

A-2425

2 of 2  
PL 6007

# A SUBDIVISION PLAT OF FOOTHILLS RANCH, PHASE III

## A SUBDIVISION LOCATED IN THE E 1/2 OF SECTION 24 AND THE S 1/2 OF SECTION 13, T20N, R4E, P.M.M., CASCADE COUNTY, MONTANA

### CERTIFICATE OF SURVEY

I, Nathan J. Hoines, the undersigned authorized representative for Ranch Development, L.L.C., owner of the subject property, do hereby certify that I have caused to be surveyed, subdivided and platted into lots as shown by the plat hereto annexed, the following described tract of land to-wit:

Part of the E 1/2 of Section 24 and part of the SE 1/4 of Section 13, T20N, R4E, P.M.M., Cascade County, Montana, more fully described as follows:

Commencing at the N 1/4 corner of Section 24; thence N88°58'59"E, 380.00 feet along the north line of the NE 1/4 of said Section 24 to the POINT OF BEGINNING; thence N01°01'01"W, 40.00 feet along the east line of Lot 7, Block 5 Foothills Ranch, Phase II; thence N88°58'59"E, 909.27 feet; thence 377.87 feet along a tangent curve concave to the southwest having a radius of 240.00 feet, a central angle of 90°12'38"; thence S00°48'22"E, 299.12 feet; thence N88°58'59"E, 740.00 feet; thence S00°48'22"E, 1360.01 feet; thence N88°58'59"E, 303.36 feet; thence S00°48'46"E, 2167.83 feet along the west right of way line of State Route 227; thence N64°50'09"W, 1651.85 feet; thence S00°40'32"E, 604.78 feet, the last two described courses being along the north and west lines of C/S 4205; thence N64°57'48"W, 779.40 feet along the northerly right of way line of an access easement as described on C/S 3875; thence N00°52'42"W, 3561.46 feet along the east line of said Foothills Ranch, Phase II to the point of beginning, containing 164.69 acres.

The above described tract of land is to be known and designated as Foothills Ranch, Phase III.

and

### DECLARATION OF COVENANT

THIS DECLARATION made on the date hereafter set forth, by Nathan J. Hoines, Authorized Representative of Ranch Development, LLC.

WITNESSETH

THAT WHEREAS, Declarant is the owner of certain property known as Foothills Ranch, Phase III in Cascade County, State of Montana, which is described on the attached plat.

NOW THEREFORE, Nathan J. Hoines, Authorized Representative of Ranch Development, LLC hereby declares that all of the properties described above shall be held, sold, and conveyed subject to covenants which shall run with the real property and be binding on all parties having any heirs, successors and assigns, and shall bind each owner thereof. The covenants may be revealed for any or all parcels within the subdivision by mutual consent of the owners of the parcels in question and the governing body of Cascade County, Montana.

TO WIT: Covenants affecting Foothills Ranch, Phase III, are attached hereto, in Exhibit A, and by this reference are made a part thereof. The Cascade County Commissioners is a party to these restrictive covenants and may enforce the provisions thereof.

and

### DECLARATION OF IMPROVEMENTS GUARANTEE

I, Nathan J. Hoines, the undersigned authorized representative for Ranch Development, L.L.C., subdivider, do hereby agree and consent to the terms and conditions of the attached "Improvements Guarantee" issued by Cascade County.

and

### CERTIFICATE AND ACKNOWLEDGMENT OF ROADWAY DEDICATION

Upon the official approval and filing of this plat as provided by Title 76, Chapter 3, MCA, the public shall hereby acquire a highway right-of-way, as defined by ss 60-1-103(23), 60-1-103(19), MCA, in and upon all roadways, streets, and alleys depicted on this plat for the purpose of ingress and egress to and from all subdivided lands depicted. All roadways, streets, and alleys depicted on this plat shall constitute perpetual "public highways," as defined by s 60-1-103(22)(b), MCA. Accordingly, upon approval and filing of this plat, Cascade County shall hereby acquire a highway easement, as defined by ss 60-1-103(10), 60-1-103(18), and 60-1-103(19), MCA, for future highway purposes in, upon, and under all roadways, streets, and alleys depicted on this plat. This easement may not be abandoned, diminished, or lost by any means, including but not limited to non-use, except as provided by ss 7-14-2107(2) and 7-14-2601 through 2604, MCA.

The undersigned property owner does hereby grant, convey, remise, release and forever quit claim unto the Foothills Ranch Subdivision Homeowners Association and to its successors and assigns, easements for the purpose of ingress and egress, in the roadways known as "Cobblestone Lane", "Granite Hill Lane", "Silver Mine Lane", and "Rock Quarry Lane", as set forth and as further described and shown on the accompanying plat. Said road way easements shall be for the exclusive benefit of the property owners in this major subdivision of "Foothills Ranch, Phase III" and any previous or future phase of Foothills Ranch or other subdivision added by the undersigned. Furthermore, the undersigned and any successors and assigns hereby expressly reserves the right to use said roadways for the purpose of ingress and egress.

However, until such time as Cascade County may hereafter formally and specifically open, establish, or accept all or part of them as county roads as provided by s 7-14-2101(2), MCA, the roadways, streets, and alleys depicted on this plat, are not "county roads" as defined by ss 60-1-103(7), 60-1-201(1)(c), 60-1-201(3), and 7-14-2101(2), MCA, and shall not become "county roads," except as provided by s 7-14-2101(2), MCA. Approval and filing of this plat does not constitute any act or intent by Cascade County to open, establish, accept, construct, improve, or maintain any or all of the roadways, streets, and alleys depicted on this plat as county roads.

Subject to the public right-of-way created by this plat, the owner(s) of the land depicted on this plat shall privately retain the fee interest in all lands encumbered by the public rights-of-way created by this plat. Until such time as Cascade County may hereafter formally and specifically open, establish, or accept all or part of the roadways, streets, and alleys depicted on this plat as county roads as provided by s 7-14-2101(2), MCA, or until another government entity (state or city) formally acquires, accepts, or assumes control of all or part of the roadways, streets, and alleys depicted on this plat as state highways or city streets in the manner provided by law, the owner(s) of all lands depicted on this plat shall be exclusively and jointly responsible to maintain and improve the depicted public highways and rights-of-way created by this plat. Thus, Cascade County shall have no duty or obligation to construct, improve or maintain the public highways and rights-of-way created and depicted on this plat until such time the County may hereafter formally and specifically open, establish, or accept all or part of them as "county roads" as provided by s 7-14-2101(2), MCA. All references to MCA in this dedication shall exclusively refer to Mont. Code Ann. (2007).

SO GRANTED, DEDICATED, AND DECLARED this 10<sup>th</sup> day of December, 2007, by Nathan J. Hoines, Authorized Representative for RANCH DEVELOPMENT, LLC.



STATE OF MONTANA)

County of CASCADE)

Signed or attested before me on this 10<sup>th</sup> day of DECEMBER, 2007 by Nathan J. Hoines, Authorized Representative for RANCH DEVELOPMENT, LLC.

GRANTORS AND SUBDIVIDERS:  
Nathan J. Hoines  
NATHAN J. HOINES, AUTHORIZED REPRESENTATIVE  
RANCH DEVELOPMENT, LLC

Anita Bangen  
Notary Public, State of Montana  
My commission expires 4-17-2010  
Residing at GREAT FALLS

OWNER: RANCH DEVELOPMENT, LLC  
TOTAL PLAT AREA: 164.69 ACRES  
DATE SURVEYED: NOVEMBER, 2006 - OCTOBER, 2007

### CONSENT OF INTEREST HOLDERS

We, a party to a contract for sale and development agreement affecting all or part of the real property included within the boundaries of the subdivision, do hereby, join in and consent to the subdivision of the subject property. Nothing herein shall be construed as a satisfaction, release or waiver of my interest in the subject property, whether in whole or in part.

Dated this 4<sup>th</sup> day of December, 2007.  
Mike Pursley  
MIKE PURSLEY, INTEREST HOLDER

Dated this 10<sup>th</sup> day of December, 2007.  
Todd Martin  
TODD MARTIN, INTEREST HOLDER

Dated this 10<sup>th</sup> day of December, 2007.  
Nathan J. Hoines  
NATHAN J. HOINES, INTEREST HOLDER

Dated this 10<sup>th</sup> day of December, 2007.  
Keith Schermele  
KEITH SCHERMELE, INTEREST HOLDER

### UTILITY COMPANY'S APPROVAL OF EASEMENTS

I hereby approve of the location and size of the utility easements provided on the accompanying subdivision plat. The easements provided are sufficient to provide adequate area for installation and maintenance of underground lines and surface equipment servicing the lots within this subdivision.

FOR: NORTHWESTERN ENERGY CORPORATION (Natural Gas & Electric)  
BY: Shawn Lacour - Contract Mgr

FOR: QWEST COMMUNICATIONS (Telephone)  
BY: Bruce Martin - Engineer

FOR: ENERGY WEST (NATURAL GAS)  
BY: Shawn Lacour - Manager of Operations

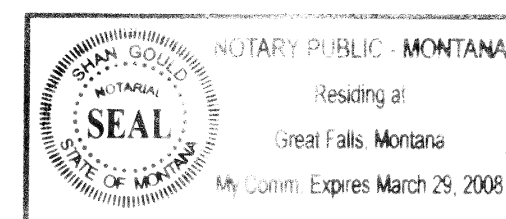
### CONSENT OF MORTGAGEE

The undersigned mortgagee does hereby join in and consent to the subdivision shown on the attached plat.

Dated this 30<sup>th</sup> day of November, 2007.  
FIRST INTERSTATE BANK  
By: VP/Branch Manager

STATE OF MONTANA)  
County of CASCADE)

This Consent of Mortgagee was acknowledged before me on this 30<sup>th</sup> day of November, 2007, by Nathan Hoines Known by me to be Authorized Representative



Notary Public, State of Montana  
My Commission expires 4/27/2008  
Residing at Great Falls

### CERTIFICATE OF PLANNING BOARD

We, the undersigned, Lonnie Cox, Chairman of the Cascade County Planning Board, Cascade County, Montana, and Brian Clifton, Planning Director of said Planning Board, do hereby certify that the accompanying plat has been examined by them and was found by them to conform to law and was approved at a meeting held on the 7<sup>th</sup> day of April, 2007.

Lonnie Cox  
Chairman, Cascade County Planning Board  
ATTEST: Brian Clifton  
Brian Clifton, Planning Director,  
Cascade County Planning Board

### NOTICE OF AGRICULTURAL ACTIVITIES

Take notice all prospective purchasers of land in this subdivision that this subdivision is in the vicinity of existing agricultural activities which may affect a purchaser's use and/or enjoyment of his/her property.

### STATEMENT OF LIMITED PUBLIC SERVICES

Certain public services such as, but not limited to, school busing, snow plowing and road maintenance, may not be provided by Cascade County.

### NOTICE OF PROXIMITY TO A MILITARY AIR FORCE BASE

Take notice all prospective purchasers of land in this subdivision that this subdivision is in the vicinity of a military air force facility and, while subject property does not lie within any presently designated accident potential or noise zone, it may from time be subjected to noise and vibrations from aircraft operations associated with said facility.

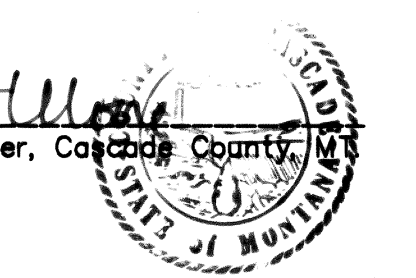
### CERTIFICATE OF COUNTY COMMISSION

The County Commission of Cascade County, Montana, does hereby certify that it has examined this plat and having found the same to conform to law, approves it.

Dated this 13<sup>th</sup> day of November, 2007.

Steve Olson  
Cascade County Commission

ATTEST: Brian Milburn  
Clerk & Recorder, Cascade County, MT

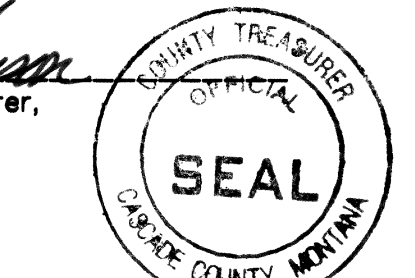


### CERTIFICATE OF COUNTY TREASURER

I, Jess L. Anderson, County Treasurer of Cascade County, Montana, do hereby certify that I have examined the records covering the areas included in the accompanying plat, and find that taxes on same have been paid up to date.

Dated this 4<sup>th</sup> day of December, 2007.

Jess L. Anderson  
Jess L. Anderson, Treasurer,  
Cascade County, Montana



### CERTIFICATE DISPENSING WITH PARK AND PLAYGROUND

Whereas, since the accompanying plat is exempt from park or playground requirements as referenced in Section 76-3-621(3)(a), MCA, the County Commission of Cascade County, Montana, during its regular meeting held on the 13<sup>th</sup> day of November, 2007, dispenses with any park or playground requirements.

Steve Olson  
Cascade County Commission

ATTEST: Brian Milburn  
Clerk & Recorder, Cascade County, MT

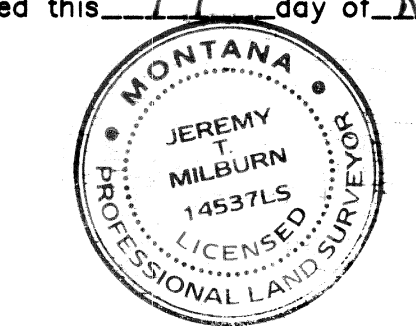


### CERTIFICATE OF SURVEYOR

I, Jeremy T. Milburn, Professional Land Surveyor, do hereby certify that I performed the survey as shown on this plat, and that said survey is true and complete as shown.

Dated this 19<sup>th</sup> day of November, 2007.

Jeremy T. Milburn  
Jeremy T. Milburn, P.L.S.  
Montana License No. 14537LS



APPROVED BY HEALTH DEPT.  
DEC 12 2007

See Letter M.C. File No. F0004345

CERTIFICATE OF TITLE

Misc. File No. F0004346

ARROW CREEK SURVEY CO. Ph: 406-735-4100	JOB NO. <u>0666-NCI</u>	SHEET NO. <u>2 OF 2</u>
	DR. BY <u>JTM</u>	
	DATE <u>FEB. 5, 2007</u>	
	REVISED <u>OCT. 24, 2007</u>	F.B. No. <u>47</u>
	1/4 SECTION	TOWNSHIP RANGE
	XX 13.24	20N 4E

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