

Upon examination, I find that the Original Order Sheet and duplicate copy and the Lease proper and duplicate copy are not signed by yourself as Commissioner.

I am, therefore, returning to you the above lease without my approval endorsed thereon.

Respectfully,
GILBERT BETTMAN,
Attorney General.

2635.

APPROVAL, BONDS OF LAUREL RURAL SCHOOL DISTRICT, HOCKING COUNTY, OHIO—\$600.00.

COLUMBUS, OHIO, December 6, 1930.

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

2636.

RAILWAY GRADE CROSSING—ACTION TO ELIMINATE TAKEN BY DIRECTOR OF HIGHWAYS—COUNTY COMMISSIONERS NEED NOT JOIN TO EFFECT VACATION OF HIGHWAY.

SYLLABUS:

When the Director of Highways institutes a proceedings to eliminate a railway grade crossing under Section 1229-19 of the General Code there is no necessity for the county commissioners to take any action in order to effect a vacation of the portion of the highway lying within the right of way of the railroad company.

COLUMBUS, OHIO, December 8, 1930.

HON. ROBERT N. WAID, *Director of Highways, Columbus, Ohio.*

DEAR SIR:—I acknowledge receipt of your request for my opinion reading as follows:

“In carrying out the above improvement (elimination of a grade crossing) it is necessary to relocate the highway and vacate the present highway within the right-of-way lines of the railroad company.

Proceedings to this end have been carried out under Section 1229-19, plans have been agreed upon and a satisfactory agreement drafted with one exception. The railroad company believes that that part of the agreement, which states that, upon completion of the new improvement, the old highway shall be vacated by the state, should be affirmed and agreed to by the commissioners of L County on the theory that present laws do not give the Director of Highways final jurisdiction over the vacation of highways or parts thereof on the State Highway System.