

In the light of the provisions of Section 3298-17, supra, and answering your question specifically, it is my opinion that where a road under the jurisdiction of a board of township trustees is being improved by such trustees, the board may become liable in its official capacity for damages received by any person when the proximate cause of the injury was the negligence of said board of trustees in failing to erect proper barriers or signals to warn travelers upon the highway of the presence of danger due to such construction work.

Respectfully,  
EDWARD C. TURNER,  
*Attorney General.*

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3083.

APPROVAL, BONDS OF WOOD COUNTY—\$92,000.00.

COLUMBUS, OHIO, December 31, 1928.

*Industrial Commission of Ohio, Columbus, Ohio.*

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3084.

COLUMBUS, OHIO, December 31, 1928.

APPROVAL, BONDS OF VILLAGE OF LEETONIA, COLUMBIANA COUNTY, OHIO—\$37,906.73.

*Industrial Commission of Ohio, Columbus, Ohio.*

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3085.

APPROVAL, CONTRACT BETWEEN STATE OF OHIO AND THE WAPAKONETA CEMENT BLOCK COMPANY, WAPAKONETA, OHIO, FOR DRAINAGE OF BASIN, KNOWN AS BEAVER DITCH, NEAR CELINA, MERCER COUNTY, OHIO, AT AN EXPENDITURE OF \$10,131.06—SURETY BOND EXECUTED BY THE SOUTHERN SURETY COMPANY.

COLUMBUS, OHIO, December 31, 1928.

HON. RICHARD T. WISDA, *Superintendent of Public Works, Columbus, Ohio.*

DEAR SIR:—You have submitted for my approval a contract between the State of Ohio, acting by the Department of Public Works, and The Wapakoneta Cement Block Company, of Wapakoneta, Ohio. This contract covers the construction and completion of Drainage of Basin, commonly known as Beaver Ditch, commencing at the new waste-way of Lake St. Marys, approximately one-half mile south of Celina, Mercer County, Ohio, and running thence westerly to Station 303 of the survey for the improvement of said basin or Beaver Ditch, and designated as Section One of said improvement, and calls for an expenditure ten thousand one hundred and thirty-one and 6/100 dollars (\$10,131.06).

You have submitted the certificate of the Director of Finance to the effect that there are unencumbered balances legally appropriated in a sum sufficient to cover the obligations of the contract. You have also furnished evidence to the effect that the consent and approval of the Controlling Board to the expenditure have been obtained as required by Section 12 of House Bill No. 502 of the 87th General Assembly. In addition you have submitted a contract bond upon which the Southern Surety Company appears as surety, sufficient to cover the amount of the contract.

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.

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,  
EDWARD C. TURNER,  
*Attorney General.*

3086.

APPROVAL, FINAL RESOLUTION ON GRADE SEPARATION AVOIDING  
NEW YORK, CHICAGO & ST. LOUIS R. R. TRACKS, ERIE COUNTY.

COLUMBUS, OHIO, December 31, 1928.

HON. HARRY J. KIRK, *Director of Highways, Columbus, Ohio.*

DEAR SIR:—I am in receipt of your letter of December 28, 1928, submitting for my approval certified copy of Final Resolution covering the following improvement:

Grade Separation over under avoiding the New York, Chicago & St. Louis Railroad Tracks, I. C. H. No. 294, Sec. C. & O. Bridge, Erie County.

I have carefully examined said resolution and find it correct in form and legal. I am therefore returning the same to you with my approval endorsed thereon, in accordance with Section 1191 et seq. of the General Code.

Respectfully,  
EDWARD C. TURNER,  
*Attorney General.*