

# ***PROPERTY CORNER MARKERS***

## **THINGS YOU NEED TO KNOW**



**FROM THE OFFICE OF THE  
MORROW COUNTY SURVEYOR**

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## **WHAT IS A PROPERTY CORNER?**

A property corner is an infinitely small point in space created by the legal action of law at the end of a line marking the limit of an owner's right to possess, use and enjoy their land.

## **WHAT IS A PROPERTY CORNER MARKER?**

A property corner marker is any manner of physical object that represents the property corner. In land surveying terms, this physical object is called a monument. A monument can be natural such as a creek or a bluff, or it can be manmade such as a wooden stake, a wooden post, a steel pipe, an iron rebar, a railroad spike, a nail, a tack in a lead plug, an "x" chiseled in stone or concrete, a glass bottle, buggy or car axles, horse shoes, cast iron stove grates, and many more. (See the front page for examples.)

## **WHY IS THIS IMPORTANT TO ME?**

Most people know their favorite pair of shoes. They know which parts have worn thin and when a string breaks. And a rock or grass seed inside is usually cause for instant inspection. Likewise, every property owner, to enjoy full and peaceful use and possession of their land, should know all of the distinct features that identify their property. In some properties the fences are on the line and in some they are not. (This is particularly true along road rights of way). Some property lines run down ditches or along the driveway or along the row of trees next to the fence, and some do not. Some properties have buildings or other structures over the lines and some do not. For some properties the corners have markers and some do not. Some markers are visible and some are buried.

## **CAN "NOT KNOWING" MY PROPERTY CAUSE ME PROBLEMS?**

YES! When the lines and corners are not known it is possible that someone else may build on or take some other form of use of your property (or theirs). This situation is particularly prevalent when the property has never been marked, or when the marks have been destroyed by excavation. When discovered, these problems usually cost the price of an expensive land survey (\$1500 and up) and can cost much more in the form of legal battles over the location of the actual boundary and possession of the land. And, in certain circumstances, you may even lose ownership of a part of your property.

## **WHAT CAN I DO TO PROTECT MYSELF?**

KNOW YOUR PROPERTY RIGHTS! The subject of property rights can be quite complex. A landowner can do a lot to educate themselves in this area, but property rights issues are normally best handled with the advice of a competent attorney.

KNOW YOUR PROPERTY! Every property owner should do their best to understand the legal description of their property and where the boundaries physically are on the land. Properties

are as different from one another as people are and there are a variety of ways to describe a property. There are many good books on the subject of descriptions but asking a land surveyor may be the quickest way to learn.

**AND KNOW YOUR PROPERTY MARKERS!      **PROPERTY MARKERS ARE PROTECTED BY LAW.****

The Oregon Revised Statutes "ORS" provide in part:

**ORS209.140(1)**

Any person or public agency that finds it necessary to interfere with or pave over any established public land survey corner or accessories for any reason, shall notify the county surveyor prior to the interference, who shall lower and witness the monument, or place another monument and witness over the existing monument or reference and replace or set a witness monument, as the case may demand.....

**ORS209.150 (1)**

Any person or public agency removing, disturbing or destroying any survey monument of record in the office of the county surveyor or county clerk shall cause a registered professional land surveyor to reference and replace the monument within 90 days of the removal, disturbance or destruction.....

**ORS209.990 (1)**

1) The costs of the reestablishment of the corner or witness monument may be recovered in a civil action together with costs and attorney fees for the prevailing party. (2) A person may obtain injunctive relief to prevent further disturbance or destruction of survey monuments....

The greatest danger to property markers are excavators. These include fence builders, power, phone, water, or other utility companies, road maintenance activities, farm machinery trying to eliminate weeds along the roads, just to name a few. Some may know the marks are there and some may not. When an excavator breaks the phone, power, or other utility lines, people know it quickly. However, when an excavator destroys your corner marker, nothing stops working so you may not know it for a very long time. If you can show the excavator is the one who destroyed your marker (or markers), you can make them pay to replace them. However, if you don't catch them, YOU will pay when the time comes to replace the marks.

YOU are your best defense. Know if your property corners are marked and with what monument. This information can be found by asking prior land owners, neighbors, and the County Surveyor's Office. And if you see excavation activities happening in the area around your property corners, ask the excavator to avoid them or to comply with the statutes by having a surveyor provide the protection duties required by law.

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*Edited by Matt Kenny on February 9, 2021*