

2527.

DISAPPROVAL, BONDS OF VILLAGE OF HUBBARD, TRUMBULL COUNTY, OHIO, IN AMOUNT OF \$5,063.42 FOR STREET IMPROVEMENTS.

COLUMBUS, OHIO, October 27, 1921.

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

Re: Bonds of the Village of Hubbard, Trumbull county, Ohio, in the sum of \$5,063.42 in anticipation of the collection of assessments for the purpose of improving certain streets in said village by the construction of sanitary sewers therein.

GENTLEMEN:—After a careful examination of the transcript submitted of the proceedings of the council and other officers of the village of Hubbard, Ohio, relating to the above issue of bonds I find that I am unable to approve the same. It appears from said transcript that the resolution of necessity with respect to the above noted improvement was adopted by council June 7, 1920, and that thereafter on July 12, 1920, an ordinance to proceed with said improvement was enacted by council. It appears further, however, that notice to the property owners to be assessed for said improvement of the passage of said resolution of necessity was not given until sometime in May, 1921, and that thereafter the resolution providing for this issue of bonds was passed by council.

Under the provisions of sections 3823 and 3824 G. C. the council has no power to pass an ordinance determining to proceed with a street improvement, the cost and expense of which is to be assessed on property owners in any one of the methods prescribed by section 3812 General Code, until the lapse of at least two weeks from the time of the service upon the property owners to be assessed of the notice of the passage of the resolution of necessity required to be given by section 3818 G. C. *Joyce vs. Barron*, 67 O. S. 264, 277, 278.

The enactment of a valid ordinance determining to proceed with a street improvement is jurisdictional to the right of council to levy assessments therefor or to issue bonds in anticipation of the collection of such assessments, and inasmuch as there is in this case no valid ordinance of council determining to proceed with said improvement for the reasons above stated, there was no authority in the council of said village to enact the ordinance providing for the issue of these bonds and the same was therefore invalid.

I am therefore of the opinion that you should refuse to purchase said issue of bonds.

Respectfully,
JOHN G. PRICE,
Attorney-General.

2528.

APPROVAL, BONDS OF VILLAGE OF CORTLAND, OHIO, IN AMOUNT OF \$5,000 FOR STREET IMPROVEMENTS.

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

COLUMBUS, OHIO, October 27, 1921.