

The Director of Highways and Public Works, in the maintenance, repair or reconstruction of inter-county highways and main market roads, shall be authorized to change the line of the improvement for that followed by the existing highway or road whenever such change is necessary, in his judgment, to eliminate dangerous curves, sharp angles or steep grades.

He shall also be authorized to widen the right of way occupied by such road or highway whenever in his judgment a wider right of way is needed. *For the purpose of acquiring any real estate that may be needed for any of such purposes, such director is authorized to pay to the owner or owners thereof, such reasonable sum as may be agreed upon between him and such owner or owners.* If such director is unable to agree with the owner or owners of such real estate as to the value thereof, he may proceed to condemn such real estate in the manner provided in Section 1201 of the General Code with respect to the condemnation by county commissioners or township trustees of right of way for state highway improvements. * * * "

You will note that the above quoted section provides that, in cases like the one under consideration, where the Director of Highways is proceeding of his own initiative to change and widen an existing highway, "*such director is authorized to pay to the owner or owners * * * such reasonable sum as may be agreed upon between him and such owner or owners,*" the statute further providing that if "*such director is unable to agree with the owner or owners,*" *he* may proceed to condemn in the manner provided in Section 1201, General Code, with respect to the condemnation by county commissioners or township trustees of right of way for state highway improvements. It is manifest that the section contemplates that the Director of Highways shall purchase the necessary right of way in cases like the one here involved, and since damages to the land remaining in the owner or owners are on the same plane as compensation for the land taken, such damages should be borne by the state.

Specifically answering your question, therefore, I am of the opinion that in the relocation of Inter-county Highway No. 157 by the Director of Highways and Public Works, who is proceeding with such improvement without application by and cooperation of the county commissioners or township trustees, it is the duty of such Director to pay such compensation and damages as may be necessary to the owner or owners for any land taken for such improvement.

Respectfully,
EDWARD C. TURNER,
Attorney General.

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APPROVAL, CONTRACT BETWEEN STATE OF OHIO THROUGH DEPARTMENT OF HIGHWAYS AND PUBLIC WORKS, WITH LEO HERMAN, BOWLING GREEN, OHIO, FOR REBUILDING 242' OLD TUNNEL, BOWLING GREEN STATE NORMAL SCHOOL, \$6,320.50—SURETY BOND EXECUTED BY THE NATIONAL SURETY COMPANY.

COLUMBUS, OHIO, March 14, 1927.

HON. GEORGE F. SCHLESINGER, *Director of Highways and Public Works, Columbus, Ohio.*

DEAR SIR:—You have submitted for my approval a contract between the State of Ohio, acting by the Department of Highways and Public Works, for and on behalf

of the board of trustees of Bowling Green State Normal School, and Leo Herman, of Bowling Green, Ohio. This contract covers the construction and completion of general contract for rebuilding 242' old tunnel (rebuilding 253' old tunnel), including electrical work and excluding piping, Bowling Green State Normal School, Bowling Green, Ohio, and calls for an expenditure of six thousand, three hundred and twenty and 50/100 dollars (\$6,320.50).

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. There has further been submitted a contract bond upon which the National Surety 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.

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APPROVAL, CONTRACT BETWEEN STATE OF OHIO THROUGH DEPARTMENT OF HIGHWAYS AND PUBLIC WORKS WITH THE CLAGUE AND STROHL COMPANY, BOWLING GREEN, FOR PIPING CONTRACT, REBUILDING 242' OLD TUNNEL, BOWLING GREEN STATE NORMAL SCHOOL, BOWLING GREEN, OHIO—SURETY BOND EXECUTED BY THE AMERICAN SURETY COMPANY.

COLUMBUS, OHIO, March 14, 1927.

HON. GEORGE F. SCHLESINGER, *Director of Highways and Public Works, Columbus, Ohio.*

DEAR SIR:—You have submitted for my approval a contract between the State of Ohio, acting by the Department of Highways and Public Works, for and on behalf of the board of trustees of Bowling Green State Normal School, and The Clague and Strohl Company, of Bowling Green, Ohio. This contract covers the construction and completion of piping contract for rebuilding 242' old tunnel (rebuilding 252' old tunnel), Bowling Green State Normal School, Bowling Green, Ohio, and calls for an expenditure of four thousand, eight hundred seventy-two dollars (\$4,872.00).

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. There has further been submitted a contract bond upon which the American Surety 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. Proofs of publication and estimate of cost have been furnished and are on file with the contract between Leo Herman and the State of Ohio covering the same subject matter, dated the 14th day of February, 1927. Also it ap-