



Deschutes County Surveyor's Office Plat and Survey Review Policies

This document is intended to help land surveyors avoid common mistakes which have delayed plat and survey review and to also provide potential fixes for some common problems.

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DESCHUTES COUNTY SURVEYOR'S OFFICE

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Section 1**Survey, Property Line Adjustment, and Plat Drafting Standards**

Pursuant to ORS and Office policy:

- Acceptable scales are 1" = 10', 20', 30', 40', 50', 60' & 80' and scales of even 100 foot increments (examples 1"=100', 1"=500', 1"=1000').
- Acceptable sheet size is 18" x 24" ([ORS 209.250\(2\)](#) and [ORS 92.080](#))
- Permanent maps may be prepared on any of the following materials: ([ORS 209.250\(2\)](#) and [ORS 92.080](#))
 - black archival ink on mylar of at least four mil thickness that is suitable for binding and copying
 - black archival ink on HP matte polypropylene film that is suitable for binding and copying
 - black archival ink on acid free paper, paper weight shall be ≥ 20 lb, that is suitable for binding and copying
- All lettering must have a minimum height of 2.0 millimeters (0.08 inch). Linework on the survey must be at such a width as to be reproducible by scanning and/or photocopying.
- No binding edge is required on surveys, property line adjustments, or plats.
- Survey and Property Line Adjustment borders: No plat information may come nearer to the edge of the sheet than one-half (1/2) inch.
- Plat borders: No plat information may come nearer to the edge of the sheet than one (1) inch.
- Black archival ink only. No gray scale or screened lines.

Narrative Requirements

ORS 209.250 (2) The permanent map must have a written narrative...

The narrative **must explain**

1. the purpose of the survey and
2. how the boundary lines or other lines were established or reestablished and
3. **must state** which
 - deed records,
 - deed elements,
 - survey records,
 - found survey monuments,
 - plat records,
 - road records or
 - other pertinent data

...were controlling when establishing or reestablishing the lines.

ORS 209.250(2) in its entirety, minus the portion concerning a narrative submitted as a separate document:

ORS 209.250 Survey by registered land surveyor; requirements for map, narrative or report of survey; waiver of required filing; effect of noncompliance.

(2) The permanent map must have a written narrative that may be on the face of the map... The narrative must explain the purpose of the survey and how the boundary lines or other lines were established or reestablished and must state which deed records, deed elements, survey records, found survey monuments, plat records, road records or other pertinent data were controlling when establishing or reestablishing the lines.

At Deschutes County we consider the four corners of the map to be part of the narrative, especially if the narrative contains wording such as “monuments were held as shown”, with other notes on the map showing “held” on certain monuments or in the legend. Also if other notes or annotations explain what elements on the survey map were controlling... “NE corner set by distance/distance intersection of (R4) record distances from the found (R4) NW and SW corners.”

Section 1**Registration Information on monuments**

Every survey monument set in the field, that is intended to be shown on a filed survey, must have identifying markings (registration number, company name, or organization). This provides a simple method to identify the physical monument and the corresponding survey.

Please be sure that caps on rods or pipes and washers on PK or MAG nails set as control points for maps being filed to fulfill the requirements of [ORS 209.150](#) and [ORS 209.155](#) are marked according to statute.

This practice is good for the public and good for land surveyors. We receive frequent calls from citizens asking about property corners and monuments they find. Monuments that are properly marked in accordance with statutes are easy to identify and explain. Random unmarked scribes, irons, or nails are not.

Newly established network control points shown on Control and Recovery Surveys are, by definition, being established to *reference a point on a property or land line*.

Due to the blurred line that now exists because of the wide spread use of GPS and geodetic coordinate systems such as the OCRS or the Central Oregon Coordinate System (COCS or COGRID), almost any tied or set monument can be considered geodetic control if its coordinate values are published.

ORS 209.250(8) *A monument set by a registered professional land surveyor to mark or reference a point on a property or land line or to mark or reference a geodetic control survey point must be durably and visibly marked or tagged with the registered business name or the letters "L.S." followed by the registration number of the surveyor in charge or, if the monument is set by a public officer, the monument must be marked with the official title of the office.*

ORS 209.155(3) *The types of monuments shall be as described in ORS 92.060*

ORS 92.060 *calls for 5/8" rebar or 1/2" inside diameter pipes, 24" long. It also says the County Surveyor may authorize the setting of another type of monument.*

GNSS Basis of Bearings Statements

CENTRAL OREGON COORDINATE SYSTEM

Merely stating that the Central Oregon Coordinate System (C.O. Grid) is the basis of bearing for a survey or plat is not sufficient for a Basis of Bearing statement. A few examples of accepted methods of citing the C.O. Grid are:

CS18127

BASIS OF BEARINGS

BASE BEARING DETERMINED FROM THE CENTRAL OREGON COORDINATE SYSTEM USING CONTROL MARKS 15130900 AND 15131600. N00°33'29"W ~ 5258.71 (RECORD). N00°33'29"W ~ 5258.56 (MEASURED).

CS18107

THE BASIS OF BEARINGS FOR THIS SURVEY IS THE CENTRAL OREGON COORDINATE SYSTEM BASED UPON GPS OBSERVATIONS AT NGS STATION 'PILOT BUTTE' (PID QD1681), ALSO KNOWN AS CENTRAL OREGON COORDINATE SYSTEM CONTROL POINT 'GIS 031'. THE PUBLISHED CENTRAL OREGON COORDINATE SYSTEM COORDINATES FOR "GIS 031" WERE HELD.

CS18133

THE BASIS OF BEARINGS IS THE NORTH LINE OF THE NORTHEAST ONE-QUARTER (NE1/4) OF SECTION 11 BEING NORTH 89°34'52" WEST (CENTRAL OREGON COORDINATE SYSTEM) AS SHOWN HEREIN. BASIS OF BEARINGS DETERMINED BY RTK (REAL TIME KINEMATIC) OBSERVATION FROM THE DESCHUTES COUNTY, REDMOND ORGN (OREGON REAL TIME GPS NETWORK) BASE.

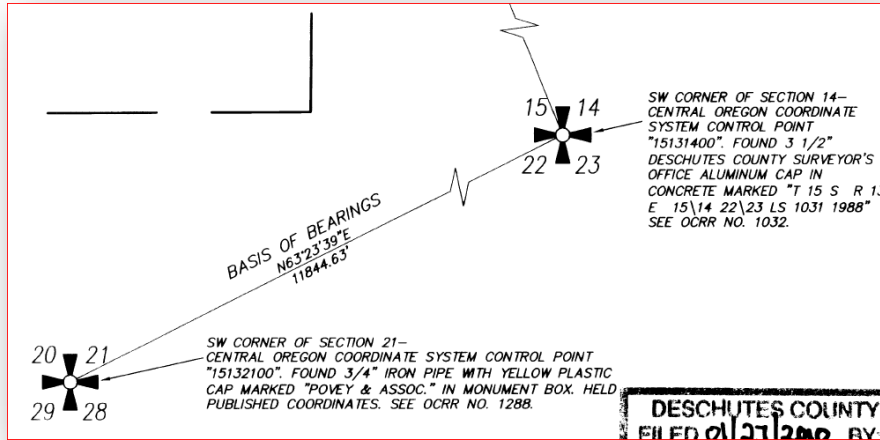
CS18146

BASIS OF BEARING

DESCHUTES COUNTY COORDINATE SYSTEM RECORD BEARING
S0°04'42"W BETWEEN O.C.R.R. 030 AND 016

CS18108

THE BASIS OF BEARINGS FOR THIS SURVEY IS BASED ON THE BEARING OF THE LINE BETWEEN CENTRAL OREGON COORDINATE SYSTEM CONTROL POINTS '15132100' AND '15131400' AS BEING NORTH 63°23'39" EAST AS COMPUTED FROM THEIR PUBLISHED COORDINATES. SEE DETAILS ON THIS SHEET.



EXAMPLES OF OPUS SOLUTION FOR BASIS OF BEARING

CS18257

PROJECT PROCEDURES

WE PERFORMED A STATIC GPS SURVEY AROUND THE PROJECT AREA BRACKETING THE SITE. THESE CONTROL POINTS WERE SUBMITTED TO NGS FOR OPUS SOLUTION IN NAD 83 (CORS 96). THE LATITUDE AND LONGITUDE OF THE NGS OPUS SOLUTIONS WERE CONVERTED BY TRIMBLE GEOMATICS SOFTWARE TO GRID COORDINATES IN WGS 84 USING THE MAPPING PARAMETERS SHOWN HEREON. WE THEN CALIBRATED OUR TRIMBLE 5700 GPS SYSTEM ON THESE POINTS IN RTK MODE AND SURVEY TIED THE PREVIOUSLY MONUMENTED CORNERS OF THE SECTIONS CONTROLLING OUR WORK DIRECTLY BY GPS USING THE CONTROL POINTS ESTABLISHED USING THE GPS. WE THEN SEARCHED FOR THE REMAINING CONTROLLING CORNERS, TYING THE FOUND CORNERS AND RE-ESTABLISHING THOSE CORNERS BY SURVEY NECESSARY TO COMPLETE THE SUBDIVISION OF THE SECTIONS IN ACCORDANCE WITH THE BUREAU OF LAND MANAGEMENT MANUAL OF INSTRUCTIONS. AFTER CORNER DETERMINATION WE USED OUR GPS EQUIPMENT IN RTK MODE TO MONUMENT THE CORNERS OF THIS SURVEY AND POST THE BOUNDARY LINES DEPICTED ON THIS PLAT. SURVEY PROCEDURES FOLLOWED THE "STANDARDS AND GUIDELINES FOR CADASTRAL SURVEYS USING GLOBAL POSITIONING SYSTEM METHODS, VERSION 1.0. MARCH 31, 2001 AS ADOPTED BY THE USDOI BUREAU OF LAND MANAGEMENT AND USDA FOREST SERVICE". BEARINGS ARE BASED ON GPS "NORTH" FOR THE PROJECT USING THE NGS OPUS SOLUTION SHOWN FOR POINT NUMBER 2 LOCATED NEAR THE CORNER 2-3, 1/4 S31/S6.

CS18112 Sheet 1 & Sheet 4

GENERAL SURVEY NOTES

1. FIELD SURVEY NOTES ARE ON FILE IN THE OFFICE OF ARMSTRONG SURVEYING & ENGINEERING, INC., 267 NE SECOND STREET, PRINEVILLE, OREGON. TWO BOOKS.
2. BEARINGS ARE GPS NORTH AS PER THE NGS OPUS SOLUTION FOR THE PROJECT – SEE NARRATIVE FOR ADDITIONAL DETAILS.

PROJECT PROCEDURES

WE PERFORMED A STATIC GPS SURVEY AROUND THE PROJECT AREA BRACKETING THE SITE. THESE CONTROL POINTS WERE SUBMITTED TO NGS FOR OPUS SOLUTION. THE CALCULATED LATITUDE AND LONGITUDE OF THE NGS OPUS SOLUTIONS WERE CONVERTED TO GRID COORDINATES BASED ON WGS 84. WE THEN CALIBRATED OUR TRIMBLE 5700 GPS SYSTEM ON THESE POINTS IN RTK MODE AND SURVEY TIED THE PREVIOUSLY MONUMENTED CORNERS OF THE SECTIONS CONTROLLING OUR WORK EITHER DIRECTLY BY GPS OR BY CLOSED CONVENTIONAL TRAVERSE FROM CONTROL POINTS MEASURED BY GPS IN THE CORNER VICINITY. WE THEN SEARCHED THE REMAINING CONTROLLING CORNERS AND RE-ESTABLISHED THOSE CORNERS TO SUBDIVIDE THE SECTIONS IN ACCORDANCE WITH THE 1973 BUREAU OF LAND MANAGEMENT (BLM) MANUAL OF INSTRUCTIONS. WE THEN USED OUR GPS EQUIPMENT IN RTK MODE IN COMBINATION WITH CONVENTIONAL TRAVERSE ORIGINATING FROM GPS RTK POINTS TO MONUMENT THE CORNERS REQUIRED UNDER THIS CONTRACT AND POST THE BOUNDARY LINES DEPICTED ON THIS PLAT. BEARINGS ARE BASED ON GPS "NORTH" FOR THE PROJECT USING THE NGS OPUS SOLUTIONS.

EXAMPLE OF GNSS OBSERVATIONS AND CORS DATA FOR BASIS OF BEARING

CS18111

BASIS OF BEARINGS

BEARINGS ARE GEODETIC DETERMINED BY GPS OBSERVATIONS TAKEN AT THE 1/4 CORNER COMMON TO SECTIONS 16 AND 21, T. 14 S., R. 8 E. W.M. THE CONVERGENCE AT THIS LOCATION IS -00°52'47" (GRID TO GEODETIC)

SURVEY METHOD

THIS SURVEY WAS PERFORMED BETWEEN OCTOBER 13TH AND OCTOBER 16TH TO ESTABLISH THE POSITIONS OF THE CONTROLLING MONUMENTS AND PROJECT CONTROL FOR AN RTK GPS SURVEY TO MARK THE BOUNDARY OF THE MOUNT WASHINGTON WILDERNESS FROM ANGLE POINT NUMBER 88 THROUGH ANGLE POINT NUMBER 89 TO ANGLE POINT NUMBER 90.

THE POSITIONS OF THE CONTROLLING SECTION, 1/4 SECTION AND WILDERNESS BOUNDARY ANGLE POINT WAS DETERMINED BY A STATIC GPS SURVEY USING TOPCON DUAL FREQUENCY HIPER GPS RECEIVERS. THE NETWORK WAS POST PROCESSED USING TOPCON TOOLS POST PROCESSING SOFTWARE AND WAS CONSTRAINED HORIZONTALLY TO NGS CORS STATIONS REDM, STAY AND LPSB AND CONSTRAINED VERTICALLY TO STATION REDM HOLDING THEIR PUBLISHED NAD 83(2007) ADJUSTED POSITIONS. THE WILDERNESS BOUNDARY WAS MARKED USING A

EXAMPLE OF PROJECTION DEFINITION AND GNSS OBSERVATION TECHNIQUES

CS20002

BASIS OF BEARINGS

BEARINGS, DISTANCES AND COORDINATES ARE GRID VALUES BASED ON THE CENTRAL OREGON COORDINATE SYSTEM (COCS). THE BASIS OF BEARINGS FOR THIS SURVEY IS DEFINED AS FOLLOWS:

LINEAR UNIT: INTERNATIONAL FOOT (ift)
 ELLIPSOIDAL DATUM (AND REALIZATION): NAD83(1991)
 PROJECTION: TRANSVERSE MERCATOR
 LATITUDE OF GRID ORIGIN: 43°00'00" N
 LONGITUDE OF CENTRAL MERIDIAN: 121°17'00" W
 NORTHING AT GRID ORIGIN: 0.000 ift
 EASTING AT CENTRAL MERIDIAN: 3,300,000.000 ift
 SCALE FACTOR ON CENTRAL MERIDIAN: 1.00016 (EXACT)

ALL DISTANCES AND BEARINGS SHOWN HEREON ARE PROJECTED (GRID) VALUES BASED UPON THE PRECEDING PROJECT DEFINITION. THE BASIS OF BEARINGS IS GEODETIC NORTH. NOTE THAT THE GRID BEARINGS SHOWN HEREON (OR IMPLIED BY GRID COORDINATES) DO NOT EQUAL GEODETIC BEARINGS DUE TO MERIDIAN CONVERGENCE.

PROJECT CONTROL WAS ESTABLISHED WITH GPS REAL TIME KINEMATIC (RTK) OBSERVATIONS USING CORRECTORS BROADCAST FROM THE ODOT OREGON REALTIME GPS NETWORK (ORGN) AND THE DESCHUTES COUNTY SURVEYOR'S OFFICE DESCHUTES 13 TRANSFORMATION FOR THE CENTRAL OREGON COORDINATE SYSTEM. SEE THE DESCHUTES COUNTY SURVEYOR'S WEBSITE FOR FURTHER INFORMATION ON THE DESCHUTES 13 TRANSFORMATION.

A brief statement similar to this explaining what survey methods were used to reference a survey onto a specific system... i.e. static GNSS, traverse from existing geodetic control, real time positioning via the ORGN, etc. can be very helpful for those retracing the survey in years to come.

Section 1

Deed Citations on Surveys - Deschutes County Deed Records and Official Records

Deed Records - From 12/13/1916 to 12/31/1982 all deeds in Deschutes County concerning real property conveyances and easements were filed in "Deed Records". (Mortgage Records were filed in "Mortgage Records", Miscellany deeds in "Miscellaneous Deeds", etc.) The deeds were recorded in consecutively numbered volumes, or books, beginning with Volume 1. After a certain number of pages were recorded a new volume would be started. A deed for this time period would be cited as "Vol. 25, Page 300, **Deed Records**". "Deed Records" is often abbreviated "D.R." on local surveys and Assessor's maps.

A multi-page deed in these records has each page stamped with a consecutive recording page number. If the document recorded in Vol. 25, Page 300 has two pages the second page is Vol. 25, Pg. 301 and the next deed starts at Vol. 25, Pg. 302. For multi-page deeds it is standard practice to cite the first page of the deed. If the description for a tract of land is on page 301 of the above deed, the deed citation would still cite the first page such as "All of that land described in Vol. 25, Page 300, Deed Records..."

Official Records - Starting in 1/1/1983 all the various types of deeds and documents were recorded in the consolidated "Official Records". The official records also began with Volume 1, therefore you need to cite these deeds as "Vol. 25, Page 300, **Official Records**" so as not to confuse them with the earlier Vol. 25, Page 300 of Deed Records or Mortgage Records or Miscellaneous Records. "Official Records" is often abbreviated "O.R." on local surveys and Assessor's maps.

Additionally, Official Records (1983 to 1998) also employed an "instrument number". The format used was YY-#####. The instrument appears at the center top of the first page and is repeated in the recording certificate of the last page. This method also help identify you had a complete document knowing the first and last page of a document. An example of a citation for this on a survey would be "93-16297" which could also be cited as "Vol. 299, Pg. 1599, Official Records."

As in Deed Records, these Official Records volumes were originally consecutively numbered according to a set amount of pages and a multi-page document would encompass numerous page numbers. In 1999 new volumes of Official Records were assigned the year number and a volume now encompasses an entire year rather than a set number of pages. These more current Official Records deeds are cited as "Vol. 1999, Pg. 2390, Official Records", "Vol. 2011, Pg. 21685, Official Records" or "Year 2011 Document 21685, Official Records". In the Volume=year deeds, multi-page deeds do not have recording page numbers assigned for each page. For example, Volume 2000, Page 1 of Official Records is a 3 page Document. The next document recording is Volume 2000, Page 2 (instead of Volume 2000, Page 4 like in the earlier volumes). (The reason for the change to current recording methodology (Year and Document) was in light of the Y2K issue back in the year 2000 where many computer systems abbreviated a year to only 2 digits).

Deed Records encompass Volumes/Books 1-366.

Official Records encompass Volumes/Books 1-529 and 1999 to the present year.

Crook County Deeds – Deschutes County was a portion of Crook County until December 13, 1916. The first 19 volumes of Deschutes County Deed Records are transcripts of Crook County deeds that affected properties in what is now Deschutes County.

If you are searching in the Deschutes County Deed Records for a deed that has a Crook County Volume and Page, you will need to hunt and peck through the Deed Records Volumes 1 through 19 to find it. It appears that the Crook County deeds were transcribed consecutively in the Deschutes Deed records with Deschutes County Vol. 1 Pg. 1 Deed Records equaling Crook County Vol. 39, Deeds, Page 301 and Deschutes County Vol. 19 Pg. 650 Deed Records equaling Crook County Vol. 39, Deeds, Page 301.

Section 1

Initial point or reference to

ORS 92.060 Marking subdivision, partition or condominium plats with monuments; types of monuments; property line adjustment. (1) *The initial point, also known as the point of beginning, of a plat must be on the exterior boundary of the plat and must be marked with a monument that is either galvanized iron pipe or an iron or steel rod. If galvanized iron pipe is used, the pipe may not be less than three-quarter inch inside diameter and 30 inches long. If an iron or steel rod is used, the rod may not be less than five-eighths of an inch in least dimension and 30 inches long. The location of the monument shall be with reference by survey to a section corner, one-quarter corner, one-sixteenth corner, Donation Land Claim corner or to a monumented lot corner or boundary corner of a recorded subdivision, partition* or condominium plat. When setting a required monument is impracticable under the circumstances, the county surveyor may authorize the setting of another type of monument.*

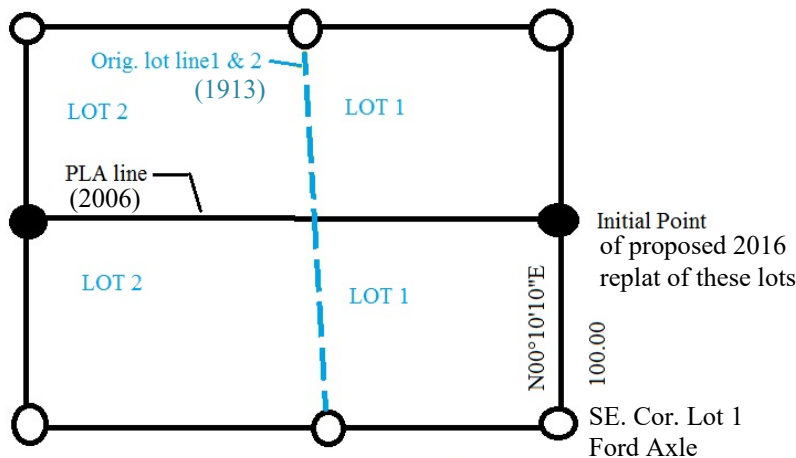
ORS 92.070 Surveyor's certificates; procedure for recording monumented corners on plat previously recorded; reestablishing certain monuments. (1) *Except as otherwise provided in this section, a subdivision or partition plat designating the location of land in a county in the State of Oregon, offered for record, must include on the face of the plat a surveyor's certificate, together with the seal and signature of the surveyor having surveyed the land represented on the plat, to the effect that the surveyor has correctly surveyed and marked with proper monuments the lands as represented and has placed a proper monument as provided in ORS 92.060 indicating the initial point of the plat and its location in accordance with ORS 92.060 (1) and accurately describing by metes or bounds, or other description as approved by the county surveyor, the tract of land upon which the lots and blocks or parcels are laid out.*

If your initial point is not a PLSS corner or a monumented lot or partition corner, it has to be referenced to one and stated in the certificate. In the example below, Lots 1 and 2 were resurveyed in a subsequent 2006 Property Line Adjustment (PLA) and now are going to be replatted. The surveyor selected one of the corners set in the PLA as the new plat's initial point. In the certificate the initial point needs to make reference to a monumented lot corner from the Orokla plat to satisfy the requirements if ***ORS 92.060(1)***. The monument set in the PLA is not "***a monumented lot corner or boundary corner of a recorded subdivision, partition* or condominium plat.***" Had the surveyor selected the monumented SE corner of Lot 1, then the additional reference call would not be needed in the certificate. The certificate would read: *Beginning at the initial point, a Ford axle monumenting the southeast corner of Lot 1, Block 1, in the plat of "Orokla"*

Section 1

The initial point does not have to be an original Lot corner; it can be another monument that has been set to perpetuate the location of the original.

**We read this to mean that not only partition boundary corners but also interior partition parcel corners can be used as initial points or used as a reference to an initial point. Boundary corners from pre-1990 minor and major partitions do not qualify as partition parcel corners.*



- Fnd. monument per plat
- Fnd monument set in PLA

Certificate
 Beginning at the initial point, a 5/8" rebar with a yellow plastic cap marked "LS 2390", which bears N00°10'10"E a distance of 100.00 feet from the Ford Axle monumenting the southeast corner of Lot 1, Block 1, Orokla, thence...

Record of Survey and Property Line Adjustment Review Information

This chapter is intended to help land surveyors familiarize themselves with our review policies and procedures for Records of Survey (ROS) and Property Line Adjustments (PLA).

SURVEY SUBMISSIONS

Initial submittals – We require 3 copies of Records of Survey and Property Line Adjustments for review. The copies must bear the surveyor’s seal and signature; one of the copies must bear an original wet signature. A survey will not be accepted for review until deposits/fees have been paid. Checks should be made out to “Deschutes County Surveyor’s Office”. Credit card payment by phone is also accepted, please call 541-388-6581. A link to our fee schedule can be found here: <https://www.deschutes.org/road/page/surveyors-office>

Mylar or HP polypropylene film (at initial submittal) - Surveyors may submit their survey on mylar or HP polypropylene film. We also require 1 paper copy of the survey and a copy of the appropriate check list (ROS or PLA) found on our website.

Section 1

Review your survey against the check list, check all the appropriate items on the list, sign it, and submit it along with your survey. Please note, your survey will still be reviewed by the County Surveyor's Office pursuant to ORS 209.250.

Permanent Maps - All surveys submitted for filing must be black archival ink on acceptable material (see page 3 of this document). If the ink/material combination is determined to be inadequate due to instability of the ink/material combination or other reasons, we will reject the map. You must then submit another permanent map that will pass muster.

REVIEW PROCESS

Typically, we will review the survey and send back any redline edits to the surveyor. The surveyor then makes any appropriate corrections and then submits a permanent map for filing. We retain a copy of the redlines for our review file; you do not need to return the redlines with the permanent map.

PROPERTY LINE ADJUSTMENTS

Many of the local planning departments still refer to Property Line Adjustments as Lot Line Adjustments. It is a local colloquialism and the two terms are synonymous.

1. Multiple Adjustments

This office will accept surveys showing more than one property line adjustment. If a planning department approves a series of adjustments on abutting properties, we will accept a single survey depicting the multiple adjustments. If a single survey depicts multiple adjustments, all of the planning approval numbers must be included in the title block:

PROPERTY LINE ADJUSTMENT
LLA-07-02: POCO BELLA LOT 4 & POCO BELLA LOT 5
LLA-07-08: POCO BELLA LOT 4 & OAK HILLS LOT 7
LLA-07-09: POCO BELLA LOT 5 & OAK HILLS LOT 7

PROPERTY LINE ADJUSTMENT
LL-06-76 & LL-06-77 MAY 15, 2007
LOCATED IN THE WEST ONE-HALF OF
SECTION 15, TOWNSHIP 16 SOUTH,
RANGE 11 EAST, WILLAMETTE MERIDIAN,
DESCHUTES COUNTY, OREGON

RECORD OF SURVEY - LOT LINE ADJUSTMENTS

CITY OF BEND LOT LINE ADJUSTMENTS NO. 07-417 AND NO. 07-418, LOCATED IN THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER (SW1/4 NE1/4) OF SECTION 20, TOWNSHIP 17 SOUTH, RANGE 12 EAST, W.M., CITY OF BEND, DESCHUTES COUNTY, OREGON

2. Deed Information shown on Property Line Adjustments

We require the Volume and Page of the deeds that create the new Property Lines (or describe the new lot boundaries if both parcels are under one ownership) to be either cited in the survey narrative or otherwise annotated on the survey. In the past, Property Line Adjustments have been filed in our office that have not been completed due to failure of the owners to exchange deeds to complete the process. By inking the deed citations on the surveys, the public record will not be cluttered by the filing of inaccurate or misleading surveys.

Section 1

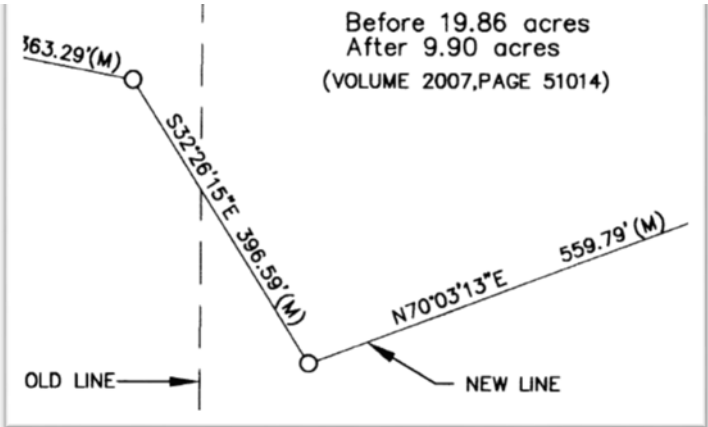
This deed information will also bring these surveys into compliance with [ORS 209.250 \(2\)](#), which states, in part:

“Such permanent map shall have a written narrative The narrative ... shall state which deed records, deed elements ... or any other pertinent data were controlling when establishing or reestablishing the lines.”

EXAMPLES OF DEED CITATIONS ON FILED PROPERTY LINE ADJUSTMENT

DEEDS RECORDED WITH REGARD TO THIS ADJUSTMENT WERE FILED NOVEMBER 5, 2007 IN VOLUME 2007 PAGE 58437 AND PAGE 58438, DESCHUTES COUNTY OFFICIAL RECORDS.

- REFERENCES**
- A. VILLAS AT PRONGHORN TOWNHOMES, BY W&H PACIFIC, RECORDED MARCH 17, 2006 IN THE DESCHUTES COUNTY OFFICIAL RECORDS AS CS16825.
 - B. DEED RECORDED IN DESCHUTES COUNTY OFFICIAL RECORDS AS VOL. 2007, PAGE 59608.
 - C. DEED RECORDED IN DESCHUTES COUNTY OFFICIAL RECORDS AS VOL. 2007, PAGE 59609.



We will accept for review Property Line Adjustment surveys that have not yet had the deeds recorded. We ask that you place the appropriate wording on the survey regarding the deed recordings, with blanks or some other indication of where the Volume and Page will be shown when the deeds are recorded and the permanent map of the survey is submitted for filing.

Section 1

Oregon Corner Restoration Records (OCRR) for Government Corners

Oregon Corner Restoration Records (OCRR) - Pursuant to *ORS 209.250(9)*, in the course of your survey if you visit a Government corner and find that the corner or its accessories have had changes made from its current record or you make changes to the corner or its accessories, you must submit a record of the change to the county surveyor. This record should typically be an OCRR (preferred), but the county surveyor may allow the record changes to be shown on a survey/plat. We will review and file an OCRR at no charge.

Examples of OCRRs can be found on our on-line research application in the ‘‘OCRR’’ section.

Recording Plat and Survey Related Affidavits

It has come to our attention that some documents (Affidavit of Correction, Affidavit of Completion, Interior Corner Monumentation, etc.) needing to be recorded at the Clerk's Office have been rejected for various reasons. To reduce turnaround time, the following is a list of mandatory requirements for recording at the Clerk's Office. Please visit <https://www.deschutes.org/clerk/page/recording-fees> to see if additional recording requirements or fees are in effect.

- 1. Both the surveyor's and notary's stamps must be current. The stamps must be clear in order to reproduce the document (light or smeared stamps are unacceptable).
- 2. Surveyor's name (typed), signature line, dates and surveyor's stamp is required.
- 3. Notary's name, signature, date and notary's stamp are required.

Subscribed and sworn to before me on this _____ day of month, year by
_____.
(Surveyor's name)

- 4. State and County need to be stated:
State of Oregon)
)
County of Deschutes County)
- 5. The description of the Subdivision or Partition must be described exactly as it is on the recorded plat (Partition Number or full Subdivision Name) plus plat cabinet number. Failure to include words such as Phase and Number, Estate, Addition, Townsite, Homesites, Replat, etc. will result in the document being filed incorrectly.
- 6. In the case of correcting a survey or property line adjustment, the Township, Range, Section and Quarter need to be included.
- 7. At the upper left corner of the first page type:
After recording return to:
Deschutes County Surveyor
61150 SE 27th St.
Bend, OR 97702

DESCHUTES COUNTY SURVEYOR'S OFFICE

Not your business address. The Surveyor's Office will make photocopies of the record documents along with the receipt and mail all copies back to you.

8. Check for recording the affidavit must be made out to Deschutes County Clerk. The Clerk's Office recording fees can be found here: <https://www.deschutes.org/clerk/page/recording-fees>
9. Allow a Space measuring 4 1/4" wide by 1 3/4" high in the upper right or lower right corner of the first page for the Clerk's recording label.

When you prepare an affidavit for a survey or plat, bring it to the Surveyor's Office with a check for the review fee made out to the Deschutes County Surveyor's Office, along with the recording check for the Clerk's Office. We will review the affidavit and correspond with you if changes need to be made. Once the document is ready to record, we will sign it and take it to the Clerk's Office for recording. Your receipt for recording and a copy of the deed will be sent to you.

Section 2**Plat Review Information**

This chapter is intended to help land surveyors familiarize themselves with our review policies and procedures for Subdivisions, Partitions and Condominiums.

None of the cities in Deschutes County have city surveyors, so our office performs all survey related plat review. The following are brief explanations of our plat review program. Some of these subjects are elaborated on in other documents on this web site.

For the following sections, "plat" pertains to subdivision, partition, and condominium plats.

Plat Naming Policy

In Deschutes County, all plat name requests for Subdivisions and Condominiums are handled through the County Surveyor's Office.

ORS 92.090(1) states:

"Subdivision and condominium plat names shall be subject to the approval of the County Surveyor, in the case where there is no County Surveyor, the County Assessor. No tentative subdivision plan or subdivision plat shall be approved which bears a name similar to or pronounced the same as the name of any other subdivision in the same county, unless the land platted is contiguous to and platted by the same party that platted the subdivision bearing that name or unless the party files and records the consent of the party that platted the contiguous subdivision bearing that name."

To clarify this statute, the following policies are adopted:

- If a proposed subdivision or condominium is adjacent to an existing subdivision and proposes to use the same name, the subdividers must either be the same, or must acquire a notarized affidavit from the subdivider of the adjacent plat and record that affidavit with the County Recorder. A recorded copy must be provided to the County Surveyor prior to name approval being granted.
- No subdivision or condominium name shall begin with "A", "The" or other similar words, or use the words "Subdivision", "Addition", "Plat" or "Replat" in the name of the subdivision. Also, plat names shall not include lot, tract or block designations such as "Painted Ridge At Broken Top Lots 1 Thru 3 Tracts H And J"
- No subdivision or condominium name shall contain symbols to replace words such as "@" for "at" or "&" for "and".
- Replat subdivisions shall be given a new, unique, plat name and not include the original plat name. An example is the plat of "Austen Acre". This plat was not named "Replat of Lots 1 and 2, block SS, Deschutes River Woods", although this wording is required in the title block. Lot numbering on replats begins with Lot 1.

Section 2

To reserve a plat name, fill out the [Plat Name Approval Request Form](#) and email it to surveyor@deschutes.org. Once approved, the signed form will be sent back to you. The plat name will be reserved for a period of two years.

County Partitions

Deschutes County Code requires monumentation on all County partitions, regardless of acreage:

DCC 17.24.050. Requirements of Survey and Plat.

B. Parcels of 10 acres or more created by partition are subject to all survey and monument requirements. (Ord. 93-012 §25(AA), 1993; Ord. 90-003 §1,

In some instances, a variance to this requirement can be applied for through the County Planning Department. The Planning Department and the Surveyor's Office will review these requests. Sometimes a partial variance will be allowed, such as just requiring monumentation on a 40 acre tract being partitioned off a 20 square mile parent parcel.

Plat Submissions

When plats are first submitted to this office, we require 3 copies of the plat to be submitted. The copies must bear the surveyor's seal and signature; one of the copies must bear an original wet signature. A plat will not be accepted for review until the deposits/fees have been paid. Checks should be made out to "Deschutes County Surveyor's Office". Credit card payment by phone is also accepted, please call 541-388-6581. A link to our fee schedule can be found here:

<https://www.deschutes.org/road/page/surveyors-office>

County Plats – If a plat is under County jurisdiction, you will also need to submit a copy of the plat and any other required documentation such as engineering plans, to the County Road Department. The fee schedule for the road department can be found here: <https://www.deschutes.org/road/page/permits-and-fees>

Checks for Road Department review should be made out to the "Deschutes County Road Department". Credit card payment by phone is also accepted, please call 541-388-6581.

Title Reports/Subdivision Guarantees

All plats submitted for review shall be accompanied by the current vesting deed and a report, issued by a title company, or authorized agent to perform such services in Oregon, setting forth *current* ownership and all easements of record (i.e. a report such as a preliminary title report, subdivision guarantee, or others reports deemed acceptable by the Deschutes County Surveyor's Office). At the time the permanent map of a plat is submitted for approval, it shall be accompanied by a report issued no more than 30 days prior to the submittal of the permanent map. During the review process, the surveyor may be required to submit copies of any or all easements affecting the platted property or copies of the deeds for all abutting properties or other documentation as requested by the County Surveyor's Office.

Section 2

Revisions of plat boundaries and/or lot configuration

If a plat in our review queue is re-submitted due to changes in the configuration of the plat boundary or the lots, parcels, tracts, or roads within the plat, the time spent to recheck the alterations on the plat will be billed out at actual cost of services per our fee schedule. You must submit boundary closures for the changed areas and a revised title report if applicable. We will try to reshuffle our workload to accommodate these changes. Expect a delay of one to two weeks. When a boundary or lot configuration revision is submitted, a transmittal letter briefly stating what boundary lines or lots have changed from the original submittal must accompany it. If applicable, you must also submit a copy of the approval for the change from the governing planning authority.

Permanent Maps for Plats

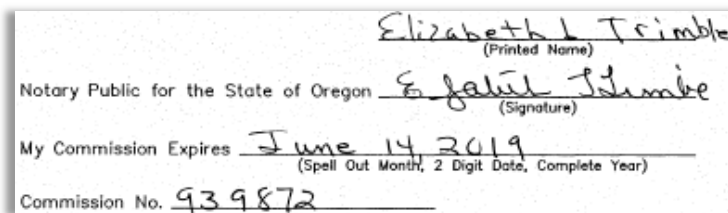
- Only one copy of the permanent map will be reviewed and signed by this office.
- You do not need to submit a paper copy of the permanent map and you do not need to return the original redlines we send to your office. We make copies of the redlines we send out which are in our review file
- The permanent map shall be accompanied by a title report/subdivision guarantee issued no more than 30 days prior to the submittal of the permanent map.
- All of the declarants must sign first, with their signatures acknowledged by a notary. No notary stamp is required on subdivision, partition, or condominium plat, see [ORS 194.280\(8\)](#).
- Plats under the jurisdiction of the City of Bend must be signed by the declarants and by the City of Bend before our office will sign. For all other plats in Deschutes County there is no order of approval signatures, except the County Commissioners, who sign last on plats that bear their approval signature block.
- For post monumented plats; the post monumentation deposit must be submitted before we will sign the permanent map of the post monumented plat. The estimated cost of performing the work for the remaining monumentation will be determined by the Deschutes County Surveyor's Office, see [ORS 92.065\(1\)](#).
- Actual cost of review deficits and estimated review fees must be payed prior to plat approval.
- The permanent map will not be signed if the field inspection has failed.
- We do not circulate the plat for you, nor do we record it for you. Drop the permanent map off at our office along with a memorandum stating that this is a permanent map for review and approval and when it is signed we will call the person who dropped it off to have them pick it up.
- If your plat needs to be approved by the County Road Department (public works), please arrange for them to sign at the same time we do as we are in the same office building. The Road Department will not sign until all Road Department review fees have been paid and all required improvements have been approved.
- True and exact copies of plats are not required in Deschutes County (effective October 27, 2020), see [DCC 17.24.150 G](#).

Section 2

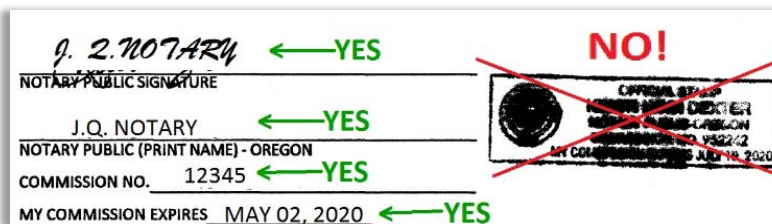
Notary Stamps

Notary Stamps are **not** required on subdivision, partition, or condominium plats. See [ORS 194.280 \(8\)](#) below. We have had a number of plat mylars submitted that have had the declarants signature acknowledged by notaries who have also stamped the plat with their notary stamp. Please share this with your clients when you release your mylar to them for signatures.

Correct



Incorrect



Problems with notary stamps on mylar plats

The stamp pads are usually not inked with archival ink. Sometimes the stamps are blue ink which is not allowed by statute. The stamps tend to smear and smudge other parts of the mylar when rolled up and can possibly obliterate other critical data on the plat. For these reasons state law allows notary stamps to be excluded from plats.

All signatures or other handwriting on plats must be in **black archival ink**.

ORS 194.280 Certificate of notarial act.

(1) A notarial act must be evidenced by a certificate.

...

(8) The imprint of the official stamp of a notary public is not required to effectuate a notarization of a subdivision or partition plat required under ORS 92.010 to 92.192 or a condominium plat required under ORS 100.115, or any replat, supplement or amendment thereto, if the following appear below the notary public's signature:

(a) The printed name of the notary public;

(b) The words "NOTARY PUBLIC - OREGON";

(c) The words "COMMISSION NO." immediately followed by the notary public's commission number; and

(d) The words "MY COMMISSION EXPIRES" immediately followed by the date the notary public's commission expires, expressed in terms of the month, by name not abbreviated, two-digit date and four-digit year. [2013 c.219 §14]

Section 2

Field Inspections

We will not perform a field inspection of a subdivision's or condominium's monumentation until the surveyor submits the appropriate field inspection form. The three forms, and explanations of their use are:

SUBDIVISION/CONDOMINIUM FIELD INSPECTION REQUEST

This form is to be used to for all Subdivision and Condominium plats. A few scenarios can be anticipated for plat review and field inspections for subdivisions and condo plats:

1. Subdivision or Condominium is submitted to our office for review and the monumentation is already complete.

You can submit the Field Inspection Request when you submit the plat for its initial review.

2. Subdivision or Condominium is submitted to our office for review and monumentation is not complete.

Anytime during the review process (between initial submittal and permanent map submittal) you can submit the Field Inspection Request. If monumentation has changed from what was shown on the original paper copies, attach a new paper copy of the plat showing the correct monumentation on it. This copy of the plat will only be used for field inspection and will not be reviewed for math, technical or legal content. Once the field inspection is approved and the permanent map is submitted, the permanent map will be compared against this field copy for monumentation accuracy and against the technical/legal check redlines for all other review.

If you complete your monumentation after your initial submittal and the monumentation has not changed from that shown on the initial submittal copies, please note on the form that the monumentation on the first paper copies we received is correct and the plat is ready for inspection.

3. The Field Inspection Request is submitted with the permanent map.

You may submit this form with the permanent map. Please note that we have a two-week window to complete the field inspection, so your permanent map will be on hold until the Field Inspection is complete.

Section 2

SUBDIVISION POST MONUMENTATION FIELD INSPECTION REQUEST

Include this form when you submit the post monumentation Affidavit of Interior Monumentation. The affidavit must also be accompanied with a check, made out to the Deschutes County Clerk's Office, for recordation of the affidavit. The Clerk's fees are listed at:

<https://www.deschutes.org/clerk/page/recording-fees>

The entire project must be monumented and flagged before we will perform our inspection. Once the inspection is approved, we will sign and record the Affidavit at the Clerk's Office and submit the paperwork for the release of the post monumentation deposit to the County Treasurer's office. The post monumentation deposit amount is determined by the Deschutes County Surveyors Office pursuant to **ORS 92.065**.

Per **ORS 92.065(2)** this office may require post monumentation.

ORS 92.065 Monumenting certain subdivision corners after recording plat; bond, cash deposit or other security. (2) *The county surveyor may require that the setting of the remaining corners of the subdivision be delayed, according to the provisions of this section, if the installation of street and utility improvements has not been completed, or if other conditions or circumstances justify the delay.*

PARTITION PLAT MONUMENTATION CERTIFICATION

Deschutes County is unique in that Deschutes County Code **(DCC) 17.24.100.(A)(2)** allows the County Surveyor to perform field inspections on partitions whereas Oregon Revised Statutes only requires field inspections on Subdivisions and Condominiums **ORS 92.100(2) & (3)**.

DCC 17.24.100. Technical review.

A. Review by Surveyor.

2. The surveyor shall not approve a partition unless he is satisfied that all required monuments on the exterior boundary and all required parcel corner monuments have been set.

In most cases the Partition Plat Monumentation Certification is the document which satisfies the provisions of **DCC 17.24.100(A)(2)** in lieu of a field inspection. We reserve the right to perform field inspections on various partitions, so it would be prudent to submit this form prior to submitting the permanent map. You will be notified if it has been determined that your partition requires a field inspection.

Plat boundary monuments

ORS 92.060 Marking subdivision, partition or condominium plats with monuments; types of monuments; property line adjustment.

(5) A surveyor shall set monuments on the exterior boundary of a subdivision, unless the county surveyor waives the setting of a particular monument, where changes in the direction of the boundary occur and shall reference the monuments on the plat of the subdivision before the plat of the subdivision is offered for recording...

(6) A surveyor shall set all monuments on the exterior boundary and all parcel corner monuments of partitions, unless the county surveyor waives the setting of a particular monument, before the partition plat is offered for recording...

As a general rule our office will not waive these plat boundary monument requirements unless the corner is physically impossible or impractical to set (e.g. a corner falls in the Deschutes River or the boundary is the center of the Pilot Butte Canal).

If a surveyor of a plat determines that an existing monument is near the corner, but not at the corner, the surveyor's "true" plat corner must be monumented pursuant to the above laws rather than not being set with a note on the plat that it is a certain distance and bearing from the found monument. At least a "pincushion" in the field will alert landowners to the fact that differing opinions exist as to the location of a corner, whereas a landowner will not likely be aware of or even understand a "paper pincushion" on a plat filed at the Clerk's Office. It has been our experience that the majority of the time landowners have used the existing monument that the platting surveyor called off (without setting their own monument at the "true" position). Non-surveyors rarely go to the plat and realize they have to measure 0.12 feet north and then 0.21 feet east from the piece of iron they found in the ground to determine where their un-monumented "true" corner exists according to the plat. They base their ownership on the monuments they see in the ground and build their improvements accordingly.

Section 3**Affidavits prior to recording the plat****PLAT DECLARATIONS**

If the declarant is not able to sign the plat, they can sign an Affidavit of Consent to Declaration deed.

This deed is recorded just before the plat is recorded at the Clerk's Office. A consent block is needed on the plat, which will have the Vol. and Pg. of the Affidavit of Consent to Declaration inked in prior to recording the plat. This has been used in the past when it was known that the owner was going to be out of the area at the time the permanent map was circulated for approval. This procedure is spelled out in **ORS 92.075(4)** which says in part *"...the fee owner... may record an affidavit consenting to the declaration of property being subdivided or partitioned and to any dedication or donation of property to public purposes"*.

In *Example 1a* and *Example 1b*, Rubin, Garrigan, Armstrong, Ostroff, the Buxtons and Kingsbury were the declarants for Awbrey Woods Phase 2. Rubin and Garrigan signed the plat. Armstrong, Ostroff, the Buxtons and Kingsbury, who lived in California, executed an "Affidavit of Consent and Declaration of Dedication" deed which was shipped back to Oregon and then recorded prior to the plat being recorded. By doing this, the permanent map did not need to be shipped to California for signatures by Armstrong, Ostroff, the Buxtons and Kingsbury.


Section 3

Example 1a Consent of OWNERS by deed with the deed information then placed on the plat (Portion of Deed Vol. 2007 Pg. 31967).

DESCHUTES COUNTY OFFICIAL RECORDS
NANCY BLANKENSHIP, COUNTY CLERK

2007-31967

\$51.00



06/06/2007 01:05:26 PM

D-AFFCD Cnt=1 Str=23 J5
\$25.00 \$11.00 \$10.00 \$5.00

After recording return to:

Ronald L. Rubin
P.O. Box 2028
Sisters, OR 97759

AFFIDAVIT OF CONSENT AND DECLARATION OF DEDICATION

J. Chester Armstrong, as to an undivided 9.930% interest; Nicholas A. Ostroff, as to an undivided 4.965% interest; Nigel D. O. Buxton and Constance M. Buxton, as to an undivided 17.288% interest, and John H. Kingsbury, as to an undivided 17.288% interest, as tenants in common, hereby consents to the subdivision and declaration of the plat of "AWBREY WOODS, PHASE II", being a replat of Lot 14, AWBREY WOODS, PHASE I, located in the northeast one-quarter of Section 25, Township 17 South, Range 11 East, Willamette Meridian, City of Bend, Deschutes County, Oregon.

The Declarant's interest in this property arises from that Statutory Warranty Deed, recorded July 5, 2006, in Volume 2006, Page 46099, Deschutes County Official Records.

This Affidavit of Consent to Declaration is being recorded pursuant to ORS 92.075(4).

Dated this 29th day of DECEMBER, 2006.

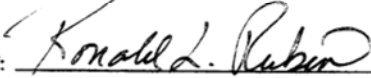
By: [Signature]
Nigel D.O. Buxton

By: [Signature]
Constance M. Buxton

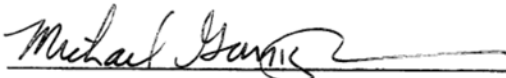
Example 1b Portions of Plat (CS17366) with Vol. 2007 Pg. 31967 information.

DECLARATION

KNOW ALL PERSONS BY THESE PRESENTS THAT RONALD L. RUBIN, AS TO AN UNDIVIDED 33.241% INTEREST; MICHAEL GARRIGAN, AS TO AN UNDIVIDED 17.288% INTEREST; J. CHESTER ARMSTRONG, AS TO AN UNDIVIDED 9.930% INTEREST; NICHOLAS A. OSTROFF, AS TO AN UNDIVIDED 4.965% INTEREST; NIGEL D. O. BUXTON AND CONSTANCE M. BUXTON, AS TO AN UNDIVIDED 17.288% INTEREST; AND JOHN H. KINGSBURY, AS TO AN UNDIVIDED 17.288% INTEREST AS TENANTS IN COMMON, THE OWNERS OF THE LAND SHOWN ON THIS PLAT, HAVE CAUSED SAID LAND TO BE SURVEYED AND PLATTED INTO LOTS, AS SHOWN ON THIS PLAT MAP, AND HEREBY SUBMIT FOR APPROVAL AND RECORD SAID PLAT OF "AWBREY WOODS, PHASE II" HENCEFORTH TO BE SO KNOWN.

BY: 

RONALD L. RUBIN, TENANT IN COMMON

BY: 

MICHAEL GARRIGAN, TENANT IN COMMON

"AFFIDAVIT OF CONSENT AND DECLARATION DEDICATION" FOR REMAINING TENANTS IN COMMON IS RECORDED IN VOLUME 2007, PAGE 31967, DESCHUTES COUNTY OFFICIAL RECORDS.

Section 3

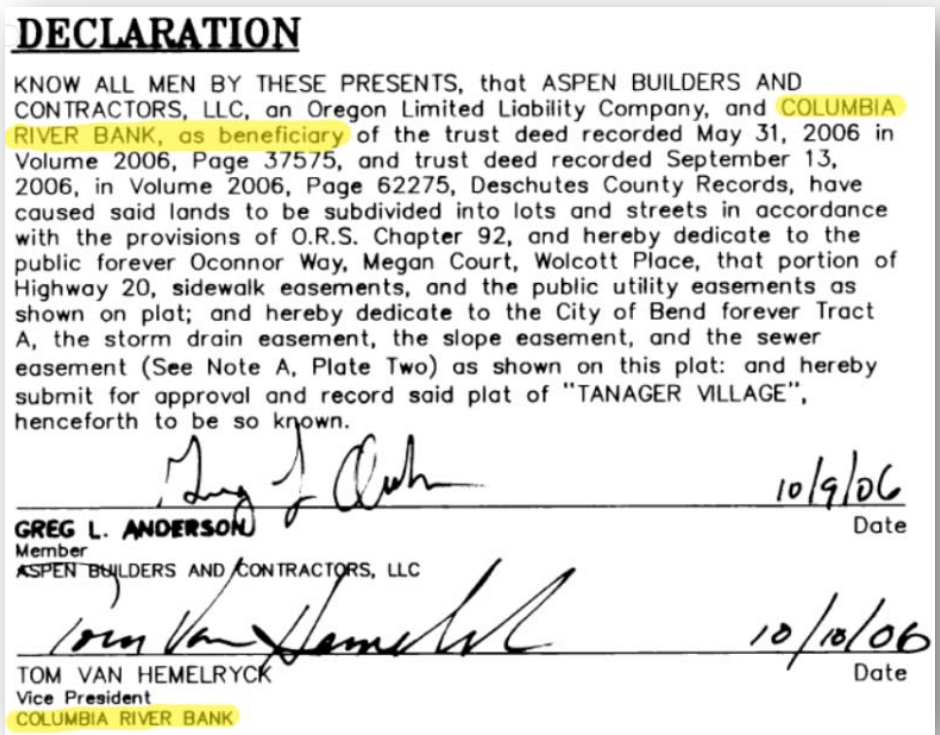
TRUST/MORTGAGE DEED HOLDER (BENEFICIARY ON TITLE REPORT) CONSENT TO DECLARATION:

- Required on all Partitions and Subdivisions dedicating road right-of-way or granting PUBLIC utility easement, or any other any dedication or donation of land to public purposes ([ORS 92.075 \(3\)](#)).
- Required on all County Partitions and Subdivisions even if there is no dedication or donation of land to public purposes on the plat ([DCC 17.24.060.Q](#))
- Not required on condominiums plats (right-of-way cannot be dedicated on condos, although public utility easements (“PUE”) can be granted, but an Affidavit of Consent to Declaration is still not required on a Condo for PUEs).
- Consent can be a signature on the plat or an “Affidavit of Consent to Declaration” deed recorded right before the plat per [ORS 92.075\(4\)](#). The plat then has the volume and page of the Deed inked onto the consent block of the plat.

➤ *NOTE: A lien holder does not need to be mentioned in, or sign or consent to, the declaration.*

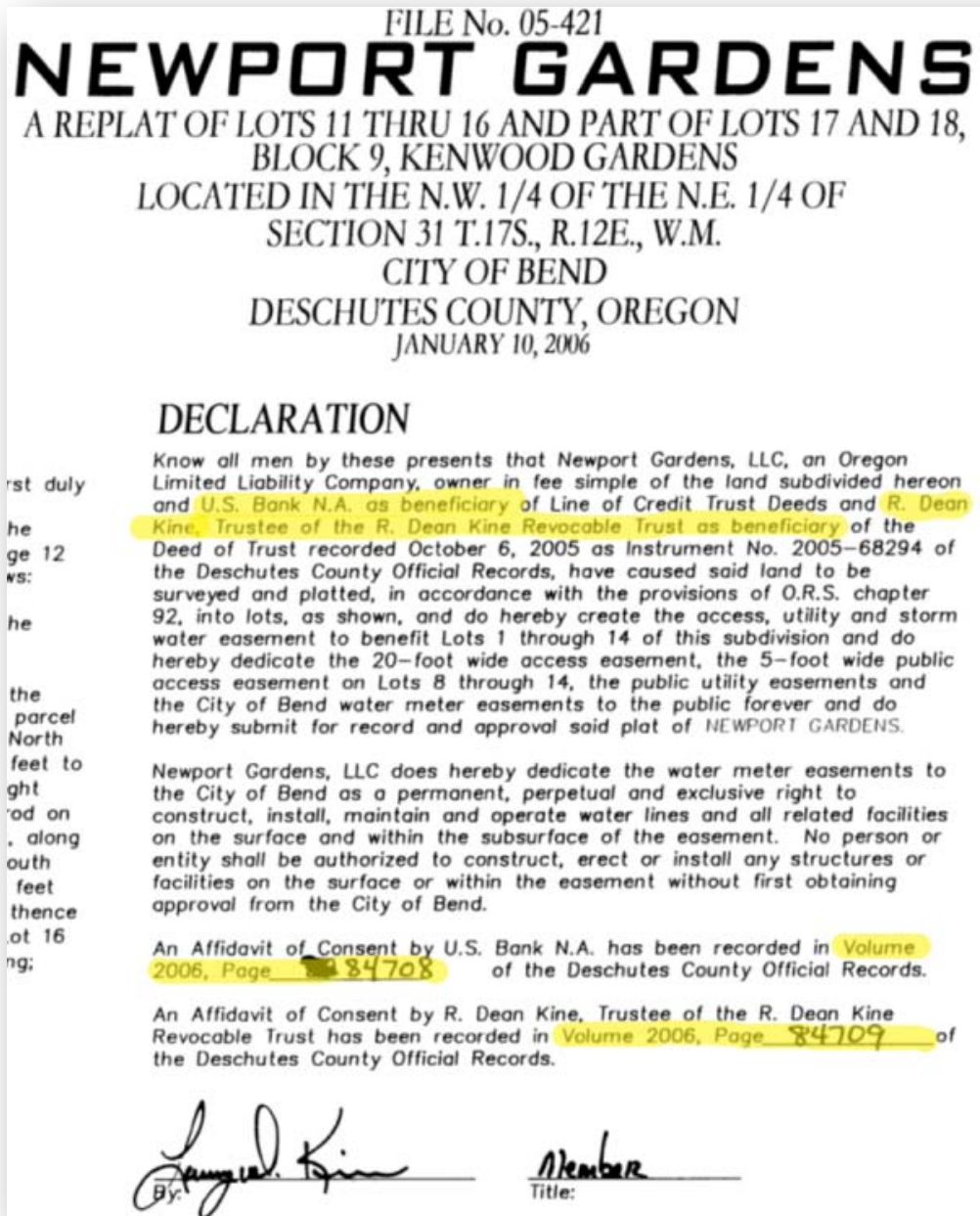
The following examples cover most of the situations for Consent to Declaration deeds.

Example 2 *Consent signature on deed - the beneficiary of a trust deed signing a plat (not shown in this snippet is that the signature is also acknowledged by a notary elsewhere on the sheet).*



Section 3

Example 3 Consent by deed with the deed information then placed on the plat. In this example the plat was encumbered by two different trust deed holders, so both had to consent. The consent affidavits were recorded just before the plat, their recording information was inked onto the mylar, and then the mylar was recorded.



➤ **NOTE:** In the above example, the trust beneficiaries are stated in the declaration. This is not necessary. See Example 4 on the next page.

Section 3

Example 4 Trust deed/Mortgage holder does not need to be mentioned in declaration. This plat is similar to example 3; however the parties consenting are not mentioned in the declaration. This works fine and may be less troublesome to fix in case the mortgages are paid off before the plat is ready for recording (in which case the consent blocks would be lined through since they would no longer be applicable) or the mortgage is assigned to a different beneficiary (in which case the declaration would not need to be altered or crossed out, just the consent blocks below). Plat of Kian Canyon (CS17166).

DECLARATION

KNOW ALL PEOPLE BY THESE PRESENTS, THAT FEHLMAN LAND AND HOMES, INC., AN OREGON CORPORATION, IS THE OWNER OF THE LANDS SHOWN ON THIS REPLAT OF "KIAN CANYON", THE BOUNDARY OF WHICH IS MORE PARTICULARLY DESCRIBED IN THE SURVEYOR'S CERTIFICATE, AND THAT SAID CORPORATION CAUSED THE SAME TO BE SURVEYED AND REPLATTED INTO LOTS AND EASEMENTS, AND SAID CORPORATION DOES HEREBY SUBMIT FOR RECORD AND APPROVAL SAID REPLAT, AND DOES HEREBY DEDICATE TO THE CITY OF REDMOND FOREVER THAT CITY OF REDMOND SEWER EASEMENT, THOSE PUBLIC UTILITY EASEMENTS AND THOSE SLOPE EASEMENTS SHOWN HEREON.

Steve D. Fehلمان
STEVE D. FEHLMAN, PRESIDENT,
FEHLMAN LAND AND HOMES, INC.

ACKNOWLEDGEMENT

STATE OF OREGON }
COUNTY OF DESCHUTES } S.S.

OFFICIAL SEAL
ROBERT R. POVEY
NOTARY PUBLIC - OREGON
COMMISSION NO. 381445
MY COMMISSION EXPIRES JUN 12, 2008

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME BY STEVE D. FEHLMAN, PRESIDENT, FEHLMAN LAND AND HOMES, INC. ON THIS _____ DAY OF _____ 2006.

Robert R. Povey
NOTARY PUBLIC, STATE OF OREGON

NAME: Robert R. Povey
COMMISSION NUMBER: 381445
EXPIRATION DATE: June 12, 2008

CONSENT TO DECLARATION

A SUBDIVISION CONSENT AFFIDAVIT FROM BANK OF SALEM HAS BEEN RECORDED IN BOOK 2006, PAGE 83196 .
DESCHUTES COUNTY RECORDS.

CONSENT TO DECLARATION

A SUBDIVISION CONSENT AFFIDAVIT FROM R. BRUCE DUSTERHOFF HAS BEEN RECORDED IN BOOK 2006, PAGE 83197 .
DESCHUTES COUNTY RECORDS.

EXAMPLES OF VARIOUS WORDING IN CONSENT TO DECLARATION DEEDS

Example 5 Bend subdivision (portion of Vol. 2006 Pg. 75187).

AFFIDAVIT OF CONSENT TO DECLARATION

Community Financial Corporation does hereby consent to the subdivision and declaration of **NORTHCREST SUBDIVISION** located in the east 1/2 of Section 16 of Township 17 South and Range 12 East of the Willamette Meridian, City of Bend, Deschutes County, Oregon as shown on this plat map and fully described as follows:

Beginning at a 5/8" iron rod with a "SCE&S" yellow plastic cap, the Initial Point for this subdivision, at the southeast corner of TANGO CREEK and the intersection of the south right-of-way of Tango Creek Avenue and the westerly right-of-way of Boyd Acres Road; thence following said westerly right-of-way, South 07°35'10" East 90.22 feet to a 5/8" iron rod; thence North 77°31'21" West 6.81 feet to a 5/8" iron rod; thence 139.99 feet along the arc of a 130.00 foot radius curve left (the long chord of which bears South 71°37'42" West 133.32 feet) to a 5/8" iron rod; thence South 40°46'45" West 580.76 feet to a 5/8" iron rod; thence 260.06 feet along the arc of a 970.00 foot radius curve right (the long chord of which bears South 48°27'35" West 259.28 feet) to a 5/8" iron rod; thence leaving said westerly right-of-way, North 24°49'47" West 107.46 feet to a 5/8" iron rod; thence 6.55 feet along the arc of a 330.00 foot radius curve right (the long chord of which bears South 67°40'29" West 6.55 feet) to a 5/8" iron rod; thence South 68°14'37" West 110.35 feet to a 5/8" iron rod; thence North 21°45'23" West 166.87 feet to a 5/8" iron rod; thence South 71°04'41" West 24.95 feet to an angle point in the easterly boundary of BROOKSIDE, FIRST ADDITION and the centerline of Swalley Canal; thence following said Canal centerline, North 11°15'34" East 551.27 feet to the south boundary of said plat of TANGO CREEK; thence East 826.15 feet to the point of beginning; contains 9.15 acres.

Community Financial Corporation is beneficiary of the Deed of Trust recorded June 9, 2005 in Volume 2005, Page 36129 of the Deschutes County Official Records

This Affidavit of Consent is being recorded pursuant to Oregon Revised Statute 92.075(4).

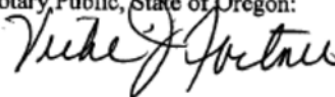
By: 

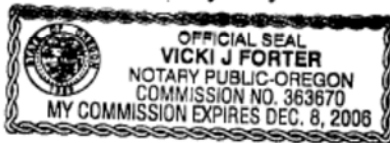
State of: OREGON
County of: Clackamas

This is to certify that on this 15th day of June, 2006, before me appeared John B. Satterberg, known to be the individual who signed above as a free and voluntary act and acknowledged that they are authorized to act on behalf of Community Financial Corporation.

In testimony whereon I have set my hand and official seal the day and year of this certificate first written above.

Notary Public, State of Oregon:





After recording return to:

Jerry Powell, David Evans and Associates, Inc. 709 NW Wall Street, Suite 102 Bend, Oregon 97701

Example 6 County Partition (portion of Vol. 2006 Pg. 74681).

AFFIDAVIT OF CONSENT TO DECLARATION

LIBERTYBANK hereby consents to the partitioning of the following described parcel of land located in a portion of the E1/2 of Section 22, Township 17 South, Range 14 East of the Willamette Meridian, Deschutes County, Oregon:

DESCHUTES COUNTY MINOR PARTITION NO. MP-06-03

and to the Declaration of "MP-06-03", located in Deschutes County, Oregon.

Trust Deed Holder's interest in this property arises from that certain trust deed recorded April 20, 2006 in Volume 2006, Page 27307, Deschutes County Official Records.

This Affidavit of Consent to Declaration is being recorded pursuant to Oregon Revised Statute 92.075(4).

Dated this 17th day of October, 2006.

By Ronald S. Green, VICE PRESIDENT
LibertyBank

STATE OF OREGON) On this 17th day of October 2006,
) ss. before me personally appeared
County of Deschutes) Ronald S. Green, being first duly
) sworn, did say that he\she is the
) Vice President of LibertyBank,
) and acknowledged said instrument
) to be its voluntary act and deed.

Before me:

Judy Fletcher
Notary Public for Oregon
My Commission expires: 4-6-2010



AFTER RECORDING RETURN TO:
POVEY & ASSOCIATES
P.O. BOX 131
REINOLD, OR. 97756

04121\AFFDT-LB.MPS

Section 3**AFFIDAVIT OF CONSENT TO DECLARATION WHEN MERS IS LISTED AS BENEFICIARY**

The following 3 pages explain a method to contact MERS "servicers" for signature of plats and consent affidavits:

Determining Mortgage Electronic Registration System (MERS) "Servicer" For Consent Signatures On Subdivision/Partition Plats Or Consent Affidavits.

ORS 92.075 (3) & (4) requires the holder of any mortgage or trust deed to consent to the declaration on a subdivision or partition if the declaration contains any dedication or donation of land to public purposes. Additionally, Deschutes County Code Chapter 17.24.060 (Q)(1)(b) & (c) requires that on any county subdivision or partition the mortgage or trust deed holder(s) must consent to the declaration, even if a dedication or donation to the public is not being made on the plat.

MERS is shown as the beneficiary of mortgage and trust deeds on quite a few of the title reports we review and many local surveyors have had difficulty contacting MERS to sign plats or consent deeds. The following information, based on correspondence with MERS legal counsel, may be helpful to expedite this process.

Please be aware that this situation may not apply to all MERS deeds and that you may need to contact the title company or MERS to confirm that his information is accurate for your situation.

If MERS is listed as the Beneficiary on a title report, then MERS is the lienholder and must sign the plat or consent affidavit. However, it may be easier to contact the MERS "Servicer" for the trust or mortgage deed to have the Servicer sign for MERS. Every MERS Servicer has an employee authorized to act as a MERS certifying officer, with corporate authority to sign for MERS.

The MIN number (Mortgage Identification Number) on a MERS trust or mortgage deed is used to find the name, address and phone number of the Servicer for that particular loan:

1. MERS deeds have an 18 digit "MIN" number near the top of the first page.
2. Usually Section (E) of the deed has the MERS toll free number of 888-679-MERS (888-679-6377)
3. Call this number for the automated listing to find out who is the Servicer of this loan.
4. The automated message instructs you to enter in the 18 digit MIN number. It will then tell you who the "Servicer" is, together with their address and phone number.
5. You then have the opportunity to have this information faxed to you. The fax you receive will have the MIN number and the Servicer name, address and phone number. Although the fax does not have any additional information regarding the deed (Volume/Page, trustee, etc.) it is a good idea to have the information faxed to check the MIN against the deed. If you mis-enter the MIN over the phone you could be chasing the wrong Servicer.
6. You can then contact the Servicer to see if they can sign on behalf of MERS.. According to MERS legal counsel, all of the Servicers have employees with corporate authority to sign documents for MERS.

MERS also states in their correspondence that documents can be sent directly to MERS corporate headquarters for signatures, but it is my understanding that contacting MERS corporate has been somewhat difficult and time consuming.

An example of a MERS deed of trust on a parcel of land and the subsequent Affidavit of Consent to Declaration for a partition of this parcel can be found on the clerk's on-line records

<http://recordings.deschutes.org/search.asp?mode=Advanced>

Vol. 2000 Pg. 45828: MERS deed of trust. The MIN number is 100013801017538954. If you call the MERS 888 number you will find that GMAC Mortgage is the Servicer of this mortgage.

Vol. 2006 Pg. 45061: Affidavit of Consent to Declaration. An officer for GMAC Mortgage signed this affidavit as a representative for MERS.

The information on the previous page is based on discussions with local title companies and the following correspondence with MERS:

Portion of email to MERS

From: Mike Berry [mailto:Mike_Berry@co.deschutes.or.us]
 Sent: Tuesday, December 12, 2006 5:02 PM
 To: Ben Kahrl
 Subject: Oregon specific question about "Servicer" vs. "Beneficiary" vs. "holder of mortgage or trust deed"

Ben Kahrl, Senior Counsel
 MERS

Dear Mr. Kahrl,

In Oregon if a plat is dedicating land for public purposes it is required by law that the "holder of any mortgage or trust deed" shall either execute the declaration of a subdivision plat or file in the deed records an affidavit consenting to the declaration.

On preliminary title reports, the holder of a trust or mortgage deed is usually listed as the "beneficiary". ... If MERS is listed as the Beneficiary, can MERS execute such instruments?

Sincerely,
 Mike Berry

MERS response:

From: Ben Kahrl [mailto:benk@mersinc.org]
 Sent: Wednesday, December 13, 2006 2:02 PM
 To: Mike Berry
 Subject: RE: Oregon specific question about "Servicer" vs. "Beneficiary" vs. "holder of mortgage or trust deed"

Mr. Berry:


MERS is the record lienholder, so MERS should be the signatory. If you send it to our corporate headquarters, we will make arrangements for it to be signed. If you send it directly to the servicer, the servicer will make arrangements to have a MERS officer sign the document as well. We have appointed certain employees of each member to act as MERS certifying officers, and they have corporate authority to sign documents for MERS.

For your purposes, it is probably faster for you to use the MIN # and send the document directly to the servicer, but the servicer will be signing as MERS.

Let me know if you have any additional questions.

Thanks.
 Ben Kahrl
 MERS Senior Counsel

Example of fax from MERS for MIN 100013801017538954



For More Information about MERS,
Visit our website:
www.mersinc.org

To: Requester

From: MERS Servicer Identification System

RE: 100013801017538954
MIN is active on MERS

Date: 03/05/2007

Have you tried our online Servicer Identification System? It offers additional search options, and is available 24/7 at www.mers-servicerid.org.

Servicer information for this loan appears below:

GMAC Mortgage, LLC
1000375
Waterloo, IA
(800) 766-4622

The MERS website is: <http://www.mersinc.org/>

According to the MERS website knowledge base, you may be able to search for Servicer information on-line without becoming a MERS member. For more information, go to the following link and then select the topic "MIN Information" in the topics section on the left side of the screen:

https://www.mersonline.org/merskb/MERS_Knowledge_Base.htm

Section 3

Example 7a Example of a MERS Affidavit of Consent to declaration signed by "servicer", a certified officer of Countrywide Bank FSB (portion of page 1 of Vol. 20210 Pg. 21858).

AFFIDAVIT OF CONSENT TO DECLARATION

Mortgage Electronic Registration Systems as nominee for Countrywide Bank, FSB fka Countrywide Bank N.A., hereby consents to the partitioning of the following described parcel of land situate in a portion of the NW1/4 SE1/4 of Section 20, Township 15 South, Range 13 East of the Willamette Meridian, City of Redmond, Deschutes County, Oregon:

"Redmond Minor Partition No. RMP-06-12"

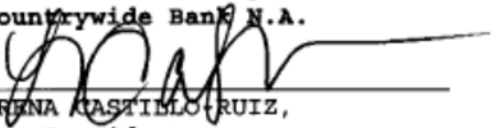
and to the Declaration of "RMP-06-12", located in the City of Redmond, Deschutes County, Oregon.

Trust Deed Holder's interest in this property arises from that certain trust deed dated September 5, 2006 and recorded September 12, 2006 in Volume 2006, Page 61950, Deschutes County Official Records.

This Affidavit of Consent to Declaration is being recorded pursuant to Oregon Revised Statute 92.075(4).

Dated this 27TH day of JUNE, 2007.

Mortgage Electronic Registration Systems
as nominee for Countrywide Bank, FSB
fka Countrywide Bank N.A.

By: 
LORINA CASTILLO-RUIZ,
Vice President

Example 7b Example of above deed referenced on Partition Plat 2010-09 (CS18161).

CONSENT TO DECLARATION

A PARTITION CONSENT AFFIDAVIT FROM MORTGAGE ELECTRONIC REGISTRATION SYSTEMS AS NOMINEE FOR COUNTRYWIDE BANK, HAS BEEN RECORDED IN BOOK 2010, PAGE 21858, DESCHUTES COUNTY RECORDS.

Section 4

Affidavits after recording the plat

Besides the standard reasons for recording Affidavits of Corrections for plats per [ORS 92.170](#), some title and consent omissions on a recorded plat can be corrected as shown on the following pages.

CLERK'S OFFICE PLAT IMAGES ON-LINE

Note that only survey dept. images have Affidavits attached, so both sources should be viewed etc. etc.

Correcting Ownership on Recorded Plat

In Deschutes County it has been determined by title companies and attorneys that an affidavit of consent can be recorded after the fact - after the plat had been recorded - as long as the consent is attached to an Affidavit of Correction.

- Situation – Plat is recorded, but one of the owners did not show up on Title Report or in the plat declaration at time of recording.
- Solution – The owner can file an Affidavit of Consent to Declaration. This must be attached to an Affidavit of Correction. The document is filed as an Affidavit of Correction, with the Affidavit of Consent to Declaration as the second page.

The next 2 pages are examples of an affidavit of consent attached to an affidavit of correction to resolve this problem.

Until this problem was corrected by this deed, title insurance would not be issued on any of the parcels in this partition.

- *NOTE: The affidavit of correction is recorded pursuant to [ORS 92.170](#).*

Example 8a Vol.2007 Pg. 20383 (page 1) -for PP2007-18, CS17263

DESCHUTES COUNTY OFFICIAL RECORDS
NANCY BLANKENSHIP, COUNTY CLERK 2007-20383

\$36.00

04/09/2007 12:17:46 PM

D-AFFIM Cnt=1 Stn=23 JS
\$10.00 \$11.00 \$10.00 \$5.00

**AFFIDAVIT OF CORRECTION
PARTITION PLAT NO. 2007-18**

I, MICHAEL W. TYE, being duly sworn, depose and say that I am the surveyor who surveyed the plat of PARTITION PLAT NO. 2007-18, as filed in pages 414 and 415, Cabinet 3, Deschutes County, Oregon, Partition Plat Records, and recorded in Volume 2007, Page 17795, Deschutes County Official Records, Deschutes County, Oregon, and;

The following correction to said plat is necessary and is as follows:

- At the time of recording of Partition Plat No. 2007-18, Hale-Campbell Properties, LLC, and not Generation Development, Inc., was the deed owner of the property described on said plat. Therefore their signed and notarized Affidavit is being recorded with this Affidavit of Correction as "Exhibit A" which is incorporated herein by this reference.

The present fee owner of the property materially affected by said Affidavit is as follows:

- Hale-Campbell Properties, LLC, An Oregon Limited Liability Company

Michael W. Tye
MICHAEL W. TYE
Registered Professional Land Surveyor #1046
920 S.E. Armour Road
Bend, OR 97702

NOTARY CERTIFICATE

STATE OF OREGON)
)ss
COUNTY OF DESCHUTES)

Subscribed and sworn to before me this 2ND day of April, 2007, by Michael W. Tye

Elizabeth L Trimble
Notary Public for the State of Oregon

My Commission Expires July 11, 2007

APPROVAL

I, MIKE BERRY, Deschutes County Surveyor, do hereby certify that said affidavit of correction for PARTITION PLAT NO. 2007-18, has been examined by me and that it complies with O.R.S. 92.170.

Ken Brantman, Deputy 4/2/07
MIKE BERRY Date
Deschutes County Surveyor

AFTER RECORDING RETURN TO:

DESCHUTES COUNTY SURVEYOR'S OFFICE
61150 SE 27TH STREET
BEND, OR 97702

Example 8b Vol.2007 Pg. 20383 (page 2)-for PP2007-18, CS17263

After recording return to:

Deschutes County Surveyor's Office.
61150 SE 27th Street
Bend, OR 97702

EXHIBIT "A"
AFFIDAVIT OF CONSENT

PARTITION PLAT NO. 2007-18, located in the South One-Half of the Southwest One-Quarter of Section 8, Township 18 South, Range 12 East, Willamette Meridian, City of Bend, Deschutes County, Oregon.

Hale-Campbell Properties, LLC, an Oregon Limited Liability Company, hereby consent and agree to have caused said lands to be partitioned into two separate parcels in accordance with the provisions of O.R.S. Chapter 92; and hereby consent to the approval and recording of said plat of PARTITION PLAT NO. 2007-18 as recorded in Volume 2007, Page 17795, Deschutes County Official Records, Deschutes County, Oregon.




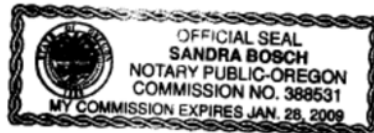
GEORGE A. HALE
Member
Hale-Campbell Properties, LLC , An Oregon Limited Liability Company

State of Oregon)

County of Deschutes)

On this 2nd day of APRIL, 2007, before me a Notary Public in and for the State of Oregon, personally appeared GEORGE A. HALE, Member, Hale-Campbell Properties, LLC, to me personally known, or proved to me by satisfactory evidence to be the identical person described herein, who executed the foregoing declaration and acknowledged to me that he did so freely and voluntarily for the purpose therein named.


(NOTARY)



Section 4

Correcting Trust/Mortgage Holder Consent on Recorded Plat

- Situation – Plat that is dedicating right-of-way or PUE (or any County plat) is recorded, but a Trust/Mortgage deed holder did not show up on Title Report and did not sign or consent to the plat.
- Solution – The Trust/Mortgage deed holder can file an Affidavit of Consent to Declaration. This must be attached to an Affidavit of Correction. The document is filed as an Affidavit of Correction, with the Affidavit of Consent to Declaration as the second page.

The next 3 pages are examples of an affidavit of consent attached to an affidavit of correction to resolve this problem.

Until this problem was corrected by this deed, title insurance would not be issued on any of the parcels in this partition.

➤ *NOTE: The affidavit of correction is recorded pursuant to [ORS 92.170](#).*

Example 9a Vol.2007 Pg. 26422 (page 1) - for Diamond Bar Ranch Ph.4 CS17315.

DESCHUTES COUNTY OFFICIAL RECORDS 2007-26422
 NANCY BLANKENSHIP, COUNTY CLERK \$46.00

 00547148280780264228048043 05/09/2007 08:14:31 AM
 D-AFFIM Cnt=1 Str=1 BN
 \$20.00 \$11.00 \$10.00 \$5.00

AFFIDAVIT OF CORRECTION

I, Peter A. Manley, P.L.S. No. 2214, being duly sworn, depose and say that I am the surveyor who surveyed the plat of Diamond Bar Ranch, Phase 4 as recorded in Plat Cabinet H, Page 317, Deschutes County Plat Records.

The following correction to said plat is necessary and is as follows:


1. At the time of the recording of Diamond Bar Ranch, Phase 4, Willamette Valley Bank was beneficiary under deed of trust recorded June 30, 2003 in Volume 2003, Page 44191 of Deschutes County Official records and under deed of trust recorded May 18, 2005 in Volume 2005, Page 30455 of Deschutes County Official records. Their signed and notarized Affidavits of Consent are being recorded with this Affidavit of Correction as "Exhibit A" and "Exhibit B" which are incorporated herein by this reference.

The present fee owner of the property materially affected by this affidavit is as follows:

- 1. PKS Development-Lancaster I LLC

5-8-07
 REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

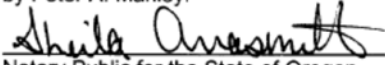
 OREGON
 JULY 17, 1986
 PETER A. MANLEY
 2214
 RENEWAL DATE: 12/31/08


 Peter A. Manley
 Oregon Registered Pro. Land Surveyor #2214
 Bend, Oregon

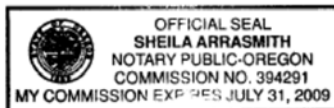
NOTARY CERTIFICATE

STATE OF OREGON)
) ss
 COUNTY OF DESCHUTES)

Signed and sworn to before me on this 8th day of May, 2007, by Peter A. Manley.


 Notary Public for the State of Oregon

AFTER RECORDING RETURN TO:
 Deschutes County Surveyor
 61150 SE 27 th Street
 Bend, OR 97702



➤ NOTE: Page 2 of the deed is skipped in this example – see original document

Example 9b Vol.2007 Pg. 26422 (page 3) - for Diamond Bar Ranch Ph.4, CS17315.

EXHIBIT A

After recording return to:
→ Peter A Manley, PLS
Hickman Williams & Associates, Inc.
698 NW York Drive
Bend OR 97701

AFFIDAVIT OF CONSENT TO DECLARATION

Willamette Valley Bank, hereby consents to the subdivision and declaration of
"Diamond Bar Ranch, Phase 4" located in Deschutes County, Oregon.

The Declarant's interest in this property arises from that certain Deed of Trust recorded
June 30, 2003 in Volume 2003 Page 44191, Deschutes County Official Records.

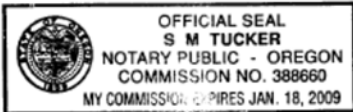
This Affidavit of Consent to Declaration is being recorded pursuant to
ORS 92.075(4).

By Lisa Schunk
as Vice President
of Willamette Valley Bank

State of Oregon)
) ss.
County of Marion)

Personally appeared before me this 7th day of May, 2007,
Lisa Schunk
as Vice President of Willamette Valley Bank

S M Tucker
Notary Public for Oregon
My commission expires: 1/18/09



After recording, return to
Amerititle
1 OREGON AVENUE, BEND

Example 9c Vol.2007 Pg. 26422 (page 4) - for Diamond Bar Ranch Ph.4, CS17315.

EXHIBIT B

After recording return to:
→ Peter A Manley, PLS
Hickman Williams & Associates, Inc.
698 NW York Drive
Bend OR 97701

AFFIDAVIT OF CONSENT TO DECLARATION

Willamette Valley Bank, hereby consents to the subdivision and declaration of
"Diamond Bar Ranch, Phase 4" located in Deschutes County, Oregon.

The Declarant's interest in this property arises from that certain Deed of Trust recorded
May 18, 2005 in Volume 2005 Page 30455, Deschutes County Official Records.

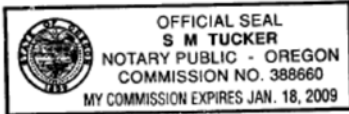
This Affidavit of Consent to Declaration is being recorded pursuant to
ORS 92.075(4).

By Lisa Schunk
as Vice President
of Willamette Valley Bank

State of Oregon)
) ss.
County of Wasco)

Personally appeared before me this 7th day of May, 2007,
Lisa Schunk
as Vice President of Willamette Valley Bank

S M Tucker
Notary Public for Oregon
My commission expires: 1/18/09



After recording, return to
Amezzie
15 OREGON AVENUE BEND

Section 5

Farm and Forest Easements on County Plats

On some Deschutes County subdivisions and partitions the land owner may be required by the Deschutes County Community Development Department to file a "Farm and Forest Management Easement" prior to the recording of the plat. This requirement is outlined in Chapter 18 of Deschutes County Code:

DCC 18.16.050. Standards for dwellings in the EFU zones.
Dwellings listed in DCC 18.16.025 and 18.16.030 may be allowed under the conditions set forth below for each kind of dwelling, and all dwellings are subject to the landowner for the property upon which the dwelling is placed, signing and recording in the deed records for the County, a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.

This easement must be noted on the plat. Some surveyors have not been placing this information on their permanent map since the Farm/Forest easement does not show up on the initial title report. If your plat falls under this requirement you should anticipate that the owner will be recording a Farm/Forest easement which will need to be noted on the permanent map.

To determine if this is a requirement on a County Subdivision or Partition, you need to review the Findings and Decisions for the subdivision or partition. If the "Conditions of Approval" section of the document contains the following wording, then a Farm and Forest Management Easement will need to be recorded at the Clerk's Office before the plat can be approved:

7. Prior to final plat approval, the applicant/owner shall sign and record a waiver of remonstrance, for the nonfarm dwelling in the deed records for the County. Such document binds the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.396 or 30.397.

Once the Farm/forest easement is recorded you will need to note it on the permanent map. The following wording is being commonly used:

➤ *NOTE: Property is subject to conditions and restrictions of Farm and Forest Management Easement recorded in Volume 2007 Page 373, Deschutes County Official Records.*

A boilerplate of a Farm and Forest Management Easement can be obtained by contacting the Deschutes County Community Development Department.

Plats-Conveying, Dedicating and Granting

Conveyances on Plats to Cities or other governmental agencies

Although this method of conveyance is acceptable in some Oregon counties, local authorities have determined that this practice is not acceptable for conveying tracts or lots to governmental agencies (such as a tract being conveyed on a plat to a City for a retention pond or sewer pump station). Most local cities that require these conveyances are working with the developers to record deeds contemporaneously with the plat recording.

Conveyances on Plats to HOAs or other private entities

The same has been determined for plat conveyances to entities like Home Owners Associations. If a plat conveys a common area or private road to a HOA, the Assessor's Office will still show ownership of the common area or private road as being the plat declarant until such time as these tracts are conveyed by deed to the HOA.

Dedication vs. Grant

Private easements should be granted to the grantees and public roads should be dedicated to the public. Black's law dictionary defines "Dedication" as "the appropriation of land, or an easement therein, by the owner, for the use of the public..." To make sure the status of your client's intended private road can't be challenged in court, it might be wise to avoid the word "dedicate". Other common ways to make private easements are to say they are "created" or "reserved" in the dedication.

Creating Private Roads on Plats

The following are examples of various methods local surveyors have created private roads on plats:

Example 10a Reserves Easements for Road Purposes over Private Ways (Ridge at Eagle Crest 50, CS16926).

DECLARATION:

KNOW ALL PERSONS BY THESE PRESENTS THAT EAGLE CREST, INC., AN OREGON CORPORATION, THE OWNERS OF THE LAND SHOWN ON THIS PLAT, HAS CAUSED SAID LAND TO BE SURVEYED AND PLATTED INTO PRIVATE LOTS, COMMON AREAS, PUBLIC UTILITY EASEMENTS, AND PRIVATE WAYS AS SHOWN ON THIS PLAT, AND DOES HEREBY DEDICATE TO THE PUBLIC FOREVER, PUBLIC UTILITY EASEMENTS OVER ALL PRIVATE WAYS, THE PUBLIC UTILITY EASEMENTS AS SHOWN AND HEREBY RESERVES EASEMENTS FOR ROAD PURPOSES OVER ALL PRIVATE WAYS, INCLUDING SIGNS, IRRIGATION SYSTEMS, THE RIGHT OF INGRESS AND EGRESS FOR CONSTRUCTION AND MAINTENANCE, AND HEREBY RESERVES EASEMENTS OVER ALL COMMON AREAS FOR UTILITIES, DRAINAGE, IRRIGATION SYSTEMS, WATER FEATURES, SIGNS AND OTHER RELATED USES AS SHOWN AND DOES HEREBY SUBMIT FOR APPROVAL AND RECORD SAID PLAT OF "RIDGE AT EAGLE CREST 50," HENCEFORTH TO BE SO KNOWN.

Section 6

Example 10b Roads Reserved by owner and then granted to residents as private ways (Golfside Park P.U.D., CS 16593).

DECLARATION:

GOLFSIDE INVESTMENTS, LLC, AN OREGON LIMITED LIABILITY COMPANY, VESTEE OF THE LAND ON THE SUBDIVISION PLAT OF "GOLFSIDE PARK, P.U.D." AND MORE PARTICULARLY DESCRIBED IN THE SURVEYORS CERTIFICATE HEREUNTO ATTACHED, HAS CAUSED SAID LAND TO BE PLATTED AS SHOWN ON SUCH PLAT AND DECLARE THE SUBDIVISION PLAT OF "GOLFSIDE PARK, P.U.D." TO BE PREPARED AND PROPERLY SUBDIVIDED IN ACCORDANCE WITH O.R.S. CHAPTER 92; AND WALTER MUSA, JR. AS MORTGAGEE UNDER MORTGAGE RECORDED FEBRUARY 22, 2000 IN VOLUME 2000 PAGE 06424, OF DESCHUTES COUNTY OFFICIAL RECORDS, SAID MORTGAGE WAS ASSUMED BY GOLFSIDE INVESTMENTS, LLC BY INSTRUMENT RECORDED JANUARY 17, 2003 IN VOLUME 2003 PAGE 03728 OF SAID RECORDS, SAID MORTGAGE WAS MODIFIED BY INSTRUMENT RECORDED JANUARY 23, 2003 IN VOLUME 2003 PAGE 05205 OF SAID RECORDS; AND WALTER MUSA, JR. AS BENEFICIARY UNDER DEED OF TRUST RECORDED FEBRUARY 22, 2000 IN VOLUME 2000 PAGE 06425 OF SAID RECORDS, SAID DEED OF TRUST WAS ASSUMED BY GOLFSIDE INVESTMENTS, LLC BY INSTRUMENT RECORDED JANUARY 17, 2003 IN VOLUME 2003 PAGE 03727 OF SAID RECORDS; AND U.S. BANK, N.A. AS BENEFICIARY UNDER DEED OF TRUST RECORDED OCTOBER 4, 2004 IN VOLUME 2004 PAGE 59759 OF SAID RECORDS, CONSENTS TO THE PLATTING OF "GOLFSIDE , P.U.D." AS DESCRIBED IN THE SURVEYORS CERTIFICATE HEREUNTO ATTACHED AND RESERVES THE PRIVATE RIGHTS-OF-WAY SHOWN AS GEARY DRIVE, VERYL COURT, HAWES LANE, LARKIN COURT AND LYON COURT, AS SHOWN ON SAID SHEETS 3 AND 4 OF THIS PLAT; AND FURTHER GRANTS TO ROATS WATER COMPANY THE WATER LINE EASEMENT AS SHOWN ON SHEETS 7 AND 8 OF THIS PLAT WHICH AFFECTS A PORTION OF LOT 91 AND A PORTION OF GEARY DRIVE; AND FURTHER GRANTS SAID PRIVATE WAYS FOR THE BENEFIT OF THE RESIDENTS OF "GOLFSIDE PARK, P.U.D."; AND FURTHER GRANTS THE 10.00 FOOT WIDE SEWER EASEMENTS AS DETAILED ON SHEET 10 TO THE CITY OF BEND AND SHALL BE A PERMANENT, PERPETUAL AND EXCLUSIVE RIGHT TO CONSTRUCT, INSTALL, MAINTAIN AND OPERATE A SEWER LINE AND ALL RELATED FACILITIES ON THE SURFACE AND WITHIN THE SUBSURFACE OF THE EASEMENT. NO PERSON OR ENTITY SHALL BE AUTHORIZED TO CONSTRUCT, ERECT OR INSTALL ANY STRUCTURES OR FACILITIES ON THE SURFACE OR WITHIN THESE EASEMENTS WITHOUT FIRST OBTAINING APPROVAL FROM THE CITY OF BEND;

Example 10c Dedicates portions of two roads; Private Roads Reserved by owner and public access easements (!?) created over all private roads; Private roads also reserved for utility and private utility services, subject to city water and sewer easements. (Stonegate P.U.D. Phase 1, CS 16826).

DECLARATION:

ELK HORN LAND DEVELOPMENT INC., AN OREGON CORPORATION, VESTEE OF THE LAND ON THE SUBDIVISION PLAT OF "STONEGATE, P.U.D., PHASE 1" AND MORE PARTICULARLY DESCRIBED IN THE SURVEYOR'S CERTIFICATE HEREUNTO ATTACHED, HAVE CAUSED SAID LAND TO BE PLATTED AS SHOWN ON SUCH PLAT AND DECLARE THE SUBDIVISION PLAT OF "STONEGATE, P.U.D., PHASES 1 AND 2" TO BE PREPARED AND PROPERLY SUBDIVIDED IN ACCORDANCE WITH O.R.S. CHAPTER 92 AND HOUSING CAPITAL COMPANY, A MINNESOTA PARTNERSHIP, AS BENEFICIARY UNDER DEED OF TRUST RECORDED JUNE 17, 2005 IN VOLUME 2005 PAGE 37959 DESCHUTES COUNTY OFFICIAL RECORDS, CONSENTS TO THE PLATTING OF "STONEGATE, P.U.D., PHASE 1" AS DESCRIBED IN THE SURVEYORS CERTIFICATE HEREUNTO ATTACHED AND FURTHER DEDICATES TO THE PUBLIC FOREVER FOR STREET AND UTILITY PURPOSES, THE RIGHTS-OF-WAY OF CHINA HAT ROAD AND PARRELL ROAD, AND FURTHER DEDICATES TO PACIFIC POWER AND LIGHT COMPANY, QWEST, CASCADE NATURAL GAS COMPANY AND BEND BROADBAND, THEIR SUCCESSORS AND ASSIGNS, FOREVER, FOR UTILITY PURPOSES, THE UTILITY EASEMENTS AS SHOWN. THE EASEMENTS SHALL ENCOMPASS THE PHYSICAL LOCATION OF THE CONSTRUCTED UTILITIES. PACIFIC POWER AND LIGHT COMPANY, QWEST, CASCADE NATURAL GAS COMPANY AND BEND BROADBAND SHALL HAVE THE RIGHT TO INSTALL, MAINTAIN AND OPERATE THEIR EQUIPMENT ABOVE AND BELOW GROUND AND ALL OTHER RELATED FACILITIES WITHIN THE EASEMENTS IDENTIFIED ON THIS PLAT AS MAY BE NECESSARY OR DESIRABLE IN SERVING THE LOTS IDENTIFIED HEREON, INCLUDING THE RIGHT OF ACCESS TO SUCH FACILITIES AND THE RIGHT TO REQUIRE THE REMOVAL OF ANY OBSTRUCTIONS INCLUDING TREES AND VEGETATION THAT MAY BE PLACED WITHIN THE EASEMENTS AT THE LOT OWNER'S EXPENSE. AT NO TIME MAY ANY PERMANENT STRUCTURES BE PLACED WITHIN THE EASEMENTS OR ANY OTHER OBSTRUCTION WHICH INTERFERES WITH THE USE OF THE EASEMENTS WITHOUT WRITTEN APPROVAL OF THE UTILITY COMPANIES IN THE EASEMENTS; AND FURTHER GRANTS TO THE CITY OF BEND, THE WATER AND SEWER EASEMENTS AS SHOWN, WHICH SHALL BE A PERMANENT, PERPETUAL AND EXCLUSIVE RIGHT TO CONSTRUCT, INSTALL, MAINTAIN AND OPERATE A WATER AND SEWER LINE AND ALL RELATED FACILITIES ON THE SURFACE AND WITHIN THE SUBSURFACE OF THE EASEMENT. NO PERSON OR ENTITY SHALL BE AUTHORIZED TO CONSTRUCT, ERECT OR INSTALL ANY STRUCTURES OR FACILITIES ON THE SURFACE OR WITHIN THIS EASEMENT WITHOUT FIRST OBTAINING APPROVAL FROM THE CITY OF BEND; AND FURTHER RESERVES THE PRIVATE RIGHT-OF-WAYS SHOWN AS STONEGATE DRIVE, ADDIE TRIPLETT LOOP, SAWTOOTH MOUNTAIN LANE, HEDGEWOOD LANE, ROLLED ROCK WAY AND SAGE STONE LOOP AS SHOWN ON THIS PLAT; AND FURTHER CREATES A PUBLIC ACCESS EASEMENT OVER ALL PRIVATE ROADS; THE AFOREMENTIONED PRIVATE ROADS ARE ALSO RESERVED FOR UTILITIES AND PRIVATE UTILITY SERVICES, SUBJECT TO SAID CITY OF BEND WATER AND SEWER EASEMENTS; AND FURTHER CREATES THE PUBLIC PEDESTRIAN ACCESS EASEMENT WHICH AFFECTS PORTIONS OF COMMON TRACTS 1 AND 2 WHICH SHALL ENCOMPASS THE PHYSICAL LOCATION OF THE CONSTRUCTED PATHWAYS; AND FURTHER CREATES THE 5.00 FOOT WIDE PRIVATE DRAINAGE EASEMENT WHICH AFFECTS PORTIONS OF OF LOTS 15 AND 16; AND FURTHER CREATES THE 5.00 FOOT WIDE PRIVATE SEWER SERVICE EASEMENT WHICH AFFECTS PORTIONS OF LOTS 26 AND 27; AND FURTHER CREATES THE PRIVATE TRAIL EASEMENT WHICH AFFECTS A PORTION OF LOT 78; AND FURTHER CREATES THE SURFACE STORM DRAIN SWALE EASEMENTS AS SHOWN; AND FURTHER CREATES NON-SPECIFIC STORM DRAIN EASEMENTS ON COMMON TRACTS 2 AND 9.

Section 6

Creating Easements on Plats

ORS 92.075(1) states “any public or private easements created, or any other restriction made, shall be stated in the declaration.”

Older plats may contain vague declarations with no details regarding the intent of an easement or who was benefited or encumbered by an easement. We now request to have particulars listed in the declaration. If the particulars require substantial explanation it is better to create the easement by separate document.

Example 11 *Bailey, CS17525.*

AND FURTHER DEDICATES TO THE PUBLIC FOREVER FOR ROAD AND UTILITY PURPOSES THE RIGHT-OF-WAYS OF "LUCIA STREET", "PARRELL ROAD", "ELAINE LANE", "LUNA PLACE", AND "LOIS WAY" AS SHOWN ON SHEET 3;

AND FURTHER CREATES A STORM WATER DRAINAGE AND RETENTION EASEMENT WHICH AFFECTS LOTS 1 AND 38 AS SHOWN ON SHEET 3;

AND FURTHER CREATES THE PRIVATE ACCESS EASEMENT WHICH AFFECTS LOTS 1, 2, AND 38 AS DETAILED ON SHEET 3 FOR THE BENEFIT OF SAID LOTS;

AND FURTHER CREATES A PRIVATE STORM WATER DRAINAGE AND RETENTION EASEMENT OVER SAID PRIVATE ACCESS EASEMENT;

If just the term “and do hereby create the easements as shown” is in the declaration, then the new easements being created on the plat must be clearly labeled as such and have notes that clearly state the purpose of the easement, who it benefits, what lots, parcels or tracts it encumbers and any other information that will keep the easement from going to court. A listing of concise easement notes works well in these situations.

Example 12 *Heritage Ranch, CS17542. The declaration dedicates a public utility easement and “Storm Drain Easement” to the City and elsewhere on the plat under the listing of “Easements and restrictions” following notes give precise details.*

- UTILITIES SHALL HAVE THE RIGHT TO CONSTRUCT, INSTALL, MAINTAIN AND OPERATE PUBLIC UTILITIES AND ALL RELATED FACILITIES WITHIN THE PUBLIC UTILITY EASEMENTS SHOWN HEREON – PLACEMENT OF STRUCTURES OR OTHER OBSTRUCTIONS, OR EXCAVATION WITHIN THESE EASEMENTS IS PROHIBITED – LANDSCAPE AND SURFACE MAINTENANCE WITHIN THESE EASEMENTS SHALL BE THE RESPONSIBILITY OF THE OWNER OF THE AFFECTED PROPERTY;
- THE CITY OF REDMOND SHALL HAVE THE RIGHT TO CONSTRUCT, MAINTAIN AND OPERATE A STORM DRAINAGE SYSTEM WITHIN THE CITY STORM DRAIN EASEMENTS SHOWN HEREON – PLACEMENT OF STRUCTURES OR OTHER OBSTRUCTIONS, OR EXCAVATION WITHIN THESE EASEMENTS IS PROHIBITED – LANDSCAPE AND SURFACE MAINTENANCE WITHIN THESE EASEMENTS SHALL BE THE RESPONSIBILITY OF THE OWNER OF THE AFFECTED PROPERTY;
- VEHICULAR ACCESS BETWEEN THE LOTS OF THIS SUBDIVISION AND NW TENTH STREET AND BETWEEN THE LOTS OF THIS SUBDIVISION AND NW QUINCE AVENUE IS PROHIBITED, OTHER THAN WITHIN THE PRIVATE VEHICULAR ACCESS EASEMENT SHOWN HEREON.

Existing Easements- Addressing Non Specific or Blanket ON PLATS

Examples of Acceptable Wording

ORS 92.050 (6) The location, dimensions and purpose of all recorded and proposed public and private easements must be shown on the subdivision or partition plat along with the county clerk's recording reference if the easement has been recorded by the county clerk. Private easements become effective upon the recording of the plat.

Example 13 Timbers, CS16891, Sheet 1, General Notes.

3. A NONSPECIFIC PIPE LINE EASEMENT TO THE CITY OF REDMOND AS PER VOLUME 86, PAGE 506 OF OFFICIAL DESCHUTES COUNTY DEED RECORDS MAY EXIST ON THESE LANDS. SAID DOCUMENT DOES NOT DESCRIBE EXACT LOCATIONS. AN UNDERGROUND UTILITY LOCATE REQUESTED FROM THE CITY OF REDMOND DID NOT INDICATE ANY PIPELINES ON THESE LANDS.

Example 14 Traditions East, CS16760, Sheet 3, Easement Notes.

1. THE SOUTH 330 FEET OF THE SE1/4 SW1/4 OF SECTION 35, T.17S., R.12E., W.M., IS SUBJECT TO A 10 FOOT WIDE RIGHT-OF-WAY IN FAVOR OF CASCADE NATURAL GAS CORPORATION OVER AN EXISTING GAS PIPE, PER INSTRUMENT RECORDED AUGUST 16, 1961 IN VOLUME 128 PAGE 361 DESCHUTES COUNTY DEED RECORDS. AS-BUILT GAS COMPANY RECORDS SHOW AN EXISTING GAS MAIN WITHIN THE RIGHT-OF-WAY OF BEAR CREEK ROAD AS WELL AS A SERVICE TO THE EXISTING RESIDENCE ON LOT 47. THIS SERVICE HAS BEEN RELOCATED INTO THE RIGHT-OF-WAYS OF DANTILLI ROAD AND BARTLETT LANE.

Example 15 PP 2006-11., CS16842, Sheet 1.

EASEMENTS: DISCLOSED BY AMERITITLE'S TITLE NO. 078432
 ITEM #11: AN EASEMENT RESERVED BY THE STATE OF OREGON FOR DITCHES AND CANALS IN A DEED IS RECORDED JUNE 24, 1909 IN BOOK 6, PAGE 49, DEED RECORDS. THERE ARE NO IRRIGATION DITCHES OR CANALS WITHIN THIS REDMOND MINOR PARTITION NO. RMP-03-09.

Example 16 PP 2005-85., CS16721, Sheet 3.

#31 RECORDED OCT. 20, 1944 IN BOOK 65, PAGE 506, DEED RECORDS
 WATERLINE EASEMENT IN FAVOR OF THE CITY OF REDMOND, EXACT LOCATION AND WIDTH UNKNOWN.
 #33 RECORDED MARCH 24, 1954 IN BOOK 106, PAGE 526, DEED RECORDS
 RIGHT-OF-WAY EASEMENT IN FAVOR OF PACIFIC POWER AND LIGHT COMPANY,
 EXACT LOCATION AND WIDTH UNKNOWN.

Example 17 PP 2005-53, CS16513, Sheet 2.

EASEMENTS AND NOTES

- EASEMENTS IN FAVOR OF PACIFIC POWER AND LIGHT COMPANY, RECORDED 6/22/1951 IN BOOK 94, PAGE 67, AND RECORDED 9/19/1961 IN BOOK 128, PAGE 589 ARE BLANKET EASEMENTS FOR ELECTRIC TRANSMISSION LINES AND APPURTENANCES - NOTE ALL SUCH FACILITIES LOCATED WITHIN THE BOUNDARIES OF THIS PARTITION ARE ALSO LOCATED WITHIN THOSE PUBLIC UTILITY EASEMENTS PREVIOUSLY DEDICATED, AND AS SHOWN HEREON;
- AN EASEMENT IN FAVOR OF PACIFIC POWER AND LIGHT COMPANY, RECORDED 10/13/1971 IN BOOK 179, PAGE 658 PERTAINS TO PROPERTY LOCATED OUTSIDE THE BOUNDARY OF THIS PARTITION;

Easements that need clarification

Example 18 *These easement notes should state that easements do not have an exact width or location. See examples 13 and 15 of the “Examples of Acceptable Wording” for more concise wording.*

1. THERE EXISTS A NON-SPECIFIC EASEMENT TO PACIFIC POWER AND LIGHT COMPANY FOR AN ELECTRICAL TRANSMISSION AND DISTRIBUTION LINE PER RIGHT-OF-WAY EASEMENT, PER VOL. 80, PG. 253 OF DESCHUTES COUNTY RECORDS WHICH AFFECTS THE LANDS WITHIN THE BOUNDARIES OF THIS PLAT.

2. THERE EXISTS A NON-SPECIFIC EASEMENT TO PACIFIC POWER AND LIGHT COMPANY FOR AN ELECTRICAL TRANSMISSION AND DISTRIBUTION LINE PER RIGHT-OF-WAY EASEMENT, PER VOL. 80, PG. 542 OF DESCHUTES COUNTY RECORDS WHICH AFFECTS THE LANDS WITHIN THE BOUNDARIES OF THIS PLAT.

Example 19 *The notes “are not shown on this map” need to be clarified to communicate the fact that the easements are non-specific/non-locatable. Easement number 4 below, should state that the easements do not have an exact width or location and/or that no such facilities exist within plat.*

4. RESERVATIONS TO RIGHT-OF-WAY FOR DITCHES, CANALS, AND RESERVOIR SITES FOR IRRIGATION PURPOSES, CONSTRUCTED, OR WHICH MAY BE CONSTRUCTED, RECORDED APRIL 2, 1908. VOLUME 5, PAGE 7 DESCHUTES COUNTY DEED RECORDS. ARE NOT SHOWN ON THIS MAP.

5. MINERAL RESERVATIONS FOR ALL OF SECTION 16, RECORDED APRIL 1, 1959. VOLUME 121, PAGE 559 DESCHUTES COUNTY DEED RECORDS. ARE NOT SHOWN ON THIS MAP.

6. IMPLIED EASEMENT FOR INGRESS AND EGRESS FROM THE MINERAL RESERVATIONS FOR ALL OF SECTION 16, RECORDED APRIL 1, 1959. VOLUME 121, PAGE 559 DESCHUTES COUNTY DEED RECORDS. NOT SHOWN ON THIS MAP.

Example 20 *Should state that easements do not have an exact width or location.*

5. A PORTION OF THIS PROPERTY IS SUBJECT TO A BLANKET RIGHT OF WAY EASEMENT TO MIDSTATE ELECTRIC COOPERATIVE, INC., RECORDED DECEMBER 2, 1952, IN VOLUME 102, PAGE 506, DESCHUTES COUNTY DEED RECORDS, AFFECTS SECTION 8 - SE 1/4 NW 1/4 AND THE E 1/2 SW 1/4 ALONG WITH SECTION 17 - E 1/2 NW 1/4.

Example 21 *Should state that easements do not have an exact width or location and/or that no such facilities exist within plat.*

THE S1/2 OF THE NW1/4 OF SECTION 3, T15S, R13E, W.M. IS SUBJECT TO THE RIGHTS OF WAY FOR DITCHES, CANALS, AND RESERVOIR SITES FOR IRRIGATION PURPOSES PER DOCUMENT RECORDED NOVEMBER 19, 1910 IN BOOK 8, PAGE 423 OF DESCHUTES COUNTY DEED RECORDS.

Example 22 *The purpose of easements 2 and 3 should be stated (water? sewer?). Easement 4 is obviously for gas lines, although it wouldn't be a bad idea to state this.*

NOTE A:
The following easements do not lie within the boundaries of the plat and therefore do not affect the platted property: (1) The C.O.I. canal easement as shown on the plat of Healy Meadows. (2) Easement to City of Bend per Volume 343, Page 1297. (3) Easement to City of Bend per Volume 343, Page 1302. (4) Easement to Cascade Natural Gas Corporation per Volume 353, Page 2352. (5) Easement as shown on the plat of Prophet's Den for driveway and parking. (6) Easement as shown on the plat of Bear Creek Condominium Stage 1 for 20.00 foot canal. (7) Reciprocal Access Easement per Volume 527, Page 2942.

NOTE B:
Easement per Volume 264, Page 145, Deschutes County Records, to Pacific Power and Light Company lies within the utility easement to be dedicated in this plat.

NOTE C:
Agreement for Easement per Volume 275, Page 141, Deschutes County Records, is a blanket easement and does not affect the platted property.

Existing easements that fall within new r/w

Example 23 *Existing Easement now falls within new right-of-way (Subdivisions and Partitions). Coyote Springs, Phase Three, CS16783, Sheet 1, Notes.*

4.) A PUBLIC UTILITY AND ACCESS EASEMENT GRANTED TO THE CITY OF SISTERS, EXISTS ENTIRELY WITHIN THE RIGHT OF WAY OF ALL THE ROADS SHOWN ON THIS PLAT, RECORDED IN DOCUMENT NUMBER 2003-86164, DESCHUTES COUNTY OFFICIAL RECORDS RECORDED DECEMBER 19, 2003.

Section 7

Miscellaneous Review Items and Plat Fixes

PLAT DECLARATIONS – OWNERS CHANGE OR NEW ENCUMBRANCES APPEAR

Problem – Permanent map comes in for approval and a new title report is emailed to our office from the title company. The title report shows (a) a new easement has been granted or (b) the owner has actually conveyed the property to someone else.

Solution – This has happened more times than you would imagine. Your client may not be aware of the fact that you should be notified if a new easement is created on the property or a portion of the owner's interest is sold to a new party.

Deeds are sometimes executed that affect the property during the review process that the surveyor is unaware of until the next title report, if any, is issued. In some cases new easements have been granted by the owner that the surveyor has not been aware of, and in other cases the owner has sold the property lock, stock and barrel to someone else.

It is a good idea to periodically check on the County Clerk's deed research website to see if this is the case. There are a number of ways you can search for deeds including the name of the owner of the land or the location of the property (by township, range and section or lot or parcel if the development is a replat in an existing subdivision or partition). The search results from the clerk's office list the most recent deed recording first in reverse chronological order which makes this an easy way to see if your client has recently executed deeds affecting your plat.

Replating and Extinguishing easements, including platted setback lines and Extinguishing Easements in general

Release of Easement Deeds

- An easement can be extinguished by way of a "release of easement deed", or a "partial release of easement deed".
- The deed has to be executed by the dominate estate – the beneficiary or grantee of the easement.
- A release of Easement Deed can be used for easements created by deed or by plat.

Example 24 Vol. 2005 Pg. 58239

RELEASE OF EASEMENT

PACIFICORP, an Oregon Corporation, hereby disclaims and releases to Walter E. Bidwell any right, title or interest it may have to that certain easement recorded as Instrument No.2005-30826, Recorded May 19, 2005, in the office of the County Recorder of Deschutes County, State of Oregon, being more particularly described as follows and as more particularly described and/or shown on Exhibit A attached hereto and by this reference made a part hereof or in and to the following described real property:

Block 143, in Hillman, Deschutes County, Oregon, EXCEPT: those portions of Blocks 128 and 143 deeded to Deschutes County, Oregon; for use as a public road as contained in that certain deed recorded June 22, 1949, in Book 90, Page 365, Deed Records.

Assessor's Map No. 14 13 16DC Tax Parcel No. 2600

All other interests arising out of said instrument affecting other lands therein described shall remain vested in PacificCorp, the successor company to the Pacific Power & Light Company, its successors and assigns.

DATED this 27th day of August, 2005.

PACIFICORP, an Oregon Corporation

Replats

A replat is the platting over of existing platted lands.

Statewide, the practice is that a replat can only extinguish easements that were created by previous plats. Therefore, easements within a replat that were created by deed must be released by deed.

For replats we recommend that if a platted easement is being extinguished by replat:

1. The word "Replat" is placed in the title block, even for a partition:

***Partition PZ 16-051
A replat of Parcel 1 of Partition Plat 2004-123
Located in the ...etc.***

2. A note is placed on the plat stating what easement is being extinguished by the replat.

**Easement Notes:
*The Private ingress-egress easement along the westerly line of Parcel 1, Partition Plat 2004-123 is being extinguished by this replat.***

The easement being extinguished by the replat does not need to be shown on the replat. It just has to clearly state that it has been extinguished by the platting process.

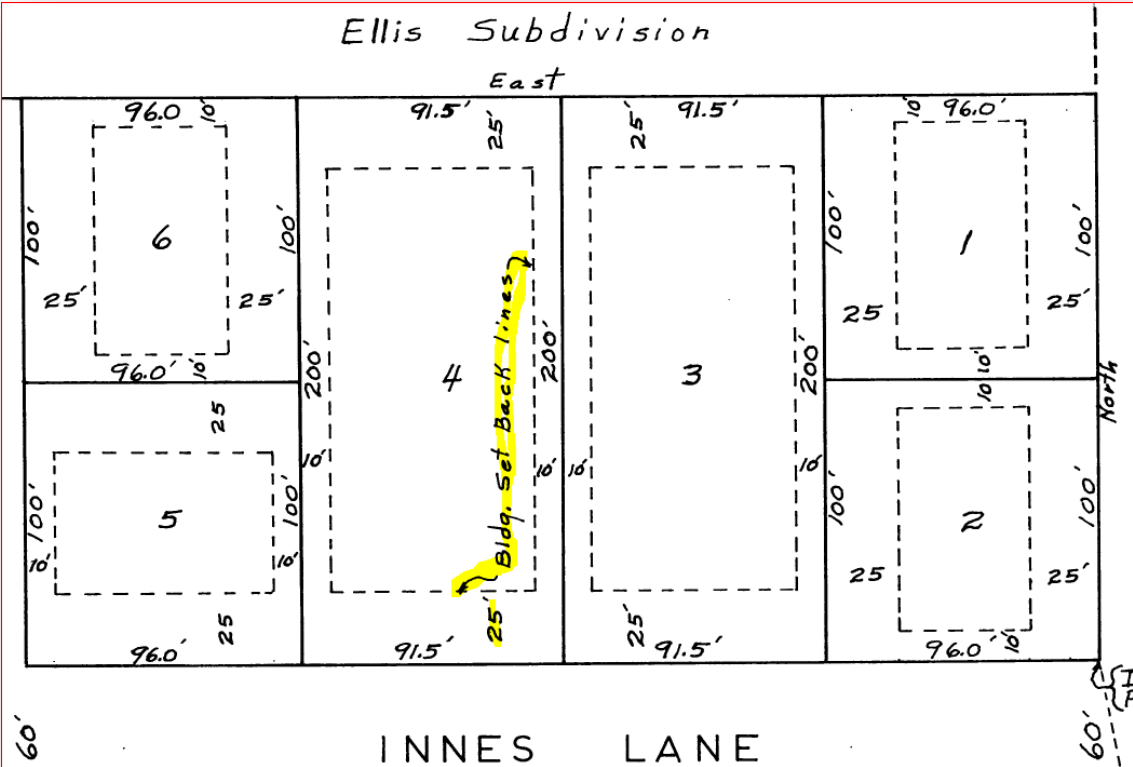
This method assures title companies, planners, surveyors and the public that the intent of the replat is to extinguish that easement. Otherwise, the lack of the previous easement on the replat could be considered an error or omission and it may reappear on title reports to vex and harass owners of the newly created lots or parcels.

Section 7

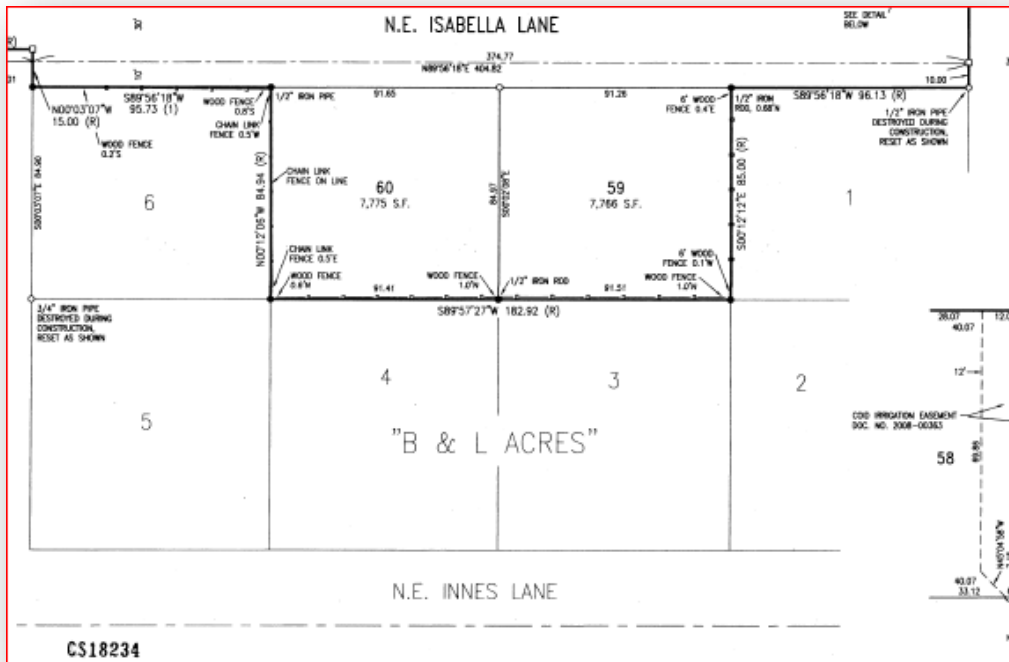
Removing old building setback lines via replat

“B & L Acres” in 1963 platted building setbacks which still show on Title Reports. A portion of lots 3 and 4 are being replatted in “Vail Meadows”. Legal Counsel says that these encumbrances can be extinguished by replat since the dominate estate is, for all intents and purposes, The Public. **If B & L Acres had a Home Owners Association, the HOA might have to sign off on a release of easement deed**, but there is no HOA in this subdivision.

Example 25 Sheet 1 B & L Acres (1963)



Example 26 Sheet 3 and Sheet 4, Vail Meadows (2011)



New lots 59 and 60 are replats of north halves of original lots 3 & 4 of B & L Acres, now void of plated building setback lines.

11. THE PACIFIC POWER AND LIGHT COMPANY EASEMENTS RECORDED MAY 13, 1970 IN BOOK 170, PAGE 23, AND RECORDED APRIL 1, 1971 IN BOOK 174, PAGE 997, DESCHUTES COUNTY DEED RECORDS, CAN NOT BE PLOTTED FROM INFORMATION WITHIN THE DOCUMENTS.
12. BUILDING SETBACK LINES CREATED WITH THE B & L ACRES PLAT ARE EXTINGUISHED IN THOSE PORTIONS OF B & L ACRES INCLUDED IN THIS REPLAT.
13. THE SEWER EASEMENT RECORDED AUGUST 24, 1978 IN BOOK 281, PAGE 398, DESCHUTES COUNTY DEED RECORDS, LIES WITHIN DEDICATED PUBLIC RIGHT OF WAY AND IS NOT SHOWN.

Note 12 was put on the plat to confirm that intent was to remove ancient setbacks via replat and clarify that their exclusion from the 2011 plat was not an error or omission.

Section 7

Monuments on Plats

Through the years we have had spirited discussions about showing found and set monuments on plats. Our review is based on the following compilation of Oregon Revised Statutes.

OREGON REVISED STATUTES, 2019 EDITION

ORS requirements to show found and set monuments and the relationship (measured bearing/distance) between these monuments.

ORS 209.250 (3)(f) All surveys

ORS 209.250 Survey by registered land surveyor; requirements for map, narrative or report of survey; waiver of required filing; effect of noncompliance.

(3) A permanent map must show the following:

(f) Monuments set and their relation to older monuments found. A detailed description of monuments found and set must be included and monuments set must be separately indicated from those found.

ORS 92.050(5) Subdivisions and Partitions... requirements of survey and plat of subdivision and partition.

(5) The locations and descriptions of all monuments found or set shall be carefully recorded upon all plats and the proper courses and distances of all boundary lines, conforming to the surveyor's certificate, shall be shown.

*In addition, these plats must comply with requirements of **ORS 209.250(3)(f)** per **ORS 92.050(1)***
ORS 92.050 (1) A person shall not submit a plat of a subdivision or partition for record, until all the requirements of ORS 209.250 and the plat requirements of the subdivision or partition have been met.

ORS 100.115(1) Condominiums

ORS 100.115 states a plat of the condominium shall comply with ORS 92.050

ORS 100.115 Recording declaration and plat; plat contents; supplemental declaration and plat; approval of declaration and plat amendments; fees.

*(1) A plat of the land described in the declaration or a supplemental plat described in a supplemental declaration, complying with **ORS 92.050, 92.060 (1) and (2), 92.080 and 92.120**, shall be recorded simultaneously with the declaration or supplemental declaration...*

ORS 92.050(1) then requires a plat to meet all of the requirements of ORS 209.250

ORS 92.050 Requirements of survey and plat of subdivision and partition. (1) A person shall not submit a plat of a subdivision or partition for record, until all the requirements of ORS 209.250 and the plat requirements of the subdivision or partition have been met.