

# CERTIFICATE OF SURVEY

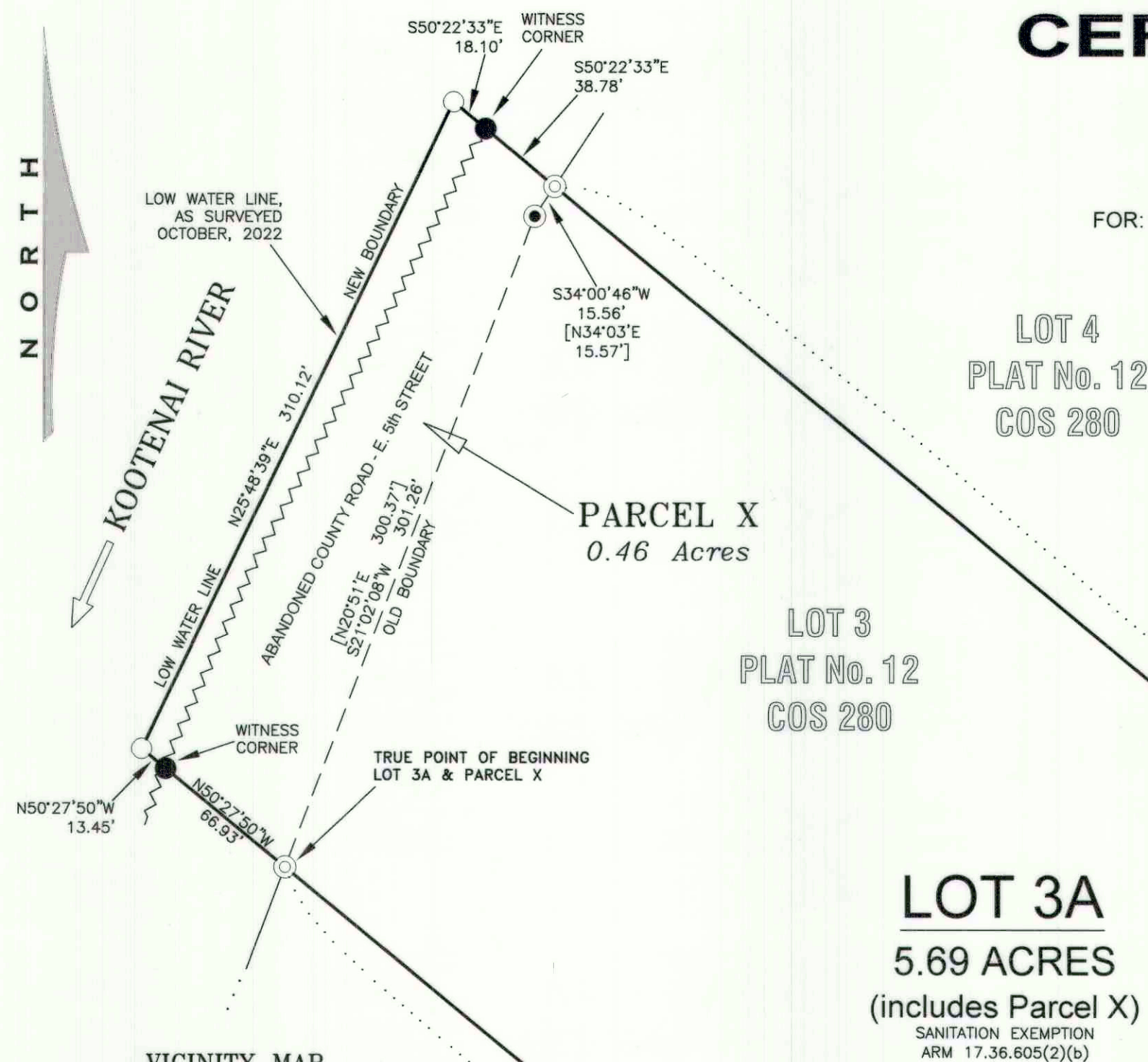
## BOUNDARY LINE ADJUSTMENT

AMENDING LOT 3, RIVERDALE SUBDIVISION, PLAT No. 12

GOV'T LOT 2, SECTION 2, T.30N., R.31W., P.M., MT.,

LINCOLN COUNTY, MONTANA

FOR: LINCOLN COUNTY & TUNGSTEN HOLDINGS, INC. DATE: DECEMBER, 2022

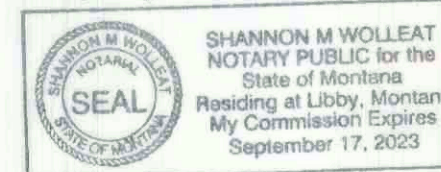


### LEGAL DESCRIPTION: LOT "3A"

An irregular tract of land, lying northeast of Libby, Montana, Lincoln County, within Government Lot 2, Section 2, T.30N., R.31W., P.M., MT., and more particularly described as follows: Commencing at the northwest corner, Lot 2, Plat No. 12, a 5/8 inch diameter uncapped rebar and the TRUE POINT OF BEGINNING: Thence N50°27'50"W, 66.93 feet to a 5/8 inch diameter rebar with plastic cap marked SANDERSON 70400LS; Thence N50°27'50"W, 13.45 feet to an unmarked computed point lying on the low water line of "Kootenai River"; Thence along said water line N25°48'39"E, 310.12 feet to a 5/8 inch diameter rebar with plastic cap marked SANDERSON 70400LS; Thence S50°22'33"E, 18.10 feet to a 5/8 inch diameter rebar with plastic cap marked SANDERSON 70400LS; Thence S50°22'33"E, 38.78 feet to a 5/8 inch diameter uncapped rebar, being the southwest corner of Lot 4, Plat No. 12; Thence along the southerly boundary of said Lot 4 S50°22'25"E, 745.04 feet to a 5/8 inch diameter rebar with plastic cap marked HUGHES 7322LS marking a 60 foot wide access easement; Thence continuing along said southerly boundary S50°24'06"E, 60.00 feet to a 5/8 inch diameter rebar with plastic cap marked JHN, 4661S lying on the westerly right-of-way limit of the Burlington Northern Santa Fe Railroad; Thence along said railroad right-of-way limit S39°35'52"W, 299.94 feet to a 5/8 inch diameter rebar with plastic cap marked JHN, 4661S; Thence along the northeasterly boundary of Lot 2, Plat No. 12 N50°17'33"W, 60.14 feet to a 5/8 inch diameter rebar with plastic cap marked HUGHES, 7322LS marking a 60 foot wide easement; Thence continuing along said northeasterly boundary N50°28'47"W, 647.49 feet to a 5/8 inch diameter uncapped rebar and THE TRUE POINT OF BEGINNING, containing 5.69 acres. Subject to and together with all appurtenant easements of record.

### BOUNDARY ADJUSTMENT NOTE

The area that is being removed from one tract of record and joined with another tract of record is not a tract of record. Said area shall not be available as a reference legal description in any subsequent real property transfer after the initial transfer associated with this plat on which said area is described, unless said area is included with or excluded from adjoining tracts of record.



60' WIDE ACCESS EASEMENT  
LINCOLN COUNTY RECORDS  
BOOK 384 PAGE 729

### LEGAL DESCRIPTION: PARCEL "X"

An irregular tract of land, lying northeast of Libby, Montana, Lincoln County, within Government Lot 2, Section 2, T.30N., R.31W., P.M., MT., and more particularly described as follows: Commencing at the northwest corner, Lot 2, Plat No. 12, a 5/8 inch diameter uncapped rebar and the TRUE POINT OF BEGINNING: Thence N50°27'50"W, 66.93 feet to a 5/8 inch diameter rebar with plastic cap marked SANDERSON 70400LS; Thence N50°27'50"W, 13.45 feet to an unmarked computed point lying on the low water line of "Kootenai River"; Thence along said water line N25°48'39"E, 310.12 feet to an unmarked computed point; Thence leaving said water line S50°22'33"E, 18.10 feet to a 5/8 inch diameter rebar with plastic cap marked SANDERSON 70400LS; Thence S50°22'33"E, 38.78 feet to a 5/8 inch diameter uncapped rebar, being the southwest corner of Lot 4, Plat No. 12; Thence S34°00'46"W, 15.56 feet to a 5/8 inch diameter rebar with plastic cap marked JHN, 4661S; Thence S21°02'08"E, 301.26 feet to a 5/8 inch diameter uncapped rebar and THE TRUE POINT OF BEGINNING, containing 0.46 acres. Subject to and together with all appurtenant easements of record.

### PURPOSE OF SURVEY AND OWNER'S EXEMPTION CERTIFICATION

We, Lincoln County and Tungsten Holdings, Inc., being the record owners, hereby certify that the purpose of this survey and division of land is the relocation of common boundaries pursuant to MCA 76-3-207(2)(d) for five or fewer lots within a platted subdivision, the relocation of common boundaries. We further certify that Lot 3A is excluded from sanitation review by the DEQ pursuant to ARM 17.36.605(2)(b) as a parcel that has a previous approval issued under Title 76, chapter 4, part 1, MCA if: (i) no facilities other than those previously approved exist or will be constructed on the parcel; and (ii) the division of land will not cause approved facilities to deviate from the conditions of approval, in violation of 76-4-1-30, MCA.

Lincoln County, Representative Josh Letcher Date 1/18/23  
Tungsten Holdings, Inc., Representative Josh Letcher Date 2-1-23

### ACKNOWLEDGMENT

The foregoing Exemptions were subscribed and acknowledged before me a Notary Public for

the State of MT County of LINCOLN  
by Lincoln County, Representative, JOSH LETCHER  
on this 18 day of January, 2023, in Libby, Montana, whereof  
I have hereunto set my hand and affixed my notarial seal.  
residing in: Libby My Commission expires: 9-17-2023

### ACKNOWLEDGMENT

The foregoing Exemptions were subscribed and acknowledged before me a Notary Public for

the State of MT County of LINCOLN  
by Tungsten Holdings, Inc., Representative  
on this 18 day of January, 2023, in Libby, Montana, whereof  
I have hereunto set my hand and affixed my notarial seal.  
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### BASIS OF BEARING

The basis of bearing for this survey is S39°35'52"W, derived from Survey Grade GPS system calibrated to local control between the northeast corner of Lot 2, COS No. 280, a found 5/8 inch diameter rebar with plastic cap marked JHN, 4661S and the southeast corner of Lot 4, COS No. 280, a found 5/8 inch diameter rebar with plastic cap marked JHN, 4661S. Angular variation between this survey and COS No. 280 is 0°03'52".

### METHOD OF SURVEY

A Trimble R10 Model 2 GNSS System was used to tie previously set controlling corners, road alignments, and railroad geometry by Calen Williamson, October, 2022.

### HISTORY OF SURVEYS

1913 - Plat No. 12, Riverdale Subdivision, Paul D. Pratt  
1976 - COS No. 280, Boundary Location for Conveyance, JW Ninneman, 534ES  
2020 - Lincoln County Records Book 384/Page 729, Access Easement, Alvah F. Hughes, 7322LS

### 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.

Byron Sanderson, PLS 70400LS Date 12-19-22

### EXAMINING LAND SURVEYOR'S CERTIFICATION

Examined this 3RD day of FEBRUARY, 2023, A.D.

Steven A. Boyer, PLS 9750LS, Lincoln County Examining Land Surveyor

### COUNTY TREASURER'S CERTIFICATION

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

Sedaris Carlbom, pr K. Randall Date 2-2-2023  
Lincoln County Treasurer

### CLERK AND RECORDER'S CERTIFICATION

State of Montana, County of Lincoln, filed this 8th day

of February, 2023, A.D. at 12:59 o'clock

Robin A. Benson by Carrie Brown  
Lincoln County Clerk and Recorder Deputy

CERTIFICATE OF SURVEY No. 4931 RB