TITLE 25

PUBLIC LANDS

Chapter 271. Use and Disposition of Public Lands Generally; Scenic Easements
272. Federal Lands
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Chapter 271

1971 REPLACEMENT PART

Use and Disposition of Public Lands Generally; Scenic Easements

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VACATION

271.010 Vacation procedure in unincorporated areas and in municipalities not exercising corporate functions; filing of petition; fee; notice of hearing. (1) Whenever any person interested in any town which is unincorporated, or which, if incorporated, is not exercising its corporate functions, or interested in any platted and subdivided tract of acreage outside the limits of any incorporated city or town, or interested in any public road outside the limits of any incorporated city or town other than a county road or state highway, desires to vacate all or part of any lot, tract, street, alley, road, highway or common or desires to vacate all or part of any public square in any such town, such person may petition the county court of the proper county, setting forth the particular circumstances of the case, giving a distinct description of the property to be vacated and the names of the persons to be particularly affected thereby.

(2) The petition shall be accompanied by the required filing fee in an amount fixed by the county governing body. Such fee shall be reasonable and shall be in an amount adequate for the purpose of covering the costs of investigating and acting on such petitions. Notice of the pendency of the petition shall be given for the same space of time, by written notice thereof, containing a description of the property to be vacated, posted in three of the most public or conspicuous places in the town or within the limits of the platted acreage, or if such property is located within a town in which there is published a newspaper, as defined by law, the notice may be published in such newspaper once a week for four successive weeks.

[Amended by 1965 c.25 §1; 1971 c.287 §1]

271.020 Necessity for consent of adjoining owners in vacation of road, highway, street or alley; vacation without consent. (1) No vacation of any part of a road, highway, street or alley, shall take place under ORS 271.010 to 271.030 unless the consent of the persons owning the property immediately adjoining the part to be vacated is obtained thereto in writing, acknowledged before some officer authorized to take acknowledgments of deeds and filed with the county clerk.

(2) The road, highway, street or alley, or part thereof, may nevertheless be vacated without such consent upon the petition of the persons owning two-thirds or more of the property abutting upon such road, highway, street or alley, or part thereof, petitioned to be vacated, when such road, street, highway or alley, or part thereof, has not been opened or used by the public for a period of 20 years and when such nonconsenting owners have access to their property from some other public highway. However, before such order of vacation can be entered it must appear to the satisfaction of the court that such nonconsenting owners have been served with notice of the pendency of such petition in the same manner and for the same time as is provided for service of summons in an action at law.

[Amended by 1953 c.283 §3]

271.030 Grant of petition. (1) If no opposition is made to the petition, the county court may grant the petition with such restrictions as it deems reasonable and for the public good.

(2) If opposition is made thereto, the petition shall be continued until the next term of the court. At that time, or at such later time to which the matter may be adjourned, the court shall hear such opposition, and may then proceed to hear and determine the petition, and may, if in its opinion justice requires it, grant the prayer of the petitioner, in whole or in part.

[Amended by 1953 c.283 §3]

271.040 Vacation of town site or contiguous lands which have been laid out. Where two or more persons have laid out a town or lands contiguous to each other, and such town does not improve, either of the individuals holding all the legal rights, title and interest in all the lots laid off by such party and attached, may have the same vacated as in case of a lot, street or alley on petition of the party who laid out such addition or part of the town, or on the petition of such person as may acquire or derive the legal title to the land and lots in such addition. In no case shall persons purchasing lots in other additions of the town be capable of making any valid objection to the vacation if the vacation does not obstruct any public road or highway laid out and established by law.

271.050 Vacation of addition by sole owner. The legal owner of all lots contained in an addition laid off to any town, which does not improve, may have such addition or any part thereof vacated in like manner as provided in ORS 271.040.

271.060 Vesting of title on vacation. (1) A vacated lot or tract shall vest in the rightful owner who has the title thereof according to law.

(2) A vacated road, highway, street or alley shall be attached to the lots or ground bordering thereon and all right or title thereto shall vest in the persons owning the property on the side thereof, in equal proportions, according to the length or breadth of such lots or ground as the same may border on such road, highway, street or alley.

(3) Whenever a public square or any part thereof is vacated, the property thereof shall vest in the county court for the use of the proper county. Whenever any common or any part thereof in any incorporated town or belonging thereto is vacated, the same shall vest in the common council or other corporate body for the use of such town. The proper authorities may sell the same, make a title to the purchaser thereof and appropriate the sale proceeds for the benefit of the corporation or county, as the case may be.

271.070 Appeal from order denying petition. Whenever the county court or city council refuses the petition of any person made as provided in ORS 271.010 to 271.060 for the vacation of any part of any town or city, such person may appeal from the order refusing such petition to the circuit court of the county where such town or city is situated. In case of appeal, the costs shall be paid by the petitioner.

271.080 Vacation in incorporated cities; petition; consent of property owners. (1) Whenever any person interested in any real property in an incorporated city in this state desires to vacate all or part of any street, avenue, boulevard, alley, plat, public square or other public place, such person may file a petition therefor setting forth a description of the ground proposed to be vacated, the purpose for which the ground is proposed to be used and the reason for such vacation.

(2) There shall be appended to such petition, as a part thereof and as a basis for granting the same, the consent of the owners of all abutting property and of not less than two-thirds in area of the real property affected thereby. The real property affected thereby shall be deemed to be the land lying on either side of the street or portion thereof proposed to be vacated and extending laterally to the next street that serves as a parallel street, but in any case not to exceed 200 feet, and the land for a like lateral distance on either side of the street for 400 feet along its course beyond each terminus of the part proposed to be vacated. Where a street is proposed to be vacated to its termini, the land embraced in an extension of the street for a distance of 400 feet beyond each terminus shall also be counted. In the vacation of any plat or part thereof the consent of the owner or owners of two-thirds in area of the property embraced within such plat or part thereof proposed to be vacated shall be sufficient, except where such vacation embraces street area, when, as to such street area the above requirements shall also apply. The consent of the owners of the required amount of property shall be in writing and duly acknowledged before an officer authorized to take acknowledgments of deeds.

271.090 Filing of petition; notice. The petition shall be presented to the city recorder or other recording officer of the city. If found by him to be sufficient, he shall file it and inform at least one of the petitioners when the petition will come before the city governing body. A failure to give such information shall not be in any respect a lack of jurisdiction for the governing body to proceed on the petition.

271.100 Action by council. The city governing body may deny the petition after notice to the petitioners of such proposed action, but if there appears to be no reason why the petition should not be allowed in whole or in part, the governing body shall fix a time for a formal hearing upon the petition.

271.110 Notice of hearing. (1) The city recorder or other recording officer of the city shall give notice of the petition and hearing by publishing a notice in the city official newspaper once each week for four consecutive weeks. If no newspaper is published in such city, written notice of the petition and hearing shall be posted in three of the most public places in the city. The notices shall describe the ground covered by the petition, give the date it was filed, the name of at least one of the petitioners and the date when the petition, and any objection or remonstrance, which may be made in writing and filed with the recording officer of the city prior to the time of hearing, will be heard and considered.

(2) Within five days after the first day of publication of the notice the city recording officer shall cause to be posted at or near each end of the proposed vacation a copy of the notice which shall be headed, "Notice of Street Vacation," "Notice of Plat Vacation" or "Notice of Plat and Street Vacation," as the case may be; the notice shall be posted in at least two conspicuous places in the proposed vacation area. The posting and first day of publication of such notice shall be not less than 28 days before the hearing.

(3) The city recording officer shall, before publishing such notice, obtain from the petitioners a sum sufficient to cover the cost of publication, posting and other anticipated expenses. The city recording officer shall hold the sum so obtained until the actual cost has been ascertained, when the amount of the cost shall be paid into the city treasury and any surplus refunded to the depositor.

271.120 Hearing; determination. At the time fixed by the governing body for hearing the petition and any objections filed thereto or at any postponement or continuance of such matter, the governing body shall hear the petition and objections and shall determine whether the consent of the owners of the requisite area has been obtained, whether notice has been duly given and whether the public interest will be prejudiced by the vacation of such plat or street or parts thereof. If such matters are determined in favor of the petition the governing body shall by ordinance make such determination a matter of record and vacate such plat or street; otherwise it shall deny the petition. The governing body may, upon hearing, grant the petition in part and deny it in part, and make such reservations, or either, as appear to be for the public interest.

271.130 Vacation on council's own motion; appeal. (1) The city governing body may initiate vacation proceedings authorized by ORS 271.080 and make such vacation without a petition or consent of property owners. Notice shall be given as provided by ORS 271.110, but such vacation shall not be made before the date set for hearing, nor if the owners of a majority of the area affected, computed on the basis provided in ORS 271.080, object in writing thereto, nor shall any street area be vacated without the consent of the owners of the abutting property if the vacation will substantially affect the market value of such property, unless the city governing body provides for paying damages. Provision for paying such damages may be made by a local assessment, or in such other manner as the city charter may provide.

(2) Two or more streets, alleys, avenues and boulevards, or parts thereof, may be joined in one proceeding, provided they intersect or are adjacent and parallel to each other.

(3) No ordinance for the vacation of all or part of a plat shall be passed by the governing body until the city recording officer has filed in his office or indorsed on the petition for such vacation a certificate showing that all city liens and all taxes have been paid on the lands covered by the plat or portion thereof to be vacated.

(4) Any property owner affected by the order of vacation or the order awarding damages or benefits in such vacation proceedings may appeal to the circuit court of the county where such city is situated in the manner provided by the city charter. If the charter does not provide for such appeal, the appeal shall be taken within the time and in substantially the manner provided for taking an appeal from justice or district court in civil cases.

271.140 Title to vacated areas. The title to the street or other public area vacated shall attach to the lands bordering on such area in equal portions; except that where the area has been originally dedicated by different persons and the fee title to such area has not been otherwise disposed of, original boundary lines shall be adhered to and the street area which lies on each side of such boundary line shall attach to the abutting property on such side. If a public square is vacated the title thereto shall vest as provided by ORS 271.060.

271.150 Vacation records to be filed; costs. A certified copy of the ordinance vacating any street or plat area and any map, plat or other record in regard thereto which may be required or provided for by law, shall be filed for record with the recorder of the county. The petitioner for such vacation shall bear the recording cost and the cost of preparing and filing the certified copy of the ordinance and map. A certified copy of any such ordinance shall be filed with the county assessor and county surveyor.

271.160 Vacations for purposes of rededication. No street shall be vacated upon the petition of any person when it is proposed to replat or rededicate all or part of any street in lieu of the original unless such petition is accompanied by a plat showing the proposed manner of replatting or rededicating. If the proposed manner of replatting or rededicating or any modification thereof which may subsequently be made meets with the approval of the city governing body, it shall require a suitable guarantee to be given for the carrying out of such replatting or rededication or may make any vacation conditional or to take effect only upon the consummation of such replatting or rededication.

271.170 Nature and operation of statutes. The provisions of ORS 271.080 to 271.160 are alternative to the provisions of the charter of any incorporated city and nothing contained in those statutes shall in anywise affect or impair the charter or other provisions of such cities for the preservation of public access to and from transportation terminals and navigable waters.

271.180 Vacations in municipalities included in port districts; petition; power of common council; vacating street along railroad easement. To the end that adequate facilities for terminal trackage, structures and the instrumentalities of commerce and transportation may be provided in cities and towns located within or forming a part of any port district organized as a municipal corporation in this state, the governing body of such cities and towns, upon the petition of any such port, or corporation empowered to own or operate a railroad, steamship or other transportation terminal, or railroad company entering or operating within such city or town, or owner of property abutting any such terminal, may:

(1) Authorize any port commission, dock commission, common carrier, railroad company or terminal company to occupy, by any structure, trackage or machinery facilitating or necessary to travel, transportation or distribution, any street or public property, or parts thereof, within such city or town, upon such reasonable terms and conditions as the city or town may impose.

(2) Vacate the whole or any part of any street, alley, common or public place, with such restrictions and upon such conditions as the city governing body may deem reasonable and for the public good.

(3) If any railroad company owns or has an exclusive easement upon a definite strip within or along any public street, alley, common or public place, and if the city governing body determines such action to be to the advantage of the public, vacate the street area between the strip so occupied by the railroad company and one property line opposite thereto, condition that the railroad company dedicates for street purposes such portion of such exclusive strip occupied by it as the city governing body may determine upon, and moves its tracks and facilities therefrom onto the street area so vacated. The right and title of the railroad company in the vacated area shall be of the same character as previously owned by it in the exclusive strip which it is required by the city governing body to surrender and dedicate to street purposes.

271.190 Consent of owners of adjoining property; other required approval. No vacation of all or part of a street, alley, common or public place shall take place under ORS 271.180 unless the consent of the persons owning the property immediately adjoining that part of the street or alley to be vacated is obtained thereto in writing and filed with the auditor or clerk of the city or town. No vacation shall be made of any street, alley, public place or part thereof, if within 5,000 feet of the harbor or pierhead line of the port, unless the port commission, or other bodies having jurisdiction over docks and wharves in the port district involved, approves the proposed vacation in writing.

271.200 Petition; notice. (1) Before any street, alley, common or public place or any part thereof is vacated, or other right granted by any city governing body under ORS 271.180 to 271.210 the applicant must petition the governing body of the city or town involved, setting forth the particular circumstances of the case, giving a definite description of the property sought to be vacated, or of the right, use or occupancy sought to be obtained, and the names of the persons to be particularly affected thereby. The petition shall be filed with the auditor or clerk of the city or town involved 30 days previous to the taking of any action thereon by the city governing body.

(2) Notice of the pendency of the petition, containing a description of the area

sought to be vacated or right, use or occupancy sought to be obtained, shall be published at least once each week for three successive weeks prior to expiration of such 30 day period in a newspaper of general circulation in the county wherein the city or town is located.

271.210 Hearing; grant of petition. Hearing upon the petition shall be had by the city governing body at its next regular meeting following the expiration of 30 days from the filing of the petition. At that time objections to the granting of the whole or any part of the petition shall be duly heard and considered by the governing body, which shall thereupon, or at any later time to which the hearing is postponed or adjourned, pass by a majority vote an ordinance setting forth the property to be vacated, or other rights, occupancy or use to be thereby granted. Upon the expiration of 30 days from the passage of the ordinance and the approval thereof by the mayor of the city or town, the ordinance shall be in full force and effect.

271.220 Filing of objections; waiver. All objections to the petition shall be filed with the clerk or auditor of the city or town within 30 days from the filing of the petition, and if not so filed shall be conclusively presumed to have been waived. The regularity, validity and correctness of the proceedings of the city governing body pursuant to ORS 271.180 to 271.210, shall be conclusive in all things on all parties, and cannot in any manner be contested in any proceeding whatsoever by any person not filing written objections within the time provided in this section.

271.230 Records of vacations; fees. (1) If any town or plat of any city or town is vacated by a county court or municipal authority of any city or town, the vacation order or ordinance shall be recorded in the deed records of the county and shall be indexed under the letter "V," title "Vacations." Whenever a vacation order or ordinance is so recorded, the county surveyor of such county shall trace upon the original plat with red ink, the portion so vacated and write therein the word "Vacated" with appropriate reference by number to notation, and shall make a notation on the original plat, in red ink, giving the book and page of the deed record in which the order or ordinance is recorded.

(2) For recording in the county deed records, the county clerk or county recorder shall collect the same fee as for recording a deed. For the services of the county surveyor for marking the record upon the original plat, the county clerk or county recorder shall collect $3 to be paid by him to the county surveyor.

[Amended by 1971 c.621 §31]

MISCELLANEOUS PROVISIONS RELATING TO THE TRANSFER, LEASE, DONATION OR USE OF PUBLIC LANDS

271.300 Definition; application and administration of ORS 271.300 to 271.370. (1) As used in ORS 271.300 to 271.370, "political subdivision" includes counties, cities, ports, dock commissions and every type of district existing under the laws of this state which has power to levy and collect taxes and assessments.

(2) The power granted by ORS 271.300 to 271.370 is vested severally in the State of Oregon and in each political subdivision thereof. The power is self-operating, without the necessity of further legislation.

(3) In carrying ORS 271.300 to 271.370 into effect, the state shall act by and through its duly constituted board, and a political subdivision through its duly constituted governing body. The state by statute or through its respective boards and commissions, and each political subdivision through its governing body, may provide rules and regulations necessary in carrying out ORS 271.300 to 271.370.

271.310 Transfer or lease of real property owned or controlled by state or political subdivision; procedure in case of qualified title. (1) Except as provided in subsection (2) of this section, whenever the state or any political subdivision thereof possesses or controls real property not needed for public use, or whenever the public interest may be furthered, the state or political subdivision may sell, exchange, convey or lease for any period not exceeding 99 years all or any part of their interest in the property to or with the state or any political subdivision of the state or the United States of America or any agency thereof or private individual or corporation. The consideration for the transfer or lease may be cash or real property, or both.

(2) If the ownership, right or title of the state or political subdivision to any real

property set apart by deed, will or otherwise for a burial ground or cemetery, or for the purpose of interring the remains of deceased persons, is limited or qualified or the use of such real property is restricted, whether by dedication or otherwise, the state or political subdivision, as the case may be, may, after the commission, board, county court or other governing body thereof has first declared by resolution that such real property is not needed for public use, or that the sale, exchange, conveyance or lease thereof will further the public interest, file a complaint in the circuit court for the county in which such real property is located against all persons claiming any right, title or interest in such real property, whether the interest be contingent, conditional or otherwise, for authority to sell, exchange, convey or lease all or any part of such real property. The resolution is prima facie evidence that such real property is not needed for public use, or that the sale, exchange, conveyance or lease will further the public interest. The suit shall be commenced and prosecuted to final determination in the same manner as other suits in equity. The defendants may be designated as provided in ORS chapter 13. The complaint shall contain a description of such real property, a statement of the nature of the restriction, qualification or limitation, and a statement that the defendants claim some interest therein. The court shall make such decree as it shall deem proper, taking into consideration the limitations, qualifications or restrictions, the resolution, and all other matters pertinent thereto. Neither costs nor disbursements may be recovered against any defendant.

(3) Real property needed for public use by the state or by any political subdivision thereof owning or controlling the property shall not be sold, exchanged, leased or conveyed under the authority of ORS 271.300 to 271.370, except that it may be exchanged for property which is of equal or superior useful value for public use. Any such property not immediately needed for public use may be leased if, in the discretion of the governing body having control of the property, it will not be needed for public use within the period of the lease.

(4) The authority to lease property granted by this section includes authority to lease property not owned or controlled by the state or political subdivision at the time of entering into the lease. Such lease shall be conditioned upon the subsequent acquisition of the interest covered by the lease. [Amended by 1955 c.755 §1; 1961 c.136 §1]

271.320 Exchange of trust fund assets. If any property owned by the state or any political subdivision is held as an asset of any special trust fund securing the payment of bonds, it may be exchanged, under the authority granted in ORS 271.310, for other property of equal or superior value, and property so received in exchange shall be an asset of the fund in lieu of the property previously held.

271.330 Relinquishing title of property not needed for public use to other governmental bodies. (1) The state or any political subdivision within the state hereby is granted express power to relinquish the title to any of its property not needed for public use to the United States Government or any other governmental body or political subdivision within the state, providing such property shall be used and continue to be used, for a public purpose by the United States Government, or such other governmental body or political subdivision in the State of Oregon. Such transfers for public purposes may include transfers without consideration of property held by counties as a result of tax foreclosures.

(2) Before any county court or board of county commissioners may transfer, under subsection (1) of this section, any tax foreclosed lands in which the state or other political subdivisions have represented delinquent and uncollected taxes, liens or assessments, it shall advertise in a newspaper of general circulation in the county for two successive weeks its intention to so transfer such property. The notice shall state when the county court will hear objections to the transfer and must specifically describe the property intended to be transferred. After the hearing set in the notice is held and objections are heard, it may, in its sound discretion, proceed with the transfer. After such transfer the interests of the state or any political subdivision in such land on account of uncollected taxes, liens or assessments are extinguished, and the county is relieved of the necessity to account for uncollected taxes, liens or assessments.

271.340 Property valuation in exchange to be equal. When property is exchanged under the authority of ORS 271.310 to 271.330, the value of the real property accepted by the state or political subdivision

in exchange for any of its property plus cash, if any, shall not be less than the value of the property relinquished.

271.350 Determining valuation of property in exchanges. The value of the respective properties proposed to be exchanged shall be determined for the state by the state board or commission which has supervision and direction of the department or activity of the state for which such property is held or belongs, and if there be no such board or commission, then by the Division of State Lands, and for the political subdivision by the governing body thereof. The state board or governing body may seek the advice of a board of three appraisers, one of such appraisers to be appointed by the owners of each of the respective properties, and these two appraisers to appoint a third. The compensation, if any, of the appraisers shall be borne equally by the respective owners of the property. In case such valuation shall not be mutually satisfactory to the respective owners the same shall not be binding upon them.

271.360 Lease requirements. Every lease entered into pursuant to ORS 271.310 or 271.320 shall be authorized by ordinance or order of the body executing the same and shall provide such terms and conditions as may be fixed and determined by the governmental body executing the same. Any such lease may provide that the lessee shall pay ad valorem taxes assessable against the leased property, or that the governmental body shall pay such taxes, in which latter event the anticipated amount of taxes shall be taken into consideration in fixing the rental charge.

271.370 Donation of public property for industrial or manufacturing purposes. Any governmental body within the state, referred to in ORS 271.310, may donate to any person, firm or corporation selected by such governmental body, conditionally or otherwise, for industrial or manufacturing purposes, or both, and purposes incidental thereto, any real property owned by the governmental body and not needed or likely to be needed for public use. The donation may be upon condition that whenever the donee or successor in interest ceases to use the property donated for the donated purposes the title to the property shall revert to the donor. The gift shall be made by statute, ordinance or formal order and the terms and conditions of the gift shall be set forth in such statute, ordinance or order.

271.375 Public grazing lands; sale, lease or exchange. The Division of State Lands and the several counties of the state hereby are authorized to sell, convey, lease or exchange any or all state-owned or county-owned lands chiefly suitable for grazing, to or with each other and with the United States of America for other lands either of equal acreage or of equal value. All powers herein granted to the Division of State Lands and to the several counties are in addition to and not in derogation of powers heretofore conferred by law. [Formerly 273.240]

271.380 Indemnifying political subdivision for loss or damage resulting from occupancy of its property. The state, a state agency or any political subdivision occupying a street or public property of another political subdivision by any structure above, on or under the surface, may provide a contract of indemnity to protect the other political subdivision against loss or damage resulting from such occupancy.
[1959 c.442 §1]

271.390 Lease or purchase of real estate by county and city. The governing body of any county, and the governing body of any city or town, may enter into contracts for leasing or rental, including contracts for rental or long time leases under an optional contract for purchase, or for purchase of any real property in Oregon necessary for proper and convenient housing of officers or for conducting the business of said bodies. Leases or contracts made by a city or town shall be made subject to the terms of its charter.

271.400 Conveyances by county or municipality to state. Notwithstanding any other law, the governing body of any county or incorporated city or town may convey, by a proper deed of conveyance executed by the proper governing body, to the State of Oregon, by and through the State Highway Commission, for state highway purposes, any lands or rights therein vested in the county or municipality, upon such terms and conditions as may be agreed upon with the State Highway Commission.

271.405 Transfer of property by city or town to county for public institutions and works. Whenever any property or rights

therein required by any county in carrying out the purposes of ORS 281.340 is owned by an incorporated city or town within such county, the city or town may, if in the judgment of the governing body of the city or town the public may be benefited thereby, convey and transfer to such county by proper conveyances, and the county may accept, such property or rights.

271.410 Use of municipal property for rodeos, games, racing and exhibitions. Any municipal corporation having the right to possession of real property within or without its corporate limits may rent, lease or otherwise give possession of such real property for the purpose of conducting such rodeos, baseball games, football games, racing and exhibitions generally as are authorized under the laws of this state.

271.420 City bonds as payment for land sold by city. By ordinance duly passed by its governing body, any incorporated city or town may authorize the acceptance of its general obligation bonds or interest coupons, or both, in payment of the purchase price of any lands acquired and for sale by such city or town.

271.430 Lease of space above or below street or highway; effect on prior dedication or grant for public purpose. The state or any political subdivision holding the easement or fee title to a street or highway may lease the space above or below that street or highway for private purposes for such period as the governing body determines the space will not be needed for public purposes, and upon such other terms and conditions as the governing body finds to be in the public interest. Before leasing the space, the governing body shall determine that the use of the space will not unreasonably interfere with the public use and utility use of the street or highway, and shall notify the property owners abutting the space proposed to be leased under this section and give them an opportunity to be heard with respect to the proposed leasing. Lease of space above or below a street or highway for private purposes shall not affect prior dedication or grant of the area for street or highway purposes.
[1969 c.586 §2]

271.440 Agreements for location of transmission lines on property of public agencies. The State of Oregon, any municipal corporation, including counties, incorporated cities, school districts, reclamation districts, irrigation districts and other public bodies of any kind owning or controlling any real property or rights therein, may enter into agreements with the United States or any agency thereof, relative to the conditions for and places where electrical and other transmission lines may be placed and maintained across any such property, which agreements may be in perpetuity or for such length of time as may be specified. However, no such agreement shall affect the constitutional rights of any owners of private property who do not join therein.
[Formerly 758.030]

ACQUISITION AND DISPOSITION OF INDUSTRIAL FACILITIES

271.510 Definitions for ORS 271.510 to 271.540. As used in ORS 271.510 to 271.540, unless the context otherwise requires, the following words and terms shall have the following meanings:

(1) "Governing body" means the board or body in which the general legislative powers of any county or city are vested.

(2) "Industrial facility" means any land, any building or other improvement, and all real and personal properties, including, but not limited to, machinery and equipment deemed necessary in connection therewith, whether or not now in existence, which shall be suitable for use for industrial, commercial, manufacturing or warehousing purposes, but shall not include port facilities or facilities for any purposes or enterprises which are subject to regulation by the Public Utility Commissioner of Oregon.
[1965 c.553 §2]

271.520 Declaration of legislative purpose. It is hereby declared that there is a need for the continued development of industrial, commercial, manufacturing and warehouse facilities to insure the growth and prosperity of the state, and of the counties and cities within the state. It is the purpose of ORS 271.510 to 271.540 to provide the counties and cities within the state with the power to acquire title by gift, grant or donation to one or more industrial facilities and to lease, sell and convey such facilities to any person, firm, partnership or corporation, either public or private. It is further declared that the acquisition of title to such facilities and the lease, sale and conveyance of such facilities as provided by ORS 271.510 to

271.540 is a public purpose and shall be regarded as performing an essential governmental function in carrying out the provisions of ORS 271.510 to 271.540.
[1965 c.553 §1]

271.530 Powers of counties and cities to acquire and dispose of industrial facilities. In addition to any other powers which they may now have, and notwithstanding any law to the contrary, each county and city shall have the following powers:

(1) To acquire by gift, grant or donation one or more industrial facilities, which shall be located within the state, and which may be located within, without, or partially within or partially without, such county or city.

(2) To lease to any person, firm, partnership or corporation, either public or private, any or all of such industrial facilities acquired pursuant to subsection (1) of this section from a nonprofit corporation formed for the purpose of stimulating industrial development, including any part thereof, for such rentals and upon such terms and conditions and for such period or periods as the governing body of the appropriate county or city may deem advisable.

(3) To sell or convey all or any of such industrial facilities, including any part thereof, at public or private sale, with or without advertisement, and to do all acts necessary to the accomplishment of such sale and conveyance.
[1965 c.553 §3]

271.540 County or city not to operate industrial facility except as lessor. A county or city shall not operate an industrial facility as a business enterprise or in any manner except as a lessor.
[1965 c.553 §4]

DISTRIBUTION OF PROCEEDS OF FEDERAL LAND SALES IN OREGON

271.610 Distribution and use of proceeds of certain federal land sales. (1) All funds heretofore or hereafter received from the United States Government by the State of Oregon as five percent of the net proceeds of sales of public lands and materials lying within the limits of the State of Oregon, shall upon receipt by the State Treasurer be credited to a special fund in the State Treasury to be known as the Five Percent United States Land Sales Fund, which fund, notwithstanding the provisions of ORS 291.238, hereby is continuously appropriated and shall be distributed to the counties of the state on the basis of the average square mile area of each county.

(2) The moneys distributed under subsection (1) of this section shall be used by the counties for the benefit of the public roads and bridges of the counties receiving the funds.
[1953 c.158 §§1, 2]

CONSERVATION OR SCENIC EASEMENTS

271.710 Definition for ORS 271.710 to 271.750. As used in ORS 271.710 to 271.750, "conservation or scenic easements" means an aggregation of easements, covenants or conditions running with the land, designed to preserve or maintain all or part of the natural or existing state of recreational, cultural, scenic, historic or other appropriate places of public significance.
[1967 c.318 §1]

271.720 Acquisition of conservation or scenic easements. The state, or any county, city or park and recreation district acting alone or in cooperation with any federal or state agency, public corporation or political subdivision, may acquire by purchase, agreement or donation, but not by exercise of the power of eminent domain, conservation or scenic easements in any area within their respective jurisdictions wherever and to the extent that the state or the governing body of the county, city or park and recreation district determines that the acquisition will be in the public interest.
[1967 c.318 §2]

271.730 Rules and ordinances with respect to easements. The board or officer administering a state agency or the governing body of any county, city or park and recreation district may make and enforce reasonable rules and regulations, ordinances or orders governing the care, use and management of their respective conservation or scenic easements.
[1967 c.318 §3]

271.740 Assessment of real property subject to easement. For the purpose of taxation, real property that is subject to conservation or scenic easements shall be assessed on the basis of the true cash value of the property less any reduction in value caused by the conservation or scenic easements. The easements shall be exempt from

assessment and taxation the same as any other property owned by the state, a county, city or park and recreation district.
[1967 c.318 §4]

271.750 Hearings prior to acquisition; notice. (1) Prior to the acquisition of conservation or scenic easements, the state agency, county, city or park and recreation district considering acquisition of such easements shall hold one or more public hearings on the proposal and the reasons therefor. The hearings shall be held in the community where the easements would be located and all interested persons, including representatives of other governmental agencies, shall have the right to appear and a reasonable opportunity to be heard.

(2) Notice of the hearing shall be published at least twice, once not less than 12 days and once not less than five days, prior to the hearing in a newspaper of general circulation in the community. The notice may also be published by broadcast or telecast by any radio or television station broadcasting or telecasting generally in the community.

(3) At least 30 days prior to the hearing, the state agency, county, city or park and recreation district, as the case may be, shall mail notice of the hearing to the governing body of each county, city and other governmental agency having jurisdiction in the area of the proposed easements.
[1967 c.318 §5]

CERTIFICATE OF LEGISLATIVE COUNSEL

Pursuant to ORS 173.170, I, Robert W. Lundy, Legislative Counsel, do hereby certify that I have compared each section printed in this chapter with the original section in the enrolled bill, and that the sections in this chapter are correct copies of the enrolled sections, with the exception of the changes in form permitted by ORS 173.160 and other changes specifically authorized by law.

Done at Salem, Oregon,
on December 1, 1971.

Robert W. Lundy
Legislative Counsel