

4140.

APPROVAL, BOND FOR THE FAITHFUL PERFORMANCE OF HIS
DUTIES AS CHIEF CLERK—FRANK M. WEST.

COLUMBUS, OHIO, March 9, 1932.

HON. O. W. MERRELL, *Director of Highways, Columbus, Ohio.*

4141.

EXPENSES—COUNTY SURVEYOR'S OFFICE—PAID FROM GENERAL
FUND RATHER THAN SPECIAL ROAD TAX LEVY.

SYLLABUS:

The expense of the county surveyor and his office, in connection with the cost of the construction of a road improvement, are to be paid from county general funds and such cost cannot be proportioned and paid from the proceeds of a special road tax levy authorized by Section 5625-15 et seq., of the General Code.

COLUMBUS, OHIO, March 10, 1932.

HON. P. L. A. LIEGHLEY, *Prosecuting Attorney, Cleveland, Ohio.*

DEAR SIR:—This will acknowledge receipt of a request for opinion from your predecessor, upon the following state of facts:

“Cuyahoga County has a fund of approximately three million dollars for construction and maintenance of county roads, being the proceeds of a special levy approved by the electorate under the provisions of General Code, 5625-15. Heretofore, the entire cost of the office of the county engineer, including plans, estimates, surveyor's payroll, office and field supplies and expense in connection with road improvements paid for out of the proceeds of this special levy have been paid out of county general funds.

Your opinion is requested as to whether or not it would be legal to pay from the proceeds of the special levy such part of the cost of the engineer's office as applies directly to the development and construction of a road improvement constructed by the county commissioners out of the proceeds of the special levy aforesaid.”

Section 2792 of the General Code, provides that the county surveyor shall perform all duties for the county now or hereafter authorized or declared by law to be done by a civil engineer or surveyor.

Section 5625-9 of the General Code, providing for the various funds which each subdivision shall establish, reads in part: