

2807.

APPROVAL, FINAL RESOLUTION FOR ROAD IMPROVEMENTS IN
KNOX COUNTY, OHIO.

COLUMBUS, OHIO, January 20, 1922.

Department of Highways and Public Works, Division of Highways, Columbus, Ohio.

GENTLEMEN:—I have your letter of January 18, 1922, submitting for my approval the final resolution upon the following:

Section B-1, I. C. H. No. 337, Knox County.

According to the certificate of the county auditor, the final resolution in question was adopted on the 9th day of January, 1922, and has been recorded in the journal of the commissioners of Knox county, Vol. T, page 563. It appropriates the sum of \$68,500 as the county's share of the cost of the proposed improvement. The resolution is accompanied by the certificate of your department showing that a like amount has been set aside as the state's share of cost.

As indicated in your letter, said final resolution is the second final resolution that has been adopted by the board of county commissioners as to this project. The first final resolution was adopted on July 21, 1921, and on that date received the approval of this office. Said first final resolution appropriated the sum of \$84,500 as the county's share. Since that time, your estimates have been revised so that the total estimated cost of \$169,000, which formed the basis of the passage of the first final resolution, has been reduced to \$137,000, which forms the basis of the second final resolution.

With the first final resolution was furnished an original duplicate of the county auditor's certificate of July 21, 1921, showing that \$84,500 was available as the county's share of the cost of the project; and said certificate was recorded as a part of the record of the first final resolution. With the second final resolution, which is now submitted, the county auditor has not furnished a certificate. His theory no doubt is that since he has already made a certificate in the sum of \$84,500, which said certificate has been duly recorded, it would be out of place for him to attempt to furnish a second certificate or, in other words, that it is entirely unnecessary to the legality of the second final resolution adopted on January 9, 1922, that a new certificate be made in the sum of \$68,500.

This department feels that no exception can rightfully be taken to the position of the county auditor. The fact remains that prior to the time of the passage of the second final resolution on January 9, 1922, the county auditor had made a certificate showing that funds in the sum of \$84,500 were available for the county's share of the cost of the project. This certainly constitutes complete compliance with sections 5660 and 1218 of the General Code.

It is not altogether clear from your letter whether the county commissioners prior to adopting the second resolution on January 9, 1922, passed a resolution rescinding their previous action of July 21, 1921. However, whether this was done or not, the effect of passage of the second resolution is to vacate the passage of the first. As already noted, the original certificate of the county auditor was recorded as a part of the first resolution. It is clear, however, that the vacation of the first resolution would not have the effect of vacating the record of the auditor's certificate; in other words, the vacation is merely of the action of the county commissioners of July 21, 1921, and not in any sense a vacation of the record of that action. Therefore, the county auditor's certificate is of record in compliance with section 5660 G. C.

For the foregoing reasons, I have given my approval to the final resolution as adopted on January 9, 1922, and am herewith returning it with my approval endorsed thereon as to form and legality in accordance with section 1218 G. C.

Respectfully,
JOHN G. PRICE,
Attorney-General.

2808.

APPROVAL, FINAL RESOLUTIONS, ROAD IMPROVEMENTS IN MEDINA COUNTY, OHIO.

COLUMBUS, OHIO, January 21, 1922.

Department of Highways and Public Works, Division of Highways, Columbus, Ohio.

2809.

APPROVAL, THIRTEEN LEASES, PUBLIC LANDS AT BUCKEYE LAKE, NEWCOMERSTOWN, LIMA, INDIAN LAKE, LAKE ST. MARYS AND LANCASTER, OHIO.

COLUMBUS, OHIO, January 21, 1922.

Department of Highways and Public Works, Division of Public Works, Columbus, Ohio.

GENTLEMEN:—I have your letter of December 30, 1921, in which you enclose the following leases, in triplicate, for my approval:

To J. E. Rennard, Newcomerstown, Ohio, Ohio canal land.....	\$600 00
Mrs. G. W. Groff, Columbus, Ohio, cottage site at Buckeye Lake	400 00
George Steube, Columbus, Ohio, cottage site at Buckeye Lake..	400 00
The Village of Millersport, south shore Buckeye Lake (Special Act, see 109 O. L. 201)-----	200 00
Anna M. Daniels, Columbus, Ohio, cottage site, Buckeye Lake..	200 00
Show Johnson, Lima, Ohio, cottage site, Minnewaukan Island, Indian Lake-----	166 66
A. H. Brooke, land south side Buckeye Lake.....	1,250 00
Hart & Davis, Columbus, Ohio, cottage site, Buckeye Lake....	200 00
Adam Heimberger, Basil, Ohio, cottage site, Buckeye Lake....	200 00
Fred L. Mauger, Millersport, Ohio, cottage site, Buckeye Lake..	200 00
M. S. & G. M. Roberts, Columbus, Ohio, cottage site, Buckeye Lake-----	200 00
Minnie R. Bretz, Celina, Ohio, cottage site, Lake St. Marys....	200 00
B. F. Antill, Lancaster, Ohio, dock landing, Buckeye Lake....	200 00

I have carefully examined said leases, find them correct in form and legal, and am therefore returning the same with my approval endorsed thereon.

Respectfully,
JOHN G. PRICE,
Attorney-General.