

2279.

DISAPPROVAL, BONDS OF HARRISON TOWNSHIP, KNOX COUNTY,
OHIO, IN AMOUNT OF \$22,000 FOR ROAD IMPROVEMENTS.

COLUMBUS, OHIO, July 28, 1921.

Industrial Commission of Ohio, Columbus, Ohio.

Re: Bonds of Harrison township, Knox county, Ohio, in the sum of \$22,000 to pay said township's share of the cost and expense of the Howard-Pipesville road improvement located in Howard and Harrison townships in said county, the same being 20 bonds of the denomination of \$1,100 each.

GENTLEMEN:—I have examined the transcript of the proceedings relating to the above issue of bonds and find myself unable to approve said issue.

The road improvement in question is located in Howard and Harrison townships, Knox county, Ohio, and extends from the village of Howard in Howard township to the village of Pipesville in Harrison township. The improvement was initiated as a joint township improvement by a resolution adopted at a joint meeting of the trustees of said township under the authority apparently of section 3298-15n G. C. This resolution provides that Harrison township shall improve the part of said improvement in Harrison township and that Howard township shall improve the part of the improvement therein located. It provides for the kind and character of the improvement and the manner in which the cost and expense of the improvement shall be apportioned between the townships and the owners of real property benefited by the improvement, and further directs that said county surveyor shall prepare surveys, plans, profiles, specifications and estimates of the improvement to be transmitted by him in duplicate copies to each of the respective township boards. Notice of the improvement was published in the manner required by law, and it is therein provided that objections to said improvement and claims for compensation and damages sustained on account thereof should be filed for hearing in the respective offices of the township trustees of Harrison township and Howard township. It appears that no objections to the improvement or claims for compensation and damages by reason thereof were filed with the board of trustees of Harrison township, and on the date fixed for said hearing, to wit, February 1, 1921, the board of trustees of Harrison township adopted a resolution determining to proceed with said improvement and approving the surveys, plans, profiles, specifications and estimates submitted by the county surveyor, and thereafter on February 21, 1921, the board of township trustees of Harrison township adopted its resolution providing for the issue of bonds here in question.

In my opinion this proceeding having been initiated as a joint township road improvement under the authority of section 3298-15n G. C., the proceedings relating to said improvement so far as their legality is concerned will have to stand or fall as proceedings of a joint township road improvement.

Section 3298-15n G. C. relating to joint township road improvements provides that:

"In such case the several boards of township trustees, when acting as a joint board and when acting separately in the making of assessments and issuing bonds, shall be governed and controlled by the pro-

visions of law relating to the construction of joint county road improvements by joint boards of county commissioners in so far as the same are applicable."

The provisions of law relating to joint county road improvements referred to in section 3298-15n G. C. are those found in sections 6930 to 6944-1 G. C. Under the provisions of these sections it is clear that the disposition of objections to said joint county road improvement and of claims for compensation and damages by reason thereof is a matter for the joint board of county commissioners and not for each board of county commissioners separately, and what is more to the point, it is for said joint board of county commissioners to determine whether the improvement shall proceed, and to adopt the surveys, plans, profiles, specifications and estimates if no objections or claims for compensation or damages are found, or after the same have been disposed of, if found.

Under the provisions of section 3298-15n making applicable to joint township road improvements the provisions of sections 6930 et seq. G. C., it was in this case the duty of the joint board of township trustees of Harrison and Howard townships to determine whether or not said improvement should proceed after the time for filing objections to said improvement and claims for compensation and damages therefor, and if so, to adopt the plans, specifications and estimates for said improvement. The adoption by said joint board of township trustees of a resolution determining to proceed with said improvement and approving the plans, specifications and estimates therefor are clearly jurisdictional to the power of the board of township trustees of said township to issue bonds for its respective share of the cost and expense of this improvement, and inasmuch as said resolution was not adopted by said joint board of township trustees of Harrison and Howard townships, the board of township trustees of Harrison township had no power to adopt a resolution providing for the issue of bonds here in question, and for this reason I am compelled to advise you not to accept said bonds.

Respectfully,

JOHN G. PRICE,
Attorney-General.

2280.

DISAPPROVAL, BONDS OF CITY OF WELLSVILLE IN AMOUNT OF
\$65,000, WATERWORKS IMPROVEMENT.

COLUMBUS, OHIO, July 29, 1921.

Industrial Commission of Ohio, Columbus, Ohio.

GENTLEMEN :—

Re: Bonds of the city of Wellsville in the amount of \$65,000 to enlarge, improve and repair the present waterworks system.

The transcript of the proceedings of council authorizing the above bond issue as submitted to me discloses that said bonds were issued by city council without a vote of the electors. The financial statement shows that the total