTINUATION OF STATE ROAD THROUGH CITY—NO PART OF COST PAYABLE BY STATE OR COUNTY—EX-CERTIONS.

SYLLABUS:

1. *Where a city street which is a continuation of a state road or highway is improved by the city as a street, neither the State nor the county in which such city is located is authorized to contribute to the city any part of the cost and expense of such improvement.*

2. *Where a city street is a continuation of a state road or highway, the same may be improved by the county commissioners of the county in which such city is located, with the consent of such city evidenced by proper legislation of its council. In such case the city may participate in the payment of the cost and expense of such improvement by paying to the county treasurer such amount of the cost and expense of the improvement as may be agreed upon between the county commissioners and the council of the city. The city may pay its proportion of the cost and expense of the improvement from the proceeds of taxes levied upon the taxable property of the city or from the proceeds of assessments therefor levied against abutting property owners, or both.*

3. *Where a city street is a continuation of a state road or highway the same may be improved by the Director of Highways by and with the consent of the legislative authority of the city. In such case the city may participate in the payment of the cost and expense of that part of the width of the improvement which is in excess of that contemplated and provided for by the plans and specifications of the Department of Highways for said improvement as a state road or highway and the commissioners of the county in which such city is located may participate in the payment of the cost and expense of so much of the width of said improvement as is in excess of eighteen feet. The city may pay its proportion of the cost and expense of such improvement from the proceeds of tax levies therefor upon all the taxable property of the city, or from the proceeds of assessments, which may be made in any one of the methods provided for in the case of street improvements within a municipality and under the exclusive control thereof.*

COLUMBUS, OHIO, September 5, 1928.

HON. JAMES COLLIER, *Prosecuting Attorney, Ironton, Ohio.*

DEAR SIR:—This is to acknowledge receipt of your communication in which you request my opinion on certain questions therein stated. Your communication reads as follows: