

If, however, the director proceeds to acquire the right of way as authorized by the above quoted sections and such acquisition is rendered necessary by the widening of the pavement beyond eighteen feet, I am of the opinion that a county having a tax duplicate of less than \$300,000,000 dollars may participate in the cost of such additional right of way, since it is properly a part of the cost occasioned by the widening. This conclusion is substantiated by the language found in a prior opinion of this department, viz. Opinion No. 2046, dated May 2, 1928, and addressed to Hon. Seth Paulin, Prosecuting Attorney, Painesville, Ohio.

Your final question involves the right to acquire land necessary for right of way purposes where a county, with a tax duplicate in excess of \$300,000,000, is cooperating in the reconstruction of the state road. The reasoning given for my conclusion on the previous inquiry is here applicable. The county commissioners may, in an independent proceeding, acquire this right of way as an incident to the widening of the road where the consent of the director of highways is first obtained. If, however, the director acquires the additional right of way as an incident of the widening and reconstruction of the road, the county may cooperate in such cost in such percentage thereof as may be agreed upon between the county commissioners and the director of highways.

Respectfully,

EDWARD C. TURNER,  
*Attorney General.*

2319.

APPROVAL, CONTRACT BETWEEN THE STATE OF OHIO AND CHICAGO BRIDGE AND IRON WORKS, CLEVELAND, OHIO, FOR THE CONSTRUCTION OF STEEL WATER TOWER, LONDON PRISON FARM, LONDON, OHIO, AT AN EXPENDITURE OF \$8,180.00—SURETY BOND EXECUTED BY THE FIDELITY AND CASUALTY COMPANY OF NEW YORK.

COLUMBUS, OHIO, July 5, 1928.

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

DEAR SIR:—You have submitted for my approval a contract between the State of Ohio, acting by the Department of Public Welfare (London Prison Farm, London, Ohio), and Chicago Bridge and Iron Works, of Cleveland, Ohio. This contract covers the construction and completion of one 100,000 gallon Steel Water Tower, London Prison Farm, London, Ohio, and calls for an expenditure of eight thousand one hundred and eighty dollars (\$8,180.00).

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 and approval of the Controlling Board to the expenditure has been obtained as required by Section 12 of House Bill No. 502 of the 87th General Assembly. In addition you have submitted a contract bond upon which the Fidelity and Casualty Company of New York 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,  
EDWARD C. TURNER,  
*Attorney General.*

2320.

APPROVAL, CONTRACT BETWEEN THE STATE OF OHIO AND ALPHONS CUSTODIS CHIMNEY CONSTRUCTION COMPANY, CHICAGO, ILLINOIS, FOR THE CONSTRUCTION OF RADIAL BRICK CHIMNEY, LONDON PRISON FARM, LONDON, OHIO, AT AN EXPENDITURE OF \$6,750.00—SURETY BOND EXECUTED BY THE UNITED STATES GUARANTEE COMPANY.

COLUMBUS, OHIO, July 5, 1928.

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

DEAR SIR:—You have submitted for my approval a contract between the State of Ohio, acting by the Department of Public Welfare (London Prison Farm, London, Ohio) and Alphons Custodis Chimney Const. Co., of Chicago, Ill. This contract covers the construction and completion of Radial Brick Chimney, London Prison Farm, London, Ohio, and calls for an expenditure of six thousand seven hundred and fifty dollars (\$6,750.00).

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 and approval of the Controlling Board to the expenditure has been obtained as required by Section 12 of House Bill No. 502 of the 87th General Assembly. In addition you have submitted a contract bond upon which the United States Guarantee Company 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,  
EDWARD C. TURNER,  
*Attorney General.*