

940.

APPROVAL, CONTRACT BETWEEN STATE OF OHIO AND THE HUFFMAN WOLFE COMPANY, COLUMBUS, OHIO, FOR PLUMBING IN COTTAGE NO. 2, INSTITUTION FOR FEEBLE-MINDED, APPLE CREEK, OHIO, AT AN EXPENDITURE OF \$14,100.00—SURETY BOND EXECUTED BY THE SEABOARD SURETY COMPANY.

COLUMBUS, OHIO, September 30, 1929.

HON. RICHARD T. WISDA, *Superintendent of Public Works, Columbus, Ohio.*

DEAR SIR:—You have submitted for my approval a contract between the State of Ohio, acting by the Department of Public Works, for the Department of Public Welfare, and the Huffman-Wolfe Company, of Columbus, Ohio. This contract covers the construction and completion of plumbing contract in Cottage No. 2, Institution for Feeble-Minded, Apple Creek, Ohio, and calls for an expenditure of fourteen thousand one hundred dollars (\$14,100.00).

You have 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. You have also submitted evidence that the consent of the Controlling Board to the release of funds has been obtained in accordance with Section 4 of House Bill 203 of the 88th General Assembly. In addition, you have submitted a contract bond upon which the Seaboard Surety Company appears as surety, sufficient to cover the amount of the contract.

You have further 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,  
GILBERT BETTMAN,  
*Attorney General.*

941.

APPROVAL, CONTRACT BETWEEN STATE OF OHIO AND THE HUFFMAN-WOLFE COMPANY, COLUMBUS, OHIO, FOR POWER PIPING AND STEAM SUPPLY SYSTEM IN POWER HOUSE AND TUNNELS, INSTITUTION FOR FEEBLE-MINDED, APPLE CREEK, OHIO, AT AN EXPENDITURE OF \$44,710.00—SURETY BOND EXECUTED BY THE SEABOARD SURETY COMPANY.

COLUMBUS, OHIO, September 30, 1929.

HON. RICHARD T. WISDA, *Superintendent of Public Works, Columbus, Ohio.*

DEAR SIR:—You have submitted for my approval a contract between the State of Ohio, acting by the Department of Public Works, for the Department of Public Welfare, and the Huffman-Wolfe Company, of Columbus, Ohio. This contract covers the construction and completion of contract for power piping and steam supply

system in power house and tunnels, Institution for Feeble-Minded, Apple Creek, Ohio, and calls for an expenditure of forty-four thousand seven hundred and ten dollars (\$44,710.00).

You have 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. You have also submitted evidence that the consent of the Controlling Board to the release of funds has been obtained in accordance with Section 4 of House Bill 203 of the 88th General Assembly. In addition, you have submitted a contract bond upon which the Seaboard Surety Company appears as surety, sufficient to cover the amount of the contract.

You have further 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 law 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,  
GILBERT BETTMAN,  
*Attorney General.*

942.

SEWER DISTRICT—PLANS PREPARED, APPROVED AND RESOLUTION OF NECESSITY FOR IMPROVEMENT PASSED BY COUNTY COMMISSIONERS—EFFECT OF INCORPORATION OF MUNICIPALITY FROM PORTION OF SUCH DISTRICT.

*SYLLABUS:*

1. *When a sewer district is established by the county commissioners under the provisions of Sections 6602-1, et seq., of the General Code, and detailed plans have been prepared and approved and a resolution adopted declaring the necessity of such improvement by the board of county commissioners, and thereafter a part of the territory is included within the limits of a corporation organized after such approval of plans and resolution of necessity, the original district shall be under the jurisdiction of the county commissioners for sewerage purposes until all such improvements for said area have been completed or until the county commissioners shall have abandoned such projects, notwithstanding the original resolution of necessity was amended after the incorporation of the municipality.*

2. *Under such circumstances, the approval of plans and authority to be granted by the municipality under the provisions of Section 6602-1b of the General Code, have no application.*

3. *Under such circumstances, if the resolution of necessity and all prior steps have not been taken before the incorporation of the municipality, then the authority of the municipality must be given to the improvement and the plans therefor must be approved by it.*

4. *When the council of a municipality has passed an original measure with reference to such an improvement and a proper referendum petition has been filed thereon and certified to the board of elections, the question should be submitted to the voters irrespective of whether or not such measure, if it becomes a law, will have any effect.*