

estate and rights of way for an improvement of the Water Works for supplying water to the City of Dayton and its inhabitants, and for extending, enlarging and improving said Water Works." (Section 1.)

Section 5 of such ordinance reads: "That the proceeds from the sale of said bonds, except premium and accrued interest thereon, shall be placed in the City Treasury to the credit of the Water Works Extension and Improvement Fund."

Such water lines being a part of the "Waterworks", I do not believe that any distinction could be made between the purchase of the extension lines and the laying of the lines by the city after the acquisition of the territory annexed. In either case the "waterworks" would be extended and enlarged and possibly also improved by the making of its benefits accessible to the citizens in the annexed territory.

I am therefore of the opinion that:

1. When territory is annexed to a municipality from a county sanitary district, and the city has entered into an agreement for the purchase of the water lines within such annexed territory the payment of the sums agreed upon between the county commissioners and the municipality is legal.

2. When territory is annexed to a city and the city, as a part of the annexation agreement, agrees to purchase the water lines existing therein at the time of the purchase, such purchase price may be paid either from a fund derived from the sale of bonds issued "for the purpose of procuring the real estate and rights of way for an improvement of the waterworks for supplying water to the city of Dayton and its inhabitants, and for extending, enlarging and improving said waterworks", or from the funds derived from the income of the waterworks and taxes assessed for such purpose.

Respectfully,

GILBERT BETTMAN,  
*Attorney General.*

4034.

APPROVAL, FINAL RESOLUTION COVERING EXTRA WORK CONTRACT ON ROAD IN PORTAGE COUNTY.

COLUMBUS, OHIO, February 6, 1932.

HON. O. W. MERRELL, *Director of Highways, Columbus, Ohio.*

4035.

APPROVAL, BOND FOR THE FAITHFUL PERFORMANCE OF HIS DUTIES AS RESIDENT DISTRICT DEPUTY DIRECTOR IN TUSCARAWAS COUNTY—GEORGE E. ARNOLD.

COLUMBUS, OHIO, February 6, 1932.

HON. O. W. MERRELL, *Director of Highways, Columbus, Ohio.*

DEAR SIR:—You have submitted a bond, in the penal sum of \$5,000.00, with surety as indicated, to cover the faithful performance of the duties of the official as hereinafter named: