



STATE OF KANSAS

Office of the Attorney General

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CURT T. SCHNEIDER
Attorney General

January 30, 1975

Opinion No. 75- 31

Mr. Kenneth R. Heer
Kingman County Attorney
103 Avenue A East
Kingman, Kansas 67068

Dear Mr. Heer:

We have your inquiry concerning K.S.A. 19-1423. We agree with your conclusion that the county surveyor is to do a survey when the landowner or occupant requests one for the purpose of establishing permanently the corners and boundaries.

In Gnadt v. Durr, 208 K 783 at 786, the Court noted:

"The procedure provided by the legislature for establishing corners and boundaries of land authorizes the owner of a tract of land desiring to permanently establish the corners and the boundaries to notify the county surveyor to make a survey thereof and establish such corners and boundaries."

Given the unqualified language of the statute, we cannot but conclude that the owner or occupant of land situated anywhere in the county whether located within or without a townsite, may request a survey which the surveyor then must perform subject to the statutory notice requirement. The only other requirement, if such it is, is the necessity of a desire to establish permanently the corners and boundaries.

If you have further questions, please contact us.

Yours very truly,

CURT T. SCHNEIDER
Attorney General

CTS:JRM:jj