

effect of the amendment of Section 7204-1a in 112 Ohio Laws, pages 495, 496, was to deprive the Director of such authority and to place such authority in the county commissioners of the respective counties.

Respectfully,  
EDWARD C. TURNER,  
*Attorney General.*

1752.

FORMS—TO BE USED FOR PROCEEDINGS UNDER HOUSE BILL NO. 67,  
87TH GENERAL ASSEMBLY.

COLUMBUS, OHIO, February 24, 1928.

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

DEAR SIR:—In your communication of December 28, 1927, you request that I give my opinion on numerous questions pertaining to certain Sections of House Bill No. 67, passed by the last General Assembly, and found in 112 O. L. page 430, and that this department prepare numerous forms to be used by your department in proceeding under various provisions of this act.

I am, at your request, enclosing two of the forms requested previous to rendering a formal opinion on all of the questions presented in said request.

On page 4 of your communication you refer to Section 1191, General Code, and to a resolution by the county commissioners proposing co-operation with the Director of Highways, and, likewise, you have orally requested that I submit to you a form of ordinance to be passed by the council of a municipality, when such council is proposing to co-operate with the Director of Highways in the elimination of a crossing at grade on the extension of a state highway located within such municipality, as provided in Section 1229-15, General Code. I have prepared these forms, which read as follows:

At a meeting of the Board of County Commissioners of \_\_\_\_\_  
County, Ohio, held at its office on \_\_\_\_\_, 192\_\_\_\_\_  
presented the following resolution and moved its adoption:

RESOLUTION

Proposing to cooperate with the Director of Highways of the State of Ohio in the elimination of a crossing at grade with the tracks of the \_\_\_\_\_ Company, on State Highway Number \_\_\_\_\_; said crossing being located at \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_County, Ohio, by separating the grades of the said highway and the tracks of the said railroad company in such manner that the highway will pass over (or under) the tracks of the said railroad company.

WHEREAS, the above mentioned crossing is hazardous to the traffic proceeding over State Highway Number \_\_\_\_\_, due to the amount of traffic moving over said highway; and

WHEREAS, the Board of County Commissioners of \_\_\_\_\_ County, desires to cooperate with the Director of Highways of the State of Ohio in the separation of grades at the aforesaid crossing.

NOW, THEREFORE, BE IT RESOLVED, That the Board of County Commissioners of \_\_\_\_\_ County, hereby proposes to cooperate with the Director of Highways in separating the grades above mentioned, as provided in Section 1191 of the General Code.

BE IT FURTHER RESOLVED, That the Board of County Commissioners of \_\_\_\_\_ County does hereby agree to assume and bear \_\_\_\_\_ per cent of the cost of the separating of the grade, as aforesaid, inclusive of engineering and other incidental expenses.

Seconded by Mr. \_\_\_\_\_

On roll call, the above resolution was adopted by the following vote:

Mr. \_\_\_\_\_ Aye

Mr. \_\_\_\_\_ Aye

Mr. \_\_\_\_\_ Aye

Accordingly the president of said board declared said resolution duly adopted.

I hereby certify that the above is a true and correct copy of the resolution passed by the Board of County Commissioners, \_\_\_\_\_ County, on \_\_\_\_\_, 192\_\_, and that the same is recorded in the Commissioners' Journal, Volume \_\_\_\_\_, Page \_\_\_\_\_

\_\_\_\_\_  
Clerk, Board of County Commissioners,  
\_\_\_\_\_ County, Ohio.

RESOLUTION NO. \_\_\_\_\_

Resolution proposing to cooperate with the Director of Highways in the elimination of a crossing at grade of the tracks of the \_\_\_\_\_ company on the extension of State Highway Number \_\_\_\_\_, located within the corporate limits of \_\_\_\_\_, Ohio, on a street locally known as \_\_\_\_\_

WHEREAS, the tracks of the \_\_\_\_\_ railroad company now cross the extension of State Highway Number \_\_\_\_\_ within the corporate limits of \_\_\_\_\_, Ohio, at grade, on a street locally known as \_\_\_\_\_

WHEREAS, it is desirable for the safety and convenience of the public traveling over said grade crossing to separate the grades of the said extension of State Highway Number \_\_\_\_\_ and the tracks of the said \_\_\_\_\_ Company.

NOW, THEREFORE, BE IT RESOLVED by the Council of the city (or village), of \_\_\_\_\_:

Section 1. That the Council of the city (or village) of \_\_\_\_\_, State of Ohio, hereby proposes to cooperate with the Director of Highways in the separation of grades at the above mentioned grade crossing, as provided in Section 1229-15, General Code.

Section 2. That the council of the city (or village) does hereby agree to assume and bear \_\_\_\_\_ per cent of the cost of the separation of grades, as above mentioned, inclusive of the cost of engineering, supervision and other incidental expenses.

Section 3. That this resolution be and remain in force from and after the earliest period allowed by law.

Passed \_\_\_\_\_, 19\_\_\_\_  
\_\_\_\_\_  
President of Council

Attest \_\_\_\_\_  
Clerk

Note to Clerk: Please forward with this resolution certified copy of minutes showing its passage and proof of publication of the same as required by law.

G. F. Schlesinger,  
Director of Highways.

Likewise, at your request, I am submitting herewith two forms of entries to be used by you in the matter of grade elimination proceedings, as follows:

JOURNAL \_\_\_\_\_ PAGE \_\_\_\_\_  
\_\_\_\_\_, 1928.

In the matter of the elimination of the grade crossing }  
over the tracks of the \_\_\_\_\_ }  
\_\_\_\_\_ Company, on State Highway }  
No. \_\_\_\_\_, at a point \_\_\_\_\_ }  
\_\_\_\_\_ }  
\_\_\_\_\_ }

ENTRY

This day the above entitled matter came on for further consideration and having heard and considered all statements made and exhibits submitted in reference to the elimination of said grade crossing I am of the opinion that the project is reasonably necessary and expedient.

I do, therefore, find, order and determine that the elimination of the above mentioned grade crossing is reasonably necessary and expedient and do further order the \_\_\_\_\_ Company to cooperate with the Chief Engineer of the Bureau of Bridges of this department in the preparation of plans which are to be submitted to me within three months from the date of this entry.

WITNESS my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_ 1928.

\_\_\_\_\_  
Director of Highways

ATTEST:

\_\_\_\_\_  
Secretary

JOURNAL \_\_\_\_\_ VOLUME \_\_\_\_\_ DATE \_\_\_\_\_

IN THE MATTER OF THE ELIMINATION OF  
THE GRADE CROSSING OVER THE TRACKS  
OF THE \_\_\_\_\_ COM-  
PANY ON STATE HIGHWAY NO. \_\_\_\_\_  
LOCATED AT A POINT \_\_\_\_\_  
IN \_\_\_\_\_ COUNTY, OHIO.

ENTRY

WHEREAS, State Highway No. \_\_\_\_\_ now crosses at grade the  
tracks of the \_\_\_\_\_ Company at a point \_\_\_\_\_  
\_\_\_\_\_ in \_\_\_\_\_  
County, Ohio, and

