

891.

BONDS—TOLEDO CITY SCHOOL DISTRICT, LUCAS COUNTY,  
\$2,000.00.

COLUMBUS, OHIO, July 17, 1939.

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

GENTLEMEN:

RE: Bonds of Toledo City School District, Lucas County,  
Ohio, \$2,000.00. (Limited)

The above purchase of bonds appears to be part of a \$2,000,000 issue of school building bonds of the above school district dated February 1, 1921. The transcript relative to this issue was approved by this office in an opinion rendered to the Industrial Commission of Ohio under date of January 19, 1935, being Opinion No. 3844.

It is accordingly my opinion that these bonds constitute valid and legal obligations of said city school district.

Respectfully,

THOMAS J. HERBERT,  
*Attorney General.*

892.

BONDS — ROME RURAL SCHOOL DISTRICT (ATHALIA)  
LAWRENCE COUNTY, \$3,500.00.

COLUMBUS, OHIO, July 17, 1939.

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

GENTLEMEN:

RE: Bonds of Rome Rural School District (Athalia)  
Lawrence County, Ohio, \$3,500.00. (Unlimited)

I have examined the transcript of proceedings relative to the above bonds purchased by you. These bonds comprise part of an issue of refunding bonds in the aggregate amount of \$7,950.00, dated June 1, 1939, and bearing interest at the rate of 4% per annum.

From this examination, in the light of the law under authority of which the above bonds have been authorized, I am of the opinion that

bonds issued under these proceedings constitute valid and legal obligations of said special school district.

In printing the bonds we suggest that the following paragraph be inserted immediately preceding the signature paragraph, viz: The said Rome Rural School District is sometimes referred to as Rome Rural Special School District.

Respectfully,

THOMAS J. HERBERT,  
*Attorney General.*

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893.

TOWNSHIP TRUSTEES — HAVE CONTROL OF TOWNSHIP ROADS WITHIN TOWNSHIP—WITHIN SOUND DISCRETION TO KEEP ROADS IN REPAIR AND SAFE FOR TRAVEL—BOARD LIABLE FOR NEGLIGENCE IN FAILURE TO DISCHARGE DUTY IF ANY ONE DAMAGED — PROXIMATE CAUSE—SECTION 3298-17 G. C.

*SYLLABUS:*

1. *Township trustees have control of the township roads within their township.*
2. *In connection therewith, a board of township trustees may in the exercise of its sound discretion take whatever action it deems proper to keep such township roads in repair and safe for public travel.*
3. *If through negligence or carelessness a board of township trustees fails to discharge its duty to keep a township road in repair and safe for travel, under the provisions of section 3298-17, General Code, such board is liable in its official capacity to anyone proximately damaged thereby.*

COLUMBUS, OHIO, July 18, 1939.

HON. JOHN B. MEISTER, *Prosecuting Attorney, Wauseon, Ohio.*

DEAR SIR: This will acknowledge receipt of your request for my opinion on the following:

“The Township Trustees of Franklin Township, Fulton County, Ohio, have charge of an improved road in a flooded district flooded by Bean Creek. The road was lowered by the county and township several years ago, and covered with concrete pavement so the flood waters would go over the top of the road.

The trustees would like your opinion as to what they ought to do when the water covers the road in order to avoid liability,