

relief is required by isolated school territory brought about on account of the annexation of certain territory to cities and villages.

There is not at the present time any limitation on the size of school districts. No mention is made in any of the statutes relating to school districts, or the formation of school districts, of the number of square miles in a district except in the provisions of Section 4687, *supra*, which have reference only to school districts within which a village has been created.

Upon the adoption of the School Code in 1914 (104 v. 133), Section 4736, General Code, which authorized county boards of education to arrange school districts according to topography and population without regard to township lines, provided that no rural school district should be created containing less than fifteen square miles. However, upon the first amendment of Section 4736, General Code, in 1915 (106 v. 397), the provision with reference to the size of rural school districts was taken out and it has not been inserted in any subsequent amendment of the statute; nor does it appear in any other statute relating to school districts.

It is therefore my opinion that when territory is annexed to a city or village, it thereby becomes a part of the city or village school district; and the territory remaining in the school district, of which such annexed territory was formerly a part, remains and constitutes the same school district which had existed before the annexation, regardless of the area of such remaining territory.

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

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1915.

RESOLUTION OF COUNTY COMMISSIONERS APPLYING FOR STATE  
AID—FORMS OF SAME SUBMITTED.

COLUMBUS, OHIO, March 30, 1928.

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

DEAR SIR:—In accordance with your request of recent date, I have prepared a form of resolution to be adopted by a board of county commissioners proposing to co-operate with the Department of Highways "in widening the paved portion of any state road where the paved portion of any such road is constructed or reconstructed to a width greater than eighteen feet." I am also submitting a form of resolution to be adopted by a board of county commissioners "of any county having a tax duplicate of real and personal property in excess of three hundred million dollars" proposing to co-operate with your department in the reconstruction of a state road. I have already submitted a form of resolution proposing to co-operate with the Director of Highways in the abolishment of railway grade crossings on the state highway system.

All of these resolutions are to be used by county commissioners when acting under the provisions of Section 1191, General Code, which as amended in House Bill No. 67 (112 v. 469), reads in part as follows:

"The commissioners of any county may co-operate with the Department of Highways in the abolishment of railway grade crossings on the state highway system or any extension thereof, and in the construction or recon-

struction of bridges and viaducts within municipal corporations, and shall be authorized to pay such portion of the cost of any such work as may be agreed upon between said commissioners and the Director of Highways. Said commissioners shall also be authorized to co-operate with said department in widening the paved portion of any state road where the paved portion of such road is constructed or reconstructed to a width greater than eighteen feet; and such commissioners shall be authorized to pay such portion of the cost occasioned by or resulting from such widening as may be agreed upon between them and said director. Any board of county commissioners desiring to co-operate as above, may, by resolution, propose such co-operation to the director, and a copy of such resolution, which resolution shall set forth the proportion of the cost and expense to be contributed by the county, shall be filed with the director. \* \* \* Provided, however, the county commissioners of any county having a tax duplicate of real and personal property in excess of three hundred million dollars shall also be authorized to co-operate with the Department of Highways in the reconstruction of state roads by paying such portion of the cost thereof as is agreed upon by the county commissioners and Director of Highways."

The form of resolution first above mentioned is as follows:

"Received ----- Pet. No. ----- Name of Road ----- State Highway No. -----	Form 2--To be used by County Commissioners in proposing to co-operate with the State High- way Department in widening paved portion of state road, where paved portion is constructed or reconstructed to width greater than 18 feet.
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RESOLUTION OF COUNTY COMMISSIONERS  
APPLYING FOR STATE AID

Mr. ----- moved the adoption of the following resolution:

BE IT RESOLVED, By the Board of Commissioners of ----- County, Ohio, that the public interest demands the improvement, under the provisions of Section 1191 and related sections of the General Code of Ohio, of that part of State Highway No. -----, situated in the County of -----, Township of -----, and described as follows:

Beginning at-----  
-----  
-----  
-----  
-----

in all a distance of ----- miles, and

BE IT FURTHER RESOLVED, that said Board of Commissioners of said County, does hereby propose to co-operate with the Director of Highways in widening the paved portion of State Highway No.-----, by constructing (reconstructing) the paved portion of said State Highway to a width greater than eighteen feet, by assuming and contributing-----per centum of the cost thereof, inclusive of engineering, preliminary contingencies, and other incidental expenses.

Thereupon, Mr. ----- seconded said motion; and upon the roll being called the result of the vote was as follows:

-----	Aye	} Commissioners of ----- County
-----	Aye	
-----	Aye	

In Witness Whereof, the undersigned County Commissioners of \_\_\_\_\_ County sign in duplicate and certify to be correct in duplicate the foregoing resolution and action of said Board of County Commissioners thereon, this \_\_\_\_\_ day of \_\_\_\_\_, 192\_\_\_\_.

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

The State of Ohio }  
\_\_\_\_\_ County } Office of Board of County Commissioners.

This is to certify that we have compared the foregoing copy of resolution with the original record thereof, found in the record of the proceedings of the Board of County Commissioners of said \_\_\_\_\_ County, which resolution was duly passed by said Board of County Commissioners on the \_\_\_\_\_ day of \_\_\_\_\_, 192\_\_\_\_, and that the same is a true and correct copy of the record of said resolution and the action of said Board of County Commissioners thereon.

We further certify that said resolution and the action of said Board of County Commissioners thereon is recorded in the Journal of said Board of County Commissioners in Vol. \_\_\_\_\_, at page \_\_\_\_\_, and under the date of the \_\_\_\_\_ day of \_\_\_\_\_, 192\_\_\_\_.

In Witness Whereof, we have hereunto set our hands this \_\_\_\_\_ of \_\_\_\_\_, 192\_\_\_\_.

\_\_\_\_\_  
President of the Board of County Commissioners  
of \_\_\_\_\_ County, Ohio.

(Seal)

Clerk  
Secretary ex-officio } of the Board of  
of \_\_\_\_\_ County, Ohio." }

NOTE:—If the County Auditor is Secretary ex-officio of the Board of County Commissioners, the Auditor's seal should be affixed.

The following is to be placed on the back of form :

" \_\_\_\_\_ County  
\_\_\_\_\_ Township  
\_\_\_\_\_ State  
Highway No. \_\_\_\_\_  
RESOLUTION OF COUNTY COMMISSIONERS proposing to co-operate with the State Highway Department in widening paved portion of state road, where paved portion is constructed or reconstructed to width greater than 18 feet.  
Received in the Department of Highways by mail  
(at the hands of)  
\_\_\_\_\_  
this \_\_\_\_\_ day of \_\_\_\_\_, 192\_\_\_\_.  
\_\_\_\_\_  
(Signature of person actually receiving same)."

The second of the forms above mentioned reads :

"Received -----	Form 2A—To be used by County Commission-
Pet. No. -----	ers of county having tax duplicate in excess of
Name of Road -----	\$300,000,000 proposing to co-operate with the
State Highway No. -----	State Highway Department in reconstruction
	of state road.

RESOLUTIONS OF COUNTY COMMISSIONERS  
APPLYING FOR STATE AID

Mr. ----- moved the adoption of the following resolution :

BE IT RESOLVED, By the Board of Commissioners of ----- County, Ohio, that

Whereas, the tax duplicate of real and personal property of ----- County is in excess of Three Hundred Million Dollars, to wit----- Dollars (\$-----), and

Whereas, the public interest demands the improvement hereinafter described, therefore,

BE IT RESOLVED, That the public interest demands the improvement, under the provisions of Section 1191 and related sections of the General Code of Ohio, of that part of State Highway No. ----- situated in the County of ----- and Township of -----, and described as follows :

Beginning at -----  
-----  
-----  
-----  
-----

in all a distance of ----- miles, and

BE IT FURTHER RESOLVED, That the Board of Commissioners of said County, does hereby propose to cooperate with the Director of Highways in the reconstruction of State Highway No. -----, by assuming and contributing ----- per centum of the cost thereof, inclusive of engineering, preliminary contingencies, and other incidental expenses.

Thereupon, Mr. ----- seconded said motion, and upon the roll being called the result of the vote was as follows :

-----Aye	} Commissioners of
-----Aye	
-----Aye	

In Witness Whereof, the undersigned County Commissioners of ----- County, does hereby propose to co-operate with the Director of Highways in the reconstruction and action of said Board of County Commissioners thereon, this ----- day of -----, 192-----

-----  
-----  
-----  
Board of County Commissioners  
of ----- County, Ohio.

The State of Ohio }  
 ----- County } Office of Board of County Commissioners.

This is to certify that we have compared the foregoing copy of resolution with the original thereof, found in the record of the proceedings of the Board of County Commissioners of said ----- County, which resolution was duly passed by said Board of County Commissioners on the ----- day of -----, 192---, and that the same is a true and correct copy of the record of said resolution and the action of said Board of County Commissioners thereon.

We further certify that said resolution and the action of said Board of County Commissioners thereon is recorded in the Journal of said Board of County Commissioners in Vol. -----, at page -----, and under the date of the ----- day of -----, 192---.

In Witness Whereof, we have hereunto set our hands this ----- day of -----, 192---.

-----  
 President of the Board of County Commissioners  
 of ----- County, Ohio.  
 Clerk {  
 Secretary ex-officio { of the Board of  
 of ----- County, Ohio." } County Commissioners

NOTE:—If the County Auditor is Secretary ex-officio of the Board of County Commissioners, the Auditor’s seal should be affixed.

The following is to be placed on the back of form :

“----- County  
 ----- Township  
 ----- State  
 Highway No. -----  
 RESOLUTION OF COUNTY COMMISSIONERS of county having tax duplicate in excess of \$300,000,000 proposing to co-operate with the State Highway Department in reconstruction of state road. Received in the Department of Highways by mail (at the hands of)  
 -----  
 this ----- day of -----, 192---.  
 -----  
 (Signature of person actually receiving same).”

Respectfully,  
 EDWARD C. TURNER,  
 Attorney General.