

**Opinion No. 20-2572**

May 10, 1920

**BY:** N. D. MEYER, Assistant Attorney General

**TO:** Mr. John C. Ealy, Norton, New Mexico.

Closing of Road on Section Line.

**OPINION**

We have your letter of recent date in which you inquire whether or not you have the right to close the section line upon both sides of which you own land. You state that you have maintained a gate and that other persons also maintain gates to admit travel along said section line. There is nothing in the fact of its being a section line that imposes an obligation on anyone to keep it open unless there has been a road established by the Board of County Commissioners under Section 2653 of the Code of 1915, or unless the road on the second line had, by general usage, become established as a public road before any right was acquired to the land lying adjacent to the line. If there was a road in existence before any of the land was entered as a general proposition of law no one would have the right to close it up, so unless one or the other of the above mentioned facts exist in your case, it would seem that you would have a right to close up the section line, but I presume that in the event you did this, a petition would be made to the Board of County Commissioners to have the section line opened, which the Board would have the power to do.