



STATE OF KANSAS

Office of the Attorney General

1st Floor, State Capitol Bldg. (913) 296-2215 Topeka, Kansas 66612

CURT T. SCHNEIDER
Attorney General

February 17, 1975

Opinion No. 75- 71

Mr. Tim W. Ryan
County Attorney
509 Court Street
Clay Center, Kansas 67432

Dear Mr. Ryan:

You inquire concerning K.S.A. 17-1914, -1915, and -1916, which deal with permits to move houses. In particular, you inquire whether it is necessary for a county clerk to give notice to utility companies when the application for a permit indicates that it will not be necessary to move any wires or cables belonging to a utility company.

K.S.A. 17-1915 states in pertinent part thus:

"Such application shall state whether it will be necessary to cut or move, raise, or in any way interfere with any wires, cables or other aerial equipment of any public or municipally-owned utility, and if so, the application shall also state the name of such public or municipally-owned utility, and the time and location that the applicant's moving operations shall necessitate the cutting, moving, raising or otherwise interfering with such aerial facilities."

Under K.S.A. 17-1916, it is the duty of the county clerk to give notice thereafter to the utility owning or operating "such wires, cables or other aerial facilities . . ." [Emphasis supplied.] The phrase "such wires, cables or other aerial facilities" refers,

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in our opinion, to those wires, cables or other aerial equipment identified in the application as necessary to be cut and moved, raised, or otherwise interfered with in the moving operation in question. If no wires, cables and the like are required to be moved or otherwise altered to accommodate the moving, the clerk is not required to furnish the notice required by K.S.A. 17-1916. We concur with your opinion of February 7, 1975, enclosed with your letter.

Yours very truly,



CURT T. SCHNEIDER
Attorney General

CTS:JRM:kj