

RESOLUTION 2014 - 78

RESOLUTION EXCHANGING COUNTY PARKLAND IN
BROADWATER ESTATES SUBDIVISION

WHEREAS, the Board of County Commissioners has the authority to exchange parkland or portions of parkland, pursuant to Sections 7-8-2211 and 7-16-2324, MCA; and

WHEREAS, County parkland was established as part of the final approval of the Broadwater Estates Subdivision on July 11, 2006 and recorded in the Lewis and Clark County Clerk and Recorder Office as Document Numbers 3110427 and 3131424; these documents are attached as Exhibit "A" and "B"; and

WHEREAS, said parkland (Lot 61 of Broadwater Estates Subdivision) is located in Section 28, T10N, R4W, Lewis and Clark County; a map showing the location of the parkland is attached as Exhibit "A" and "B"; and

WHEREAS, the property owner of Lot 1 of Broadwater Estates Subdivision constructed a dwelling that encroached into Lot 61 (County parkland) and petitioned the County Commission to amend the subdivision plat in order to move the common property boundary of Lots 1 and 61 to eliminate the encroachment; and

WHEREAS, the County Commission did grant the request to relocate the common boundary of Lots 1 and 61 and exchange equal square footages of each lot in order to eliminate the encroachment of the dwelling onto Lot 61 on April 29, 2014; and

WHEREAS, the amendment of the plat for Lots 1 and 61 of Broadwater Estates would exchange 1,239 square feet of County parkland (Lot 61) with Lot 1, and Lot 1 would exchange 1,239 square feet of residential land with Lot 61 to become County parkland; and

WHEREAS, the exchange of land between Lots 1 and 61 would result in the creation of Lot 1A and 61A of the Broadwater Estates Subdivision; and

WHEREAS, the purpose of this resolution is to facilitate the exchange of County parkland, pursuant to Sections 7-8-2211 and 7-16-2324, MCA.

NOW, THEREFORE, BE IT RESOLVED that the parkland located in Section 28, T10N, R4W, Lewis and Clark County, is hereby declared to be known as Lot 61A of Broadwater Estates Subdivision, as shown as Exhibit "C".

DATED this 8th day of, July 2014.

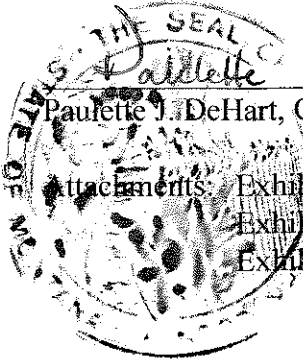


BOARD OF COUNTY COMMISSIONERS
LEWIS AND CLARK COUNTY



Susan Good Geise, Chair

ATTEST:



Paulette J. DeHart
Paulette J. DeHart, Clerk of Board

Attachments: Exhibit "A"
Exhibit "B"
Exhibit "C"

CORRECTED PLAT OF THE BROADWATER ESTATES SUBDIVISION

(FOR FRANK D. GRUBER & BONITA M. GRUBER, PURPOSE 6.3 LOT MAJOR SUBDIVISION)
LOCATED IN SECTION 28 & THE SOUTH HALF OF SECTION 21, TOWNSHIP 10 NORTH, RANGE 4 WEST, P.M.M.,
LEWIS AND CLARK COUNTY, MONTANA

CURVE TABLE

Curve No.	Stationing	Chord Length	Radius	Central Angle
1	0+00 to 0+15	149.15	298.30	90.00
2	0+15 to 0+30	149.15	298.30	90.00
3	0+30 to 0+45	149.15	298.30	90.00
4	0+45 to 0+60	149.15	298.30	90.00
5	0+60 to 0+75	149.15	298.30	90.00
6	0+75 to 0+90	149.15	298.30	90.00
7	0+90 to 1+05	149.15	298.30	90.00
8	1+05 to 1+20	149.15	298.30	90.00
9	1+20 to 1+35	149.15	298.30	90.00
10	1+35 to 1+50	149.15	298.30	90.00
11	1+50 to 1+65	149.15	298.30	90.00
12	1+65 to 1+80	149.15	298.30	90.00
13	1+80 to 1+95	149.15	298.30	90.00
14	1+95 to 2+10	149.15	298.30	90.00

PURPOSE OF PLAT CORRECTION

Lot #1 County Planning data had previously shown 31.468 acres, but after subsequently found to have included the Lot #6, Landy. She is part of the Lot #1 area. This plat correction changes the Lot #1 area to be 26.130 acres, and decreases each in lieu of 0.87 acres of parking.

LINE TABLE

Line No.	Stationing	Length	Bearing
1	0+00 to 0+15	149.15	S 45° 00' 00" W
2	0+15 to 0+30	149.15	S 45° 00' 00" W
3	0+30 to 0+45	149.15	S 45° 00' 00" W
4	0+45 to 0+60	149.15	S 45° 00' 00" W
5	0+60 to 0+75	149.15	S 45° 00' 00" W
6	0+75 to 0+90	149.15	S 45° 00' 00" W
7	0+90 to 1+05	149.15	S 45° 00' 00" W
8	1+05 to 1+20	149.15	S 45° 00' 00" W
9	1+20 to 1+35	149.15	S 45° 00' 00" W
10	1+35 to 1+50	149.15	S 45° 00' 00" W
11	1+50 to 1+65	149.15	S 45° 00' 00" W
12	1+65 to 1+80	149.15	S 45° 00' 00" W
13	1+80 to 1+95	149.15	S 45° 00' 00" W
14	1+95 to 2+10	149.15	S 45° 00' 00" W

PERMITTED AREA 171 822 ACRES
(LESS PARCELS # - 0 776 ACRES
170 826 NET ACRES

CERTIFICATE OF LAND OWNER

I, Gaylyn Wagner, do hereby certify that I have caused to be surveyed and platted this tract of land as shown on this plat, the following described land and easements in Lewis and Clark County, being an easement for Broadwater Estates Subdivision as shown located in the southeast quarter of Section 21, Township 10 North, Range 4 West, P.M.M., Lewis and Clark County, Montana.

EAST DRAINFIELD EASEMENT LEGAL DESCRIPTION

Beginning at the north 1/4 corner of Section 28, thence S87°00'00"E, 198.28 feet, to the north-west corner of easement, the true point of beginning, thence S87°00'00"E, 306.76 feet, S85°00'00"E, 202.86 feet, thence S87°00'00"E, 83.88 feet, thence S87°00'00"E, 83.88 feet, thence S84°00'00"E, 202.86 feet, thence S87°00'00"E, 335.88 feet, thence S87°00'00"E, 174.28 feet, thence N87°00'00"E, 202.86 feet, thence S87°00'00"E, 198.28 feet, to the point of beginning. Easement contains 0.345 acres more or less.

WEST DRAINFIELD EASEMENT LEGAL DESCRIPTION

Beginning at the north 1/4 corner of said Section 28, thence S87°00'00"E, 480.13 feet, thence S87°00'00"E, 100.73 feet, thence S87°00'00"E, 728.70 feet, thence S87°00'00"E, 26.28 feet, thence S87°00'00"E, 728.70 feet to the point of beginning. Easement contains 0.757 acres more or less.

STATE OF MONTANA

County of Lewis and Clark

On the 21st day of March, 2008, before me a Notary Public in and for the State of Montana, personally appeared: *Gaylyn Wagner*

known to me to be the *Plattee*, whose *Signature* is subscribed to the within instrument and acknowledged to me that he executed the same.

Gaylyn Wagner
Plattee's name as shown
Witness my hand and Notary Seal this 21st day of March, 2008.
Notary Public in and for the State of Montana
Signature: *Cherney, M*
My commission expires: 9-15-2007

CERTIFICATE OF LAND OWNER

We, Frank D. Gruber and Bonita M. Gruber do hereby certify that we have caused to be surveyed and platted this tract of land as shown on this plat, the following described land located in Section 28, Township 10 North, Range 4 West, P.M.M., Lewis and Clark County, Montana.

BOUNDARY DESCRIPTION

A part of land located in Section 28, Township 10 North, Range 4 West in the Proposed Map of Broadwater Estates Subdivision, Lewis and Clark County, Montana, being the land as shown on the Corrected Plat of Survey C.O.S. 14022048 of the Lewis and Clark County Clerk and Recorder records, described as follows: Beginning at the north quarter corner of said Section 28 thence along the north line of said section to S 45° 00' 00" E, 728.70 feet, thence bearing west with the west line of the property and easterly boundaries of C.O.S. 1431841 to the following true 196.30 feet, thence S 87° 00' 00" E, 83.88 feet, thence S 87° 00' 00" E, 83.88 feet, thence S 84° 00' 00" E, 202.86 feet, thence S 87° 00' 00" E, 335.88 feet, thence S 87° 00' 00" E, 174.28 feet, thence N 87° 00' 00" E, 202.86 feet, thence S 87° 00' 00" E, 198.28 feet, to the point of beginning. Easement contains 0.345 acres more or less.

CERTIFICATE OF WAIVER OF PARK LAND DEDICATION AND ACCEPTANCE OF CASH IN LIEU THEREOF

I, *Francis Dalton*, Clerk and Recorder of Lewis and Clark County, Montana, do hereby certify that the following order was made by the Board of County Commissioners of Lewis and Clark County at a meeting held on the 23rd day of June, 2007, and entered into the proceedings of said body to wit: "Inasmuch as the dedication of park land within the planned area of Broadwater Estates Subdivision is undesirable for the reasons set forth in the minutes of this meeting, it is hereby ordered by the Board of County Commissioners that land dedicated for park purposes be waived and that a cash payment in lieu of park land, in the amount of \$15,419.45, be accepted in accordance with the provisions of Title 76, Chapter 3, M.C.A."

In witness whereof, I have hereunto affixed the seal of Lewis and Clark County, Montana this 23rd day of June, 2007.
Francis Dalton
Clerk and Recorder

CERTIFICATE OF TREASURER

I, *Patricia Walker*, Treasurer of Lewis and Clark 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 as hereinafter described have been paid.

CERTIFICATE OF FINAL PLAT APPROVAL

The county commission of Lewis and Clark County, Montana, do hereby certify that it has examined the subdivision map and having found the same to conform to law, sections 4 and hereby declares the same to be a public use of said lands and that this plat is being dedicated to said use.

LEGEND

- THE FOUND SECTION QUARTER CORNER AS NOTED
- GRADE 3/4" REBAR WITH PLASTIC CAP UNLESS OTHERWISE NOTED
- 3/4" X 3/4" WOOD WITH YELLOW PLASTIC CAP TO BE SET AFTER ROAD CONSTRUCTION
- 3/4" X 3/4" REBAR WITH YELLOW PLASTIC CAP UNDER CONCRETE
- 3/4" X 3/4" REBAR WITH ALUMINUM CAP UNDER CONCRETE
- REBARR DATA AS PER C.O.S. 23071860
- REBARR DATA AS PER C.O.S. 23071860
- OTHER CONCRETE
- 10 YEAR FLOODED ZONE (BASED ON 100 YEAR FLOOD)
- FLOODING BOUNDARY
- UTILITY EASEMENT
- BOUNDARY EASEMENT
- BUILDING DEVELOPER (BASED ON PERCENT)
- P.O.B. POINT OF BEGINNING

BASES OF BEARING

The north-south corner of station line per Certificate of Survey 23072882 of the Lewis and Clark County Clerk and Recorder records.

SURVEYORS NOTE

Property corners and other corner monuments adjacent to lands not so shown shall conform to the certificate of survey in 24 M.C.A. (101104) M.C.A. All measurements are in feet unless otherwise stated. The plat shows corners in the full corners of lots and not the utility easements are 10 feet wide.

RESTRICTIVE COVENANTS

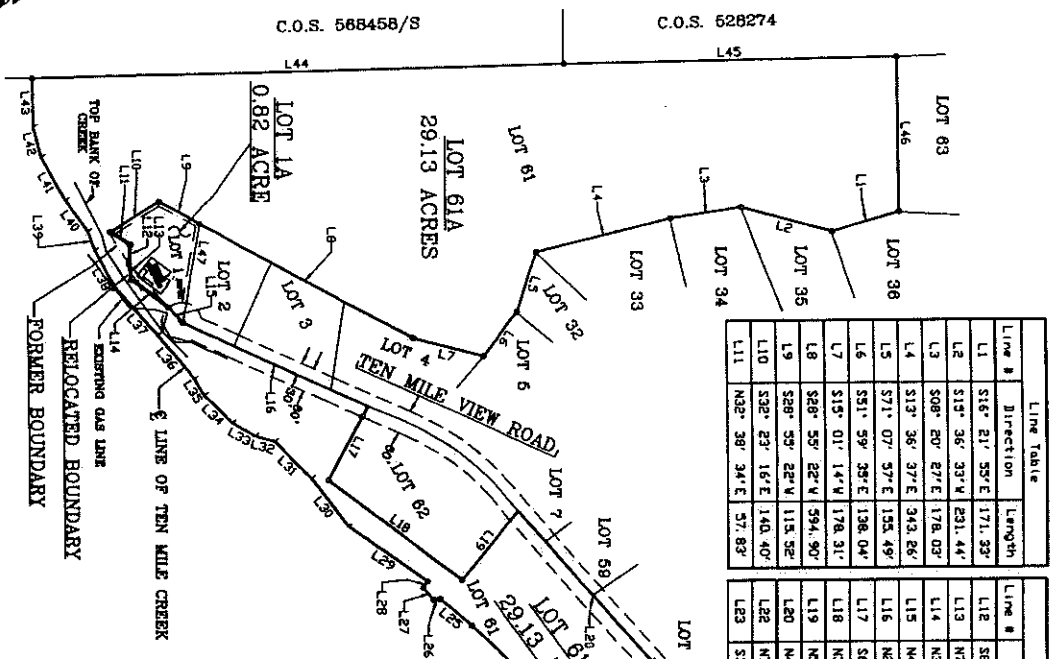
FILED IN BOOK 2113, PAGE 2113.
Map, 2113, R. 1174
Book, 2113, P. 235
EXAMINING LAND SURVEYOR
REVIEWED THIS 23rd DAY OF MARCH 2007
Steve J. Jody
2962-13
LICENSE NO.



21	10	N	4	W
28	10	N	4	W

EXHIBIT "B"

PLAT 1111111111 111111
 LOT 1 AND LOT 61 OF THE BROADWATER ESTATES SUBDIVISION DOCUMENT
 NUMBER 3110427, LEWIS AND CLARK COUNTY, MONTANA.
 FOR: MICHAEL MAYER



Line #	Direction	Length
L1	S85° 36' 03"E	48.63'
L2	S85° 36' 03"E	171.33'
L3	S10° 36' 33"W	231.44'
L4	S08° 20' 27"E	178.03'
L5	S13° 36' 37"E	343.86'
L6	S71° 07' 57"E	135.49'
L7	S31° 59' 39"E	138.04'
L8	S15° 01' 14"W	178.31'
L9	S88° 55' 22"W	594.90'
L10	S32° 23' 16"E	148.40'
L11	N32° 39' 34"E	57.83'

Line #	Direction	Length
L12	S85° 36' 03"E	48.63'
L13	N79° 01' 57"E	39.12'
L14	N38° 42' 45"E	111.54'
L15	N48° 51' 50"E	30.00'
L16	N64° 38' 43"E	502.39'
L17	S61° 28' 51"E	306.88'
L18	N37° 39' 08"E	408.96'
L19	N50° 08' 08"W	280.84'
L20	N48° 48' 32"E	499.30'
L21	N70° 02' 23"E	112.94'
L22	S35° 15' 36"E	304.58'

Line #	Direction	Length
L23	S40° 58' 22"W	99.78'
L24	S05° 18' 50"E	15.67'
L25	N47° 49' 37"W	39.59'
L26	N37° 29' 37"W	19.43'
L27	S35° 41' 08"W	236.13'
L28	S52° 54' 45"W	149.64'
L29	S45° 34' 44"W	128.16'
L30	S15° 53' 38"W	50.60'
L31	S29° 56' 05"W	65.02'
L32	S43° 14' 30"W	95.94'
L33	S37° 20' 06"W	47.81'
L34	S50° 53' 15"W	140.26'
L35	S49° 29' 34"W	134.15'
L36	S61° 28' 21"W	106.54'
L37	S70° 31' 41"W	50.51'
L38	S54° 29' 10"W	95.98'
L39	S61° 09' 16"W	123.67'
L40	S73° 40' 55"W	77.88'
L41	S88° 25' 59"W	122.60'
L42	N01° 08' 16"W	1312.30'
L43	N00° 43' 25"W	821.73'
L44	N89° 16' 35"E	388.64'
L45	S79° 03' 36"E	249.25'

Curve Table

Curve #	Arc Length	Chord Length	Chord Bearing	Radius	Delta
CE	512.75'	512.10'	S46° 44' 37"W	2939.14'	9° 59' 44"
CI	64.13'	63.77'	N89° 32' 28"E	175.00'	20° 59' 45"

JOB NO. 1284-8
 DATE: FEBRUARY 24, 2014

COUNTY REGISTER
 I certify pursuant to Section 76-3-207(3), MCA, that all real property taxes and special assessments assessed and levied on the land encompassed by this Certificate of Survey have been paid.
 Geo code: LOT 1, 1887-28-2-02-34-0000
 LOT 61, 1887-28-2-02-34-0000

Lewis and Clark County Treasurer

CERTIFICATE OF AMENDED PLAT APPROVAL

THE COUNTY COMMISSIONERS OF LEWIS AND CLARK COUNTY OF HELENA, MONTANA DOES HEREBY CERTIFY IT HAS EXAMINED THIS AMENDED PLAT AND HAVING FOUND THE SAME TO CONFORM TO LAW, THIS _____ 2014.

SIGNATURE OF COUNTY ATTORNEY

SIGNATURE OF COMMISSIONER

SIGNATURE OF COMMISSIONER

CERTIFICATE OF EXAMINING LAND SURVEYOR

REVIEWED FOR ERRORS AND OMISSIONS IN CALCULATIONS AND DRAFTING THIS DAY OF _____ 2014 PURSUANT TO SECTION 76-3-811(2)(b), MCA.

EXAMINING LAND SURVEYOR

TRIPLE R SURVEYING, INC
 P. O. BOX 2201 EAST HELENA, MT. 59635

LEGAL DESCRIPTION
 LOT 1A OF THE AMENDED PLAT OF LOTS 1 AND 61 OF THE BROADWATER ESTATES SUBDIVISION, DOCUMENT NUMBER 3110427, LEWIS AND CLARK COUNTY, MONTANA. THIS LOT CONTAINS 0.82 ACRES MORE OR LESS AND IS SUBJECT TO ALL RECORDED EASEMENTS AND DOCUMENTS OF RECORD.

PURPOSE OF SURVEY
 1) We hereby certify that the purpose of this survey is to relocate common boundary and the aggregation of lots within a plat subdivision and the division of land in exempt from recording under 76-3-207(1)(g).
 2) We hereby certify that the lots are exempt from Dwg review in accordance with 17-36-508(2)(b), MCA because the lots have no existing facilities for water supply, wastewater disposal or solid waste disposal other than those that were previously approved by the reviewing authority or that were exempt from such review if the division of land will not cause approved facilities to violate any conditions of approval.

MICHAEL MAYER
 On this _____ day of _____, 2014, a Notary Public for the State of Montana, above personally appeared known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that they executed the same.
 Notary Public for the State of Montana
 Pending at _____ Express

LEGEND

- SET. 6/8" BEAR W/P/C.
- TRIPLE R 124601S
- PND 6/8 BEAR W/P/C/NASH
- MAG PR NAIL
- PND 6/8 BEAR W/P/C/MARSHALL

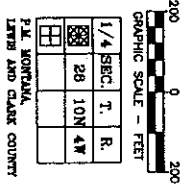
BASIS OF BEARING

BROADWATER ESTATES SUBDIVISION
 DOCUMENT NO. 3110427

CERTIFICATE OF LAND SURVEYOR



JONATHAN J. ROSS, P.L.S. (124601S)
 PROFESSIONAL LAND SURVEYOR



DOCUMENT NUMBER: _____ SHEET 1 OF 1

EXHIBIT "C"