

Certificate of Survey: To Aggregate and Relocate Boundaries Between Adjacent Landowners

Situating in Block 3 of the Townsite of Winston and part of the W 1/2 of the W 1/2 of Section 6,
Township 8 North, Range 1 East, P.M.M., Broadwater County, Montana

T 9 N., R. 1 W. T 9 N., R. 1 E.
36 31
1 6

Landowners: Gary and Cathie Schoer and Winston Livestock Company
Date: September 7, 2021

Legal Description:

Lot A

A tract of land being an aggregation of Lots 5, 6, 7, and 8 of Block 3 of the Townsite of Winston and part of the W 1/2 of the W 1/2 of Section 6, Township 8 North, Range 1 East, P.M.M., Broadwater County, Montana and being more particularly described as follows: Commence at the Southeasterly Corner of Block 3 of the said Townsite of Winston for the Point of Beginning; Thence S54°00'00"E for a distance of 100.00 feet to the southwesterly Corner of Lot 5; Block 3 of the Townsite of Winston; Thence N36°00'00"W, a distance of 267.92 feet; Thence N28°38'48"E, for a distance of 110.66 feet; Thence S36°00'00"E, for a distance of 315.30 feet to Point of Beginning, said parcel being 0.67 Acres more or less and being served by and subject to rights-of-way and easements as shown, existing, or of record.

Lot B

A tract of land situated in part of the W 1/2 of the W 1/2 of Section 6, Township 8 North, Range 1 East, P.M.M., Broadwater County, Montana lying west of Montana Rail Link and being more particularly described as follows: Commence at the W 1/4 Corner of said Section 6 for the Point of Beginning; Thence N00°50'50"W, a distance of 340.70 feet to the westerly right-of-way of said Montana Rail Link; Thence along said right-of-way S36°00'00"E, for a distance of 756.49 feet; Thence leaving said railroad right-of-way S54°00'00"W, for a distance of 210.00 feet; Thence S36°00'00"E, for a distance of 250.03 feet to a point on the northwesterly boundary of the Townsite of Winston; Thence along said townsite boundary S54°00'00"W, for a distance of 50.00 feet; Thence leaving said townsite boundary N36°00'00"W, for a distance of 203.37 feet; Thence S28°38'48"W, for a distance of 110.66 feet; Thence S36°00'00"E, for a distance of 155.99 feet to a point on the aforementioned boundary of the Townsite of Winston; Thence along said townsite boundary S54°00'00"W, for a distance of 365.04 feet to a point on the west line of said Section 6; Thence leaving said townsite boundary and along said section line N00°00'00"E, for a distance of 899.79 feet to the Point of Beginning, said parcel being 6.71 Acres more or less and being served by and subject to rights-of-way and easements as shown, existing, or of record.

Landowners' Certification:

We hereby certify that the purpose of this survey is to aggregate existing lots and deeds and to relocate a common boundary line between adjoining properties outside a platted subdivision and that no additional parcels are hereby created. According to 76-3-207(1)(a), MCA: Except as provided in subsection (2), unless the method of disposition is adopted for the purpose of evading this chapter, the following divisions or aggregations of tracts of record of any size, regardless of the resulting size of any lot created by the division or aggregation, are not subdivisions under this chapter but are subject to the surveying requirements of 76-3-401 for divisions or aggregations of land other than subdivisions and are subject to applicable zoning regulations adopted under Title 76, chapter 2: (a) divisions made outside of platted subdivisions for the purpose of relocating common boundary lines between adjoining properties.

We also hereby certify that the purpose of this survey is to aggregate existing lots. According to 76-3-207(1)(f), MCA: Except as provided in subsection (2), unless the method of disposition is adopted for the purpose of evading this chapter, the following divisions or aggregations of land are not subdivisions under this chapter but are subject to the surveying requirements of 76-3-401 for divisions or aggregations of land other than subdivisions and are subject to applicable zoning regulations adopted under Title 76, chapter 2: (f) aggregation of parcels or lots when a certificate of survey or subdivision plat shows that the boundaries of the original parcels have been eliminated and the boundaries of a larger aggregate parcel are established. A restriction or requirement on the original platted lot or original unplatted parcel continues to apply to those areas.

Therefore, this division of land is exempt from review as a subdivision pursuant to section 76-3-207(1)(a) and 76-3-207(1)(f), MCA

The area that is being removed from one tract of record and joined with another tract of record is not itself a tract of record. Said area shall not be available as a referenced legal description in any subsequent real property transfer after the initial transfer associated with the certificate of survey on which said area is described, unless said area is included with or excluded from adjoining tracts of record ARM 24.183.1104 1 (a) (f) (iii) (C)

Sanitation Exemption Lot A

(2) The reviewing authority may exclude the following parcels created by divisions of land from review under Title 76, chapter 4, part 1, MCA, unless the exclusion is used to evade the provisions of that part: (c) a parcel that will be affected by a proposed boundary line adjustment, if the parcel has existing facilities for water supply, wastewater disposal, storm drainage, or solid waste disposal that were not subject to review, and have not been reviewed, under Title 76, chapter 4, part 1, MCA, and if: (i) no facilities, other than those in existence prior to the boundary line adjustment, or those that were previously approved as replacements for the existing facilities, will be constructed on the parcel; (ii) existing facilities on the parcel complied with state and local laws and regulations, including permit requirements, which were applicable at the time of installation; and (iii) the local health officer determines that existing facilities are adequate for the existing use. As a condition of the exemption, the local health officer may require evidence that: (A) existing septic tanks have been pumped within the previous three years; (B) the parcel includes acreage or features sufficient to accommodate a replacement drainfield; (C) existing wells are adequate for the proposed uses; and (D) adequate storm drainage and solid waste disposal are provided. Therefore, this division of land is not subject to Sanitation review.

Montana Sanitation in Subdivisions Act Land Divisions Excluded from Review: Lot B

The reviewing authority may exclude the following parcel created by divisions of land from review under Title 76, chapter 4, part 1, MCA, unless the exclusion is used to evade the provisions of that part when: According to Section 17.36.605 (2) (a) MCA which states:

"A parcel that has no existing facilities for water supply, wastewater disposal, and solid waste disposal, if no new facilities will be constructed on the parcel."

Landowners: Gary J. Schoer Cathie Schoer Winston Livestock Company

Notary:

On this ____ day of _____, 20____, before me a Notary Public for the State of Montana, personally appeared Gary J. Schoer and Cathie Schoer known to me to be the persons whose names subscribed to the within instrument, and acknowledged to me that they executed the same.

Residing at _____

Notary public for the State of Montana.

My Commission Expires _____

Certificate of Surveyor:

I hereby certify this Certificate of Survey is a true representation of a survey performed under my supervision and completed on August 26, 2021 and described the same as shown on this Certificate of Survey in accordance with the provisions of the Montana Subdivision and Platting Act. Dated this ____ day of _____, 20____.

Surveyor:

Dan Swenson P.L.S. No. 15279
P.O. Box 177
Townsend, Mt. 59644

Certificate of Treasurer:

I, _____, Treasurer of Broadwater County, Montana, do hereby certify that the accompanying plat has been duly examined and that all real property taxes and special assessments assessed and levied on the land to be subdivided have been paid through _____
Tax ID # _____
Dated this ____ day of _____, 20____.

Treasurer of Broadwater County

Certificate of Clerk and Recorder:

I, _____, Clerk and Recorder of Broadwater County, Montana, do hereby certify that the foregoing instrument was filed in my office at _____ o'clock, (am or pm), the ____ day of _____, AD, 20____, and recorded in Book _____ of Plats on Page _____, Records of the Clerk and Recorder, Broadwater County, Montana.

Document No. _____

Clerk and Recorder

STATE OF MONTANA)
ss. _____)
County of _____)

Notary:

On this ____ day of _____, 20____, before me, the undersigned, a Notary Public for the State of Montana, personally appeared _____, known to me to be the _____ (title) of WINSTON LIVESTOCK COMPANY, the corporation that executed the within instrument, and acknowledged to me that he executed the same for and on behalf of said corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year first above written.

Notary Public for the State of Montana

Residing at _____, Montana

My Commission Expires _____

Certificate of Examination:

Reviewed for errors and omissions in calculations and drafting this the ____ day of _____, 20____, pursuant to Section 76-3-611(2)(a), MCA.

Montana Registration No. _____

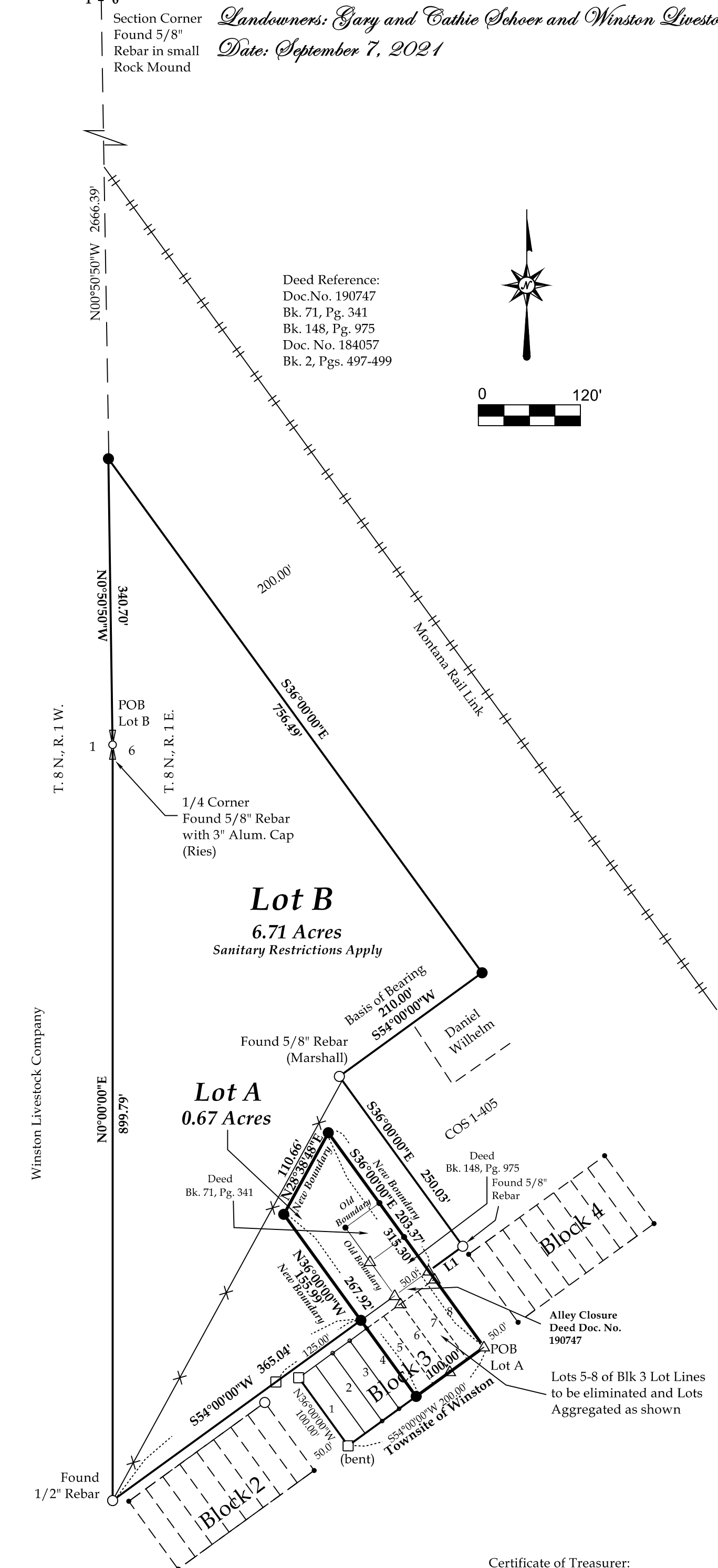
W 1/2 of Sec. 6, T. 8N., R. 1 E., P.M.M. Broadwater County, Mt.

Gary Schoer and Winston Livestock Co.

Boundary Relocation

Schauber Surveying 266-4602

SCALE	PRINT DATE	FILE NAME	
120 Ft/In	12-13-2021	4266 M.Schoer.trv	
DRAWN BY	REVISION	SHEET	JOB
DLS		1/1	4266



LINE	BEARING	HORIZ DIST
LI	S54°00'00"W	50.00'

Basis of Bearing COS 1-405

LEGEND

- Section Corner Found as noted
- Quarter Corner
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