

1444.

APPROVAL, FINAL RESOLUTIONS FOR ROAD IMPROVEMENTS IN SANDUSKY, KNOX AND VINTON COUNTIES, OHIO.

COLUMBUS, OHIO, July 20, 1920.

HON. A. R. TAYLOR, *State Highway Commissioner, Columbus, Ohio.*

DEAR SIR:—I have your letter of July 17th enclosing for my examination, among others, final resolutions covering the improvement of

Lima-Sandusky Road, I. C. H. No. 22, Sec. "S-1," Sandusky county, Type A and B—two resolutions.

Mt. Vernon-Coshocton Road, I. C. H. No. 339, Sec. "K," Knox county.

McArthur-Jackson Road, I. C. H. No. 396, Sec. "Hamden," Vinton county.

I find that as to the first noted of said three final resolutions, namely, the two resolutions covering types A and B, I. C. H. No. 22, section "S-1," that said resolutions do not show on their face that the section to be improved is a main market road, whereas the appropriation by your department is from main market road funds. However, your letter is accompanied by a memorandum of Mr. T. S. Brindle, chief engineer, reading as follows:

"The resolutions for types A and B on section S-1, I. C. H. No. 22, Sandusky county, offer an expenditure of \$17,000.00 main market funds which were set aside by the highway commissioner and advisory board under date of January 21, 1920, section of highway then being on main market road No. 5.

Under date of February 17th, on application of the county commissioners, the change was made in the location of I. C. H. No. 269 on its intersection in Sandusky county with I. C. H. No. 22 southwest of section S-1 and extending south to a point in Seneca county near Fort Seneca, no mention being made however, in this action of the change being made in main market road No. 5; but as part of the main market route was abandoned by the change of I. C. H. No. 269, the market route is no doubt changed by action relative to the I. C. H. The section of highway was therefore a part of main market route No. 5 at the time the funds were set aside by the department."

It is unnecessary that I pass upon the question whether the section of road has in fact been withdrawn from the main market system; for it appears that when the appropriation of your department was made the section was beyond question part of a main market road. Hence, the situation comes within the purview of my opinion directed to you under date May 20, 1920 (No. 1257).

Hence, finding said resolutions, as well as the two remaining resolutions above noted, in all respects correct, I am returning them herewith endorsed with my approval as to form and legality in accordance with section 1218 G. C.

Respectfully,

JOHN G. PRICE,

Attorney-General.