

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

In the Matter of Superceding ORS 368.106[2] - [4])
and Establishing a Procedure for the Exemption)
from the Requirements of a Survey Upon Acquiring) **ORDINANCE NO. 2003 - 01**
Interest in Real Property for Public Road Purposes)
_____)

The Board of County Commissioners for Columbia County, Oregon, ordains as follows:

SECTION 1. TITLE.

This Ordinance shall be known as Ordinance No. 2003 - 01.

SECTION 2. AUTHORITY.

This Ordinance is adopted pursuant to ORS 203.035 and ORS 368.011.

SECTION 3. PURPOSE.

The purpose of this Ordinance is to supercede provisions in ORS 368.106(2) - (4) and to adopt procedures whereby certain interests in property acquired by the County for public road purposes shall be exempt from the survey and monumenting provisions of ORS 368.106(2) - (4).

SECTION 4. FINDINGS.

A. ORS 368.106(2) - (4) requires, among other things, that when a county governing body acquires an interest in real property for public road purposes, the county governing body shall cause the road right-of-way to be surveyed and monumented.

B. Pursuant to ORS 203.035, the Board of County Commissioners may, by ordinance, exercise authority within the County over matters of County concern.

C. Pursuant to ORS 368.011(1), the Board of County Commissioners may, by ordinance, supersede any provision of ORS 368.106 pursuant to the powers granted the County in ORS 203.030 to 203.075.

D. The Board of County Commissioners, after consultation with the Public Works

Director, the Director of Land Development Services and the County Cartographer, has determined that certain situations arise wherein the County may acquire interest in real property for public road purposes which may not warrant the expense of surveying and monumenting.

E. Any interest in real property acquired for public road purposes should be surveyed and monumented unless an exemption from this requirement is approved, in writing, by the Public Works Director.

SECTION 5. AUTHORIZATION.

A. ORS 368.106(2) - (4) is hereby superceded.

B. The Board of County Commissioners adopts the following procedures to be followed when Columbia County acquires an interest in real property for public road purposes or determines that any real property already owned by Columbia County shall be dedicated for public road purposes:

- (1) Any person or entity donating or dedicating an interest in real property may request the Public Works Director to exempt such donation or dedication from the requirement that the property be surveyed and/or monumented. Any such request shall be in writing directed to the Public Works Director.
- (2) The Public Works Director, within a reasonable time, shall make a determination whether the property shall be exempt from the survey and/or monument requirement, and shall notify the person or entity requesting the exemption, in writing, of that determination.
- (3) If an exemption is granted and a dedication of property for public road purposes requires an order or resolution by the Board of County Commissioners accepting such dedication, said order or resolution shall include a statement that an exemption to the requirements of ORS 368.106(2) - (4) to survey and monument the right-of-way has been approved by the Public Works Director and the written request and exemption shall be attached as exhibits.
- (4) If surveying and monumenting is required, such surveying and/or monumenting shall be performed in compliance with the requirements of ORS 368.106(2) - (4).
- (5) The Board of County Commissioners may, upon the request of the Public Works Director, enter an order or resolution adopting or modifying the provisions set forth in this Ordinance.

SECTION 6. CONFORMANCE WITH OTHER LAWS.

Unless specifically superceded by this Ordinance or otherwise, the provisions of ORS Chapter 368 shall remain in full force and effect.

SECTION 7. SEVERABILITY.

If for any reason any court of competent jurisdiction holds any portion of this Ordinance invalid, such portion shall be deemed a separate, distinct and independent portion, and any such holdings shall not effect the validity of the remaining portions thereof.

DATED this 5th day of February, 2003.

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

Approved as to form

By: Sarah Tyson
Office of County Counsel

By: Joe Corsiglia
Joe Corsiglia, Chair

By: Rita Bernhard
Rita Bernhard, Commissioner

By: Tony Hyde
Tony Hyde, Commissioner

Attest:

By: Jan Greenhalgh
Jan Greenhalgh, Recording Secretary

First Reading: 1/22/03
Second Reading: 2/05/03
Effective Date: 5/06/03

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