

3076.

APPROVAL, BONDS OF VILLAGE OF COVINGTON, IN AMOUNT OF \$12,500, FOR STREET IMPROVEMENTS.

COLUMBUS, OHIO, May 3, 1922.

Department of Industrial Relations, Industrial Commission of Ohio, Columbus, Ohio.

3077.

DISAPPROVAL, BONDS OF VILLAGE OF BOTKINS, SHELBY COUNTY, IN AMOUNT OF \$4,800 FOR ROAD IMPROVEMENTS.

COLUMBUS, OHIO, May 9, 1922.

Department of Industrial Relations, Industrial Commission of Ohio, Columbus, Ohio.

Re: Bonds of the Village of Botkins, Shelby County, in the amount of \$4,800 for the property owners' share of the cost of improving I. C. H. 164, Sec. Botkins.

GENTLEMEN:—I have examined the transcript of proceedings of the village officials authorizing the issuance of the above bonds and decline to approve the validity thereof for the following reasons:

(1) The resolution consenting to the extension of this road improvement through the village under the supervision of the State Highway Commission was not read on three different dates as required by section 4224 G. C., nor was the rule requiring such reading suspended by a three-fourths vote of council. In fact, from the transcript it appears that only four members of council voted upon the passage of the resolution. As this resolution was the first essential step in the proceedings and was undoubtedly a resolution "creating a right" as defined by said section referred to, it should have been adopted in the manner prescribed by law.

(2) From the transcript it appears that the several ordinances and resolutions were published only once. Section 4229 G. C. requires that such publication be made for two consecutive weeks.

(3) The transcript fails to show that the owners of property to be assessed for said improvement were served with notice as required by section 3818 G. C. The serving of such notice in the manner required is essential to the levying of a valid assessment upon the property owners and is therefore a prerequisite to the right of council to issue bonds in anticipation of the collection of such assessments.

(4) The transcript fails to show that the fiscal officer prior to the passage of the bond ordinance certified as to the life of the improvement and the maximum maturity of the bonds, as required by sections 2 and 7 of the Griswold Act, 109 O. L., 336.

In view of the errors and defects referred to, I am of the opinion that said bonds are not valid obligations of the village and advise the Industrial Commission not to purchase the same.

Respectfully,

JOHN G. PRICE,
Attorney-General.