

1643.

## APPROVAL, BONDS OF VILLAGE OF ALEXANDRIA, OHIO, IN AMOUNT OF \$12,902.10 FOR STREET IMPROVEMENTS.

COLUMBUS, OHIO, November 9, 1920.

*Industrial Commission of Ohio, Columbus, Ohio.*

RE: Street improvement bonds (property owners' share) of the village of Alexandria in the amount of \$12,902.10, being 1 bond of \$1,200, 8 bonds of \$1,300 each and 1 bond of \$1,302.10—6%.

GENTLEMEN:—I have examined the transcript of the proceedings of council and other officers of the village of Alexandria together with transcript of the proceedings of the board of county commissioners of Licking county, Ohio, relative to the above bond issue, and find the same regular and in conformity with the provisions of the General Code.

I note that the resolution of the village council (resolution No. 28), granting consent of the village that the board of county commissioners make the improvement, was passed on August 1, 1919, and that an ordinance determining to proceed (ordinance No. 29) was passed on August 15, 1919. However, no question can arise on the point that the thirty days referendum period was not permitted to run between the date of the passage of said respective resolution and ordinance, because it is clear that the passage of the ordinance in question was an unnecessary formality. See opinion of this department of date May 14, 1917, found in Opinions of the Attorney-General for 1917, Vol. I, page 609.

I am of the opinion that said bonds, drawn in accordance with the legislation authorizing their issuance, will, upon delivery, constitute valid and binding obligations of said village.

Respectfully,  
JOHN G. PRICE,  
*Attorney-General.*

1644.

## APPROVAL, BONDS OF VILLAGE OF ALEXANDRIA, OHIO, IN AMOUNT OF \$41,599.54 FOR STREET IMPROVEMENTS.

COLUMBUS, OHIO, November 9, 1920.

*Industrial Commission of Ohio, Columbus, Ohio.*

RE: Street improvement bonds (property owners' share) of the village of Alexandria, in the amount of \$41,599.54, being 1 bond of \$4,159.54 and 9 bonds of \$4,160 each—6%.

GENTLEMEN:—I have examined the transcript of the proceedings of council and other officers of the village of Alexandria, relative to the above bond issue, and find the same regular and in conformity with the provisions of the General Code.

I note that in the resolution "declaring it necessary to improve," it is recited that the assessments are to bear interest on the deferred payments at 5½ per cent per annum; whereas the ordinance "determining to proceed" provides that the assessments are to bear interest at 6 per cent on deferred payments. The ordinance for the issue of bonds likewise provides for interest at 6 per cent per annum, payable semi-annually.

I do not regard this difference as between the ordinance to issue bonds and the ordinance relating to the assessment as vital; because the provisions of section 3817 G. C. are to the effect that the assessment installments shall bear interest until payment at the same rate as the bonds issued in anticipation of the collection thereof, so that the law itself operates to fix the rate of interest on deferred installments once the rate of interest on the bonds has been determined.

I am of the opinion that said bonds, drawn in accordance with the legislation authorizing their issuance, will, upon delivery, constitute valid and binding obligations of said village.

Respectfully,  
 JOHN G. PRICE,  
*Attorney-General.*

1645.

BRIDGES AND CULVERTS—DUTY OF COUNTY COMMISSIONERS TO  
 MAKE REPAIRS IN SUCH CASE—SPECIFIC CASE.

*Under the facts set out in the opinion, it is the duty of the county commissioners to make repairs to a bridge.*

COLUMBUS, OHIO, November 9, 1920.

HON. F. M. CUNNINGHAM, *Prosecuting Attorney, Lebanon, Ohio.*

DEAR SIRs—You have recently submitted to this department a letter reading as follows:

"The council of the village of Lebanon, Ohio, recently applied to the board of county commissioners of Warren county, Ohio, and requested said board to make certain repairs to the approach of the bridge over Turtle creek on Broadway street in said village of Lebanon, Ohio.

Broadway street extends through the village of Lebanon from north to south, a distance of about one mile.

The bridge across Turtle creek was built by the county commissioners about 15 years ago, it was constructed of concrete and is in good repair. The bridge is wholly within the village of Lebanon.

The village of Lebanon never demanded nor received any part of the the bridge fund levied upon the property within said village.

The cost of said repairs to said approach is conceded to be more than \$50.00.

The duties of the board of county commissioners as to this particular matter seem to be contained in sections 2421 and 2422 of the General Code. The board of county commissioners are in doubt as to their duties in making said repairs; and doubt whether they are required by said law to make said repairs. They ask me to refer this matter to the Attorney General for his opinion."