

You have further submitted evidence indicating that plans were properly prepared and approved, notice to bidders was properly given, bids tabulated as required by law and the contract duly awarded. Also it appears that the laws relating to the status of surety companies and the workmen's compensation have been complied with. A certificate of the Secretary of State shows that the above mentioned contracting foreign corporation is admitted to do business in Ohio.

Finding said contract and bond in proper legal form, I have this day noted my approval thereon and return the same herewith to you, together with all other data submitted in this connection.

Respectfully,
GILBERT BETTMAN,
Attorney General.

4368.

BRIDGES AND CULVERTS—COUNTY ROAD OUTSIDE MUNICIPALITY
—WHEN CHANGED TO STATE HIGHWAY, SUCH MATERIAL BE-
LONGS TO STATE.

SYLLABUS:

Bridges and culverts on a county road outside of a municipality, upon being taken over by the department of highways as a state highway, become the property of the state.

COLUMBUS, OHIO, May 31, 1932.

HON. CHARLES T. STAHL, *Prosecuting Attorney, Bryan, Ohio.*

DEAR SIR:—This will acknowledge receipt of your recent request for my opinion, which reads:

"Prior to the state highway department taking over certain roads under the state system, all culverts, small and large bridges, on said routes so taken, were erected and paid for by the county.

The state highway department is now either widening these culverts and bridges or they are putting in entirely new structures.

The surveyor of this county would like to know to whom the iron and other material from the old culverts and bridges belongs.

It seems to me since the county paid for the same that it should revert back to the county as in many cases said material can be used by the county."

I am informed from a subsequent communication that the bridges and culverts in question were located outside of a municipality.

By the terms of Section 7464, General Code, highways of the state are divided into three classes, namely, state roads, county roads and township roads.

Section 1189, General Code, provides for the method to be followed by the state director of highways in designating highways as state highways.

Section 7465, General Code, provides how main market or inter-county roads must be constructed so that the same may become state roads.

Section 1178, General Code, places the duty of constructing, reconstructing, widening, resurfacing, etc., the state system of highways and the bridges and culverts thereon within the functions of the state highway department.

From a consideration of the above sections and bearing in mind the fact that the duty of maintaining and repairing those highways designated as state highways is placed upon the department of highways, it would seem that legal title to culverts and bridges erected and paid for by a county would automatically be transferred to the state, of which the county is a subdivision, upon the taking over and assuming the burden of maintaining and repairing the same by the state department of highways.

This conclusion is strengthened by an examination of Section 1224, General Code, which reads in part as follows:

"The director, within the limits of available appropriations, shall maintain and repair to the required standard, and, when in his judgment necessary, shall widen, reconstruct, resurface, or otherwise improve all highways, comprising the state highway system and bridges and culverts thereon. In repairing the state highway system the director shall not be limited to the use of the material with which such highways including the bridges and culverts thereon were originally constructed, but may reconstruct, widen, repair, resurface and maintain such highways including the bridges and culverts thereon by the use of any material which he deems proper. * * *."

It is apparent from the inference therein that the bridges and culverts located on the state highway and with which the same were originally constructed should be considered as the state's property and in reality belong to the state.

In view of the foregoing and in specific answer to your inquiry, I am of the opinion that bridges and culverts on a county road outside of a municipality, upon being taken over by the department of highways as a state highway, become the property of the state.

Respectfully,

GILBERT BETTMAN,
Attorney General.

4369.

APPROVAL, AMENDED CHARTER OF CINCINNATI EQUITABLE INSURANCE COMPANY.

COLUMBUS, OHIO, June 1, 1932.

HON. CLARENCE J. BROWN, *Secretary of State, Columbus, Ohio.*

DEAR SIR:—I am herewith returning Amended Charter of Cincinnati Equitable Insurance Company with my approval endorsed thereon.

Respectfully,

GILBERT BETTMAN,
Attorney General.