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Clackamas County
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Billy J. Williams
County Counsel

April 9, 2026

BCC Agenda Date/Item: _____

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Board of County Commissioners
Clackamas County

**Second Reading of Ordinance 02-2026, “An Ordinance Amending Ordinance 2-97,
Public Land Corner Preservation, and Declaring an Emergency.”
No fiscal impact. No County General Funds are involved.**

Previous Board Action/Review: Ordinance 2-97 was approved by the Board on June 5, 1997.
March 12, 2026, first reading of Ordinance 02-2026 to amend Ordinance 2-97.

Performance Clackamas: Build Public trust through good government, and ensuring safe, healthy,
and secure communities.

Counsel Review: JM 3/31/2026

Procurement Review: N/A

Contact Person: Jeffrey D. Munns

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EXECUTIVE SUMMARY:

Ordinance 2-97 was adopted on June 5, 1997, to establish a fee and for the creation of the “Public Land Corner Preservation Fund”. This fund is used by the County Surveyor in the establishment, re-establishment, and maintenance of corners of government surveys as provided by State Law. This fund was authorized by ORS 203.148 and applies to recording instruments under ORS 205.130(2). By statute and Ordinance 2-97 the fee was previously set at \$10.

2025 HB3175 amended ORS 203.148 to allow the Board of County Commissioners to set the fee by resolution following a public hearing for recording all instruments under ORS 205.130(2) in addition to any other fee charged by the county clerk. The proposed Ordinance and revised language of Ordinance 2-97 are attached to this staff report.

On March 12, 2026, the proposed revisions to Ordinance 2-97 were presented to the Board. The Board unanimously voted to read the Ordinance by title only. The ordinance was assigned number 02-2026 and read by title only. The Board then voted unanimously to set April 2, 2026, as the date for the second reading of Ordinance 02-2026.

For Filing Use Only

This Ordinance includes an emergency declaration to allow the amendment to Ordinance 2-97 to be effective upon adoption and prior to upcoming public hearings for the approval of a resolution to set fees that will include new rates for the recording of instruments under ORS 205.130(2).

RECOMMENDATION: Staff recommends the Board of County Commissioners read Ordinance 02-2026 to amend Ordinance 2-97 by title only, declare an emergency, and to hold the second public hearing on April 9, 2026, to consider public input. Staff recommend the Board approve Ordinance 02-2026.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'J. Munns', is positioned above the typed name.

Jeffrey D. Munns
Assistant County Counsel

ORDINANCE NO. 02-2026

An Ordinance Amending Clackamas County Ordinance 2-97, Public Land Corner Preservation Ordinance, and Declaring an Emergency.

WHEREAS, the Board finds it necessary to amend Clackamas County Ordinance 2-97, the Public Land Corner Preservation Ordinance to change how the fee is set. ORS 203.148(1) was amended by the Oregon Legislature in 2025 HB3175 to allow the Board of County Commissioners to set the fee by resolution following a public hearing for recording all instruments under ORS 205.130(2) in addition to any other fee charged by the county clerk. The amendments are shown in Exhibit A; and,

Now, therefore, the Board of Commissioners of Clackamas County ordains as follows:

Section 1: Ordinance 2-97, the Public Land Corner Preservation Ordinance, is hereby amended as shown on Exhibit "A", attached hereto and incorporated herein by this reference.

Section 2: The Board of Commissioners hereby finds and declares that an emergency exists because the immediate effect of this ordinance is necessary to allow for the Public Land Corner Preservation Fee to be set during the normal fee adoption process by resolution.

Section 3: Effective date. The changes to fees authorized by this ordinance and shown on the attachments shall become effective following the second reading and adoption of this Ordinance on April 9, 2026.

ADOPTED this 9th day of April 2026.

CLACKAMAS COUNTY
BOARD OF COMMISSIONERS

Chair

Recording Secretary

ORDINANCE 2-97

AN ORDINANCE ESTABLISHING THE PUBLIC CORNER LAND PRESERVATION FUND, ESTABLISHING AND SETTING A FEE FOR RECORDING ALL DOCUMENTS RECORDED PURSUANT TO ORS 205.120, AND DECLARING AN EMERGENCY.

WHEREAS, upon the application of the Clackamas County Surveyor's Office, this ordinance was read by title only at public hearings of the Board of County Commissioners on May 16, 1997, and June 5, 1997, for the purpose of taking public testimony and considering the adoption of this ordinance, and no member of the County governing body present at the meeting requested that the ordinance be read in full; and

WHEREAS, the Board of County Commissioners heard and considered the testimony and evidence presented by the County staff and those appearing at the public hearing; and

WHEREAS, the Board of County Commissioners determined that adoption of this ordinance would be in the best interest of the people of Clackamas County; and

WHEREAS, the Board of County Commissioners further found that an emergency situation exists in Clackamas County for the preservation of the public peace, safety and welfare of the citizenry of the County and that this ordinance shall therefore take effect immediately.

THE BOARD OF COUNTY COMMISSIONERS HEREBY ORDAINS AS FOLLOWS:

Section 1. Title

This ordinance shall be known as the Public Land Corner Preservation Ordinance.

Section 2. Purpose

The purpose of this ordinance is to establish the Public Land Corner Preservation Fund authorized by ORS 203.148 for the following reasons:

1. The accurate descriptions of real property in public records is essential to the property rights held by all citizens of Clackamas County;
2. The establishment, re-establishment, and maintenance of corners of the Public Land Survey System is vital to promote accuracy in ownership, descriptions, and surveys of real property and in public records of real property ownership;

The funds authorized under ORS 203.148 are necessary in order for the County to implement programs to fulfill this need.

Section 3. Fee Collection

- A. ~~There is hereby established a fee shall be set by resolution following a public hearing for recording all instruments under ORS 205.130(2) of \$10.00 to be charged and collected by the County Clerk in advance of filing and recording of all instruments recorded under ORS 203.148(2).~~
- B. This fee is in addition to and not in lieu of any other fee or tax imposed by Clackamas County or state law for the recording of documents, survey services, or any other purpose.

Section 4. Fund Segregation

All monies collected pursuant to this Ordinance shall be deposited at least once a month to a separate fund hereby established and to be known as the "Public Land Corner Preservation Fund."

- A. All monies credited to said fund, together with the interest thereon, shall be used only to pay the expenses incurred and authorized by the County Surveyor in the establishment, re-establishment, and maintenance of corners of government surveys as provided by State Law.

Section 5. Severability

A determination by a court of competent jurisdiction that any section, clause, phrase or word of this Ordinance, or its application, is invalid or unenforceable for any reason shall not affect the validity of the remainder of the Ordinance or its application and all portions not so stricken shall continue to remain in full force and effect.

Section 6. Emergency

To carry out the intent of this Ordinance an emergency is hereby declared to exist and this Ordinance shall take effect the next Monday following adoption by the Board.

Adopted June 5, 1997.