

that the only authority of the Board of Control to release or expend said allotted moneys reappropriated by said act would be to make payments towards the cost and expense of the construction of said county sewer district improvement in proportion to, and to the extent of, the benefits accruing to state property by reason of the improvement. However, the appropriation made by the 89th General Assembly in and by House Bill No. 596 for the purpose of said county sewer district improvement, is an entirety; and it is not easily seen how a different character can be ascribed to a part of the moneys appropriated by said act from that to be ascribed to the balance of the appropriation. And in this view, I am of the opinion that the whole of said appropriation is to be considered a contribution made by the state towards the cost and expense of said county sewer district improvement whether the actual benefits to state property in the sewer district are determined by the Board of Control to be equal to the amount of said appropriation, or not.

The conclusion reached by me on the question submitted in your communication, as above stated, is supported in some measure by the fact that Indian Lake, like other state lakes and reservoirs, is dedicated to the use of the public as a park and pleasure resort (secs. 469 and 470, G. C.); and the appropriation here in question was doubtless made in recognition of the fact that benefits would accrue to the public by reason of this improvement apart from and in addition to that which would accrue to the lands owned and held by the state in its proprietary capacity within the county sewer district. The proportionate amount of the benefits accruing to the public as distinguished from those referable to the ownership of property in the sewer district is a thing that can not be determined with any degree of accuracy; and this consideration leads to the view that the appropriation in question, as the language thereof indicates, was intended to be a lump sum appropriation towards the cost and expense of the construction of said improvement.

With respect to the further question made in your communication, I am advised that a part of the moneys covered by the appropriation here in question has been released by the Board of Control and paid over to the Treasurer of Logan County for the use of said county sewer district. If the balance of the money covered by said appropriation is now available, the same should be released by proper action by the Board of Control, vouchered by the president of said board to the Treasurer of Logan County for the benefit of said county sewer district, and paid out in like manner on the warrant of the Auditor of State.

Respectfully,

GILBERT BETTMAN,
Attorney General.

3707.

APPROVAL, BONDS OF SHAKER HEIGHTS VILLAGE SCHOOL DISTRICT, CUYAHOGA COUNTY, OHIO—\$21,000.00.

COLUMBUS, OHIO, October 29, 1931.

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