

pose of refunding that portion of the proceeds of the sale of the property of the Rocky Ridge Lime and Stone Company, which had been distributed to it under the erroneous order of the court made in August, 1924, for the purpose of readjusting the proceeds of said sale to conform to the equities of the situation. I am further of the opinion that the moneys from the proceeds of said sale, which the court ordered to be paid to The Ohio Savings Bank and Trust Company by the order of December, 1926, should be paid from the general funds of Ottawa County.

Respectfully,
EDWARD C. TURNER,
Attorney General.

2744.

RESOLUTION OF COUNTY COMMISSIONERS APPLYING FOR STATE
AID—FORMS OF SAME SUBMITTED.

COLUMBUS, OHIO, October 17, 1928.

HON. HARRY J. KIRK, *Director of Highways, Columbus, Ohio.*

DEAR SIR:—In Opinion No. 1915, dated March 30, 1928, and addressed to your predecessor in office, Hon. George F. Schlesinger, I approve forms of resolution to be adopted by boards of county commissioners proposing to co-operate with your department. One of the forms covered proposal in counties having less than a three million dollar tax duplicate, in which the co-operation is limited to "widening the paved portion of any state road where the paved portion of any such road is constructed, or reconstructed to a width of eighteen feet." The other form covered the proposal in counties having a tax duplicate in excess of three million dollars, where the co-operation is unrestricted.

In view of certain of the conclusions reached in Opinion No. 2632, dated September 27, 1928, addressed to you, I believe it is advisable to make some slight change of phraseology in the forms and I am accordingly submitting the following which I believe to be more satisfactory than the ones heretofore submitted:

"RESOLUTION OF COUNTY COMMISSIONERS
PROPOSING TO CO-OPERATE.

Mr. moved the adoption of the following resolution:

BE IT RESOLVED, By the Board of Commissioners of
County, Ohio, that the public interest demands the improvement, under the provisions of Section 1191 and related Sections of the General Code of Ohio, of that part of State Highway No., situated in the County of
Township of ,and described as follows:

Beginning at
.....
.....
.....
.....
.....

in all a distance of miles, and

BE IT FURTHER RESOLVED, That said Board of Commissioners of said County, does hereby propose to co-operate with the Director of Highways in widening the paved portion of State Highway No....., by constructing the paved portion of said State Highway to a width greater than eighteen feet, by assuming and contributing.....

(Here insert proportion either in percentage or lump sum)

of the cost thereof, inclusive of engineering, preliminary contingencies, and other incidental expenses.

Thereupon, Mr.....seconded said motion; and upon the roll being called the result of the vote was as follows:

-----Aye }
-----Aye } Commissioners of-----County.
-----Aye }

In Witness Whereof, the undersigned County Commissioners of----- County sign in duplicate and certify to be correct in duplicate the foregoing resolution and action of said Board of County Commissioners thereon, this-----day of -----, 192-----.

Board of County Commissioners
of-----County, Ohio.

The State of Ohio }
-----County, } Office of Board of County Commissioners.

This is to certify that we have compared the foregoing copy of resolution with the original record thereof, found in the record of the proceedings of the Board of County Commissioners of said-----County, which resolution was duly passed by said Board of County Commissioners on the-----day of -----, 192-----, and that the same is a true and correct copy of the record of said resolution and the action of said Board of County Commissioners thereon.

We further certify that said resolution and the action of said Board of County Commissioners thereon is recorded in the Journal of said Board of County Commissioners in Vol....., at page-----, and under the date of the----- day of -----, 192-----.

In Witness Whereof, we have hereunto set our hands this-----day of -----, 192-----.

President of the Board of County
Commissioners of-----County, Ohio.

(Seal.)

Clerk, } of the Board of County
Secretary ex-officio } Commissioners
of-----County, Ohio."

NOTE:—If the County Auditor is Secretary ex-officio of the Board of County Commissioners, the Auditor's seal should be affixed.

The following is to be placed on the back of form:

".....County.
.....Township.
.....State.
Highway No.....

RESOLUTION OF COUNTY COMMISSIONERS

proposing to co-operate with the State Highway Department in widening paved portion of state road, where paved portion is constructed or reconstructed to width greater than 18 feet.

Received in the Department of Highways by mail (at the hands of).....
this.....day of....., 192.....

(Signature of person actually receiving same.)"

"Received.....
Pet. No.....
Name of Road.....
State Highway No.....

Form 2A—To be used by County Commissioners of county having tax duplicate in excess of \$300,000,000 proposing to co-operate with State Highway Department in reconstruction of state road.

RESOLUTIONS OF COUNTY COMMISSIONERS
PROPOSING TO CO-OPERATE.

Mr.....moved the adoption of the following resolution:

BE IT RESOLVED, By the Board of Commissioners of.....
County, Ohio, that

Whereas, the tax duplicate of real and personal property of.....
County is in excess of Three Hundred Million Dollars, to-wit,
Dollars (\$.....), and

Whereas, the public interest demands the improvement hereinafter described, therefore,

BE IT RESOLVED, That the public interest demands the improvement, under the provisions of Section 1191 and related Sections of the General Code of Ohio, of that part of State Highway No.....situated in the County of.....
and Township of....., and described as follows:

Beginning at.....
.....
.....

in all a distance of.....miles, and

BE IT FURTHER RESOLVED, That the Board of Commissioners of said County does hereby propose to co-operate with the Director of Highways in the reconstruction of State Highway No....., by assuming and contributing.....

(Here insert proportion either in percentage or lump sum.)

of the cost thereof, inclusive of engineering, preliminary contingencies, and other incidental expenses.

Thereupon, Mr.seconded said motion, and upon the roll being called the result of the vote was as follows:

-----Aye }
-----Aye } Commissioners of -----County.
-----Aye }

In Witness Whereof, the undersigned County Commissioners of -----
County sign in duplicate and certify to be correct in duplicate the foregoing resolution
and action of said Board of County Commissioners thereon, this -----day of
-----, 192-----.

Board of County Commissioners
of -----County, Ohio.

The State of Ohio }
-----County } Office of Board of County Commissioners.

This is to certify that we have compared the foregoing copy of resolution with the original thereof, found in the record of the proceedings of the Board of County Commissioners of said -----County, which resolution was duly passed by said Board of County Commissioners on the -----day of -----, 192-----, and that the same is a true and correct copy of the record of said resolution and the action of said Board of County Commissioners thereon.

We further certify that said resolution and the action of said Board of County Commissioners thereon is recorded in the Journal of said Board of County Commissioners in Vol. -----, at page -----, and under the date of the -----day of -----, 192-----.

In Witness Whereof, we have hereunto set our hands this -----day of -----, 192-----.

President of the Board of County Commissioners
of -----County, Ohio.

Clerk }
Secretary ex-officio } of the Board of County
Commissioners
of -----County, Ohio.

NOTE. If the County Auditor is Secretary ex-officio of the Board of County Commissioners, the Auditor's seal should be affixed.

The following is to be placed on the back of form:

"-----County.
-----Township.
-----State.
Highway No.-----

RESOLUTION OF COUNTY COMMISSIONERS

of county having tax duplicate in excess of \$300,000,000 proposing to co-operate with the State Highway Department in reconstruction of state road.

Received in the Department of Highways by mail (at the hands of)-----
this-----day of-----, 192-----

(Signature of person actually receiving same.)"

Respectfully,
EDWARD C. TURNER,
Attorney General.

2745.

DISAPPROVAL, BONDS OF THE CITY OF XENIA, GREENE COUNTY—
\$11,000.00.

COLUMBUS, OHIO, October 17, 1928.

Re: Bonds of the City of Xenia, Greene County, \$11,000.00.

The Industrial Commission of Ohio, Columbus, Ohio.

GENTLEMEN:—I have examined the transcript of the proceedings of the commission and other officers of the City of Xenia, Greene County, Ohio, relative to the above bonds, which are being issued without a vote of the people, for the purpose of purchasing certain fire apparatus.

The transcript contains a copy of the ordinance to issue bonds, which provides that said bonds shall mature as follows:

“One bond on September 1st in each of the years from 1930 to 1939, both inclusive,” etc.

The transcript also contains a copy of the bond sale advertisement, which recites that the bonds will be due and payable as follows:

“One bond on September 1st in each of the years from 1929 to 1938, both inclusive,” etc.

The maturities of the bonds as advertised for sale do not correspond with the maturities of the bonds as provided for in the bond ordinance, and I am therefore of the opinion that the sale of the bonds in pursuance of such bond advertisement is illegal.

The transcript is deficient in a number of other respects, but in view of the foregoing I am compelled to advise you not to purchase the above issue of bonds.

Respectfully,
EDWARD C. TURNER,
Attorney General.