

# CERTIFICATE OF SURVEY

"BOUNDARY LINE ADJUSTMENT"  
A PORTION OF AMENDED HES NO. 440  
SECTION 24, T.31N., R.32W., P.M., MT.  
LINCOLN COUNTY, MONTANA  
FOR: KUKUS DATE: MAY 2009

## LEGAL DESCRIPTION OF PARCEL "C"

An irregular tract of land, north of Libby, Montana, Lincoln County, and in the NW 1/4, Section 24 T.31N., R.32W., P.M., MT., containing  $\pm$  0.010 acres, more particularly described as follows:  
Commencing at a 2 1/2 inch diameter brass cap monument stamped SJS 2532-S being Corner No. 6 of Amended HES 440 and Corner No. 9 of HES 935; Thence S00°37'00"W 91.02 feet along the westerly boundary of Amended HES No. 440 to a 5/8 inch diameter rebar marked Hughes, 7322LS lying on the southern right-of-way limit of a 60.00 foot wide county road known as Kootenai River Road; Thence continuing along said southerly right-of-way limit of Kootenai River Road along the arc of a curve to the right a length of 84.29 feet, turning through a delta angle of 11°55'06", having a radius of 405.21 feet to a 5/8 inch diameter rebar marked Hughes, 7322LS; Thence continuing along said southerly right-of-way limit of Kootenai River Road, S63°26'02"E 302.53 feet to a set 5/8 inch diameter rebar marked Hughes, 7322LS and the TRUE POINT OF BEGINNING; Thence S11°04'01"W 194.13 feet to a set 5/8 inch diameter rebar marked Hughes, 7322LS; Thence S22°27'32"W 178.77 feet to a set 5/8 inch diameter rebar marked Hughes, 7322LS; Thence continuing along said southerly line of said Amended HES 440; Thence continuing S22°27'32"W 60.97 feet to a set 5/8 inch diameter rebar marked Hughes, 7322LS lying on the approximate low water mark of the right bank of the Kootenai River; Thence along said low water mark, S63°55'45"E 1.00 feet to an unmarked point; Thence leaving said low water mark N22°27'32"E, 60.77 feet to a 5/8 inch diameter rebar marked Hughes, 7322LS, lying on the southerly line of said Amended HES 440; Thence N22°27'32"E, 179.13 feet to a 5/8 inch diameter rebar marked Hughes, 7322LS; Thence N11°04'01"E, 193.95 feet to a 5/8 inch diameter rebar marked Larsen, 3980S, lying on said southern right-of-way limit; Thence along said limit N63°26'02"W 1.04 feet to a 5/8 inch diameter rebar marked Hughes, 7322LS and the TRUE POINT OF BEGINNING, containing 0.010 acres. Subject to and together with all appurtenant easements of record or implied.

## METHOD OF SURVEY

A total station and data collector was used with closed traverse procedures to tie the previously set controlling corners and right-of-way monuments.

## BASIS OF BEARING

The basis of bearing for this survey is N00°37'00"E, per Amended HES No. 440, between Corner No. 5, a 5/8 inch rebar marked Larsen 3980-S and Corner No. 6, a 2 1/2 inch brass cap by SJS 2532-S.

## HISTORY OF SURVEY

1922 - Amended HES No. 440, by J.F. Pfau  
1968 - Irregular Plot No. 1430, by Jack Ninneman, 534-ES  
1983 - Certificate of Survey No. 1148, by JHN, 4661-S  
1998 - J-R Ranch Subdivision, by JRS, 9958-S  
2003 - Certificate of Survey No. 3195, by Hughes, 7322-LS  
2007 - Certificate of Survey No. 3714CO, by Kenneth Davis, 4975-S

## COUNTY TREASURER CERTIFICATION

I hereby certify, pursuant to Section 76-3-207(b), MCA, that all real property taxes and special assessments assessed and levied on the parcel shown hereon are paid.

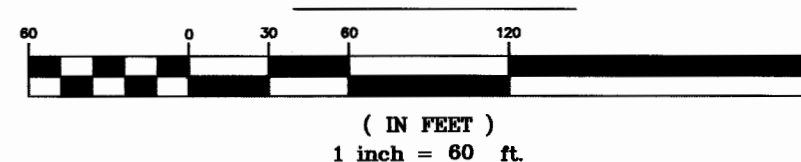
*Nancy Trotter Higgins* 7/31/09  
Lincoln County Treasurer, Lincoln County, Montana Date

KOOTENAI RIVER LOW WATER MEANDER LINE TABLE		
1	S63°55'45"E	53.09
2	S23°53'44"E	30.07
3	S01°53'59"E	23.00
4	S02°15'01"E	32.70
5	S45°36'56"E	8.77

## LEGEND

- FOUND 5/8 INCH DIAMETER REBAR WITH A PLASTIC CAP STAMPED KED 4975-S
- FOUND 5/8 INCH DIAMETER REBAR WITH A PLASTIC CAP STAMPED LARSEN 3980-S
- FOUND 5/8 INCH DIAMETER REBAR WITH A PLASTIC CAP STAMPED HUGHES 7322-LS
- COMPUTED POINT ONLY
- SET 5/8 INCH DIAMETER REBAR WITH A PLASTIC CAP STAMPED HUGHES 7322-LS
- FOUND 5/8 INCH DIAMETER REBAR WITH A PLASTIC CAP STAMPED JRS 9958-LS
- FOUND 5/8 INCH DIAMETER UNCAPPED REBAR
- FOUND 2 1/2 INCH DIAMETER BRASS CAP MONUMENT STAMPED SJS 2532-S
- ( ) RECORD PER AMENDED HES NO. 440
- { } RECORD PER COS NO. 3714CO
- [ ] RECORD PER J-R RANCH SUBDIVISION
- \ \ RECORD PER COS NO. 1184

## GRAPHIC SCALE



## PURPOSE OF SURVEY AND OWNER'S EXEMPTION CERTIFICATION

I, Mariess Wilkonski and Susan Kukus, owners of record, hereby certify that the purpose of this survey and division of land is to relocate common boundary between record parcels and is therefore exempt from review as a subdivision, pursuant to MCA 76-3-207 (1)(a); divisions made outside of a plotted subdivision for the purpose of relocating common boundary lines between adjoining properties. We further certify that Parcel "C" is exempt from review by the Department of Environmental Quality pursuant to ARM 17.36.605 Exclusions 2(a): "a parcel that has no existing facilities for water supply, wastewater disposal, and solid waste disposal, if no new facilities will be constructed on the parcel."

*Mariess Wilkonski* 7-27-09  
*Susan Kukus* 7-27-09  
Date Date

## ACKNOWLEDGMENT

The foregoing Exemption was subscribed and acknowledged before me, a Notary Public for the State of Montana, County of Lincoln, by the above named person(s), on this 27 day of July, 2009. In witness whereof, I have hereunto set my hand and affixed my notarial seal.

Notary Public for the State of Montana,  
residing in: *Libby, MT* My Commission expires: 12-1-09

## LEGAL DESCRIPTION OF PARCEL "A-1" (INCLUDES PARCEL "C")

An irregular tract of land, north of Libby, Montana, Lincoln County, and in the NW 1/4, Section 24 T.31N., R.32W., P.M., MT., containing  $\pm$  1.513 acres, more particularly described as follows:  
Commencing at a 2 1/2 inch diameter brass cap monument stamped SJS 2532-S being Corner No. 6 of Amended HES 440 and Corner No. 9 of HES 935; Thence S00°37'00"W 91.02 feet along the westerly boundary of Amended HES No. 440 to a 5/8 inch diameter rebar marked Hughes, 7322LS lying on the southern right-of-way limit of a 60.00 foot wide county road known as Kootenai River Road; Thence continuing along said southerly right-of-way limit of Kootenai River Road along the arc of a curve to the right a length of 84.29 feet, turning through a delta angle of 11°55'06", having a radius of 405.21 feet to a 5/8 inch diameter rebar marked Hughes, 7322LS; Thence continuing along said southerly right-of-way limit of Kootenai River Road, S63°26'02"E, 302.53 feet to a set 5/8 inch diameter rebar marked Hughes, 7322LS and the TRUE POINT OF BEGINNING; Thence S11°04'01"W 194.13 feet to a set 5/8 inch diameter rebar marked Hughes, 7322LS; Thence S22°27'32"W 178.77 feet to a set 5/8 inch diameter rebar marked Hughes, 7322LS; Thence continuing along said southerly line of said Amended HES 440; Thence continuing S22°27'32"W 60.97 feet to a set 5/8 inch diameter rebar marked Hughes, 7322LS lying on the approximate low water mark of the right bank of the Kootenai River; Thence along said low water mark the following five (5) courses; Thence S63°55'45"E, 53.09 feet, Thence S23°53'44"E, 30.07 feet, Thence S01°53'59"E, 23.00 feet, Thence S02°15'01"E, 32.70 feet, Thence S45°36'56"E, 8.77 feet to a set 5/8 inch diameter rebar marked Hughes, 7322LS; Thence leaving said low water mark N29°33'09"E, 108.77 feet to a 5/8 inch diameter rebar marked KED 4975S, marking the Southwesterly corner Parcel A, COS 3714CO Lincoln County records, Thence along the northwesterly line of said Parcel A N29°33'09"E, 72.17 feet to a 5/8 inch diameter uncapped rebar being the southwest corner of lot 1 of J-R Ranch Subdivision; Thence N29°33'09"E, 316.17 feet along the northwesterly line of said lot 1 of J-R Ranch Subdivision to a 5/8 inch diameter rebar marked 3980-S and lying on the southerly right-of-way limit of said 60.00 foot wide Kootenai River Road; Thence along said southerly right-of-way limit of Kootenai River Road, N63°26'02"W, 206.29 feet to a 5/8 inch diameter rebar marked Hughes, 7322LS and the TRUE POINT OF BEGINNING, containing 1.513 acres, and subject to and together with all appurtenant easements of record or implied.

## LEGAL DESCRIPTION OF PARCEL "B-1"

An irregular tract of land, north of Libby, Montana, Lincoln County, and in the NW 1/4, Section 24 T.31N., R.32W., P.M., MT., containing  $\pm$  2.694 acres, more particularly described as follows:  
Commencing at a 2 1/2 inch diameter brass cap monument stamped SJS 2532-S being Corner No. 6 of Amended HES 440 and Corner No. 9 of HES 935; Thence S00°37'00"W 91.02 feet along the westerly boundary of Amended HES No. 440 to a 5/8 inch diameter rebar marked Hughes, 7322LS, lying on the southern right-of-way limit of a 60.00 foot wide county road known as Kootenai River Road and being the TRUE POINT OF BEGINNING; Thence along said southerly right-of-way limit of Kootenai River Road along the arc of a curve to the right a length of 84.29 feet, turning through a delta angle of 11°55'06", having a radius of 405.21 feet to a 5/8 inch diameter rebar marked Hughes, 7322LS; Thence continuing along said southerly right-of-way limit of Kootenai River Road, S63°26'02"E 302.53 feet to a set 5/8 inch diameter rebar marked Hughes, 7322LS; Thence leaving said southerly right-of-way limit of Kootenai River Road, S11°04'01"W 194.13 feet to a set 5/8 inch diameter rebar marked Hughes, 7322LS; Thence continuing along said southerly line of said Amended HES 440 N52°58'00"W 309.88 feet to a 5/8 inch rebar marked Larsen, 3980S, being Corner No. 5 of Amended HES 440 and Corner No. 10 of HES 935; Thence N00°37'00"E 334.03 feet along the west line of Amended HES 440 to a 5/8 inch diameter rebar marked Hughes 7322LS and the TRUE POINT OF BEGINNING, containing 2.694 acres. Subject to and together with all appurtenant easements of record or implied.

## LAND SURVEYOR'S CERTIFICATION

I hereby certify that I am a Registered Land Surveyor in the State of Montana, that the survey shown on this Certificate of Survey has been prepared under my supervision and in accordance with the Montana Code Annotated, Sections 76-3-101 through 76-3-625, and the Lincoln County regulations adopted pursuant thereto.

*Alvah F. Hughes* 7/30/09 05/30/2009  
Alvah F. Hughes, Montana Reg. No. 7322LS Date

## EXAMINING LAND SURVEYOR'S CERTIFICATION

Approved this 5th day of June, 2009, A.D.  
Ronald A. Pearson, PLS 9008LS Lincoln County Examining Land Surveyor

## CLERK AND RECORDER'S CERTIFICATION

State of Montana, County of Lincoln, filed this 31st day of July, 2009, A.D. at 3:05 o'clock P.M.  
County Clerk Recorder by *Deputy* Deputy

CERTIFICATE OF SURVEY NO. 3942 RB



Official: Doc # 220732 S 327/191