

3841.

APPROVAL, FINAL RESOLUTIONS, ROAD IMPROVEMENTS IN CUYA-HOGA AND FULTON COUNTIES.

COLUMBUS, OHIO, December 29, 1922.

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

3842.

BOARD OF EDUCATION—CANNOT BE ASSESSED FOR BOULEVARD LIGHTING BY SPECIAL ASSESSMENT.

A board of education cannot be assessed for boulevard lighting by special assessment on abutting school property.

COLUMBUS, OHIO, December 30, 1922.

Bureau of Inspection and Supervision of Public Offices, Columbus, Ohio.

GENTLEMEN:—Acknowledgment is made of the receipt of your request for the opinion of this department on the following question:

“Can a board of education be assessed for Boulevard lighting by special assessment on school properties?”

Replying to your question you are advised that what is commonly known as “boulevard or white way lighting” has been made the subject of special enactment by the General Assembly in supplementing Section 3842 of the General Code by the enactment of sections 3842-1, 3842-2 and 3842-3 G. C., as appearing in Amended Senate Bill No. 230 passed by the General Assembly on February 11th, 1920 and appearing at Page 1224, 108 O. L. Part 2. Thus Section 3842-1 G. C., reads in part:

“When a petition signed by three-fourths in interest of the owners of property abutting upon any street, avenue or other public place or any part thereof, is presented to the council or other legislative body of any municipality for the improvement thereof by an improved system of lighting commonly known as boulevard or white way lighting, to be paid for in whole or in part by special assessments upon the adjacent, abutting or specially benefited property, the legislative authority of such municipality may provide by ordinance for such system of lighting, and in a separate ordinance for the levy and collection of special assessments therefor. * * * * *”

Section 3842-2 G. C. provides for the method of notice of passage of the ordinance while Section 3842-3 G. C., bears upon the percentage of cost fixed by ordi-