

pay the necessary expense of such removal. However, the city would have no right to assume ownership of said property without due process of law, unless said property has been abandoned by the company.

While mere nonuse ordinarily is not, of itself, sufficient to constitute an abandonment, I am of the opinion that if the company were notified to remove its property within a certain specified time and they failed to do so, such failure would be evidence of an abandonment. If, after opportunity had been given the company to remove its property from the city streets where it no longer has any right to be, such company has failed or refused to remove the same, it would hardly be in a position to deny that it has abandoned it.

4. Since the condition caused by the sewer being out of repair is undoubtedly a nuisance which is a menace to the public health, the city, under its police power, would have the right to take the necessary steps to abate the nuisance and to assume control of said sewer to the extent necessary to keep it in repair and prevent the same from becoming dangerous to the public health.

Respectfully,

GILBERT BETTMAN,  
*Attorney General.*

4257.

APPROVAL, SUPPLEMENTAL RESOLUTION FOR ROAD IMPROVEMENT IN LORAIN COUNTY, OHIO.

COLUMBUS, OHIO, April 20, 1932.

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

4258.

APPROVAL, LEASE TO LAND IN SYLVANIA TOWNSHIP, LUCAS COUNTY, OHIO, FOR GAME REFUGE PURPOSES.

COLUMBUS, OHIO, April 20, 1932.

HON. WILLIAM H. REINHART, *Conservation Commissioner, Columbus, Ohio.*

DEAR SIR:—You have submitted for my examination State Game Refuge Lease No. 2150 made to the State of Ohio by the Sisters of St. Francis of Sylvania, Ohio, for a tract of land situated in Sylvania Township, Lucas County, Ohio, and a State Game Refuge Order designed to operate upon said land. Finding the same to be executed in proper legal form, I have attached my signature thereto in approval.

Respectfully,

GILBERT BETTMAN,  
*Attorney General.*