

1240.

APPROVAL, BONDS OF SULPHUR SPRINGS RURAL SCHOOL DISTRICT, CRAWFORD COUNTY, \$15,151.38, TO FUND CERTAIN INDEBTEDNESS.

COLUMBUS, OHIO, March 3, 1924.

Department of Industrial Relations, Industrial Commission of Ohio, Columbus, Ohio.

1241.

APPROVAL, BONDS OF WICKLIFFE VILLAGE SCHOOL DISTRICT, LAKE COUNTY, \$22,033.83, TO FUND CERTAIN INDEBTEDNESS.

COLUMBUS, OHIO, March 3, 1924.

Department of Industrial Relations, Industrial Commission of Ohio, Columbus, Ohio.

1242.

APPROVAL, FINAL RESOLUTIONS, ROAD IMPROVEMENTS IN THE FOLLOWING COUNTIES: MERCER, LUCAS AND COLUMBIANA.

COLUMBUS, OHIO, March 5, 1924.

Department of Highways and Public Works, Division of Highways, Columbus, Ohio.

1243.

PURCHASE OF LONGVIEW HOSPITAL—LIMIT OF \$1,500,000 DOES NOT APPLY TO PRICE TO BE FIXED BY BOARD OF ARBITRATION.

SYLLABUS:

(1) *The limitation of \$1,500,000 provided in section 2034-3 of the General Code applies only to agreement between the board of administration and the county commissioners.*

(2) *The price fixed by the board of arbitration under the provisions of the same section is the price at which the state may purchase, but the award does not bind the state to purchase at that price.*

COLUMBUS, OHIO, March 5, 1924.

HON. JOHN E. HARPER, *Director of Public Welfare, Columbus, Ohio.*

DEAR SIR:—I acknowledge receipt of your letter of recent date in which you inquire whether the price to be fixed for the purchase of Longview Hospital in Hamilton County, by a board of arbitration appointed under section 2034-3 of the

General Code is restricted to a maximum of \$1,500,000, or whether the maximum so fixed applies only to the case of agreement between the board of administration and the board of county commissioners.

The significant parts of section 2034-3 are as follows:

"If the board of administration and county commissioners cannot agree upon a price to be paid and received for said property not to exceed one million five hundred thousand dollars, a board of arbitration and award consisting of three members shall be constituted and appointed as follows: * * * It shall be the duty of the board of arbitration and award to survey the lands and buildings owned by the county of Hamilton and used for the Longview hospital and the county infirmary, or so much thereof as in the judgment of the board of administration may be needed, and ascertain and determine their true value in money and make award thereof, which award shall be certified to the Ohio Board of Administration and the commissioners of Hamilton county. The amount so fixed by the board of arbitration and award as the true value of such property shall be the price at which the state may purchase, and four per centum thereof shall be the annual rental to be paid by the state, which rental shall be paid in semi-annual installments."

If the intent of the General Assembly is to be derived entirely from the grammatical construction of this section, there can be no doubt but that the limit of \$1,500,000 applies only to the agreement authorized to be entered into between the board of administration and the county commissioners, and we find nothing in the further provisions of this section to warrant extending this limit beyond the specific terms of the section. The language of the section following this is significant. After the award is made by the board of arbitration, the value so fixed is not a value to which the state is bound, but merely a value at which the state may purchase. After the award is so fixed, two steps are necessary before the state can become bound to purchase at that price:

- (1) The General Assembly must have made an appropriation sufficient to meet the obligations imposed by any contract proposed to be entered into;
- (2) The Director of Public Welfare as successor to the Board of Administration must determine that it is wise for the state to purchase at that price.

If either one of these conditions is absent, no legal relationship exists between the county and the state.

You are therefore advised that the limit of \$1,500,000 does not apply to the price to be fixed by a board of arbitration.

Respectfully,
C. C. CRABBE,
Attorney General.

1244.

ABSTRACT, STATUS OF TITLE, STRIP OF LAND 420 FEET IN LENGTH
BY 85 FEET IN WIDTH, SITUATED IN COUNTY OF OTTAWA, VIL-
LAGE OF PORT CLINTON, OHIO.

COLUMBUS, OHIO, March 6, 1924.

HON. FRANK D. HENDERSON, *Adjutant General of Ohio, Columbus, Ohio.*

DEAR SIR:—You have submitted an abstract consisting of five sections inquiring