

Opinion No. 14-1219

May 5, 1914

BY: FRANK W. CLANCY, Attorney General

TO: Honorable James A. French, State Engineer, Santa Fe, New Mexico.

ROADS.

State engineer may pave street on east side of capitol grounds when owners of abutting property contribute one-half of cost.

OPINION

{*79} I have received your letter of even date herewith requesting that I advise you if it is possible, under Chapter 23 of the Laws of 1913, that the State Engineer can draw sufficient funds from the appropriation to pave the street on the east side of the Capitol grounds, providing that the adjacent property owners contribute their half of the estimated cost for that street.

The act in question appears to have been somewhat carelessly drawn, but I am of opinion that Section 2 of that act must be considered as intending to divide the paving work provided for on the east, south and west sides of the Capitol grounds into three independent parts, so that the paving of perhaps two sides of the Capitol grounds should not be held up and prevented by the refusal of possibly one property owner on the third side to contribute his share of the cost of paving on his street. You will notice that the owners of property abutting upon the streets are to contribute in cash "one-half of the cost of paving any such street." They are not required to contribute one-half of the cost of all of the streets, nor is it required that all of the private owners of property abutting upon the streets must contribute the money for paving any one street.

If the owners of abutting property on the street on the east side of the Capitol grounds contribute one-half of the estimated cost for that street, I am of opinion that you would be lawfully authorized to do the paving on that street without waiting for the other streets.