

2249.

SCHOOL DISTRICT—VILLAGE—TRANSFER OF TERRITORY—ABOLISHMENT—STATUS OF DISTRICT.

*SYLLABUS:*

1. *The territory embraced within an incorporated village, exclusive of the territory detached therefrom for school purposes, and inclusive of territory attached thereto for school purposes, constitutes a village school district, provided it has a tax valuation of \$500,000 or more, even though such territory consists entirely of territory lately annexed to the municipal corporation and the territory which had been embraced in the municipal corporation prior to such annexation had formerly been transferred to an adjoining city school district.*

2. *When a village school district has been abolished by reason of the transfer of all the territory embraced in such district to an adjoining city school district, and later territory with a tax valuation of \$500,000 or more is annexed to the village, the village school district is thereby automatically re-created, consisting of the annexed territory. If by the annexation the territory in the village outside of the city school district has a tax valuation of less than \$500,000 its status as school district territory remains the same as before annexation.*

COLUMBUS, OHIO, June 18, 1928.

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

GENTLEMEN:—This will acknowledge receipt of your request for my opinion as follows:

“Some years ago the Cheviot Village School District in Hamilton County was transferred to the Cincinnati City School District. Recently the Village of Cheviot annexed territory, which territory includes the Bridgetown Rural School District.

Question: What is the status of the territory included in the Bridgetown Rural School District, which was annexed to the Village of Cheviot. Does such territory automatically become a part of the Cincinnati City School District or does it remain as a rural school district, as it cannot be a part of the Cheviot Village School District when that school district is already a part of the Cincinnati City School District?”

Sections 4681 and 4690, General Code, read in part as follows:

Sec. 4681. “Each village, together with the territory attached to it for school purposes, and excluding the territory within its corporate limits detached for school purposes, and having in the district thus formed a total tax valuation of not less than five hundred thousand dollars, shall constitute a village school district.”

Sec. 4690. “When territory is annexed to a city or village, such territory thereby becomes a part of the city or village school district, and the legal title to school property in such territory for school purposes shall be vested in the board of education of the city or village school district. \* \* \*

When all the territory comprising the Cheviot Village School District was transferred to the Cincinnati City School District the corporate existence of the Cheviot

Village School District was merged into the Cincinnati School District and the Cheviot Village School District was thereby abolished, the law relating to the merger of private corporations being applicable to the merger of public corporations.

However, inasmuch as Section 4681, *supra*, provides that the territory of a village, exclusive of any territory that may be detached therefrom for school purposes, shall constitute a village school district if it has a total tax valuation of \$500,000 or more, when territory was annexed to the Village of Cheviot, a village school district was thereby created by operation of law, consisting of the newly annexed territory, provided the annexed territory had a tax valuation of \$500,000 or more.

It appears from your statement that all the territory embraced within what was formerly Bridgetown Rural School District was annexed to the Village of Cheviot. You do not state whether the annexed portion included any other territory than that embraced in Bridgetown Rural School District. In either event, if the entire territory annexed had a total tax valuation of \$500,000 or more, the annexed territory became and constituted the Cheviot Village School District which automatically came into existence by reason of the annexation. If this annexed territory included all the territory embraced within the Bridgetown Rural School District, the Bridgetown School District was thereby abolished and it thereupon became the Cheviot Village School District.

If the entire territory annexed to the Village of Cheviot had a tax valuation of less than \$500,000, the status of the annexed territory in its relation to school districts remained the same as before annexation and would so remain until such annexed territory attained a tax valuation of \$500,000 or more.

Specifically answering your question in the light of the foregoing remarks, it is my opinion that the territory recently annexed to the Village of Cheviot did not, by reason of such annexation, become a part of the Cincinnati City School District: If the property within the annexed territory had a tax valuation of less than \$500,000, its status as it relates to school districts continued to be the same after annexation as before: If said territory had a tax valuation of \$500,000 or more, it became and constituted the Cheviot Village School District.

Respectfully,  
EDWARD C. TURNER,  
*Attorney General.*

2250.

PENSION—WOMAN WHO LEGALLY ADOPTS A CHILD NOT ELIGIBLE  
TO MOTHER'S PENSION.

SYLLABUS:

*Opinion No. 1016, dated June 29, 1914, and reported in the Annual Report of the Attorney General for 1914, Vol. I, p. 885, approved and followed in Opinion No. 1000, dated February 10, 1920, Opinions, Attorney General, 1920, Vol. I, p. 181, holding that a woman, who legally adopts a child is not as to such child a "mother" within the meaning of Sections 1683-2 and 1683-3, General Code, providing for mothers' pensions, even though the facts are such that the other requirements of these sections of the General Code are met, not overruled.*

COLUMBUS, OHIO, June 18, 1928.

HON. EDWARD C. STANTON, *Prosecuting Attorney, Cleveland, Ohio.*

DEAR SIR:—This will acknowledge receipt of your recent communication which reads as follows: