

is situated. The sections of the Code from which I have quoted give broad authority as to land either within or without the municipality. Land located in another county manifestly is outside of the municipality and clearly comes within this definition, unless there be some specific or implied restriction qualifying this definition. So far as I have been able to find, there is no specific provision of the Code negating this right, and, likewise, there is no provision from which the conclusion may be drawn that the Legislature intended to impose this limitation upon the plain meaning of the phrase "without the limits of the municipality."

I am accordingly of the opinion that a municipality may acquire the fee simple to lands outside of the municipality and outside of the county in which the municipality is located, either by gift, purchase or condemnation, for the purpose of establishing a municipal airport. The situation of the land, of course, must be such as to make it reasonably convenient to the municipality. This would be a question of fact in each case and the judgment of the municipality would be final in the absence of fraud or abuse of discretion.

Respectfully,  
GILBERT BETTMAN,  
*Attorney General.*

---

95.

APPROVAL, BOND FOR THE FAITHFUL PERFORMANCE OF HIS  
DUTIES AS RESIDENT DIVISION DEPUTY DIRECTOR—HARVEY F.  
BROWN.

COLUMBUS, OHIO, February 15, 1929.

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

DEAR SIR:—You have submitted for my consideration, the official bond of Harvey F. Brown, for the faithful performance of his duties as Resident Division Deputy Director in Division No. 11.

This bond is given in accordance with the requirements of Section 1183 of the General Code, and to it is attached a certificate of the Surety Company to the effect that the person signing said bond in behalf of said company is authorized to sign official bonds of the nature and for the amount therein involved, binding upon said company. Likewise, there is evidence submitted that the said Surety Company is authorized to transact the business of fidelity and surety insurance in this state.

Finding said bond in proper legal form and properly executed, I have noted my approval thereon and am returning the same to you.

Respectfully,  
GILBERT BETTMAN,  
*Attorney General.*