

PBOT

PORTLAND BUREAU OF TRANSPORTATION

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Chloe Eudaly Commissioner **Chris Warner** Interim Director

NOTIFICATION OF UPCOMING FIELD SURVEY

Over the next several months, the Portland Bureau of Transportation Survey Group (PBOT Survey) field survey personnel will be conducting a survey on or near your property. The purpose of this survey is to collect topographic data and to locate existing survey monuments to resolve the right of way lines for a proposed Bureau of Environmental Services (BES) project.

Right of Entry as allowed by Oregon Revised Statutes (ORS) Chapter 672.047, "Right of Entry by Land Surveyor" may be necessary to complete our field work. A copy of the entire Statute is on the reverse side of this memo. PBOT Survey personnel may need to enter your property to obtain the necessary information for this project. Multiple trips to the site may be necessary. Survey marking paint, temporary stakes and flagging may be left during the duration of our survey work.

If you have any survey related questions please feel free to contact Danny Denning, Surveying Supervisor at 503-823-7151 or danny.denning@portlandoregon.gov

Respectfully,

Danny Denning, PLS
Surveying Supervisor
Portland Bureau of Transportation



The Portland Bureau of Transportation fully complies with Title VI of the Civil Rights Act of 1964, the ADA Title II, and related statutes and regulations in all programs and activities. For accommodations, complaints and information, call (503) 823-5185, City TTY (503) 823-6868, or use Oregon Relay Service: 711.

672.047 Right of entry by land surveyor; compensation for damages caused; notice; removal of survey markers. (1) Subject to subsection (4) of this section, a registered professional land surveyor, or any employee or agent of the land surveyor, may enter on foot, where practicable, upon any land for the purpose of surveying or performing any survey work and may establish permanent survey monuments as allowed by rule of the State Board of Examiners for Engineering and Land Surveying.

(2) Any person exercising the right of entry granted under subsection (1) of this section shall do so with no unnecessary damage to the land entered upon. Damages to trees, shrubs and other vegetation intentionally caused by the land surveyor shall be subject to compensation and penalties as provided in ORS 105.810. The land surveyor shall compensate the landowner for all other actual monetary damages, or \$100, whichever is greater. Actual monetary damages may include but are not limited to all costs in time, labor and materials incurred by the landowner to return the property to the condition it was in prior to the damage.

(3) If land that is entered and surveyed under this section is located outside of an urban growth boundary and the landowner makes a timely request in writing, the registered professional land surveyor shall provide a copy of the survey in a timely manner to the landowner.

(4) A registered professional land surveyor, or any employee or agent of the land surveyor, may not enter upon land for the purpose of surveying, performing other survey work or establishing a permanent survey monument without first providing notice to the landowner by first class mail or by personal notice. If the land is occupied by a person other than the landowner, notice must also be given to the occupant by first class mail or by personal notice. Notice that is given by first class mail must be mailed at least seven days prior to the entry onto the land. Notice that is given by personal notice must be hand-delivered to the landowner or occupant or be posted in a conspicuous place where the landowner or occupant may reasonably be expected to see the notice. The notice shall give the professional land surveyor's name, address, telephone number, purpose, availability of the survey and the presence of any temporary or permanent monuments or other markers to be left on the land.

(5) A registered professional land surveyor, or any employee or agent of the land surveyor, who enters land as allowed under this section is owed no greater duty of care than that owed by a landowner to a trespasser.

(6) Notwithstanding the provisions of subsection (1) of this section, a registered professional land surveyor, or any employee or agent of the land surveyor, may use a vehicle to enter upon land provided that the vehicle remains on existing roadways where practicable.

(7) The land surveyor shall remove all flagging, stakes and other temporary materials that are above ground if leaving the materials in place creates an unreasonable risk of harm to persons or property. Except for forestland as defined in ORS 527.620, the land surveyor shall remove all temporary above ground materials within 60 days of placement unless written authorization to leave the materials in place is received from the landowner or occupant. [1995 c.382 §13; 1997 c.743 §1; 2009 c.259 §5; 2011 c.231 §1]