

65.

APPROVAL, BONDS, VILLAGE OF NEW BREMEN, AUGLAIZE COUNTY,
\$8,480.00.

COLUMBUS, OHIO, February 10, 1927.

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

66.

COUNTY COMMISSIONERS—AUTHORIZED TO VACATE PUBLIC ROADS
EXTENDING THROUGH STATE LANDS—NOT AUTHORIZED TO
CONDEMN STATE LANDS FOR PURPOSE OF PUBLIC ROADS—
AUTHORITY OF LEGISLATURE TO DISPOSE OF PORTION OF
STATE LANDS.

SYLLABUS:

1. *County commissioners are authorized to vacate public roads extending through lands belonging to the state; but they are not authorized to condemn state lands for the purpose of establishing public roads thereon.*

2. *The legislature may authorize the disposal of a portion of state lands for the purpose of establishing a public road thereon.*

COLUMBUS, OHIO, February 11, 1927.

HON. HERBERT B. BRIGGS, *State Architect and Engineer, Columbus, Ohio.*

DEAR SIR:—This will acknowledge receipt of your recent communication in which you enclose a blue print of the Apple Creek site for Institution for the Feeble Minded in northern Ohio.

You state that the commissioners of Wayne county are considering:

"1. The abandonment of a diagonal road located within the boundaries of and dividing one side of the above site into two parts.

2. The location of a new road on two of the boundary lines of the above site to be used as a public thoroughfare in place of the abandoned road."

You then state that "the abandonment of the present road and the location of the new one will be in the best interest of the state provided the land of the abandoned road automatically becomes the property of the state, conditioned on the state granting the right of way for the new road."

You then inquire as follows:

"1. Whether the Wayne county commissioners, notwithstanding the fact that these roads are county roads, have jurisdiction, namely, have the commissioners power to locate a road on state property?

2. Whether action by the General Assembly can be resorted to to accomplish the same abandonment and relocation?"