

1791.

APPROVAL, BONDS OF NORWALK CITY SCHOOL DISTRICT, HURON COUNTY, OHIO—\$9,953.28.

COLUMBUS, OHIO, October 31, 1933.

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

1792.

SEWER DISTRICT—COUNTY COMMISSIONERS MUST FIRST ESTABLISH SAME BEFORE CONSTRUCTING WATER SUPPLY SYSTEM—SEWERS NEED NOT BE CONSTRUCTED THEREIN IMMEDIATELY—TRANSFER OF CONTROL AND MANAGEMENT OF WATER SUPPLY SYSTEM TO VILLAGE PROHIBITED WHEN.

SYLLABUS:

1. *Before the county commissioners may acquire or construct a public water supply or water works system within their county, a sewer district for such territory must first be established.*

2. *Upon the establishment of such sewer district, it is not necessary that the commissioners immediately proceed to construct sewers therein, but may construct the same at such times as they deem the public health and welfare require it, and may, prior to such construction, construct in such sewer district a water works system.*

3. *While the county commissioners may contract with a municipality for water supply, there is no authority whereby the county commissioners can dispense with the management and control of a water supply system which they have constructed in a sewer district outside a municipality and transfer such control and management to a city or village until such territory is annexed to such municipality.*

COLUMBUS, OHIO, November 1, 1933.

HON. NORTON C. ROSENTRER, *Prosecuting Attorney, Port Clinton, Ohio.*

DEAR SIR:—I am in receipt of your communication, which reads in part as follows:

"I write for your opinion concerning the following situation.

The county commissioners of this Ottawa County have been petitioned by approximately 90% of the land and lot owners residing in a given territory adjacent to and east of the Village of Port Clinton for a water supply or water works system. This territory borders on Lake Erie and for the past several years has been considerably improved, in that a large number of people have been buying lots and building substantial homes and cottages along the lake front from Port Clinton east to a Summer resort known as Catawba Island.

The lot and land owners are willing that the cost of the construction of said improvement be assessed on the lots and lands receiving