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1 BEFORE THE BOARD OF COUNTY COMMISSIONERS

2 FOR LINCOLN COUNTY, OREGON

Lincoln County Legal Counsel
Ordinance # 235

3 AN ORDINANCE AMENDING ORDINANCE #178, CHAPTER SIX, ROADS, BY ADDING
4 SECTIONS 6.715 through 6.735, ESTABLISHING AN ACCOUNT WITHIN THE
5 GENERAL FUND OF LINCOLN COUNTY RELATED TO THE PRESERVATION OF CER-
6 TAIN SURVEY CORNERS: ESTABLISHING ADDITIONAL FEES FOR CERTAIN RE-
7 CORDINGS IN THE OFFICE OF THE COUNTY CLERK, and DECLARING AN
8 EMERGENCY

9 WHEREAS ORS 203.148 authorizes the Lincoln County Board
10 of Commissioners to establish by ordinance an account within the
11 general fund to be known as the "Public Land Corner Preservation
12 Account"; and

13 WHEREAS said statute further authorizes the establishment
14 of fees to be credited to the account for the recording of certain
15 instruments within the county clerk's office with all such moneys
16 to be used for the establishment, reestablishment, and maintenance
17 of corners of government surveys under ORS 209.070(5) and (6);

18 Now, therefore, the Lincoln County Board of Commissioners
19 ORDAINS as follows:

20 SECTION I: That the Lincoln Code, Chapter Six, shall
21 be amended by the addition of the following sections:

22 "6.715 Title

23 Section 6.715 through 6.735 shall be known as
24 the Public Land Corner Preservation Ordinance and may be so re-
25 ferred to and pleaded.

26 "6.720 Purpose

The purpose of sections 6.715 through 6.735 is
to establish the Public Land Corner Preservation Account within

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1 the general fund to be funded with fees charged by the county clerk
2 at the time of recording certain instruments and to provide a
3 source of funds dedicated to pay the expenses incurred or author-
4 ized by the county surveyor in the establishment, reestablishment,
5 and maintenance of corners of government surveys under ORS 209.070
6 (5) and (6).

7 "6.725 Fees

8 (1) The county clerk shall collect, in addition to any
9 other fees, a fee of \$10 for recording the following instruments:

Bargain and Sale Deed	Trustee Deed
Deed in Lieu of Foreclosure	Warranty Deed
Estoppel Deed	Vacation
Land Patent	Personal Representative Deed
Mineral Deed	
Quit Claim Deed	
Sheriff's Deed	
Timber Deed	

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15 (2) All fees collected under paragraph (1) of this sec-
16 tion shall be deposited with the county treasurer at least once a
17 month and shall be credited to the Public Land Corner Preservation
18 Account.

19 "6.730 Establishment of Account; Use of Fund
Restricted

20 The county treasurer shall establish an account within
21 the general fund of Lincoln County which shall be known as the
22 Public Land Corner Preservation Account. Moneys in this account
23 shall be used only to pay expenses incurred or authorized by the
24 county surveyor in the establishment, reestablishment, and main-
25 tenance of corners of government surveys pursuant to ORS 209.070
26 (5) and (6). Sections 6.715 through 6.735 do not authorize the

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1 county surveyor to incur expenses other than those provided for
2 periodically in the adopted budget of the county. Payment for
3 expenses within the Public Land Corner Preservation Account will
4 be paid and accounted for pursuant to the fiscal policies of the
5 county.

6 "6.735 Effective Date

7 Fees provided for in section 6.725 shall be
8 collected by the clerk for the recording of subject instruments
9 on or after the 1st day of March, 1986."

10 SECTION II: SEVERABILITY

11 If any portion of this ordinance is held
12 invalid for any reason by any court of competent jurisdiction,
13 such portion shall be deemed a separate, distinct, and independent
14 portion and such holding shall not affect the validity of the re-
15 maining portions of this ordinance.

16 SECTION III: EMERGENCY CLAUSE

17 This ordinance, being necessary for the
18 immediate preservation of the public peace, health, safety, and
19 welfare, an emergency is declared to exist and this ordinance
20 takes effect on its adoption.

21 DATED this 5th day of February, 1986.

22 LINCOLN COUNTY BOARD OF COMMISSIONERS

23 Bob Weskins
Chairman

24 R. D. Jentzi
Commissioner

25 Alberta Bryant Nays
Commissioner