

AMENDED PLAT

(AMENDING LOTS 11, 12, 13, & 14, BLOCK 36 OF THE FLOWER GARDEN ADDITION TO THE CITY OF HELENA)

PURPOSE: (1) TO ABANDON/VACATE A PORTION OF THE ALLEY RIGHT-OF-WAY LOCATED NORTH OF LOTS 11, 12, AND 13 IN BLOCK 36 OF THE FLOWER GARDEN ADDITION TO THE CITY OF HELENA (UTILITY EASEMENT RETAINED) PER RESOLUTION NO. _____; (2) BOUNDARY RELOCATION/AGGREGATION; (3) CREATE A 30 FOOT WIDE CITY SEWER EASEMENT LOCATED WITHIN LOT 14 OF BLOCK 36 OF THE FLOWER GARDEN ADDITION TO THE CITY OF HELENA; ALL AS SHOWN/DESCRIBED ON THIS AMENDED PLAT.

COMMISSIONED BY: BIG SKY AUTO CLASS, INC. AND CITY OF HELENA

LEGAL DESCRIPTION: LOT 12A

A TRACT OF LAND LOCATED IN THE SW 1/4 OF SECTION 20, TOWNSHIP 10 NORTH, RANGE 3 WEST, P.M. MONTANA, LEWIS AND CLARK COUNTY, BEING ALL OF LOTS 11, 12, AND A PORTION OF LOT 13, LOCATED IN BLOCK 36 OF THE FLOWER GARDEN ADDITION TO THE CITY OF HELENA, AND A PORTION OF THE ABANDANED/VACATED ALLEY PER RESOLUTION NO. _____, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 11; THENCE N 00°35'06"W, 139.93 FEET ALONG THE WEST LINE OF SAID LOT 11; THENCE N 00°35'06"W, 11.68 FEET TO THE EAST-WEST MID-LINE OF SAID SECTION 20; THENCE N 89°17'07"E, 143.08 FEET ALONG THE EAST-WEST MID-LINE OF SAID SECTION 20; THENCE S 00°41'11"E, 151.37 FEET TO THE SOUTH LINE OF SAID LOT 13, THE NORTH LINE OF THE RECORDED ACCESS EASEMENT PER DOCUMENT NO. 3325535 (PORTION OF COLE STREET VACATED BY RESOLUTION NO. 10168, BOOK M27, PAGE 6984); THENCE S 89°11'16"W, 143.35 FEET ALONG THE SOUTH LINE OF LOTS 13, 12, AND 11 IN SAID BLOCK 36 TO THE POINT OF BEGINNING. THE TRACT OF LAND CONTAINS 21696 SQUARE FEET MORE OR LESS AND SUBJECT TO ALL EXISTING/RECORDED EASEMENTS, DOCUMENTS OF RECORD AND EASEMENTS SHOWN ON THIS CERTIFICATE OF SURVEY.

LEGAL DESCRIPTION: LOT 14A

A TRACT OF LAND LOCATED IN THE SW 1/4 OF SECTION 20, TOWNSHIP 10 NORTH, RANGE 3 WEST, P.M. MONTANA, LEWIS AND CLARK COUNTY, BEING A PORTION OF LOT 13 AND ALL OF LOT 14, LOCATED IN BLOCK 36 OF THE FLOWER GARDEN ADDITION TO THE CITY OF HELENA; AND A PORTION OF THE ABANDANED/VACATED ALLEY PER RESOLUTION NO. 10168 (BOOK M27, PAGE 6984); AND A PORTION OF THE ABANDANED/VACATED ALLEY PER RESOLUTION NO. _____, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE C-1/4 CORNER OF SAID SECTION 20; THENCE S 00°41'11"E, 151.23 FEET ALONG THE NORTH-SOUTH MID-LINE OF SECTION 20 TO THE SOUTHEAST CORNER OF SAID LOT 14; THENCE S 89°11'16"W, 80.00 FEET ALONG THE SOUTH LINES OF LOT 14 AND 13 IN SAID BLOCK 36 [THE NORTH LINE OF THE RECORDED ACCESS EASEMENT PER DOCUMENT NO. 3325535 (PORTION OF COLE STREET VACATED BY RESOLUTION NO. 10168, BOOK M27, PAGE 6984)]; THENCE N 00°41'11"W, 151.37 FEET TO THE EAST-WEST MID-LINE OF SAID SECTION 20; THENCE N 89°17'07"E, 80.00 FEET ALONG THE EAST-WEST MID-LINE OF SAID SECTION 20 TO THE POINT OF BEGINNING. THE TRACT OF LAND CONTAINS 12104 SQUARE FEET MORE OR LESS AND SUBJECT TO ALL EXISTING/RECORDED EASEMENTS, DOCUMENTS OF RECORD AND EASEMENTS SHOWN ON THIS CERTIFICATE OF SURVEY.

CERTIFICATE OF SUBDIVISION EXEMPTION: LOTS 12A & 14A

I/WE, THE UNDERSIGNED, HEREBY CERTIFY THAT THE DIVISION OF LAND SHOWN ON THIS CERTIFICATE OF SURVEY IS EXEMPT FROM REVIEW AS A SUBDIVISION IN ACCORDANCE WITH THE PROVISIONS OF SECTION 76-3-207(1)(c) AND (f) OF MCA. BECAUSE THIS IS A DIVISION MADE OUTSIDE OF PLATTED SUBDIVISIONS FOR THE PURPOSE OF RELOCATING COMMON BOUNDARY LINES BETWEEN ADJOINING PROPERTIES & BECAUSE THIS IS AN AGGREGATION OF PARCELS OR LOTS WHEN A CERTIFICATE OF SURVEY OR SUBDIVISION PLAT SHOWS THAT THE BOUNDARIES OF THE ORIGINAL PARCELS HAVE BEEN ELIMINATED AND THE BOUNDARIES OF THE LARGER AGGREGATE PARCEL ARE ESTABLISHED. A RESTRICTION OR REQUIREMENT ON THE ORIGINAL PLATTED LOT OR ORIGINAL UNPLATTED PARCEL CONTINUES TO APPLY TO THOSE AREAS.

NOTE:

THE AREA THAT IS BEING REMOVED FROM ONE TRACT OF RECORD AND JOINED WITH ANOTHER TRACT OF RECORD IS NOT ITSELF A TRACT OF RECORD. SAID AREA SHALL NOT BE AVAILABLE AS A REFERENCE LEGAL DESCRIPTION IN ANY SUBSEQUENT REAL PROPERTY TRANSFER AFTER THE INITIAL TRANSFER ASSOCIATED WITH THE CERTIFICATE OF SURVEY ON WHICH SAID AREA IS DESCRIBED, UNLESS SAID AREA IS INCLUDED WITH OR EXCLUDED FROM ADJOINING TRACTS OF RECORD.

CERTIFICATE OF DRO EXCLUSION:

I/WE, THE UNDERSIGNED, HEREBY CERTIFY THAT LOTS 12A & 14A AS SHOWN ON THIS AMENDED PLAT ARE EXEMPT FROM DRO REVIEW IN ACCORDANCE WITH ARM SECTION 17-36.605(2) BECAUSE AGGREGATIONS OF PARCELS ARE NOT SUBDIVISIONS SUBJECT TO REVIEW, EXCEPT THAT AN AGGREGATION IS SUBJECT TO REVIEW UNDER 26-4-130, MCA, IF ANY PARCEL INCLUDED IN THE AGGREGATION HAS A PREVIOUS APPROVAL ISSUED UNDER TITLE 76, CHAPTER 4, PART 1, MCA.

CERTIFICATE OF ACKNOWLEDGMENT/APPROVAL:

30 FOOT WIDE CITY SEWER EASEMENT

I/WE, THE UNDERSIGNED OWNER/ENTITY, HEREBY CREATE/GRANT A 30 FOOT WIDE CITY SEWER EASEMENT, AS SHOWN AND DESCRIBED WITH THE FOLLOWING CONDITIONS:

- 1) EASEMENT TO ALLOW FOR INSTALLATION/ACCESS/MAINTENANCE OF CITY OF HELENA SEWER/SANITARY FACILITIES EXCLUSIVELY;
- 2) EASEMENT PROHIBITS BUILDINGS AND/OR PERMANENT STRUCTURES;
- 3) EASEMENT PROHIBITS ANY TYPE OF TREES AND/OR VEGETATION THAT MIGHT HINDER THE FUNCTION AND HARMONY OF SEWER LINES;
- 4) EASEMENT TO ALLOW OWNER(S) OF LOT 14A TO CONSTRUCT PARKING/SIDEWALK(S)/LANE;

5) EASEMENT SHALL BE GRANTED TO THE CITY OF HELENA/HEIRS/SUCCESSORS, AND/OR ASSIGNS WITH UNDERSTANDING THE VACATED PORTION OF ALLEY PER RESOLUTION NO _____ WAS GRANTED TO BIG SKY AUTO GLASS FOR JUST COMPENSATION OF THIS NEWLY CREATED 30 FOOT WIDE SEWER EASEMENT;

6) THE EASEMENT RIGHTS/CONDITIONS/TERMS WERE DETERMINED BY NEGOTIATIONS BETWEEN THE UNDERSIGNED PROPERTY OWNER AND THE CITY OF HELENA. THIS AGREEMENT SHOULD BE CONSTRUED IN ACCORDANCE WITH THE FAIR INTENT AND MEANING OF THE EASEMENT'S LANGUAGE, CONSIDERED IN ITS ENTIRETY AND NOT FOR OR AGAINST ANY OF THE OWNER(S)/ENTITY, REGARDLESS OF WHICH OWNER/ENTITY PREPARED THIS EASEMENT CERTIFICATE. EACH OWNER/ENTITY ACKNOWLEDGES THAT THEY HAVE CONSULTED WITH, OR HAS HAD AN OPPORTUNITY TO CONSULT WITH, ITS OWN ATTORNEY IN CONNECTION WITH THE NEGOTIATION AND EXECUTION OF THIS EASEMENT CERTIFICATE.

EASEMENTS TO RUN WITH THE LAND (HIS/HER/THEIR) HEIRS, SUCCESSORS, AND/OR ASSIGNS.

OWNER: BIG SKY AUTO GLASS, INC. _____

PRESIDENT: BRIAN J. WEISS _____

STATE OF _____ COUNTY OF _____

THIS INSTRUMENT WAS SIGNED OR ACKNOWLEDGED BEFORE ME ON THIS

_____ DAY OF _____, 20____.

BY _____ BRIAN J. WEISS _____ ACTING IN THE CAPACITY OF _____
PRINT NAME OF SIGNER

ON BEHALF OF _____ BIG SKY AUTO GLASS, INC. _____

NOTARY SIGNATURE _____

CERTIFICATE OF CITY OF HELENA APPROVAL:

THE CITY COMMISSION OF HELENA, MONTANA, DOES HEREBY CERTIFY THAT IT HAS EXAMINED THIS AMENDED PLAT (VACATION OF ALLEY PER RESOLUTION # _____, AND NEWLY CREATED 30 FOOT WIDE CITY SEWER EASEMENT), AND HAVING FOUND THE SAME TO CONFORM TO LAW, APPROVES/ACCEPTS IT.

THIS THE _____ DAY OF _____, 20____.

MAYOR — CITY OF HELENA _____ CITY PLANNING _____

ATTEST: CITY CLERK _____ COUNTY ENGINEER _____

CERTIFICATE OF COUNTY TREASURER:

I, HEREBY CERTIFY, PURSUANT TO SECTION 76-3-207(3) OF MCA, THAT ALL REAL PROPERTY TAXES AND SPECIAL ASSESSMENTS ASSESSED AND LEVIED ON THE LAND DESCRIBED ON THIS PLAT AND ENCOMPASSED BY THE PROPOSED CERTIFICATE OF SURVEY/AMENDED PLAT, HAVE BEEN PAID.

GEO CODE: 05-1888-20-3-38-18-0000 ASSESSMENT CODE: 0000044999;
GEO CODE: 05-1888-20-3-38-17-0000 ASSESSMENT CODE: 0000030058;
GEO CODE: 05-1888-20-3-38-15-0000 ASSESSMENT CODE: 0000047512;

DATED THIS _____ DAY OF _____, 20____.

TREASURER, LEWIS AND CLARK COUNTY, MONTANA.

CERTIFICATE OF EXAMINING LAND SURVEYOR:

REVIEWED FOR ERRORS AND OMISSIONS IN CALCULATIONS AND DRAFTING _____ DAY OF _____, 20____, PURSUANT TO SECTION 76-3-611(2)(c), MCA.

EXAMINING LAND SURVEYOR _____

LICENSE NO. _____

CERTIFICATE OF SURVEYOR



CHRISTOPHER J. RIES (122461S)
PROFESSIONAL LAND SURVEYOR

DATE: _____

1/4	S.E.C.	T.	R.
20	10N	3W	

P.M. MONTANA,
LEWIS AND CLARK COUNTY.

DOCUMENT NO.: _____



PREPARED BY:
RIES & ASSOCIATES PC,
6850 GREEN MEADOW DR.,
HELENA, MONTANA 59602