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BEFORE THE BOARD OF COMMISSIONERS

IN AND FOR THE COUNTY OF HOOD RIVER

IN THE MATTER OF AN ORDINANCE ESTABLISHING )  
A FUND WITHIN THE GENERAL FUND TO BE KNOWN ) ORDINANCE # 168  
AS THE PUBLIC LAND CORNER PRESERVATION ) AMENDING ORDINANCE #150  
FUND AND FURTHER FOR THE SETTING OF FEES )  
FOR RECORDING CERTAIN INSTRUMENTS WITH THE )  
COUNTY CLERK.

The Commissioners of Hood River County, Oregon ordain as follows;

Section I. Short Title.

This Ordinance shall be known as the PUBLIC LAND CORNER PRESERVATION  
ORDINANCE and may be so pleaded and referred to.

Section II. Purpose.

Chapter 582, Section 5 of the 1985 Oregon Laws and Chapter 469  
of the 1987 Oregon Laws have authorized the creation of a Public Land  
Corner Preservation Fund. Chapter 582 authorizes the use of funds  
from this account for the establishment, re-establishment and maintenance  
of all corners created by government surveys. Chapter 582 further provides  
for the creation of a \$10.00 user fee to be collected at the time of  
recording certain instruments pursuant to ORS 205.130. The County  
Board recognizes this fund to be a great public benefit, with several  
thousand government corners in Hood River County needing to be established,  
re-established and maintained.

Section III. Definitions.

3.1 Government Corners: Includes all corners and boundary lines  
as accepted in the U.S. Department of Interior (Bureau of Land Management)  
Manual of Surveying Instructions and its supplements, such as section,  
quarter section, donation land claim, meander, closing, witness, State

1 boundary and line trees.

2 a. Corner: A point determined by the surveying process.

3 b. Monument: The object or the physical structure which marks  
4 the corner point.

5 c. Existent Corner: One whose position can be identified by  
6 verifying the evidence of the monument or its accessories, by  
7 reference to the description in the field notes, or located by  
8 an accepted supplemental survey record, some physical evidence,  
9 or testimony.

10 d. Obliterated Corner: One at whose point there are no remaining  
11 traces of the monument, or its accessories, but whose location  
12 has been perpetuated, or the point for which may be recovered  
13 beyond reasonable doubt by the acts and testimony of the interested  
14 landowners, competent surveyors, other qualified local authorities,  
15 or witnesses, or by some acceptable record evidence.

16 e. Lost Corner: A point of a survey whose position cannot  
17 be determined beyond reasonable doubt, either from traces of  
18 the original marks or from acceptable evidence or testimony  
19 that bears upon the original position, and whose location can  
20 be restored only by reference to one or more interdependent corners.

21 f. County Surveyor: The Hood River County Surveyor or his designee.

22 Section IV. Fees.

23 4.1 The Hood River County Clerk shall collect pursuant to ORS  
24 205.130 and ORS 205.320, in addition to any other fees, a fee of \$10.00  
25 for and upon the recording of:

26 (a) Deeds and mortgages of real property, powers of attorney

1 and contracts affecting the title to real property, authorized by law  
2 to be recorded, assignments thereof and of any interest therein when  
3 properly acknowledged or proved;

4 (b) Certificates of sale of real property under execution or  
5 order of court, or assignments thereof or of any interest therein when  
6 properly acknowledged or proved; and

7 (c) Certified copies of death certificates of any person appearing  
8 in the county records as owning or having a claim or interest in land  
9 in the county.

10 4.2 All monies collected under 4.1 above shall be deposited at  
11 least once a month with the County Department of Budget and Finance  
12 to be credited to the Public Land Corner Preservation Fund.

13 Section V. Establishment of Fund, Use of Funds.

14 5.1 Pursuant to Chapter 582 the Hood River County Treasurer shall  
15 establish a fund within the Hood River County General Fund to be known  
16 as the Public Land Corner Preservation Fund.

17 5.2 Monies in the Public Land Corner Preservation Fund shall  
18 be used only to pay expenses incurred or authorized by the County Surveyor  
19 in the establishment, re-establishment and maintenance of corners of  
20 government surveys under ORS 209.070 (5) and (6).

21 Section VI. Conformity with Law.

22 This Ordinance shall not in any way be a substitute for, nor eliminate  
23 the necessity for conformity with any and all laws superseding rules  
24 of the State of Oregon or its agencies, or any superseding ordinance,  
25 rule or regulation of Hood River County, Oregon.

1     Section VII. Separability.

2             If any Section, clause or phrase of this Ordinance, or its application  
3     to any statute, is determined by any Court of competent jurisdiction  
4     to be invalid or unenforceable for any reason, such determination  
5     shall not effect the validity of the remainder of the Ordinance or  
6     its application to any other statutes, but shall continue in effect.

7     Section VIII. Effective Date.

8             This Ordinance shall become effective thirty days after the signing  
9     hereof.

10            DATED this 4 day of January <sup>1988</sup>~~1987~~.

11                                   HOOD RIVER COUNTY BOARD OF COMMISSIONERS

12                                   Berry Kauton  
13                                   Chairman

14                                   W. E. Moore  
15                                   Commissioner

16                                   Beverly B. Rowland  
17                                   Commissioner

18                                   [Signature]  
19                                   Commissioner

20                                   [Signature]  
21                                   Commissioner