

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.

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.