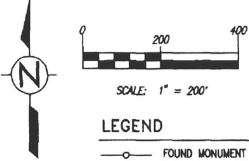


# CERTIFICATE OF SURVEY NO. 1444

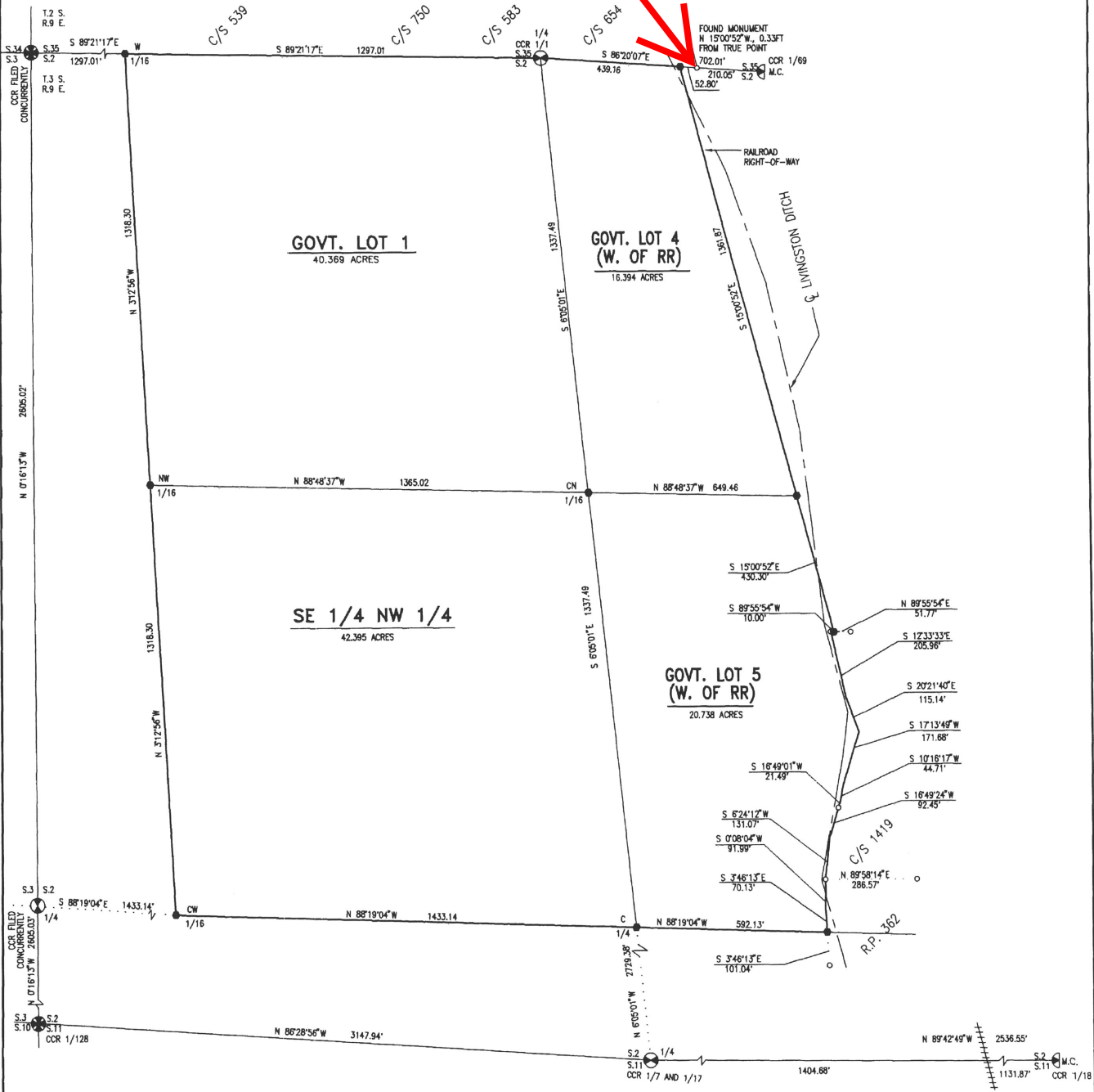
A DEPENDENT RESURVEY AND ALIQUOT PART SUBDIVISION OF THE PORTION OF SECTION 2  
T. 3 S., R. 9 E., P.M., PARK COUNTY, MONTANA, SITUATED WEST OF THE YELLOWSTONE RIVER



**LEGEND**

- FOUND MONUMENT OF RECORD
- SET 5/8" x 24" REBAR SET 20" WITH 2" DIA. AL. CAPS MARKED FOR
- BOUNDARY DEFINITION

**THIS CORNER 17**



	<b>CERTIFICATE OF SURVEY NO.</b> LATVALA AND ASSOCIATES' LAND SURVEYING AND CONSULTING WARREN P. LATVALA, P.L.S. ROUTE BS, BOX 4244 LIVINGSTON, MT 59047	DATE: <u>AUGUST 22, 1997</u> JOB NO.: CHECKED BY: <u>E.P.L. &amp; C.Y.B.</u> DRAWN BY: <u>C.Y.B.</u>	1 <hr/> 2
	Curtis T. Shanker Field Engineer Public No. 20, 22, 23, 24 (204) 700-0001		

Hhhi s/d

# CERTIFICATE OF SURVEY NO. 1444

A DEPENDENT RESURVEY AND ALIQUOT PART SUBDIVISION OF THE PORTION OF SECTION 2  
T. 3 S., R.9 E., P.M., PARK COUNTY, MONTANA, SITUATED WEST OF THE YELLOWSTONE RIVER

**History of Original Surveys**

The line between Tps. 2 and 3 S. of R.9 E. was surveyed by Baker & Thomas in 1873, eastward to the left bank of the Yellowstone River at which point the line was terminated. This survey established the northeast corner, north one-quarter corner, and a meander corner east of the one-quarter corner on the north boundary of section 2.

Fractional T.3 S., R.9 E. was surveyed by Post & Koch in 1874. That survey included the survey of the west boundary of section 2. The NW 1/4 of section 2 was platted based on Post & Koch's survey.

The line between Tps. 2 and 3 S. was continued eastward across the Yellowstone River to the corner of Tps. 2 and 3 S., Rs. 9 and 10 E. by Deutch in 1886. Deutch also subdivided the remaining fractional T.3 S., R.9 E. in 1886, including the south and east boundaries and meanders of section 2.

The southerly mile between Rs. 9 and 10 E. through T. 2 S. was retraced by Johnson in 1912, and Deutch's corner of Tps. 2 and 3 S., Rs. 9 and 10 E. re-located.

The easterly one and one half miles between Tps. 2 and 3 S., R. 9 E. was retraced and resurveyed by Cumming in 1917. None of Deutch's monuments were recovered between the township corner re-located by Johnson and the one-quarter corner set by Baker and Thomas in 1874. Cumming set a new meander corner between sections 2 and 35 on the west bank of the Yellowstone River.

**Surveyor's Notes**

I have found no record of any of the original corners set by Deutch being recovered since Johnson recovered the NE corner of T.3 S., R.9 E. in 1912, except for several corners purportedly recovered in the late 1970's and early 1980's which recoveries were disputed by the BLM (see letter from D. Mates in CCR file for T.3 S., R.9 E.). Several other monuments, not matching Deutch's record (Deutch generally set marked wooden posts), have been recovered near the Yellowstone River which may be perpetuations of Deutch's survey, but no such monuments have been recovered in the mountainous terrain further from the river. In 1886 Deutch found no evidence of Post & Koch's 1874 survey from the corner of sections 14, 15, 22 and 23 northward 3 miles to the corner of sections 2, 3, 34 & 35 on the township line, yet in 1995 I recovered two marked stones and a cribbed tree on that line matching Post & Koch's 1874 record. Deutch also made no mention of recovering the one-quarter corner between sections 2 and 35 when he extended the township line across the Yellowstone River, yet Cumming found that corner (but none of Deutch's) in 1917.

BLM has recently performed several surveys in T.3 S., R.9 E. and has concluded that Deutch probably did not carry his survey into the mountainous terrain west of the river, and that he apparently surveyed the portions of the township east and west of the river as separate units. (File memo by R.Wayne Wilson dated 3/12/87)

My retracements in the northeastern portion of the township support BLM's assessment. I have concluded that Deutch probably ran a random line west of the Yellowstone, probably along either the railroad grade or the wagon road, and stubbed out meander corners to the east and quarter corners to the west. This would explain both the large east-west discrepancies in measurement and the subsequent placement (remonumentation) of more permanent monuments along the river where private surveyors are likely to have worked early in this century and recovered the "stubbed out" corners. As such, I have accepted the one-quarter corner between sections 2 and 35 (Handwritten note in GLD record of Cumming's 1917 survey, Recorder's Plat 292, CCR 1/1), the one-quarter corner between sections 2 and 11 (CCRs 1/7 and 1/17), and the meander corner between sections 2 and 11 (CCR 1/18) as the most probable original locations of those respective corners.

Since the portion of section 2 east of the Yellowstone bears no apparent relationship to that west of the river, the survey east of the river was not used in determining the positions of the subdivisional lines of section 2 west of the river. The east-west center line of section 2, as shown hereon, is at the mean of the bearings of the computed straight lines connecting the end points of the portions of the north and south lines of the section west of the river. This alignment complies with the Post & Koch measurement of 80.00 ch. on the west boundary of the section (the only survey of that line recovered) and the Deutch record of 40.00 ch. between the northeast corner and the east one-quarter corner of the section (the only record on that line, the southeast section corner falling in the river), and with the provisions of the BLM Manual. Since both of those records list 40.00 ch. as the measurements of the north half-mile on the east and west sides of the section, the north 1/16 line of the section, as shown hereon, is at the mean bearing of the bearings of the computed line connecting the end points of the north boundary of the section (west of the river) and the east-west center line of the section.

2. The east boundary of the property being surveyed is the westerly right-of-way of the Park Branch railroad, and the "excepted" tracts recorded in V.57, p.451 and V.58, p.37, the latter being subject to the correction deed in V.60, p.56. Careful inspection of those deeds reveals that they are all for the same single tract of land. That tract has subsequently been divided into Tracts A and B of Recorder's Plat No. 362, and the Family Conveyance Tract and Remainder shown on Certificate of Survey No. 1419. A composite of those tracts is shown on Certificate of Survey No. 1419, as well as a reproduction of other older surveys to the south. Those tracts, as shown on C/S 1419, are accepted as being the true location of the "exception" tract from the property being surveyed.

3. The railroad tracks, which defined the location of the right-of-way, have now been removed and were not referenced to provide a permanent basis for re-locating the right-of-way prior to their removal. Certificate of Survey No. 1419, having been prepared with reference to several older surveys performed while the tracks were still in place, appears to be the most faithful reproduction of those surveys possible at this date, and therefore the most accurate representation of the railroad right-of-way in that vicinity, the southern end of the property being surveyed. At the northern end of the property the hex head bolt called on Certificates of Survey No. 583 and 654 was used to define the westerly edge of the railroad right-of-way. That monument was in place prior to the removal of the tracks and was found to be only 0.3 ft. off of a straight line between the one-quarter corner and meander corner on the north boundary of section 2. A southerly extension of the right-of-way thus defined additionally agrees with the location of the tracks provided by CCRs 1/17 and 1/18, within one-half foot perpendicular to the track alignment, at the south boundary of the section.

Since the "exception" to the property being surveyed included a continuous strip along the railroad tracks, the hiatus identified between the Remainder tract of C/S 1419 and Tract A of Recorder's Plat No. 362 does not affect the property being surveyed except in determining the location of the intersection of the E-W center of section line with the westerly boundary of that "exception". That westerly boundary was established by computing the position of the northwest corner of the tract shown on Recorder's Plat No. 115 by record distance-distance intersect from the recovered southwest and northeast corners of that tract, then adjusting (Compass Rule) the record courses along the west boundary of R.P. 362 to connect with the recovered southwest corner of the Remainder tract of C/S 1419. Whatever the ownership of the hiatus, it is not included in the property being surveyed and the method used protects both of the properties within the "exception" adjacent to the hiatus.

**PURPOSE OF SURVEY**

This survey was performed to locate and monument the boundaries of the parcels of land described on Page 1477 of Roll 117 of deeds, records of Park County, Montana.

**BASIS OF BEARINGS**

The bearings on this certificate are based on the mean of ten (10) hour angle solar observations as described on Certificate of Survey No. 1353, records of Park County. Bearings carried from the West line of Section 2 are based on observed angular relationships and have not been adjusted for convergence.

**CERTIFICATE OF SURVEYOR**

I, Warren P. Latvala, Montana Professional Land Surveyor License No. 6305LS, hereby certify that the survey shown hereon was performed under my direct supervision in July and August of 1997.

Warren P. Latvala 10-10-97  
Warren P. Latvala, P.L.S. Date

**CERTIFICATE OF OWNER**

I, Morinda A. Abdallah, hereby certify that I am the owner of the lands described on page 1477 of Roll 117 of Park County deeds, and that I have caused the survey shown hereon to be performed to locate and monument the boundaries of those parcels. No division of land is effected by this survey therefore it is exempt from review as a subdivision.

Morinda Abdallah 10-10-97  
Morinda A. Abdallah Date

Subscribed and sworn before me this 10 day of October, 1997.

Warren P. Latvala, Notary Public for the State of Montana.

residing at 1000 1st St. Helena, MT My commission expires 10/10/99

**CERTIFICATE OF COUNTY COMMISSIONERS**

I, Terry Samazin, Chairman of the Park County Board of Commissioners, hereby certify that this certificate has been duly reviewed and found to conform with the provisions of Title 76, M.C.A., and the Park County resolution regarding that act.

Terry Samazin October 30, 1997  
Terry Samazin, Chairman, Park County Commissioners Date

**Aliquot part corner markings & accessories**

- T2S R9E from which, a fir, 6 ins. diam, bears N.19°E., 32.0 ft. dist., marked W 1/16 S35 87, and a fir, 6 ins. diam., bears S.56°W., 12.6 ft. dist., marked W 1/16 S2 87. Raised a color of stone, 2 ft. diam., around monument.
- S35 87
- W 1/16 S2
- T3S R9E from which, a fir, 4 ins. diam, bears S.89°E., 14.5 ft. dist., and a fir, 6 ins. diam., bears N.22°W., 8.9 ft. dist., each marked C 1/4 S2 87. Raised a color of stone, 1 1/2 ft. diam., around monument.
- T3S R9E
- C 1/4 S2
- 1997
- W 1/16 from which, a fir, 6 ins. diam, bears N.26°W., 15.6 ft. dist., and a fir, 4 ins. diam., bears S.20°W., 14.4 ft. dist., each marked CW 1/16 S2 87.
- C-C
- S2
- 1997
- C from which, a fir, 6 ins. diam, bears N.62°W., 22.5 ft. dist., and a cedar, 6 ins. diam., bears N.30°E., 9.0 ft. dist., each marked CN 1/16 S2 87. Raised a color of stone, 2 ft. diam., around monument.
- N 1/16 S2
- C
- 1997
- NW 1/16 from which, a fir, 5 ins. diam, bears N.71°W., 11.6 ft. dist., and a fir, 10 ins. diam., bears N.85°E., 28.2 ft. dist., each marked NW 1/16 S2 87. Raised a color of stone, 1 1/2 ft. diam., around monument.
- S2
- 1997

Filed this 31 day of October, A.D., 1997 at 10:00 o'clock A.M.

Denise Nelson by Warren P. Latvala Document No. 20276  
Denise Nelson, Park Co. Recorder Deputy Warren P. Latvala

	<b>CERTIFICATE OF SURVEY NO. <u>1444</u></b>
	<b>LATVALA AND ASSOCIATES</b> LAND SURVEYING AND CONSULTING WARREN P. LATVALA, P.L.S. ROUTE 55, BOX 4244 LIVINGSTON, MT 59047
Charles T. Bunker 1994 Operator 7000 1st St. (406) 758-0001	DATE: <u>AUGUST 22, 1997</u> JOB NO.: CHECKED BY: <u>W.P.L. &amp; C.Y.B.</u> DRAWN BY: <u>C.Y.B.</u>

C/S 1444