

Chapter 209

County Surveyors

209.050

ATTY. GEN. OPINIONS: Payment for surveys requested by private persons, 1958-60, p 344.

209.070

NOTES OF DECISIONS

The records herein provided for constitute the "surveys or resurveys" mentioned in BC 2676 [now ORS 41.540]. Sommer v. Compton, (1908) 52 Or 173, 96 P 124, 1065; Cody v. Black, (1920) 97 Or 343, 191 P 319, 192 P 282.

A surveyor other than a county surveyor may testify to a survey made by him of property in controversy. Longview Fibre Co. v. Johnston, (1951) 193 Or 385, 238 P2d 722.

Under the law and the General Land Office rules a lost government corner might be located in any one of two places: in its original location, if there is some acceptable evidence thereof; by location with reference to one or more known corners. Id.

ATTY. GEN. OPINIONS: Payment for surveys requested by private persons, 1958-60, p 344; right of entry to survey, 1962-64, p 469.

209.080

ATTY. GEN. OPINIONS: Payment for surveys requested by private persons, 1958-60, p 344.

209.160

NOTES OF DECISIONS

This section applies only when a boundary is doubtful, disputed, or uncertain, and a line that has been accepted as correct for more than 10 years is neither uncertain nor doubtful. Egan v. Finney, (1903) 42 Or 599, 72 P 133.

If this section is valid, a survey made pursuant to its provisions is final and conclusive upon the parties. Clark v. Boosey, (1908) 52 Or 448, 97 P 754.

A survey under this section is a nullity, if at the time it was made there was no uncertainty in respect of the boundary. McCully v. Heaverne, (1917) 82 Or 650, 160 P 1166, 162 P 863.

There is nothing conclusive about a survey made for the purpose of straightening a fence, and not to establish a disputed boundary. Pubols v. Jacobsen, (1919) 91 Or 256, 177 P 629.

A boundary accepted for more than 30 years is not doubtful, uncertain, or disputed, so as to authorize proceedings by the county surveyor to establish a different division line under this section. Ogilvie v. Stackland, (1919) 92 Or 352, 179 P 669.

This section does not deprive a landowner of the right to have a survey made by a private surveyor in order to establish the boundaries of his land. Longview Fibre Co. v. Johnston, (1951) 193 Or 385, 238 P2d 722.

ATTY. GEN. OPINIONS: Validity of survey without notice, 1962-64, p 385.

209.170

ATTY. GEN. OPINIONS: Validity of survey without notice, 1962-64, p 385.

209.180

ATTY. GEN. OPINIONS: Payment for surveys requested by private persons, 1958-60, p 344.

209.200

NOTES OF DECISIONS

The rules given in this section do not apply to meander lines run along a river bank. Armstrong v. Pincus, (1916) 81 Or 156, 158 P 662.

This section makes monuments control courses and distances in the establishment of boundaries. Hickey v. Daniel, (1921) 99 Or 525, 195 P 812.

Under the law and the General Land Office rules a lost government corner might be located either in its original location, if there is some acceptable evidence thereof, or by location with reference to one or more known corners. Longview Fibre Co. v. Johnston, (1951) 193 Or 385, 238 P2d 722.

A surveyor other than a county surveyor may testify to a survey made by him of property in controversy. Id.

209.210

NOTES OF DECISIONS

The court does not know, as a matter of law, that the county surveyor always keeps a retinue of regular salaried employees. State v. Hare, (1916) 78 Or 540, 153 P 790.

209.230

ATTY. GEN. OPINIONS: Authority of surveyor to provide office with instruments and engineering equipment, 1924-26, p 337; payment for surveys requested by private persons, 1958-60, p 344.

209.250

ATTY. GEN. OPINIONS: Application of section to private surveyors, 1946-48, p 137; effect of the 1949 amendment, 1948-50, p 283; notes and plats to establish lot corners in previously platted subdivisions, 1948-50, p 283; effect of failure to comply, 1958-60, p 165.

209.990

CASE CITATIONS: State v. Johnson, (1969) 1 Or App 363, 462 P2d 687.