

Euclid-Chardon road, I. C. H. No. 34, Sec. C-2, supplemental contract,  
Lake county.

I have carefully examined said resolution, find it correct in form and legal, and am therefore returning the same to you with my approval endorsed thereon in accordance with section 1218, General Code.

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

2730.

APPROVAL, BONDS OF GREEN TOWNSHIP RURAL SCHOOL DISTRICT,  
SCIOTO COUNTY, \$6,500.00.

COLUMBUS, OHIO, Aug. 26, 1925.

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

2731.

DISAPPROVAL, BONDS OF VILLAGE OF SEBRING, MAHONING COUNTY,  
\$68,600.00.

COLUMBUS, OHIO, Aug. 26, 1925.

Re: Bonds of Village of Sebring, Mahoning County, \$68,600.00.

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

GENTLEMEN:— I have examined the transcript submitted for the foregoing issue of bonds and find that the bonds are being issued under the provisions of section 5939 G. C. for \$20,000.00 for the village's portion of said bonds and under the provisions of section 3914 G. C. for the property owners' portion of the cost of improving 15th Street and Oregon Avenue in said village.

The transcript does not contain any evidence of the publication giving notice of the assessment to the property owners as provided in section 3895, General Code, which section provides 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.”

It is therefore observed that the provisions of section 3895, General Code, are mandatory, and such notice must be given as provided therein.

The clerk of the village recites that the provisions of section 3895 G. C. do not apply in this case for the reason that the assessments were made by the foot frontage. There is no such exception made in the general provisions in the statute and Dennison on municipal bonds recites that such notice applies to all proceedings under this chapter, whether the assessment is in accordance with the foot front, tax value or benefits, and cites as authority the case of village of Maple Heights vs. Holtz, clerk, 100 O. S., page 264.

In view of the fact that there has been failure of statutory requirement as to the notice to the property owners as above recited, the issue of bonds cannot be approved, and you are therefore advised not to accept the property owners' portion of said bonds.

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

2732.

DISAPPROVAL, BONDS OF VILLAGE OF CADIZ, HARRISON COUNTY,  
\$5,370.00.

COLUMBUS, OHIO, Aug. 26, 1925.

Re: Bonds of Village of Cadiz, Harrison County, \$5,370.00.

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

GENTLEMEN:—I have examined the transcript for the foregoing issue of bonds and find that same are being issued under the provisions of sections 3939 and 3914 of the General Code.

The transcript does not contain any evidence of the publication giving notice of the assessment to the property owners as provided in section 3895, General Code, which section provides 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.”

It is therefore observed that the provisions of section 3895, General Code, are mandatory, and such notice must be given as provided therein.

The clerk of the village recites that no notice of publication of street assessments under section 3895 G. C. was made previous to the passage of the bond assessment ordinance, and further recites that it is now impossible to provide such notice. No exception is made in the general provisions of the statute, and Dennison on municipal bonds recites that such notice applies to all proceedings under this chapter, whether the assessment is in accordance with the foot front, tax value or benefits, and cites as authority the case of village of Maple Heights vs. Holtz, clerk, 100 O. S., page 264.