

2683.

DISAPPROVAL, BONDS OF VILLAGE OF OAK HILL, JACKSON COUNTY, \$22,037.55.

COLUMBUS, OHIO, July 29, 1925.

Re: Bonds of village of Oak Hill, Jackson county, \$22,037.55.

Retirement Board, State Teachers Retirement System, Columbus, Ohio.

GENTLEMEN :—An examination of the transcript for the foregoing issue of bonds discloses that these bonds are being issued under the provisions of section 3914, General Code, to pay for the property owners' portion of the cost of street improvements by grading, paving and draining with brick and the construction of curbing thereon. The transcript does not show that the declaratory resolution was ever published, or that notice of the passage of the same was served on the property owners to be assessed as required by law.

Upon request from this office that information be furnished concerning the foregoing defects in the proceedings, the clerk of the village reported as follows:

"I am unable to find that resolution No. 74 was ever published or served otherwise on property owners. This evidently should have been done and I hope we can correct the matter in some way at this time, unless the legal notice shown on page 4 of the tax transcript is sufficient notice to property owners."

The legal notice as shown to have been published only gives notice of the contract between the council of the village and the board of county commissioners, whereby the state board of county commissioners has agreed to pay the sum of three thousand dollars towards the improvement. Notice further recites that costs and expenses of said improvement assumed by the village will be paid as follows: "Two per cent thereof and the costs of intersections shall be paid by the village of Oak Hill, Ohio, and the residue of the costs and expenses of said improvement will be assessed against said lots and lands bounding and abutting upon said improvement in accordance with the benefits which may result from said improvement to such lots and lands. All persons who claim compensation or damages or both on account of such proposed improvement are hereby notified to file written claims thereof with said council on or before the 22nd day of July, 1922." The foregoing notice was published once in the Oak Hill Press, and no further compliance with the statutes as to publication of resolution and giving notice to property owners is noted in the transcript.

Section 4228, General Code, provides as follows:

"Unless otherwise specifically directed by statute, all municipal ordinances, resolutions, statements, orders, proclamations, notices and reports, required by law or ordinance to be published, shall be published as follows: In two English newspapers of opposite politics printed and of general circulation in such municipality, if there be such newspapers; if two English newspapers of opposite politics are not printed and of general circulation in such municipality, then in any English newspaper printed and of general circulation therein; * * *"

Section 4229, General Code, provides:

"The publication required in section forty-two hundred and twenty-eight of the General Code, shall be for the following times: Ordinances, resolutions and proclamations of elections, once a week for two consecutive weeks; * * *"

Section 3818, General Code, provides:

"A notice of the passage of such resolution shall be served by the clerk of council, or an assistant, upon the owner of each piece of property to be assessed, in the manner provided by law for the service of summons in civil actions. If any such owners or persons are not residents of the county, or if it appears by the return in any case of the notice, that such owner can not be found, the notice shall be published at least twice in a newspaper of general circulation within the corporation. Whether by service or publication, such notice shall be completed at least twenty days before the improvement is made or the assessment levied, and the return of the officer or person serving the notice, or a certified copy of the return shall be prima facie evidence of the service of the notice as herein required."

It is therefore observed that there has been failure in the proceedings in this case to the extent of publication of the declaratory resolution, and also in the manner of service on the property owners to be assessed. On account of the failure of statutory compliance in this respect, I am compelled to disapprove the issue of bonds, and you are advised not to purchase the same.

Respectfully,
C. C. CRABBE,
Attorney-General.

2684.

DISAPPROVAL, BONDS OF CITY OF WELLSVILLE, COLUMBIANA
COUNTY, \$23,616.52.

COLUMBUS, OHIO, July 29, 1925.

Re: Bonds of City of Wellsville, Columbiana County, \$23,616.52.

Department of Industrial Relations, Industrial Commission of Ohio, Columbus, Ohio.

GENTLEMEN:—An examination of the transcript for the foregoing issue of bonds discloses that the bonds are to be issued under the provisions of section 3916, General Code, and are to provide for the refunding of \$2,303.00 due under a contract for gas consumed between October 1, 1922, and December 31, 1923; \$7,988.52 for electric current consumed between October 1, 1922 and December 31, 1923, and \$13,325.00 due to The Peoples' National Bank for money borrowed November 13, 1923.

The transcript further recites that the amount of \$13,325.00 due The Peoples' National Bank represents deficiencies of the service department, and that certificates of indebtedness for the same have been renewed from time to time.