

1661.

DISAPPROVAL, BONDS OF VILLAGE OF ARLINGTON, HANCOCK COUNTY, \$17,000.00.

COLUMBUS, OHIO, August 2, 1924.

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

Re: Bonds of Village of Arlington, Hancock County, \$17,000.00.

Gentlemen:—

I have examined the transcript submitted to this department in connection with the foregoing issue of bonds, and find that I cannot approve the purchase of this issue by you, for the following reasons:

1. The transcript shows proceedings for an advertisement for sale of two series of bonds as follows:

One series in the sum of \$13,453.77 and one in the sum of \$3,546.23. The first series represents the property owners' portion to be paid by assessment and issued under the provisions of section 3914 G. C., and the second series represents the village's portion to be paid by taxing the issue under the provisions of section 3939 G. C. The bond recites its subject as follows:

"Ordinance No. 134. To issue bonds in anticipation of the collection of special assessments for the improvement of Main Street from the south line of East Main Cross Street to the south corporate limits of the Village of Arlington."

The same ordinance provides in section 5 as follows:

"That for the purpose of raising money in anticipation of the levy and collection of taxes for the purpose of paying the village portion of the cost of said improvement, viz.: the 1-50th of the cost and expense of said improvement and the cost and expense of intersections, and any amounts that by reason of the limitations of assessment provided by law cannot be assessed upon the benefited bounding and abutting property, the bonds of said village shall be issued to the amount of \$3,546.23 and shall be designated as "South Main Street Improvement Bonds, Village Portion."

To make provision for the issuance of the village portion of the bonds under the foregoing subject as shown in the title of the ordinance, which otherwise provides for assessment bonds, is in violation of the provision of section 4226, General Code, which provides:

"No ordinance, resolution or by-law shall contain more than one subject, which shall be clearly expressed in its title, \* \* \* ."

Also, see *Heffner vs. City of Toledo*, 75 O. S., 413.

The transcript does not contain a record of any sufficient legislation for an issue of bonds under section 3939 G. C.

2. The transcript does not show that any assessments have been made, or assessing ordinance passed. The proceedings are incomplete and not in accordance with the requirements of section 3914 G. C. as amended in 110 O. L., 458.

3. The bond ordinance as passed by council provides that the bonds shall mature on September 1st of each year from 1925 to 1934, inclusive. The advertisement for the sale of the bonds recites that the bonds shall mature on October 1st of each year from 1925 to 1934, inclusive.

4. The publishers' proofs of publication show that the bonds were advertised four consecutive weeks, beginning on June 25, 1924, and giving notice for a sale on July 17, 1924. Four consecutive weeks could not have elapsed from June 25th to July 17th, 1924, in accordance with the decision of the court in the case of State of Ohio vs. Kuhner and King, 107 O. S. 406.

For the foregoing reasons, I am of the opinion that the issue of bonds as shown by the transcript in this case does not constitute legal and valid obligations against the Village of Arlington, and you are therefore advised not to purchase said bonds.

Respectfully,

C. C. CRABBE,

*Attorney General.*

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1662.

APPROVAL, LEASE GRANTING TO C. M. WAGNER, RECEIVER FOR WILLIAM H. NYE, LANDS LOCATED ON SUMMERLAND BEACH, BUCKEYE LAKE, OHIO, FOR TERM OF FIFTEEN YEARS, RENTAL PRICE BEING \$183.00 PER YEAR.

COLUMBUS, OHIO, August 4, 1924.

*Department of Highways and Public Works, Division of Public Works, Columbus, Ohio.*

Gentlemen:—

You have submitted lease in triplicate granting to C. M. Wagner, Receiver for William H. Nye, certain lands located on Summerland Beach, Buckeye Lake, Ohio, for a term of fifteen years, the rental price of which is \$183.00 per year, payable in installments of \$91.50, semi-annually, in advance.

Finding said lease in proper legal form, I have approved the same, and am returning it herewith.

Respectfully,

C. C. CRABBE,

*Attorney General.*