

The Albe Minor Subdivision

A Minor Subdivision of Amended Tract 18-B

Situated in part of the NW 1/4 of Section 3,
Township 7 North, Range 1 East P.M.M.,
Broadwater County, Montana

Landowners: Steve Upton

Representative: Bernadette Swenson
Schauber Surveying, Inc.
64 Jack Farm Rd
Townsend, MT 59644
(406) 266-4602

VICINITY MAP

ALBE MINOR SUBDIVISION

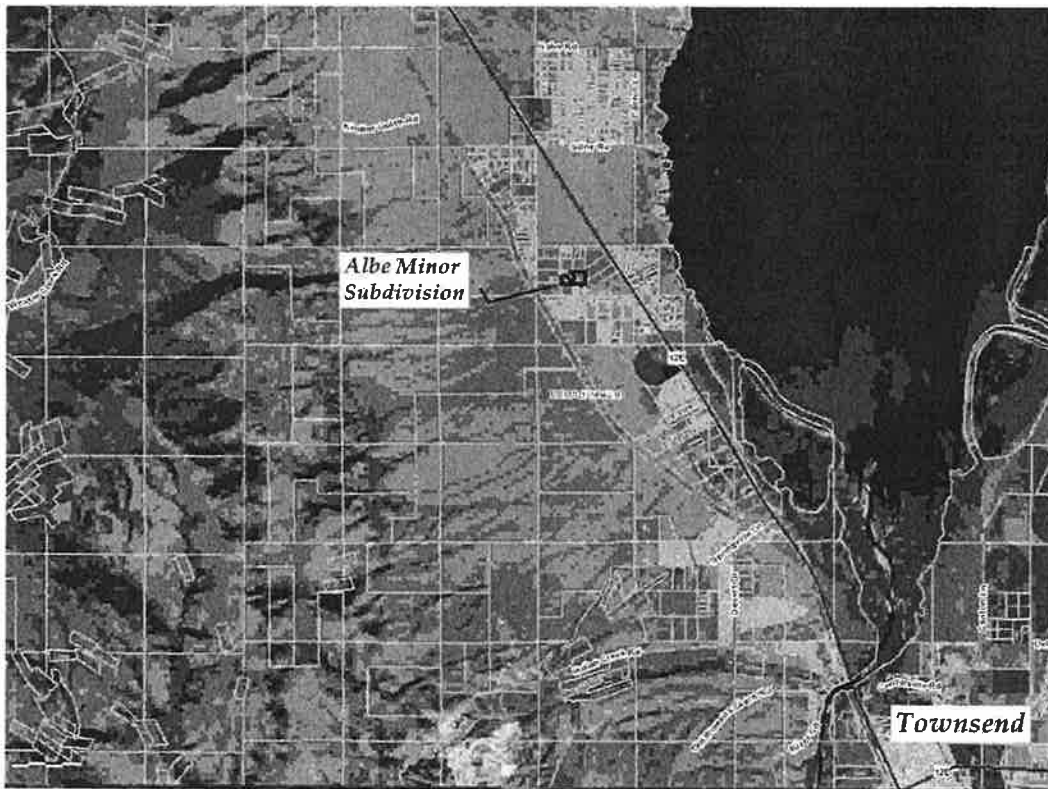


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33. Re-zoning Application - **None Required**
34. Flood Hazard Evaluation-BFE - **None Required**
35. Proposed Mitigation
36. Additional Information Requested
37. Tract History since July 1st, 1973

Item # 1
Subdivision Application

APPENDIX D. SUBDIVISION APPLICATION FORM

COVER SHEET

Name of Proposed Subdivision Albe Minor Subdivision

Date of Pre-Application Meeting May 19, 2022

Contents of Subdivision Application Package

- Preliminary Plat
- Subdivision Application Form
- Environmental Assessment (majors and subsequent minors only)
- Preliminary Plat Checklist
- Subdivision Review Fee 1900⁰⁰ ck # 519
- Any request for variance

SUBDIVISION APPLICATION

PART 1. GENERAL DESCRIPTION AND INFORMATION

1. Name of the proposed subdivision Albe Minor Subdivision

2. Location (City and/or County) Townsend, Broadwater County
Legal description: NW 1/4 1/4 of Section 3 Township 7N Range 1E

3. Type of water supply system:
 - a. Individual surface water supply from spring _____
 - b. Multiple-family water supply system (3-14 connections and fewer than 25 people) _____
 - c. Service connection to multiple-family system _____
 - d. Service connection to public system _____
 - e. Extension of public main _____
 - f. New public system _____
 - g. Individual well _____

4. Type of wastewater treatment system:
 - a. Individual or shared on-site septic system _____
 - b. Multiple-family on-site system (3-14 connections and fewer than 25 people) _____
 - c. Service connection to multiple-family system _____
 - d. Service connection to public system _____
 - e. Extension of public main _____
 - f. New public system _____

5. Name of solid waste garbage disposal site and hauler: Townsend Canister Site

6. Is information included which substantiates that there will be no degradation of state waters or that degradation will be non-significant? DEQ will review this subdivision to substantiate non-degradation.

8. Descriptive Data:
 - a. Number of lots or rental spaces 4
 - b. Total acreage in lots being reviewed 15.54 Acres
 - c. Total acreage in streets or roads 0.26 Acres
 - d. Total acreage in parks, open space, and/or common facilities 0
 - e. TOTAL gross acreage of subdivision 15.80 Acres
 - f. Minimum size of lots or spaces 2.73 Acres
 - g. Maximum size of lots or spaces 5.51 Acres

9. Indicate the proposed use(s) and number of lots or spaces in each:

<u>4</u>	Residential, single family
_____	Residential, multiple family
_____	Types of multiple family structures and numbers of each (e.g. duplex)
_____	Planned Unit Development (Number of units _____)
_____	Condominium (Number of units _____)
_____	Mobile Home Subdivision (Number of spaces _____)
_____	Recreational Vehicle Subdivision (Number of spaces _____)
_____	Commercial or Industrial
_____	Other (please describe) _____

10. Provide the following information regarding the development:

- a. Current land use Residential Subdivision lot
- b. Existing zoning or other regulations N/A
- c. Depth to ground water at the time of year when water table is nearest to the natural ground surface within the drainfield area > 8 feet as determined by test pits
- d. Depth to bedrock or other impervious material in the drainfield area > 8 feet as determined by test pits
- e. If a tract of land is to be subdivided in phases, an overall development plan indicating the intent for the development of the remainder of the tract. N/A
- f. Drafts of any covenants and restrictions to be included in deeds or contracts for sale. Drafts of homeowners' association bylaws and articles of incorporation, if applicable. (Submitting a draft copy of a homeowners' association bylaws and articles of incorporation is adequate for DEQ to initiate and complete its review of sanitary facilities, but a copy of the fully executed documents must be submitted before DEQ can issue final approval.)
- g. Indicate whether the mineral rights have been severed from the property:
Yes _____ No None Known
- h. Indicate whether water rights have been severed from the property:
Yes _____ No None Known

11. Is the applicant claiming an exemption of the subdivision regulations from the requirement to prepare an environmental assessment?

Yes _____ No X

Name, address, and telephone number of designated representative, if any (e.g., engineer, surveyor).

Bernadette Swenson, PLS Schaubert Surveying, Inc 406-266-4602
Name Phone

P.O. Box 202 Townsend, MT 59644
Address (Street or P.O. Box, City, State, Zip Code)

Name, address, and telephone number of owner(s).

Steve Upton
Name


Signature of owner

PO Box 224, Townsend, MT 59644
Address (Street or P.O. Box, City, State, Zip Code)

07/07/92
Date

406-980-0841
Phone

Item # 2
Review Fee

BROADWATER COUNTY SUBDIVISION REVIEW FEES

PRELIMINARY REVIEW FEES

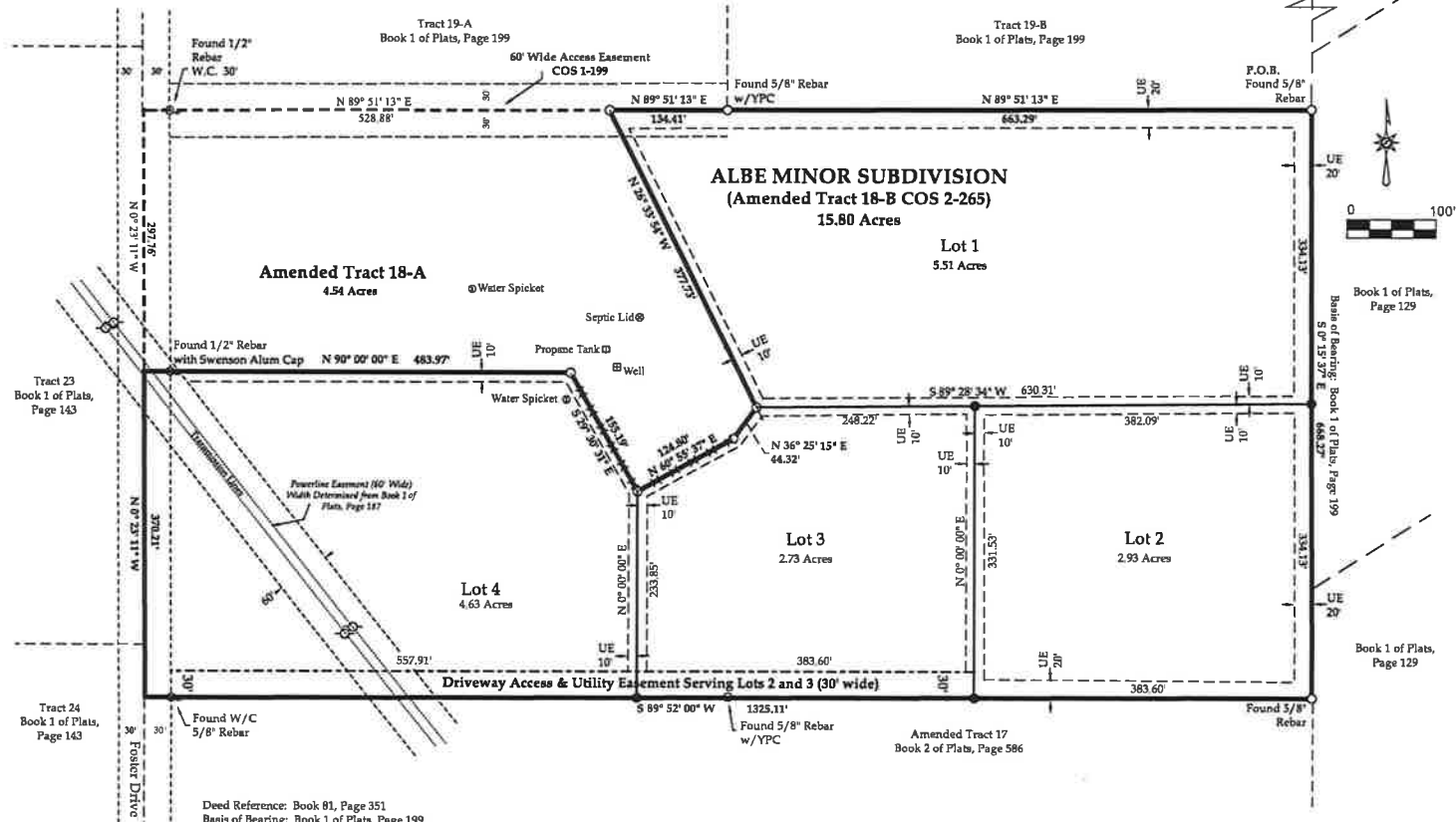
			TOTAL
Pre-Application Meeting Fee:	\$150.00	Paid _____	_____
Variance Request:	\$250.00	x _____	_____
Preliminary Plat Application Review Fee:			
Major (more than 5 lots)	\$2500.00		_____
Minor (2-5 Lots)	\$1500.00		<u>\$1500.00</u>
Plus addn fee per lot/unit	\$100.00	x ⁴ _____	<u>\$400.00</u>
One Lot Minor	\$850.00		_____
Phasing Plan Review Fee:			
Initial	\$200.00		_____
Per Phase	\$500.00		_____
Amendment Review	\$550.00		_____
Environmental Health Review Fee	\$100.00 /per lot	x _____	_____
<i>(per each lot over 20 acres)</i>			
Amendment to Conditions of Preliminary Approval		\$550.00	_____
PUD (Planned Unit Development) *in addition to preliminary plat application review fees:			
Development Review	\$1000.00		_____
Adjustments	\$550.00		_____
Fire District Inspection fee	\$100.00	(Majors Only)	_____
Plus additional fee per lot/unit		x _____	_____
Road Department Inspection Fee ***	\$100.00	(Major Only)	_____
<i>***plus actual contract engineering consultant expenses for detailed review if necessary</i>			
Plus additional fee per lot/unit		x _____	_____
TOTAL			<u>\$1900.00</u>

Item # 3
Preliminary Plat



Plat of the: *Albe Minor Subdivision, Document No. _____*
 Being Amended Tract 18-B of Certificate of Survey Book 2 of Plats, Page 265
 Situated in part of the NW 1/4 of Section 3, Township 7 North, Range 1 East, P.M.M.,
 Broadwater County, Montana.

Landowner: *Steve Upton*
 June 14, 2022



Certificate of Dedication:
 (I), (We), the undersigned property owner(s), do hereby certify that (I), (We), have caused to be surveyed, subdivided, and platted into lots, parcels, blocks, roads, and alleys, and other divisions and dedications, as shown by this plat here unto included, the following described Tract of land, to wit:

ALBE MINOR SUBDIVISION OVERALL BOUNDARY:
 A tract of land being Amended Tract 18-B of Certificate of Survey Book 2 of Plats, Page 265, being situated in part of the E 1/2 of the NW 1/4 of Section 3, Township 7 North, Range 1 East, P.M.M., Broadwater County, Montana and being more particularly described as follows: Commence at the N 1/4 Corner of said Section 3 500°14'22"E for 1366.92 feet to the Northeast corner of herein described tract and true point of beginning; thence leaving said point of beginning 500°15'33"E for 568.27 feet; thence 58°52'00"W for 1325.11 feet to the centerline of Foster Drive, a 60 foot wide Road Easement; thence along said centerline N00°23'11"W for 370.21 feet; thence leaving said centerline N90°00'00"E for 483.97 feet; thence 53°50'31"E for 155.19 feet; thence N46°55'37"E for 124.80 feet; thence N36°25'15"E for 44.32 feet; thence N26°33'54"W for 377.73 feet; thence N89°51'13"E for 777.70 feet to the point of beginning containing 15.80 acres more or less and being served by and subject to right-of-ways and easements as shown, existing, or of record.

Utility Easement Declaration:
 The undersigned hereby grants unto each and every person, firm, or corporation, whether public or private, providing or offering to provide telephone, telegraph, electric power, gas, cable television, water or sewer service to the public, the right to the joint use of an easement for the construction, maintenance, repair and removal of their lines and other facilities, in, over, under and across each area designated on this plat as "Utility Easement" to have and to hold forever.

Certificate of Waiver:
 We, the undersigned owners of the Minor Subdivision, do hereby waive the right to protest the creation of Rural Improvement Districts. In so doing, we do not waive any right to comment on, protest, and/or appeal any assessment formula which may be proposed, if we believe it to be inequitable. This waiver shall be binding upon the heirs, assigns, and purchasers on all lots within this subdivision.

The above described tract of land is to be known and designated as the Albe Minor Subdivision of Broadwater County, Montana, and the lands included in all roads, avenues, alleys, and parks or public squares shown on said plat are hereby granted and donated to the use of the public forever. The roadways dedicated to the public are accepted for public use, but the County accepts no responsibility for maintaining the same. The owner(s) agree(s) that the County has no obligation to maintain the roads hereby dedicated to public use.

Dated this ____ day of _____, A.D., 20____
 Notary:
 On this ____ day of _____, 20____, before me a Notary Public for the State of Montana, personally appeared Steven F. Upton known to me to be the persons whose names subscribed to the within instrument, and acknowledged to me that they executed the same.

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

Notary public for the State of Montana.
 My Commission Expires _____

WEED CONTROL CERTIFICATION:
 The Conditions and Restrictions as required by Broadwater County will apply to this subdivision.
 COVENANTS: This subdivision is subject to Restrictive Covenants. See Covenants Filed in Book _____ Page _____
 Note: HOMEOWNERS ASSOCIATION: Homeowners Association Article of Organization and By-Laws must be filed if applicable.
 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 _____, A.D., 20____, and recorded in Book _____ of Plats on Page _____ Records of the Clerk and Recorder, Broadwater County, Montana. Document No. _____
 Dated this ____ day of _____, 20____
 Clerk and Recorder

LEGEND

- Quarter Corner
- Found 1/2" Rebar with Swenson OPC or Rebar as Noted
- Found Witness Corner as Noted
- Set 1/2" Rebar w/ Alum Cap, I.S. No. 15279
- ⊙ Water Spicket
- ⊕ Propane Tank
- ⊙ Septic Lid
- ⊕ Well
- ⊖ Power Pole
- POB Point of Beginning
- W.C. Witness Corner

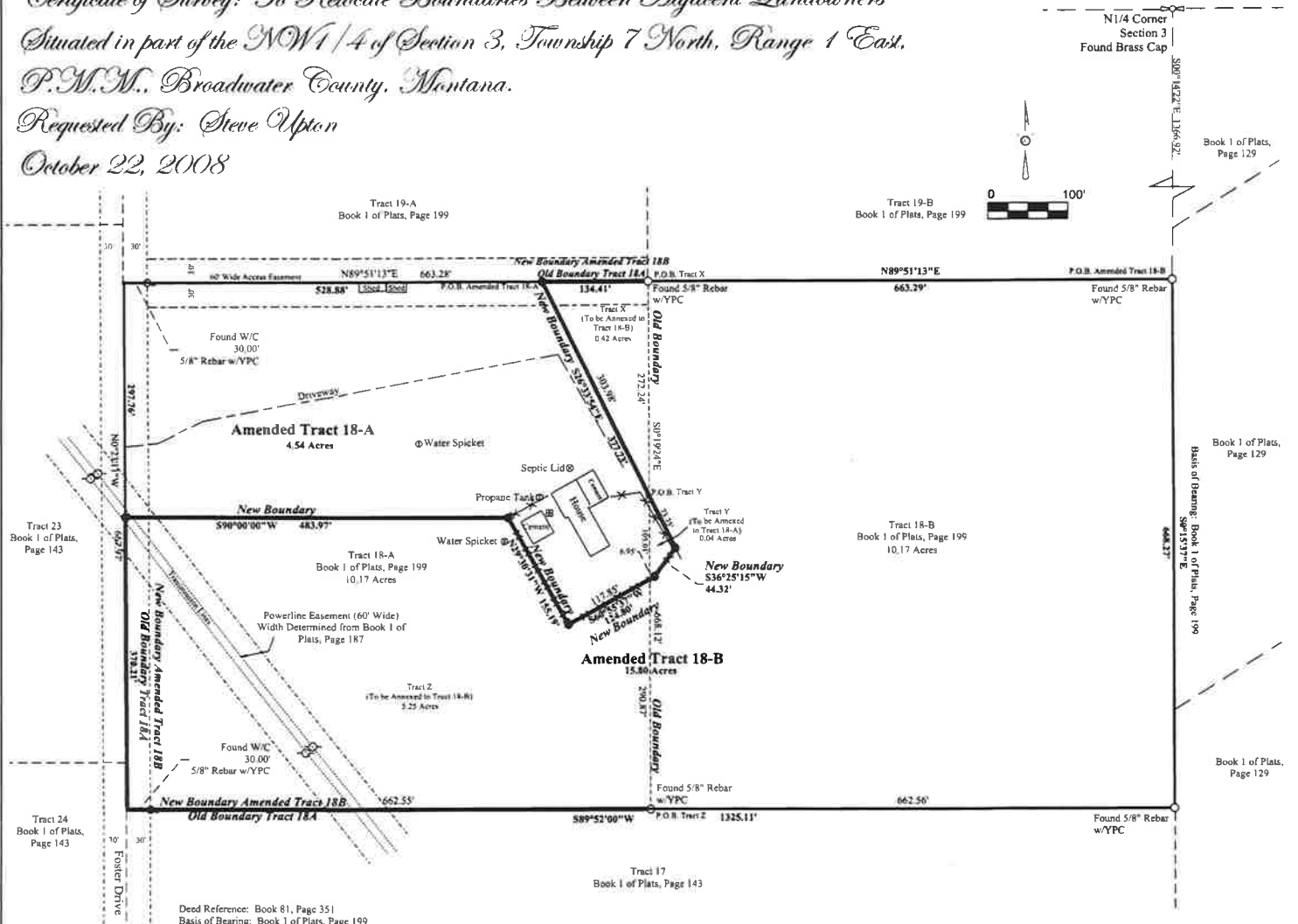
Certificate of Examination:
 Reviewed for errors and omissions in calculations and drafting this the ____ day of _____, 20____, pursuant to Section 76-3-611(2)(a), MCA.
 Montana Registration No. _____
 Certificate of Treasurer:
 I, _____, Treasurer of Broadwater County, Montana, do hereby certify that 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

Requested By: **Steve Upton**
 Type: **Albe Minor Subdivision**
Schauber Surveying 266-4602
 SCALE 100 Ft./In. DATE 11-8-2022 FILE NAME 4544.TRV
 DRAWN BY BMS REVISION SHEET 1/1 JOB 4544

NW 1/4 Sec. 3, T.7N., R.1E., P.M.M., Broadwater Co.			
Requested By: Steve Upton			
Type: Albe Minor Subdivision			
Schauber Surveying		266-4602	
SCALE	DATE	FILE NAME	
100 Ft./In.	11-8-2022	4544.TRV	
DRAWN BY	REVISION	SHEET	JOB
BMS		1/1	4544

Item # 4
Current Subdivision COS/Plat

*Certificate of Survey: To Relocate Boundaries Between Adjacent Landowners
Situating in part of the NW1/4 of Section 3, Township 7 North, Range 1 East,
P.M.M., Broadwater County, Montana.
Requested By: Steve Upton
October 22, 2008*



Amended Tract 18-B:
A tract of land being part of Tracts 18-A and 18-B of Book 1 of Plats, Page 199, being situated in part of the E1/2 of the NW1/4 of Section 3, Township 7 North, Range 1 East, P.M.M., Broadwater County, Montana and being more particularly described as follows: Commence at the N1/4 Corner of said Section 3 300°14'22\"/>

Amended Tract 18-A:
A tract of land being part of Tracts 18-A and 18-B of Book 1 of Plats, Page 199, being situated in part of the E1/2 of the NW1/4 of Section 3, Township 7 North, Range 1 East, P.M.M., Broadwater County, Montana and being more particularly described as follows: Commence at the N1/4 Corner of said Section 3 300°14'22\"/>

Tract X (To be Annexed to Tract 18-B):
A tract of land being part of Tract 18-A of Book 1 of Plats, Page 199, being situated in part of the E1/2 of the NW1/4 of Section 3, Township 7 North, Range 1 East, P.M.M., Broadwater County, Montana and being more particularly described as follows: Commence at the N1/4 Corner of said Section 3 300°14'22\"/>

Tract Y (To be Annexed to Tract 18-A):
A tract of land being part of Tract 18-A of Book 1 of Plats, Page 199, being situated in part of the E1/2 of the NW1/4 of Section 3, Township 7 North, Range 1 East, P.M.M., Broadwater County, Montana and being more particularly described as follows: Commence at the N1/4 Corner of said Section 3 300°14'22\"/>

Tract Z (To be Annexed to Tract 18-B):
A tract of land being part of Tract 18-B of Book 1 of Plats, Page 199, being situated in part of the E1/2 of the NW1/4 of Section 3, Township 7 North, Range 1 East, P.M.M., Broadwater County, Montana and being more particularly described as follows: Commence at the N1/4 Corner of said Section 3 300°14'22\"/>

Montana Sanitation in Subdivisions Act Land Divisions Excluded from Review:
Amended Tract 18-A:
Exclusion ARM 17-36-605(2)(b)(i);
(2) The reviewing authority may exclude the following parcels created by division of land from review under Title 76, chapter 4, part 1, MCA, unless the exclusion is used to evade the provisions of that part:
(a) a parcel that has no existing facilities for water supply, wastewater disposal, or solid waste disposal other than those that were previously approved by the reviewing authority under Title 76, chapter 4, part 1, MCA, or that were exempt from such review; if
(b) the division of land will not cause approved facilities to violate any conditions of approval, and will not cause exempt facilities to violate any conditions of exemption.

Amended Tract 18-B:
Exclusion MCA 76-4-125(2)(b)
(2) A subdivision excluded from the provisions of chapter 3 must be submitted for review according to the provision of this part, except that the following divisions or parcels, unless the exclusions are used to evade the provisions of this part, are not subject to review:
(a) division made for the purpose of acquiring additional land to become part of an approved parcel, provided that water or sewage disposal facilities may not be constructed on the additional acquired parcel and that the division does not fall within a previously platted or approved subdivision;

Landowners' Certification:
We hereby certify that the purpose of this survey is to relocate the boundary line between adjoining properties outside a platted subdivision and that no additional parcels are hereby created. Therefore, this division of land is exempt from review as a subdivision pursuant to sections 76-3-207(1)(a) & (c).

Notary: Sworn in here before me, a Notary Public, on this 19th day of August, 2008.
My Commission Expires: Dec. 16, 2013
Steve Upton
Notary Seal

Certificate of Clerk and Recorder:
I, *Rhonda Nelson*, Clerk and Recorder of Broadwater County, Montana, do hereby certify that the foregoing instrument was filed in my office at 11:53 o'clock (am) on the 19 day of Nov, AD, 20 08, and recorded in Book 265 of Plats on Page 265. Records of the Clerk and Recorder, Broadwater County, Montana. Document No. 157909
Dana Rauer, Deputy
Clerk and Recorder

Certificate of Treasurer:
Rhonda Nelson, 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 8-31-09. Tax ID # 7002-228. Date this 19 day of Nov, 2008.
Rhonda Nelson
Treasurer of Broadwater County

Certificate of Examination:
Reviewed for errors and omissions this the 18 day of Nov, 2008, pursuant to Section 76-3-511(2)(a), MCA.
R.S. Stewart
Montana Registration No. 521013

Note:
Tract X, Y, and Z are described to facilitate transfer of ownership and are to be annexed to the adjoining lands. They are not intended to stand alone as separate tracts.

Certificate of Surveyor:
I hereby certify the attached plat is a true representation of a survey performed under my supervision and completed on October 22, 2008 and described the same as shown on the accompanying plat as recorded with the provisions of the Montana Subdivision and Platting Act. Dated this 13 day of November, 2008.
Dan Swenson
Surveyor
Dan Swenson, L.S. No. 15279
P.O. Box 177
Townsend, MT 59644

- LEGEND**
- Quarter Corner
 - Set 1/2" Rebar w/OPC, L.S. No. 15279
 - Found Rebar as Noted
 - Found Witness Corner as Noted
 - Water Spicket
 - Propagase Tank
 - Septic Lid
 - Well
 - Power Pole

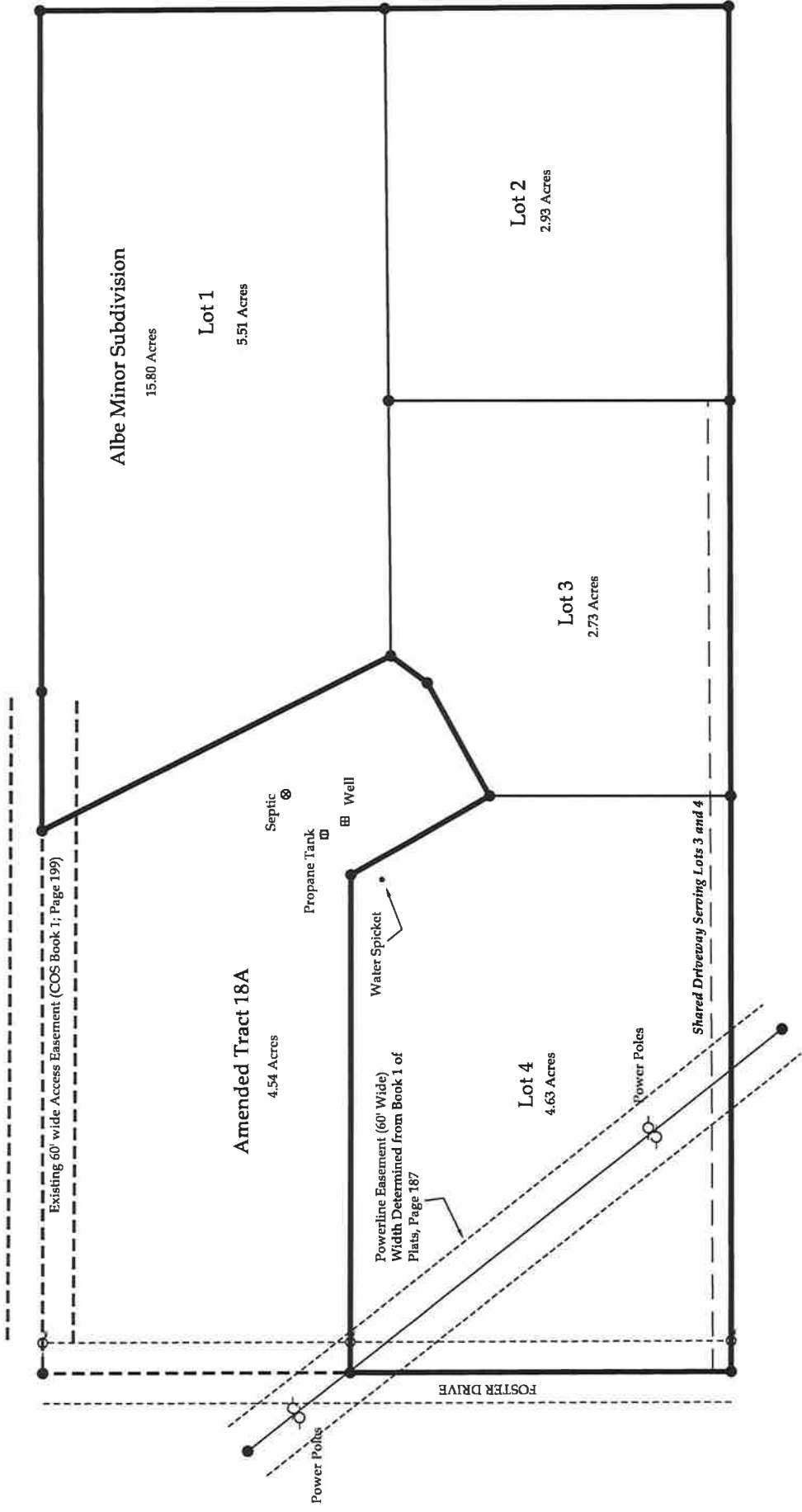
NW1/4 Sec. 3, T.7N., R.1E., P.M.M., Broadwater Co.			
Requested By: Steve Upton			
Type: Boundary Relocation			
Schauer Surveying		266-4602	
SCALE 100 Ft./In	DATE 11-13-2008	FILE NAME 2851.MYPLATS.11-13-08.TRY	
DRAWN BY SMS	REVISION	SHEET 1/1	JOB 2951

Item # 5
Vicinity/Utility Map

VICINITY MAP

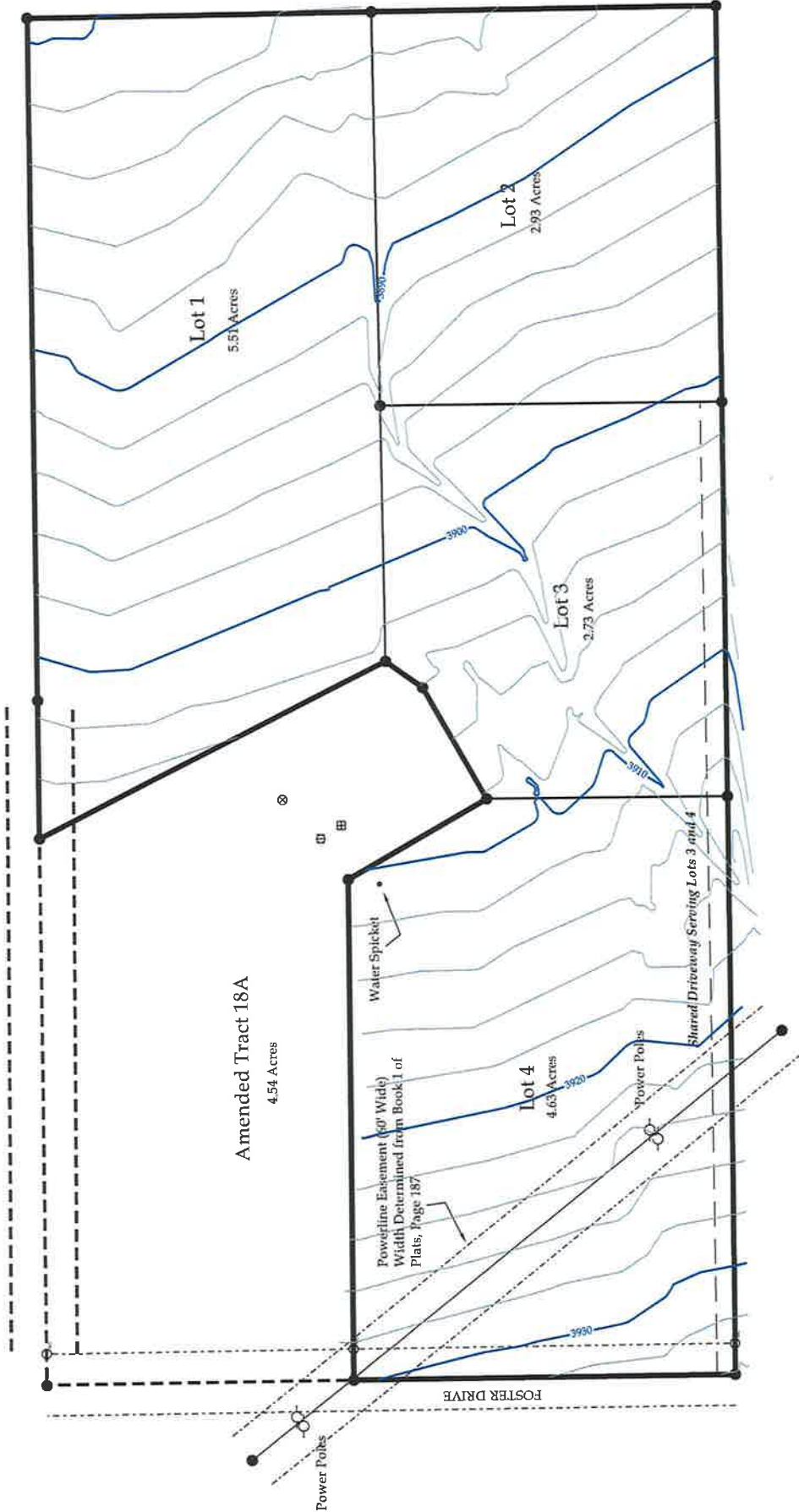
ALBE MINOR SUBDIVISION





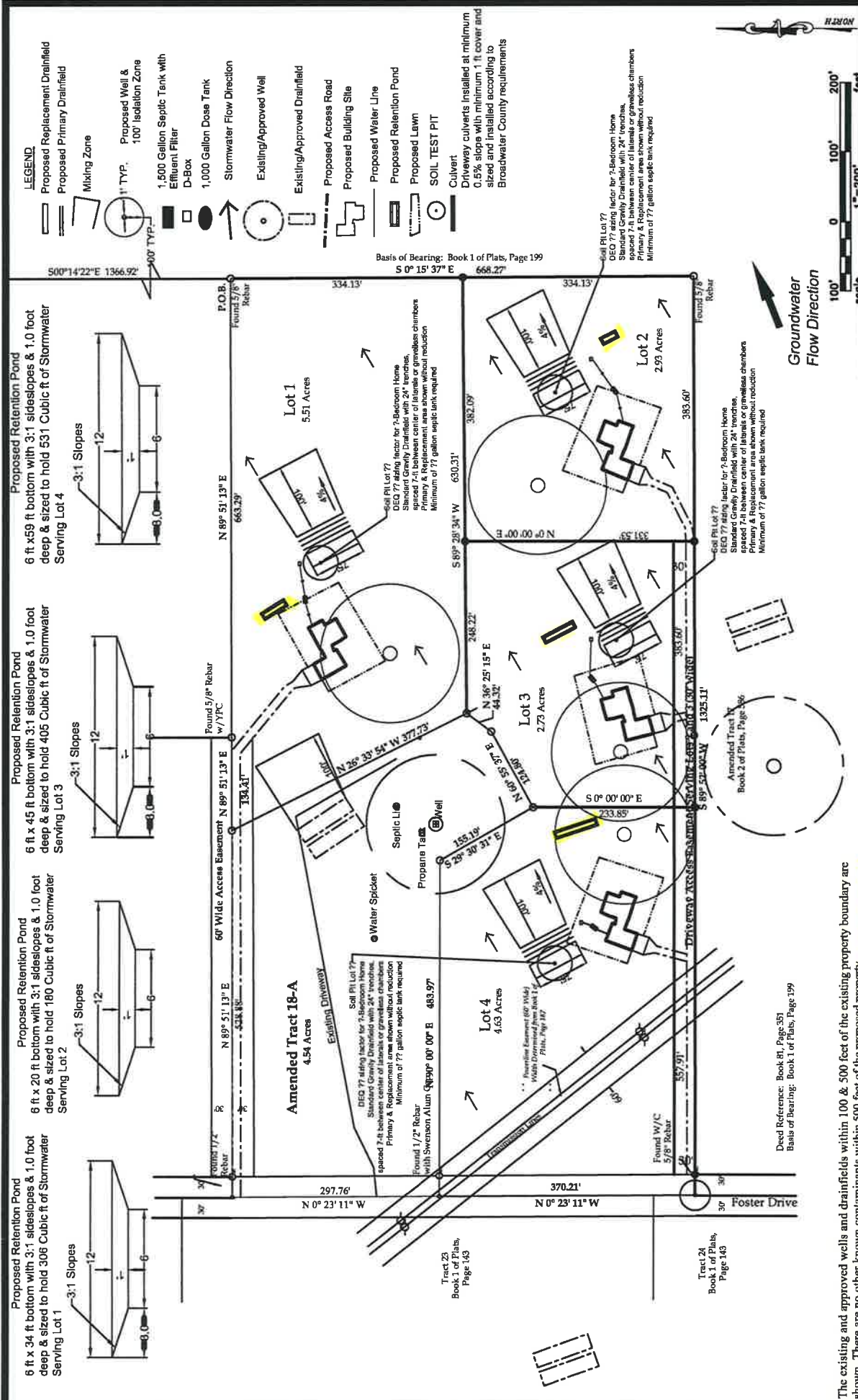
Item # 6
Topo Map

Albe Minor Subdivision
15.80 Acres



Item # 7
Storm Drainage Plans

Stormwater is addressed in the DEQ Application. A copy of the Lot layout showing the Proposed Stormwater Retention Pond is included.



Albe Minor Subdivision EQ#23-1034 BROADWATER COUNTY, MT	
Lot Layout NW ¼ & S3, T7N, R1E	
DRWN. BY J.J. Conner	CHK'D BY Teresa Conner
DATE 08/04/2022	

The existing and approved wells and drainfields within 100 & 500 feet of the existing property boundary are shown. There are no other known contaminants within 500 feet of the proposed property.

Area around drainfields would be graded so stormwater drains away from the drainfield. Houses to be built above existing grade and graded so stormwater drains away from homesites, driveway and other impermeable areas constructed on this lot and towards the retention pond designed for the lot. Owner is responsible for directing stormwater towards the retention pond and maintaining the proper functioning of the retention pond. Retention pond should be seeded & vegetated.

Well must be constructed in accordance with ARM Title 36, Chapter 21, Subchapter 6.

For Gravity Systems:
 Absorption Field, Transport Pipe, Manifold & Distribution Materials and Septic Tank must meet the requirements of DEQ 4 and the following applicable Standard Details: 4.3-1, 4.3-2, 5-1, 6.1-1, 6.6-1.

Proposed residence to have approximately 10,000 ft² of lawn. The proposed driveway would be built up more than 7" above grade.

Sleeve any sewer or water line that crosses a driveway with schedule 40 PVC to protect against frost.

Item # 8
Phasing Plan

No Phasing is planned.

Item # 9
Platting Certificate

 First American Title™	ALTA Commitment for Title Insurance
	ISSUED BY First American Title Insurance Company
Commitment	

COMMITMENT FOR TITLE INSURANCE

Issued By

FIRST AMERICAN TITLE INSURANCE COMPANY

NOTICE

IMPORTANT—READ CAREFULLY: THIS COMMITMENT IS AN OFFER TO ISSUE ONE OR MORE TITLE INSURANCE POLICIES. ALL CLAIMS OR REMEDIES SOUGHT AGAINST THE COMPANY INVOLVING THE CONTENT OF THIS COMMITMENT OR THE POLICY MUST BE BASED SOLELY IN CONTRACT.

THIS COMMITMENT IS NOT AN ABSTRACT OF TITLE, REPORT OF THE CONDITION OF TITLE, LEGAL OPINION, OPINION OF TITLE, OR OTHER REPRESENTATION OF THE STATUS OF TITLE. THE PROCEDURES USED BY THE COMPANY TO DETERMINE INSURABILITY OF THE TITLE, INCLUDING ANY SEARCH AND EXAMINATION, ARE PROPRIETARY TO THE COMPANY, WERE PERFORMED SOLELY FOR THE BENEFIT OF THE COMPANY, AND CREATE NO EXTRACTIONAL LIABILITY TO ANY PERSON, INCLUDING A PROPOSED INSURED.

THE COMPANY'S OBLIGATION UNDER THIS COMMITMENT IS TO ISSUE A POLICY TO A PROPOSED INSURED IDENTIFIED IN SCHEDULE A IN ACCORDANCE WITH THE TERMS AND PROVISIONS OF THIS COMMITMENT. THE COMPANY HAS NO LIABILITY OR OBLIGATION INVOLVING THE CONTENT OF THIS COMMITMENT TO ANY OTHER PERSON.

COMMITMENT TO ISSUE POLICY

Subject to the Notice; Schedule B, Part I—Requirements; Schedule B, Part II—Exceptions; and the Commitment Conditions, **First American Title Insurance Company**, a Nebraska Corporation (the "Company"), commits to issue the Policy according to the terms and provisions of this Commitment. This Commitment is effective as of the Commitment Date shown in Schedule A for each Policy described in Schedule A, only when the Company has entered in Schedule A both the specified dollar amount as the Proposed Policy Amount and the name of the Proposed Insured.

If all of the Schedule B, Part I—Requirements have not been met within six months after the Commitment Date, this Commitment terminates and the Company's liability and obligation end.

First American Title Insurance Company



Kenneth D. DeGiorgio, President



Greg L. Smith, Secretary

If this jacket was created electronically, it constitutes an original document.

This page is only a part of a 2016 ALTA® Commitment for Title Insurance issued by First American Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I—Requirements; Schedule B, Part II—Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.

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COMMITMENT CONDITIONS

1. DEFINITIONS

- (a) "Knowledge" or "Known": Actual or imputed knowledge, but not constructive notice imparted by the Public Records.
- (b) "Land": The land described in Schedule A and affixed improvements that by law constitute real property. The term "Land" does not include any property beyond the lines of the area described in Schedule A, nor any right, title, interest, estate, or easement in abutting streets, roads, avenues, alleys, lanes, ways, or waterways, but this does not modify or limit the extent that a right of access to and from the Land is to be insured by the Policy.
- (c) "Mortgage": A mortgage, deed of trust, or other security instrument, including one evidenced by electronic means authorized by law.
- (d) "Policy": Each contract of title insurance, in a form adopted by the American Land Title Association, issued or to be issued by the Company pursuant to this Commitment.
- (e) "Proposed Insured": Each person identified in Schedule A as the Proposed Insured of each Policy to be issued pursuant to this Commitment.
- (f) "Proposed Policy Amount": Each dollar amount specified in Schedule A as the Proposed Policy Amount of each Policy to be issued pursuant to this Commitment.
- (g) "Public Records": Records established under state statutes at the Commitment Date for the purpose of imparting constructive notice of matters relating to real property to purchasers for value and without Knowledge.
- (h) "Title": The estate or interest described in Schedule A.

- 2. If all of the Schedule B, Part I—Requirements have not been met within the time period specified in the Commitment to Issue Policy, this Commitment terminates and the Company's liability and obligation end.
- 3. The Company's liability and obligation is limited by and this Commitment is not valid without:
 - (a) the Notice;
 - (b) the Commitment to Issue Policy;
 - (c) the Commitment Conditions;
 - (d) Schedule A;
 - (e) Schedule B, Part I—Requirements;
 - (f) Schedule B, Part II—Exceptions; and
 - (g) a counter-signature by the Company or its issuing agent that may be in electronic form.

4. COMPANY'S RIGHT TO AMEND

The Company may amend this Commitment at any time. If the Company amends this Commitment to add a defect, lien, encumbrance, adverse claim, or other matter recorded in the Public Records prior to the Commitment Date, any liability of the Company is limited by Commitment Condition 5. The Company shall not be liable for any other amendment to this Commitment.

5. LIMITATIONS OF LIABILITY

- (a) The Company's liability under Commitment Condition 4 is limited to the Proposed Insured's actual expense incurred in the interval between the Company's delivery to the Proposed Insured of the Commitment and the delivery of the amended Commitment, resulting from the Proposed Insured's good faith reliance to:
 - (i) comply with the Schedule B, Part I—Requirements;
 - (ii) eliminate, with the Company's written consent, any Schedule B, Part II—Exceptions; or
 - (iii) acquire the Title or create the Mortgage covered by this Commitment.
- (b) The Company shall not be liable under Commitment Condition 5(a) if the Proposed Insured requested the amendment or had Knowledge of the matter and did not notify the Company about it in writing.
- (c) The Company will only have liability under Commitment Condition 4 if the Proposed Insured would not have incurred the expense had the Commitment included the added matter when the Commitment was first delivered to the Proposed Insured.
- (d) The Company's liability shall not exceed the lesser of the Proposed Insured's actual expense incurred in good faith and described in Commitment Conditions 5(a)(i) through 5(a)(iii) or the Proposed Policy Amount.
- (e) The Company shall not be liable for the content of the Transaction Identification Data, if any.
- (f) In no event shall the Company be obligated to issue the Policy referred to in this Commitment unless all of the Schedule B, Part I—Requirements have been met to the satisfaction of the Company.
- (g) In any event, the Company's liability is limited by the terms and provisions of the Policy.

6. LIABILITY OF THE COMPANY MUST BE BASED ON THIS COMMITMENT

This page is only a part of a 2016 ALTA® Commitment for Title Insurance issued by First American Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I—Requirements; Schedule B, Part II—Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.

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- (a) Only a Proposed Insured identified in Schedule A, and no other person, may make a claim under this Commitment.
- (b) Any claim must be based in contract and must be restricted solely to the terms and provisions of this Commitment.
- (c) Until the Policy is issued, this Commitment, as last revised, is the exclusive and entire agreement between the parties with respect to the subject matter of this Commitment and supersedes all prior commitment negotiations, representations, and proposals of any kind, whether written or oral, express or implied, relating to the subject matter of this Commitment.
- (d) The deletion or modification of any Schedule B, Part II—Exception does not constitute an agreement or obligation to provide coverage beyond the terms and provisions of this Commitment or the Policy.
- (e) Any amendment or endorsement to this Commitment must be in writing and authenticated by a person authorized by the Company.
- (f) When the Policy is issued, all liability and obligation under this Commitment will end and the Company's only liability will be under the Policy.

7. IF THIS COMMITMENT HAS BEEN ISSUED BY AN ISSUING AGENT

The issuing agent is the Company's agent only for the limited purpose of issuing title insurance commitments and policies. The issuing agent is not the Company's agent for the purpose of providing closing or settlement services.

8. PRO-FORMA POLICY

The Company may provide, at the request of a Proposed Insured, a pro-forma policy illustrating the coverage that the Company may provide. A pro-forma policy neither reflects the status of Title at the time that the pro-forma policy is delivered to a Proposed Insured, nor is it a commitment to insure.

9. ARBITRATION

Arbitration provision intentionally removed.

This page is only a part of a 2016 ALTA® Commitment for Title Insurance issued by First American Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I—Requirements; Schedule B, Part II—Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.

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PLATTING CERTIFICATE

Order No. BX30297

To: Schauber Surveying

Attn.: Bernadette Swenson

The ROCKY MOUNTAIN TITLE GUARANTY, LLC certifies that, as shown by the official records in the office of the Clerk and Recorder of Broadwater County, Montana, the property described in Schedule B stands of record in the name of:

Steven F. Upton

This report is made without regard to the sufficiency of the title in the above party and is restricted to the use of the addressee. It is not to be used as a basis for closing any transaction affecting the title to said premises.

All liabilities and obligations hereunder are limited to the amount paid and shall cease and terminate one hundred-eighty (180) days after the effective date hereof, provided there has been no application for Policy of Title Insurance based on full market value of the said property described in Schedule B; in which case all liabilities and obligations will cease and terminate on the effective date of the Commitment for Title Insurance, Title Insurance Policy or policies, whichever first occurs.

Records examined to October 28, 2022 at 08:00 AM

ROCKY MOUNTAIN TITLE GUARANTY, LLC



PLATTING CERTIFICATE

SCHEDULE B

Order No. BX30297

Description

Amended Tract 18-B as shown on Certificate of Survey Number 159909, recorded in Book 2 of Plats, page 265, Broadwater County, Montana.

Property address is: Lot 18B, Townsend, Montana 59644

There are no encumbrances against said premises except the following:

1. General County Taxes for the year 2022
First Half: \$38.28 DUE AND PAYABLE ON OR BEFORE NOVEMBER 30, 2022
Second Half: \$38.26 NOT YET DUE
Total for year: \$76.54
Geo Code: 43-1590-03-2-01-15-0000
Taxpayer No.: 0007002706
Prior Years Delinquent Taxes: NONE
PLEASE NOTE: DELINQUENT TAX AMOUNTS ABOVE, IF ANY DO NOT INCLUDE PENALTY AND INTEREST.
2. Right of Way Easement granted to The Montana Power Company, recorded in Book 58 of Deeds, page 1, records of Broadwater County, Montana.
3. Easement as recorded in Book 60 of Deeds, page 188, records of Broadwater County, Montana.
4. All matters, covenants, conditions, restrictions, easements and any rights, interests or claims which may exist by reason thereof, disclosed by the recorded plat of said subdivision, recorded as Certificate of Survey in Book 1 of Plats, page 143, but deleting any covenant, condition or restriction indicating a preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status, or national origin to the extent such covenants, conditions or restrictions violate 42 USC 3604(c).
5. Memorandum of Option for Communication Systems Easement, recorded in Book 15 of Micro., page 882, records of Broadwater County, Montana.
6. Memorandum of Option for Regenerator Station Easement, recorded in Book 15 of Micro., page 884, records of Broadwater County, Montana.
7. Grant of Easement for Regenerator Station, recorded in Book 16 of Micro., page 808, records of Broadwater County, Montana.
8. Grant of Communication Systems Easement, recorded in Book 16 of Micro., page 811, records of Broadwater County, Montana.
9. All matters, covenants, conditions, restrictions, easements and any rights, interests or claims which may exist by reason thereof, disclosed by the recorded plat of said subdivision, recorded as Certificate of Survey recorded in Book 1 of Plats, page 199, but deleting any covenant, condition or restriction indicating a preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status, or national origin to the extent such covenants, conditions or restrictions violate 42 USC 3604(c).
10. Terms and conditions set forth in State of Montana, Department of Health and Environmental Sciences, Certificate of Subdivision Plat Approval, recorded in Book 1 of Misc., page 199A, records of Broadwater County, Montana.

SCHEDULE B

(Continued)

11. All matters, covenants, conditions, restrictions, easements and any rights, interests or claims which may exist by reason thereof, disclosed by the recorded plat of said subdivision, recorded as Certificate of Survey recorded in Book 2 of Plats, page 265, but deleting any covenant, condition or restriction indicating a preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status, or national origin to the extent such covenants, conditions or restrictions violate 42 USC 3604(c).

END OF SCHEDULE B



Privacy Notice

Effective: November 1, 2019

Notice Last Updated: November 1, 2019

This Privacy Notice describes how First American Financial Corporation and its subsidiaries and affiliates (together referred to as "First American," "we," "us," or "our") collect, use, store, and share your information. This Privacy Notice applies to information we receive from you offline only, as well as from third parties. For more information about our privacy practices, please visit <https://www.firstam.com/privacy-policy/index.html>. The practices described in this Privacy Notice are subject to applicable laws in the places in which we operate.

What Type Of Information Do We Collect About You? We collect both **personal** and **non-personal information** about and from you. **Personal information** is non-public information that can be used to directly or indirectly identify or contact you. **Non-personal information** is any other type of information.

How Do We Collect Your Information? We collect your **personal** and **non-personal information**: (1) directly from you; (2) automatically when you interact with us; and (3) from third parties, including business parties and affiliates.

How Do We Use Your Information? We may use your personal information in a variety of ways, including but not limited to providing the services you have requested, fulfilling your transactions, comply with relevant laws and our policies, and handling a claim. We may use your **non-personal information** for any purpose.

How Do We Share Your Personal Information? We do not sell your **personal information** to nonaffiliated third parties. We will only share your **personal information**, including to subsidiaries, affiliates, and to unaffiliated third parties: (1) with your consent; (2) in a business transfer; (3) to service providers; and (4) for legal process and protection. If you have any questions about how First American shares your **personal information**, you may contact us at dataprivacy@firstam.com or toll free at 1-866-718-0097.

How Do We Secure Your Personal Information? The security of your **personal information** is important to us. That is why we take commercially reasonable steps to make sure your **personal information** is protected. We use our best efforts to maintain commercially reasonable technical, organizational, and physical safeguards, consistent with applicable law, to protect your **personal information**.

How Long Do We Keep Your Personal Information? We keep your **personal information** for as long as necessary in accordance with the purpose for which it was collected, our business needs, and our legal and regulatory obligations.

Your Choices We provide you the ability to exercise certain controls and choices regarding our collection, use, storage, and sharing of your **personal information**. In accordance with applicable law, your controls and choices. You can learn more about your choices, and exercise these controls and choices, by sending an email to dataprivacy@firstam.com or toll free at 1-866-718-0097.

International Jurisdictions: Our Products are hosted and offered in the United States of America (US), and are subject to US federal, state, and local law. If you are accessing the Products from another country, please be advised that you may be transferring your **personal information** to us in the US, and you consent to that transfer and use of your **personal information** in accordance with this Privacy Notice. You also agree to abide by the applicable laws of applicable US federal, state, and local laws concerning your use of the Products, and your agreements with us.

We may change this Privacy Notice from time to time. Any and all changes to this Privacy Notice will be reflected on this page, and where appropriate provided in person or by another electronic method. **YOUR CONTINUED USE, ACCESS, OR INTERACTION WITH OUR PRODUCTS OR YOUR CONTINUED COMMUNICATIONS WITH US AFTER THIS NOTICE HAS BEEN PROVIDED TO YOU WILL REPRESENT THAT YOU HAVE READ AND UNDERSTOOD THIS PRIVACY NOTICE.**

Contact Us dataprivacy@firstam.com or toll free at 1-866-718-0097.



For California Residents

If you are a California resident, you may have certain rights under California law, including but not limited to the California Consumer Privacy Act of 2018 ("CCPA"). All phrases used in this section shall have the same meaning as those phrases are used under California law, including the CCPA.

Right to Know. You have a right to request that we disclose the following information to you: (1) the categories of **personal information** we have collected about or from you; (2) the categories of sources from which the **personal information** was collected; (3) the business or commercial purpose for such collection and/or disclosure of your personal information; (4) the categories of third parties with whom we have shared your **personal information**; and (5) the specific pieces of your **personal information** we have collected. To submit a verified request for this information, go to our online privacy policy at www.firstam.com/privacy-policy to submit your request or call toll-free at 1-866-718-0097. You may also designate an authorized agent to submit a request on your behalf by going to our online privacy policy at www.firstam.com/privacy-policy to submit your request or by calling toll-free at 1-866-718-0097 and submitting written proof of such authorization to dataprivacy@firstam.com.

Right of Deletion. You also have a right to request that we delete the **personal information** we have collected from you. This right is subject to certain exceptions available under the CCPA and other applicable law. To submit a verified request for deletion, go to our online privacy policy at www.firstam.com/privacy-policy to submit your request or call toll-free at 1-866-718-0097. You may also designate an authorized agent to submit a request on your behalf by going to our online privacy policy at www.firstam.com/privacy-policy to submit your request or by calling toll-free at 1-866-718-0097 and submitting written proof of such authorization to dataprivacy@firstam.com.

Verification Process. For either a request to know or delete, we will verify your identity before responding to your request. To verify your identity, we will generally match the identifying information provided in your request with the information we have on file about you. Depending on the sensitivity of the personal information requested, we may also utilize more stringent verification methods to verify your identity, including but not limited to requesting additional information from you and/or requiring you to sign a declaration under penalty of perjury.

Right to Opt-Out. We do not sell your personal information to third parties, and do not plan to do so in the future.

Right of Non-Discrimination. You have a right to exercise your rights under California law, including under the CCPA, without suffering discrimination. Accordingly, First American will not discriminate against you in any way if you choose to exercise your rights under the CCPA.

Collection Notice. The following is a list of the categories of personal information we may have collected about California residents in the twelve months preceding the date this Privacy Notice was last updated, including the business or commercial purpose for said collection, the categories of sources from which we may have collected the personal information, and the categories of third parties with whom we may have shared the personal information:

Categories of Personal Information Collected	The categories of personal information we have collected include, but may not be limited to: real name; signature; alias; SSN; physical characteristics or description, including protected characteristics under federal or state law; address; telephone number; passport number; driver's license number; state identification card number; IP address; policy number; file number; employment history; bank account number; credit card number; debit card number; financial account numbers; commercial information; internet or other electronic network activity; geolocation data; audio and visual information; professional or employment information; and inferences drawn from the above categories to create a profile about a consumer.
Categories of Sources	Categories of sources from which we've collected personal information include, but may not be limited to: the consumer directly; public records; governmental entities; non-affiliated third parties; social media networks; affiliated third parties
Business Purposes for Collection	The business purposes for which we've collected personal information include, but may not be limited to: completing a transaction for our Products; verifying eligibility for employment; facilitating employment; performing services on behalf of affiliated and non-affiliated third parties; debugging to identify and repair errors that impair existing intended functionality on our Websites, Applications, or Products; protecting against malicious, deceptive, fraudulent, or illegal activity



The categories of third parties with whom we've shared **personal information** include, but may not be limited to: advertising networks; internet service providers; data analytics providers; service providers; government entities; operating systems and platforms; social media networks; non-affiliated third parties; affiliated third parties

Categories of Personal Information We Have Sold In The Past Year. We have not sold any personal information of California residents to any third party in the twelve months preceding the date this Privacy Notice was last updated.

Categories of Personal Information Disclosed For A Business Purpose In The Past Year. The following is a list of the categories of **personal information** of California residents we may have disclosed for a business purpose in the 12 months preceding the date this Privacy Notice was last updated: The categories of personal information we have collected include, but may not be limited to: real name; signature; alias; SSN; physical characteristics or description, including protected characteristics under federal or state law; address; telephone number; passport number; driver's license number; state identification card number; IP address; policy number; file number; employment history; bank account number; credit card number; debit card number; financial account numbers; commercial information; internet or other electronic network activity; geolocation data; audio and visual information; professional or employment information; and inferences drawn from the above categories to create a profile about a consumer.

Item # 10
Lienholders' Acknowledgement

There are no lienholders on this property.

Item # 11
Documentation of Legal and Physical Access

This subdivision will access from Highway 287 onto Antelope Road, a county road, then onto Foster Drive.

This subdivision will also access from Highway 287 onto Valley Drive, onto Foster Drive.

Antelope Road is a county road per Petition Number 115834 accepted by the Broadwater Commission June 1, 1988, Commissioner's Book 9; Page 466

Documentation of Valley Drive as a Subdivision Road:

COS Bk 1; Pg 69 filed 7/21/1977

COS Bk 1; Pg 129 filed 10/2/1978

COS Bk 1; Pg 143 filed 2/1/1979

Valley Heights Subdivision, Bk 1; Pg 187 filed 10/21/1983

COS Bk 1; Pg 196 filed 10/31/1985

COS Bk 1; Pg 436 filed 2/17/1987

Arcadia Minor Subdivision, Bk 1; Pg 436 filed 5/9/1995

COS 1; Pg 523 filed 4/7/1997

Documentation of Foster Drive as a Subdivision Road:

COS Bk 1; Pg 143 filed 2/1/1979

COS Bk 1; Pg 199 filed 4/22/1981

Schwoppe Minor Subdivision, Bk 1; Pg 512 filed 12/4/1996

COS Bk 2; Pg 265 filed 11/19/2008

COS Bk 2; Pg 586 filed 4/26/2009

Lot 1 will have access by a 60.00 feet Access Easement as shown on COS 1; Pg 199 and COS Bk 2; Pg 265.

A shared driveway easement accessing Lot 2 and Lot 3 along the south boundary of Lot 4 is being created with this subdivision plat as shown on the Preliminary Plat, Item 4.

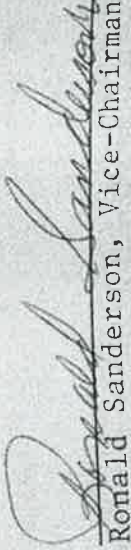
Lot 4 will access directly onto Foster Drive.

Antelope Road

department and has already been allocated to determine what portion of the budget will be theirs, other than that what has already been allocated to the welfare department to determine what portion of the budget will be theirs, have to work with the welfare department to determine what portion of the budget will be theirs.

The clerk and recorder presented Ron with the preliminary budget for the county. The budget was examined and discussed and a copy will be given to Tom Hensley and Ray Doig.

There being no further business, the meeting adjourned and the commissioners will meet in regular session on June 1, 2, 3, 1988.


Ronald Sanderson, Vice-Chairman


Clerk

June 1, 1988

Minutes of a regular meeting of the Board of County Commissioners with members Ronald Sanderson and Walter Ray Doig present. Absent Thomas H. Hensley.

Minutes of the previous meetings were read and approved on a motion made by Ronald Sanderson with a second by Ray Doig.

Petition Number 115834 for the Antelope Road was accepted by the county commissioners. This road was inspected by Ronald Sanderson and Walter Ray Doig and was found to be in general compliance with county road standards. There needs to be some minor work done on the road; one of the culverts needs to be extended and the mail boxes need to be moved back off the road. The ditch where the road comes onto the highway needs to be fixed but the commissioners felt that this could be done later and approved the road as a county road. The commissioners explained to the landowners in that area that the road would be maintained and upgraded as funds are available.

Claims were examined and warrants ordered issued.

A complaint has been filed with the county commissioners on the South Fork of Ray Creek where a gate has been erected across a county road. Boyd Iverson, landowner, was notified by certified letter that the barrier must be removed immediately and that the cattleguard needs to be replaced.

The meeting adjourned to meet again on the following day.

June 2, 1988.

Commissioner's Book 9; Page 466

CHAPTER 72, THIRTEENTH SESSION 1913, SECTIONS 1-2-18

CHAPTER IV.

Section 1. Any ten, or a majority of the free holders of a road district, taxable therein for road purposes may petition in writing, the Board of County Commissioners to establish, change or discontinue any common highway therein. When such a highway is petitioned for upon the dividing line between two counties, the same course must be pursued as in other cases, except that a copy of the petition must be presented to the

Board of County Commissioners of each County, who may appoint viewers to act jointly and the viewers so appointed must report their findings to both Boards.

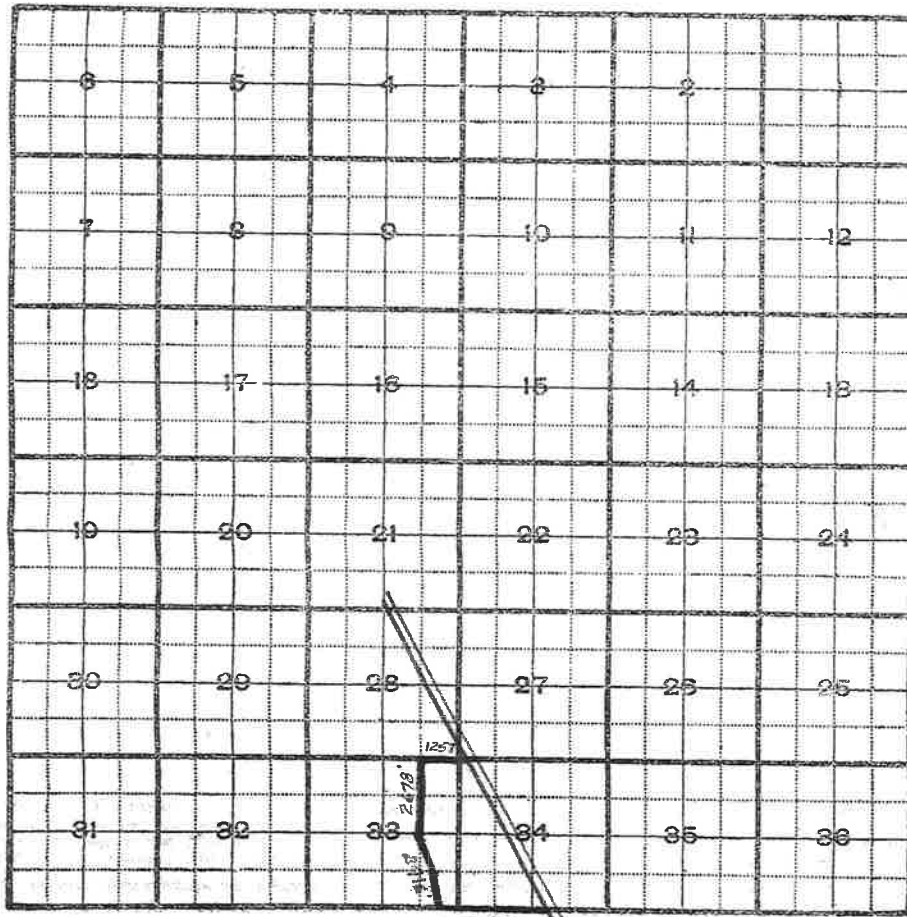
Section 2. The petition must be set forth and describe particularly the highways to be abandoned, discontinued, altered or constructed and if the same is to be altered, laid-out or constructed, the general route thereof, over what lands, who are owners thereof, whether such of them

as can be found consent thereto, and if not the probable cost of the right-of-way, where consent is not had, the necessity for, and advantage of the proposed road.

Section 18. Highways must be laid out and opened when practicable or upon subdivision of section lines. Provided, however, that the section shall not be construed to prevent roads being laid out on diagonal lines when public purposes shall be best subserved thereby.

PLAT OF PROPOSED ROAD

Township No. 8N Range No. 1E P.M.M.



No. 33+34 8N 1E

PETITION FOR ROAD

Principal Petitioner Eugene Daterman et al

Filed this 4 day of May 1918

Judith B. Oggett
County Clerk and Recorder

By Calvin Middleton Deputy

Viewers
Ronald Sanderson
Walter Kay 1919

Appointed, May 4 1918

To Meet May 4 1918

At _____

On Antelope Road

Report of Viewers
June 1

Action by the Board
Approved and Declared
County Road - known as
Antelope Road - Antelope Sub
1-2-18

Road District No. 1

Petition for Road

No.

To the Honorable Board of County Commissioners of Broadwater County, Montana:

Gentlemen: We, the undersigned free holders of Road District No. CNE of Broadwater County, Montana, residing on or adjacent to the following proposed County Road, do hereby petition your honorable body to establish ANTELOPE RD. same is a county Road, beginning at...

THE JUNCTION OF HWY # 287 AND ANTELOPE ROAD, (A PRIVATE ROAD SERVING ANTELOPE ACRES AND ANTELOPE ESTATES SUBDIVISION)

THENCE WEST ALONG THE SECTION LINE APPROXIMATELY 1257 FT. THENCE SOUTHERLY ALONG SAID ROAD APPROXIMATELY 2678 FT., THENCE SOUTH-

EASTERLY 2016 FT., THENCE EASTERLY APPROXIMATELY 3472 FT. TO THE JUNCTION WITH HWY # 287.

We believe the cost of constructing this road will not exceed \$ _____ there being _____ steep grades, _____ Culverts, _____ bridges necessary on the route as proposed; the soil _____ adapted to road construction, and _____

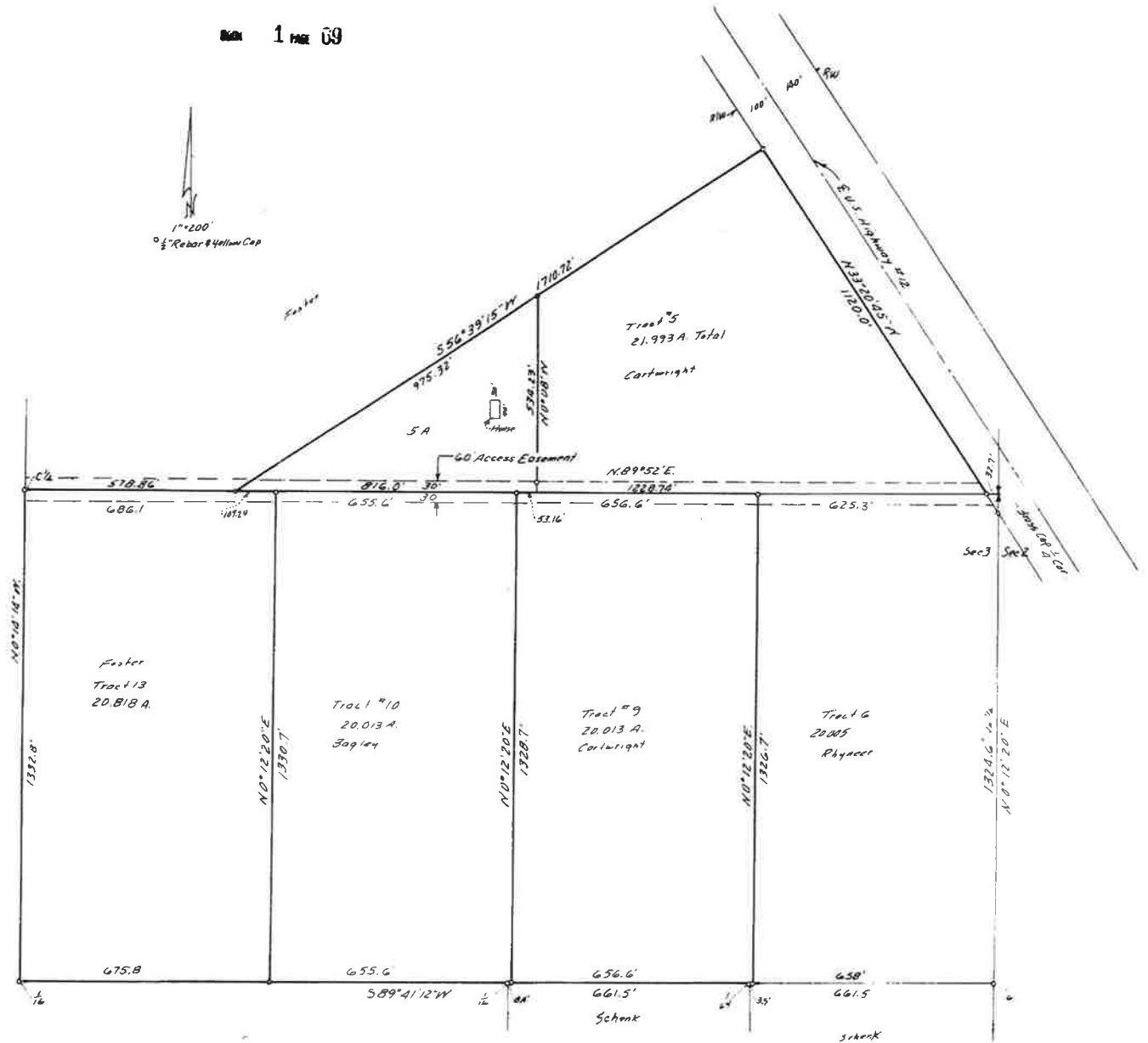
We consider this road necessary for the convenience of public travel, and especially for the residents of this district, and further for the following reasons, viz:

Land Owned by Same to be Crossed by Proposed Road

Names of Petitioners	Description	Sec.	Twp.	Range
<i>Ernest Whitteman</i>	LOT # 15 ANTELOPE ACRES	33	8N	1E
<i>William L. Quinn</i>	LOT # 13 " "	"	"	"
<i>W. J. Hill</i>	LOT # TRACT # 5			
<i>Bob & Gaylon Sparks</i>	TRACT # 10 & 11			
<i>W. J. Hill</i>	LOTS # 5, 6, 7			
<i>W. J. Hill</i>	TRACT # 8 & LOT # 8, 2, 10, 11			
<i>W. J. Hill</i>	TRACT # 14			
<i>Robert R. Webster</i>	LOT # 10 ANTELOPE ESTATES			
<i>Robert J. Harris</i>	TRACT # 12 " "			
<i>Jim Beard</i>	LOT # 11 " "			
<i>W. J. Hill</i>	LOT # 9 " "			
<i>Eileen Goodrum</i>	PART OF TRACT # 3			
<i>Nancy & Betty Smith</i>	TRACT # 9 " "			
<i>Barbara Foster</i>	VALLEY HEIGHTS SUB. TRACT # 1, 2, 3, 4, TRACT # 20, 21, 22, 23, 24, 25	3	7N	1E

83A

PLAN 1 PAGE 69



PURPOSE OF SURVEY

To transfer title for mortgage purposes; exemption Section 11-3862, subsection 8(b), R.C.M., 1947.

DESCRIPTION

Beginning at a point on the north line of the southeast quarter of Section 3, Township 7 North, Range 1 East, P.M., Montana, Broadwater County, which bears S.89°52'W., 1261.46 feet from the west quarter corner of Section 3; thence from the point of beginning N.09°08'W., 534.23 feet; thence S.56°39'15\"/>



Paul R. Erickson
 Paul R. Erickson, Montana Registered
 Land Surveyor No. 23548
 Survey completed: June 30, 1977
 Surveyed for: Barry Cartwright

HOME FEDERAL SAVINGS & LOAN ASS'N.,
 P. O. BOX 1774
 HELENA, MONTANA 59602
Robert Marsh

87338

STATE of MONTANA
 County of Broadwater
 I hereby certify that the above
 instrument was filed in my office on
 the 21st day of July, A.D. 1977
 at 11:48 a.m. and is the true and
 correct copy as the same appears
 from the original on file in my
 office.
 County Recorder

Certificate of Survey

Broadwater County			
P.M., Montana			
1/4	Sec.	Twp	Rge
X	3	7N	1E

7/21/77

510

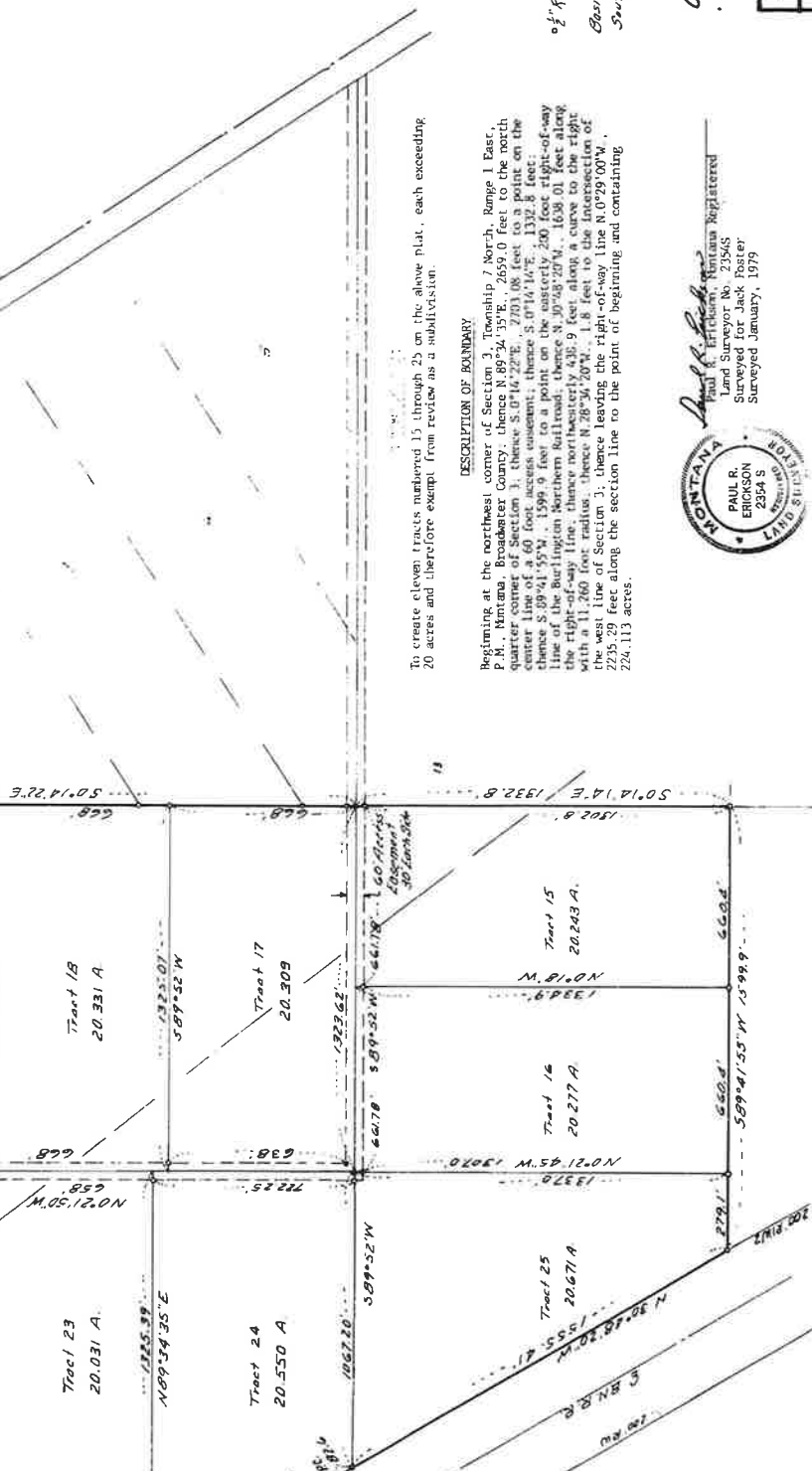
1 mi 143

906.50

State of Montana
County of Broadwater
I hereby certify that the within plat was filed in accordance with the provisions of the laws of Montana, and is a true and correct copy of the original as recorded in the office of the Register of Deeds of Broadwater County, Montana.

James A. [Signature]
Register of Deeds
Jan 7 1979

FF US Highway #12
100' 0" 0.2



Broadwater County	
P.M. Montana	
1/4 Sec	Top Apr
3	7N 1E

2/1/79

127A

CERTIFICATE OF SURVEY

PURPOSE OF SURVEY: Order of the District Court of the First Judicial District of the State of Montana in and for the County of Broadwater, Cause No. 98-81-30 and Cause No. 98-82-85

As owner of the property hereon described I do hereby certify that the division of land shown is exempt from review as a subdivision in accordance with the provisions of Section 76-5-29(1) M.C.A. of the Revised Codes of Montana, 1947, and that the criteria pertaining to this section have been met.

Gerald S. Ditto



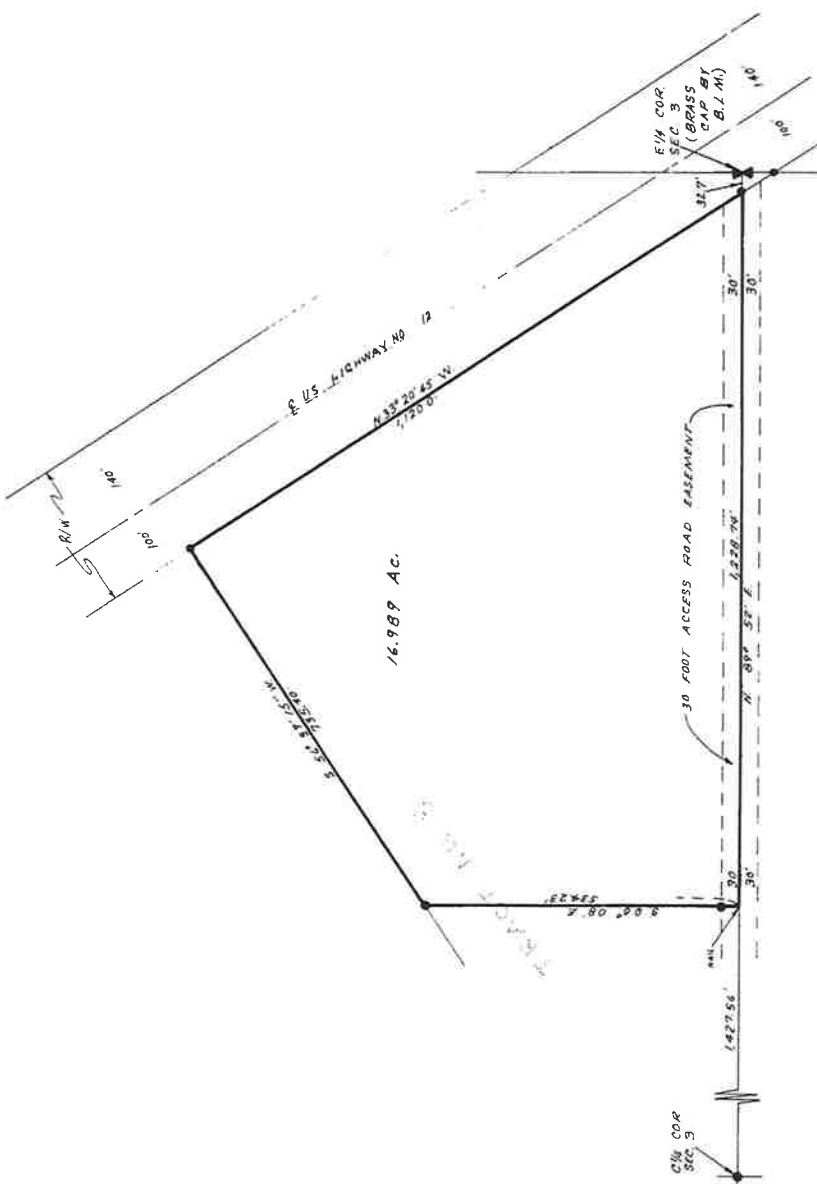
I, Gerald S. Ditto, Helena, Montana, a registered Land Surveyor, do hereby certify that this is a true representation of a survey made under my supervision.

Gerald S. Ditto
Gerald S. Ditto, Registration No. 2915 S

208986

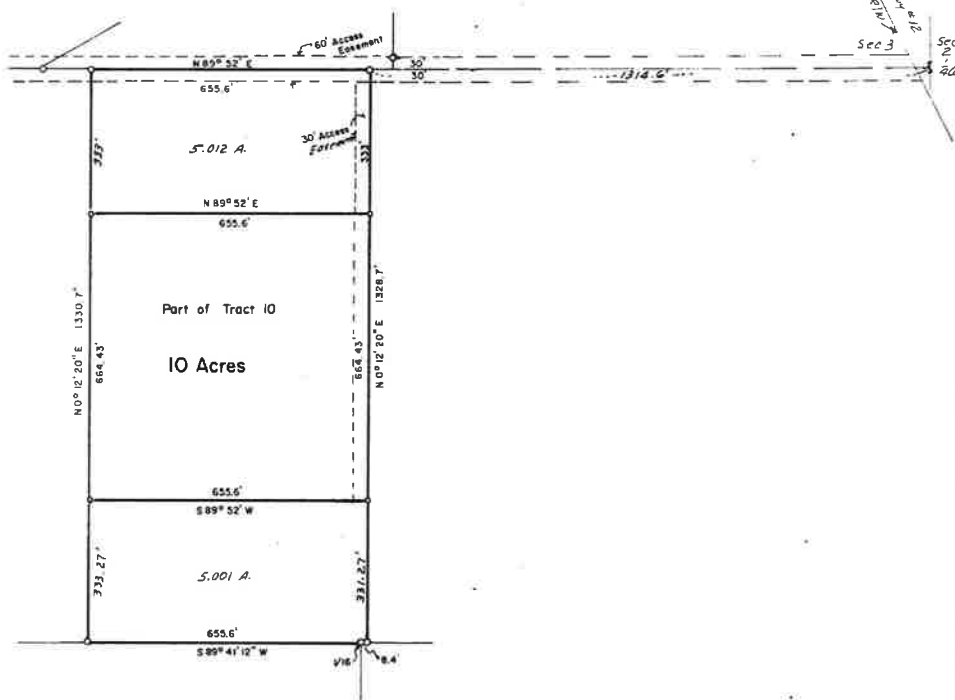
STATE OF MONTANA
County of Broadwater
I hereby certify that the within and foregoing plat was lawfully made and is a true and correct copy of the original on this 15th day of October, 1985.
By *Justin R. Haggart*
Justin R. Haggart
Surveyor

LEGAL DESCRIPTION: A tract of land in the NE 1/4 of Section 3, T. 7 N., R. 1 E., of the Principal Meridian Montana, Broadwater County, more particularly described as follows: beginning at a survey corner on the east-west center of Section 3 with its intersection with the west boundary of the highway right-of-way, and from which the E. corner of Section 3 (a brass cap on the B.L.M.'s brass N. 89° 51' 1.32.7 feet distant; thence from the point of beginning N. 73° 20' 45" E., 1,120.0 feet along the west boundary of the highway right-of-way to a survey cap; thence S. 58° 19' 15" W., 735.40 feet to a survey cap; thence S. 00° 08' E., 534.23 feet to a survey nail on the east-west center of Section 3; thence N. 89° 52' E., 1,228.74 feet along the east-west center of Section 3 to the point of beginning, containing 16,989 acres, and being subject to a 30 foot access road easement along the south boundary, all according to the attached plat.



1/4	Sec.	T	R	DITTO SURVEYING Helena, Montana	
	3	7N	1E		
				SCALE: 1" = 150'	
				0" = 20' No. 4 Rubber with Yellow Plastic Cap (Ditto 2915 S)	
				DATE: 10-7-85	CERTIFICATE OF SURVEY
				COUNTY: BROADWATER	P.M.M. NO.:

10/31/85



CERTIFICATE OF SURVEY

DESCRIPTIONS

A 5.012-acre tract of land described as follows: commencing at the east quarter corner of Section 3, Township 7 North, Range 1 East, P.M., Montana, Broadwater County; thence S.89°52'W., 1314.6 feet along the north line of the SE¼ to the true point of beginning; thence S.0°12'20"W., 333.0 feet; thence S.89°52'W., 655.6 feet; thence N.0°12'20"E., 333.0 feet; thence N.89°52'E., 655.6 feet to the true point of beginning and subject to a 30 foot wide access easement along the north and east boundaries of the herein described tract of land.

A 5.001 acre tract of land described as follows: commencing at the east quarter corner of Section 3, Township 7 North, Range 1 East, P.M., Montana, Broadwater County; thence S.89°52'W., 1314.6 feet along the north line of the SE¼; thence S.0°12'20"W., 997.43 feet to the true point of beginning; thence S.0°12'20"W., 331.27 feet; thence S.89°41'12"W., 655.6 feet; thence N.0°12'20"E., 333.27 feet; thence N.89°52'E., 655.6 feet to the true point of beginning. A 30 foot wide access easement lies west of and adjoins the following described line: beginning at the northeast corner of the herein described tract of land, thence N.0°12'20"E., 997.43 feet to the center of a 60 foot wide access easement.

PURPOSE OF SURVEY

I hereby certify that the purpose of this survey is to create a parcel to provide security for a mortgage and that this exemption complies with all conditions imposed on its use; therefore this survey is exempt from review as a subdivision pursuant to Section 76-3-201(2), M.C.A.

Michael K. Thompson
Rep., State Bank of Townsend

Paul R. Erickson
Paul R. Erickson, Montana Registered
Land Surveyor No. 2354S
Surveyed for State Bank of Townsend
Survey completed February, 1987

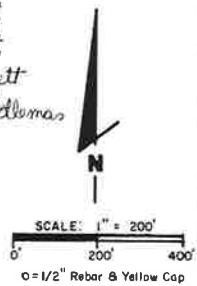


1250C

STATE OF MONTANA
County of Broadwater

I certify that the within described lot is the entire lot of 12 1/2 acres, A.D. 1987, 27 1/2 acres, 4 1/2 acres, P.M., and that it is on page 356 of Book 9 of Montana.

Quentin B. Doggett
By *Valerie Middleton*
Deputy



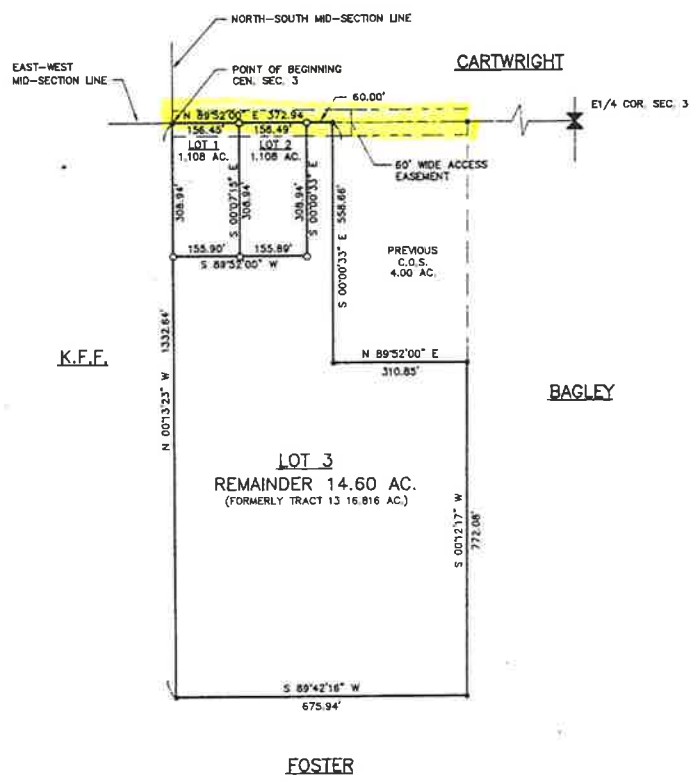
Broadwater County			
P. M. Montana			
1/4 Sec.	T	R	
3	7N	1E	

2/17/87

ARCADIA MINOR SUBDIVISION

FOR TRACT 13 OF A PREVIOUS C.O.S.
NW. 1/4 SE. 1/4 SEC. 3, TWP. 7N, RGE. 1E, P.M.M.
BROADWATER COUNTY

GRAPHIC SCALE



- LEGEND**
- DENOTES MONUMENT SET, #5 REBAR WITH YELLOW PLASTIC CAP
 - DENOTES MONUMENT FOUND
 - (R) RECORD
 - (M) MEASURED

OWNER OF THE TRACT
CHRISTOPHER COOK

BASIS OF BEARINGS
RECORD BEARING FOR THE NORTH-SOUTH MID-SECTION LINE OF SECTION 3 NORTH 89°52'00" EAST.

CERTIFICATE OF FILING BY CLERK AND RECORDER

STATE OF MONTANA)
COUNTY OF BROADWATER) **130194**
FILED FOR RECORD THIS 9th DAY OF May, 1995 AT
4:50 P.M. O'CLOCK. 36.50
Chaim Shavelley
COUNTY CLERK AND RECORDER
BROADWATER COUNTY, MONTANA

CERTIFICATE OF COUNTY TREASURER

I HEREBY CERTIFY, PURSUANT TO SECTION 76-3-811(1)(b), MCA, THAT NO REAL PROPERTY TAXES ASSESSED AND LEVIED ON THE LAND DESCRIBED ON THIS PLAT ARE DELINQUENT.
PROPERTY IDENTIFICATION NUMBER (PIN) 7000422 - All of Taxes paid thru 1994
DATED THIS 10 DAY OF May, 1995 Quay Gillespie - Deputy

CERTIFICATE OF DEDICATION

I, CHRISTOPHER COOK, DO HEREBY CERTIFY THAT I HAVE CAUSED TO BE SURVEYED AND PLATTED INTO LOTS AS SHOWN ON THE PLAT HERETO ANNEXED, THE FOLLOWING DESCRIBED LAND IN BROADWATER COUNTY, MONTANA, TO WIT:

TRACT 13
A TRACT OF LAND SITUATED IN THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 3, TOWNSHIP 7 NORTH, RANGE 1 EAST, P.M.M. AND PREVIOUSLY KNOWN AS TRACT 13, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT THE CENTER OF SECTION 3; THENCE ALONG THE EAST-WEST MID-SECTION LINE OF SAID SECTION NORTH 89°52'00" EAST, 372.94 FEET; THENCE SOUTH 00°00'33" EAST, 558.66 FEET; THENCE NORTH 89°52'00" EAST, 310.85 FEET; THENCE SOUTH 00°12'17" WEST, 772.08 FEET; THENCE SOUTH 89°42'16" WEST, 675.94 FEET; THENCE NORTH 00°13'22" WEST, 1332.64 FEET TO THE POINT OF BEGINNING.
THE ABOVE DESCRIBED TRACT CONTAINS 16.816 ACRES.

BY: Christopher Cook
CHRISTOPHER COOK

SUBSCRIBED AND SWORN TO ME THIS 26 DAY OF APRIL, 1995
Christ J. ...
NOTARY PUBLIC IN AND FOR THE STATE OF MONTANA

RESIDING AT MISSOULA COUNTY
MY COMMISSION EXPIRES MARCH 2, 1998

CERTIFICATE OF FINAL PLAT APPROVAL

THE COUNTY COMMISSION OF BROADWATER COUNTY, MONTANA DOES HEREBY CERTIFY THAT IT HAS EXAMINED THIS FINAL PLAT, AND HAVING FOUND THE SAME TO CONFORM TO LAW, HEREBY APPROVES IT, THIS 9 DAY OF May, 1995.
James K. ..., COMMISSIONER, BROADWATER COUNTY
Thomas ..., COMMISSIONER, BROADWATER COUNTY
Thomas ..., COMMISSIONER, BROADWATER COUNTY
James ..., DIRECTOR OF PLANNING, BROADWATER COUNTY
..., COUNTY ATTORNEY, BROADWATER COUNTY

CERTIFICATE OF SURVEYOR

I, LOWELL C. HANSON, DO HEREBY CERTIFY THAT THIS PLAT IS A TRUE REPRESENTATION OF A SURVEY MADE UNDER MY DIRECT SUPERVISION DURING JULY, 1994.



Lowell C. Hanson
LOWELL C. HANSON
REGISTERED ENGINEER AND LAND SURVEYOR #2523ES
HELENA, MONTANA

Prepared By
L.C. Hanson Co.
CONSULTING ENGINEERS AND SURVEYORS
HELENA, MONTANA

DRAWING NUMBER: 100

1/4	SEC.	TWP.	RGE.
3	7N	1E	

5/9/95

658

CERTIFICATE OF SURVEY NO. _____

Bk 12g 199

E 1/2 NW 1/4 SEC. 3, TWP. 7N, RGE. 1E, P.M.M.

BROADWATER COUNTY



OWNER OF THE TRACT

TRACT 19 - ROGER L. AND BARBARA FOSTER
TRACT 18 - JAMES A. FOSTER

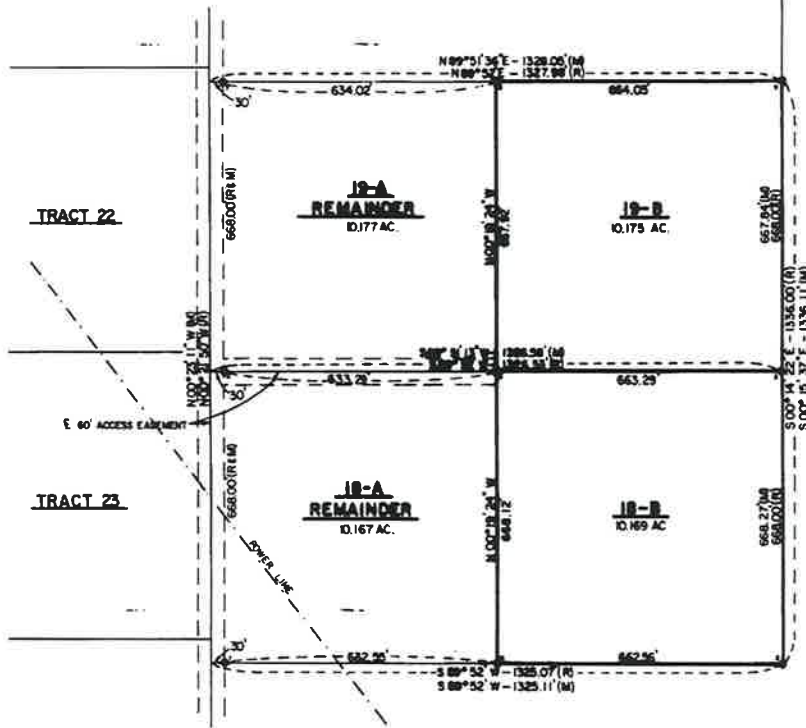
REASON FOR SURVEY

TRACT 18-B TRANSFER A PARCEL TO A FAMILY MEMBER
TRACT 19-B TRANSFER A PARCEL TO A FAMILY MEMBER

BASIS OF BEARINGS

RECORD BEARING FOR THE SOUTH LINE OF TRACT 18
SOUTH 89° 52' WEST

TRACT 20



LEGEND

- DENOTES MONUMENT SET .75 x .91" REBAR WITH YELLOW PLASTIC CAP.
- DENOTES MONUMENT FOUND
- DENOTES POINT NUMBERS

BOUNDARY DESCRIPTION 18-A REMAINDER

A TRACT OF LAND SITUATED IN THE EAST ONE HALF OF THE NORTHWEST ONE QUARTER OF SECTION 3, TOWNSHIP 7 NORTH, RANGE 1 EAST, P.M.M. BROADWATER COUNTY AND BEING A PORTION OF TRACT 19 IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTH LINE OF TRACT 19, SAID POINT BEARS SOUTH 00° 14' 22" EAST, 699.08 FEET, SOUTH 89° 51' 36" WEST, 664.03 FEET FROM THE NORTH ONE QUARTER CORNER OF SAID SECTION 3; THENCE SOUTH 00° 19' 24" EAST, 667.92 FEET; THENCE SOUTH 89° 51' 13" WEST, 663.29 FEET; THENCE NORTH 00° 23' 11" WEST, 668.00 FEET; THENCE NORTH 89° 51' 36" EAST, 664.02 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED TRACT CONTAINS 10.177 ACRES.

BOUNDARY DESCRIPTION 18-B

A TRACT OF LAND SITUATED IN THE EAST ONE HALF OF THE NORTHWEST ONE QUARTER OF SECTION 3, TOWNSHIP 7 NORTH, RANGE 1 EAST, P.M.M. BROADWATER COUNTY AND BEING A PORTION OF TRACT 19 IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF TRACT 19, SAID POINT BEARS SOUTH 00° 14' 22" EAST, 699.08 FEET FROM THE NORTH ONE QUARTER CORNER OF SAID SECTION 3; THENCE SOUTH 00° 15' 37" EAST, 667.84 FEET; THENCE SOUTH 89° 51' 13" WEST, 663.29 FEET; THENCE NORTH 00° 18' 24" WEST, 667.92 FEET; THENCE NORTH 89° 51' 36" EAST, 664.00 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED TRACT CONTAINS 10.175 ACRES.

BOUNDARY DESCRIPTION 18-A REMAINDER

A TRACT OF LAND SITUATED IN THE EAST ONE HALF OF THE NORTHWEST ONE QUARTER OF SECTION 3, TOWNSHIP 7 NORTH, RANGE 1 EAST, P.M.M. BROADWATER COUNTY AND BEING A PORTION OF TRACT 18 IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTH LINE OF TRACT 18, SAID POINT BEARS SOUTH 00° 14' 22" EAST, 699.08 FEET, SOUTH 00° 15' 37" EAST, 667.84 FEET; SOUTH 89° 51' 13" WEST, 663.29 FEET; FROM THE NORTH ONE QUARTER CORNER OF SAID SECTION 3; THENCE SOUTH 00° 19' 24" EAST, 668.12 FEET; THENCE SOUTH 89° 52' WEST, 662.55 FEET; THENCE NORTH 00° 23' 11" WEST, 668.00 FEET; THENCE NORTH 89° 51' 13" EAST, 663.29 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED TRACT CONTAINS 10.167 ACRES.

BOUNDARY DESCRIPTION 18-B

A TRACT OF LAND SITUATED IN THE EAST ONE HALF OF THE NORTHWEST ONE QUARTER OF SECTION 3, TOWNSHIP 7 NORTH, RANGE 1 EAST, P.M.M. BROADWATER COUNTY AND BEING A PORTION OF TRACT 18 IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF TRACT 18, SAID POINT BEARS SOUTH 00° 14' 22" EAST, 699.08 FEET, SOUTH 00° 15' 37" EAST, 667.84 FEET FROM THE NORTH ONE QUARTER OF SAID SECTION 3; THENCE SOUTH 00° 15' 37" EAST, 668.27 FEET; THENCE SOUTH 89° 52' WEST, 662.56 FEET; THENCE NORTH 00° 19' 24" WEST, 668.12 FEET; THENCE NORTH 89° 51' 13" EAST, 663.29 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED TRACT CONTAINS 10.169 ACRES.

CERTIFICATE OF SURVEYOR

I, LOWELL C. HANSON, DO HEREBY CERTIFY THAT THIS PLAT IS A TRUE REPRESENTATION OF A SURVEY MADE UNDER MY DIRECT SUPERVISION, DURING FEBRUARY, 1981.

STATE OF MONTANA
County of Broadwater



Lowell C. Hanson
LOWELL C. HANSON
REGISTERED ENGINEER & LAND SURVEYOR # 2523ES
HELENA, MONTANA

CERTIFICATE OF EXEMPTION

WE HEREBY CERTIFY THAT THE PURPOSE FOR THIS DIVISION OF LAND IS TO TRANSFER PARCEL # 18-B AS SHOWN ON THIS CERTIFICATE TO SUE, OUR DAUGHTER; THAT THIS IS THE FIRST GIFT OR SALE TO THIS PERSON; FURTHERMORE, WE CERTIFY THAT WE ARE IN COMPLIANCE WITH ALL CONDITIONS IMPOSED ON THE USE OF THIS EXEMPTION; THEREFORE, THIS DIVISION OF LAND IS EXEMPT FROM REVIEW AS A SUBDIVISION PURSUANT TO SECTION 76-3-207(b), M.C.A.

Robert L. Foster
ROGER L. FOSTER

Barbara Foster
BARBARA FOSTER

CERTIFICATE OF EXEMPTION

I HEREBY CERTIFY THAT THE PURPOSE FOR THIS DIVISION OF LAND IS TO TRANSFER PARCEL # 18-B AS SHOWN ON THIS CERTIFICATE TO JOE, MY BROTHER; THAT THIS IS THE FIRST GIFT OR SALE TO THIS PERSON; FURTHERMORE, I CERTIFY THAT I AM IN COMPLIANCE WITH ALL CONDITIONS IMPOSED ON THE USE OF THIS EXEMPTION; THEREFORE, THIS DIVISION OF LAND IS EXEMPT FROM REVIEW AS A SUBDIVISION PURSUANT TO SECTION 76-3-207(b), M.C.A.

James A. Foster
JAMES A. FOSTER

James A. Foster
County Clerk

PREPARED BY
L. C. Hanson Co.
CONSULTING ENGINEERS AND SURVEYORS
HELENA, MONTANA

1/4	SEC.	TWP.	RGE.
<input type="checkbox"/>	3	7N	1E
<input type="checkbox"/>			
<input type="checkbox"/>			

4/22/81

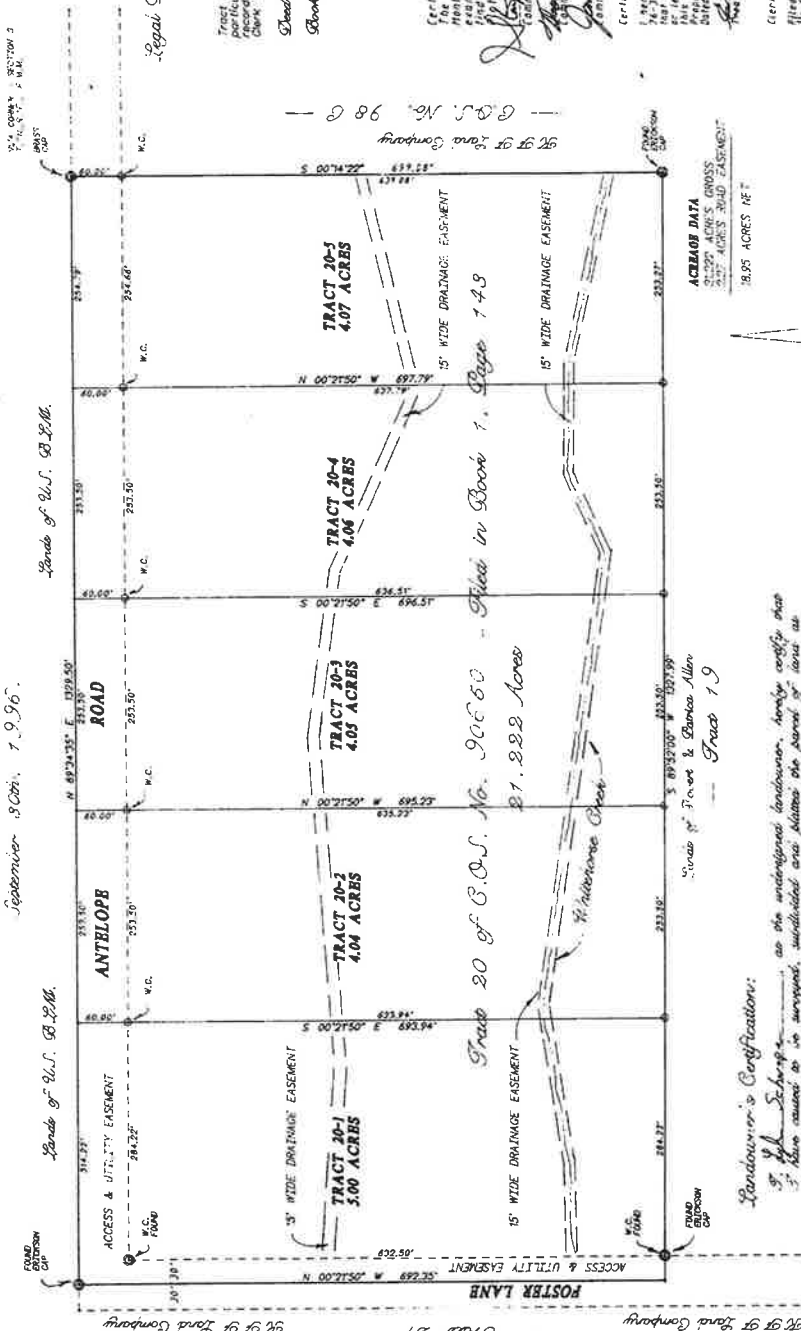
B1-10

Requested By:

Lyle Schwobe

* SCHWOPE MINOR SUBDIVISION *

Division of Tract 20 of Plat No. 51 D - Document No. 90660 -
Filed In: Book 1: Page 143 - Situated In: N 1/4 of Section 8,
Township 7 North, Range 1 East, B.M.M., Broadwater County, Montana.
Section - 80th, 1.9.96.



Legal Descriptions:

Tract No. 20 containing 2,225 acres, as more fully described in the plat recorded in Book 1, Page 143, records of Broadwater County Clerk and Recorder.

Dead Reference:
Book 88, Page 247

Certificate of Final Plat Approval.
I, the undersigned, County Clerk and Recorder of Broadwater County, Montana, do hereby certify that I have examined the attached subdivision plat and find it conforms to the subdivision act and that there is no objection thereto is approved.

James G. Schwope
County Attorney
Broadwater County
Clerk and Recorder

Certificate of County Treasurer:
I, the undersigned, County Treasurer of Broadwater County, Montana, do hereby certify that I have examined the attached plat and find it conforms to the subdivision act and that there is no objection thereto is approved.

James G. Schwope
County Treasurer

Clerk and Recorder
133253

Certificate of Surveyor:
I hereby certify the attached plat to a true representation of a survey performed under my supervision on this 7th day of September, 1996.

Charles M. Swanson
Surveyor
Broadwater County, Montana, No. 69644



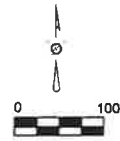
BROADWATER COUNTY, MT.	
1/4	SECTION
3	7 NORTH
1	EAST
69644	1987

Legend:
○ = Found Monuments as noted.
○ = See 1/3" Plan on Page 512.
○ = Base of Survey - C.D.S. No. 51 D

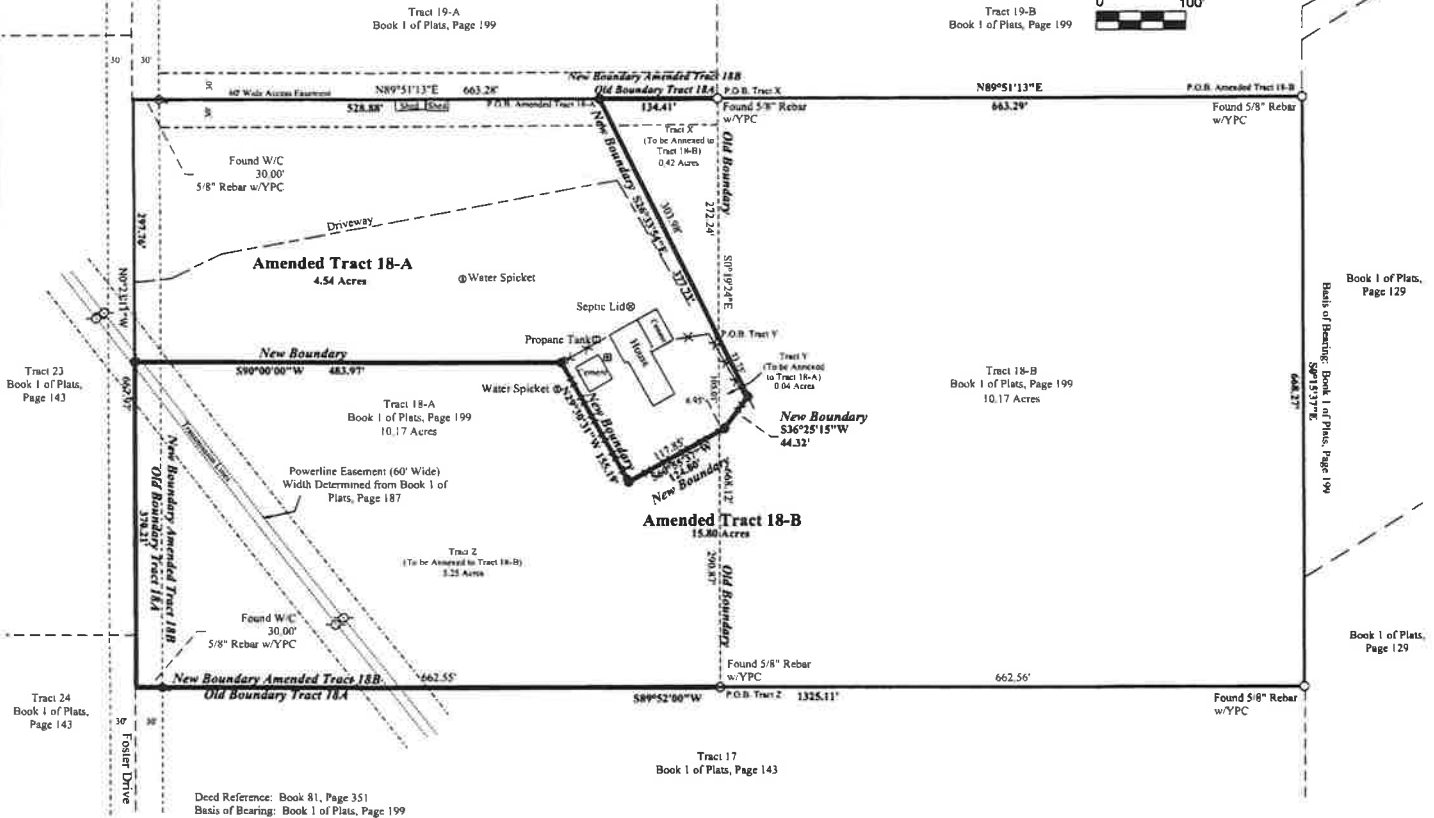
12/4/96

Certificate of Survey: To Relocate Boundaries Between Adjacent Landowners
 Situated in part of the NW1/4 of Section 3, Township 7 North, Range 1 East,
 P.M.M., Broadwater County, Montana.
 Requested By: Steve Upton
 October 22, 2008

N1/4 Corner
 Section 3
 Found Brass Cap



Book 1 of Plats,
 Page 129



Book 1 of Plats,
 Page 129

Book 1 of Plats,
 Page 129

Amended Tract 18-B
 A tract of land being part of Tracts 18-A and 18-B of Book 1 of Plats, Page 199, being situated in part of the E1/2 of the NW1/4 of Section 3, Township 7 North, Range 1 East, P.M.M., Broadwater County, Montana and being more particularly described as follows: Commence at the N1/4 Corner of said Section 3 500°14'22"E for 1366.92 feet to the Northeast corner of herein described tract and true point of beginning; thence leaving said point of beginning 500°19'24"E for 272.24 feet; thence N26°33'54"W for 303.98 feet; thence N89°51'13"E for 134.41 feet to the point of beginning containing 15.80 acres more or less and being served by and subject to right-of-ways and easements as shown, existing, or of record.

Amended Tract 18-A
 A tract of land being part of Tracts 18-A and 18-B of Book 1 of Plats, Page 199, being situated in part of the E1/2 of the NW1/4 of Section 3, Township 7 North, Range 1 East, P.M.M., Broadwater County, Montana and being more particularly described as follows: Commence at the N1/4 Corner of said Section 3 500°14'22"E for 1366.92 feet to the Northeast corner of herein described tract and true point of beginning; thence leaving said point of beginning 500°19'24"E for 272.24 feet; thence N26°33'54"W for 303.98 feet; thence N89°51'13"E for 134.41 feet to the point of beginning containing 4.54 acres more or less and being served by and subject to right-of-ways and easements as shown, existing, or of record.

Tract X (To be Annexed to Tract 18-B)
 A tract of land being part of Tract 18-B of Book 1 of Plats, Page 199, being situated in part of the E1/2 of the NW1/4 of Section 3, Township 7 North, Range 1 East, P.M.M., Broadwater County, Montana and being more particularly described as follows: Commence at the N1/4 Corner of said Section 3 500°14'22"E for 1366.92 feet to the Northeast corner of herein described tract and true point of beginning; thence leaving said point of beginning 500°19'24"E for 272.24 feet; thence N26°33'54"W for 303.98 feet; thence N89°51'13"E for 134.41 feet to the point of beginning containing 0.42 acres more or less and being served by and subject to right-of-ways and easements as shown, existing, or of record.

Tract Y (To be Annexed to Tract 18-A)
 A tract of land being part of Tract 18-A of Book 1 of Plats, Page 199, being situated in part of the E1/2 of the NW1/4 of Section 3, Township 7 North, Range 1 East, P.M.M., Broadwater County, Montana and being more particularly described as follows: Commence at the N1/4 Corner of said Section 3 500°14'22"E for 1366.92 feet to the Northeast corner of herein described tract and true point of beginning; thence leaving said point of beginning 500°19'24"E for 272.24 feet; thence N26°33'54"W for 303.98 feet; thence N89°51'13"E for 134.41 feet to the point of beginning containing 0.04 acres more or less and being served by and subject to right-of-ways and easements as shown, existing, or of record.

Tract Z (To be Annexed to Tract 18-B)
 A tract of land being part of Tract 18-B of Book 1 of Plats, Page 199, being situated in part of the E1/2 of the NW1/4 of Section 3, Township 7 North, Range 1 East, P.M.M., Broadwater County, Montana and being more particularly described as follows: Commence at the N1/4 Corner of said Section 3 500°14'22"E for 1366.92 feet to the Northeast corner of herein described tract and true point of beginning; thence leaving said point of beginning 500°19'24"E for 272.24 feet; thence N26°33'54"W for 303.98 feet; thence N89°51'13"E for 134.41 feet to the point of beginning containing 3.25 acres more or less and being served by and subject to right-of-ways and easements as shown, existing, or of record.

Montana Statute in Subdivisions Act Land Divisions Excluded from Review:
 Amended Tract 18-A:
 (1) The reviewing authority may exclude the following parcels created by division of land from review under Title 76, chapter 4, part 1, MCA, unless the exclusion is used to evade the provisions of that part:
 (a) a parcel that has no existing facilities for water supply, wastewater disposal, or solid waste disposal other than those that were previously approved by the reviewing authority under Title 76, chapter 4, part 1, MCA, or that were exempt from such review; if
 (ii) the division of land will not cause approved facilities to violate any conditions of approval, and will not cause exempt facilities to violate any conditions of exemption.

Amended Tract 18-B:
 (2) A subdivision excluded from the provisions of chapter 3 must be submitted for review according to the provision of this part, except that the following divisions or parcels, unless the exclusions are used to evade the provisions of this part, are not subject to review:
 (a) divisions made for the purpose of acquiring additional land to become part of an approved parcel, provided that water or sewage disposal facilities may not be constructed on the additional acquired parcel and that the division does not fall within a previously platified or approved subdivision.

Landowners' Certification:
 We hereby certify that the purpose of this survey is to relocate the boundary line between adjoining properties outside a platted subdivision and that no additional parcels are hereby created. Therefore, this division of land is exempt from review as a subdivision pursuant to 76-3-207(1)(a), MCA.

Steve Upton
 Steve Upton

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

LEGEND

- Quarter Corner
- Set 1/2" Rebar w/CP, L.S. No. 15279
- Found Rebar as Noted
- Found Witness Corner as Noted
- ⊙ Water Spicket
- ⊙ Propane Tank
- ⊙ Septic Lid
- ⊙ Well
- ⊙ Power Pole

Certificate of Clerk and Recorder:
Rhonda Nelson
 Rhonda Nelson, Clerk and Recorder of Broadwater County, Montana, do hereby certify that the foregoing instrument was filed in my office at 11:53 o'clock (am/pm) on the 17 day of 11/2008, pursuant to AD, 20.02, and recorded in Book 2 of Plats on Page 265. Records of the Clerk and Recorder, Broadwater County, Montana, Document No. 159909.
Dan Swenson, Deputy
 Dan Swenson, Deputy Clerk and Recorder

Certificate of Treasurer:
Rhonda Nelson
 Rhonda Nelson, 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 5/31/09. Tax ID # 7000238. Deposited 17 day of 11/2008.
Rhonda Nelson
 Rhonda Nelson, Treasurer of Broadwater County

Certificate of Examination:
 Reviewed for errors and omissions this 18 day of Nov, 2008, pursuant to Section 76-3-611(2)(a), MCA.
Dan Swenson
 Dan Swenson, L.S. No. 15279, P.O. Box 177, Townsend, MT 59644

Certificate of Surveyor:
 I hereby certify the attached plat is a true representation of a survey performed under my supervision and completed on October 22, 2008 and described the same as shown on the accompanying plat in accordance with the provisions of the Montana Subdivisions and Plats Act. Dated this 15 day of November, 2008.
Dan Swenson
 Dan Swenson, L.S. No. 15279, P.O. Box 177, Townsend, MT 59644

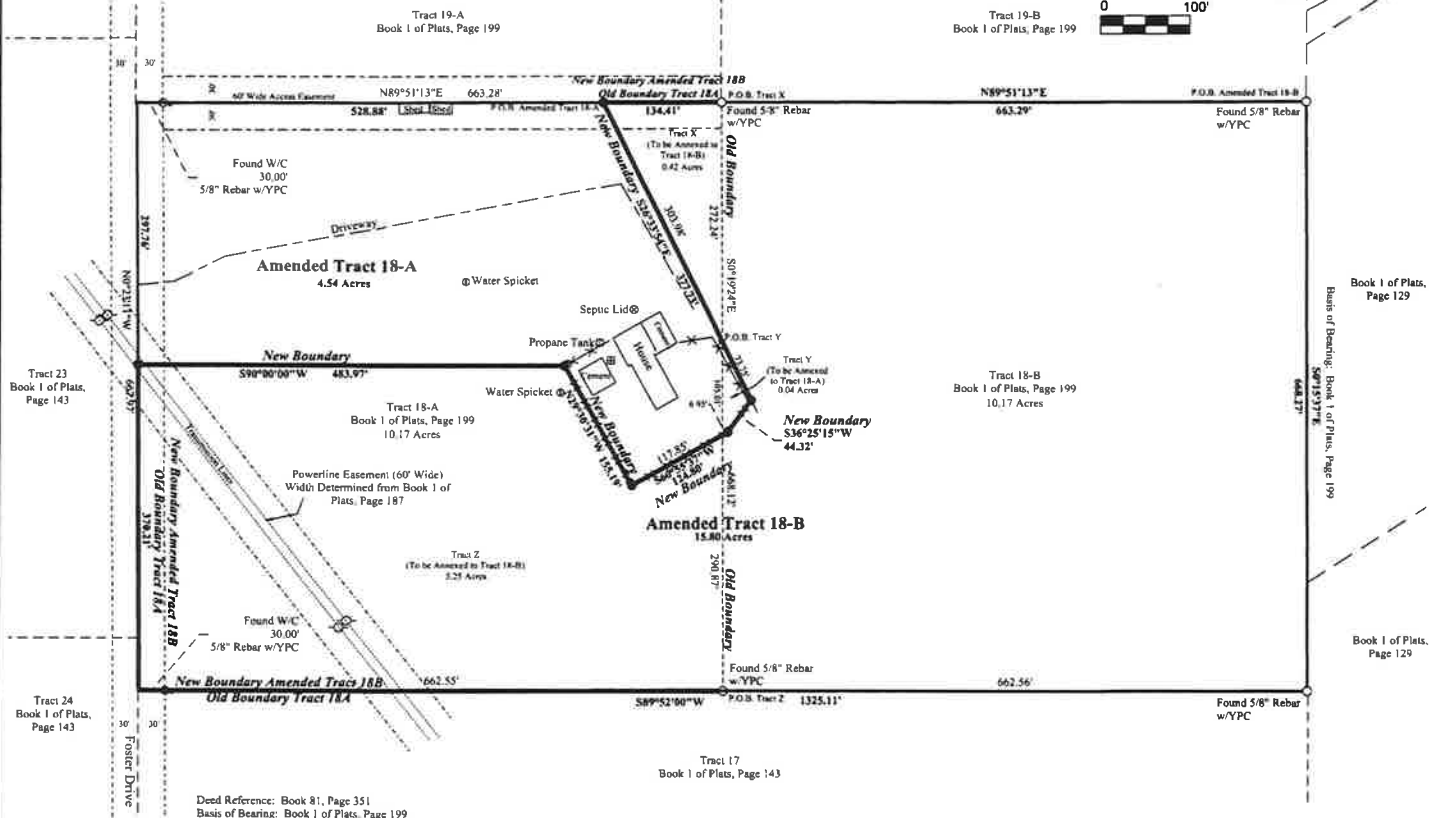
Scale and Date:
 SCALE 100 Ft/In DATE 11-13-2008 FILE NAME 2951 MYLARS 11-3-08 TRV
 DRAWN BY SMS REVISION SHEET 1/1 JOB 2951

11/19/08

Item #12
Documentation of Existing Easements

Foster Drive Road Easement: COS Bk 1; Pg 199; COS Bk 2; Pg. 265
Access Easement (60 wide): COS Bk 1; Pg 199, COS Bk 2; Pg. 265
Power Line Easement: COS Bk 1; Pg 199, COS Bk 2; Pg. 265, and
Valley View Heights Subdivision, Bk 1; Pg 187

*Certificate of Survey: To Relocate Boundaries Between Adjacent Landowners
Situating in part of the NW1/4 of Section 3, Township 7 North, Range 1 East,
P.M.M., Broadwater County, Montana.
Requested By: Steve Upton
October 22, 2008*



Amended Tract 18B:
A tract of land being part of Tracts 18-A and 18-B of Book 1 of Plats, Page 199, being situated in part of the E1/2 of the NW1/4 of Section 3, Township 7 North, Range 1 East, P.M.M., Broadwater County, Montana and being more particularly described as follows: Commence at the N1/4 Corner of said Section 3 500°14'22"E for 1366.92 feet to the Northeast corner of herein described tract and true point of beginning; thence leaving said point of beginning 500°15'37"E for 668.27 feet; thence 589°52'00"W for 662.56 feet to the centerline of Foster Drive, a 60 foot wide Road Easement; thence along said centerline N00°23'11"W for 370.21 feet; thence leaving said centerline N00°00'00"E for 483.97 feet; thence 529°30'31"E for 155.19 feet; thence N60°55'37"E for 124.80 feet; thence N36°25'15"W for 44.32 feet; thence N26°33'54"W for 377.73 feet; thence N89°51'13"E for 797.70 feet to the point of beginning containing 15.80 acres more or less and being served by and subject to right-of-ways and easements as shown, existing, or of record.

Amended Tract 18A:
A tract of land being part of Tracts 18-A and 18-B of Book 1 of Plats, Page 199, being situated in part of the E1/2 of the NW1/4 of Section 3, Township 7 North, Range 1 East, P.M.M., Broadwater County, Montana and being more particularly described as follows: Commence at the N1/4 Corner of said Section 3 500°14'22"E for 1366.92 feet; thence 589°51'13"W for 797.70 feet to the most Northerly corner of herein described tract and true point of beginning; thence leaving said point of beginning 529°33'54"E for 377.73 feet; thence 536°25'15"W for 44.32 feet; thence 560°55'37"W for 124.80 feet; thence N29°30'31"W for 155.19 feet; thence 590°00'00"W for 483.97 feet to the centerline of Foster Drive, a 60 foot wide Road Easement; thence along said centerline N00°23'11"W for 297.76 feet; thence leaving said centerline N89°51'13"E for 128.88 feet to the point of beginning containing 4.54 acres more or less and being served by and subject to right-of-ways and easements as shown, existing, or of record.

Tract X (To be Annexed to Tract 18-B):
A tract of land being part of Book 1 of Plats, Page 199, being situated in part of the E1/2 of the NW1/4 of Section 3, Township 7 North, Range 1 East, P.M.M., Broadwater County, Montana and being more particularly described as follows: Commence at the N1/4 Corner of said Section 3 500°14'22"E for 1366.92 feet; thence 589°51'13"W for 662.56 feet to the Southwest corner of herein described tract and true point of beginning; thence leaving said point of beginning 500°17'24"E for 272.24 feet; thence N26°33'54"W for 303.96 feet; thence N89°51'13"E for 134.41 feet to the point of beginning containing 0.42 acres more or less and being served by and subject to right-of-ways and easements as shown, existing, or of record.

Tract Y (To be Annexed to Tract 18-A):
A tract of land being part of Book 1 of Plats, Page 199, being situated in part of the E1/2 of the NW1/4 of Section 3, Township 7 North, Range 1 East, P.M.M., Broadwater County, Montana and being more particularly described as follows: Commence at the N1/4 Corner of said Section 3 500°14'22"E for 1366.92 feet; thence 589°51'13"W for 662.56 feet to the Southwest corner of herein described tract and true point of beginning; thence leaving said point of beginning 529°33'54"E for 377.73 feet; thence 536°25'15"W for 44.32 feet; thence 560°55'37"W for 124.80 feet; thence N29°30'31"W for 155.19 feet to the point of beginning containing 0.04 acres more or less and being served by and subject to right-of-ways and easements as shown, existing, or of record.

Tract Z (To be Annexed to Tract 18-B):
A tract of land being part of Book 1 of Plats, Page 199, being situated in part of the E1/2 of the NW1/4 of Section 3, Township 7 North, Range 1 East, P.M.M., Broadwater County, Montana and being more particularly described as follows: Commence at the N1/4 Corner of said Section 3 500°14'22"E for 1366.92 feet; thence 589°51'13"W for 662.56 feet to the Southwest corner of herein described tract and true point of beginning; thence leaving said point of beginning 589°52'00"W for 662.56 feet to the centerline of Foster Drive, a 60 foot wide Road Easement; thence along said centerline N00°23'11"W for 370.21 feet; thence leaving said centerline N90°00'00"E for 483.97 feet; thence 529°30'31"E for 155.19 feet; thence N60°55'37"E for 124.80 feet; thence 500°19'24"E for 105.01 feet to the point of beginning containing 0.04 acres more or less and being served by and subject to right-of-ways and easements as shown, existing, or of record.

Montana Statute in Subdivisions Act Land Divisions Excluded from Review:
Amended Tract 18-A:
Exclusion ARM 17.36.605(2)(b)(ii):
(2) The reviewing authority may exclude the following parcels created by division of land from review under Title 76, chapter 4, part 1, MCA, unless the exclusion is used to evade the provisions of that part:
(a) a parcel that has no existing facilities for water supply, wastewater disposal, or solid waste disposal other than those that were previously approved by the reviewing authority under Title 76, chapter 4, part 1, MCA, or that were exempt from such review; if
(b) the division of land will not cause approval facilities to violate any conditions of approval, and will not cause exempt facilities to violate any conditions of completion.

Amended Tract 18-B:
Exclusion MCA 76-4-125(2)(b):
(2) A subdivision excluded from the provisions of chapter 3 must be submitted for review according to the provision of this part, except that the following divisions or parcels, unless the exclusions are used to evade the provisions of this part, are not subject to review:
(a) division made for the purpose of acquiring additional land to become part of an approved parcel, provided that water or sewage disposal facilities may not be constructed on the additional acquired parcel and that the division does not fall within a previously platting or approved subdivision.

Landowners' Certification:
We hereby certify that the purpose of this survey is to relocate the boundary line between adjoining properties outside a platted subdivision and that no additional parcels are hereby created. Therefore, this division of land is exempt from review as a subdivision pursuant to section 76-3-305(1)(a), MCA.

Notary: Sworn to here before me, A Notary Public in and for the State of Montana, on the 19th day of October, 2008, at Broadwater, Montana. My Commission Expires 06-16-2009.

LEGEND

- Quarter Corner
- Set 1/2" Rebar w/OPC, L.S. No. 15279
- Found Rebar as Noted
- Friend/Witness Corner as Noted
- Water Spicket
- Propane Tank
- Septic Lid
- Well
- Power Pole

Certificate of Clerk and Recorder:
I, Rhonda Nelson, Clerk and Recorder of Broadwater County, Montana, do hereby certify that the foregoing instrument was filed in my office at 11:53 o'clock (am/pm) on the 19 day of October, 2008, AD, 2008 and recorded in Book 265 of Plats on Page 265. Records of the Clerk and Recorder, Broadwater County, Montana. Document No. 157909.
Rhonda Nelson, Deputy Clerk and Recorder

Certificate of Treasurer:
I, Rhonda Nelson, 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 5-31-09. Tax ID # 70002028. Date of 19 day of October, 2008.
Rhonda Nelson, Treasurer of Broadwater County

Certificate of Examination:
Reviewed for errors and omissions this the 15 day of November, 2008 pursuant to Section 76-3-611(2)(a), MCA.
A.S. Stewart, Esq. Montana Registration No. 521025.

Certificate of Surveyor:
I hereby certify the attached plat is a true representation of a survey performed under my supervision and completed on October 22, 2008 and described the same as shown on the accompanying plat in accordance with the provisions of the Montana Subdivision and Platting Act. Dated this 15 day of November, 2008.
Surveyor: Steve Upton
Steve Upton, L.S. No. 15279
P.O. Box 177
Townsend, MT 59644

Requesting Party: Steve Upton
Type: Boundary Relocation
Scale: 100 Ft./In.
Date: 11-13-2008
File Name: 2851 MYLARS 11-3-08 TRV
Drawn By: SMS
Revision:
Sheet: 1/1
Job: 2951

65B

CERTIFICATE OF SURVEY NO.

E 1/2 NW 1/4 SEC. 3, TWP. 7N, RGE. 1E, P.M.M.

199

BROADWATER COUNTY



OWNER OF THE TRACT
TRACT 19 - ROGER L. AND BARBARA FOSTER
TRACT 18 - JAMES A. FOSTER

REASON FOR SURVEY
TRACT 18-B TRANSFER A PARCEL TO A FAMILY MEMBER
TRACT 19-B TRANSFER A PARCEL TO A FAMILY MEMBER

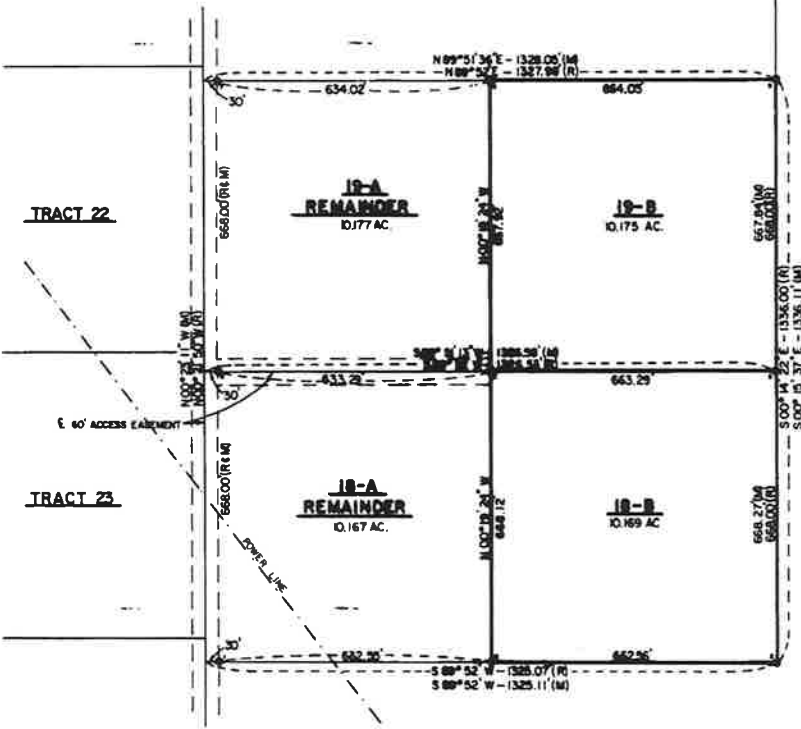
BASIS OF BEARINGS
RECORD BEARING FOR THE SOUTH LINE OF TRACT 18
SOUTH 89° 52' WEST

N 1/4 COR. SEC. 3
TWO BR. CAP



- LEGEND**
- DENOTED MEASUREMENT SET .75 x .24" NEARBY WITH YELLOW PLASTIC CAP.
 - DENOTED MONUMENT FOUND
 - DENOTED POINT NUMBERS

TRACT 20



BOUNDARY DESCRIPTION 18-A REMAINDER

A TRACT OF LAND SITUATED IN THE EAST ONE HALF OF THE NORTHWEST ONE QUARTER OF SECTION 3, TOWNSHIP 7 NORTH, RANGE 1 EAST, P.M.M. BROADWATER COUNTY AND BEING A PORTION OF TRACT 19 IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTH LINE OF TRACT 19, SAID POINT BEARS SOUTH 00° 14' 22" EAST, 699.08 FEET, SOUTH 89° 51' 36" WEST, 664.03 FEET FROM THE NORTH ONE QUARTER CORNER OF SAID SECTION 3; THENCE SOUTH 00° 19' 24" EAST, 667.92 FEET; THENCE SOUTH 89° 51' 13" WEST, 663.29 FEET; THENCE NORTH 00° 23' 11" WEST, 668.00 FEET; THENCE NORTH 89° 51' 36" EAST, 664.02 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED TRACT CONTAINS 10.177 ACRES.

BOUNDARY DESCRIPTION 18-B

A TRACT OF LAND SITUATED IN THE EAST ONE HALF OF THE NORTHWEST ONE QUARTER OF SECTION 3, TOWNSHIP 7 NORTH, RANGE 1 EAST, P.M.M. BROADWATER COUNTY AND BEING A PORTION OF TRACT 19 IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF TRACT 19, SAID POINT BEARS SOUTH 00° 14' 22" EAST, 688.08 FEET FROM THE NORTH ONE QUARTER CORNER OF SAID SECTION 3; THENCE SOUTH 00° 18' 37" EAST, 667.84 FEET; THENCE SOUTH 89° 51' 13" WEST, 663.29 FEET; THENCE NORTH 00° 18' 24" WEST, 667.92 FEET; THENCE NORTH 89° 51' 36" EAST, 664.88 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED TRACT CONTAINS 10.175 ACRES.

BOUNDARY DESCRIPTION 18-A REMAINDER

A TRACT OF LAND SITUATED IN THE EAST ONE HALF OF THE NORTHWEST ONE QUARTER OF SECTION 3, TOWNSHIP 7 NORTH, RANGE 1 EAST, P.M.M. BROADWATER COUNTY AND BEING A PORTION OF TRACT 18 IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTH LINE OF TRACT 18, SAID POINT BEARS SOUTH 00° 14' 22" EAST, 699.08 FEET, SOUTH 00° 15' 37" EAST, 667.84 FEET; SOUTH 89° 51' 13" WEST, 663.29 FEET; FROM THE NORTH ONE QUARTER CORNER OF SAID SECTION 3; THENCE SOUTH 00° 19' 24" EAST, 668.12 FEET; THENCE SOUTH 89° 52' WEST, 662.56 FEET; THENCE NORTH 00° 23' 11" WEST, 668.00 FEET; THENCE NORTH 89° 51' 13" EAST, 663.29 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED TRACT CONTAINS 10.167 ACRES.

BOUNDARY DESCRIPTION 18-B

A TRACT OF LAND SITUATED IN THE EAST ONE HALF OF THE NORTHWEST ONE QUARTER OF SECTION 3, TOWNSHIP 7 NORTH, RANGE 1 EAST, P.M.M. BROADWATER COUNTY AND BEING A PORTION OF TRACT 18 IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF TRACT 18, SAID POINT BEARS SOUTH 00° 14' 22" EAST, 699.08 FEET, SOUTH 00° 15' 37" EAST, 667.84 FEET FROM THE NORTH ONE QUARTER OF SAID SECTION 3; THENCE SOUTH 00° 15' 37" EAST, 668.27 FEET; THENCE SOUTH 89° 52' WEST, 662.56 FEET; THENCE NORTH 00° 19' 24" WEST, 668.12 FEET; THENCE NORTH 89° 51' 13" EAST, 663.29 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED TRACT CONTAINS 10.169 ACRES.

CERTIFICATE OF SURVEYOR

I, LOWELL C. HANSON, DO HEREBY CERTIFY THAT THIS PLAT IS A TRUE REPRESENTATION OF A SURVEY MADE UNDER MY DIRECT SUPERVISION, DURING FEBRUARY, 1981.

STATE OF MONTANA
County of Broadwater

I hereby certify that the within instrument was filed by filing with me on this day of April, A.D. 1981, at the County Clerk's Office, and recorded in case No. 1981-100 at Book No. 100, Page No. 100.

By: *James A. Foster*
County Clerk

By: *Lowell C. Hanson*
Professional Engineer



Lowell C. Hanson
LOWELL C. HANSON
REGISTERED ENGINEER & LAND SURVEYOR # 2523ES
MELBA, MONTANA

CERTIFICATE OF EXEMPTION
I HEREBY CERTIFY THAT THE PURPOSE FOR THIS DIVISION OF LAND IS TO TRANSFER PARCEL # 18-B AS SHOWN ON THIS CERTIFICATE TO SUE, OUR DAUGHTER; THAT THIS IS THE FIRST GIFT OR SALE TO THIS PERSON; FURTHERMORE, I CERTIFY THAT I AM IN COMPLIANCE WITH ALL CONDITIONS IMPOSED ON THE USE OF THIS EXEMPTION; THEREFORE, THIS DIVISION OF LAND IS EXEMPT FROM REVIEW AS A SUBDIVISION PURSUANT TO SECTION 76-3-207(b), M.C.A.

Roger L. Foster
ROGER L. FOSTER
Barbara Foster
BARBARA FOSTER

CERTIFICATE OF EXEMPTION
I HEREBY CERTIFY THAT THE PURPOSE FOR THIS DIVISION OF LAND IS TO TRANSFER PARCEL # 18-B AS SHOWN ON THIS CERTIFICATE TO JOE, MY BROTHER; THAT THIS IS THE FIRST GIFT OR SALE TO THIS PERSON; FURTHERMORE, I CERTIFY THAT I AM IN COMPLIANCE WITH ALL CONDITIONS IMPOSED ON THE USE OF THIS EXEMPTION; THEREFORE, THIS DIVISION OF LAND IS EXEMPT FROM REVIEW AS A SUBDIVISION PURSUANT TO SECTION 76-3-207(b), M.C.A.

James A. Foster
JAMES A. FOSTER

PREPARED BY
L. C. Hanson Co.
CONSULTING ENGINEERS AND SURVEYORS
MELBA, MONTANA

1/4	SEC.	TWP.	RGE.
<input type="checkbox"/>	3	7N	1E
<input type="checkbox"/>			
<input type="checkbox"/>			

81-10

Item # 13
Existing Covenants or Deed Restrictions

No existing Covenants or Deed Restrictions.

Item # 14
Existing Water Rights

No record of Water Rights for this property were found on the DNRC search site.

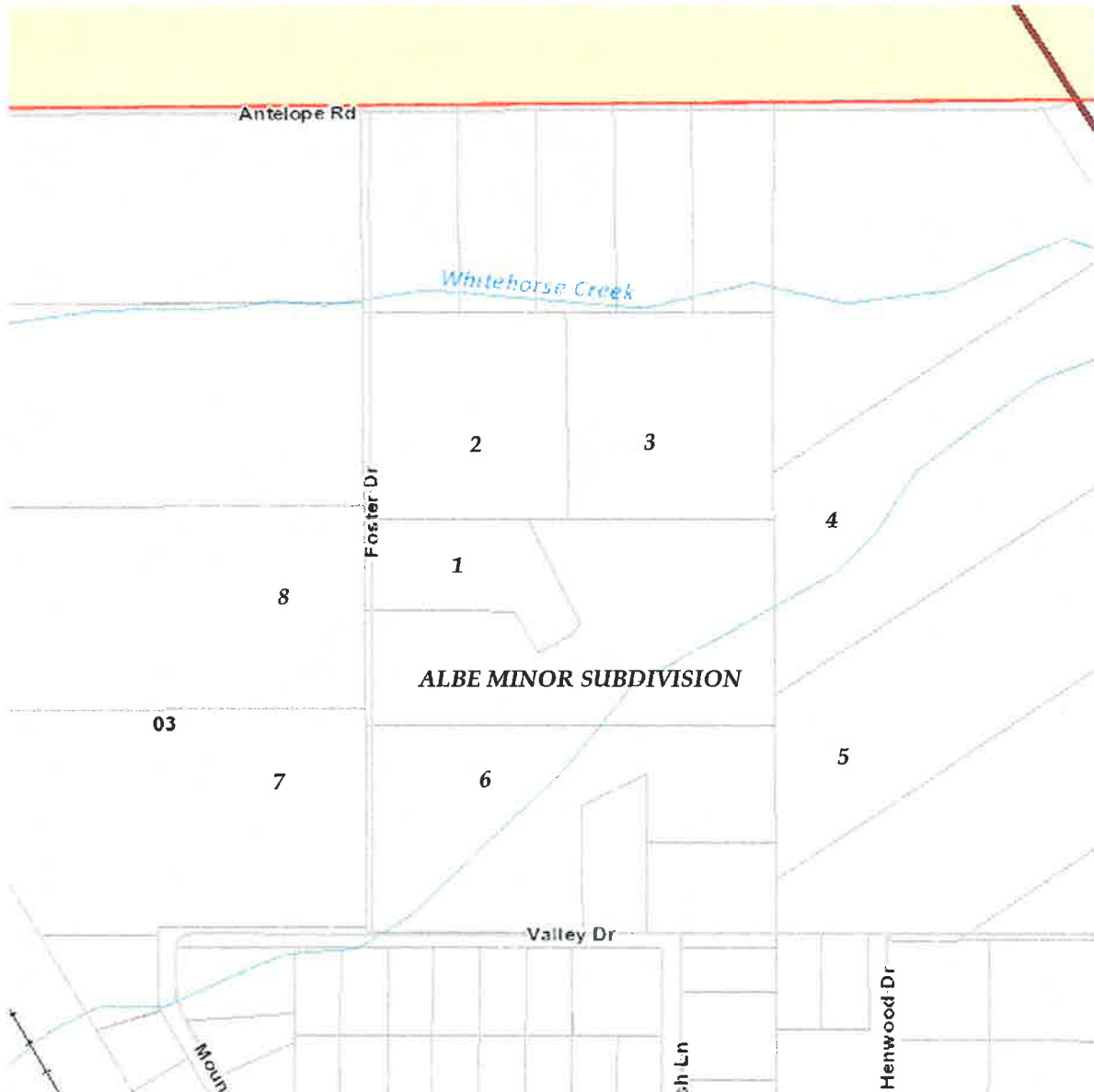
Item # 15
Existing Mineral Rights

No record of Mineral Rights for this property were found and assumed to still be attached to the property.

Item # 16
Adjoining Landowners

A map with adjoining landowners with their addresses is included.

ALBE MINOR SUBDIVISION ADJACENT LANDOWNERS



- | | | |
|--|--|--|
| <p>1. STEVE UPTON
PO BOX 224
TOWNSEND, MT 59644</p> | <p>2. JAMES FOSTER
33 SHARON LOOP
TOWNSEND, MT 59644</p> | <p>3. JAMES A & SHARON FOSTER
33 SHARON LOOP
TOWNSEND, MT 59644</p> |
| <p>4. MICHAEL J DAVIS
19599 FRONTAGE RD STE B
BELGRADE, MT 59714</p> | <p>5. SILOS ENTERPRISES LLC
PO BOX 4657
BUTTE, MT 59702</p> | <p>6. PATRICK & SUSAN HAMILTON
701 S OAK ST
TOWNSEND, MT 59644</p> |
| <p>7. SCOTT & ERIN KICHLINE
3073 LEONORA DR
KETTERING, OH 45420</p> | <p>8. JOHN L RONSON
1119 WIENCH WAY
CORVALLIS, MT 59828</p> | |

Item # 17
Proposed Road Layout

No roads within the subdivision are proposed.

Item # 18
Encroachment Permits

No driveways are proposed onto a County Road.

Item #19
Road Maintenance Agreement

No new Subdivision Roads are proposed for a Road Maintenance Agreement.
A Covenant will be proposed for a Maintenance Agreement on the shared Driveway serving Lots 2 and 3.

Proposed Covenant:

- 1) Driveways.
 - a) Lot Owner of Lot 1 shall be responsible for constructing and maintaining his or her own driveway within the 60 wide Access Easement created in Certificate of Survey filed in Book 1; Page 199 which passes through and burdens Lot 18-A of Certificate of Survey filed in Book 2; Page 265.
 - b) There shall be a shared Driveway and Utility Easement for the benefit of Lots 2 and 3 which shall pass through and burden Lots 3 and 4, as depicted on the final plat of the Property, and such easement is hereby reserved for the benefit of Lots 2 and 3. The Owners of Lots 2 and 3 will equally share the cost and burden of maintaining the shared portion of the driveway through Lots 3 and 4. Said Lot owners shall be responsible for constructing and maintain that portion of the driveway within their respective Lots outside of the designated Driveway Access and Utility Easement.
 - c) Lot Owners of Lot 4 shall be responsible for constructing and maintaining his or her own driveway.

Item # 30
Revocation of Agricultural Covenants.

N/A

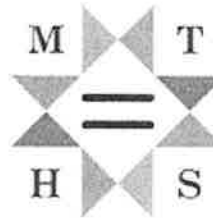
Item # 31
Historical Society Letter

A letter to the Historical Society requesting information on any historic or cultural sites on this property is attached along with their response.

From: Murdo, Damon
Sent: Tuesday, October 4, 2022 1:40 PM
To: Bernadette Swenson
Subject: RE: Albe Minor Subdivision Research Request

October 4, 2022

Bernadette Swenson
Schauber Surveying, Inc.
64 Jack Farm Rd
Townsend MT 59644



MONTANA
HISTORICAL SOCIETY

Historic Preservation Office
303 E. Lockey, PO Box 201002
Helena, MT 59620-1002

RE: ALBE MINOR 4-LOT SUBDIVISION, BROADWATER COUNTY. SHPO Project #:2022100403

Dear Bernadette:

I have conducted a cultural resource file search for the above-cited project located in Section 3, T7N R1E. According to our records there has been one previously recorded site within the designated search locale. Site 24BW0818 is the historic Northern Pacific Railroad, which is outside of the proposed project area. The absence of cultural properties in the area does not mean that they do not exist but rather may reflect the absence of any previous cultural resource inventory in the area, as our records indicated none.

It is SHPO's position that any structure over fifty years of age is considered historic and is potentially eligible for listing on the National Register of Historic Places. If any structures are to be altered and are over fifty years old, we would recommend that they be recorded, and a determination of their eligibility be made.

As long as there will be no disturbance or alteration to structures over fifty years of age, we feel that there is a low likelihood cultural properties will be impacted. We, therefore, feel that a recommendation for a cultural resource inventory is unwarranted at this time. However, should structures need to be altered or if cultural materials be inadvertently discovered during this project, we would ask that our office be contacted, and the site investigated.

If you have any further questions or comments, you may contact me at (406) 444-7767 or by e-mail at dmurdo@mt.gov. Thank you for consulting with us.

Sincerely,

Damon Murdo
Cultural Records Manager
State Historic Preservation Office

File: LOCAL/SUBDIVISIONS/2022



STATE HISTORIC PRESERVATION OFFICE
Montana Cultural Resource Database

CRABS Township, Range, Section Results

Report Date:10/4/2022

Township:7 N Range:1 E Section: 3

JEPSON DANIEL A., ET AL.

12/1/1989 CLASS I AND CLASS III CULTURAL RESOURCE INVENTORIES OF AT & T SPOKANE-BILLINGS FIBER OPTIC FACILITIES IN MONTANA
 CRABS Document Number: ZZ 6 10823 Agency Document Number:

Township:7 N Range:1 E Section: 3

MALOUF CARLING I.

1/1/1950 THE ARCHAEOLOGY OF THE CANYON FERRY REGION, MONTANA
 CRABS Document Number: BW 6 13739 Agency Document Number: ANTH AND SOC PAPERS #11

Township:7 N Range:1 E Section: 3

DEAVER KEN, ET AL.

10/1/1988 US SPRINT FIBER OPTIC CABLE PROJECT, SPOKANE, WASHINGTON TO FARGO, NORTH DAKOTA; MONTANA CULTURAL RESOURCES TECHNICAL REPORT AND CONFIDENTIAL APPENDICES (MAY 1988 REPORT ENTITLED PRELIMINARY REPORT ON PEDESTRIAN SAMPLE OF THE SPRINT LINE IN MONTANA BY SHERRI DEAVER ET AL IS ATTACHED)

CRABS Document Number: ZZ 2 10786 Agency Document Number:

Township:7 N Range:1 E Section: 3

GREISER T. WEBER, ET AL.

11/1/2000 RESULTS OF A CULTURAL RESOURCES INVENTORY FOR THE TOUCH AMERICA/AT & T FIBER OPTIC CABLE ROUTE BETWEEN BILLINGS AND LOOKOUT PASS IN MONTANA

CRABS Document Number: ZZ 6 23275 Agency Document Number:



STATE HISTORIC PRESERVATION OFFICE
Cultural Resource Information Systems

CRIS Township, Range, Section Report

Report Date:10/4/2022

Site #	Twp	Rng	Sec	Qs	Site Type 1	Site Type 2	Time Period	Owner	NR Status
24BW0818	7N	1E	3		Historic Railroad		Historic More Than One Decade	Private	Eligible

Item # 32
Variance Request

No Variances are requested.

Item # 33
Re-Zoning Application

Not Applicable. No re-zoning requested.

Item # 34
Flood Hazard Evaluation

Not Applicable.

Item # 35
Proposed Mitigation

None proposed

Item # 36
Additional Relevant Information

No additional relevant and reasonable information was identified by the County Planner at the Pre-application meeting.

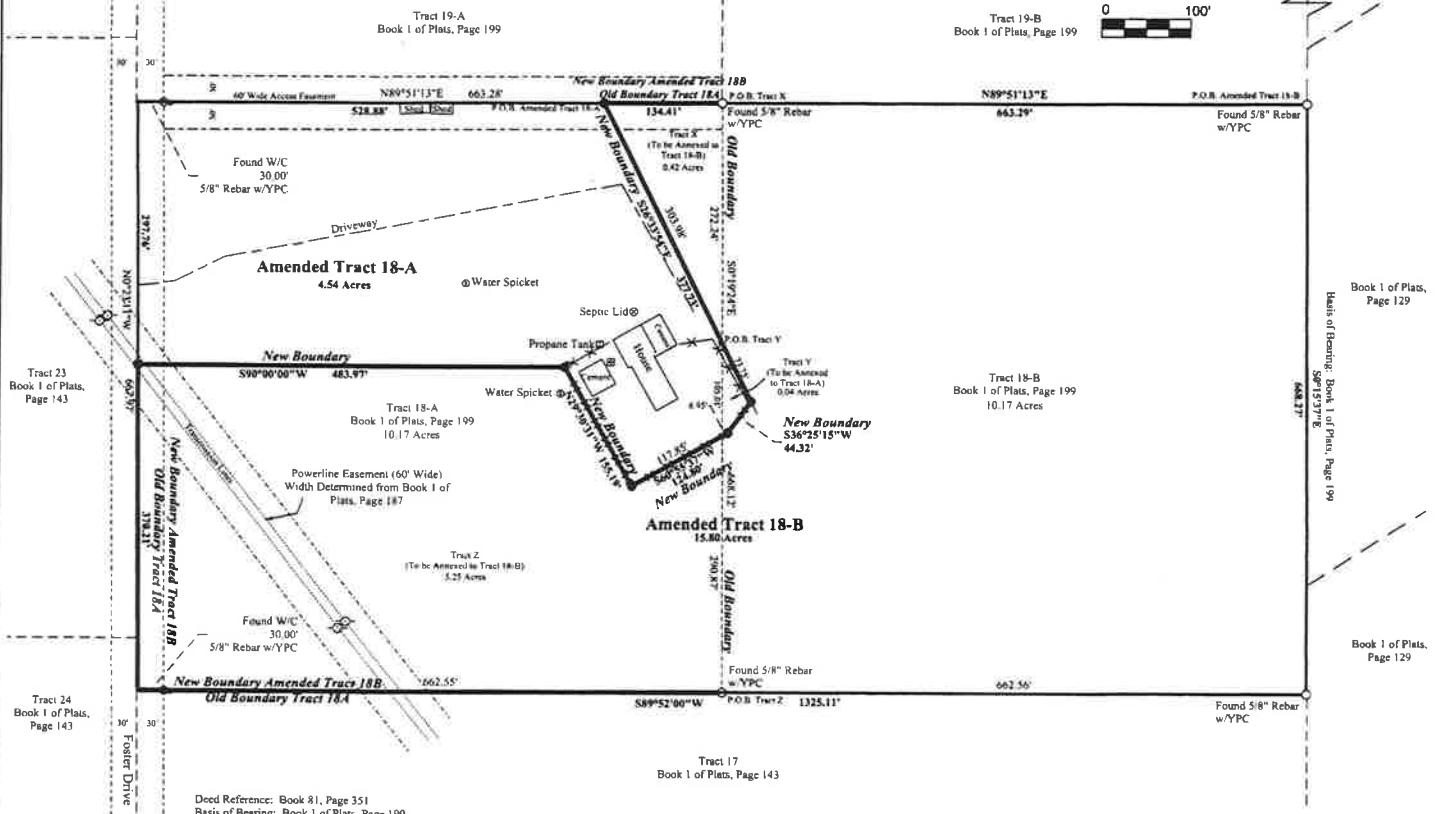
Item #37
Tract History

COS 1; Pg 143: Creation of Tracts Greater than 20 Acres 2/1/1979

COS Bk 1; Pg 199: Family Transfer 4/22/1981

COS Bk 2; Pg. 265: Boundary Relocation 11/19/2008

Certificate of Survey: To Relocate Boundaries Between Adjacent Landowners
 Situated in part of the NW1/4 of Section 3, Township 7 North, Range 1 East,
 P.M.M., Broadwater County, Montana.
 Requested By: Steve Upton
 October 22, 2008



Amended Tract 18-B:
 A tract of land being part of Tracts 18-A and 18-B of Book 1 of Plats, Page 199, being situated in part of the E1/2 of the NW1/4 of Section 3, Township 7 North, Range 1 East, P.M.M., Broadwater County, Montana and being more particularly described as follows: Commence at the N1/4 Corner of said Section 3 500°14'22"E for 1366.92 feet to the Northeast corner of herein described tract and true point of beginning; thence leaving said point of beginning S00°15'37"E for 663.27 feet; thence S89°51'13"E for 1225.11 feet to the centerline of Foster Drive, a 60 foot wide Road Easement; thence along said centerline N00°23'11"W for 370.21 feet; thence leaving said centerline N00°00'00"E for 483.97 feet; thence S29°30'31"E for 155.19 feet; thence N40°55'37"E for 124.80 feet; thence N36°25'15"W for 44.32 feet; thence N26°33'54"W for 377.73 feet; thence N89°51'13"E for 797.79 feet to the point of beginning containing 15.80 acres more or less and being served by and subject to right-of-ways and easements as shown, existing, or of record.

Amended Tract 18-A:
 A tract of land being part of Tracts 18-A and 18-B of Book 1 of Plats, Page 199, being situated in part of the E1/2 of the NW1/4 of Section 3, Township 7 North, Range 1 East, P.M.M., Broadwater County, Montana and being more particularly described as follows: Commence at the N1/4 Corner of said Section 3 500°14'22"E for 1366.92 feet; thence S89°51'13"E for 797.79 feet to the most Northern corner of herein described tract and true point of beginning; thence leaving said point of beginning S26°33'54"E for 377.73 feet; thence S36°25'15"W for 44.32 feet; thence S60°55'37"W for 124.80 feet; thence N26°33'54"W for 377.73 feet; thence N89°51'13"E for 797.79 feet to the point of beginning containing 4.54 acres more or less and being served by and subject to right-of-ways and easements as shown, existing, or of record.

Tract X (To be Annexed to Tract 18-B):
 A tract of land being part of Tract 18-A of Book 1 of Plats, Page 199, being situated in part of the E1/2 of the NW1/4 of Section 3, Township 7 North, Range 1 East, P.M.M., Broadwater County, Montana and being more particularly described as follows: Commence at the N1/4 Corner of said Section 3 500°14'22"E for 1366.92 feet; thence S89°51'13"E for 663.27 feet; thence S00°19'24"E for 272.24 feet to the most Northern corner of herein described tract and true point of beginning; thence leaving said point of beginning S26°33'54"E for 377.73 feet; thence S36°25'15"W for 44.32 feet; thence S60°55'37"W for 124.80 feet to the point of beginning containing 0.42 acres more or less and being served by and subject to right-of-ways and easements as shown, existing, or of record.

Tract Y (To be Annexed to Tract 18-A):
 A tract of land being part of Tract 18-B of Book 1 of Plats, Page 199, being situated in part of the E1/2 of the NW1/4 of Section 3, Township 7 North, Range 1 East, P.M.M., Broadwater County, Montana and being more particularly described as follows: Commence at the N1/4 Corner of said Section 3 500°14'22"E for 1366.92 feet; thence S89°51'13"E for 797.79 feet to the point of beginning; thence leaving said point of beginning S26°33'54"E for 377.73 feet; thence S36°25'15"W for 44.32 feet; thence S60°55'37"W for 124.80 feet to the point of beginning containing 0.04 acres more or less and being served by and subject to right-of-ways and easements as shown, existing, or of record.

Tract Z (To be Annexed to Tract 18-B):
 A tract of land being part of Tract 18-A of Book 1 of Plats, Page 199, being situated in part of the E1/2 of the NW1/4 of Section 3, Township 7 North, Range 1 East, P.M.M., Broadwater County, Montana and being more particularly described as follows: Commence at the N1/4 Corner of said Section 3 500°14'22"E for 1366.92 feet; thence S00°19'24"E for 663.27 feet; thence S89°52'00"W for 662.56 feet to the Southeast corner of herein described tract and true point of beginning; thence leaving said point of beginning S89°52'00"W for 662.56 feet to the point of beginning; thence leaving said centerline N00°23'11"W for 370.21 feet; thence leaving said centerline N00°00'00"E for 483.97 feet; thence S29°30'31"E for 155.19 feet; thence N40°55'37"E for 124.80 feet; thence S00°19'24"E for 272.24 feet to the point of beginning containing 5.25 acres more or less and being served by and subject to right-of-ways and easements as shown, existing, or of record.

Montana Statute in Subdivisions Act Land Divisions Excluded from Review:
 Amended Tract 18-A:
 Exclusion ARM 17.36.605(2)(b)(ii):
 (2) The reviewing authority may exclude the following parcels created by division of land from review under Title 76, chapter 4, part 1, MCA, unless the exclusion is used to evade the provisions of that part:
 (a) a parcel that has no existing facilities for water supply, wastewater disposal, or solid waste disposal other than those that were previously approved by the reviewing authority under Title 76, chapter 4, part 1, MCA, or that were exempt from such review; if
 (b) the division of land will not cause approved facilities to violate any conditions of approval, and will not cause exempt facilities to violate any conditions of exemption.

Amended Tract 18-B:
 Exclusion MCA 76-4-125(2)(b)
 (2) A subdivision excluded from the provisions of chapter 3 must be submitted for review according to the provision of this part, except that the following divisions or parcels, unless the exclusions are used to evade the provisions of this part, are not subject to review:
 (b) division made for the purpose of acquiring additional land to become part of an approved parcel, provided that water or sewage disposal facilities may not be constructed on the additional acquired parcel and that the division does not fall within a previously platted or approved subdivision.

Landowners' Certification:
 We hereby certify that the purpose of this survey is to relocate a boundary line between adjoining properties outside a platted subdivision and that no additional parcels are hereby created. Therefore, this division of land is exempt from review as a subdivision pursuant to section 76-3-207(1)(a), MCA.

Notary: Sworn to here before me, A Notary Public in and for the State of Montana, this 19 day of October, 2008.
 My Commission Expires on 10-16-2010.
David Rausser
 Notary Public

Certificate of Clerk and Recorder:
 I, *David Rausser*, Clerk and Recorder of Broadwater County, Montana, do hereby certify that the foregoing instrument was filed in my office at 11:53 o'clock (am/pm), the 19 day of October, A.D. 2008, and recorded in Book 1 of Plats on Page 265. Records of the Clerk and Recorder, Broadwater County, Montana. Document No. 157909.
David Rausser, Deputy
 Clerk and Recorder

Certificate of Treasurer:
 I, *David Rausser*, 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 5-31-09. Tax ID # 7000-208. Date plus 74 days of 7/10/08.
David Rausser
 Treasurer of Broadwater County

Certificate of Examination:
 Reviewed for errors and omissions like the 18 day of Nov. 2008 pursuant to Section 76-3-61(2)(a), MCA.
David Rausser
 Montana Registration No. 52105.

Note:
 Tract X, Y, and Z are described to facilitate transfer of ownership and are to be annexed to the adjoining lands. They are not intended to stand alone as separate tracts.

Certificate of Survey:
 I hereby certify the attached plat is a true representation of a survey performed under my supervision and completed on October 22, 2008 and described the same as shown on the accompanying plat in accordance with the provisions of the Montana Subdivision and Platting Act. Dated this 15 day of November 2008.
David Rausser
 Surveyor
 DCS Swanson, L.S. No. 15279
 P.O. Box 177
 Townsend, MT 59644

LEGEND

- Quarter Corner
- Set 1/2" Rebar w/OPC, L.S. No. 15279
- Found Rebar as Noted
- Found Witness Corner as Noted
- Water Spicket
- Propane Tank
- Septic Lid
- Power Pole

NW1/4 Sec. 3, T.7N., R.1E., P.M.M., Broadwater Co.			
Requested By: Steve Upton			
Type: Boundary Relocation			
Schauber Surveying		266-4602	
SCALE 100 Ft./In	DATE 11-13-2008	FILENAME 2951 MYLARS 11-08 TRV	
DRAWN BY SMS	REVISION	SHEET 1/1	JOB 2951

11/19/2008

658

CERTIFICATE OF SURVEY NO. _____

E. 1/2 NW 1/4 SEC. 3, TWP. 7N, RGE. 1E, P.M.M.

199

BROADWATER COUNTY



OWNER OF THE TRACT

TRACT 19 - ROGER L. AND BARBARA FOSTER
TRACT 18 - JAMES A. FOSTER

REASON FOR SURVEY

TRACT 18-B TRANSFER A PARCEL TO A FAMILY MEMBER
TRACT 19-B TRANSFER A PARCEL TO A FAMILY MEMBER

BASIS OF BEARINGS

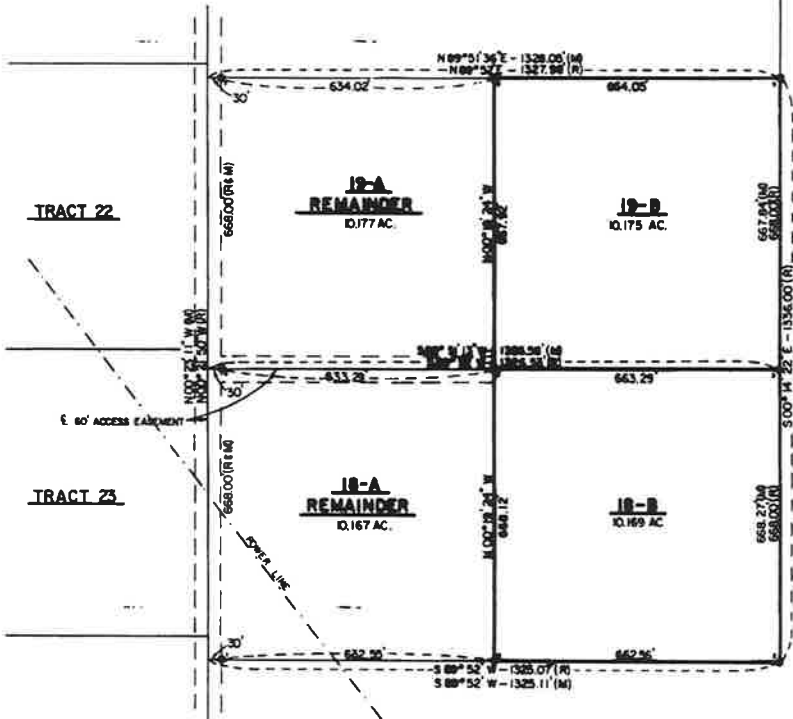
RECORD BEARING FOR THE SOUTH LINE OF TRACT 18
SOUTH 89° 52' WEST

N 1/4 COR. SEC. 3
P.M.M. CAP



- LEGEND**
- DENOTES MONUMENT BEY. 75 x 34" REBAR WITH YELLOW PLASTIC CAP.
 - DENOTES MONUMENT FOUND
 - DENOTES POINT NUMBERS

TRACT 20



BOUNDARY DESCRIPTION 19-A REMAINDER

A TRACT OF LAND SITUATED IN THE EAST ONE HALF OF THE NORTHWEST ONE QUARTER OF SECTION 3, TOWNSHIP 7 NORTH, RANGE 1 EAST, P.M.M. BROADWATER COUNTY AND BEING A PORTION OF TRACT 19 IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTH LINE OF TRACT 19, SAID POINT BEARS SOUTH 00° 14' 22" EAST, 699.08 FEET, SOUTH 89° 51' 36" WEST, 664.03 FEET FROM THE NORTH ONE QUARTER CORNER OF SAID SECTION 3; THENCE SOUTH 00° 19' 24" EAST, 667.92 FEET; THENCE SOUTH 89° 51' 13" WEST, 663.29 FEET; THENCE NORTH 00° 23' 11" WEST, 668.00 FEET; THENCE NORTH 89° 51' 36" EAST, 664.02 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED TRACT CONTAINS 10.177 ACRES.

BOUNDARY DESCRIPTION 19-B

A TRACT OF LAND SITUATED IN THE EAST ONE HALF OF THE NORTHWEST ONE QUARTER OF SECTION 3, TOWNSHIP 7 NORTH, RANGE 1 EAST, P.M.M. BROADWATER COUNTY AND BEING A PORTION OF TRACT 19 IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF TRACT 19, SAID POINT BEARS SOUTH 00° 14' 22" EAST, 699.08 FEET FROM THE NORTH ONE QUARTER CORNER OF SAID SECTION 3; THENCE SOUTH 00° 15' 37" EAST, 667.84 FEET; THENCE SOUTH 89° 51' 13" WEST, 663.29 FEET; THENCE NORTH 00° 38' 24" WEST, 667.92 FEET; THENCE NORTH 89° 51' 36" EAST, 664.00 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED TRACT CONTAINS 10.175 ACRES.

BOUNDARY DESCRIPTION 18-A REMAINDER

A TRACT OF LAND SITUATED IN THE EAST ONE HALF OF THE NORTHWEST ONE QUARTER OF SECTION 3, TOWNSHIP 7 NORTH, RANGE 1 EAST, P.M.M. BROADWATER COUNTY AND BEING A PORTION OF TRACT 18 IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTH LINE OF TRACT 18, SAID POINT BEARS SOUTH 00° 14' 22" EAST, 699.08 FEET, SOUTH 00° 15' 37" EAST, 667.84 FEET; SOUTH 89° 51' 13" WEST, 663.29 FEET; FROM THE NORTH ONE QUARTER CORNER OF SAID SECTION 3; THENCE SOUTH 00° 19' 24" EAST, 668.12 FEET; THENCE SOUTH 89° 52' WEST, 662.55 FEET; THENCE NORTH 00° 23' 11" WEST, 668.00 FEET; THENCE NORTH 89° 51' 13" EAST, 663.29 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED TRACT CONTAINS 10.167 ACRES.

BOUNDARY DESCRIPTION 18-B

A TRACT OF LAND SITUATED IN THE EAST ONE HALF OF THE NORTHWEST ONE QUARTER OF SECTION 3, TOWNSHIP 7 NORTH, RANGE 1 EAST, P.M.M. BROADWATER COUNTY AND BEING A PORTION OF TRACT 18 IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF TRACT 18, SAID POINT BEARS SOUTH 89° 14' 22" EAST, 699.08 FEET, SOUTH 00° 15' 37" EAST, 667.84 FEET FROM THE NORTH ONE QUARTER OF SAID SECTION 3; THENCE SOUTH 00° 15' 37" EAST, 668.27 FEET; THENCE SOUTH 89° 52' WEST, 662.55 FEET; THENCE NORTH 00° 19' 24" EAST, 668.12 FEET; THENCE NORTH 89° 51' 13" EAST, 663.29 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED TRACT CONTAINS 10.169 ACRES.

CERTIFICATE OF SURVEYOR

I, LOWELL C. HANSON, DO HEREBY CERTIFY THAT THIS PLAN IS A TRUE REPRESENTATION OF A SURVEY MADE UNDER MY DIRECT SUPERVISION, DURING FEBRUARY, 1981.

STATE OF MONTANA
County of Broadwater

I hereby certify that the within instrument was filed in my office on this 22nd day of April, A.D. 1981, at _____ o'clock _____ P.M. and recorded in _____ of Book _____ of the Records of Broadwater County, State of Montana.

James A. Foster
County Clerk



Lowell C. Hanson
LOWELL C. HANSON
REGISTERED ENGINEER & LAND SURVEYOR # 2523ES
MONTANA

1/4	SEC.	TWP.	RGE.
<input type="checkbox"/>	3	7N	1E
<input type="checkbox"/>			
<input type="checkbox"/>			

CERTIFICATE OF EXEMPTION

WE HEREBY CERTIFY THAT THE PURPOSE FOR THIS DIVISION OF LAND IS TO TRANSFER PARCEL # 18-B AS SHOWN ON THIS CERTIFICATE TO SUE, OUR DAUGHTER; THAT THIS IS THE FIRST GIFT OR SALE TO THIS PERSON; FURTHERMORE, WE CERTIFY THAT WE ARE IN COMPLIANCE WITH ALL CONDITIONS IMPOSED ON THE USE OF THIS EXEMPTION; THEREFORE, THIS DIVISION OF LAND IS EXEMPT FROM REVIEW AS A SUBDIVISION PURSUANT TO SECTION 76-3-207(b), M.C.A.

Robert L. Foster
ROGER L. FOSTER

Barbara Foster
BARBARA FOSTER

CERTIFICATE OF EXEMPTION

I HEREBY CERTIFY THAT THE PURPOSE FOR THIS DIVISION OF LAND IS TO TRANSFER PARCEL # 18-B AS SHOWN ON THIS CERTIFICATE TO JOE, MY BROTHER; THAT THIS IS THE FIRST GIFT OR SALE TO THIS PERSON; FURTHERMORE, I CERTIFY THAT I AM IN COMPLIANCE WITH ALL CONDITIONS IMPOSED ON THE USE OF THIS EXEMPTION; THEREFORE, THIS DIVISION OF LAND IS EXEMPT FROM REVIEW AS A SUBDIVISION PURSUANT TO SECTION 76-3-207(b), M.C.A.

James A. Foster
JAMES A. FOSTER

PREPARED BY
L. C. Hanson Co.
CONSULTING ENGINEERS AND SURVEYORS
HELENA, MONTANA

4/22/81

81-10

1 ME 143

906 50

State of Montana
County of Broadwater
I hereby certify that the within
and thereunto annexed plat, map or
survey is a true and correct copy
of the original as filed in my
office, and is subject to appeal
to the Board of Equalization
of the County of Broadwater,
Montana.
Notary Public
J. H. [Signature]
1979

James E. [Signature]
Surveyor
1979

U.S. Highway 712
60' Right of Way

To create eleven tracts numbered 15 through 25 on the above plat, each exceeding
20 acres and therefore exempt from review as a subdivision.

DESCRIPTION OF BOUNDARY

Beginning at the northwest corner of Section 3, Township 7 North, Range 1 East,
P.M., Montana, Broadwater County; thence R. 89° 34' 15" E., 2659.0 feet to the north
quarter corner of Section 3; thence S. 0° 14' 22" E., 2703.08 feet to a point on the
center line of a 60 foot access easement; thence S. 0° 14' 16" E., 1332.8 feet;
thence S. 89° 41' 55" N., 1599.9 feet to a point on the westerly 200 foot right-of-way
line of the Burlington Northern Railroad; thence S. 30° 48' 20" N., 1638.01 feet along
the right-of-way line; thence S. 89° 34' 15" E., 11,740 feet along a curve to the right
with a 11,740 foot radius; thence R. 28° 54' 20" N., 1 foot to the point of beginning of
the west line of Section 3; thence leaving the right-of-way line N. 0° 29' 10" W.,
2235.29 feet along the section line to the point of beginning and containing
224.113 acres.

0.5" Rebar & Cap

Basis of Bearings:
South line Section 3



Paul R. [Name]
Land Surveyor No. 23545
Surveyed for Jack Foster
Surveyed January, 1979

Certificate
of
Survey

Broadwater County	
P.M., Montana	
1/4 Sec	Top Acre
3	7N 1E

2/1/1979

51D



Item #20
Proposed Easements

Proposed easements are shown on the Preliminary Plat, being utility easements and a driveway easement serving Lot 2 and Lot 3

Item #21
Disposition of Water Rights

No Disposition of Water Rights, if any, are proposed.

Item #22
Disposition of Mineral Rights

No Disposition of Mineral Rights, if any, are proposed.

Item #23
Parkland Requirements

No Parkland is required.

Item #24
Environmental Assessment

No Environmental Assessment is required as this proposed Subdivision is a Minor Subdivision. A Community Impact Report is included in this submittal.

PART 2. COMMUNITY IMPACT REPORT

Provide a community impact report containing a statement of estimated number of people coming into the area as a result of the subdivision, anticipated needs of the proposed subdivision for public facilities and services, the increased capital and operating cost to each affected unit of local government. Provide responses to each of the following questions and provide reference materials as required.

1. Education and Busing

- a. Describe the available educational facilities which would serve this subdivision.
Townsend Elementary and High School.
- b. Per the Broadwater County Growth Policy Plan, it is estimated that there will be 1.5 school age children per lot. How many total children will reside in this proposed subdivision? Provide a statement from the administrator of the affected school system indicating whether the increased enrollment can be accommodated by the present personnel and facilities and by the existing school bus system.
This subdivision could generate approx. 6 school age children.
- c. Will a school bus turnaround/access be created? (A school bus turnaround/access may be required.)
No school bus turnaround is proposed.

2. Roads and Maintenance

- a. Estimate how much daily traffic the subdivision, when fully occupied will generate on existing streets and arterials. (Utilize 8 vehicle trips per day per lot)
This subdivision could generate approx. 32 vehicle trips per day.
- b. Describe the closing or modification of any existing roads.
No closing or modification of any roads is proposed.

3. Utilities

- a. Indicate the utility companies involved in providing electrical power, natural gas, or telephone service.
Northwestern Energy will provide electrical power and Century Link will provide telephone services.
- b. Identify on the preliminary plat or overlay the locations of any needed utility easements.
Utility Easements are proposed along the lot lines of each lot.
- c. Will this proposed subdivision have adequate utility service (power, telephone, solid waste disposal)?
A Request for power has been submitted to Northwestern Energy.
- d. Has the preliminary plat been submitted to affected utilities for review?
A copy of the preliminary plat will be submitted to Northwestern Energy and Century Link.

4. Water, Sewage, and Solid Waste Facilities

- a. Briefly describe the water supply and sewage treatment systems to be used in serving the proposed subdivision (e.g. methods, capacities, locations).
Individual septic and wells are proposed to each lot and will be reviewed and approved by DEQ. Locations of each system will be approved by DEQ.

- b. Where hook-up to an existing system is proposed, describe estimated impacts on the existing system, and show evidence that permission has been granted to hook up to the existing system.

N/A

- c. Describe the proposed method of collecting and disposing of solid waste from the development.

Solid waste collection will be provided by each individual landowner.

- d. If use of an existing collection system or disposal facility is proposed indicate the name and location of the facility.

The Townsend Canister site will be used for each landowner to dispose of their solid waste.

5. Fire and Police Protection

- a. Describe the fire and police protection services available to the residents of the proposed subdivision including number of personnel and number of vehicles or type of facilities for:

- 1) Fire protection – is the proposed subdivision in which fire district? Describe what fire protection procedures are planned?

A fire plan has been submitted for approval to the Broadwater Rural Fire Dept.

6. Effects on the Historic or Natural Environment

- a. Describe any known or possible historic, paleontological, archaeological or cultural sites, structures or objects which may be affected by the proposed subdivision.

A letter has been submitted to the Montana Historical Society for their review and comments.

- b. How would the subdivision affect surface and groundwater, soils, slopes, vegetation, historical or archaeological features within the subdivision or on adjacent land? Describe plans to protect these sites.

- 1) Would any streambanks or lake shorelines be altered, streams rechanneled or any surface water contaminated from sewage treatment systems, run-off carrying sedimentation, or concentration of pesticides or fertilizers? (If so, all applicable County, State and Federal laws must be abided by.)

No streambanks or lake shorelines are within this property.

- 2) Do soils, vegetation, and FEMA Floodplain maps indicate that the land includes any riparian areas, wetlands or flood-prone areas? If so, is the proposed subdivision designed to avoid construction (buildings and/or roads) in these areas?

No wetlands or flood-prone areas are within this property.

- 3) Identify on the map areas of 25% slope or greater. Is the proposed subdivision designed to avoid these steep slopes? Will construction of the subdivision reasonably maintain the natural topographic features of the land?

No slopes are greater than 25%

- 4) Is the proposed subdivision designed to maintain significant open space by clustering homesites? Is it designed to avoid ridge tops and visual encroachment into river corridors? Is it designed to conserve any views and vistas which are identified in an adopted land use plan?

No.

- 5) Describe possible natural hazards the subdivision could be subject to (e.g. natural hazards such as flooding, rock, snow or land slides, high winds, severe wildfires or difficulties such as shallow bedrock, high water table, unstable or expansive soils or excessive slopes).
Snow, high winds, or wildfires could be possible natural hazards.

Item # 25
Transportation Impact Analysis

A Traffic Impact Study is not required for this subdivision.

According to Broadwater County Subdivision Regulation V-H(d)(ii)(A)(3) page 63, which states: “A traffic study completed by a professional engineer licensed in the State of Montana is required for the following subdivisions: 3. For all subdivisions, whose primary access is on a local road in the jurisdiction of the governing body that will generate more than 400 ADT.”

This subdivision will generate an additional 32 average daily trips (ADT) therefore is not required to have a Traffic Impact Study.

Note: This regulation is numbered incorrectly as “c” in the current subdivision regulations but is actually “d” therefore the regulation cited above is using the corrected numbering.

Item #26
Weed Plan

The Weed Plan is included in this submittal.

BROADWATER COUNTY WEED DISTRICT

515 Broadway, Townsend, MT 59644

Phone: 406-266-9243

Email: brweed@co.broadwater.mt.us



**SUBDIVISION NOXIOUS WEED
MANAGEMENT AND
REVEGETATION PLAN
INFORMATION
AND
APPLICATION**

Approved and Adopted by: _____ Date: _____

John Ferrat, Chair, Weed Board Member

Approved by: _____ Date: _____

Mike Delger, Chair, Broadwater County Commissioner

Approved by: _____ Date: _____

Laura Obert, Broadwater County Commissioner

Approved by: _____ Date: _____

Darrel Folkvord, Broadwater County Commissioner

SUBMISSION PACKET CHECKLIST

The following items are to be submitted to the Broadwater County Weed District in one complete packet ('Submission Packet'). All items must be accounted for prior to **Approval** or **Approval with Modifications**.

- Signed Letter of Agreement
- Map(s)
- Complete and Signed Noxious Weed Management and Revegetation Plan
- Scheduled Site Visit with the Broadwater County Weed District Representative (*Appendix A*)
- Payment of Site Application and Inspection Fees and Plan Preparation Fees (*if applicable*)

Please Note: The Submission Packet will be reviewed and approved, approved with modifications, or rejected by the Broadwater County Weed Board at regularly scheduled monthly meetings. The Submission Packet **must** be submitted to the Broadwater County Weed District Office at least **ten (10) business days** prior to the regularly scheduled board meeting. Broadwater County Weed Board meetings are scheduled on the 3rd Wednesday of each month.

Requirements for Subdivision and Preliminary Plat Approval

Per the Montana County Weed Control Act, Section 7-22-2152, **PRIOR** to subdivision activity, which includes, but is not limited to, groundbreaking, soil disturbance, and/or construction, a Noxious Weed Management and Revegetation Plan must be completed by the Subdivider/Landowner or Weed Management Professional¹ and submitted to the Broadwater County Weed District Office. The plan template will assist with specific methods to be used for:

- The management of noxious weeds already infesting land(s) within the subdivision or that may arise during development.
- The revegetation of disturbed areas within the subdivision.

This plan is subject to approval by the Weed Board, which may require revisions to bring the plan into compliance with the District's Noxious Weed Management Plan and the Montana County Weed Control Act. The Letter of Agreement and Noxious Weed Management and Revegetation Plan are binding documents and the Subdivider(s)/Landowner(s) must abide by the terms of the Agreements.

If there are any questions, concerns, or need for assistance, please call the Weed District Office at 406-266-9243.

¹ Broadwater County Weed District may be utilized to assist the landowner in the creation of the Noxious Weed Management and Revegetation Plan. A list of other approved Weed Management Professionals can be found in Appendix B of this document.

BROADWATER COUNTY WEED DISTRICT

515 BROADWAY, TOWNSEND, MT 59644
PHONE: 406-266-9243
EMAIL: BRWEED@CO.BROADWATER.MT.US

LETTER OF AGREEMENT

The purpose of the Broadwater County Subdivision Submission Packet is threefold:

- 1. Promote the prevention of noxious weeds and their seeds as a public nuisance under Montana Law. It is unlawful to permit noxious weeds to propagate (MCA 7-22-2101 through 7-22-2153).
2. Mitigate the potential spread of existing infestations, while monitoring for new invaders.
3. Promote education and awareness for landowners to be knowledgeable of, and responsible for, their noxious weed problems. Noxious weeds will continue to be a problem and will require continued vigilance, even beyond the scope of this agreement.

The following are requirements that apply to all subdivisions in Broadwater County. Please check the boxes for each corresponding line item, sign and date at the bottom, and include with Submission Packet.

- Boxes for requirements: The Noxious Weed Management and Revegetation Plan must be completed by the Subdivider/Landowner or Weed Management Professional and approved by the Broadwater County Weed Board PRIOR to any subdivision activity.
The Subdivider/Landowner/Homeowner Association agrees to abide by the Montana County Weed Control Act, Title 7, Chapter 22, Sections 7-22-2101 through 7-22-2153, as well as to the standards specified in the Noxious Weed Management and Revegetation Plan on all properties, parks, and rights-of-way within the subdivision.
The Subdivider/Landowner shall pass on the obligations of this agreement to the purchaser of a subdivided tract by placing the requirements agreed to in this letter and management plan as a condition of the sale.
A statement shall be placed on the face of the Final Plat stating: "Weed management will be the responsibility of the individual property owners within the subdivision." (MCA 7-22-201 through 7-22-2153)
All borrow materials such as gravel, sand, topsoil, rock, road mix, mulch, straw, hay, and grass seed must come from a noxious weed free source. No noxious weed contaminated material may be removed from the site and placed in an area not infested with noxious weeds.
Inspections done November through April are not conclusive, due to time of year and noxious weed growth stage. Thus, applications will have their initial inspection as soon as conditions allow, and modifications to the Noxious Weed Management and Revegetation Plan will be made at the discretion of the Broadwater County Weed District.
The agreements set forth in this Letter and Noxious Weed Management and Revegetation Plan are effective upon the date of approval by the Broadwater County Weed Board and is effective for three years (3) from final plat recordation date. A new agreement is required after the effective date has expired.
Subdivider/Landowner shall submit documentation that the Noxious Weed Management and Revegetation Plan has been implemented no later than December 20th of each year the agreements are effective. Documentation requirements can be found in Appendix C.
The Broadwater County Weed District reserves the right of spot-inspection, throughout the longevity of the agreement, for compliance.

By checking the boxes above and signing below, the Subdivider/Landowner is agreeing to the terms outlined in the Letter of Agreement, the Noxious Weed Management and Revegetation Plan, and Montana County Weed Control Act for the longevity of the agreements' effectiveness. Failure to adhere to the terms of the agreements will result in the Non-Compliance (MCA 7-22-2131) process.

Steve Upton
Printed Name of Applicant

[Signature]
Applicant Signature

09/29/22
Date

Toed Kitts
Printed Name of Weed Board Chair

[Signature]
Weed Board Chair Signature

10/12/2022
Date

Printed Name of New Landowner

New Landowner Signature

Date

BROADWATER COUNTY NOXIOUS WEED POLICY AND INSTRUCTIONS

1. A Broadwater County Weed District Subdivision Submission Packet will be filed with the Weed Board at least **ten (10) business days** prior to the regularly scheduled board meeting. Any subdivision activity and preliminary plat approval may not occur until the Submission Packet has been approved by the Weed Board.
 - a. Upon receipt of the Submission Packet, the Broadwater County Weed Board has ten (10) business days from the regularly scheduled board meeting to approve, or approve with modifications, or deny the Noxious Weed Management and Revegetation Plan.
2. The Noxious Weed Management and Revegetation Plan has been developed to assist Subdividers/Landowners in identifying measures to control noxious weeds within a subdivision. The Plan will include:
 - a. The name and address of the property owner or applicant;
 - b. The legal description and location of the property;
 - c. Map(s):
 - i. Please include a map identifying as many features present on the property as possible. In addition, noxious weed infestations should be indicated, as well as any areas of environmental or special concern (ie. waterways, wells, sensitive plant/animal/fish species, etc.)
 1. Acceptable map formats include:
 - a. Plat maps (preferred), topographic maps, and/or aerial maps;
 - d. Noxious weed data:
 - i. Noxious weed species present. A full state and County list can be found in Appendix D;
 - ii. Approximate number of acres infested with noxious weeds;
 - iii. Anticipated land use and other environmental concerns; and
 - iv. Weed control and prevention activities and measures that will be taken to control for noxious weeds;
 - e. Revegetation data:
 - i. This section of the plan must be filled out only if the soil on the property will be disturbed at any point during the longevity of the agreements' effectiveness. Examples of soil disturbance include, but are not limited to: road construction, grading, backfilling during construction, and/or project development; and
 - f. Signature of Subdivider/Landowner.
3. A Broadwater County Weed District representative will inspect the proposed subdivision. It is the responsibility of the Subdivider/Landowner to work with the representative's schedule and ensure access to the proposed subdivision.
4. A fee will be paid by the Subdivider/Landowner to defray the expenses of Submission Packet review and onsite inspection. All fees will be paid, by cash, check, or credit card (with a 3.33% fee), to the Broadwater County Weed District and are due at initial filing and are non-refundable. Fees are as follows:
 - a. Minor Subdivisions (1-5 lots): \$250.00 plus \$20/lot
 - b. Major Subdivisions (6+ lots): \$400.00 plus \$20/lot
 - c. Mileage: State rate of \$0.58/mile. Fee is applicable only if inspection site is more than twenty (20) miles ROUNDTRIP from 515 Broadway, Townsend, MT 59644.
 - d. Noxious Weed Management and Revegetation Plan Completion Fee
 - i. If the Subdivider/Landowner chooses to have the Broadwater County Weed District complete the Plan, an additional fee will be assessed. The fee is:
 1. \$150.00 for the first two hours.
 2. \$50/hour for any time after the first two hours.
 - e. Submission Packets will not be accepted unless accompanied by applicable fees.
5. After review of the Submission Packet and onsite inspection of the subdivision site, the Broadwater County Weed Board will approve, approve with modifications, or reject the application.
 - a. If the Submission Packet is approved, or approved with modifications, an approval letter will be sent to:
 - i. The Subdivider/Landowner
 - ii. The Broadwater County Planning Board
 - b. If the Submission Packet is rejected, the Subdivider/Landowner has the following options:
 - i. The Noxious Weed Management and Revegetation Plan may be revised by the applicant and resubmitted to the Weed Board for review.
 - ii. The applicant may request assistance from the Weed District in revising the Plan.
 - iii. The applicant may request an administrative hearing pursuant to MCA 7-22-2110.

**BROADWATER COUNTY NOXIOUS WEED MANAGEMENT AND
REVEGETATION PLAN**

Before any subdivision activity may occur, please complete and submit a signed copy of the Noxious Weed Management and Revegetation Plan, with the remainder of the Submission Packet, to the Broadwater County Weed District Office for review by the Weed Board. Upon approval, the Weed Board Chair will sign all Submission Packet documents and the agreements will be considered to be effective from that date forward to three (3) years from final plat recordation date. After that term expires a new agreement will be required. These are binding agreements.

NAME OF PROJECT/SUBDIVISION: AIBE

NAME OF APPLICANT: Steve Upton

MAILING ADDRESS: PO Box 224

CITY: Townsend STATE: MT ZIP: 59644

PHONE: 406-980-0841 EMAIL: steveupton3@aol.com

PREFERRED METHOD OF CONTACT:

Email Phone Mail

NAME & BUSINESS OF WEED MANAGEMENT PROFESSIONAL (if applicable):

Steven Upton - Fred Geysler

PHONE: 406-980-0841 EMAIL: steveupton3@aol.com

LEGAL DESCRIPTION OF PROPERTY:

NW $\frac{1}{4}$ $\frac{1}{4}$ $\frac{1}{4}$

Section: 3 Township: 7N Range: 1E

PLEASE INCLUDE A SITE MAP WITH FEATURES, WEED INFESTATIONS, ETC.

I. PROJECT OVERVIEW

Describe what the intentions are for developing this property:

To create four residential tracts out of an existing 15.8 acre residential parcel.

What are your land management goals for this property?

My goal is to prevent any weed infestation currently and during any construction.

II. LANDSCAPE DATA *(Montana Natural Heritage website is very helpful)*

Describe the present ground cover on the property. What type of soil(s) is present (*ie. loam, clay, gravel, sandy, etc.*)?

Gravel / Rocky - Scrub Brush

List any water sources (streams, ditches, lake, pond, well, spring, drainages/gullies, etc.) that are on the property. Is the water table shallow or deep?

No water sources that I am aware of and
water table is deep.

List any sensitive plant, wildlife, fisheries, or riparian areas that are/may be found on the property.

Not any.

III. NOXIOUS WEED DATA

What noxious weed species are present on the property (see Appendix D for State and County list)?

Knop weed is all I know.

How many total acres is the property? 15.80 acres

How many acres are infested with noxious weeds? 1 to 2 acres

IV. NOXIOUS WEED MANAGEMENT

Please describe the methods of weed management that will be utilized on the property. One method alone will never achieve good weed management. An integrated approach, utilizing several techniques that are compatible with your property goals, is encouraged by the Broadwater County Weed Board.

1. Prevention (certified seed/hay, clean fill, revegetation of disturbed sites, etc.)

Disturbed areas should be minimal. Disturbed areas would include the construction site of new homes and would be reseeded into lawn. A shared driveway will be constructed and graveled.

2. Chemical (herbicides)

ColyStar Plus

3. Mechanical (hand-pulling, mowing, burning, etc.)

mowing & hand pulling as well as digging up weeds.

4. Biological (grazing, biological insectary, etc.)

5. Cultural (crop rotation, intensive pasture management, revegetation, etc.)

Who will conduct the noxious weed control activities (described above) on the property? A list of Commercial Applicators can be found at the Broadwater County Weed District Office.

Steven Upton

If utilizing herbicide, please fill out the table below.

Noxious Weed Species	Herbicide(s)	Rate of Application
Knopweed	GlyStar Plus	4oz. per Gallon of water.

The timing of herbicide applications will greatly affect the success of a chemical control efforts. When do you intend to apply herbicides?

Applied Aug 15th - 1st Application

What additional measures will be taken to ensure safe and efficient herbicide use, lowering the impact on sensitive species, water quality and soil health?

Describe how you will monitor and measure the success of your plan.

By continuing monitoring the growth and food of the weeds. Applying herbicide when needed and using other methods - hand pulling, digging and mowing when applicable.

V. REVEGETATION PLAN

Are any soil disturbances planned over the longevity of the Plan?

YES NO

If YES, complete the following revegetation section.

Describe the type of disturbance and size in acres.

Future Home construction by future landowner of the individual lots.

Describe the revegetation work to be done.

Disturbed area will be reseeded into native grass or lawn when house construction is completed.

What is the average precipitation per year at the property? Will the area be irrigated?

10"-12" Unknown, but future landowners may irrigate their lawn.

What type of seed will be used to reseed? Where will you obtain the seed? How many pounds per acre of seed mix will be used?

Reseeding will be the responsibility of future landowners after construction.

Will the seeded area be fertilized? What type of fertilizer will be used?

What is your revegetation timeline for the property? Please include details on when revegetation will occur, how often, how will the site be monitored and evaluated, etc.

VI. GRAVEL SOURCE

Please list the source of gravel/pit run/road mix/topsoil/etc. brought on-site for disturbance mitigation and/or construction. Source must be weed-free.

Name of Source(s):

It is unknown at this time who will be doing any construction. The weed plan will be passed along to the new owner who constructs their housesite and required to use responsible gravel, topsoil, etc. as needed to prevent any weed infestation.

Location(s):

Contact Person(s) and Phone Number(s):

VII. SIGNATURE

The undersigned Subdivider/Landowner agrees to abide by this Broadwater County Subdivision Noxious Weed Management and Revegetation Plan following approval by the Broadwater County Weed Board. By entering this Plan, the Subdivider/Landowner and the Weed Board, or its representatives, shall have the right to revise this Plan as necessary to effectuate the purposes of the property, the Noxious Weed Management and Revegetation Plan, and/or the Montana County Weed Control Act. All changes must be mutually agreed upon by each party and placed in writing. The approval of this plan does not reduce the Subdivider/Landowner's liability for damage caused by compliance with the approved plan. Nor does the Broadwater County Weed District in authorizing this plan in any way acknowledge liability for damage caused by the landowner's implementation of the authorized plan. Plan is effective from date of Approval or Approval with Modifications by the Broadwater County Weed Board through three (3) years post Final Plat approval. After that term has expired a new agreement is required.

I do hereby certify that all of the information contained in this plan and all supplemental information are true and accurate. I agree to abide by the Broadwater County Noxious Weed Management and Revegetation Plan in accordance with Broadwater County Weed Management Plan and the Montana County Weed Control Act.


Applicant Signature

08/29/22
Date

VIII. WEED BOARD REVIEW

After review of the aforementioned Broadwater County Subdivision Noxious Weed Management Plan, the Broadwater County Weed Board delivers the following decision:

Approve

Date: _____

Approve with Modifications

Date: 10/12/22

Modification(s) Required:

Approved with recommendations included in the Broadwater County Weed District Inspection Report and the condition that herbicide options that leave desirable species be provided and used. Approval is also conditioned on an inspection next spring and fall for compliance.

Reject

Date: _____

Reason(s) for Rejection:

Signature: 

Broadwater County Weed Board Chairperson

BROADWATER COUNTY WEED DISTRICT INSPECTION REPORT

Landowner/Subdivision: Able

Mailing Address: PO Box 224

Phone Number: 406 - 980 - 0841

Email Address: steve.upton3@aol.com

Date of Inspection: 10/12/22

Noxious Weed Species Present:

spotted knapweed

Additional Recommendations/Modifications:

Spray the ditch fall 22 and all ~~the~~ noxious weed locations annually, preferably two times a year

Comments:

Jessica Bushnell
Printed Name of Weed District Representative


Signature

10/12/22
Date

APPENDIX B: APPROVED WEED MANAGEMENT PROFESSIONALS

Per the Letter of Agreement, the Broadwater County Noxious Weed Management and Revegetation Plan is to be completed by the Subdivider/Landowner or a Weed Management Professional. This is to ensure accuracy and understanding of the Plan and Montana County Weed Control Act.

The staff at the Broadwater County Weed District can complete the Plan for the Subdivider/Landowner, with some required assistance of the Subdivider/Landowner, at the fee scale below:

- \$150.00 for the first two hours of Plan development.
- \$50/hour for any hours after the first two hours of Plan development.

Other local Weed Management Professionals, and their contact information, are listed below. If you have an alternative professional in mind, please contact the Broadwater County Weed District Office directly for approval.

Approved Weed Management Professionals

Nitro Green

Brad Culver 443-5088

JHS Inc

John Semple 443-7487

West River Land Management LLC

Nigel Davis 437-1709

Ernst Weed Control

Jeff Ernst 442-5514

Tru Green Chem Lawn

Charles Ball 441-2244

Helena Weed Control

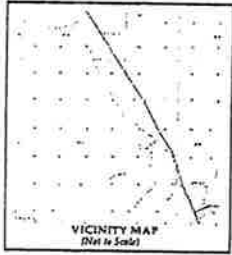
Bob Summers 439-2765

Hidden Waterfall Consulting LLC

Dave Burch 461-4719

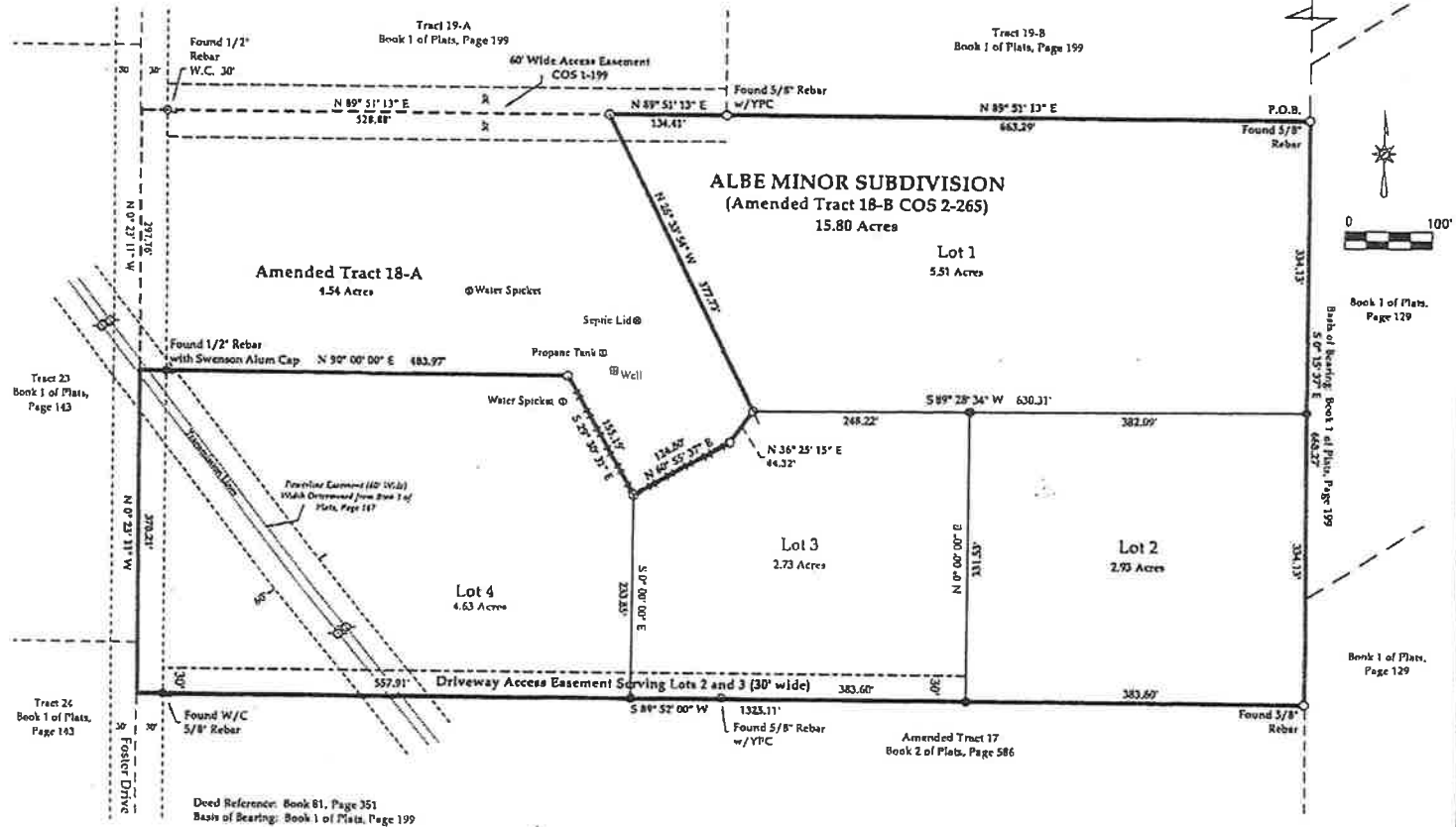
APPENDIX D: STATE AND COUNTY NOXIOUS WEED LIST

Priority 1A	<p>These weeds are not present or have a very limited presence in Montana. Management criteria will require eradication if detected, education, and prevention:</p> <ul style="list-style-type: none"> - Yellow starthistle (<i>Centaurea solstitialis</i>) - Dyer's woad (<i>Isatis tinctoria</i>) - Common Reed (<i>Phragmites australis</i> ssp. <i>australis</i>) - Medusahead (<i>Taeniatherum caput-medusae</i>)
Priority 1B	<p>These weeds have limited presence in Montana. Management criteria will require eradication or containment and education:</p> <ul style="list-style-type: none"> - Knotweed complex (<i>Polygonum cuspidatum</i>, <i>P. sachalinense</i>, <i>P. × bohemicum</i>, <i>Fallopia japonica</i>, <i>F. sachalinensis</i>, <i>F. × bohémica</i>, <i>Reynoutria japonica</i>, <i>R. sachalinensis</i>, and <i>R. × bohémica</i>) - Purple loosestrife (<i>Lythrum salicaria</i>) - Rush skeletonweed (<i>Chondrilla juncea</i>) - Scotch broom (<i>Cytisus scoparius</i>) - Blueweed (<i>Echium vulgare</i>)
Priority 2A	<p>These weeds are common in isolated areas of Montana. Management criteria will require eradication or containment where less abundant. Management shall be prioritized by local weed districts:</p> <ul style="list-style-type: none"> - Tansy ragwort (<i>Senecio jacobaea</i>, <i>Jacobaea vulgaris</i>) - Meadow hawkweed complex (<i>Hieracium caespitosum</i>, <i>H. praealtum</i>, <i>H. floridundum</i>, and <i>Pilosella caespitosa</i>) - Orange hawkweed (<i>Hieracium aurantiacum</i>, <i>Pilosella aurantiaca</i>) - Tall buttercup (<i>Ranunculus acris</i>) - Perennial pepperweed (<i>Lepidium latifolium</i>) - Yellowflag iris (<i>Iris pseudacorus</i>) - Common buckthorn (<i>Rhamnus cathartica</i> L.) - Flowering rush (<i>Butomus umbellatus</i>) - Eurasian watermilfoil (<i>Myriophyllum spicatum</i>) - Ventenata (<i>Ventenata dubia</i>)
Priority 2B	<p>These weeds are abundant in Montana and widespread in many counties. Management criteria will require eradication or containment where less abundant. Management shall be prioritized by local weed districts:</p> <ul style="list-style-type: none"> - Leafy spurge (<i>Euphorbia esula</i>) - Saltcedar (<i>Tamarix</i> spp.) - Oxeye daisy (<i>Leucanthemum vulgare</i>) - St. Johnswort (<i>Hypericum perforatum</i>) - Russian knapweed (<i>Acroptilon repens</i>, <i>Rhaponticum repens</i>) - Spotted knapweed (<i>Centaurea stoebe</i>, <i>C. maculosa</i>) - Diffuse knapweed (<i>Centaurea diffusa</i>) - Dalmatian toadflax (<i>Linaria dalmatica</i>) - Houndstongue (<i>Cynoglossum officinale</i>) - Sulfur cinquefoil (<i>Potentilla recta</i>) - Common tansy (<i>Tanacetum vulgare</i>) - Yellow toadflax (<i>Linaria vulgaris</i>) - Whitetop (<i>Cardaria draba</i>, <i>Lepidium draba</i>) - Field bindweed (<i>Convolvulus arvensis</i>) - Canada thistle (<i>Cirsium arvense</i>) - Curlyleaf pondweed (<i>Potamogeton crispus</i>) - Hoary alyssum (<i>Berteroa incana</i>)
Priority 3	<p>Regulated Plants: (NOT MONTANA LISTED NOXIOUS WEEDS)</p> <p>These regulated plants have the potential to have significant negative impacts. The plant may not be intentionally spread or sold other than as a contaminant in agricultural products. The state recommends research, education and prevention to minimize the spread of the regulated plant.</p> <ul style="list-style-type: none"> - Cheatgrass (<i>Bromus tectorum</i>) - Hydrilla (<i>Hydrilla verticillata</i>) - Russian olive (<i>Elaeagnus angustifolia</i>) - Brazilian waterweed (<i>Egeria densa</i>) - Parrot feather watermilfoil (<i>Myriophyllum aquaticum</i> or <i>M. brasiliense</i>)
Priority 4	<p>COUNTY DESIGNATED NOXIOUS WEEDS</p> <p>These plants have the potential for serious negative impacts. Management criteria will require eradication or containment. Control of these plant species is required by Broadwater County.</p> <ul style="list-style-type: none"> - Musk Thistle (<i>Carduus nutans</i>) - Bull Thistle (<i>Cirsium vulgare</i>) - Black Henbane (<i>Hyoscyamus niger</i>) - Baby's Breath (<i>Gypsophila paniculata</i>) - Burdock (<i>Arctium minus</i>) - Perennial Sowthistle (<i>Sonchus arvensis</i>)



Plat of the: *Albe Minor Subdivision, Document No. _____*
 Being Amended Tract 18-B of Certificate of Survey Book 2 of Plats, Page 265
 Situated in part of the NW 1/4 of Section 3, Township 7 North, Range 1 East, P.M.M.,
 Broadwater County, Montana.

Landowner: *Steve Upton*
 June 14, 2022



Certificate of Dedication:

I, (I), (We), the undersigned property owner(s), do hereby certify that I, (We), have caused to be surveyed, subdivided, and platted into lots, parcels, blocks, roads, and alleys, and other divisions and dedications, as shown by this plat here unto included, the following described Tract of land, to wit:

ALBE MINOR SUBDIVISION OVERALL BOUNDARY:

A tract of land being Amended Tract 18-B of Certificate of Survey Book 2 of Plats, Page 265, being situated in part of the E1/2 of the NW1/4 of Section 3, Township 7 North, Range 1 East, P.M.M., Broadwater County, Montana and being more particularly described as follows: Commence at the N1/4 Corner of said Section 3 S00°14'22"E for 1266.92 feet to the Northeast corner of herein described tract and true point of beginning; thence leaving said point of beginning S00°15'33"E for 668.27 feet thence S89°52'00"W for 1325.11 feet to the centerline of Foster Drive, a 60 foot wide Road Easement; thence along said centerline N00°23'11"W for 370.21 feet; thence leaving said centerline N90°00'00"E for 483.97 feet thence S29°30'31"E for 153.19 feet thence N60°55'37"E for 44.32 feet thence N26°33'54"W for 377.73 feet thence N89°51'13"E for 797.70 feet to the point of beginning containing 15.80 acres more or less and being served by and subject to right-of-ways and easements as shown, existing, or of record.

Utility Easement Declaration:

The undersigned hereby grants unto each and every person, firm, or corporation, whether public or private, providing or offering to provide telephone, telegraph, electric power, gas, cable television, water or sewer service to the public, the right to the joint use of an easement for the construction, maintenance, repair and removal of their lines and other facilities, in, over, under and across each area designated on this plat as "Utility Easement" to have and to hold forever.

Certificate of Waiver:

We, the undersigned owners of the Minor Subdivision, do hereby waive the right to protest the creation of Rural Improvement Districts. In so doing, we do not waive any right to comment on, protest, and/or appeal any assessment formula which may be proposed, if we believe it to be inequitable. This waiver shall be binding upon the heirs, assigns, and purchasers on all lots within this subdivision.

The above described tract of land is to be known and designated as the Albe Minor Subdivision of Broadwater County, Montana, and the lands included in all roads, avenues, alleys, and parks or public squares shown on said plat are hereby granted and dedicated to the use of the public forever. The roadways dedicated to the public are accepted for public use, but the County accepts no responsibility for maintaining the same. The owner(s) agree(s) that the County has no obligation to maintain the roads hereby dedicated to public use.

Dated this ___ day of _____, A.D. 20__

Notary: _____
 On this ___ day of _____, 20__ before me a Notary Public for the State of Montana, personally appeared Steven F. Upton 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 Examination:

Reviewed for errors and omissions in calculations and drafting this the ___ day of _____, 20__ pursuant to Section 76-3-411(2)(A), MCA.

Montana Registration No. _____
 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__

WEED CONTROL CERTIFICATION:

The Conditions and Restrictions as required by Broadwater County will apply to this subdivision.

COVENANTS: This subdivision is subject to Restrictive Covenants. See Covenants filed in Book _____ Page _____

Now: HOMEOWNERS ASSOCIATION: Homeowners Association Article of Organization and By-Laws must be filed if applicable.

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 _____ of _____, A.D. 20__ and recorded in Book _____ of Plats on Page _____ Records of the Clerk and Recorder, Broadwater County, Montana.
 Document No. _____
 Clerk and Recorder

Certificate of Surveyor:

I hereby certify the attached plat is a true representation of a survey performed under my supervision and completed on _____ and described the same as shown on the accompanying plat in accordance with the provisions of the Montana Subdivision and Platting Act. Dated this ___ day of _____, 20__

Surveyor:
 Dan Stevenson, L.S. No. 13279
 P.O. Box 177
 Townsend, Mt. 59644

LEGEND

- Quarter Corner
- Found 1/2" Rebar with Swenson OPC or Rebar as Noted
- Found Witness Corners as Noted
- Set 1/2" Rebar w/ Alum Cap, L.S. No. 15279
- Water Spicket
- Propane Tank
- Septic Lid
- Well
- Power Pole
- POB Point of Beginning
- W.C. Witness Corner

NW1/4 Sec. 3, T.7N., R.1E., P.M.M., Broadwater Co.			
Requested By: Steve Upton			
Type: Albe Minor Subdivision			
Schauer Surveying		266-4602	
SCALES 100 Ft./In	DATE 9-29-2022	FILE NAME 4544.TRV	
DRAWN BY BMS	REVISION	SHEET 1/1	IDR 4544

Item # 27
Existing/Proposed Homeowners Association

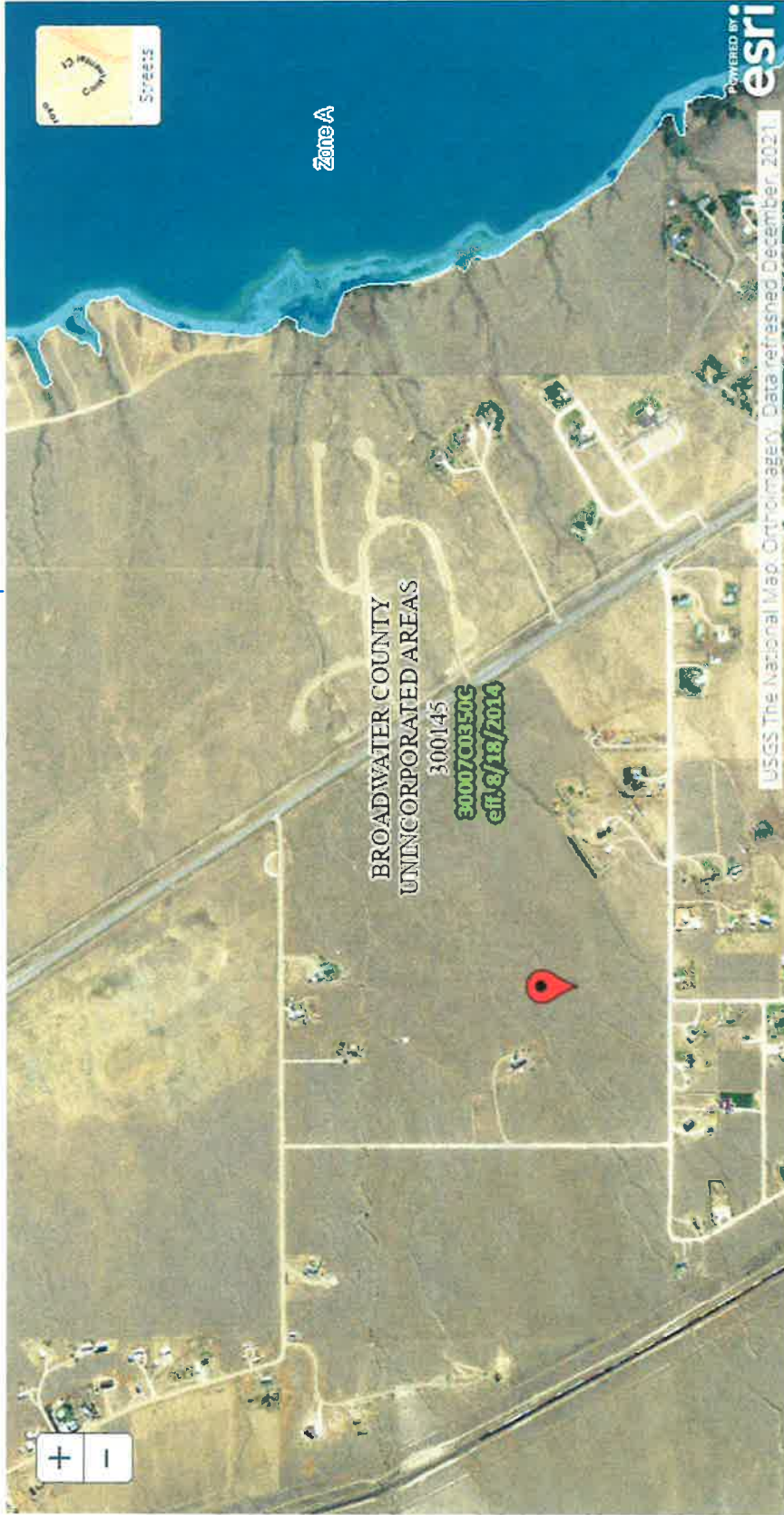
None are existing or proposed.

Item #28
FIRM or FEMA Map

A copy of the FEMA Map is included.

FEMA FLOODPLAIN MAP -- Albe Minor Subdivision -- EQ#23-1034

Site not Located within the Floodplain



PIN	Approximate location based on user input and does not represent an authoritative property location.
MAP PANELS	<ul style="list-style-type: none"> Selected Flood/Map Boundary Digital Data Available No Digital Data Available Unmapped NO SCREEN Area of Minimal Flood Hazard Zone X Effective LOMRs Area of Undetermined Flood Hazard Zone D Otherwise Protected Area Coastal Barrier Resource System Area
SPECIAL FLOOD HAZARD AREAS	<ul style="list-style-type: none"> Without Base Flood Elevation (BFE) With BFE or Depth Regulatory Floodway Zone AE, A0, AH, VE, VE, XE 0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone A Future Conditions 1% Annual Chance Flood Hazard Zone X Area with Reduced Flood Risk due to Levee, See Notes, Zone X Area with Flood Risk due to Levee, Zone D
OTHER AREAS OF FLOOD HAZARD	
OTHER FEATURES	<ul style="list-style-type: none"> Cross Sections with 1% Annual Chance Water Surface Elevation Coastal Transect Base Flood Elevation Line (BFE) Limit of Study Jurisdiction Boundary Coastal Transect Baseline Profile Baseline Hydrographic Feature Channel, Culvert, or Storm Sewer Levee, Dike, or Floodwall
GENERAL STRUCTURES	