

RECEIVED

DEC 19 2013

Ravalli County Commissioners

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December 17, 2013

Ravalli County Commissioners  
215 South 4<sup>th</sup> Street  
Hamilton, MT 59840

Subject: Reduced easement (200' no build/alteration zone) Lot 3, Harrington Acres Subd.

Dear Commissioners,

Please consider this a written appeal to the Planning Department's material determination dated December 16, 2013. According to Section 9-5-A, the BCC may consider whether the proposed amendment is material at a public meeting.

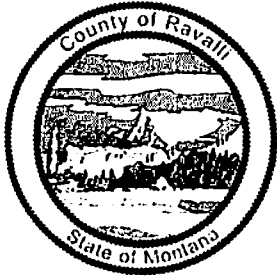
I have included our original request along with a copy of the material determination from the Planning Department.

Please notify of the time and location of the meeting so that my client and I can be present.

Please give me a call if you have any questions.

Sincerely,

  
Leonard Shepherd  
Shepherd Surveying



Planning Department  
215 South 4<sup>th</sup> Street, Suite F  
Hamilton, MT 59840  
Phone 406-375-6530  
Fax 406-375-6531  
tnelson@rc.mt.gov

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OG-13-12-293

December 16, 2013

Shepherd Surveying  
Attn: Leonard Shepherd  
320 Adirondac Ave  
Hamilton, MT 59840

Dear Mr. Shepherd,

On December 10th, you submitted to us a request for a change to modify a filed subdivision plat of Harrington Acres Subdivision. The process for amending filed plats is outlined in Section 10-1 of the Ravalli County Subdivision Regulations (RCSR) as follows:

## 10-1. AMENDING FILED PLATS

### A. Errors and Corrections

1. From time to time, errors may be discovered on the face of a recorded **plat**. It is the intent of the **County** to establish reasonable standards and procedures to correct such errors. Errors may include but are not limited to:
  - a. Typographical and spelling errors or transpositions;
  - b. Incorrect seals;
  - c. Incorrect dates;
  - d. **Monuments** incorrectly noted, drawn, or missing;
  - e. Incorrect or missing interior bearing(s) and/or dimensions(s) on the drawing;
  - f. Missing or incorrectly displayed arrows or symbols;
  - g. **Roadway** name changes;
  - h. Title of **plat** already in use;
  - i. Additions to or deletions from the legal description of dedicatory language that are not typographical in nature;
  - j. Incorrect certificates or signatures;
  - k. Missing certificates, seals, or signature blocks; and
  - l. Other items of a similar nature as determined by the **Planning Department**.
2. Review. Errors shall be reviewed and appropriate corrections determined by the **Planning Department**. The **Planning Department's** decision may be appealed to the **BCC**. An Affidavit of Correction must be prepared and signed by a **surveyor** on forms approved by the **Planning Department** and must be recorded with the **Clerk & Recorder**.

Dec. 10, 2013

Terry Nelson, Planning Director  
Ravalli County Planning Department  
215 South 4<sup>th</sup> Street, Suite F  
Hamilton, MT 59840

Subject: Gasline setback, Lot 3, Harrington Acres Subd.

Dear Terry,

Please consider this a request for a material determination for revising the no-build/alteration zone of 200' on Lot 3 for a gas line in the abovementioned subdivision. It is my client's position this is basically a 200' easement for the line, and would like to alter the width to a max of 100' (50' either side of line position), or possibly 50' (25' either side of line position). The original easement purchased for the line was 20', as shown on COS 1718. While the purpose of such a wide easement seems to have been for safety, such a wide easement was not and is not mandated in applied regulations or current regulations. Attached is a graphic of the proposal, with COS 1718 for reference.

Please give me a call if you have any questions.

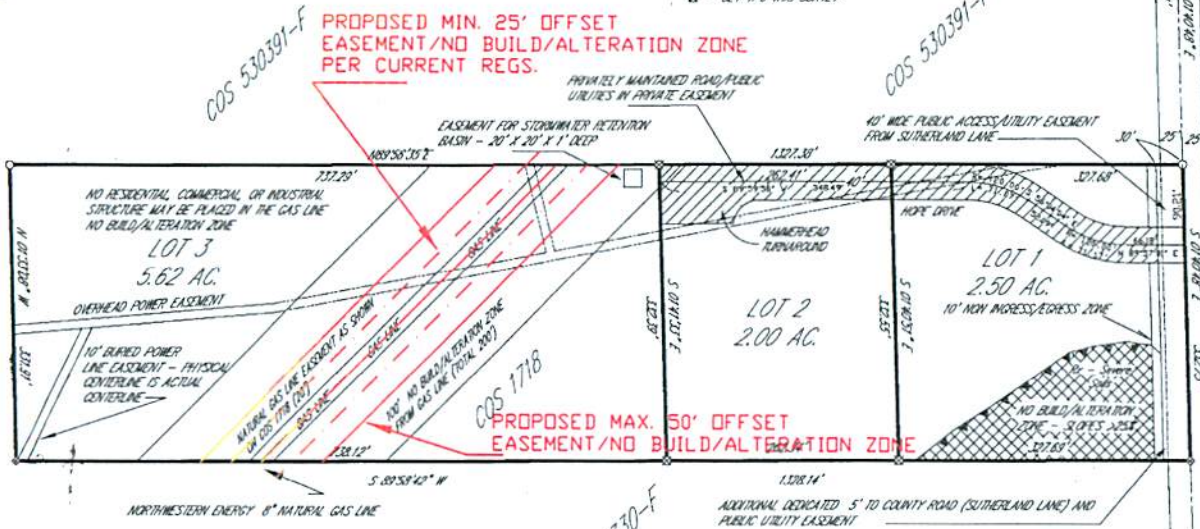
Sincerely,  
Leonard Shepherd  
Shepherd Surveying

THE PLAT OF HARRINGTON ACRES, A 3 LOT  
SUBDIVISION IN THE NW¼ SECTION 22, T7N, R20W, P.M.M., RAVALLI  
COUNTY, MONTANA

OWNER: Steven G. Zech

Notice: The three lots of this subdivision are prohibited from being further subdivided by a deed restriction placed on the deed to each lot within the subdivision, per the conditional approval of same.

LEGEND:  
 ◆ - FD RESBAR  
 ○ - FD ALUM CAP  
 ☒ - SET IPC THIS SURVEY



N¼ CORNER SECTION 22  
NOT MARKED THIS SURVEY

Owner's Certification  
 I, the undersigned property owner, do hereby certify I have caused to be surveyed, subdivided and plotted into lots the following defined property in Ravalli County, Montana, to wit:

A tract of land in the NW¼ Section 22, T7N, R20W, P.M.M., Ravalli County, Montana, described as beginning of point bearing S 01°40'48" E 891.46' from the North 1/4 Corner of said Section 22, this being the POINT OF BEGINNING; thence S 89°58'42" W 1,128.14' thence N 01°31'28" W 331.91'; thence N 89°56'15" E 1,127.81'; thence S 01°40'48" E 332.75', to the POINT OF BEGINNING, containing 10.12 acres more or less, subject to all easements or dedications shown, existing of record, or apparent on the ground, and hereinafter known as HARRINGTON ACRES subdivision.

Steven G. Zech 9-23-06  
 Steven G. Zech Date

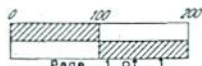
BLK 13, MOUNTAIN VIEW ORCHARDS  
 AP 1014

Notification of FSD/SD Waiver  
 Acceptance of a deed for a lot within this subdivision shall constitute the assent of the owners and their successors in interest to any future SD/FSD based on benefit, for the creation and/or improvement of a community wastewater system, community water system, or improving and/or maintaining the roads leading to or within the subdivisions, including but not limited to paving, curbs and gutters, non-motorized facilities, street widening, and drainage facilities or creating a community water or wastewater treatment system.

NOTIFICATION OF ENCUMBRANCE  
 As a condition of final plat approval, the lots of this subdivision are subject to a one-time payment of \$1000 per lot, at first conveyance of lot, to the Corvallis school district. Change of ownership cannot be accomplished without a receipt verifying this condition has been met, to be presented to the Ravalli County Clerk and Recorder at the time of title transfer.

NOTIFICATION OF ENCUMBRANCE  
 As a condition of final plat approval, the lots of this subdivision are subject to a one-time payment of \$500 per lot, at first conveyance of lot, to the Corvallis Rural Fire District. Change of ownership cannot be accomplished without a receipt verifying this condition has been met, to be presented to the Ravalli County Clerk and Recorder at the time of title transfer.

COS 543330-F



STATE OF MONTANA )  
 ) ss  
 COUNTY OF RAVALLI )  
 On this 28 day of September in the year 2006 before me, a Notary Public for the State of Montana, personally appeared

Steven G. Zech  
 known to me (or proved to me on the oath of \_\_\_\_\_) to be the persons whose names are subscribed on the within instrument and acknowledged to me they executed same. IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year hereinafore written.

Donna Wulf  
 Notary Public for the State of Montana  
 Residing at HAMILTON, MONTANA  
 My commission expires 5/21/2007



CERTIFICATE OF FINAL PLAT APPROVAL  
 The County Commission of Ravalli County, Montana, does hereby certify it has examined this subdivision plat and having found same conforming to law, hereby approves this 10th day of Oct., 2006.

Chairman: [Signature]  
 Member: Alan Thompson  
 Member: Betty T. Lund  
 Member: Nedra P. Taylor, Clerk and Recorder

1/4	SEC	T	P
22	N	20W	

SURVEYOR'S CERTIFICATION  
 I hereby certify the attached plat is a true representation of survey done under my supervision in March, 2006.  
 [Signature]  
 Edward W. Shawler, PLS  
 Reg. No. 10058 LS

STATE OF MONTANA RAVALLI COUNTY  
 RECORDED: 10/13/2006 8:16 58  
 578813  
 Clerk and Recorder by: Lisa Bennett FEE: \$6.50

PA 578814 COVE 578815 Road Agree 578816 Notice-578817

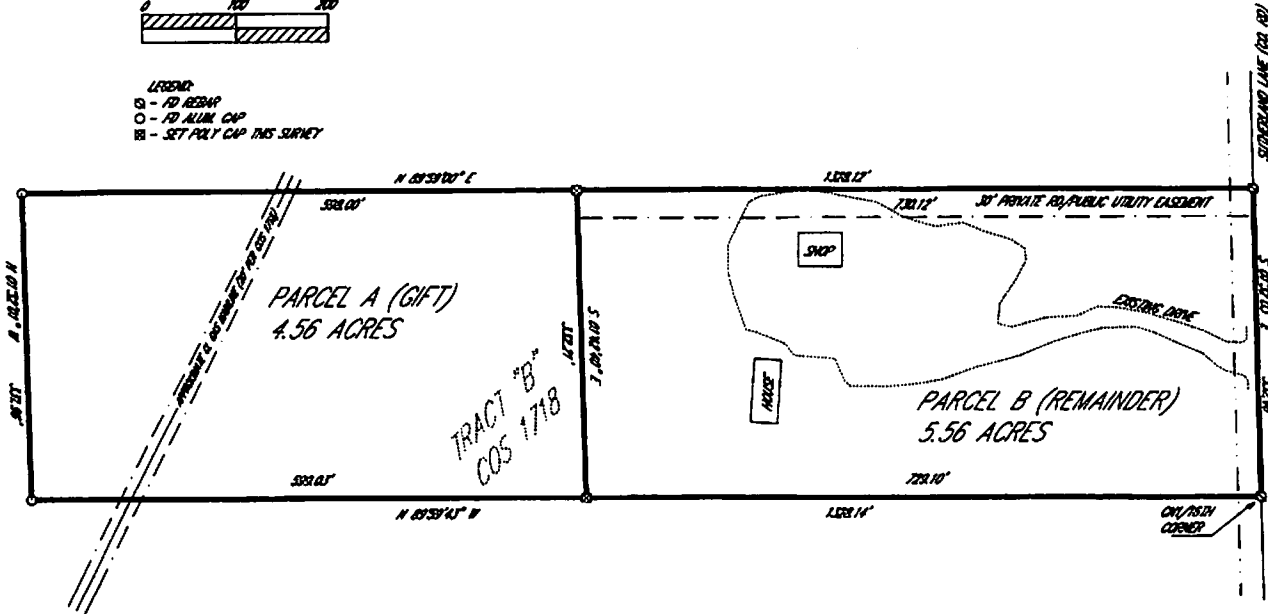
CERTIFICATE OF SURVEY

TO CREATE A PARCEL AS GIFT OR SALE TO A FAMILY MEMBER AND SHOW  
A REMAINDER IN THE NW1/4 SECTION 22, T7N, R22W, P.M.M., RAVALLI  
COUNTY, MONTANA 20<sup>LS</sup>

OWNER OF RECORD:  
KAREN L. JOHNSON



LEGEND:  
 □ - FD RESURF  
 ○ - FD ALUM. CAP  
 ■ - SET POLY CAP THIS SURVEY



STATE OF MONTANA )  
COUNTY OF RAVALLI )

On this 27 day of May 2004, in the year 2004, before me, a Notary Public for the State of Montana, personally appeared

Karen L. Johnson,

known to me (or proved to me on the oath of Karen L. Johnson) to be the person whose name is subscribed on the within instrument and acknowledged to me they executed same, IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal this day and year hereaboves written.

Notary Public for the State of Montana

Residing at Hamilton

My commission expires Oct 22 2005.



Legal Description

Parcel A (Gift): A tract of land in the NW1/4 of Section 22, T7N, R22W, P.M.M., Ravalli County, Montana, defined as beginning of a point bearing N 89°33'43" W 728.10' from the Center North 1/1628 Corner of said Section 22, this being the POINT OF BEGINNING; thence N 89°33'43" W 538.00'; thence N 01°32'01" W 332.05'; thence N 89°33'20" E 538.00'; thence S 01°32'01" E 332.21', to the POINT OF BEGINNING, containing 4.56 acres, more or less, subject to all assessments or deductions shown, existing of record, or apparent on the ground.

Parcel B (Remainder): A tract of land in the NW1/4 of Section 22, T7N, R22W, P.M.M., Ravalli County, Montana, defined as beginning of the Center North 1/1628 Corner of said Section 22, this being the POINT OF BEGINNING; thence N 89°33'43" W 728.10'; thence N 01°32'01" W 332.21'; thence N 89°33'20" E 730.12'; thence S 01°32'01" E 332.05', to the POINT OF BEGINNING, containing 5.56 acres, more or less, subject to all assessments or deductions shown, existing of record, or apparent on the ground.

SURVEYOR'S CERTIFICATION  
I hereby certify the attached plat is a true representation of survey done in  
superiority in May 2004.  
Leonard W. Shepherd May 27, 2004  
Leonard W. Shepherd, R.L.S.  
Reg. No. 10158 LS

1/4	SEC	T	R
27	22	7N	20W

Owner's Certification  
I hereby certify the purpose of this survey is to transfer ownership of Parcel A as shown by this certificate to Karen L. Johnson, my husband, therefore, this subdivision of land is exempt from review as a subdivision pursuant to Section 78-5-107 (b), M.C.A.  
Karen L. Johnson May 27, 2004  
Date

CERTIFICATE OF SURVEY  
PURPOSE: OCCASIONAL SALE

A PORTION OF THE NE 1/4 OF THE NW 1/4  
OF SECTION 22, T. 7N., R. 20W., P. M., M.,  
RAVALLI COUNTY, MONTANA

LEGAL DESCRIPTION TRACT "A" OCCASIONAL SALE

A tract of land located in a portion of the NW 1/4 of Section 22 T7N R20W, P.M., M., Ravalli County, Montana and being more particularly described as follows: Commencing at the north 1/2 corner of said Section 22; thence S. 01° 33' 27" E., along the north-south mid-section line of said Section 22, a distance of 664.71 feet to the northeast corner of the NW 1/4 of said Section 22, said corner being the true point of beginning; thence continuing along the said mid-section line, S. 11° 33' 27" E., a distance of 332.35 feet to the southeast corner of the said NW 1/4 NW 1/4; thence S. 89° 58' 25" W., a distance of 1328.25 feet to the south-west corner of the said NW 1/4 NW 1/4; thence N. 01° 33' 27" W., a distance of 331.81 feet to the northwest corner of the said NW 1/4 NW 1/4; thence N. 09° 59' 49" E., a distance of 1328.25 feet to the true point of beginning, containing 17.12 acres, more or less and all according to Certificate of Survey No. \_\_\_\_\_

Subject to a 25 foot wide road and utility easement along the entire easterly boundary of the above described parcel as shown on the attached plat.

LEGAL DESCRIPTION TRACT "B" REMAINDER

A tract of land located in a portion of the NW 1/4 of Section 22 T7N R20W, P.M., M., Ravalli County, Montana and being more particularly described as follows: Beginning at the center-north 1/16 corner of said Section 22, said corner also being the southeast corner of SW 1/4 NW 1/4 of said Sec. 22 and also being the true point of beginning; thence S. 89° 59' 49" W., a distance of 1328.25 feet to the southwest corner of the SW 1/4 NW 1/4 of said Section 22; thence N. 01° 33' 27" W., a distance of 331.82 feet to the northwest corner of the said SW 1/4 NW 1/4; thence S. 89° 58' 25" E., a distance of 1328.25 feet to the northeast corner of the said SW 1/4 NW 1/4; thence S. 11° 33' 27" E., along the north-south mid-section line of said Section 22, a distance of 337.36 feet to the true point of beginning, containing 17.13 acres, more or less and all according to Certificate of Survey No. \_\_\_\_\_

Subject to a 25 foot wide road and utility easement along the entire easterly boundary of the above described parcel as shown on the attached plat.

OWNERS CERTIFICATE

I hereby certify that this division of land is except from review and approval by the Governing Body under Section 11-3862 (6) (d), R. C. M., 1947.

*R. E. L. Taylor*  
Notary Public for the State of Montana  
residing at *Victor* Montana  
My Commission expires Dec 11, 1978



CERTIFICATE OF SURVEY

I hereby certify that the attached plat is a true and correct representation of a survey done under my supervision during the month of *July*, 1978.

*Denis Applebury*  
Surveyor

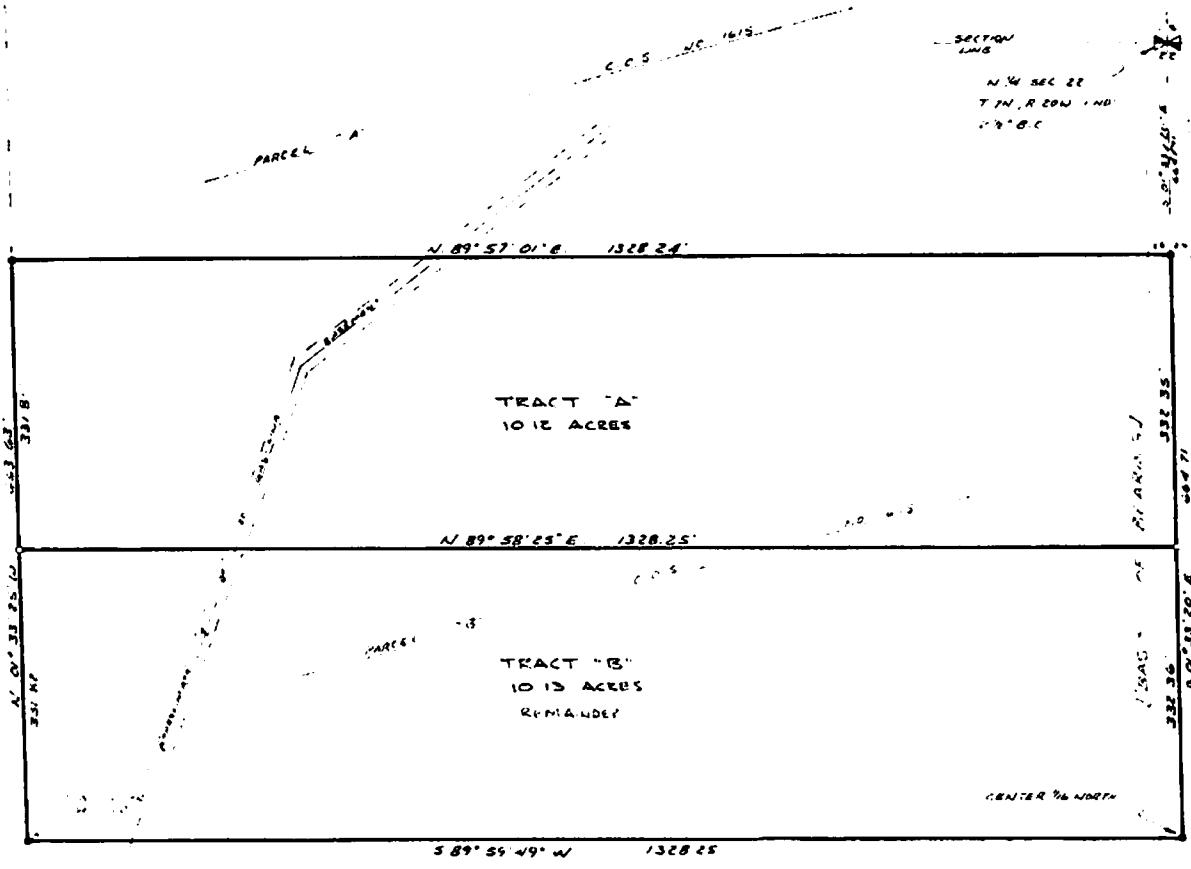
NOTE #1: BOTH OF THE ABOVE DESCRIBED PARCELS ARE SUBJECT TO A 20' WIDE GAS-LINE EASEMENT  
NOTE #2: TRACT "A" IS INTENDED TO BE THE N 1/2 OF THE NW 1/4 TRACT "B" IS INTENDED TO BE THE S 1/2 OF THE NW 1/4

Correction Affidavit 233555  
7/21/78  
I do approve: *[Signature]*

1/4	SEC.	T	R
<input checked="" type="checkbox"/>	22	7N	20W
<input type="checkbox"/>			
<input type="checkbox"/>			
<input type="checkbox"/>			

CERTIFICATE OF SURVEY NO. 1718

RAVALLI COUNTY MONTANA



NOTE: FOR PARTIAL SECTION BREAK  
FROM SEC. 22 TO SEC. 21

Applebury Survey  
Denis Applebury  
Registered Land Surveyor  
Professional Land Planner  
Woodside, Montana  
Phone - 293-3267