

the fact that such sewer construction may result in a saving to the county in connection with the construction or repair of bridges within the limits of such municipality.

Respectfully,
GILBERT BETTMAN,
Attorney General.

1232.

ROAD—WHEN SUBJECT TO DESIGNATION AS PART OF COUNTY SYSTEM—SPECIFIC ROAD CONNECTING INTERCOUNTY HIGHWAYS OF TWO COUNTIES MAY NOT BE SELECTED.

SYLLABUS:

1. *A road may be designated as part of the county system of highways of a county which connects a village, hamlet, or center of rural population within such county with an intercounty highway or main market road within such county.*

2. *When a road only connects an intercounty highway within such county with an intercounty highway within an adjoining county, such road may not be designated as a part of the system of county highways of either county.*

COLUMBUS, OHIO, November 27, 1929.

HON. JOHN H. HOUSTON, *Prosecuting Attorney, Georgetown, Ohio.*

DEAR SIR:—Your letter of recent date is as follows:

“Wish your opinion on Section 6966 G. C., and wish this question answered specifically. May a board of county commissioners designate a road on the county system of highways which connects with an intercounty highway in said county and runs into an adjoining county, there connecting with another intercounty highway, if the board of commissioners of the adjoining county does not designate their portion of said road on their county highway system?

It is noted that the road in the adjoining county is now being improved by the proceeds of the Sullivan-Bostwick gas money.”

Section 6965, General Code, provides that there shall be created in each county within the state a system of county highways. This section further provides that the township trustees of each township within the state shall supply the county commissioners with certain information bearing upon the establishment of such a system of county highways. Section 6966, General Code, provides in part as follows:

“It shall be the duty of the board of county commissioners of each county to determine from the statistics and information furnished by the several boards of township trustees within such county the relative importance and value for traffic of the various public highways of the entire county. They shall begin work as soon as the necessary information is furnished by the several boards of township trustees within the county, and after a careful review and consideration of the information furnished by such trustees shall select and designate a connected system of county highways of such mileage as they may deem proper and expedient, connecting with the intercounty highways and main market roads of such county all of the villages, hamlets,

and centers of rural population within the county. * * * The board of county commissioners of any county may from time to time make changes in the county system or addition thereto in the manner hereinbefore provided with respect to the creation of the same. All expenses incurred in carrying out the provisions of this and the preceding section shall be paid from the general county road fund."

It must be observed that the authority here vested in a board of county commissioners to make changes in the county system or additions thereto is limited to the manner provided in the section with respect to the creation of such county system. The roads which may be designated as part of a county system in the creation of such are specifically set forth as "a connected system of county highways * * * connecting with the intercounty highways and main market roads of such county all the villages, hamlets, and centers of rural population within the county." This provision, in other words, means a connected system of county highways connecting all the villages, hamlets and centers of rural population within the county with the intercounty highways and main market roads within the county. There is no authority here to designate as a part of the county system a road connecting a village within the county with an intercounty highway outside of the county. Such a road would be an intercounty highway. In your letter you make no mention of the road in question connecting a village, hamlet or center of rural population in your county with an intercounty highway and, accordingly, I assume such state of facts does not exist, but that the road in question only connects two intercounty highways in two adjoining counties. Solely upon this statement of facts, I am clearly of the view that there is no authority to designate such road as part of the county system.

Of course, in the event such road connected a village, hamlet or center of rural population located at the county line but within the county, with an intercounty highway or main market road within the county, there would be express authority to designate such road as a part of the county system.

Your attention is directed to the provisions of Section 1189, as amended by the 88th General Assembly, 113 Ohio Laws, 600, under which section the Director of Highways would probably have authority to designate this road as an intercounty highway, or what is now known as a state highway.

In view of the foregoing, and in specific answer to your question, I am of the opinion that :

1. A road may be designated as part of the county system of highways of a county which connects a village, hamlet, or center of rural population within such county with an intercounty highway or main market road within the county.
2. When a road only connects an intercounty highway within such county with an intercounty highway within an adjoining county, such road may not be designated as a part of the system of county highways of either county.

Respectfully,

GILBERT BETTMAN,
Attorney General.