

# House Bill 2714

Sponsored by Representative P SMITH (at the request of Professional Land Surveyors of Oregon)

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Requires person or public agency paving over survey monument to have monument replaced by registered professional land surveyor at expense of person or public agency.

Modifies definition of monument.

Modifies notice requirement for entry upon property to require notice to either landowner or occupant.

## A BILL FOR AN ACT

1  
2 Relating to land surveying; amending ORS 209.005, 209.015 and 209.150.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1.** ORS 209.005 is amended to read:

5 209.005. As used in this chapter, unless the context requires otherwise:

6 (1) "Control point" means a horizontal or vertical survey position set within the stated precision  
7 of the survey.

8 (2) "County surveyor" means an individual appointed or elected to the office of county surveyor  
9 and who is responsible for performing the duties of such office as described by law.

10 (3) "Deputy county surveyor" means an individual appointed by the county surveyor to the office  
11 of deputy county surveyor.

12 (4) "Geodetic control" means horizontal or vertical survey monuments that are primarily in-  
13 tended to be used as reference positions for other surveys or that serve to extend the national  
14 geodetic control network.

15 (5) "Monument" means any permanent material object or collection of objects, either natural  
16 or man-made, that indicates the position on the ground of a survey station, public land survey corner  
17 or accessories, or a land boundary corner [*established by a qualified surveyor*].

18 (6) "Public land survey corner" means a section corner, one-quarter section corner, Donation  
19 Land Claim corner, meander corner, witness corner or any other corner established by the General  
20 Land Office or its successor.

21 (7) "Registered professional land surveyor" has the meaning given that term in ORS 672.002.

22 **SECTION 2.** ORS 209.015 is amended to read:

23 209.015. (1) Subject to subsection (3) of this section, the county surveyor, and employees and  
24 agents of the county surveyor, may enter upon any land for the purpose of surveying or performing  
25 any work necessary to carry out existing laws and may establish permanent survey monuments.

26 (2) Any person exercising the right of entry granted under subsection (1) of this section shall  
27 do so with no unnecessary damage to the land entered upon.

28 (3) A county surveyor or any employee or agent of the county surveyor shall not enter upon or  
29 establish any permanent survey monument upon any property without first providing notice to the  
30 landowner or [*landowners and*] the occupant of the property.

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.  
New sections are in **boldfaced** type.

1        **SECTION 3.** ORS 209.150 is amended to read:

2        209.150. (1) Any person or public agency removing, disturbing, [*or*] destroying **or paving over**  
 3 any survey monument of record in the office of the county surveyor or county clerk shall cause a  
 4 registered professional land surveyor to reference and replace the monument within 90 days of the  
 5 removal, disturbance, [*or*] destruction **or paving**. The registered professional land surveyor refer-  
 6 encing and replacing the monument shall do so in the same manner that is provided for public land  
 7 survey corners according to ORS 209.140 and shall notify the county surveyor of that action within  
 8 two business days. The costs of referencing and replacing the survey monument shall be paid by the  
 9 person or public agency causing the removal, disturbance, [*or*] destruction **or paving**.

10        (2) Notwithstanding subsection (1) of this section, a county surveyor may, upon written request  
 11 and written notice to an affected property owner, provide written authorization to a registered  
 12 professional land surveyor to remove a survey monument other than a public land survey corner as  
 13 defined in ORS 209.005. A county surveyor may require that the position of the removed monument  
 14 be referenced to another survey monument and noted on a survey map filed in accordance with ORS  
 15 209.250.

16        (3) **A registered professional land surveyor, or the surveyor's agent, may recover survey**  
 17 **monuments in a public right of way. A public body, as defined in ORS 174.109, may not charge**  
 18 **the registered professional land surveyor a fee for recovering survey monuments in the**  
 19 **public right of way.**

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