

299.

APPROVAL, FINAL RESOLUTIONS, ROAD IMPROVEMENTS, MUSKINGUM, MERCER and MEDINA COUNTIES.

COLUMBUS, OHIO, May 3, 1923.

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

300.

ASSESSMENTS—ENTIRE COST OF STREET LIGHTING MAY NOT BE ASSESSED AGAINST SPECIALLY BENEFITED LANDS—CORPORATION MUST PAY COST OF INTERSECTIONS—MUST ASSUME ONE-FIFTIETH OF ENTIRE COST—SECTION 3820 G. C. LIMITED BY SECTION 3822 G. C.—SECTION 3812-4 CONSTRUED.

COLUMBUS, OHIO, May 4, 1923.

*SYLLABUS:*

1. *Under the provisions of section 3012-4 of the General Code, when read in connection with section 3820 of the General Code, the entire cost of street lighting may not be assessed against abutting, adjacent and contiguous or other specially benefited lots or lands.*

2. *Under the provisions of section 3812-4 of the General Code, the corporation must assume not less than one-fiftieth of the entire cost, and must pay the cost of intersections in providing for the lighting of a street.*

3. *The provisions of section 3820 of the General Code are limited by the provisions of section 3822 of the General Code only to the extent that not more than one-half of the cost and expense of improving a street by repaving may be assessed against the abutting, adjacent and contiguous or other specially benefited lots or lands.*

4. *Under the provisions of sections 3820 and 3822 of the General Code a corporation, in a proceeding to improve a street by repaving, must at least pay (1) at least one-fiftieth of the entire cost of such improvement, and (2) the cost of intersections.*

*Bureau of Inspection and Supervision of Public Offices, Columbus, Ohio.*

GENTLEMEN:—You have recently submitted to this department two questions:

1. Under the provisions of Section 3812-4 G. C., may the entire cost of street lighting be assessed against abutting, contiguous or benefited property or must the city assume not less than two per cent. and the cost of the intersections?

2. Are the provisions of section 3820 G. C. applicable to the cost of repaving under the provisions of section 3822 G. C., that is, must the city assume in addition to one-half the cost and expense of such repaving, the cost of intersections?