

Testimony in support of HB 2351 to amend ORS 203.148

It has come to my attention that a representative of the real estate industry has objected to a house bill that is actually *crucial* to home sellers, buyers and developers – whether they know it or not. As Realtors we take pride in the protecting property owners, so I simply have to believe that the opinion rendered by our representative on this particular subject was made before all the facts were fully understood.

In 1985 the Public Land Corner Restoration Program came into being to preserve, protect and reestablish property corners that had been established by federal land surveyors as far back as the 1850's. Every other survey since then has relied on those original monuments, so the protection and reestablishment of them is vital to all land owners.

A public land corner preservation fee, limited to no more than \$10.00 per land sale deed recording, was established for the program in 1985. That \$10.00 is now only worth about \$4.50 in today's money. So the program is suffering and in need of additional funds. **HB 2351** will simply remove the \$10.00 limit thereby allowing county governing bodies to set the fee at an appropriate rate to keep pace with inflation. These funds are absolutely dedicated to land corner work and cannot be used for anything else. Oregon Law provides that this "fund shall be used only to pay expenses incurred and authorized by the County Surveyor in the establishment, reestablishment and maintenance of corners of government surveys." (**ORS 203.148**).

For those who may ask "So what? What's in it for me or my constituents?" here's the answer. This work, done by county surveyor offices, is the kind of work government exists for. It would be prohibitively expensive for an individual property buyer, seller or small developer to pay for the costs of locating and reestablishing some of these very old monuments. For example, sometimes it requires very expensive archeological techniques where the legal corners are found buried three feet down in terracotta pots.

Disputed corners and landlines can cost property owners tens if not hundreds of thousands of dollars in legal fees. Also, gas line projects, highway construction and paving projects, large developers, and city governments desperately need to know the location of these monuments.

As a retired forester and someone who has dealt with engineers and surveyors for much of my working life I can tell you that the basis for their entire line of work depends upon these property corners and the landlines which radiate from them.

Please help these public professionals to help every current and future land owner in the State of Oregon. You can do this by supporting **HB 2351** which simple amends **ORS 203.148** to remove the 24-year-old \$10.00 limit on the *public land corner preservation fee*, and thereby provide adequate funding for this most critical government service.

And don't take my word for it. Contact any County Surveyor's office and they can fill you in with more detail. Deschutes County east of the Cascades and Clackamas County west of the mountains are two examples of counties which rely heavily on land corner preservation fees to do this tremendously vital work.

Sincerely,

Keith Clinton
USDA Forester, Retired
Owner/ Broker, Realtor – *Keith Clinton Realty*
60935 Gosney Road
Bend, OR 97702
541-390-1611
keithclinton@bendbroadband.com

April 13, 2011

MEASURE: HB 2351
EXHIBIT: 5
HOUSE REVENUE COMMITTEE
DATE: 4/13/2011 PAGES: 1
SUBMITTED BY: CARL CLINTON