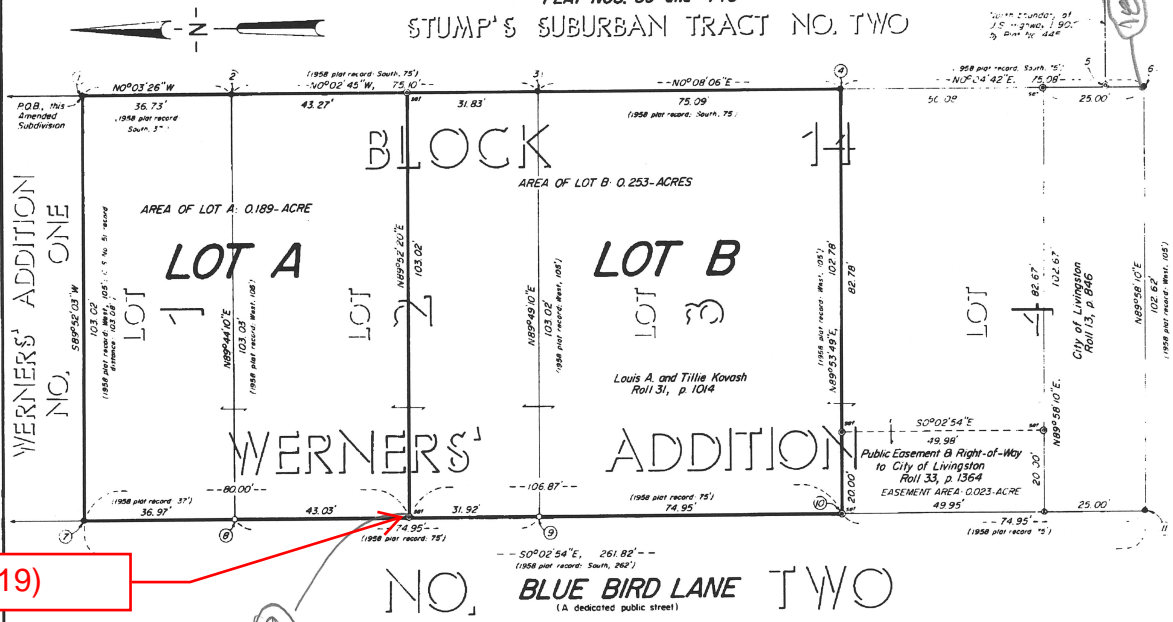


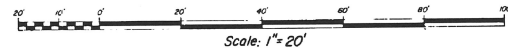
- ① Found 7/8" diam. centerpunched iron rod, firmly set 5" belowground; accepted as original monument for N.E. corner of Werners' Add. No. 2. See Plat Nos. 445 and 650, and C/S No. 51, Park County.
- ② Found 7/8" diam. iron rod, firmly set 15" belowground; centerpunched and accepted as original monument for corner common to Lots 1 and 2, on east boundary of Werners' Add. No. 2. This point overlaps the west boundary of Stump's Suburban Tract No. Two, as remonumented by Plat No. 445, by 0.02'.



This Corner (19)

**THE CREATION OF LOTS A and B FROM A PORTION OF BLOCK 14,  
WERNERS' ADDITION NO. TWO TO THE CITY OF LIVINGSTON**

PARK COUNTY, MONTANA



- ③ Found 7/8" diam. iron rod, firmly set flush with ground; centerpunched and accepted as original monument for corner common to Lots 2 and 3 on east boundary of Werners' Add. No. 2. This point overlaps the west boundary of Stump's Suburban Tract No. Two, as remonumented by Plat No. 445, by 0.05'.
- ④ Found 7/8" diam. iron rod, firmly set flush with ground; centerpunched and accepted as original monument for corner common to Lots 3 and 4 on east boundary of Werners' Add. No. 2. This point falls 0.16' westerly of the west boundary of Stump's Suburban Tract No. Two, as remonumented by Plat No. 445.
- ⑤ Found monument set by me during survey for Plat No. 445, to mark intersection of retraced west boundary of Stump's Suburban Tract No. Two with north boundary of U.S. Highway I-90. From this point, the found monument at the N.E. corner of Werners' Add. No. 2 bears N0°01'26"W, 252.55' (Plat No. 445 record: N0°02'45"W, 252.54'), and the found monument at the S.E. corner of said Add. No. 2 bears S1°44'54"W, 9.45'. See SURVEYOR'S NOTES, this survey.
- ⑥ Found 7/8" diam. iron rod, firmly set flush with ground; centerpunched and accepted as original monument for S.E. corner of Werners' Add. No. 2. This point falls 0.29' westerly of the original west boundary of Stump's Suburban tract No. Two, as remonumented by Plat Nos. 445 and 650, Park County.
- ⑦ Found centerpunched 7/8" diam. iron rod, firmly set 8" belowground; accepted as original monument for N.W. corner of Lot 1, Block 14, Werners' Add. No. 2.
- ⑧ Corner common to Lots 1 and 2, Block 14, Werners' Add. No. 2, on east boundary of Blue Bird Lane; located this survey by proportionate measurement along straight line between found monuments at N.W. and S.W. corners of said Block 14, as per original plat record. An adjacent 7/8" diam. iron rod, firmly set 6" belowground, was found bent to northwest, apparently by grading; although the original corner monument, this rod was too disturbed to be accepted for boundary location control.
- ⑨ Corner common to Lots 2 and 3, Block 14, Werners' Add. No. 2, on east boundary of Blue Bird Lane; located this survey by proportionate measurement along straight line between found monuments at N.W. and S.W. corners of said Block 14, as per original plat record. An adjacent 7/8" diam. iron rod, firmly set 18" belowground, was found bent to the north, apparently by grading; although the original corner monument, this rod was too disturbed to be accepted for boundary location control.
- ⑩ Corner common to Lots 3 and 4, Block 14, Werners' Add. No. 2, on east boundary of Blue Bird Lane; located this survey by proportionate measurement along straight line between found monuments at N.W. and S.W. corners of said Block 14, as per original plat record. An adjacent 7/8" diam. iron rod was found bent to the northeast, 2" belowground, apparently by grading; although the original corner monument, this rod was too disturbed to be accepted for boundary location control.
- ⑪ Found 7/8" diam. iron rod firmly set, 12" belowground; centerpunched and accepted as original monument for S.W. corner of Lot 4, Block 14, Werners' Add. No. 2.

**LEGEND**

- 1/2" x 1/2" x 24" long rebar driven into ground and fixed with a 1 1/2" diam. stamped alum. cap. set in concrete, as a corner monument, as indicated.
- Rebar set in original plat as corner monument
- Survey monument as identified
- Unmonumented part of this survey
- Common ownership of record
- C/S Certificate of Survey, recorded in Park County, Montana

**SURVEYOR'S NOTES**

A plat of WERNERS' ADDITIONS TO THE CITY OF LIVINGSTON was approved on 12 May 1954 by the governing bodies of Park County and the City of Livingston, and recorded the following day. This plat depicts an "Addition Number One" and adjoining "Addition Number Two", together with separate Certificates of Dedication for each addition. However, only Certificate of Dedication No. 1, for "Addition Number One", is signed and dated by the landowners, and the surveyor's certificate states that Addition No. 1 alone was surveyed between 4 May and 7 May 1954. Although the Certificates of Approval by the city and county governing bodies refer to the joint plat of both additions, the presumption by both has since been that only Addition No. 1 was duly approved and recorded.

A subsequent plat of WERNERS' ADDITIONS, LIVINGSTON, MONTANA, depicting the original "Addition Number One" together with a replatted "Addition Number Two", was approved by the city and county governing bodies on 2 September, 1958. This later plat contains only one Certificate of Dedication, for Addition Number Two alone, properly signed and dated by the landowners. The surveyor's certificate indicates Addition No. 2 was surveyed between 6 May and 13 May 1958. However, this plat was apparently never recorded. Furthermore, copies of this plat in the city archives indicate that the boundary description of Addition No. 2, enumerated in the Certificate of Dedication, was altered and revised to conform with the plat map subsequent to the governing bodies' approvals; yet no corrected plat was apparently recorded until 4 February 1970, when a printed copy was filed by the surveyor. Nevertheless, lots in Addition No. 2 were conveyed by the original subdividers between 1958 and 1970, presumably by reference to this corrected 1958 plat.

Both versions of the 1958 plat show "I.P." at all lot corners in Block 14 of Addition No. 2, apparently indicating iron pins set as corner monuments. I found 7/8" diameter iron rods set in the ground at the general location of lot corners as shown on these plats, and accepted these as original monuments for the lot corners. The same type of monument was originally set earlier at lot corners in Addition No. 1, and the later survey of Addition No. 2 apparently continued the same practice.

The original monuments at the corners common to Lots 1 and 2, Lots 2 and 3, and Lots 3 and 4, on the east boundary of Blue Bird Lane, were found disturbed, apparently by grading. Although close to the record locations, I did not accept them as controlling for boundary location, and instead located the corners by proportionate measurement from record data along a straight line between found, undisturbed original monuments at the N.W. corner of Lot 1 and the S.W. corner of Lot 4, Block 14. The proportioned corners were no more than 0.05' from the plat record distances along the east boundary of Blue Bird Lane, and adjacent to the disturbed, original monuments.

The E-W length of Block 14 was found to vary between 103.03' and 102.62', instead of the plat record 105'. For an explanation of the origin of this discrepancy, see SURVEYOR'S COMMENTS on C/S No. 51, Park County.

My retracement of found, original lot corner monuments along the east boundary of Block 14 indicates the boundary as marked on the ground is neither straight nor contiguous with the west boundary of Stump's Suburban Tract No. Two, as remonumented by my previous survey for Plat No. 445. The east boundaries of Lots 1 and 2 slightly overlap the adjoining by no more than 0.05'. The east boundary of Lot 3 continues this small overlap up to a point 18.02' southerly of the lot N.E. corner, where it crosses the adjoining boundary and runs west of the adjoining, creating a gore up to 0.16' wide at the lot S.E. corner. This gore continues along the east boundary of Lot 4, widening to 0.29' at the S.E. lot corner.

I made no attempt in this survey to resolve this incongruity, and accepted the original monuments found along the east boundary of Block 14 as controlling for survey retracement, regardless of any title or ownership ambiguity that may exist over these small areas of gore and overlap.

Filed in the Office of the Clerk and Recorder for the County of Park, State of Montana, this 4th day of December, 1981, A.D., at 3:15 o'clock P.M.

**AMENDED SUBDIVISION**

Ac	Sec.	T.	R.	Drawn By:	Date
24	25	9E		Knops, M	3-30-1981
				Checked By:	
				Hollin, T.J.	3-30-1981
				Revised By:	
				Knops, M	4-3-1981

*Margaret Monreal*  
County Clerk and Recorder  
By: \_\_\_\_\_  
Deputy

Document No. 165109  
Fee: 2 Lots at 50¢ Total 1.00

AMENDED SUBDIVISION NO. 46  
PARK COUNTY, MONTANA  
SHEET NO. 1 of 2

DESCRIPTION - AMENDED SUBDIVISION

Lot One, Two and Three, 11 in Block 14 of Werners' Addition Number Two to the City of Livingston, County of Park, State of Montana, as per plat copy of said Addition on record in the office of the Clerk & Recorder of said county; and more particularly described as follows:

BEGINNING at the northeast corner of said Werners' Addition Number Two; thence S89°52'00"W, 103.02 feet along the north boundary of said Addition to the east boundary of Blue Bird Lane; thence S0°02'54"E, 186.87 feet along said lane east boundary to the corner common to Lot Three and Four of said block; thence along the boundary common to said Lot Three and Four N89°53'49"E, 102.78 feet to the east boundary of said Addition; thence along said Addition east boundary N0°08'06"E, 75.0 feet to the corner common to said Lots Two and Three; thence along said Addition east boundary N0°02'45"W, 75.10 feet to the corner common to said Lots One and Two; thence along said Addition east boundary N0°03'26"W, 36.73 feet to said point of beginning; and containing 0.442-acre.

TOGETHER with any portion of said Blue Bird Lane that would pass to the above-described portion of Block 14 if said lane was vacated as a public way.

ALL according to Amended Subdivision No. 46, on record in the office of said Clerk & Recorder.

DESCRIPTION - LOT A

Lot One and a portion of Lot Two, all in Block 14 of Werners' Addition Number Two to the City of Livingston, County of Park, State of Montana, as per plat copy of said Addition on record in the office of the Clerk & Recorder of said county; and more particularly described as follows:

BEGINNING at the northeast corner of said Werners' Addition Number Two; thence S89°52'00"W, 103.02 feet along the north boundary of said Addition to the east boundary of Blue Bird Lane; thence along said lane east boundary S0°02'54"E, 80.00 feet; thence N89°52'20"E, 103.02 feet to the east boundary of said Addition; thence along said Addition east boundary N0°02'45"W, 43.27 feet to the corner common to said Lots One and Two; thence along said Addition east boundary N0°03'26"W, 36.73 feet to said point of beginning; and containing 0.189-acre.

TOGETHER with any portion of said Blue Bird Lane that would pass to the above-described portion of Block 14 if said lane was vacated as a public way.

ALL according to Amended Subdivision No. 46, on record in the office of said Clerk & Recorder.

DESCRIPTION - LOT B

Lot Three and a portion of Lot Two, all in Block 14 of Werners' Addition Number Two to the City of Livingston, County of Park, State of Montana, as per plat copy of said Addition on record in the office of the Clerk & Recorder of said county; and more particularly described as follows:

BEGINNING at the corner common to Lots Three and Four of said block, on the east boundary of said Werners' Addition Number Two; thence along said Addition east boundary N0°08'06"E, 75.09 feet to the corner common to said Lots Two and Three; thence along said Addition east boundary N0°02'45"W, 31.83 feet; thence S89°52'20"W, 103.02 feet to the east boundary of Blue Bird Lane; thence along said lane east boundary S0°02'54"E, 106.87 feet to the corner common to said Lots Three and Four; thence along the boundary common to said Lots Three and Four N89°53'49"E, 102.78 feet to said point of beginning; and containing 0.253-acre.

TOGETHER with any portion of said Blue Bird Lane that would pass to the above-described portion of Block 14 if said lane was vacated as a public way.

ALL according to Amended Subdivision No. 46, on record in the office of said Clerk & Recorder.

CERTIFICATE OF EXEMPTION

We, the undersigned landowners, hereby certify that the purpose of this survey is to aggregate existing lots in a platted subdivision, fewer than six lots are affected, and no additional lots are hereby created; therefore, this survey is exempt from review as a subdivision pursuant to Section 76-3-207 (1) (e), MCA.

We further certify that the purpose for this division of land is to aggregate existing lots, fewer than six lots are affected, and the lots are currently served by public water and sewer; therefore, this survey is exempt from review by the Department of Health and Environmental Sciences pursuant to ARM 16-2.14 (10)-S14340 (13)(f)(v).

Dated this 17th day of MAY 1981.

Louis A. Kovash

Tillie Kovash

ACKNOWLEDGEMENT

State of Montana) ss.  
County of Park )

On this 17th day of MAY 1981, before me, the undersigned, a Notary Public for the State of Montana, personally appeared Louis A. Kovash and Tillie Kovash, husband and wife, known to me to be the persons whose names are subscribed to the above Certificate of Exemption, and acknowledged to me that they executed the same. IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official Notarial Seal the day and the year first above written.

Notary Public for the State of Montana  
Residing at Livingston, Montana  
My commission expires July 3, 1983

CERTIFICATE OF SURVEYOR

State of Montana) ss.  
County of Park )

I, Thomas J. Hallin, do solemnly swear that I have made the survey of Lots A and B from a portion of Block 14, Werners' Addition Number Two to the City of Livingston, as shown on the annexed plat, at the request of Louis A. and Tillie Kovash; that said survey was completed on 24 February 1981 and performed in accordance with the provisions of Sections 76-3-101 through 76-3-614, MCA; that the dimensions of said lots are as hereon designated; and that said lots were laid out on the ground according to law.

Basis of bearings: the south boundary of Lot 11, Block 4, Werners' Addition Number One to the City of Livingston, as per Certificate of Survey No. 51, on record in the office of the Clerk & Recorder, Park County, Montana.

Dated this 13th day of April 1981.

Thomas J. Hallin, P.E. & L.S.  
Montana Registration No. 287 E.S.  
501 South Yellowstone Street  
Livingston, Montana 59047  
(406) 222-1780

