

## Opinion No. 69-29

April 15, 1969

**BY:** OPINION OF JAMES A. MALONEY, Attorney General Oliver H Miles, Assistant Attorney General

**TO:** Honorable Turner W. Branch, State Representative, District 13, 4308 Avenida La Resolana, Albuquerque, New Mexico

### QUESTIONS

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What is the meaning of "permanent monuments" as used in subsection B of Section 14-19-6, N.M.S.A. (1968 Repl.)?

#### CONCLUSION

See analysis.

### OPINION

#### {\*43} ANALYSIS

Section 14-19-6, dealing with approval by the county commissioners of a subdivision of an unincorporated area provides that:

The board of county commissioners shall not approve and sign a plat unless the . . .

B. Streets are defined by permanent monuments to the satisfaction of the board of county commissioners . . .

The term "permanent monument" means substantial objects which can be seen by the eye, and made the basis for a survey. **Baxter Mining Co. v. Patterson**, 3 N.M. 269 (Gildersleeve, 1884). Natural objects which have been termed as monuments include streams, rivers, ponds, lakes, shores, beaches, rocks, highways, streets, trees, and hills. **Cordova v. Town of Atrisco** 53 N.M. 76, 201 P. 2d 996 (1949).

In other jurisdictions survey {\*44} reference marks have been held to be sufficient permanent monuments. **McNulty v. Kelly**, 141 Colo. 23, 346 P. 585 (1959). Even though these reference marks may be sufficient, they are not to be preferred over natural objects, which are deemed to be more permanent and more readily ascertained. **Cordova v. Town of Atrisco**, supra.

It is, therefore, the opinion of this office that the term "permanent monument", as used in 14-19-6, N.M.S.A., (1968 Repl.), includes objects such as those listed in **Cordova v. Town of Atrisco**, supra.