

House Bill 3432

Sponsored by Representative SMITH DB, Senators KRUSE, ROBLAN; Representative GOMBERG

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**.

Makes permissive rather than mandatory provision that noncompliant survey map that is not corrected by surveyor and returned to county surveyor within 30 days be forwarded by county surveyor to State Board of Examiners for Engineering and Land Surveying for action.

A BILL FOR AN ACT

1
2 Relating to the filing of survey maps; amending ORS 209.250.

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

4 **SECTION 1.** ORS 209.250 is amended to read:

5 209.250. (1) A registered professional land surveyor making a survey of lands within this state
6 wherein the surveyor establishes or reestablishes a boundary monument shall, within 45 days
7 thereafter, submit for filing a permanent map of the survey to the county surveyor for review. When
8 filed, the map is a permanent public record in the office of the county surveyor. In establishing or
9 reestablishing a public land survey corner, the surveyor shall comply with ORS 209.070 (4), 209.130
10 and 209.200. If the surveyor is unable to complete the survey and submit a permanent map within
11 45 days, the surveyor shall, within 45 days of establishing or reestablishing a boundary monument,
12 provide written notice to the county surveyor containing the reasons for the delay, an estimate of
13 the amount of time reasonably necessary to complete the survey but not exceeding 180 days, and a
14 temporary map showing the position of monuments established or reestablished.

15 (2) The permanent map must have a written narrative that may be on the face of the map. If the
16 narrative is a separate document, the map and narrative must be referenced to each other. The
17 map and narrative must be made on a suitable drafting material in the size required by the county
18 surveyor. The lettering on the map and narrative must be of sufficient size and clarity to be re-
19 produced clearly. The narrative must explain the purpose of the survey and how the boundary lines
20 or other lines were established or reestablished and must state which deed records, deed elements,
21 survey records, found survey monuments, plat records, road records or other pertinent data were
22 controlling when establishing or reestablishing the lines. If the narrative is a separate document, the
23 narrative must also contain the following:

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

25 (b) The date of survey.

26 (c) The surveyor's seal and original signature.

27 (d) The surveyor's business name and address.

28 (3) A permanent map must show the following:

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

30 (b) The date of survey.

31 (c) Scale of drawing and North Arrow.

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 (d) The distance and course of all lines traced or established, giving the basis of bearing and the
 2 measured distance and course to a monumented section corner, one-quarter corner, one-sixteenth
 3 corner or Donation Land Claim corner in Township and Range, or to a monumented lot or parcel
 4 corner or boundary corner of a recorded subdivision, partition or condominium.

5 (e) Measured bearings, angles and distances that are used as a basis for establishing or rees-
 6 tablishing lines or monuments separately indicated from those of record together with the recording
 7 reference. Metric measurements may be used if a conversion to feet is provided.

8 (f) Monuments set and their relation to older monuments found. A detailed description of mon-
 9 uments found and set must be included and monuments set must be separately indicated from those
 10 found.

11 (g) The surveyor's seal and original signature.

12 (h) The surveyor's business name and address.

13 (4)(a) Within 30 days of receiving a permanent map under this section, the county surveyor shall
 14 review the map to determine if it complies with subsections (1), (2) and (3) of this section and ap-
 15 plicable local ordinances. A map must be indexed by the county surveyor within 30 days following
 16 a determination that the map is in compliance with this section. A survey prepared by the county
 17 surveyor in an official or private capacity must comply with subsections (1), (2) and (3) of this sec-
 18 tion.

19 (b) A survey map found not to be in compliance with subsection (1), (2) or (3) of this section
 20 must be returned within 30 days of receipt for correction to the surveyor who prepared the map.
 21 The surveyor shall return the corrected survey map to the county surveyor within 30 days of receipt
 22 of the survey map from the county surveyor.

23 (c) A map that is not corrected within the specified time period [*must*] **may** be forwarded to the
 24 State Board of Examiners for Engineering and Land Surveying for action, as provided in subsection
 25 (11) of this section.

26 (d) An action may not be maintained against the county surveyor for recording a survey map
 27 that does not comply with this section.

28 (e) An action may not be maintained against the county surveyor for refusal to file a survey
 29 map that does not comply with this section.

30 (5)(a) When a survey within this state is funded entirely or in part by public funds and the
 31 survey results in the establishment of horizontal or vertical monuments for geodetic control, the
 32 registered professional land surveyor performing the survey, within 45 days after completion of the
 33 survey, shall file a report of the survey with the county surveyors of those counties where the newly
 34 established monuments are located.

35 (b) Notwithstanding paragraph (a) of this subsection, the governing body of a county may, by
 36 resolution or order, waive the filing of the report of the survey.

37 (6) A report required by subsection (5)(a) of this section may include maps or diagrams. The
 38 maps or diagrams, if included, must be referenced to each other. The report must contain the fol-
 39 lowing:

40 (a) The name and number of each newly established geodetic control monument.

41 (b) Location of newly established geodetic control monuments by Section, Township and Range.

42 (c) Location of the horizontal component of geodetic control monuments by the Oregon Coordi-
 43 nate System referenced in ORS 93.312, including the scale factor, combined scale factor, convergence
 44 and geographic or geodetic coordinates, indicating datum used.

45 (d) Location of the vertical component of geodetic control monuments by orthometric height,

1 ellipsoidal height and geoidal separation, indicating datum used.

2 (e) The date of survey.

3 (f) The business name and address of the surveyor.

4 (g) A description of all monuments set or found, including narrative or graphic information suf-
5 ficient to locate the monuments.

6 (h) A statement explaining the purpose of the survey, the equipment and procedures used, in-
7 cluding the geoid model and reference ellipsoid used, and the names or numbers of the found record
8 control monuments used and their source.

9 (i) The scale of drawing and North Arrow if a map or diagram is included.

10 (j) The seal and original signature of the surveyor.

11 (k) For geodetic control, a statement regarding the network accuracy and local accuracy of the
12 survey, categorized by horizontal position, ellipsoidal height and orthometric height, relative to the
13 National Spatial Reference System. The statement shall include the accuracy classification at the
14 95 percent confidence level for both network and local classifications in accordance with Standards
15 for Geodetic Control Networks, Part 2 of the federal Geospatial Positioning Accuracy Standards
16 (FGDC 1998) for the newly established monuments.

17 (7) The county surveyor shall file and index reports that comply with subsections (5) and (6) of
18 this section within 30 days of determining compliance.

19 (8) A monument set by a registered professional land surveyor to mark or reference a point on
20 a property or land line or to mark or reference a geodetic control survey point must be durably and
21 visibly marked or tagged with the registered business name or the letters "L.S." followed by the
22 registration number of the surveyor in charge or, if the monument is set by a public officer, the
23 monument must be marked with the official title of the office.

24 (9) If, in the performance of a survey, a registered professional land surveyor finds or makes
25 changes in a public land survey corner or its accessories as described in an existing corner record
26 or survey map in the office of the county surveyor, the surveyor shall complete and submit to the
27 county surveyor a record of the changes found or made to a corner or accessories to the corner.
28 The record must be submitted within 45 days of the corner visits, and must include the surveyor's
29 seal and original signature, business name and address, and be on stable base reproducible material
30 in the form required by the county surveyor.

31 (10) The signature and stamp of a registered professional land surveyor on a permanent survey
32 map or plat constitutes certification that the map or plat complies with the applicable provisions
33 of this chapter.

34 (11) A registered professional land surveyor failing to comply with the provisions of subsections
35 (1) to (9) of this section, ORS 92.050 to 92.080 or a county ordinance establishing standards for sur-
36 veys or plats is subject to disciplinary action by the State Board of Examiners for Engineering and
37 Land Surveying.

38 (12) A federal or state agency, board or commission, special district or municipal corporation
39 making a survey of lands within this state shall comply with this section.

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