

approval thereon and return the same herewith to you, together with all other data submitted in this connection.

Respectfully,  
GILBERT BETTMAN,  
*Attorney General.*

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2368.

DEDICATION OF LAND—BOARD OF EDUCATION MAY DEDICATE FOR  
STREET PURPOSES—COUNCIL OF A MUNICIPAL CORPORATION  
MAY ACCEPT AND CONTROL SUCH LAND AS A PUBLIC STREET.

*SYLLABUS:*

*When lands owned by a board of education within a municipal corporation are dedicated by said board for street purposes, in order to have established a street for the purpose of making other lands owned by the board accessible, such lands so dedicated as a public street may be accepted as such, by the council of such municipal corporation and the said lands so dedicated shall thereafter be under the control and supervision of the council of such municipal corporation, as a public street.*

COLUMBUS, OHIO, September 24, 1930.

HON. I. B. STEELE, *Prosecuting Attorney, Lima, Ohio.*

DEAR SIR:—This will acknowledge receipt of your inquiry which reads as follows :

“The Cairo village board of education of Cairo, Ohio, some time ago was deeded a strip of land for road purposes.

Inasmuch as said board of education desires that said strip of land be dedicated for public use within the village of Cairo, Ohio, would it be proper for the county commissioners of this county to accept same under Section 6886, G. C., or should the village council of Cairo, Ohio, accept said dedication under Section 3723, General Code?”

You do not state in your letter how it came about that the Cairo village board of education was deeded a strip of land for road purposes. A board of education has no authority, as such to establish roads, nor does it have any authority to acquire land merely for the purpose of dedicating those lands for street purposes unless it becomes necessary to establish a road or street in order to make lands owned by a board of education which it desires to utilize for school purposes, accessible. I assume, therefore, that the Cairo board of education acquired the strip of land about which you speak for the purpose of an outlet for property already owned by it to an established public highway. Authority for dedicating such lands for street purposes after acquiring them, is found in Section 7624-2, General Code, which reads as follows :

“Where the board of education of any school district in this state shall own or hold lands for school purposes and said lands are not accessible by reason of the want of any street or public highway leading thereto and it becomes necessary that streets and highways shall be dedicated and opened for the purpose of making such lands accessible and available for the public use, and in so doing it becomes necessary to use and occupy part of

said school lands for street or highway purposes, such board of education may, by resolution duly passed, authorize that a true map or plat of said lands shall be made by a competent engineer, delineating thereon the proposed streets or highways, and shall authorize the president and clerk of said board of education to execute and acknowledge thereon a certificate of dedication of such lands as are embraced therein as streets and highways, for the use of the general public as such; and the council of any municipal corporation, within which such lands are situated may, by ordinance duly passed, accept such lands so dedicated as public streets, and the same shall thereafter be under the control and supervision of council of such municipal corporation as streets and highways."

It will be observed from the terms of the foregoing statute that when part of the school lands owned by a board of education is dedicated for public highway purposes in order to make other lands owned by the board accessible, the council of any municipal corporation within which such lands are situated, may by ordinance duly passed, accept such land so dedicated as public streets, and the same shall thereafter be under the control and supervision of council of such municipal corporation as streets and highways.

By the terms of the said statute, clear and specific authority is extended to municipal corporations to accept lands so dedicated by a board of education for street purposes, and, if the intention and desire of the board to have established a public street to be maintained as such by the village is to be carried out, a formal acceptance by the village must be made, otherwise no obligation will rest on the village to care for and control the street, as such. This fact is clearly expressed by the terms of Section 3723, General Code, which reads as follows:

"No street or alley dedicated to public use by the proprietor of ground in any corporation, shall be deemed a public street or alley, or under the care or control of the council, unless the dedication is accepted and confirmed by an ordinance specially passed for such purpose."

I am of the opinion, with reference to the situation outlined in your inquiry, that the lands in question, dedicated by the Cairo board of education for street purposes, should be accepted as such, by the council of the village of Cairo, if the same are to be deemed a public street, under the care and control of the council of the village of Cairo. Clear authority for such acceptance is contained in Section 7624-2, General Code.

Respectfully,  
 GILBERT BETTMAN,  
*Attorney General.*

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2369.

APPROVAL, BONDS OF VILLAGE OF HUDSON, SUMMIT COUNTY,  
 OHIO—\$63,000.00.

COLUMBUS, OHIO, September 24, 1930.

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