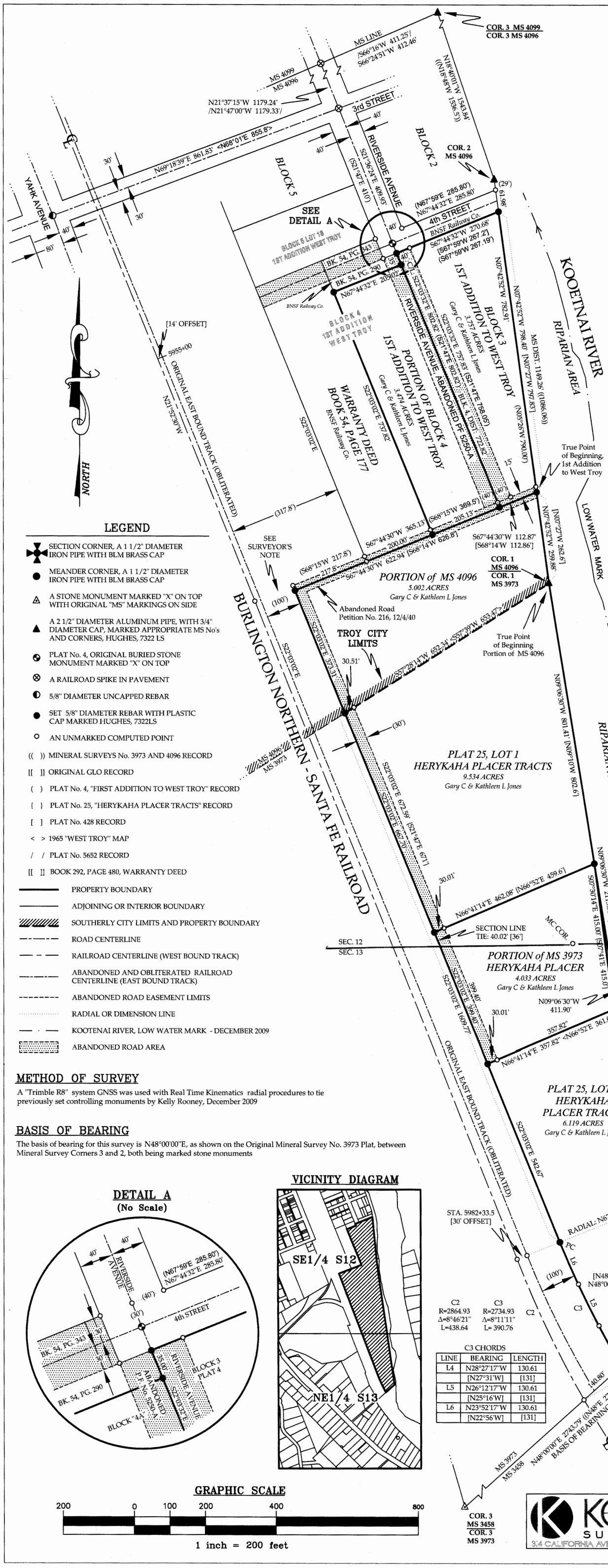
# CERTIFICATE OF SURVEY

## "RETRACEMENT"

"FIRST ADDITION TO WEST TROY", "HERYKAHA PLACER TRACTS" and "PORTION OF MINERAL SURVEY No. 4096"

SE1/4, SECTION 12 & NE1/4, SECTION 13,
T.31N., R.34W., P.M.,MT.
LINCOLN COUNTY, MONTANA

FOR: GARY JONES DATE: APRIL 2010




## LEGEND

- SECTION CORNER, A 1 1/2" DIAMETER IRON PIPE WITH BLM BRASS CAP
- MEANDER CORNER, A 1 1/2" DIAMETER IRON PIPE WITH BLM BRASS CAP
- A STONE MONUMENT MARKED "X" ON TOP WITH ORIGINAL "MS" MARKINGS ON SIDE
- A 2 1/2" DIAMETER ALUMINUM PIPE, WITH 3/4" DIAMETER CAP, MARKED APPROPRIATE MS No's AND CORNERS, HUGHES, 7322 LS
- PLAT No. 4, ORIGINAL BURIED STONE MONUMENT MARKED "X" ON TOP
- A RAILROAD SPIKE IN PAVEMENT
- 5/8" DIAMETER UNCAPPED REBAR
- SET 5/8" DIAMETER REBAR WITH PLASTIC CAP MARKED HUGHES, 7322LS
- AN UNMARKED COMPUTED POINT

(( )) MINERAL SURVEYS No. 3973 AND 4096 RECORD
[[ ]] ORIGINAL GLO RECORD
( ) PLAT No. 4, "FIRST ADDITION TO WEST TROY" RECORD
{ } PLAT No. 25, "HERYKAHA PLACER TRACTS" RECORD
[ ] PLAT No. 428 RECORD
< > 1965 "WEST TROY" MAP
/ / PLAT No. 5652 RECORD
[[ ]] BOOK 292, PAGE 480, WARRANTY DEED

- PROPERTY BOUNDARY
- ADJOINING OR INTERIOR BOUNDARY
- SOUTHERLY CITY LIMITS AND PROPERTY BOUNDARY
- ROAD CENTERLINE
- RAILROAD CENTERLINE (WEST BOUND TRACK)
- ABANDONED AND OBLITERATED RAILROAD CENTERLINE (EAST BOUND TRACK)
- ABANDONED ROAD EASEMENT LIMITS
- RADIAL OR DIMENSION LINE
- KOOTENAI RIVER, LOW WATER MARK - DECEMBER 2009
- ABANDONED ROAD AREA

## PURPOSE OF SURVEY

The purpose of this survey is the retracements of record parcels of land; establish lost or obliterated corners; perpetuate existing corners and mark property boundaries. No division of land is hereby created and is therefore exempt from review as a subdivision, 76-3-404, MCA.

## LEGAL DESCRIPTION:"HERYKAHA PLACER TRACTS"

An irregular tract of land southeasterly from Troy, Montana, Lincoln County, a portion of the "Herykaha Placer, Mineral Survey No. 3973", lying partially within the SE1/4, Section 12 and NE1/4, Section 13, T.31N., R.34W., P.M.,MT. , and more particularly described as follows:
COMMENCING at Corner No. 2, Mineral Survey No. 3973, a 2 1/2 inch diameter aluminum pipe with a 3 1/4 inch aluminum cap marked 7322LS and the TRUE POINT OF BEGINNING:
Thence along the easterly boundary of said Mineral Survey, N09°06'30"W, 2,115.58 feet to Corner No. 1, a set 2 1/2 inch diameter aluminum pipe with a 3 1/4 inch aluminum cap marked 7322LS; Thence along the northerly boundary of said Mineral Survey, S57°28'14"W, 682.85 feet to a set 5/8 inch diameter rebar with plastic cap marked HUGHES, 7322LS, lying on the Burlington Northern - Santa Fe Railroad's easterly Right-of-Way limits, being 100 feet from the original West Bound track, which lies 30 feet from the existing centerline Mainline track; Thence along said Right-of-Way limits, S22°03'02"E, 1,609.77 feet to a set 5/8 inch diameter rebar with plastic cap marked HUGHES, 7322LS, being a point of curvature of a non-tangent curve to the left, a radius of 2734.93 feet, a radial bearing being N67°54'58"E; Thence southeasterly along said curve through a delta angle of 08°11'11", a length of 390.76 feet to a set 5/8 inch diameter rebar with plastic cap marked HUGHES, 7322LS; Thence along the southerly boundary of said Mineral Survey, N48°00'00"E, 180.37 feet to Corner No. 1, a set 2 1/2 inch diameter aluminum pipe with a 3 1/4 inch aluminum cap marked 7322LS and the TRUE POINT OF BEGINNING, containing three parcels: Lot 1 being 9.534 acres; Lot 2 being 6.119 acres; and the remainder portion MS 3973 being 4.033 acres, totaling 19.686 acres. Subject to and together with all appurtenant easements of record.

## LEGAL DESCRIPTION:"PORTION OF MINERAL SURVEY No.4096"

An irregular tract of land within the City of Troy, Montana, Lincoln County, and a portion of Mineral Survey No. 4096", lying partially within the SE1/4, Section 12, T.31N., R.34W., P.M.,MT., and more particularly described as follows:
COMMENCING at Corner No. 2, Mineral Survey 3973, a 2 1/2 inch diameter aluminum pipe with a 3 1/4 inch diameter aluminum cap marked 7322LS; Thence along the easterly boundary of said Mineral Survey, N09°06'30"W, 2,115.58 feet to a set 2 1/2 inch diameter aluminum pipe with a 3 1/4 inch diameter aluminum cap marked 7322LS and being the TRUE POINT OF BEGINNING:
Thence along the easterly boundary of said Mineral Survey, N07°42'52"W, 259.88 feet to a set 5/8 inch diameter rebar with plastic cap marked HUGHES, 7322LS; Thence S67°44'30"W, 112.87 feet to a set 5/8 inch diameter rebar with plastic cap marked HUGHES, 7322LS, being the southwesterly corner of "Block 3, First Addition to West Troy", Plat No. 4; Thence S67°44'30"W, 205.13 feet to a set 5/8 inch diameter rebar with plastic cap marked HUGHES, 7322LS, being the southwesterly corner of "Portion of Block 4, First Addition to West Troy", Plat No. 4; Thence S67°44'30"W, 417.80 feet to a set 5/8 inch diameter rebar with plastic cap marked HUGHES, 7322LS, lying on the Burlington Northern - Santa Fe Railroad's easterly Right-of-Way limits, being 100 feet from the original West Bound Track, which lies 30 feet from the existing centerline Mainline track; Thence along said Right-of-Way limits, S22°03'02"E, 373.31 feet to a set 5/8 inch diameter rebar with plastic cap marked HUGHES, 7322LS ; Thence along the Northerly boundary of "Herykaha Placer, Mineral Survey 3973, N57°28'14"E, 682.85 feet to a 2 1/2 inch diameter aluminum pipe with a 3 1/4 inch diameter aluminum cap marked 7322LS and the TRUE POINT OF BEGINNING, containing 5.002 acres. Subject to and together with all appurtenant easements of record.

## LEGAL DESCRIPTION:"BLOCK 3 AND BLOCK 4, FIRST ADDITION TO WEST TROY"

An irregular tract of land within the City of Troy, Montana, Lincoln County, shown as "Blocks 3 and 4, 1st Addition to West Troy" Plat No. 4, lying in the SE1/4, Section 12, T.31N., R.34W., P.M.,MT. , and more particularly described as follows:
COMMENCING at Corner No. 1, Mineral Survey 3973, and common to Corner No. 1 of Mineral Survey 4096, a set 2 1/2 inch diameter aluminum pipe with a 3 1/4 inch diameter aluminum cap marked 7322LS; Thence N07°42'52"W, 259.88 feet to a set 5/8 inch diameter rebar with plastic cap marked HUGHES, 7322LS and the TRUE POINT OF BEGINNING:
Thence along the easterly boundary of Mineral Survey No. 4096, N07°42'52"W, 798.40 feet to a set 5/8 inch diameter rebar with plastic cap marked HUGHES, 7322LS, lying on 4th Street's southerly right-of-way limits, being 30 feet from said street centerline; Thence along said right-of-way limits, S67°44'32"W, 310.68 feet to a set 5/8 inch diameter rebar with plastic cap marked HUGHES, 7322LS, lying on the centerline and end point of Riverside Avenue; Thence along the abandoned centerline of said Avenue, S22°03'32"E, 35.00 feet to a set 5/8 inch diameter rebar with plastic cap marked HUGHES, 7322LS; Thence S67°44'32"W, 205.02 feet to a set 5/8 inch diameter rebar with plastic cap marked HUGHES, 7322LS; Thence S22°03'02"E, 737.82 feet to a set 5/8 inch diameter rebar with plastic cap marked HUGHES, 7322LS, lying on the centerline of an abandoned road; Thence along said centerline, N67°44'30"E, 205.13 feet to a set 5/8 inch diameter rebar with plastic cap marked HUGHES, 7322LS; Thence continuing along said centerline, N67°44'30"E, 112.87 feet to a set 5/8 inch diameter rebar with plastic cap marked HUGHES, 7322LS the TRUE POINT OF BEGINNING, containing: "Block 3, 1st Addition to West Troy being 3.757 acres and "Portion of Block 4, 1st Addition to West Troy" being 3.474 acres, totaling: 7.231 acres. Subject to and together with all appurtenant easements of record.

## LAND SURVEYOR'S NOTE

***Note 1: MS Corners***
Corner 2 and Corner 3, MS 3973 and Corner 3 , MS 4096 are historic stone monuments, however the original notes call for wooden posts and not stone monuments. Other surveyors have accepted these corners monuments over the past 50 years and the basis for subsequent surveys and plats. Corner 2 stone monument fits well with the remains of an original bearing tree. Therefore, after much research and deliberation, I hereby accept these stone monuments as best available evidence and remonument these positions with aluminum capped monuments. Refer to corner recordations for detail information.

***Note 2: Lost MS Corner***
Corner 2, MS 4096 is set from record rotated bearings and distances of First Addition to West Troy, Plat No. 4 from a stone monument marked "X" on top, located at the intersection of "Riverside Avenue and Fourth Street" from this corner the record rotated bearings and distances of Plats No. 4 and 428 establish the southeasterly corner of "Block 3, Plat No. 4" on the MS line establishing a bearing between Corner 2, MS 4096 to Corner 1, MS 4096. The location of this corner on the line was further established by adjusted distances and rotated bearings of "Herykaha Placer Tracts", Plat 25 to conform with the re-tracement of Plat No. 428 and the senior rights of Plat No. 4. Refer to corner recordations for detail information.

***Note 3: Railroad Right-of-Way***
The westerly boundary of this retracement survey adjoins the present day Burlington Northern - Santa Fe Railroad's easterly right-of-way limits. The re-establishment of this right-of-way limit, 100 feet from a centerline of a track has been difficult due to the track obliterations and realignments over the past 100 years. The following documents have been used in this effort to accurately re-establish this right-of-way and establish said westerly boundary lines: 1912 - Plat No. 4, Main line Track- East Bound Track; 1936 - Plat No. 25, West Bound Track; 1957 - Plat No. 428, Depicted East and West Bound tracks; Original East Bound track now obliterated. Therefore, I used the current surveyed location of the Mainline track and relocated the old East Bound Track from said record data for the right-of-way limits re-establishment. Reference should be made to these Plats and other "rough draft" roll drawings/computations found in the vault area Lincoln County, Clerk and Recorder's Office and Burlington Northern Railroad R/W map No. R622-2.

## HISTORY OF SURVEYS

1892, Mineral Survey No. 3973, "Herykaha Placer", George D. Trask

1892, Mineral Survey No. 4096, "Missoula, Snow Ball Fraction and Troy Consolidated Placer", George D. Trask

1903, Original GLO, Township Subdivision Plat, Allen B. Benedict

1912, Plat No. 4, "Map of First Addition to West Troy", E. K. Barnum

1936, Plat No. 25, "Herykaha Placer Tracts", W. O. Templeman

1957, Plat No. 428 and Rough Draft for said Plat, Re-tracement "Herykaha Placer Tracts, Ira Miller, 402S

1965, Unrecorded "West Troy" map , Jack W. Ninneman, 534ES

1996, Certificate of Survey No. 5652, Re-tracement portion of "First Addition To West Troy", Ken E. Davis, 4975S

## METHOD OF SURVEY

A "Trimble R8" system GNSS was used with Real Time Kinematics radial procedures to tie previously set controlling monuments by Kelly Rooney, December 2009

## BASIS OF BEARING

The basis of bearing for this survey is N48°00'00"E, as shown on the Original Mineral Survey No. 3973 Plat, between Mineral Survey Corners 3 and 2, both being marked stone monuments

## DETAIL A
(No Scale)




## VICINITY DIAGRAM




## GRAPHIC SCALE

200 0 100 200 400 800

1 inch = 200 feet

| C2 | C3 |
|---|---|
| R=2864.93 | R=2734.93 |
| Δ=8°46'21" | Δ=8°11'11" |
| L=438.64 | L= 390.76 |

C3 CHORDS

| LINE | BEARING | LENGTH |
|---|---|---|
| L4 | N28°27'17"W | 130.61 |
| | [N27°31'W] | [131] |
| L5 | N26°12'17"W | 130.61 |
| | [N25°16'W] | [131] |
| L6 | N23°52'17"W | 130.61 |
| | [N22°56'W] | [131] |

KOOTENAI SURVEYORS, INC.
314 CALIFORNIA AVE. LIBBY, MONTANA (406)293-4354

## 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, 7322LS
Alvah F. Hughes, PLS, 7322LS

May 05, 2010
Date

MONTANA
ALVAH F. HUGHES
7322 LS
REGISTERED
PROFESSIONAL LAND SURVEYOR

## EXAMINING LAND SURVEYOR'S CERTIFICATION

Examined this 6th day of May, 2010, 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 10th day of May, 2010, at 12:05 o'clock P.M.

Tammy K. Lewis by Jeanni Lewis
Lincoln County Clerk & Recorder Deputy

## CERTIFICATE OF SURVEY NO. 4010

Doc. 223935