

Section 7464 of the General Code, defines what shall constitute State roads, county roads and township roads. The section, among other things, provides that township roads shall include all public highways of the State other than State or county roads. However, it is apparent that said section is dealing with public roads and ways, to the exclusion of municipal streets, which can not be said to be any part of a highway system.

Section 7467, General Code, provides :

“The state, county and township shall each maintain their respective roads as designated in the classification hereinabove set forth ; provided, however, that either the county or township may, by agreement between the county commissioners and township trustees, contribute to the repair and maintenance of the roads under the control of the other. The state, county or township or any two or more of them may by agreement expend any funds available for road construction, improvement or repair upon roads inside of a village or a village may expend any funds available for street improvement (improvement) upon roads outside of the village and leading thereto.”

It will be observed that by the express terms of the last sentence of the section last above quoted, the township may by agreement expend any funds available for road construction, improvement or repair upon roads inside of a village. It will therefore be seen that if the improvement contemplates a road within the village the section expressly authorizes the township to cooperate. Undoubtedly, there may be some difficult questions arise as to what constitutes a road, within the village, as distinguished from that which is regarded as a municipal street. However, from a practical standpoint, it is believed that a discussion of this question is unnecessary at this time. Undoubtedly, a street which is to be regarded as a road, within the meaning of this section, will have to have some connection with a road leading into or through the village, the improvement of which would make the same useful for the public at large, as distinguished from a use purely local within the municipality.

Based upon the foregoing, and in specific answer to your inquiry, it is my opinion that a township may by agreement, expend any funds available for road construction, improvement or repair upon roads inside of the village, when such road is a continuation of a road in the township outside of the village. It will be observed, however, that this authority is limited to a village and therefore does not include a city.

Respectfully,

GILBERT BETTMAN,

Attorney General.

2365.

APPROVAL, CONTRACT BETWEEN STATE OF OHIO AND THE MODERN PLUMBING COMPANY OF CLEVELAND, OHIO, FOR PLUMBING WORK IN LAUNDRY BUILDING AT HAWTHORNDEN FARM, CLEVELAND STATE HOSPITAL, CLEVELAND, OHIO, AT AN EXPENDITURE OF \$3,545.00—SURETY BOND EXECUTED BY THE AETNA CASUALTY AND SURETY COMPANY OF HARTFORD, CONNECTICUT.

COLUMBUS, OHIO, September 23, 1930.

HON. ALBERT T. CONNAR; *Superintendent of Public Works, Columbus, Ohio.*

DEAR SIR:—You have submitted for my approval a contract between the State of Ohio, acting by the Department of Public Works, for the Department of Public

Welfare, and The Modern Plumbing Company of Cleveland, Ohio. This contract covers the construction and completion of contract for plumbing work to be installed in a building known as laundry building at Hawthornden Farm, Cleveland State Hospital, Cleveland, Ohio, as set forth in Item No. 2 of the Form of Proposal dated July 29, 1930. Said contract calls for an expenditure of three thousand, five hundred and forty-five dollars (\$3,545.00).

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 also furnished evidence to the effect that the consent of the Controlling Board to the expenditure has been obtained, as required by Section 4 of House Bill No. 203 of the 88th General Assembly. In addition, you have submitted a contract bond upon which the Aetna Casualty and Surety Company of Hartford, Connecticut, appears as surety, sufficient to cover the amount of the contract.

You have further submitted evidence indicating that plans were properly prepared and approved, notice to bidders was properly given, bids tabulated as required by law and the contract duly awarded. Also it appears that the laws relating to the status of surety companies and the Workmen's Compensation have been complied with.

Finding said contract and bond 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,

GILBERT BETTMAN,
Attorney General.

2366.

APPROVAL, CONTRACT BETWEEN STATE OF OHIO AND THE CAPITAL LIFT AND MANUFACTURING COMPANY, COLUMBUS, OHIO, FOR ELEVATORS IN COLD STORAGE, STOREROOM, KITCHEN AND BAKERY BUILDING AT HAWTHORNDEN FARM, CLEVELAND STATE HOSPITAL, CLEVELAND, OHIO, AT AN EXPENDITURE OF \$3,400.00—SURETY BOND EXECUTED BY THE SEABOARD SURETY COMPANY, NEW YORK.

COLUMBUS, OHIO, September 23, 1930.

HON. A. T. CONNAR, *Superintendent of Public Works, Columbus, Ohio.*

DEAR SIR:—You have submitted for my approval a contract between the State of Ohio, acting by the Department of Public Works, for the Department of Public Welfare, and The Capital Lift and Manufacturing Company, of Columbus, Ohio. This contract covers the construction and completion of contract for elevators in a building known as the Cold Storage, Storeroom, Kitchen and Bakery Building at Hawthornden Farm, Cleveland State Hospital, Cleveland, Ohio, as set forth in Item No. 30 of the Form of Proposal dated July 23, 1930. Said contract calls for an expenditure of three thousand, four hundred dollars (\$3,400.00).

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 also furnished evidence to the effect that the consent of the Controlling Board to the release of funds has been obtained in accordance with Section 4 of House Bill No. 203 of the 88th General Assembly. In