

"Where a chattel mortgage is presented with an assignment already made, it is the duty of the county recorder to charge the amount provided for the filing of the original mortgage and in addition thereto, six cents for each party to the assignment."

In other words, the question considered by the then Attorney General is exactly the same as that which you present. Without further discussion, I concur in said opinion for the reasons set forth therein.

You are accordingly advised that the amount of the fee to be charged by the county recorder for filing an assignment of a chattel mortgage is the amount provided for the filing of the original mortgage and in addition thereto, six cents for each party to the assignment.

Respectfully,
GILBERT BETTMAN,
Attorney General.

1518.

APPROVAL, NOTES OF TOWNSEND TOWNSHIP RURAL SCHOOL DISTRICT, SANDUSKY COUNTY—\$45,000.00.

COLUMBUS, OHIO, February 13, 1930.

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

1519.

APPROVAL, WARRANTY DEED TO LAND OF EDAR C. MILAR, IN GOSHEN TOWNSHIP, TUSCARAWAS COUNTY, OHIO.

COLUMBUS, OHIO, February 13, 1930.

HON. ROBERT N. WAID, *Director of Highways, Columbus, Ohio.*

DEAR SIR:—This is to acknowledge receipt of your communication of recent date submitting for my examination and approval a certain warranty deed executed by one Edar C. Milar (widow) by which there is conveyed to the State of Ohio a certain tract of one and three hundredths acres of land, being part of a larger tract of seven and sixty-eight hundredths acres of land in Goshen Township, Tuscarawas County, Ohio, and which land so conveyed is more particularly described in former opinions of this office approving the abstract of title and other proceedings relating to the purchase of this property.

An examination of said warranty deed shows that the same has been signed and otherwise properly executed and acknowledged by Mrs. Edar C. Milar and that the deed is in form sufficient to convey to the State of Ohio a good and

sufficient fee simple title to said tract of land free and clear of all encumbrances whatsoever. Said warranty deed is accordingly herewith returned with my approval.

Respectfully,

GILBERT BETTMAN,
Attorney General.

1520.

STATE HIGHWAY IMPROVEMENT—COUNTY CO-OPERATING WITH HIGHWAY DIRECTOR—PUBLICATION OF NOTICES, OTHER THAN THOSE FOR BIDS AND CONDEMNATION PROCEEDINGS, UNNECESSARY WHEN NO ASSESSMENTS LEVIED.

SYLLABUS:

Where a county is co-operating with the Director of Highways in the construction or reconstruction of a state highway under the provisions of Section 1191, General Code, and no assessments are to be levied either by the state or the county, no notices are required to be given, excepting, of course, public notice of the taking of bids and any notices required in connection with the condemnation proceedings to acquire land used in connection with the project.

COLUMBUS, OHIO, February 13, 1930.

HON. R. L. THOMAS, *Prosecuting Attorney, Youngstown, Ohio.*

DEAR SIR:—Acknowledgment is made of your recent communication which reads:

“Please inform us at your earliest convenience as to whether or not a publication of a notice of road improvement is required where a county with a tax duplicate in excess of three hundred million (\$300,000,000) dollars is co-operating with the state highway director in the construction or reconstruction of a state highway on which no assessments are to be levied by either the state or the county, under the provisions of Section 1191 of the General Code.”

As suggested in your communication, Section 1191, General Code, as amended by the 88th General Assembly, 113 O. L., p. 601, authorizes the county commissioners of any county having a tax duplicate of real and personal property in excess of three hundred million dollars to co-operate with the Department of Highways in the construction, reconstruction, et cetera, in the manner provided for therein.

Under the present scheme of operation in such co-operative project, it becomes the duty of the Director of Highways to take the initiative and award the contract, and in connection with his powers he is authorized under certain conditions to assess against property which is benefited by a given improvement. The county commissioners under Section 1214-1, General Code, may assume on behalf of the county and agree with the Director to make the assessment.

However, without an extended discussion, it is believed sufficient to state that there is no provision of the statute which requires notices to be given in those instances in which the county is co-operating with the Department of Highways in the construction of a county road when there are no assessments to be made either by the state or county. Of course, in the event that it should become