

the ground floor business room of the New Paint and Glass Company for the term of two years commencing October 1, 1925, with an option of a period of two years longer to said lessee.

Under the terms of the lease the state will be required to pay \$65.00 per month, quarterly, commencing on the 15th day of November, 1925, and upon the middle of each quarter thereafter.

Finding said lease in proper legal form, I hereby approve the same as to form and return it herewith.

Your attention is directed, however, to the fact that before your department can probably accept said lease it will be necessary to obtain the certificate of the Director of Finance to the effect that there are unencumbered balances sufficient to cover the obligations of the lease.

Respectfully,  
C. C. CRABBE,  
*Attorney General.*

3124.

DISAPPROVAL, BONDS OF VILLAGE OF QUAKER CITY, GUERNSEY  
COUNTY, \$5,000.00.

COLUMBUS, OHIO, February 9, 1926.

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

Re: Bonds of village of Quaker City, Guernsey county, \$5,000.00.

GENTLEMEN:—An examination of the transcript for the foregoing issue of bonds discloses that on September 29, 1925, the council of the village of Quaker City passed a resolution as follows:

“Be it Resolved by the Council of the village of Quaker City, Ohio, two-thirds of all the members elected thereto concurring, that it is necessary to issue and sell bonds in the fiscal year beginning January 1st, 1925, for the purpose of erecting or purchasing works for the generation and transmission of electricity, for the supplying electricity to the village of Quaker City, Ohio, and the inhabitants thereof, in an amount greater than one-half of one per cent of the total value of all property in said village as listed and assessed for taxation, to-wit: in the sum of \$5,000.00, and that the question of issuing and selling the bonds of said village in excess of said one-half of one per cent, that is in the sum aforesaid, be submitted to a vote of the qualified electors of said village at the general election to be held in said village on the third day of November, 1925, at the regular place or places of voting in said village, and said election shall be conducted, canvassed and certified in the same manner as other general municipal elections.

That the mayor be and he is hereby directed to give public notice of the time and place of holding said election in the manner provided by law.

That the clerk be and he is hereby directed to certify a copy of this resolution to the deputy state supervisors of elections of Guernsey county, Ohio.”

Section 5649-9a, G. C., which is part of House Bill No. 175 as passed by the 86th General Assembly provides in part as follows:

"The bond-issuing authority of any political subdivision may elect to submit any bond issue authorized by law to vote of the people. In such case and in every case on which said bond issuing authority is required to submit any bond issue to vote of the people, they shall pass a resolution which shall set forth the necessity of such bond issue, its purpose, amount and approximate maturities, *and of the levy of a tax outside of the limitations of section 5649-5b of the General Code, and all other limitations upon tax rates prescribed by law, to pay the interest on and to retire the said bonds.* \* \* \* They shall certify such resolution to the county auditor at least sixty days prior to the November election at which it is desired to submit such question. Thereupon and more than fifty days prior to such November election the county auditor shall calculate the average annual levy throughout the life of the bonds which will be required to pay the interest on and retire such bonds, \* \* \* . The auditor shall, not less than fifty days prior to such November election certify the amount of such average to the bond-issuing authority submitting the same. Thereupon the said authority, if it desires to proceed with the issue of said bonds, shall more than forty days prior to such November election, certify its resolution, together with the amount of the *average tax levy* estimated by the county auditor and the maximum number of years required to retire the bonds, to the deputy state supervisors of elections of the county, and they shall prepare the ballot and make other necessary arrangements for the submission of the question to the voters of the county at the ensuing November election."

It will therefore be observed that in all cases in which the question of issuing bonds is to be submitted to the electors there shall at the same time be submitted the question of voting a tax levy outside of the limitations sufficient to meet the sinking fund requirements for said bonds.

There has been no such submission in this case to the electors, and for that reason it cannot be said that these will be legal and valid obligations of the municipality, and you are advised not to accept said bonds.

Respectfully,

C. C. CRABBE,

*Attorney General.*

3125.

ABSTRACT, STATUS OF TITLE, TO LAND IN MARIETTA TOWNSHIP,  
WASHINGTON COUNTY, OHIO.

COLUMBUS, OHIO, February 11, 1926.

HON. CARL E. STEEB, *Secretary, Ohio Agricultural Experiment Station, Columbus, Ohio.*

DEAR SIR:—Examination of an abstract of title, warranty deed, encumbrance estimate and certificate of the Controlling Board submitted by your department to this office for our examination, discloses the following:

The abstract as submitted was prepared and certified under date of January 5,