

2546.

APPROVAL, CONTRACT BETWEEN STATE OF OHIO AND THE CAREY COMPANY, OF CLEVELAND, OHIO, FOR CONSTRUCTION AND COMPLETION OF COVERING COLD WATER SUPPLY LINES, KENT STATE NORMAL SCHOOL, KENT, OHIO, AT COST OF \$585.00.

COLUMBUS, OHIO, June 8, 1925.

HON. L. A. BOULAY, *Director, Department of Highways and Public Works, Columbus, Ohio.*

DEAR SIR:—You have submitted for my approval a contract between the state of Ohio, acting by the department of highways and public works, and The Carey Company, of Cleveland, Ohio. This contract covers the construction and completion of covering cold water supply lines, Kent State Normal School, Kent, Ohio, and calls for an expenditure of \$585.00.

You have submitted the certificate of the director of finance to the effect that there are unencumbered balances legally appropriated in a sum sufficient to cover the obligations of the contract.

You have further submitted evidence indicating that plans were properly prepared and approved, informal bids were taken and tabulated as required by law and the contract duly awarded. Also it appears that the laws relating to the workmen's compensation have been complied with.

Finding said contract in proper legal form, I have this day noted my approval thereon and return the same herewith to you, together with all other data submitted in this connection.

Respectfully,
C. C. CRABBE,
Attorney General.

2547.

HIGHWAYS, ABOLISHMENT OF GRADE CROSSING—LEGALITY OF CONTRACT EXTENDED INTO BY COUNTY COMMISSIONERS AND RAILROAD COMPANY DISCUSSED.

SYLLABUS:

1. Pursuant to the provisions of section 8863, and related sections, of the General Code, county commissioners are authorized to enter into a contract with a railroad company, providing for the relocation and reconstruction of a separated grade crossing on an intercounty highway or main market road and without the limits of a municipality.

2. It is a condition precedent to the entering into of a valid contract for such purpose, that the county auditor first certify that the money required for the payment thereof is in the treasury to the credit of the fund from which it is to be drawn or has been levied and placed on the duplicate and in the process of collection and not appropriated for any other purpose, notwithstanding the provision of section 8866, General Code, providing for the filing of such agreement in the common pleas court for entry upon its records and giving to such agreement so filed and entered the same force and effect as a decree of the court.

3. In the absence of a substantial compliance by the county auditor with the