

2124.

APPROVAL, FINAL RESOLUTIONS ON ROAD IMPROVEMENTS IN ASHTABULA COUNTY.

COLUMBUS, OHIO, May 18, 1928.

HON. GEORGE F. SCHLESINGER, *Director of Highways, Columbus, Ohio.*

2125.

APPROVAL, FINAL RESOLUTIONS ON ROAD IMPROVEMENTS IN DARKE AND WYANDOT COUNTIES.

COLUMBUS, OHIO, May 18, 1928.

HON. GEORGE F. SCHLESINGER, *Director of Highways, Columbus, Ohio.*

2126.

UTILITIES—MUNICIPALITIES MAY OPERATE BY OHIO CONSTITUTION—SCHOOL BUILDING CHARGEABLE FOR WATER FURNISHED—CHARTER NOT NECESSARY.

SYLLABUS:

1. *Municipalities derive the right to acquire, construct, own, lease and operate utilities the product of which is to be supplied to the municipality or its inhabitants, from Section 4, Article XVIII of the Constitution of Ohio, and this right is not in any wise dependent upon or conditioned by Section 7 of Article XVIII of said Constitution which provides that, "a municipality may adopt a charter."*

2. *That portion of Section 3963, General Code, which prohibits a city or village, or the waterworks department thereof, from making a charge for supplying water for the use of the public school buildings or other public buildings in such city or village, is unconstitutional for the reason that it is a violation of the right conferred upon municipalities by Section 4 of Article XVIII of the Constitution, and for the further reason that it results in taking private property for public use without compensation therefor, in violation of Section 19, Article I of the Ohio Constitution (Board of Education of the City School District of Columbus, Ohio vs. City of Columbus, Ohio, 118 O. S. 295).*