

January 21, 2007

Question, Do the perimeter corners of the parent parcels need to be surveyed for a Property Line Adjustment (PLA)? Let's take a look at applicable statutes:

92.060 Marking certain points of subdivisions, partitions or condominium plats with monuments; specifications of monuments; monuments placed before recording; adjusted property line survey and monument.

(7) Except as provided in subsections (8) and (9) of this section, so let's look at (8) and (9) below... not applicable an adjusted property line created by the relocation of a common boundary as described in ORS 92.010 (7)(b) must be surveyed and monumented in accordance with subsection (3) of this section so clearly the adjusted line must be monumented, but let's see (3) below... looks like perimeter corners must also be monumented. and a survey, complying with ORS 209.250, must be filed with the county surveyor. See my conclusion at end of page...

(8) Unless the governing body of a city or county has otherwise provided by ordinance, a survey or monument is not required for a property line adjustment when the abutting properties are each greater than 10 acres. Nothing in this subsection exempts a local government from minimum area requirements established in acknowledged comprehensive plans and land use regulations. Not applicable, and now (9)

(9) The requirements of subsection (7) of this section do not apply to property transferred through a property line adjustment as provided in ORS 92.010 (7)(e). [Amended by 1955 c.756 §11; 1973 c.696 §12; 1983 c.309 §4; 1989 c.772 §9; 1991 c.331 §20; 1991 c.763 §11; 1993 c.702 §4; 1995 c.79 §32; 1995 c.382 §5; 1997 c.268 §2; 1997 c.489 §3; 1997 c.631 §391; 1999 c.1018 §3; 2005 c.230 §3; 2005 c.399 §7a]

A quick look at (7)(e):

(e) A sale or grant by a public agency or public body of excess property resulting from the acquisition of land by the state, a political subdivision or special district for highways, county roads, city streets or other right of way purposes when the sale or grant is part of a property line adjustment incorporating the excess right of way into adjacent property. The property line adjustment shall be approved or disapproved by the applicable local government. If the property line adjustment is approved, it shall be recorded in the deed records of the county where the property is located. Not applicable, back to 92.060 (7)

3) All lot and parcel corners except lot corners of cemetery lots must be marked with monuments of either galvanized iron pipe not less than one-half inch inside diameter or iron or steel rods not less than five-eighths inch in least dimension and not less than 24 inches long. Looks like all perimeter corners must be monumented, back up to 92.060 (7).

I'm no attorney, but my reading of the statute is that all corners of parent lots or parcels undergoing a Property Line Adjustment must be monumented.

NOTE: There is much current “discussion” about what is a PLA and what is a replat. Both could apply in the previously platted NORCOR and NWA land.

92.190 Effect of replat; operation of other statutes; use of alternate procedures.

(1) The replat of a portion of a recorded plat shall not act to vacate any recorded covenants or restrictions.

(2) Nothing in ORS 92.180 to 92.190 is intended to prevent the operation of vacation actions by statutes in ORS chapter 271 or 368.

(3) The governing body of a city or county may use procedures other than replatting procedures in ORS 92.180 and 92.185 to adjust property lines as described in ORS 92.010 (11), (11) “Property line adjustment” means the relocation or elimination of a common property line between abutting properties. as long as those procedures include the recording, with the county clerk, of conveyances conforming to the approved property line adjustment as surveyed in accordance with ORS 92.060 (7). Previous page. The City LUDO does not yet require a replat, therefore a PLA survey can be done.

(4) A property line adjustment deed shall contain the names of the parties, the description of the adjusted line, references to original recorded documents and signatures of all parties with proper acknowledgment. [1985 c.369 §4; 1989 c.772 §24; 1991 c.763 §20]

Either way, a full survey is required, making the decision to combine the NORCOR PLA with the neighboring Partition Plat a wise investment.

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