

2290.

APPROVAL, BONDS OF PETTISVILLE VILLAGE SCHOOL DISTRICT,
FULTON COUNTY, OHIO—\$78,000.00.

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

2291.

DISAPPROVAL, BONDS OF TRUMBULL COUNTY, OHIO—\$35,000.00.

COLUMBUS, OHIO, September 4, 1930.

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

GENTLEMEN:—Re: Bonds of Trumbull County, Ohio, \$33,000.00.

The transcript relative to the above bonds which have been issued in anticipation of the collection of taxes and assessments to pay the cost of a county road improvement, discloses that these bonds were authorized May 27, 1930, in the amount of \$91,000.00, being the estimated cost of such improvement. On June 12, 1930, pursuant to advertisement, contract for the improvement was awarded and the contract cost determined, whereupon on June 16, the amount of bonds previously authorized was reduced to correspond with the contract cost, to \$61,459.10 by an amending bond resolution passed on that date.

This transcript relative to the above issue of bonds further discloses that pursuant to the provisions of Section 2293-28, General Code, this issue as originally authorized in the amount of \$91,000.00, was advertised for three consecutive weeks, the date of first publication being May 28, 1930. This advertisement contained, inter alia, the following statement:

“On account of the fact that bids will be received for the improvement for which funds are to be provided by these bonds, before the bonds are issued, the amount of bonds may be proportionately reduced, should the contract be let at a lesser amount than the surveyor's estimate.”

Pursuant to this advertisement on June 18, 1930, bids were received for bonds in the amount of \$91,000.00 and an award was made to the high bidder of bonds in the amount of \$61,400.00. The above purchase which your Board has made is from this last mentioned high bidder to whom the issue was awarded by the board of county commissioners. It appears that on June 16, 1930, immediately after the issue was reduced, these bonds in the amount of \$61,459.10, were offered to and rejected by the board of sinking fund trustees of Trumbull County.

Section 2293-27, General Code, being part of the Uniform Bond Act, under which these bonds have been authorized, provides as follows:

“Before selling any notes or bonds of the subdivision, the taxing authority shall offer the same at par and accrued interest to the trustees or commissioners or other officers who have charge of the sinking fund of the subdivision and such officers shall have the option of purchasing said notes or bonds or rejecting the same.”

Section 2293-28, General Code, provides, insofar as pertinent, as follows:

"If said notes or bonds are rejected by such officers, then notes having a maturity of two years or less may be sold at private sale at not less than par and accrued interest, and all bonds and notes having a maturity of more than two years shall be sold to the highest bidder, after being advertised once a week for three consecutive weeks and on the same day of the week, the first advertisement being published at least twenty-one full days before the date of sale, in a newspaper having general circulation in the county where the bonds are issued. The advertisement shall state the total amount of bonds or notes and interest thereon to be sold, how long they are to run, the rate of interest to be paid thereon, the dates of payment of interest, the purpose of the issue and the day, hour and place in the county where they are to be sold.
* * * "

The foregoing section contains no authority for the advertisement of bonds in an indefinite amount. It is expressly provided that after bonds having a maturity of more than two years have been rejected by the sinking fund trustees, the advertisement "shall state the total amount of bonds * * * to be sold". Under these circumstances I think there is considerable question as to the legality of the notice which purports to have been published in accordance with the provisions of Section 2293-28, supra, and the award made pursuant thereto. I accordingly advise you not to purchase these bonds.

Respectfully,
GILBERT BETTMAN,
Attorney General.

2292.

APPROVAL, CERTIFICATE OF TITLE TO LAND OF WYLIE E. POTTS,
IN BETHEL TOWNSHIP, CLARK COUNTY, OHIO.

COLUMBUS, OHIO, September 4, 1930.

HON. A. T. CONNAR, *Superintendent of Public Works, Columbus, Ohio.*

DEAR SIR:—There has been submitted for my examination and approval a certificate of title of certain farm lands owned by Wylie E. Potts, consisting of 201.205 acres situated in Bethel Township, Clark County, Ohio, being the same premises appropriated by the State of Ohio for the site of the Ohio Revolutionary Memorial State Park in Clark County, Ohio.

From said certificate of title I find that said Wylie E. Potts has title in fee simple subject to a certain mortgage thereon to the Springfield Building and Loan Association, of Springfield, Ohio, in the sum of \$10,000, and also a certain mortgage now on said premises held by Roscoe O. Snider, Springfield, Ohio.

You have also submitted to me a quit claim deed executed by the said Wylie E. Potts, and Winifred Potts, his wife, which deed has been executed pursuant to, and in furtherance of, the appropriation hereinbefore mentioned.

I find said deed to be in proper form and duly executed, and delivery thereof vested in the State of Ohio the fee simple title to the aforementioned tract of land.

The liens of the aforesaid mortgages were properly released of record prior to the