

REVIEWED

LEGAL COUNSEL

For Recording Stamp Only

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

An Ordinance Amending Chapter 4.20, Public Land *
Corner Preservation Fund, of the Deschutes County * ORDINANCE NO. 2026-003
Code. *

WHEREAS, the Deschutes County Code (DCC) contains rules and regulations duly enacted through ordinance by Deschutes County and the Deschutes County Board of Commissioners; and

WHEREAS, from time-to-time the need arises to make amendments, including new enactments to the DCC; and

WHEREAS, staff from the Road Department/Surveyor have identified a need to amend DCC 4.20 to clarify criteria for setting recording fees; and

WHEREAS, the Board of County Commissioners of Deschutes County considered this matter at a duly noticed Board meeting on January 28, 2026, and determined that DCC 4.20 should be amended; now therefore,

THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON, ORDAINS as follows:

Section 1. AMENDMENT. DCC 4.20 is amended to read as described in Exhibit "A," attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 2. ADOPTION. This Ordinance takes effect 90 days after second reading.

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Dated this _____ of _____, 2026

BOARD OF COUNTY COMMISSIONERS
OF DESCHUTES COUNTY, OREGON

PHIL CHANG, Chair

ANTHONY DeBONE, Vice Chair

ATTEST:

Recording Secretary

PATTI ADAIR, Commissioner

Date of 1st Reading: _____.

Date of 2nd Reading: _____.

Commissioner

Yes

No

Record of Adoption Vote

Abstained

Excused

Patti Adair

Phil Chang

Anthony DeBone

Effective date: _____.

EXHIBIT A

(To Ordinance No. 2026-003)

CHAPTER 4.20 PUBLIC LAND CORNER PRESERVATION FUND

4.20.010 Purpose

4.20.020 Definitions

4.20.025 Definition; Corner

4.20.030 Definition; County Surveyor

4.20.035 Definition; Existing Corner

4.20.040 Definition; Government Corners

4.20.045 Definition; Instrument

4.20.050 Fee Established; Disposition

4.20.060 Fund Created

4.20.070 Restriction On Expenditures

4.20.010 Purpose

The purpose of DCC 4.20 is to establish a fee for the recording of documents that convey an interest in real property pursuant to ORS 205.130 by deed, to be used by the County Surveyor for the establishment, reestablishment and maintenance of corners of government surveys under ORS 209.070(5) and (6).

HISTORY

Adopted by Ord. 86-014 §1 on 2/19/1986

4.20.020 Definitions

For the purposes of DCC 4.20, unless otherwise apparent from the context, certain words and phrases used in DCC 4.20 are defined as set forth in DCC 4.20.025-045.

HISTORY

Adopted by Ord. 86-014 §2 on 2/19/1986

Amended by Ord. 95-029 §1 on 5/17/1995

4.20.025 Definition; Corner

"Corner" means a point determined by the surveying process.

HISTORY

Adopted by Ord. 86-014 §2 on 2/19/1986

4.20.030 Definition; County Surveyor

"County Surveyor" means the County Surveyor or his designee.

HISTORY

Adopted by Ord. 86-014 §2 on 2/19/1986

4.20.035 Definition; Existing Corner

"Existing corner" means one whose position can be identified by verifying the evidence of the monument or its accessories, by reference to the description and field notes, or located by an acceptable supplemental survey record, some physical evidence or testimony.

HISTORY

Adopted by Ord. 86-014 §2 on 2/19/1986

4.20.040 Definition; Government Corners

"Government corners" means and includes all corners and boundary lines as is accepted in the United States Department of Interior, Bureau of Land Management, Manual of Surveying Instruction and its supplements, such as section, quarter section, donation land claim, meander, closing, witness, state boundary and line trees. Such corners include:

- A. "Lost corner" means a point of a survey whose position cannot be determined, beyond reasonable doubt, either from traces of the original marks or from acceptable evidence or testimony that bears upon the original position, and whose location can be restored only by reference to one or more interdependent corners.
- B. "Monument" means an object or physical structure which marks the corner point.
- C. "Obliterated corner" means one at which point there are no remaining traces of the monument or its accessories, but whose location has been perpetuated, or the point for which may be recovered beyond reasonable doubt by the acts and testimony of the interested landowners, competent surveyors, or other qualified local authorities, or witness, or by some acceptable record evidence.
- D. "Restoration" means the establishment, reestablishment or maintenance for the purpose of preservation of the corner.

HISTORY

Adopted by Ord. 86-014 §2 on 2/19/1986

4.20.045 Definition; Instrument

"Instrument" means any document described in ORS 205.130(2).

HISTORY

Adopted by Ord. 87-027 §2 on 8/19/1987

Amended by Ord. 99-037 §1 on 12/15/1999

4.20.050 Fee Established; Disposition

The County Clerk shall collect a fee for the recording of an instrument as defined in DCC 4.20 in the amount ~~prescribed by the Deschutes County Fee Schedule of ten dollars per instrument~~. This fee shall be in addition to any other fee charged by the County Clerk. At least once a month the County Clerk shall deposit with the County Treasurer all fees received pursuant to DCC 4.20 in the public land corner preservation account.

HISTORY

Adopted by Ord. 86-014 §3 on 2/19/1986

Amended by Ord. 87-027 §3 on 8/19/1987

Amended by Ord. 99-037 §2 on 12/15/1999

Amended by Ord 2026-003 §1 on 5/25/2026

4.20.060 Fund Created

A public land corner preservation fund shall be created and used for the purposes stated in DCC 4.20. All moneys collected for this fund and any interest accrued to this fund, shall be deposited and credited to the public land corner preservation fund. The treasurer is authorized to invest fund balances.

HISTORY

Adopted by Ord. 86-014 §4 on 2/19/1986

Amended by Ord. 86-036 §1 on 3/26/1986

4.20.070 Restriction On Expenditures

Funds received pursuant to DCC 4.20 shall be used for establishment, reestablishment and maintenance of corners of government surveys under ORS 209.070(5) and (6) and for no other purpose.

HISTORY

Adopted by Ord. 86-014 §5 on 2/19/1986