

Chapter 92

Plats and Subdivisions

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92.010 Definitions. (1) "Subdivide land" means to partition into four or more units, by division or subdivision, any tract or registered plat of land shown on the last preceding tax roll as a unit or contiguous units, for the transfer of ownership or for building development, whether immediate or future. However, the division of land for agricultural purposes into tracts containing five or more acres and not involving any new thoroughfare or the widening of any existing thoroughfare, is exempt.

(2) "Subdivision" means either an act of subdividing land or a tract of land subdivided as defined in this section.

92.020 Prohibition of sales of lots prior to recordation of plat. No person shall dispose of, offer for sale or lease any lot in any town or addition to any town or city, or any part thereof, which is laid out, until the plat thereof has been acknowledged and recorded with the county recording officer of the county in which the lot is situated.

92.030 Prohibition of sales of lots prior to approval of plat by city planning commission and recordation of plat. No owner, or agent of the owner, of any land located within any subdivision platted after June 6, 1931 lying within the territorial jurisdiction of the planning commission of any city in the State of Oregon, where that city has a planning commission, shall transfer, sell, agree to sell or negotiate to sell any such land by reference to or exhibition or other use of a plat of such subdivision, before the plat has been approved by such planning commission as required by ORS 227.110 and recorded or filed in the office of the appropriate county recording officer.

92.040 Application to planning agency or county court for approval of subdivision plan. Before any subdivision of land may be made and recorded, the subdivider or his authorized agent or representative shall make an application in writing to the nearest planning agency of the county or, if there is no planning agency, to the county court for the approval of a plan of subdivision and at the same time submit a tentative map showing the general design of the proposed subdivision. Any approval of the tentative map shall not constitute final acceptance of the plat for recording.

92.050 Requirements of survey and final map. (1) No subdivider shall submit a plat of a subdivision for record, until all

the requirements for the survey and the final map have been met.

(2) The survey for the final map shall be of such accuracy that the error of closure shall not exceed one foot in 4,000 feet.

(3) The survey and final map shall be made by a surveyor who is a registered engineer or a licensed land surveyor.

(4) The final map shall be of such scale that all survey and mathematical information, and all other details may be clearly and legibly shown thereon. Each lot shall be numbered and each block shall be lettered or numbered. The lengths of all boundaries of each lot shall be shown. Each street shall be named.

(5) The locations and descriptions of all monuments shall be carefully recorded upon all plats and the proper courses and distances of all boundary lines shall be shown.

92.060 Marking certain points of plats with monuments; specifications of monuments. (1) The initial point of all town plats, plats to all additions to towns, all cemetery plats, and of all plats of all lands divided into lots and blocks with streets, alleys, avenues or public highways thereon, dedicated to public use, hereafter made, shall be marked with a monument, either of stone, concrete or galvanized iron pipe. If stone or concrete is used it shall not be less than 6 inches by 6 inches by 24 inches. If galvanized iron pipe is used it shall not be less than two inches in diameter and three feet long. The monument shall be set or driven six inches below the surface of the ground. The location of the monument shall be with reference to some known corner established by the United States survey.

(2) The intersections of all streets, avenues and public highways and all points on the exterior boundary where the boundary line changes direction, shall be marked with monuments either of stone, concrete, galvanized iron pipe, or iron or steel rods. If stone or concrete is used it shall not be less than 6 inches by 6 inches by 24 inches. If galvanized iron pipe is used it shall not be less than one inch in diameter and thirty inches long, and if iron or steel rods are used they shall not be less than five-eighths of an inch in least dimension and thirty inches long.

(3) All lot corners except lot corners of cemetery lots shall be marked with monuments of either galvanized iron pipe not less than one-half inch in diameter or iron or

steel rods not less than one-half inch in least dimension and two feet long.

(4) Points shall be plainly and permanently marked upon monuments so that measurements may be taken to them to within one-tenth of a foot.

92.070 Surveyor's affidavit necessary to record plat; contents of affidavit. All plats or diagrams designating the location of land in any county in the State of Oregon, offered for record, shall have attached thereon an affidavit of the surveyor having surveyed the land represented on the plat, to the effect that he has correctly surveyed and marked with proper monuments the lands as represented, that he planted a proper monument as provided in ORS 92.060 indicating the initial point of such survey, and giving the dimensions and kind of such monument, and its location with reference to some known corner established by the United States survey, or giving two or more objects for identifying its location, and accurately describing the tract of land upon which the lots and blocks are laid out.

92.080 Preparation of plat. All plats, diagrams or drawings, subdividing any tracts of land in any county in this state, and dedications of streets, alleys, avenues or roads or public parks and squares and other writings made a part of such plats, diagrams or drawings, offered for record in any county in this state shall be made in black India ink, upon a good quality of white cold-pressed, double-mounted drawing paper 18 inches by 24 inches in size, with the muslin extending three inches at one end for binding purposes. The plat, diagram or drawing shall be of such a scale, and the lettering of the approvals thereof, and of the dedication and affidavit of the surveyor, shall be of such a size or type as will permit the whole thereof to be placed upon one single sheet of paper, but no part shall come nearer any edge of the sheet than one inch. All of the plat, diagram or drawing shall be on one side of the sheet, but the dedication or other written matter may be on the other side.

92.090 Names of plats of towns or additions. (1) No plat of a town or addition shall be approved which bears a name using a word which is the same as, similar to or pronounced the same as a word in the name of any other town or addition in the same county, except for the words "town," "city," "place," "court," "addition" or similar

words, unless the land platted is contiguous to and platted by the same party that platted the addition bearing that name or unless the party files and records the consent of the party that platted the addition bearing that name. All plats must continue the block numbers of the plat of the same name last filed.

(2) No plat purporting to be an addition to any city or town shall be approved unless the property platted adjoins the platted portion of that city or town or its additions already platted.

(3) No plat bearing the name of any city or town shall be approved unless the platted property is within the corporate limits of that city or town.

92.100 Approval of plat necessary; requisites for approval generally. (1) Before any plat can be recorded, covering land within the corporate limits of any town or city, it must be approved by the city engineer or city surveyor, if any; otherwise by the county surveyor. If the land is outside the corporate limits of any town or city, the plat shall be approved by the county surveyor. All plats must also be approved by the county assessor and the county court of the county in which the property is located.

(2) No plat shall be approved unless:

(a) The streets and alleys are laid out so as to conform to the plats of adjoining property already filed as to width, general direction and in all other respects, and are dedicated to the public use without any reservation or restriction whatever.

(b) The name is proper, so as to comply with ORS 92.090.

(c) All taxes and assessments have been paid.

(3) Before approving the plat as required by this section, the county surveyor shall sufficiently check it and the computations for making it to determine if they comply with the provisions of ORS 92.050 and with the requirements of the planning agency, referred to in ORS 92.040, or with the county court. For performing such service the county surveyor shall collect from the subdivider a fee not to exceed \$25.

92.110 Land in irrigation districts; approval of plat; appeal from refusal to approve. All maps, plats and replats of land laid out in building lots or subdivisions, and the streets, alleys or other portions intended to be dedicated for public use, or for the use

of purchasers, or owners of lots, blocks or subdivisions fronting thereon, or adjacent thereto, and located within the boundaries of an irrigation district, and all plans or plats for vacating, laying out, widening, extending, parking or locating streets or alleys in irrigation districts shall be submitted to the board of directors of the irrigation district and a report thereon secured from the board in writing before approval by the county court. No such plan, plat or replat or deed shall be received or recorded in any public office, unless the approval of the board of directors of the irrigation district is indorsed thereon in writing. An appeal from the action of the board to the circuit court of the county in which the land is situated may be taken, perfected and prosecuted in the same manner as an appeal from the justice court. On appeal the matter shall be tried de novo.

92.120 Filing and recording plats; copies. (1) The final map described in ORS 92.050 when made and approved as required, and offered for record in the records of the county where the described land is situated, shall, upon the payment of the fees provided by law, be filed by the county recording officer. The fact of filing and the date thereof shall be entered thereon, and it shall then be securely bound with other maps and plats of like character in a book especially prepared for that purpose and designated as "Record of Town Plats."

(2) At the time of filing such plat, final map or diagram, the person offering it for filing shall also file with the county recording officer and with the county surveyor, if requested by him, an exact copy thereof, made with black India ink or photocopy upon a good quality of linen tracing cloth to the same scale and degree of legibility as the final map. The copy filed with the county recording officer shall be certified by him to be an exact copy and then shall be filed in the archives of the county, and be preserved by filing without folding.

(3) With the final map the subdivider shall also file a tracing of the final map, upon which the surveyor who made the final map shall make affidavit that the tracing is an exact copy of the final map. The subdivider shall provide without cost one print each from such tracing for the county assessor and the county surveyor.

92.130 Additional tracings transferred to county surveyor; replacing lost or de-

stroyed records. Any additional tracings of final maps, plats and diagrams, as mentioned in ORS 92.120 other than the one copy filed with the county recording officer, which, before July 16, 1949, had been filed with the county recording officer, shall be transferred to the county surveyor, if requested by him, who then shall keep them well bound and safeguarded as required by law. If such final map, plat or diagram, or copy thereof is lost, destroyed, mutilated or missing from the county records, the county surveyor shall make a copy thereof, and file it in the proper office of record. Each such copy made by the county surveyor pursuant to this section shall bear a certificate of the surveyor that it was made in compliance with this section, and that it is a true copy of the original record.

92.140 Indexing of plat records. The books entitled "Record of Town Plats" shall be provided in the front part with indices, in which shall be entered in alphabetical order, all maps, plats and diagrams recorded therein. The dedications to such maps, plats and diagrams shall also be indexed in the indices of Records of Deeds for the county. When the maps, plats and diagrams are so filed, bound and indexed they shall be the legal record of all such maps, plats, diagrams, dedications and other writings.

92.150 Construction of donations marked on plat. Every donation or grant to the public, including streets and alleys, or to any individual, religious society, corporation or body politic, marked or noted as such on the plat of the town wherein the donation or grant was made, shall be considered a general warranty to the donee or grantee for his use for the purposes intended by the donor or grantor.

92.990 Penalties. (1) Violation of ORS 92.020 results in a forfeiture of \$50 for each lot, or part of lot, sold, disposed of, leased or offered for sale. The forfeiture shall be collected, if the town is not incorporated, in the name of the county for the use of the County School Fund of that county and, if the town is incorporated, in the name of the common council for the use and benefit of that town.

(2) Violation of ORS 92.030 is punishable, upon conviction, by a fine of not less than \$50 nor more than \$100 or imprisonment in the county jail for not less than 25 days nor more than 50 days, or both.

