

667.

APPROVAL, BONDS OF JOHNSTOWN-MONROE RURAL SCHOOL DISTRICT, LICKING COUNTY—\$83,000.00.

COLUMBUS, OHIO, June 27, 1927.

Industrial Commission of Ohio, Columbus, Ohio.

668.

COUNTY COMMISSIONERS—WITHOUT AUTHORITY TO ASSESS VILLAGE FOR THE IMPROVEMENT OF AN INTER-COUNTY HIGHWAY OR MAIN MARKET ROAD EXTENDED INTO OR THROUGH SUCH VILLAGE.

SYLLABUS:

Where, under the provisions of Section 1193-1, General Code, with the consent of a village, the improvement of an inter-county highway or main market road is extended into or through such village, no part of the cost or expense of such proposed improvement being assumed by the village, county commissioners are without authority to levy assessments for any portion of the cost of such improvement against the streets and alleys of said village abutting on the improvement or lying within any of the assessment areas provided for in Section 1214, General Code.

COLUMBUS, OHIO, June 28, 1927.

HON. E. B. UNVERFERTH, *Prosecuting Attorney, Ottawa, Ohio.*

DEAR SIR:—Receipt is acknowledged of your communication of recent date requesting my opinion as follows:

“Upon the following statement of facts what is the opinion of your department, and what, if any, cases are in point?

The county commissioners of Putnam county in conjunction with the State Highway Department continued an inter-county highway through the village of Gilboa. However, the commissioners before constructing the same, obtained the permission of the council of that village to put the road in. Nothing was said as to any assessment but the commissioners in making the same, *assessed the streets and alleys of said village* and upon notice from the county treasurer they have refused to pay the same.

Section 1193-1, if I interpret the same correctly, seems to me, that where an inter-county highway is constructed through a village and the village grants permission but does not assume any part of the costs and expenses of the state highway, then the assessments are made ‘in the same manner as though the improvement was situated wholly without a village.’