

Opinion No. 13-1063

June 19, 1913

BY: FRANK W. CLANCY, Attorney General

TO: Mr. Rupert F. Asplund, Chief Clerk, Department of Education, Santa Fe, N. M.

SURVEY OF SCHOOL DISTRICTS.

When charge of \$ 50.00 may be increased for survey of a school district.

OPINION

{*233} Yesterday I received your letter of the 17th inst. enclosing another from the surveyor of Curry county in which he states that the county superintendent has directed the survey of two school districts, the actual surveying of each of which will exceed the statutory amount of \$ 50, provided in Section 23 of Chapter 97 of the Laws of 1907. He goes on to state that in a similar case two years ago where he surveyed a school district, his actual time at the statutory rate of \$ 5 per day and expenses, with all other expenses of men, team and markers, amounted to \$ 127.50. I believe in such a case it is a reasonable construction of the provision in the act of 1907 that the payment by the county commissioners is limited to \$ 50 for a school district, but in cases where it is necessary to the welfare of a district that it should be surveyed, additional payment for expenses may be made by the district itself, as you in your letter suggest, under Section 6 of Chapter 51 of the Laws of 1912. Even without that statute of 1912 I believe that such a payment would be justifiable.

I notice in the surveyor's letter, which I return herewith, that each of the two districts now to be surveyed has about 20 angles so that each will require an equal number of markers, which the law says shall be permanent and be marked with the number of the school district. While this is correct from a surveyor's point of view, considering that there is a corner at each change of courses, I do not believe it was the intention of the legislature to require a monument at each of such surveyor's corners, but that it would be sufficient to make four such monuments at what would be approximately the corners of the districts to the northeast, northwest, southeast and southwest. The way the statutes read it would seem that the legislature had in mind something approximating right-angled districts.