

2706.

DISAPPROVAL, BONDS OF CITY OF DEFIANCE, DEFIANCE COUNTY,
\$12,337.71.

COLUMBUS, OHIO, August 11, 1925.

Re: Bonds of City of Defiance, Defiance County, \$12,337.71.

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

GENTLEMEN:—I have examined the transcript submitted to this department in connection with the foregoing issue of bonds and find that I cannot approve the same for the following reasons:

1. These bonds are issued for the purpose of improving certain streets by grading, draining, curbing and paving the same. The bond ordinance provides that the bonds shall be dated not later than September 1, 1925, and shall mature from September 1, 1926, annually, up to and including September 1, 1936.

Section 2295-9 G. C. as passed in 110 O. L., page 456 provides:

“That the maturities of bonds, notes or other evidence of indebtedness issued by counties and other political subdivisions, including charter municipalities, shall not extend beyond the following limitations, as specified in the following classifications, the period to be measured from a date twelve months prior to the date of the earliest maturity, if maturing in annual installments, or six months prior thereto, if maturing in semi-annual installments.

“ * * * Class (d) Waterworks meters, fire apparatus, road rollers, furniture and furnishings, machinery in garbage disposal plant, landscape painting, playground apparatus, sidewalks, curbs, gutters, and the construction and reconstruction, resurfacing, grading, or drainage of roads, highways, streets, or alleys, or improvements thereof by boulevard or white-way lighting system, ten years; * * *”

As these bonds come within the foregoing limitations, they cannot mature later than September 1, 1935.

2. The transcript does not contain any evidence that the property owners have been notified of the assessments as required by section 3895 G. C., which is as follows:

“Before adopting an assessment made as provided in this chapter, the council shall publish notice for three weeks consecutively, in a newspaper of general circulation in the corporation, that such assessment has been made, and that it is on file in the office of the clerk for the inspection and examination of persons interested therein.”

3. The transcript does not show that the assessing ordinance has been passed in this instance, and the property owners cannot be bound to pay for said improvement until the same has been done.

4. The transcript contains one bond ordinance which provides that \$10,151.51 shall be for the payment of the property owners' portion of the cost of said improvement, and the sum of \$2,186.20, shall be in payment of the city's portion of the improvement. It has not been determined by the court that this form of procedure is illegal, but it contains two classes of procedure and is really an ordinance with two subjects and contrary to the intention of section 4226, General Code. A refer-

endum is applicable to the ordinance of the city's portion, and not applicable to the property owners' portion. The practice of uniting the city's portion of the bonds, and the property owners' portion is not contemplated under the present statutes and procedure for the issuance of such bonds.

For the reasons set forth herein, I am compelled to disapprove the purchase of this issue of bonds, and you are advised not to accept same.

Respectfully,

C. C. CRABBE,

Attorney General.

2707.

APPROVAL, CONTRACT BETWEEN STATE OF OHIO AND BOYAJOHNS & BARR FOR ADDITION OF THIRD FLOOR TO INDUSTRIAL ART SHOP BUILDING, MIAMI UNIVERSITY, OXFORD, OHIO, AT EXPENDITURE OF \$17,600.00. SURETY BOND EXECUTED BY SOUTHERN SURETY COMPANY.

COLUMBUS, OHIO, Aug. 12, 1925.

HON. GEORGE F. SCHLESSINGER, *Director, Department of Highways and Public Works, Columbus, Ohio.*

DEAR SIR:—Your predecessor, Hon. L. A. Boulay, has submitted for my approval a contract between the state of Ohio, acting by the department of highways and public works, and Boyajohn & Barr of Columbus, Ohio. This contract covers the general contract (exclusive of electric wiring, plumbing and heating) for addition of third floor to industrial art shop building, Miami university, Oxford, Ohio, and calls for an expenditure of \$17,600.00.

There has been 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. There has further been submitted a contract bond upon which the Southern Surety Company appears as surety, sufficient to cover the amount of the contract.

There has further been 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,

C. C. CRABBE,

Attorney General.