

and sewers, heating and electrical work for the remodeling of Administration Building of Kent State College, Kent, Ohio, according to Item No. 2, Item No. 23, Alternate No. 16, and Item No. 37, Alternate No. 30 of the Form of Proposal dated August 15, 1930. Said contract calls for an expenditure of one hundred thousand five hundred dollars (\$100,500).

You have submitted the certificate of the Director of Finance to the effect that there are unencumbered balances legally appropriated in a sum sufficient to cover the obligations of the contract. You have also furnished evidence to the effect that the consent of the Controlling Board to the expenditure has been obtained as required by Section 11 of House Bill 510 of the 88th General Assembly. In addition, you have submitted a contract bond, upon which the Maryland Casualty Company appears as surety, sufficient to cover the amount of the contract.

You have further submitted evidence indicating that plans were properly prepared and approved, notice to bidders was properly given, bids tabulated as required by law and the contract duly awarded. Also it appears that the laws relating to the status of surety companies and the Workmen's Compensation Act have been complied with. A certificate of the Secretary of State showing that the contracting corporation is authorized to do business in Ohio has been filed.

Finding said contract and bond in proper legal form, I have this day noted my approval thereon and return the same herewith to you, together with all other data submitted in this connection.

Respectfully,

GILBERT BETTMAN,

Attorney General.

2362.

APPROVAL, BONDS OF CITY OF CONNEAUT, ASHTABULA COUNTY,
OHIO—\$63,000.00.

COLUMBUS, OHIO, September 23, 1930.

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

2363.

APPROVAL, AMENDMENT TO ARTICLES OF INCORPORATION OF THE
MUTUAL PLATE GLASS INSURANCE COMPANY OF SHELBY, OHIO.

COLUMBUS, OHIO, September 23, 1930.

HON. CLARENCE J. BROWN, *Secretary of State, Columbus, Ohio.*

DEAR SIR:—I have carefully examined the certificate of amendment of the articles of incorporation of The Mutual Plate Glass Insurance Company of Shelby, Ohio, and find said amendment to be in conformity to the provisions of Section 9607-2 et seq. of the General Code, authorizing the incorporation of insurance companies for the transaction of business of the kind provided for by said articles.

I further find that said amendment to the articles of incorporation of The Mutual Plate Glass Insurance Company of Shelby, Ohio, is not in conflict with the constitution and laws of the State of Ohio or of the United States and the same is hereby accordingly approved.

I return herewith the certificate of amendment of the articles of incorporation of said company, the affidavit of publication of the notice of the holding of the meeting of the policy holders of The Mutual Plate Glass Insurance Company of Shelby, Ohio, which you forwarded to me.

Respectfully,
GILBERT BETTMAN,
Attorney General.

2364.

ROAD—CONTINUOUS IN VILLAGE AND TOWNSHIP—TOWNSHIP MAY
AGREE TO CONSTRUCT AND MAINTAIN WITHIN VILLAGE—NO
SUCH AGREEMENT MAY BE MADE WITH CITY.

SYLLABUS:

A township may by agreement, expend any funds available for road construction, improvement or repair upon roads inside of the village, when such road is a continuation of a road in the township outside of the village. It will be observed, however, that this authority is limited to a village, and therefore does not include a city.

COLUMBUS, OHIO, September 23, 1930.

HON: HOWARD M. NAZOR, *Prosecuting Attorney, Jefferson, Ohio.*

DEAR SIR:—Acknowledgment is made of your recent communication which reads:

“I respectfully request that you render me your opinion as to whether or not it is a legal possibility for a township to join with a municipality for the improvement of a road passing through the municipality.”

It is a well established principle of law in this State, that in the absence of statutory authority, subdivisions of the State may not properly undertake jointly an enterprise which a subdivision is expressly authorized to undertake in its individual capacity. It has been held that a township and a municipality may not become the joint owner of property. Also it has been held that in the absence of express statutory provisions, a township and a municipality, or two municipalities may not jointly own and operate a fire department. Such decisions have led to the enactment of various statutes which authorize joint action in such matters.

In connection with the construction of roads, there is a separate machinery set up for the improvement of roads by the State, county and township. In many instances, statutes have authorized the county to cooperate with the State and likewise for the county to cooperate with the township.

In connection with the expenditure of the gasoline tax arising from the township under the provisions of Section 5541-8, General Code, the township is authorized to permit such expenditures to be made by the county commissioners. Therefore, in connection with your inquiry, we must look to the statutes to determine whether or not there is any express authority which will authorize a township and a municipality to cooperate in the improvement of roads.