

COMMISSIONERS APPROVAL

FOSS *54*

CHILCOTT *GC*

IMAN *JR*

STOLTZ *RS*

BURROWS *JB*

Members Present.....Commissioner Greg Chilcott, Commissioner J.R. Iman, Commissioner Ron Stoltz and Commissioner Jeff Burrows

Date.....September 5, 2012

► Minutes: Glenda Wiles

► The Board met at 8:00 a.m. to interview Paul Snyder for the Planning and Zoning Commission.

► The Board met at 9:00 a.m. to review and make a decision on approval of the annual Juvenile Detention Services Contract with Missoula County. Review included discussion of the insurance coverage. **Commissioner Stoltz made a motion to accept this agreement with County Attorney review and approval. Commissioner Burrows seconded the motion and all voted "aye". (4-0)**

► The Board met at 10:00 a.m. for a discussion in regard to possible amendments to the Outdoor Sign Ordinance (Ordinance #12 as attached). Present at this meeting was Planning Administrator Terry Nelson who brought forth the ordinance with the changes from previous meetings. Commissioner Burrows indicated he wanted to know the differences between the state law and the county ordinance, and addressed the following sections with changes he would like to see as follows:

- 8-1-6: Anything less than 35' does not have to go through the permitting process
- 8-1-7: Changing the size back to the state standard (off set size and distance from the road being 100 feet (section c)
- 8-1-8 (4): Removal of language for construction standards for a sign to withstand a wind load of 80 miles per hour
- 8-1-8: Add #4 to read "all signs shall be constructed of durable materials and maintained as per 8-1-7". Possibly defining the term durable at a later review.

The Board also discussed the possibility of requiring the owner of the sign to have liability insurance.

Public Comment:

Michael Howell commented on the size for secondary roads and how those signs affect the community. He felt a reasonable standard should be set.

William Durbin felt the signs on secondary roads could be set at half the size as the Highway 93 size requirements.

Commissioner Burrows reminded everyone these requirements are only for 'Off Premise" not for anyone who advertises on their own land.

Chuck Rubick appreciated the detail the Commissioners are working on but felt they are 're-inventing the wheel' on sign requirements.

Sara Rubick addressed the signs on Highway 93 being controlled by the State, asking if the County can put more restrictions on the state route as that is why the Sign Ordinance originally came about (to keep our 93 corridor nice without the larger signs). Terry stated the County can place more restrictions on the signs/size on Highway 93.

Gay Finley owns a business and the State is considerate of the County requirements. She wants to see a reasonable size sign. She also noted some signs advertize a business that are not even in business.

Michael Howell addressed enforcement, responding to complaints and how the person posting the sign should pay for the enforcement, trips to the location etc., thereby paying the County for their services.

Ben Schultz has a sign on Highway 93 and when the State makes their thee year review of his signs, if they are not in good shape they simply do not review the permit.

Public comment closed.

Commissioner Stoltz felt the size of the sign should be in the permit process. Commissioner Chilcott stated they do not want to be arbitrary and capricious in their decision of sign size so the speed limit of the road could dictate that size. Commissioner Burrow stated the landscape/terrain would need to be addressed, i.e., West Fork Road v Eastside Road would dictate different set back requirements.

The Board concurred with Commissioner Burrows requested changes; to have Terry visit with the County Attorney's Office relative to the draft with changes and discussion today. The next meeting will be set for September 18th at 1:30 p.m.

► The Board met at 11:20 a.m. to review the requested proposed boundary adjustments on the Duus Estate as per District Court (Probate No. DP-11-57). Present was Planning Administrator Terry Nelson who relayed that Royce McCarty, Attorney for the Duus Estate, met with Terry to

explain the configuration of the boundary lines and partition of real property between the two children/heirs of James Duus. While this is a court ordered split, the Petition requests Commissioner comment on this proposed boundary line adjustment. The land is set at four parcels and the proposal calls for eight parcels. Commissioner Chilcott addressed the public's right to participate under the subdivision regulations and creating more buildable lots. Commissioner Iman addressed the environmental review that should be necessary prior to any boundary line adjustments. It was agreed Terry will prepare a letter with Commissioner signatures, addressing the number of heirs and number of existing parcels, the need to provide legal and physical access as well as the public's right to participate under Title 76 MCA.

► Commissioner Stoltz attended an Airport Board meeting at 1:00 p.m.

CHAPTER 1**SIGNS; OUTDOOR ADVERTISING**

SECTION:

- 8-1-1: Purpose
- 8-1-2: Authority
- 8-1-3: Applicability
- 8-1-4: Definitions
- 8-1-5: Permit Administration
- 8-1-6: Permit and Fee
- 8-1-7: General Standards
- 8-1-8: Construction Standards
- 8-1-9: Variances
- 8-1-10: Variance Criteria
- 8-1-10: Nonconforming Signs
- 8-1-11: Exemptions
- 8-1-12: Violation; Penalty

8-1-1: PURPOSE:

The purpose of this Section is intended to accomplish the following objectives:

- A. To ensure that signs are designed, constructed, installed, and maintained so that public safety and traffic safety are not compromised.
- B. To minimize the distractions and the obstructing-of-view that contributes to traffic hazards and endangers public safety.
- C. To encourage a high standard for signs in order that they should be appropriate to create an aesthetic environment that contributes to the ability of the county to attract sources of economic development and growth.
- D. To allow for adequate and effective signs for communicating identification while preventing signs from dominating the visual appearance of the area in which they are located.

8-1-2: AUTHORITY:

The BCC adopts this Ordinance under the County's general legislative power to provide for public health, welfare, and safety. Mont. Const. Art. XI, Sec. 4; §§ 7-5-2101, -2102; 51 Op. Atty. Gen. Mont. 51 (2005). In addition, the BCC adopts this Ordinance under its express authority under sections 7-14-2101, -2102, MCA, and under its authority to "maintain, control, and regulate "sidewalks, streets and highways under their jurisdiction," by "enacting as ordinances . . . any other law regulating traffic, pedestrians, vehicles, and operators of vehicles that are not in conflict with state law or federal regulations and enforcing the ordinance." Section 61-12-101, MCA.

8-1-3: APPLICABILITY:

This chapter shall apply in all of the unincorporated areas of the County not covered by 75-15-111 MCA (Highway 93). Nothing contained herein shall prohibit more restrictive covenants, easements, agreements, or zoning for any particular area.

8-1-4: DEFINITIONS:

A. General Definitions: Defined terms specific to this chapter are described in the subsections below. Words and phrases not specifically defined in this chapter shall have their usual and customary meaning in the context of sign regulation and land use planning.

B. ABANDONED SIGN: A sign that no longer correctly directs or exhorts any person, advertises a bona fide business, lessor, owner, product or activity conducted or product available. Any sign that remains blank, or contains only the owner's/agent's advertisement for lease, for more than six (6) months.

C. BILLBOARD: An off-premise object, device, display, sign, or structure, or part thereof, displayed outdoors or visible from a public way, which is used to advertise, identify, display, or direct or attract attention to an object, person, institution, organization, business, product, service, event or location, or to express a point of view, by any means, including words letters, figures, symbols, advertising flags, fixtures, colors, illuminations, or projected images. Each substantially different face of a billboard structure shall constitute a separate billboard. Billboards do not include on-premise commercial or political signage or small commercial or non-commercial signs temporarily placed in residential lawns by residents, owners,

contractors, realtors, or by or on behalf of political candidates or issues.

D. COMMERCIAL SIGN. A sign containing copy that relates primarily to the economic interests of the publisher or its audience or directs attention to a business, industry, profession, commodity, service, activity, institution, product or entertainment offered for sale.

E. MAXIMUM TOTAL HEIGHT: The vertical distance from elevation of the finished grade at the structure to the highest point of the sign structure.

F. NON-COMMERCIAL SIGN. A sign containing copy that does not relate primarily to the economic interests of the publisher or its audience nor directs attention to a business, industry, profession, commodity, service, activity, institution, product or entertainment offered for sale.

G. OFF-PREMISE SIGN: A sign directing attention to a specific business, product, service, entertainment event or activity, or other commercial activity that is not sold, produced, manufactured, furnished, or conducted at the property upon which the sign is located. This shall include billboards.

H. SIGN: A structure or device designed or intended to convey information to the public in written or pictorial form.

I. SIGN ADMINISTRATOR: The designated County official responsible for administering the provisions of this chapter. These activities may include, but are not limited to, reviewing applications, issuing/denying permits, inspecting signs, and interpreting and enforcing the provisions of this Ordinance.

8-1-5: PERMIT ADMINISTRATION:

SIGN ADMINISTRATOR: A sign administrator shall be appointed by the Administrator of the County Planning Department, who shall administer and enforce this chapter.

8-1-6: PERMIT AND FEE:

A. PERMIT REQUIRED: A sign permit shall be required for any non-exempt off-premise sign greater than 35 square feet allowed by this chapter.

B. PERMIT APPLICATIONS: Applications for sign permits shall be

obtained in the County Planning Department. The applicant shall provide information requested by the Sign Administrator, including a signed and dated landowner statement that the landowner consents to the erection and maintenance of the sign on the property.

C. PERMIT FEE: A sign permit fee, established by resolution of the BCC, shall be charged for each individual sign erected, as allowed by this chapter. These fees are intended to provide for the costs of administration and enforcement of this chapter.

8-1-7: GENERAL STANDARDS:

A. APPLICANT TO MEET ALL STANDARDS: All off-premise signs subject to this chapter must meet the general standards in the subsections below.

B. HEIGHT: No off-premise sign shall exceed a maximum of Thirty feet (30') in elevation above the elevation of the centerline of the adjacent roadway.

C. SEPARATION: All off-premise signs shall be separated a minimum of three hundred feet (300') from the nearest off-premise sign on the same side of the roadway.

D. SIZE: No off-premise sign shall exceed the maximum of Six hundred seventy two (672) square feet in area. The sign area shall be determined by the exterior of one side of the sign face.

E. LIGHTING: Lighting shall only be allowed so as to illuminate the message on the face of the sign. Full Cutoff lighting is required so that no lighting shall be reflected onto the adjacent roadway, adjoining properties or into the sky. No off-premise signs shall have flashing or blinking lights, movement or moving parts, or simulate motion with reflective parts. All electrical work associated with a lighted sign must be completed by an electrical contractor, bonded and licensed by the State of Montana.

F. IDENTIFICATION: Every off-premise sign permitted by these regulations shall have an identification of the County Permit Number and County Sign Administrator contact information attached to the sign structure.

G. MAINTENANCE: Maintenance of a sign shall include periodic cleaning, replacement of flickering, burned out or broken light

bulbs or fixtures, repair or replacement of any faded, peeled, cracked, or otherwise damaged or broken parts of a sign, and any other activity necessary to restore the sign so that it continues to conform to the requirements and contents of the sign permit issued for its installation.

8-1-8: CONSTRUCTION STANDARDS:

A. MINIMUM STANDARDS: All off-premise signs shall meet the following minimum construction standards in the subsections below.

B. APPLICABLE CODES: All requirements of applicable building and electrical codes.

C. ANCHORING:

1. No sign shall be suspended by non-rigid attachments that will allow the sign to swing or sway.
2. All freestanding signs shall have self-supporting structures erected on or permanently attached to concrete foundations.
3. All temporary signs, as allowed under section 8-1-12 of this chapter, shall be braced or secured so as to prevent any motion.
4. All signs shall be constructed to withstand a wind load of eighty (80) miles per hour.

8-1-9: VARIANCES; Application; Notice of Meeting:

A. BCC to Consider Variance Applications: The BCC may grant a reasonable variance from the standards of this chapter.

B. Forms: Applications for variances shall be filed with the Planning Department on forms provided by the sign administrator. The variance application form shall be submitted at least thirty (30) days prior to any decision by the board.

C. Notice: A public notice, at the expense of the applicant, shall be published in a newspaper of general circulation at least fifteen (15) days prior to the board meeting for action on the variance.

8-1-10: VARIANCE CRITERIA:

A. APPLICANT TO DEMONSTRATE VARIANCE CRITERIA ARE MET: No variance shall be granted unless the applicant can provide sufficient evidence for the BCC to find that all the variance criteria are met.

B. CRITERIA:

1. Compliance with the provision for which a variance is sought constitutes a hardship that is created by the strict application of this chapter. A financial hardship does not constitute sole grounds for a variance.
2. Special conditions and/or circumstances exist which are peculiar to the land, the lot or something inherent in the land on which the sign is to be placed which causes the hardship, and which are not generally applicable to other lands.
3. Granting the variance will not confer on the applicant any special privilege compared to other landowners.
4. Granting the variance will be in harmony with the general purpose and intent of this chapter.
5. Granting the variance will not substantially affect the rights of other landowners.

C. CONDITIONS: The BCC may condition variance approval upon appropriate conditions and safeguards in conformity with this chapter. Violation of such conditions and/or safeguards, when made a part of the terms upon which the variance is granted, shall be deemed a violation of this chapter.

8-1-11: NONCONFORMING SIGNS:

Signs not conforming to the requirements of this Ordinance, and which were legally erected prior to the adoption of the Ordinance are permissible nonconforming signs. Any such sign shall be brought into compliance under the following circumstances:

A. At such time as the sign is replaced or relocated;

1. Changing the sign face does not constitute replacement.

B. At such time as the sign is abandoned for a period of six months or more after being contacted by the Sign Administrator;

8-1-12: EXEMPTIONS:

A. EXEMPT SIGNS: The signs in the subsections below are exempt from the provisions of this chapter. Exempt signs shall not exceed thirty-five (35) square feet in area, including border and trim, but excluding base or apron, supports and other structural members.

1. NON-COMMERCIAL SIGNS: A sign containing copy that does not relate primarily to the economic interests of the publisher or its audience nor directs attention to a business, industry, profession, commodity, service, activity, institution, product or entertainment offered for sale.
2. TEMPORARY SIGNS: A sign used for temporary purposes. No temporary sign may be erected for more than one-hundred-twenty (120) days.

8-1-13: VIOLATION; PENALTY:

A. VIOLATIONS: Any person that violates the provisions of this chapter shall be subject to the provisions of **section 1-1-4** of this Code.

RECEIVED

AUG 31 2012

FILED
DEBBIE HARMON, CLERK

AUG 30 2012

Ravalli County Commissioners

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DEPUTY

ROYCE A. McCARTY, JR., P.C.
 ROYCE A. McCARTY, JR.
 210 South Third Street
 P.O. Box 210
 Hamilton, Montana 59840
 Telephone: (406) 363-0822
 Attorney For the Co-Personal Representatives

*cc to Terry Nelson
 reg. staff report
 to BCC 9/5 @
 11:00 am gw*

MONTANA TWENTY-FIRST JUDICIAL DISTRICT COURT, RAVALLI COUNTY

IN THE MATTER OF THE ESTATE OF)	Probate No. DP-11-57
)	Department No. 2
JAMES M. DUUS,)	
)	PETITION FOR MOVEMENT OF
Deceased.)	BOUNDARY LINES AND PARTITION
)	OF REAL PROPERTY

COMES NOW the Petitioners and respectfully show as follows:

1. That Petitioners are Jeff Duus and Lindy R. Wemple, Co-Personal Representatives of the Estate of James M. Duus (the "Estate"), and they bring this petition to move boundary lines and to divide real estate located within Ravalli County, Montana.
2. That the Estate owns an undivided fifty percent (50%) interest in the following described real property in Ravalli County, Montana:
 - (a) TRACT 3-A as shown on Certificate of Survey #573350-ED, in the Northwest one-quarter (NW1/4) of Section 3, T5N, R20W, P.M., M. containing 117.35 acres; subject to easement for Tammany Lane, a public road along the east line; subject to easement for the Ward Ditch; subject to an irrigation ditch easement in the NW1/4 of the NW1/4 as shown hereon.
 - (b) Parcel No. 646000, portion of NESW lying NE of the Ditch Section 3, Twp 5N, R20W, Ravalli County, Montana, consisting of 32.59 acres. Instrument No. 535754.

The other undivided fifty percent (50%) interest in this property is owned by the Duus Family Trust, with Jeff Duus and Lindy R. Wemple, the Petitioners herein, as Co-Trustees.

3. That the Estate also owns a one hundred percent (100%) interest in the following described real property in Ravalli County, Montana:

- (a) NE1/4NW1/4 Section 3, Township 5 North, Range 20 West, including but not limited to the dwelling house and garage and the land upon which they are situated, as fenced, constituting approximately one-half acre in the NE1/4NW1/4 of Section 3, Township 5 North, Range 20 West.

Ref. 177 Deeds, page 60

Less CS#543797-C, CS#2722, CS#543938-R & LESS 113-613

- (b) Tract 5 as shown on Certificate of Survey #573350-E, in the Northwest one-quarter (NW¹/₄) of Section 3, T5N, R20W, P.M., M. containing 0.47 acres.
- (c) Tract 1 as shown on Certificate of Survey #543938-R in Section 34, Twp. 6N, R20W, Ravalli County, Montana, consisting of 89.16 acres. Instrument No. 535754.

4. That the total acreage for all of the real estate listed in paragraph 2 and in paragraph 3 above (the "Property"), consists of approximately two hundred seventy-eight (278) acres.

5. That the decedent died testate, and under the terms of the decedent's Will, the decedent left his estate one-half (¹/₂) each to his surviving children, Jeff Duus and Lindy R. Wemple.

6. That the Duus Family Trust is a testamentary trust established under the terms of the Will of Elveda R. Duus in Probate No. DP-05-28, Montana, Twenty-First Judicial District Court. Under the terms of the Duus Family Trust, the decedent herein held a life estate, and upon his death the Trust terminated, and is to be distributed one-half (¹/₂) each to the decedent's children, Jeff Duus and Lindy R. Wemple, as the remainder beneficiaries.

7. Exhibit "A" attached hereto is an unrecorded Certificate of Survey prepared by Steven D. Powell which describes how the parties wish to divide the Property, and to move boundary lines of the Property. Jeff Duus will receive solely in his name the 3.69 acre parcel designated on Exhibit "A" as Tract A, the 20.99 acre parcel designated as Tract B, the 76.26 acre parcel designated as Tract H, and the 35.60 acre parcel designated as Tract I. Lindy R. Wemple shall receive solely in her name the 56.57 acre parcel designated on Exhibit "A" as Tract C, the 6.73 acre parcel designated as Tract E, and the 69.37 acre parcel designated as Tract G. The property designated on the attached Exhibit "A" as Tract D and Tract F shall be distributed to Jeff Duus and Lindy R. Wemple as tenants in common, and is anticipated to be used by them jointly in their joint ranching operation.

8. That Petitioners are authorized under MCA §72-3-914, to bring this action.

9. That the authority for this Court to issue the requested Order is found at MCA §76-3-201(1)(a). The statute requires that the County of Ravalli, Montana, be advised of this request.

10. That the Ravalli County Planning Office has been approached with regard to moving the boundary lines dividing the Property in the manner requested herein, and has verbally advised that they will not object to the division and the boundary line adjustments.

WHEREFORE, Petitioner, moves the Court:

1. To advise the County Commissioners of Ravalli, Montana, and to request they comment on the proposed boundary line adjustments and the partition set forth herein;

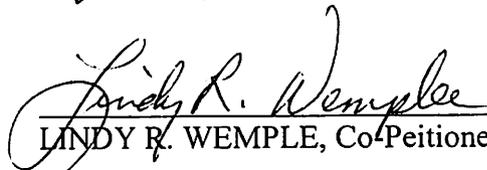
2. That the Court set a date and time for hearing on this matter;

3. That following such hearing the Court order the movement of the boundary lines and the partition of the Property as requested; and

4. For such other, further and additional relief as the Court may deem just, proper and equitable.

DATED this 29th day of August, 2012.


JEFF DUUS, Co-Petitioner


LINDY R. WEMPLE, Co-Petitioner

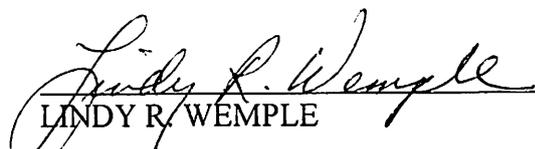
I declare under penalty of perjury and under the laws of the State of Montana that the foregoing is true and correct.

Executed this 29th day of August, 2012, at Hamilton, Montana.


JEFF DUUS

I declare under penalty of perjury and under the laws of the State of Montana that the foregoing is true and correct.

Executed this 29th day of August, 2012, at Hamilton, Montana.


LINDY R. WEMPLE

ROYCE A. McCARTY, JR., P.C.


ROYCE A. McCARTY, JR., Attorney
for the Co-Petitioners

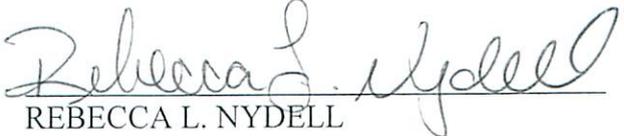
CERTIFICATE OF MAILING

I certify that on the 30th day of August, 2012, I served a copy of the foregoing Petition for Movement of Boundary Lines and Partition of Real Property by mailing a true and correct copy, first class mail, postage prepaid, to:

JEFF DUUS
459 Gird Creek Lane
Hamilton, MT 59840

LINDY R. WEMPLE
717 Duus Lane
Hamilton, MT 59840

RAVALLI COUNTY PLANNING OFFICE
Attn: Danielle High
215 S. 4th Street, Suite F
Hamilton, MT 59840


REBECCA L. NYDELL

BASIS OF BEARINGS
Certificate of Survey #2028
and Certificate of Survey #543938

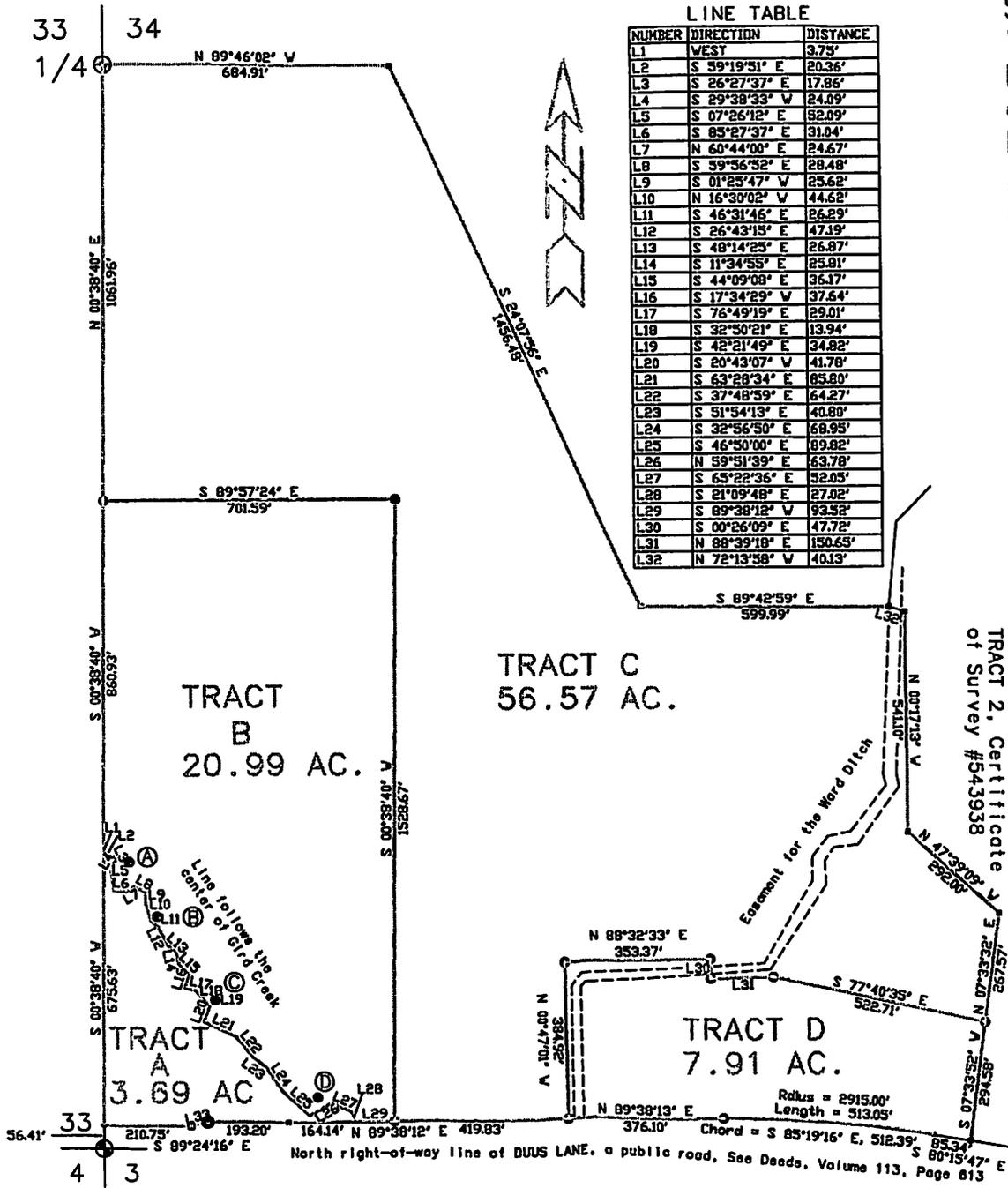
CERTIFICATE OF SURVEY

The Survey of Tracts in the SW 1/4, Section 34, T 6 N, R 20 W, and the West 1/2 of Section 3, T 5 N, R 20 W, P.M., M. Ravalli County, by order of the Court of the 21st Judicial District in Cause #DP 11-57, Dept. 2

Owners: Estate of James M. Duus; James Jeffrey Duus
References: Deeds, Volume 151, Pages 815, Deed #573353 and #573354

LINE TABLE

NUMBER	DIRECTION	DISTANCE
L1	WEST	3.75'
L2	S 59°19'51" E	20.36'
L3	S 26°27'37" E	17.86'
L4	S 29°38'33" W	24.09'
L5	S 07°26'12" E	52.09'
L6	S 85°27'37" E	31.04'
L7	N 60°44'00" E	24.67'
L8	S 59°56'52" E	28.48'
L9	S 01°25'47" W	25.62'
L10	N 16°30'02" W	44.62'
L11	S 46°31'46" E	26.29'
L12	S 26°43'15" E	47.19'
L13	S 48°14'25" E	26.87'
L14	S 11°34'55" E	25.81'
L15	S 44°09'08" E	36.17'
L16	S 17°34'29" W	37.64'
L17	S 76°49'19" E	29.01'
L18	S 32°50'21" E	13.94'
L19	S 42°21'49" E	34.82'
L20	S 20°43'07" W	41.78'
L21	S 63°28'34" E	85.80'
L22	S 37°48'59" E	64.27'
L23	S 51°54'13" E	40.80'
L24	S 32°56'50" E	68.95'
L25	S 46°50'00" E	89.82'
L26	N 59°51'39" E	63.78'
L27	S 65°22'36" E	32.05'
L28	S 21°09'48" E	27.02'
L29	S 89°38'12" W	93.52'
L30	S 00°26'09" E	47.72'
L31	N 88°39'18" E	150.65'
L32	N 72°13'58" W	40.13'



LEGAL DESCRIPTIONS

TRACT A as shown on Certificate of Survey #_____ and located in the Southwest one-quarter of Section 34, T 6 N, R 20 W, P.M., M. containing 3.69 acres according to monuments and survey data; subject to easement for the Gird Creek Ditch along the east line.

TRACT B as shown on Certificate of Survey #_____ and located in the Southwest one-quarter of Section 34, T 6 N, R 20 W, P.M., M. containing 20.99 acres according to monuments and survey data; subject to easement for the Gird Creek Ditch along the west line.

TRACT C as shown on Certificate of Survey #_____ and located in the Southwest one-quarter of Section 34, T 6 N, R 20 W, P.M., M. containing 56.57 acres according to monuments and survey data; subject to easement for the Ward Ditch.

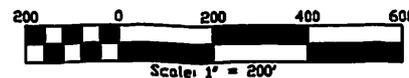
TRACT D as shown on Certificate of Survey #_____ and located in the Southwest one-quarter of Section 34, T 6 N, R 20 W, P.M., M. containing 7.91 acres according to monuments and survey data; subject to easement for the Ward Ditch.

REFERENCES

- Ⓐ = Reference Monument S 82°56'09" E, 33.32', from the south end of Line 3
- Ⓑ = Reference Monument N 57°09'24" E, 17.51', from the south end of Line 10
- Ⓒ = Reference Monument N 41°53'12" E, 19.61', from the south end of Line 19
- Ⓓ = Reference Monument N 23°40'09" E, 50.65', from the south end of Line 25

LEGEND

- ⊙ Applebury's brass cap on pipe
- ⊠ 4" X 4" concrete monument bears N 30°11' E, 0.97', from calculated right-of-way angle
- ⊕ 4" X 4" concrete monument bears N 87°25' E, 0.83', from calculated right-of-way angle
- ⊙ Applebury's plastic cap on rebar N 8°35' E, 0.94', from corner position by this survey
- ⊠ 3/4" rebar and 4" X 4" concrete right-of-way monument. See Certificate of Survey #543938
- ⊠ My record aluminum cap on rebar
- ⊙ Set 5/8" X 18" rebar with 1 1/2" aluminum cap on this survey



Surveyed May, 2012,
by Steven D. Powell
Montana License #4662-S

EXHIBIT "A"

CW 1/16

S 89°18'50" E
1327.83'
To the West 1/4
Corner

S 89°18'49" E
1327.85'

Witness Monument set
15.00' west of Center



TRACT I 35.60 AC.

(Area east of BRID Canal = 31.70 acres)

My monument is
0.23', west of
corner position

N 89°52'51" W
183.83'

N 71°21'09" W
301.68'

Bitterroot Irrigation District Canal
See Deeds, Volume 112, Pages 387-8

N 89°52'51" W
175.60'

N 71°21'09" W
240.78'

WEST
130.00'

WEST
130.00'

Easement for
Duus Family
Memorial Site

My monument is
N 79°02'55" W,
1.84', from the
corner position

N 70°02'55" W
388.03'

N 23°21'58" W
155.08'

Tract shown on
Certificate of
Survey #2336

Found 5/8" rebar
on line 2.55', north
of corner position

N 00°51'58" W
280.20'

S 89°18'40" E
401.87'

N 07°19'50" W
192.88'

N 18°13'40" E
230.81'

N 18°13'40" E
11.882'

S 07°19'50" E
184.27'

Road and Utilities Easement
for the benefit of Tract shown
on Certificate of Survey #2336
See Deeds, Volume 174, Page 455

S 89°18'40" E
821.95'

GS 1/16

S 00°43'32" E
1318.58'
To Applebury's
brass cap at the
South 1/4 corner

See Certificate of Survey #538504

Easement for
TAMMANY LANE
A Public Road

S 00°43'32" E
1318.58'

LEGAL DESCRIPTION

TRACT I: The Northeast one-quarter of the Southeast one-quarter (NE 1/4 SE 1/4) of Section 3, T 5 N, R 20 W, P.M., M. excepting therefrom that tract surveyed on Certificate of Survey #2336 and excepting therefrom the right-of-way for the Bitterroot Irrigation District Canal as described in Deeds, Volume 112, Pages 387-388; TRACT I contains 35.60 acres according to monuments and survey data as shown on this certificate of survey; subject to a road and utilities easement for that tract shown on Certificate of Survey #2336; subject to easement for TAMMANY LANE, a public road along the east line; subject to easement for the Duus Family Memorial Site as shown hereon.

LEGEND

- ◆ = Applebury's aluminum cap on rebar
- = My record aluminum cap on rebar
- = Set 5/8" X 18" rebar with 1/2" aluminum cap on this survey

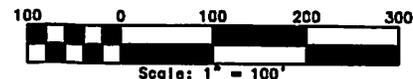


EXHIBIT "A"