

2648.

APPROVAL, BONDS OF SENECA TOWNSHIP RURAL SCHOOL DISTRICT, MONROE COUNTY, OHIO—\$20,000.00.

COLUMBUS, OHIO, December 9, 1930.

Re: Bonds of Seneca Township Rural School District, Monroe County, Ohio, \$20,000.00.

Retirement Board, State Teachers Retirement System, Columbus, Ohio.

GENTLEMEN:—I have examined the transcript of the proceedings of the board of education and other officers of the Seneca Township Rural School District, Monroe County, relative to the above issue of bonds, and find the same to be regular and in conformity with the provisions of the Constitution and General Code of Ohio.

I am of the opinion that bonds issued under the proceedings set forth in the transcript, which is an authenticated copy of the proceedings of said officials, will, upon delivery, constitute a valid and binding obligation of said school district.

Respectfully,

GILBERT BETTMAN,
Attorney General.

2649.

DISAPPROVAL, BONDS OF CITY OF CLEVELAND HEIGHTS, CUYAHOGA COUNTY, OHIO—\$70,000.00.

COLUMBUS, OHIO, December 9, 1930.

Re: Bonds of City of Cleveland Heights, Cuyahoga County, Ohio, \$70,000.00.

Retirement Board, State Teachers Retirement System, Columbus, Ohio.

GENTLEMEN:—I have examined transcripts relating to the above purchase of bonds, which purchase appears to be part of two issues of bonds of the city of Cleveland Heights in the aggregate amounts of \$534,700 and \$15,500. The series of bonds in the aggregate amount of \$534,700 appears to have been issued in anticipation of the collection of special assessments which have been levied for certain street improvements. The proceedings leading up to the levy of these assessments as disclosed by these transcripts have been taken in accordance with the steps outlined in Ordinance No. 2420 passed by council February 13, 1922, presumably under authorization of the charter of the city of Cleveland Heights which became effective January 1, 1922. It appears that notices of the filing of these assessments have been served upon the owners of each lot or parcel of land assessed in the manner provided for the service of summons in civil actions and not by three weeks' publication as provided in Section 3895, General Code. This raises the question of whether or not under the so-called home rule provisions of the Constitution as adopted in 1912 a municipality may by the adoption of a city charter provide for a method of levying special assessments for street improvements which is in conflict with the state law governing the levy of special assessments. Section 6, Article XIII of the State Constitution provides as follows: