

(Underlined sections are new or replacements; [bracketed] sections are deleted.)

BEFORE THE BOARD OF COMMISSIONERS

FOR THE COUNTY OF MULTNOMAH

ORDINANCE NO. 563

An Ordinance amending Multnomah County Code Chapter 5.10.270.

Multnomah County ordains as follows:

Section 1. Findings.

1. ORS Chapter 203 authorized the county to create a public land corner preservation fund in order to fund the establishment, re-establishment and maintenance of corners of government surveys.

2. The county created this fund in MCC 5.10.270. It is funded by fees collected for recording certain documents with the county.

3. The Oregon Legislature has amended ORS Chapter 203 to increase the number of documents for which a recording fee may be collected.

4. The county code section that establishes the fund should thus be amended to reflect the changes in state law.

Section 2. Amendments.

(B) In addition to any other fees required by law, there will be a fee of [~~\$10.00~~] \$3.00 charged for [each bargain and sale deed, deed in lieu of foreclosure, estoppel deed, land patent, mineral deed, quitclaim deed, sheriff's deed, timber deed, trustee deed, and warranty deed offered for recording under ORS 205.130.] all of the following instruments:

1. Deeds and mortgages of real property, powers of attorney and contracts affecting the title to real property, authorized by law to be recorded, assignments thereof and of any interest therein when properly acknowledged or proved and other interests affecting the title to real property;

2. Certificates of sale of real property under execution or order of court, or assignments thereof or of any interest therein when properly acknowledged or proved; and

3. Certified copies of death certificates of any person appearing in the county records as owning or having a claim or interest in land in the county.

4. Th[is]e fee will not be imposed for the re-recording of any instruments specified in this section.

C. Document List and Appeal. The County Surveyor shall prepare a list of documents which are subject to the fee. In addition, the County Surveyor may review any document presented for recording to determine whether it properly comes within the terms of Section B. The decision of the County Surveyor may be appealed in writing to the Director of Environmental Services. Such appeal must be filed within 14 days and state the grounds for appellant's position that the fee should not be charged. The decision of the Director is final..

[(C)] D. All fees collected pursuant to subsection (B) of this section will be deposited to the credit of the Public Land Corner Preservation Fund for use only to pay expenses incurred and authorized by the Multnomah County Surveyor in the establishment, re-establishment and maintenance of the corners of government surveys under ORS 209.070(5) and (6).

[(D)] E. The fee imposed by subsection (B) of this section shall not be collected for documents filed after December 31, 199[0]2, unless prior to that time the Board of County Commissioners adopts an ordinance authorizing collection of the fee after December 31, 199[0]2.

Section 3. Adoption.

This Ordinance, being necessary for the health, safety, and general welfare of the people of Multnomah County, shall take effect on the thirtieth (30th) day after its adoption, pursuant to Section 5.50 of the Charter of Multnomah County.

ADOPTED this 12th day of November, 1987, being the date of its second reading before the Board of County Commissioners of Multnomah County.

BOARD OF COUNTY COMMISSIONERS
MULTNOMAH COUNTY, OREGON

(SEAL)


By


Gladys McCoy
Multnomah County Chair

APPROVED AS TO FORM:

LAURENCE KRESSEL, COUNTY COUNSEL
FOR MULTNOMAH COUNTY, OREGON

By


Noelle Billups
Assistant County Counsel

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