

2785.

DISAPPROVAL, BONDS OF VILLAGE OF EAST YOUNGSTOWN, OHIO,
IN AMOUNT OF \$13,900 FOR STREET IMPROVEMENT.

COLUMBUS, OHIO, January 12, 1922.

Department of Industrial Relations, Industrial Commission of Ohio, Columbus, Ohio.

Re: Bonds of the village of East Youngstown in the amount of \$13,900 in anticipation of the collection of assessments for the improvement of Bright avenue from Twelfth street to Fourteenth street by paving, one bond payable in five installments of \$2,780 each.

GENTLEMEN:—The transcript submitted for examination in connection with the above bond issue discloses that the notice of the passage of the resolution of necessity required to be given by section 3818 G. C. was served between June 21st and July 17th of the year 1921 upon owners of property who were served personally or by leaving a copy. Service of such notice by publication upon owners of property not found was made by publishing notice for two weeks in the Youngstown Vindicator, the first publication being made July 23rd and the second publication July 30th. The ordinance to proceed with the improvement was passed July 18, 1921.

Under section 3823 G. C. owners of property to be assessed for street improvements are given a period of two weeks after the service of such notice or the completion of publication thereof to file claims for damages. Under the provisions of section 3824 G. C. council of a municipality is without authority to pass the ordinance to proceed with such improvement until the expiration of the time limited by law for filing claims for damages. The council of the village of East Youngstown was therefore without authority to pass the ordinance to proceed on July 18, 1921, and since council is without authority to provide for the issuance of bonds until after the passage of a proper ordinance determining to proceed with the improvement, it follows that the bonds under consideration were unauthorized and are not valid and binding obligations of the village of East Youngstown. I therefore advise that the Commission decline to purchase said bonds.

Respectfully,
JOHN G. PRICE,
Attorney-General.

2786.

DISAPPROVAL, REFUNDING BONDS OF KUNKLE RURAL SCHOOL
DISTRICT, WILLIAMS COUNTY, OHIO, IN AMOUNT OF \$20,000.

COLUMBUS, OHIO, January 12, 1922.

Department of Industrial Relations, Industrial Commission of Ohio, Columbus, Ohio.

Re: Refunding bonds of Kunkle rural school district, Williams County, in the amount of \$20,000.

GENTLEMEN:—The transcript for the above bond issue discloses that said bonds were issued under authority of section 5656 G. C. to refund debts of Kunkle rural school district. Although the transcript contains no statement setting forth in de-