

In order that the cost of an improvement may be assessed, it is necessary that property be specially benefited thereby and that the right of assessment be given by statute. It would appear to be clear that provision for the connection of water mains with fire hydrants is of benefit to the abutting property owners as furnishing the means by which fire protection will ultimately be secured for the neighborhood. It is clearly of as much benefit as the water mains proper. It only remains to be determined whether Section 3812 of the Code, heretofore referred to, is broad enough in its language to authorize such assessment.

By the terms of Section 3812, any part of the cost and expense connected with the improvement of a street by constructing "water mains or laying of water pipe" may be assessed. The connections with fire hydrants are water pipe placed in the street as a part of its improvement, and, although there exists some doubt on the question, I feel that the authority to assess for the laying of water pipe includes the authority to assess for these connections. The alternative would be, as heretofore indicated, to pay for these connections out of waterworks funds, but there is no reason why the cost of connections should not be assessed so long as such right exists as to the water mains proper. The purpose of requiring the mains to be laid in anticipation of the pavement is to prevent the injury of the street by tearing it up for the purpose of later installations, and accordingly, such installation constitutes an integral part of the whole street improvement.

It is, therefore, my opinion that when a street is about to be paved and the city council prescribes by ordinance for the laying of water pipes and connections to properties, and for the assessment of the cost thereof, the cost of installing fire hydrant connections may be included as part of the cost to be assessed against the benefited property.

Respectfully,
GILBERT BETTMAN,
Attorney General.

1034.

APPROVAL, ABSTRACT OF TITLE TO LAND OF HAROLD HERNDON
DEWITT, SCIOTO COUNTY, OHIO.

COLUMBUS, OHIO, October 15, 1929.

HON. CARL E. STEEB, *Secretary, Ohio Agricultural Experiment Station, Columbus, Ohio.*

DEAR SIR:—This is to acknowledge receipt of your communication of even date herewith again enclosing for my examination and approval abstract of title, warranty deed, encumbrance estimate No. 4471, and controlling board certificate relating to the proposed purchase of three certain tracts of land in Brush Creek and Morgan Townships, Scioto County, Ohio, owned of record by one Harold Herndon DeWitt, subject to the outstanding consummated dower interest of one Alice DeWitt Munday. The abstract of title and other files relating to the purchase of this property were under consideration by this department in Opinions No. 167 and No. 735, directed to you under dates of March 7, 1929, and August 13, 1929, respectively.

In Opinion No. 735 of this department above referred to, I found that Harold Herndon DeWitt had a good and indefeasible title to said tracts of land, subject only to certain taxes due and payable on said tracts amounting to the sums of \$23.83, \$203.18 and \$198.53, respectively.

I also found that the fee simple title of Harold Herndon DeWitt in and to said tracts of land was subject to the outstanding consummated dower interest of Alice DeWitt Munday. This outstanding dower interest of Alice DeWitt Munday is, however, effectively conveyed and released to the State of Ohio by the warranty deed which she and said Harold Herndon DeWitt have executed and tendered.

In a certificate to said abstract signed by the abstractor under date of August 19, 1929, it is certified that said tracts of land have been certified for non-payment of taxes, and that as of September 1st, 1929, it will take said respective sums of \$23.83, \$203.18 and \$198.53 to redeem it.

From the correspondence attached to the above mentioned files relating to the purchase of this property it appears that said Harold Herndon DeWitt and Alice DeWitt Munday, the grantors in the deed to the State of Ohio, expect the delinquent and other taxes due on these three tracts of land to be paid out of the purchase price to be paid to the grantors for said lands. It is of no interest to this department how these taxes are paid. All we desire to know is that the same are paid before or at the time the transaction relating to the purchase of this property is closed. The delinquent taxes above noted clearly do not include the taxes on said property for the year 1929. It does not appear what arrangement your department in the negotiations for the purchase of this property has made with said grantors with respect to the taxes for the year 1929, and this matter should likewise be thoroughly understood before this transaction is closed.

I am returning the above mentioned files with my approval, subject only to what has been said with respect to the matter of taxes.

Respectfully,
GILBERT BETTMAN,
Attorney General.

1035.

APPROVAL, BONDS OF NEW BREMEN VILLAGE SCHOOL DISTRICT,
AUGLAIZE COUNTY—\$80,000.00.

COLUMBUS, OHIO, October 15, 1929.

Retirement Board, State Teachers Retirement System, Columbus, Ohio.

1036.

APPROVAL, BONDS OF SHEFFIELD LAKE VILLAGE SCHOOL DISTRICT,
LORAIN COUNTY—\$15,000.00.

COLUMBUS, OHIO, October 15, 1929.

Retirement Board, State Teachers Retirement System, Columbus, Ohio.