

1314.

APPROVAL, BONDS OF FRANKLIN COUNTY, OHIO, IN AMOUNT OF  
\$335,000 FOR ROAD IMPROVEMENTS.

*Industrial Commission of Ohio, Columbus, Ohio.*

COLUMBUS, OHIO, June 7, 1920.

1315.

DISAPPROVAL, BONDS OF WILLIAMS COUNTY, OHIO, IN AMOUNT  
OF \$12,500 FOR ROAD IMPROVEMENTS.

COLUMBUS, OHIO, June 7, 1920.

*Industrial Commission of Ohio, Columbus, Ohio.*

RE—Bonds of Williams county, in the amount of \$12,500, for the improvement of the George F. Gentit road, No. 56, in Springfield township. One bond of \$1,500 and 11 bonds of \$1,000.

GENTLEMEN :—I have examined the transcript of the proceedings of the county commissioners relative to the above bond issue, and decline to approve the validity of said bonds for the following reasons:

(1) A copy of the petition for said road improvement is not attached to the transcript, and there is nothing in the transcript to show that said petition was signed by at least fifty-one per cent of the land or lot owners to be specially assessed for the cost of the improvement.

(2) The findings and determinations required by sections 6907 and 6911 G. C. are not made in the resolution of the commissioners of May 26 or in any other resolution as disclosed by the transcript, viz.:

a. "That the public convenience and welfare require that such improvement be made."

b. "Describing the route and termini of such road and the kind and extent of the improvement."

(3) The transcript fails to show that the engineer transmitted to the county commissioners a copy of the surveys, plans, profiles, cross-sections, estimates and specifications for such improvement and that thereupon the county commissioners caused notice to be published as required by section 6912 G. C.

(4) The transcript fails to show which of the methods provided in section 6919 for the payment of the cost and expense of the improvement was adopted by the county commissioners.

(5) The hearing on assessments was held March 22, 1920. The notice was published March 11 and March 19, 1920. Section 6922 G. C. requires this notice to be published "once a week for two consecutive weeks." I understand this language to mean two full weeks or fourteen days: See *Fenner vs. City of Cincinnati*, 8 O. N. P. 340, which was affirmed by the supreme court of Ohio in Case No. 7473, October 15, 1901, without reported opinion.

(6) The bond resolution provides for the issuance of bonds bearing interest at the rate of six per cent. The proceedings for the road improvement as indicated by the transcript were commenced prior to February 16, 1920. The supreme court of Ohio, in the case of *State of Ohio ex rel. vs. Zangerle, as Auditor of Cuyahoga County*, No. 16578 on the docket of said court (recently decided), held that the amendment to section 6929 authorizing the issuance of bonds at the increased rate of six per cent did not apply to proceedings for road improvements which were commenced prior to the taking effect of that amendment. Therefore, unless the road improvement proceedings were commenced subsequent to February 16, 1920, the county commissioners were without authority to issue bonds at a rate of interest in excess of five per cent.

It is possible that some of the errors referred to above can be corrected, but all of them can not.

I am therefore of the opinion that the bonds in question are not valid and binding obligations of Williams county and advise the Industrial Commission not to accept the same.

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

1316.

DISAPPROVAL, BONDS OF WILLIAMS COUNTY, OHIO, IN AMOUNT OF  
 \$15,800 FOR ROAD IMPROVEMENTS.

COLUMBUS, OHIO, June 7, 1920.

*Industrial Commission of Ohio, Columbus, Ohio.*

RE—Bonds of Williams county, in the amount of \$15,800, for the improvement of inter-county highway No. 21, designated as the Toledo and Angola road west of Alvordton and the extension thereof through the village of Alvordton—one bond of \$1,800 and 14 bonds of \$1,000.

GENTLEMEN:—I have examined the transcript for the above bond issue and decline to approve the validity of the bonds therein referred to for the following reasons:

(1) The date of the hearing upon objections to the improvement was fixed for and held on November 17, 1919; the notice thereof required by section 6912 was published November 6th and November 13th. The language of this section requires that such notice shall be published "once a week for two consecutive weeks." Two full weeks, or fourteen days, should have intervened between the first publication and the date of hearing. See—*Fenner vs. City of Cincinnati*, 8 C. N. P. 340, affirmed without reported opinion by the Supreme Court on October 15, 1901, in case No. 7473.

(2) The hearing upon the schedule of estimated assessments was held March 22, 1919 and the notice thereof required by section 6922 provides that such notice shall be published "once a week for two consecutive weeks." For the same reason as stated in the preceding paragraph I do not believe the notice given meets the requirements of said section 6922.

(3) The bond resolution provides for the issuance of bonds bearing interest at the rate of six per cent per annum. The proceedings for this road improve-