

2704.

APPROVAL BONDS OF CITY OF FOSTORIA, SENECA COUNTY, \$26,300.00.

COLUMBUS, OHIO, Aug. 10, 1925.

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

2705.

DISAPPROVAL, BONDS OF VILLAGE OF PORT CLINTON, OTTAWA COUNTY, \$48,000.00.

COLUMBUS, OHIO, August 11, 1925.

Re: Bonds of Village of Port Clinton, Ottawa County, \$48,000.00.

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

GENTLEMEN:—I have examined the two transcripts submitted in connection with the foregoing issue of bonds and find that the bonds are issued under the provisions of section 5914 G. C. to pay the property owners' portion of certain street improvements.

Each transcript contains the certification by a village policeman that certain property owners were served with notice by depositing a copy of the notice in the mail at Port Clinton, Ohio, in separate, registered envelopes, addressed to each of said property owners.

Section 3818, General Code, provides:

"A notice of the passage of such resolution shall be served by the clerk of council, or an assistant, upon the owner of each piece of property to be assessed, in the manner provided by law for the service of summons in civil actions. If any such owners or persons are not residents of the county, or if it appears by the return in any case of the notice, that such owner cannot be found, the notice shall be published at least twice in a newspaper of general circulation within the corporation. Whether by service or publication, such notice shall be completed at least twenty days before the improvement is made or the assessment levied, and the return of the officer or person serving the notice, or a certified copy of the return shall be prima facie evidence of the service of the notice as herein required."

It will therefore be observed that no provision has been made in this statute for the service of the notice on property owners in the manner submitted in these proceedings, and as this issue of bonds must necessarily be based upon legal service of notice before the property owners can be bound for the payment of the same, it will therefore be necessary to disapprove such method of service as shown herein, and also to disapprove the issue of bonds for the reason that such service of notice is not in compliance with the statutory provision, and you are therefore advised not to accept said bonds.

Respectfully,

C. C. CRABBE,

*Attorney General.*