

Chapter 209

1979 REPLACEMENT PART

County Surveyors

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CROSS REFERENCES

Bond of surveyor, 204.040	209.020
Compensation of surveyor, Ch. 204	Expenses of surveyor in partition proceedings, 105.405
County home rule, Const. Art. VI, §10	Surveying or laying out sewage disposal and other service facilities, entry upon private land, 451.590
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209.010 [Repealed by 1953 c.306 §18]

209.020 Surveys on court order. The county surveyor shall execute all orders directed to the surveyor by any court of record or county court for surveying roads, or surveying or resurveying any tract of land the title to which is in dispute before such court, and all orders of survey for the partition of real estate. [Amended by 1979 c.653 §1]

209.030 Surveys on court order of land divided by county line. When lands the title to which is in dispute before any court are divided by a county line, the court making an order of survey may direct such order to the surveyor of any county in which any part of such land is situated.

209.040 Substitution when surveyor interested in land. When it appears that the county surveyor is interested in any tract of land, the title to which is in dispute before the court, the court shall direct the survey or resurvey to be made by a registered land surveyor, who is in nowise interested. The substitute surveyor shall be authorized to administer oaths in the same manner as the county surveyor, return the survey or resurvey on oath or affirmation and receive for the services the same fees that the county surveyor would receive for similar services. [Amended by 1979 c.653 §2]

209.050 Surveys for private persons. The county surveyor shall within 10 days, when called upon, commence a survey of any tract of land or town lot lying in the county, at the expense of the person demanding the same, if the fees are first tendered. [Amended by 1979 c.653 §3]

209.060 [Repealed by 1979 c.653 §18]

209.070 Duties in respect to surveys. The surveyor of each county shall:

(1) Keep a fair and correct record of all surveys made by the surveyor and deputies thereof and by the county roadmaster, as provided in ORS 368.530, and all surveys received pursuant to ORS 209.250.

(2) Number progressively all surveys received and state by whom and for whom made.

(3) Deliver a copy of any survey to any person or court requiring the same, on payment of the fee allowed by law.

(4) Make all surveys of legal subdivisions with reference to the current United States Manual of Surveying Instructions.

(5) Establish or reestablish all corners of government surveys, where the witness trees have been cut or have fallen down, and where there remains the stump or body on which the bearing marks, or blazes can still be seen, or where other evidences of the government corners can be found, whereby the corners established by government survey can be positively located by any of such or other decaying evidences, the corners to be reestablished in the manner provided in ORS 209.130 for establishing corners, and keep a separate record of the same, giving the date and names of persons present, and turn such record over to a successor. When so established or reestablished such corners shall be recognized as the legal and permanent corners.

(6) Establish or reestablish, upon order of the county court or board of county commissioners, all corners of government surveys where all physical evidence is destroyed or cannot be found but where the official government notes are available, the corners to be reestablished in the manner provided in ORS 209.130 for establishing corners, and keep a separate record of the same, giving the date and names of persons present, and turn such record over to his successor. When so established or reestablished such corners shall be recognized as the legal and permanent corners.

(7) At the expiration of the term of office transfer all records to the successor. [Amended by 1979 c.653 §4]

Note: The General Land Office of the United States was abolished and its functions transferred to the Director of The Bureau of Land Management in 1946.

209.080 Compensation of surveyor. The compensation to the surveyor for the performance of the duties defined in ORS 209.020, 209.030 and 209.070 shall be as determined by the county court or board of county commissioners, and paid out of the county treasury upon order of the county court. [Amended by 1979 c.653 §5]

209.090 Procuring and filing copies of plats and field notes of United States surveys; copies of notes as evidence. (1) The county court shall procure from the Regional Chief of the Division of Cadastral Engineering or from any office in the United States Bureau of Land Management a certified copy

of the field notes and plats of surveys lying within its county, relating to descriptions of the townships and legal subdivisions, corners, the variations at which the lines were run, the length of the several lines of the several sections, and file the same in the office of the county surveyor.

(2) Copies, certified by the county surveyor, of copies of such field notes, certified by the Regional Chief of the Division of Cadastral Engineering, filed in the office of the county surveyor by the county court shall be evidence. [Amended by 1979 c.653 §6]

209.100 Administering oaths; taking evidence. The county surveyor or a deputy may administer the oaths or affirmations necessary to the legal establishment of roads and other surveys, and to take the evidence of any person who may be produced to prove any point material to such survey. [Amended by 1979 c.653 §7]

209.110 [Repealed by 1979 c 653 §18]

209.120 [Repealed by 1979 c.653 §18]

209.130 Establishment of corners; references. (1) In the establishment of a section, quarter-section or center corners, the county surveyor shall set a monument of durable quality. Wherever the nature of the ground will not admit of the setting of a monument at the exact corner as described, then a witness monument shall be set.

(2) Section corners shall be witnessed by at least four references, and center corners and quarter-section corners by at least two references. References shall be of durable quality. All references shall be carefully described, and their bearings and distances noted in the report. [Amended by 1979 c.653 §8]

209.140 Necessary interference with corners. Any person who finds it necessary to interfere with any established corner in the improvement of a road, or for any other cause, shall notify the county surveyor, who shall lower and witness the corner, or place another monument and witness over the existing monument, as the case may demand, and record the proceedings in the record of permanent surveys. [Amended by 1979 c.653 §9]

209.150 Unauthorized interference with monuments or corners. No person shall wilfully or negligently remove, destroy or deface any survey monument, corner or

witness corner of record in the office of the county surveyor or county clerk. [Amended by 1979 c.653 §10]

209.160 Establishment of private corners and boundaries; notice. Whenever the owner of one or more tracts of land desires to permanently establish the corners and boundaries thereof, the owner may notify the county surveyor to make a survey thereof and establish such corners and boundaries, and shall furnish the names and addresses of all persons residing in the county or elsewhere, so far as known, who may be affected by such survey. The county surveyor shall cause a notice in writing to be served on each person who may be affected by the survey, or the agent of the person residing in the county, stating the time when the surveyor will begin the survey, and the lines or corners to be established. The notice shall be delivered to the person or left at the usual place of residence of the person at least six days prior to the day set for survey. Whenever the landowners interested consent in writing the county surveyor may, at such time as agreed upon, proceed to establish the corners and boundaries without serving notice. [Amended by 1979 c.653 §11]

209.170 Conduct of private corner and boundary survey. On the day mentioned in the notice, or on the next thereafter, the surveyor shall proceed to make the survey, but may for good cause adjourn from time to time. The surveyor may, upon application of any person interested in such survey, take the evidence of any witness produced to prove any point material to such survey. The testimony shall be reduced to writing and subscribed and sworn to by the witness, and, together with an accurate plat of such survey, filed in the office of the county surveyor within 45 days after the completion of the survey. [Amended by 1979 c.653 §12]

209.180 [Repealed by 1979 c.653 §18]

209.190 County line surveys. In any survey affecting a county line, the surveyor who may be called on to make the survey shall serve notice upon the county surveyor of the adjoining county, and they shall agree upon a time. They shall each serve notice upon the landowners of their respective counties who are interested in such survey, in the same manner as provided in ORS 209.160 and 209.170. They shall make such survey in the same manner as other surveys and each sur-

veyor shall file a copy of the plat and field notes of the survey in the county surveyor's office.

209.200 Resurvey of government-surveyed lands. In the resurvey of lands surveyed under the authority of the United States, the county surveyor shall observe the following rules:

(1) Section and quarter-section corners, and all other corners established by the government survey, must stand as the true corners.

(2) They must be reestablished at the identical spot where the original corner was located by the government survey, when this can be determined.

(3) When this cannot be done, then such corners must be reestablished with reference to the current United States Manual of Surveying Instructions. [Amended by 1979 c.653 §13]

209.210 [Repealed by 1979 c.653 §18]

209.220 Oath taken by employes. Each person employed by the county surveyor or a deputy shall, before commencing the duty assigned, take an oath or affirmation faithfully and impartially to execute the duties of employment. The county surveyor or a deputy shall administer the oath or affirmation of each employe. [Amended by 1979 c.653 §14]

209.230 Materials and equipment for certain purposes. The county surveyor shall procure at the expense of the county the materials and requisites for carrying into effect ORS 209.100 to 209.240. The county court shall pay for the same and all expenses incurred therein out of the general fund of the county.

209.240 Fees of surveyor. For compliance with ORS 209.140 and all other duties required by the county court not subject to the provisions of ORS 209.080, the county surveyor shall receive the same fees as allowed for making surveys, which fees shall be paid out of the county treasury monthly upon order of the county court. [Amended by 1979 c.653 §15]

209.250 Registered engineers and land surveyors to file field notes and map with surveyor; map specifications. (1) Any registered land surveyor making a survey of lands within this state wherein the surveyor establishes or reestablishes a corner or corners shall comply with subsection (4) of ORS 209.070, ORS 209.130 and 209.200, and shall,

within 45 days thereafter, file a map of such survey with the county surveyor, who promptly shall file and index them. Such map shall thereafter be a public record in the office of the county surveyor.

(2) Such map shall be accompanied by a written narrative containing the location of the survey, the procedures followed, the basis of bearing, the date, the surveyor's name and address and the surveyor's seal. Such map shall be of a permanent nature on stable base reproducible material and made in sizes as required by the county surveyor. Maps shall show the following:

(a) Location of survey by one-fourth section and Donation Land Claim, Township and Range.

(b) The date of survey.

(c) Scale of drawing and North Point.

(d) The course of all lines traced or established, giving the basis of bearing and the distance and course to a section corner, one-quarter corner, one-sixteenth corner or Donation Land Claim corner in Township and Range, or to a lot corner of a platted subdivision.

(e) All bearings or measured angles and distances separately indicated from those of record.

(f) All monuments set and their relation to older monuments found. A detailed description of monuments found and set shall be included and all monuments set shall be separately indicated from those found.

Any additional information shall be typed or printed in narrative form.

(3) The license of any registered land surveyor failing to comply with the provisions of subsections (1) and (2) of this section shall be subject to revocation.

(4) Any state agency, board or commission, special district or municipal corporation making a survey of lands within this state shall comply with this section. [Amended by 1963 c 555 §1; 1965 c.542 §1; 1979 c.653 §16]

209.990 Penalties. (1) Violation of ORS 209.150 is punishable, upon conviction, by a fine of not less than \$250 and not more than \$500, and the costs of suit and re-establishment of the corner or witness.

(2) Any county surveyor failing to perform the duties required of the surveyor by ORS 209.020 to 209.090 shall be fined not exceeding \$100, to be recovered by an action brought

by the injured party. [Amended by 1979 c.653 §17]

CERTIFICATE OF LEGISLATIVE COUNSEL

Pursuant to ORS 173.170, I, Thomas G. Clifford, 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,
October 1, 1979.

Thomas G. Clifford
Legislative Counsel

