#### **RESOLUTION 10549**

A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, TO DEDICATE A PORTION OF LAND SITUATED IN GOVERNMENT LOT 5 AND GOVERNMENT LOT 6 OF SECTION 5, AND IN GOVERNMENT LOT 8 OF SECTION 6, ALL IN TOWNSHIP 20 NORTH, RANGE 4 EAST, P.M.M., CASCADE COUNTY, MONTANA AS PUBLIC RIGHT-OF-WAY, IN ACCORDANCE WITH THE PROVISION OF SECTION 7-3-4446, MONTANA CODE ANNOTATED.

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**WHEREAS**, the City of Great Falls is the owner of a parcel of land legally described as "Government Lot 5 and Government Lot 6 of Section 5, and Government Lot 8 of Section 6, Township 20 North, Range 4 East, PMM, Cascade County, Montana"; and

**WHEREAS**, the adjoining roadways of 25<sup>th</sup> Street North and River Drive North have historically existed and functioned as roadways; and

**WHEREAS**, it was determined that the adjoining right-of-ways of 25<sup>th</sup> Street North and River Drive North were never dedicated as public right-of-way; and

**WHEREAS**, formal dedication of the rights-of-way crossing Government Lot 5 and Government Lot 6 of Section 5, and Government Lot 8 of Section 6 will clarify the status of the rights-of-way and ensure uniform application of local and state laws regarding right-of-way.

#### NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, HEREBY APPROVES:

The dedication and acceptance as public-right-of-way, and incorporation into the right-of-way of 25<sup>th</sup> Street North and River Drive North, as shown on the attached Certificate of Survey.

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, on this 4th day of June, 2024.				
	Comy Dagues Moyer			
	Cory Reeves, Mayor			
ATTEST:				
Lisa Kunz, City Clerk				
(SEAL OF CITY)				
APPROVED FOR LEGAL CONTENT:				
David Dennis, City Attorney				

## SITUATED IN SECTIONS 5 & 6, T. 20 N., R. 4 E., P. M., CASCADE COUNTY, MONTANA SHEET 1 OF 5

#### CERTIFICATE OF OWNER

HEREBY CERTIFY THAT I HAVE CAUSED TO BE SURVEYED, AGGREGATED, RETRACED, AND BOUNDARY LINES RELOCATED BETWEEN EXISTING ADJOINING PROPERTIES RESULTING IN THE FOLLOWING TRACTS OF LAND TO WIT:

#### LEGAL DESCRIPTION: TRACT 8

A TRACT OF LAND BEING A PORTION OF THAT CERTAIN PARCEL DESCRIBED IN BOOK 61. PAGES 189, 190 & 191 IN THE RECORDS OF CASCADE COUNTY, MONTANA, AND BEING DESCRIBED THEREIN AS "First Description: BLACK EAGLE PARK", AND BEING SITUATED IN THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER (NW1/4 NW1/4 SE1/4) AND THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER (NE1/4 NE1/4 SW1/4) OF SECTION 5, TOWNSHIP 20 NORTH, RANGE 4 EAST OF THE PRINCIPAL MERIDIAN, CASCADE COUNTY, MONTANA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF LAST SAID PARCEL. HEREIN REFERRED TO AS THE "BLACK EAGLE PARK PARCEL" ON THE NORTHERLY RIGHT—OF—WAY LINE OF THE BURLINGTON NORTHERN SANTE FE RAILROAD AT RAILROAD STATION 131+38.57;

THENCE ALONG THE SOUTHERLY LINE OF SAID BLACK EAGLE PARK PARCEL AND SAID NORTHERLY RAILROAD RIGHT—OF—WAY, S89<sup>·</sup>35<sup>·</sup>41"E (N89<sup>·</sup>48'E recorded) A DISTANCE OF 2807.00 FEET TO A 5/8" DIAMETER REBAR, 24" LONG, WITH A 2–1/2" DIAMETER ALUMINUM CAP STAMPED "STEPHEN D. BABB, CFEDS #1355, MT. 11699 LS", HEREIN REFERRED TO AS A "BABB MONUMENT" WHICH OCCUPIES THE POSITION OF THE SOUTHEAST CORNER OF SAID BLACK EAGLE PARK PARCEL AT RAILROAD STATION 159+45.57 AND THE POINT OF BEGINNING OF TRACT 8, HEREIN DESCRIBED;

THENCE REVERSING COURSE ALONG SAID SOUTHERLY LINE AND SAID NORTHERLY RIGHT-OF-WAY, N89'35'41"W (S89'48'W recorded) A DISTANCE OF 153.29 FEET TO A BABB MONUMENT WHICH OCCUPIES THE POSITION OF THE INTERSECTION OF SAID LINE WITH THE SOUTHEASTERLY RIGHT-OF-WAY OF THE FORMER ORIGINAL SILVER SMELTER LINE OF THE GREAT NORTHERN RAILWAY COMPANY, AT STATION 157+92.28, SAID POINT BEING A POINT ON CURVE OF A CIRCULAR CURVE TO THE LEFT WITH A RADIUS WHICH BEARS N34'44'52"W A DISTANCE OF 1892.00 FEET:

THENCE ALONG LAST SAID CURVE AND SOUTHEASTERLY RIGHT-OF-WAY, THROUGH A CENTRAL ANGLE OF 05'53'27" AN ARC DISTANCE OF 194.52 FEET TO A BABB MONUMENT WHICH OCCUPIES THE POSITION OF THE INTERSECTION OF SAID SOUTHEASTERLY RIGHT-OF-WAY AND THE EASTERLY LINE OF SAID BLACK EAGLE PARK PARCEL;

THENCE ALONG SAID EASTERLY LINE, S00'16'19"W (S00'16'E recorded) A DISTANCE OF 119.97 FEET (121.9 feet recorded) TO THE POINT OF BEGINNING OF TRACT 8, HEREIN DESCRIBED;

CONTAINING IN ALL 8,871 SQUARE FEET OR 0.204 ACRES, MORE OR LESS; AND

(SE1/4 NE1/4) AND IN THE NORTH HALF OF THE SOUTHWEST QUARTER (N1/2 SW1/4) OF SECTION 5 AND IN GOVERNMENT LOT 8 AND IN THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER (NE1/4 SE1/4) OF SECTION 6, ALL IN TOWNSHIP 20 NORTH, RANGE 4 EAST, OF THE PRINCIPAL MERIDIAN, CASCADE COUNTY, MONTANA, SAID TRACT BEING PORTIONS OF THAT CERTAIN PARCEL DESCRIBED IN BOOK 61, PAGES 189, 190 & 191 IN THE RECORDS OF CASCADE COUNTY, MONTANA, AND BEING DESCRIBED THEREIN AS "First Description: BLACK EAGLE PARK", AND BEING PORTIONS OF THAT CERTAIN PARCEL IDENTIFIED AS QUIT CLAIM DEED NO. 324816 AS DESCRIBED IN BOOK 168 OF DEEDS. PAGE 185. OF SAID RECORDS. AND BEING PORTIONS OF THAT CERTAIN. PARCEL DESCRIBED IN AN UNRECORDED CONVEYANCE FROM THE GREAT FALLS TOWNSITE COMPANY TO THE CITY OF GREAT FALLS, DATED NOVEMBER 7, 1913, AND STORED IN THE GREAT FALLS CITY CLERK'S OFFICE IN FILE #60, AND BEING DESCRIBED THEREIN AS "FIRST PARCEL", DESCRIBED AS FOLLOWS:

COMMENCING AT A 1" DIAMETER IRON PIPE WHICH OCCUPIES THE POSITION OF THE SOUTHWEST CORNER OF SAID BOOK 168 OF DEEDS. PAGE 185 PARCEL WHICH IS THE INTERSECTION OF THE NORTHERLY RIGHT-OF-WAY OF THE BURLINGTON NORTHERN SANTE FE RAILROAD WITH THE WESTERLY RIGHT—OF—WAY OF 25TH STREET NORTH, SAID POINT BEING THE POINT OF BEGINNING OF TRACT

THENCE ALONG THE WESTERLY LINE OF LAST SAID PARCEL NOO'17'00"E (NOO'00'E recorded) A DISTANCE OF 542.73 FEET TO A 5/8" DIAMETER REBAR, 24" LONG, WITH A 2-1/2" DIAMETER ALUMINUM CAP STAMPED "STEPHEN D. BABB, CFEDS #1355, MT. 11699 LS", HEREIN REFERRED TO AS A "BABB MONUMENT" WHICH OCCUPIES THE POSITION OF THE NORTHWEST CORNER THEREOF;

THENCE ALONG THE NORTHERLY LINE OF LAST SAID PARCEL N63'38'00"E A DISTANCE OF 357.98 FEET (357.02 feet recorded) TO A BABB MONUMENT WHICH OCCUPIES THE POSITION OF THE NORTHWEST CORNER OF SAID BLACK EAGLE PARK PARCEL;

THENCE ALONG THE BOUNDARIES OF SAID BLACK EAGLE PARK PARCEL ON THE FOLLOWING THREE COURSES:

THENCE N63'49'12"E A DISTANCE OF 1643.08 FEET (1642 feet recorded) TO A 5/8" DIAMETER REBAR WITH A YELLOW PLASTIC CAP STAMPED "STANGLER 9094 LS" WHICH OCCUPIES AN ANGLE POINT IN SAID BOUNDARY;

THENCE N88'49'28"E (N88'16'E recorded) A DISTANCE OF 1336.35 FEET (1337.60 feet recorded) TO A BABB MONUMENT WHICH OCCUPIES THE POSITION OF THE NORTHEAST CORNER OF SAID BLACK EAGLE PARK PARCEL;

THENCE ALONG THE EASTERLY LINE OF LAST SAID PARCEL S00'16'19"W (S00'16' recorded) A DISTANCE OF 1228.49 FEET (1225.9 feet recorded) TO A BABB MONUMENT WHICH OCCUPIES THE INTERSECTION POINT OF SAID LINE WITH THE NORTHWESTERLY RIGHT-OF-WAY OF THE FORMER ORIGINAL SILVER SMELTER LINE OF THE GREAT NORTHERN RAILWAY COMPANY, SAID POINT BEING A POINT ON CURVE OF A CIRCULAR CURVE TO THE RIGHT, WITH A RADIUS WHICH BEARS N43'28'16"W A DISTANCE OF 1792.00 FEET (1860.08 feet recorded);

THENCE ALONG LAST SAID CURVE AND SAID NORTHWESTERLY RIGHT-OF-WAY THROUGH A CENTRAL ANGLE OF 13'33'32" AN ARC DISTANCE OF 424.07 FEET TO A BABB MONUMENT WHICH OCCUPIES THE POSITION OF THE INTERSECTION OF SAID NORTHWESTERLY RIGHT-OF-WAY WITH THE NORTHERLY RIGHT-OF-WAY OF THE BURLINGTON NORTHERN SANTE FE RAILROAD. WHICH IS THE FORMER CHICAGO, MILWAUKEE, ST. PAUL & PACIFIC RAILROAD RIGHT-OF-WAY, AND FORMERLY THE CHICAGO, MILWAUKEE & PUGET SOUND RAILWAY RIGHT-OF-WAY AT RAILROAD STATION 156+07.52 ON THE SOUTHERLY LINE OF SAID BLACK EAGLE PARK PARCEL;

THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY AND ALONG THE SOUTHERLY LINE OF SAID BLACK EAGLE PARK PARCEL N89'35'41"W (S89'48'W recorded) A DISTANCE OF 2000.95 FEET TO A BABB MONUMENT AT RAILROAD STATION 136+06.57;

THENCE LEAVING LAST SAID LINE NOO'35'50"E A DISTANCE OF 355.68 FEET TO A BABB MONUMENT;

THENCE N89'39'16"W A DISTANCE OF 417.61 FEET TO A BABB MONUMENT WHICH OCCUPIES THE POSITION OF THE POINT OF CURVATURE OF A CIRCULAR CURVE TO THE LEFT WITH A RADIUS WHICH BEARS SOO'20'44"W A DISTANCE OF 276.00 FEET;

THENCE ALONG LAST SAID CURVE THROUGH A CENTRAL ANGLE OF 30'55'16" AN ARC DISTANCE OF 148.95 FEET TO A BABB MONUMENT WHICH OCCUPIES THE POSITION OF THE POINT OF TANGENCY;

THENCE S59'25'27"W A DISTANCE OF 31.82 FEET TO A BABB MONUMENT;

THENCE S13'59'10"W A DISTANCE OF 44.32 FEET TO A BABB MONUMENT:

THENCE N76'00'50"W A DISTANCE OF 45.00 FEET TO A BABB MONUMENT;

THENCE S59'25'27"W A DISTANCE OF 68.79 FEET TO A BABB MONUMENT WHICH LIES 50.00 FEET EASTERLY OF THE CENTERLINE OF 25TH STREET NORTH;

THENCE PARALLEL WITH AND 50.00 FEET EASTERLY OF SAID CENTERLINE S00'17'00"W (S00'00'W recorded) A DISTANCE OF 227.98 FEET TO A BABB MONUMENT WHICH LIES ON SAID NORTHERLY RAILROAD RIGHT-OF-WAY AND ON THE SOUTHERLY LINE OF SAID PARCEL DESCRIBED IN BOOK 168, PAGE 185, AND BEING A POINT ON CURVE OF A CIRCULAR CURVE TO THE LEFT WITH A RADIUS WHICH BEARS NO2'26'41"E A DISTANCE OF 5729.65 FEET;

THENCE ALONG LAST SAID CURVE THROUGH A CENTRAL ANGLE OF 00'54'32" AN ARC DISTANCE OF 90.10 FEET TO THE POINT OF BEGINNING OF TRACT 9, HEREIN DESCRIBED;

CONTAINING IN ALL 3,472,289 SQUARE FEET OR 79.713 ACRES, MORE OR LESS; AND

#### LEGAL DESCRIPTION: TRACT 10

A TRACT OF LAND SITUATED IN GOVERNMENT LOT 5 AND IN THE NORTH HALF OF THE SOUTHWEST QUARTER (N1/2 SW1/4) OF SECTION 5 AND IN GOVERNMENT LOT 8 AND IN THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER (NE1/4 SE1/4) OF SECTION 6. ALL IN TOWNSHIP 20 NORTH. RANGE 4 EAST. OF THE PRINCIPAL MERIDIAN, CASCADE COUNTY, MONTANA, SAID TRACT BEING PORTIONS OF THAT CERTAIN PARCEL DESCRIBED IN BOOK 61, PAGES 189, 190 & 191 IN THE RECORDS OF CASCADE COUNTY, MONTANA, AND BEING DESCRIBED THEREIN AS "First Description: BLACK EAGLE PARK", AND BEING PORTIONS OF THAT CERTAIN PARCEL IDENTIFIED AS QUIT CLAIM DEED NO. 324816 AS DESCRIBED IN BOOK 168 OF DEEDS, PAGE 185, OF SAID RECORDS, AND BEING PORTIONS OF THAT CERTAIN PARCEL DESCRIBED IN AN UNRECORDED CONVEYANCE FROM THE GREAT FALLS TOWNSITE COMPANY TO THE CITY OF GREAT FALLS, DATED NOVEMBER 7, 1913, AND STORED IN THE GREAT FALLS CITY CLERK'S OFFICE IN FILE #60. AND BEING DESCRIBED THEREIN AS "FIRST PARCEL", DESCRIBED AS FOLLOWS: (CONTINUED AT THE TOP OF THE NEXT COLUMN)

## CERTIFICATE OF OWNER (continued....) LEGAL DESCRIPTION: TRACT 10 (continued....)

185. AND ON THE NORTHERLY RIGHT-OF-WAY OF THE BURLINGTON NORTHERN SANTE FE RAILROAD. FORMERLY THE CHICAGO. MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD, AT RAILROAD END OF CURVE STATION 131+10.6 (131+10.7 recorded), SAID POINT BEING THE POINT OF BEGINNING OF THE TRACT 10, HEREIN DESCRIBED, AND THE POINT OF CURVATURE OF A CIRCULAR CURVE TO THE RIGHT, WITH A RADIUS WHICH BEARS NOO'24'19"E A DISTANCE OF 5729.65 FEET;

THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY AND ALONG LAST SAID CURVE, THROUGH A CENTRAL ANGLE OF 02'02'22" AN ARC DISTANCE OF 202.17 FEET TO A 5/8" DIAMETER REBAR, 24" LONG, WITH A 2-1/2" DIAMETER ALUMINUM CAP STAMPED "STEPHEN D. BABB, CFEDS #1355, MT. 11699 LS", HEREIN REFERRED TO AS A "BABB MONUMENT" WHICH LIES 50.00 FEET EASTERLY, AS MEASURED AT RIGHT ANGLES, FROM THE CENTERLINE OF 25TH STREET NORTH;

THENCE LEAVING SAID NORTHERLY RIGHT-OF-WAY AND PARALLEL WITH AND 50.00 FEET EASTERLY FROM SAID CENTERLINE, NOO'17'00"E (NOO'00'E recorded) A DISTANCE OF 227.98 FEET TO A BABB MONUMENT;

THENCE N59'25'27"E A DISTANCE OF 68.79 FEET TO A BABB MONUMENT;

THENCE S76'00'50"E A DISTANCE OF 45.00 FEET TO A BABB MONUMENT

THENCE N13'59'10'E A DISTANCE OF 44.32 FEET TO A BABB MONUMENT,

THENCE N59'25'27"E A DISTANCE OF 31.82 FEET TO A BABB MONUMENT WHICH OCCUPIES THE POSITION OF THE POINT OF CURVATURE OF A CIRCULAR CURVE TO THE RIGHT, WITH A RADIUS WHICH BEARS S30'34'33"E A DISTANCE OF 276.00 FEET;

THENCE ALONG LAST SAID CURVE, THROUGH A CENTRAL ANGLE OF 30'55'16" AN ARC DISTANCE OF 148.95 FEET TO A BABB

THENCE S89'39'16"E A DISTANCE OF 417.61 FEET TO A BABB MONUMENT;

THENCE SOO'35'50"W A DISTANCE OF 355.68 FEET TO A BABB MONUMENT WHICH LIES ON SAID NORTHERLY RAILROAD

THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY AND ALONG THE SOUTHERLY LINE OF SAID PARCEL DESCRIBED IN BOOK 61 OF DEEDS, PAGES 189, 190 & 191, N89'35'41"W (S89'48'W recorded) A DISTANCE OF 495.97 FEET TO THE POINT OF BEGINNING OF

CONTAINING IN ALL 233,916 SQUARE FEET OR 5.370 ACRES, MORE OR LESS; AND

I FURTHER CERTIFY THAT THE PURPOSE OF THIS SURVEY IS TO RETRACE THE BOUNDARIES OF TRACT 8 WHICH IS AN EXISTING PARCEL DIVORCED FROM THE PARENT PARCEL BY A RAILROAD RIGHT-OF-WAY CONVEYANCE; AND TO RELOCATE COMMON BOUNDARY LINES BETWEEN AN EXISTING PARCEL AS DESCRIBED IN BOOK 61 OF DEEDS. PAGES 189. 190 & 191 AND AN EXISTING PARCEL DESCRIBED IN BOOK 168 OF DEEDS. PAGE 185. CASCADE COUNTY RECORDS, WHICH ARE ADJOINING PROPERTIES, OUTSIDE OF PLATTED SUBDIVISIONS: AND TO AGGREGATE PORTIONS OF THE EXISTING UNRECORDED PARCEL CONVEYED TO THE CITY OF GREAT FALLS IN 1913, DESCRIBED HEREON AS RECORD SOURCE 3 (R3) (SEE DETAIL G); AND

#### EXEMPTION FROM SUBDIVISION REVIEW: CASCADE COUNTY

THEREFORE, THIS DIVISION IS NOT SUBJECT TO REVIEW BY CASCADE COUNTY AS A SUBDIVISION PURSUANT TO M.C.A. 76-3-207(1)(a) AND M.C.A. 76-3-207(1)(f), WHICH STATE:

"(1) Except as provided in subsection (2), unless the method of disposition is adopted for the purpose of evading this chapter, the following divisions or aggregations of tracts of record of any size, regardless of the resulting size of any lot created by the division or aggregation, are not subdivisions under this chapter but are subject to the surveying requirements of 76-3-401 for divisions or aggregations of land other than subdivisions and are subject to applicable zoning regulations adopted under Title 76, chapter 2:

(a) divisions made outside of platted subdivisions for the purpose of relocating common boundary lines between adjoining properties;'

(f) aggregation of parcels or lots when a certificate of survey or subdivision plat shows that the boundaries of the original parcels have been eliminated and the boundaries of a larger parcel are established. A restriction or requirement on the original platted lot or original unplatted parcel continues to apply to those areas."; AND

#### EXEMPTION FROM SUBDIVISION REVIEW: MONTANA D.E.Q.

I FURTHER CERTIFY THAT TRACT 8. SHOWN AND DESCRIBED ON THIS SURVEY, IS AN EXISTING PARCEL AND IS NOT BEING CREATED OR ADJUSTED AND THEREFORE IS NOT SUBJECT TO REVIEW AS A SUBDIVISION BY THE MONTANA DEPARTMENT OF ENVIRONMENTAL QUALITY: AND THAT TRACT 9. SHOWN AND DESCRIBED ON THIS SURVEY, IS 20 ACRES IN SIZE OR LARGER AND THEREFORE IS NOT SUBJECT TO REVIEW AS A SUBDIVISION BY THE MONTANA DEPARTMENT OF ENVIRONMENTAL QUALITY PURSUANT TO THE DEFINITION OF A "SUBDIVISION" IN 76-4-102(24) M.C.A.: AND TRACT 10. SHOWN AND DESCRIBED ON THIS SURVEY. IS EXEMPT FROM REVIEW AS A SUBDIVISION BY THE STATE OF MONTANA DEPARTMENT OF ENVIRONMENTAL QUALITY PURSUANT A.R.M. 17.36.605(2)(c)(i)(ii)(iii), WHICH

"(2) The reviewing authority may exclude the following parcels created by divisions of land from review under Title 76, chapter 4, part 1, MCA, unless the exclusion is used to evade the provisions of that part: (c) a parcel that will be affected by a proposed boundary line adjustment, if the parcel has existing

facilities for water supply, wastewater disposal, storm drainage, or solid waste disposal that were not subject to review, and have not been reviewed, under Title 76, chapter 4, part 1, MCA, and if: (i) no facilities, other than those in existence prior to the boundary line adjustment, or those that were previously approved as replacements for the existing facilities, will be constructed on the

(ii) existing facilities on the parcel complied with state and local laws and regulations, including

permit requirements, which were applicable at the time of installation, and (iii) the local health officer determines that existing facilities are adequate for the existing use."; AND

#### RIGHT-OF-WAY DEDICATIONS:

I, GREGORY T. DOYON, CITY MANAGER OF THE CITY OF GREAT FALLS, (HEREINAFTER REFERRED TO AS "CITY"), THE OWNER OF THE SUBJECT PROPERTIES. DO HEREBY DEDICATE. BARGAIN. SELL. CONVEY AND TRANSFER THE FOLLOWING DESCRIBED PROPERTY TO THE PUBLIC FOR THE PURPOSE OF A PERPETUAL RIGHT-OF-WAY FOR THE CONSTRUCTION, LOCATION, OPERATION, MAINTENANCE AND REPLACEMENT OF PUBLIC ROADWAY(S) AND UTILITIES, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO, IN, UNDER, OVER, THROUGH AND ACROSS THE SAID PROPERTY HEREINAFTER DESCRIBED, TOGETHER WITH THE RIGHT TO EXCAVATE AND REFILL DITCHES AND/OR TRENCHES FOR THE CONSTRUCTION. MAINTENANCE AND REPLACEMENT OF SUCH ROADWAY(S) AND UTILITIES; AND THE CITY DOES BY THESE PRESENTS RESERVE ALL RIGHTS FOR THE CONSTRUCTION, LOCATION, OPERATION, MAINTENANCE AND REPLACEMENT OF CITY'S EXISTING UTILITIES, WALLS, SIGNS, AND BUILDINGS, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO, IN, UNDER, OVER, THROUGH AND ACROSS OVER THE CITY'S REAL PROPERTY HEREINAFTER DESCRIBED. TO WIT:

A RIGHT-OF-WAY DEDICATION BEING A PORTION OF THAT CERTAIN PARCEL DESCRIBED IN BOOK 61, PAGES 189, 190 AND 191 AND BEING A PORTION OF THAT CERTAIN PARCEL DESCRIBED IN BOOK 168, PAGE 185, CASCADE COUNTY RECORDS, AND SITUATED IN GOVERNMENT LOT 5 AND GOVERNMENT LOT 6 OF SECTION 5, AND IN GOVERNMENT LOT 8, SECTION 6, ALL IN TOWNSHIP 20 NORTH, RANGE 4 EAST, PRINCIPAL MERIDIAN, CASCADE COUNTY, MONTANA, DESCRIBED BELOW:

Commencing at a 1" diameter iron pipe which occupies the position of the southwest corner of said parcel described in Book 168, Page 185, and which lies on the northerly line of the Burlington Northern Railroad

Thence along the westerly line of said parcel N00'17'00'E a distance of 202.54 feet to Point of Curvature station 2+54.6 as described in Book 143 of Deeds, Pages 152 and 153, and the POINT OF BEGINNING of the right-of-way dedication herein described;

Thence continuing along last said line, N0017'00°E a distance of 340.19 feet to a 5/8° diameter rebar, 24° long, (CONTINUED AT THE TOP OF THE NEXT COLUMN)

## CERTIFICATE OF OWNER (continued....) RIGHT-OF-WAY DEDICATIONS (continued....):

Thence leaving last said line and along the northerly line of said parcel described in Book 168, Page 185,

with a 2-1/2" diameter aluminum cap stamped "STEPHEN D. BABB, MT. 11699 LS", hereinafter referred to as a

N63'38'00'E a distance of 357.98 feet (357.02 feet recorded) to the northwest corner of said parcel described in Book 61, Pages 189, 190 and 191; Thence along said northerly line N63'49'12'E a distance of 1643.08 feet (1642 feet recorded) to a 5/8" diameter

rebar with a yellow plastic cap stamped "STANGLER 9094 LS", hereinafter referred to as a "Stangler monument",

which occupies the position of an angle point in the northerly boundary of said parcel; Thence along a second northerly line of last said parcel N88'49'28" a distance of 62.93 feet (62.84 feet recorded) to a Stangler monument which occupies the position of an angle point in the parcel shown and described on Certificate of Survey #2999 in the records of Cascade County;

Thence continuing along said second northerly line, N88'49'28'E a distance of 248.67 feet to a Babb monument which occupies the position of the intersection of said northerly line with the southeasterly right-of-way of the roadway shown on an unrecorded railroad right-of-way map titled "G.N. RY., BUTTE DIVISION, PACIFIC JCT. - GREAT FALLS SECTION, GREAT FALLS NO. 9 ....." at a Point on Curve of a circular curve to the left, with a radius which bears S26'06'35**"**E a distance of 666.20 feet:

Thence along said southeasterly right-of-way shown on said map on the following six courses:

Thence along last said curve, through a central angle of 00°02'25" an arc distance of 0.47 feet to a Babb monument which occupies a Point of Tangency in said right-of-way; Thence S63'51'00"W a distance of 1023.17 feet to a Babb monument which occupies the position of the Point of

Curvature of a circular curve to the right with a radius which bears N26'09'00"W a distance of 1004.93 feet; Thence along last said curve, through a central angle of 11'36'00" an arc distance of 203.46 feet to a Babb

Thence S75'27'00' a distance of 140.46 feet to a Babb monument which occupies the position of the Point of Curvature of a circular curve to the left, with a radius which bears \$14.33'00. Table a distance of 904.93 feet; Thence along last said curve, through a central angle of 16'46'00" an arc distance of 264.81 feet to the southeasterly corner of a concrete memorial plaque;

Thence S58'41'00"W a distance of 478.63 feet to a Babb monument at said map station 6+70.6 and which occupies the Point of Curvature of a circular curve to the left with a radius which bears S31'19'00'E a distance of 251.56 feet;

Thence along last said curve through a central angle of 58°24'00° an arc distance of 256.41 feet to a Babb monument which occupies a Point of Tangency at station 3+83.2 per Book 141 of Deeds, Page 310, records of Cascade County and a point which lies 90.00 feet easterly from the westerly line of said parcel described in Book Thence parallel with and 90.00 feet easterly from said westerly line, S00'17'00'W a distance of 87.28 feet to a

Thence continuing S00'17'00"W a distance of 21.32 feet to station 2+54.6 per said Book 143 of Deeds, Pages 152

Thence leaving last said line and along said station 2+54.6, N89'43'00"W a distance of 90.00 feet to the POINT OF BEGINNING of the right-of-way dedication, herein described;

CONTAINING in all 262.838 square feet or 6.03 acres, more or less: AND I, GREGORY T. DOYON, CITY MANAGER OF THE CITY OF GREAT FALLS, (HEREINAFTER REFERRED TO AS "CITY"), THE

OWNER OF THE SUBJECT PROPERTIES, DO HEREBY DEDICATE, BARGAIN, SELL, CONVEY AND TRANSFER THE FOLLOWING DESCRIBED PROPERTY TO THE PUBLIC FOR THE PURPOSE OF A PERPETUAL RIGHT-OF-WAY FOR THE CONSTRUCTION, LOCATION, OPERATION, MAINTENANCE AND REPLACEMENT OF PUBLIC ROADWAY(S) AND UTILITIES, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO, IN, UNDER, OVER, THROUGH AND ACROSS THE SAID PROPERTY HEREINAFTER

A RIGHT-OF-WAY DEDICATION BEING A PORTION OF THAT CERTAIN PARCEL DESCRIBED IN BOOK 168, PAGE 185, CASCADE COUNTY RECORDS, AND SITUATED IN GOVERNMENT LOT 8 AND IN THE NE1/4 SE1/4 OF SECTION 6, TOWNSHIP 20 NORTH, RANGE 4 EAST, PRINCIPAL MERIDIAN, CASCADE COUNTY, MONTANA, DESCRIBED BELOW:

Commencing at a 1" diameter iron pipe which occupies the position of the southwest corner of said parcel described in Book 168. Page 185, and which lies on the northerly line of the Burlington Northern Railroad right—of—way said point being the POINT OF BEGINNING of the right—of—way dedication herein described; Thence along the westerly line of said parcel N00'17'00'E a distance of 202.54 feet to Point of Curvature station 2+54.6 as described in Book 143 of Deeds, Pages 152 and 153;

Thence leaving last said line and along said station 2+54.6, S89'43"00"E a distance of 90.00 feet; Thence parallel with and 90.00 feet easterly from the westerly line of said parcel described in Book 16, Page 185, S00'17'00"W a distance of 206.66 feet to a 5/8" diameter rebar, with a 2-1/2" diameter aluminum cap stamped "STEPHEN D. BABB, MT. 11699 LS" which occupies a position on the southerly line of last said parcel and on the northerly right—of—way of said railroad, and being a Point on Curve of a circular curve to the left, with a radius which bears NO2'26'41"E a distance of 5679.65 feet;

Thence along last southerly line and northerly right-of-way, along last said curve through a central angle of 00°54'32" an arc distance of 90.10 feet; CONTAINING in all 18,425 square feet, more or less; AND

FOR: CITY OF GREAT FALLS, MONTANA

SO CERTIFIED, RESERVED, CREATED, DEDICATED, BARGAINED, SOLD, CONVEYED AND TRANSFERRED THIS \_\_\_\_\_\_ DAY \_\_ , 2024.

FOR: GREGORY T. DOYON, CITY MANAGER

GREGORY T. DOYON, CITY MANAGER

DIANE C. HEIKKILA, CASCADE COUNTY TREASURER

CITYSEAL LISA KUNZ. CITY CLERK

#### CERTIFICATE OF COUNTY TREASURER

I, DIANE C. HEIKKILA, CASCADE COUNTY TREASURER, DO HEREBY CERTIFY PURSUANT TO SECTION 76-3-207(3) M.C.A., THAT ALL REAL PROPERTY TAXES ASSESSED AND LEVIED ON THE LAND DESCRIBED HEREON HAVE BEEN PAID.

DATED THIS	_ DAY OF,	202

### CERTIFICATE OF SURVEYOR

FEDERAL SURVEYOR #1355, DO HEREBY CERTIFY THAT DURING THE MONTHS OF DECEMBER, 2021, AND JANUARY, FEBRUARY, MARCH AND APRIL, 2022, AND JANUARY 2024, THAT I PERFORMED THE SURVEY THAT THE ACCOMPANYING CERTIFICATE OF SURVEY REPRESENTS; AND THAT THE SURVEY IS IN ACCORDANCE WITH THE PROVISIONS SET FORTH IN 76-3-402 AND 403, M.C.A.,; AND THAT THE MONUMENTS DEPICTED HEREON ARE OF THE TYPE AND CHARACTER AND OCCUPY THE POSITIONS SHOWN.

STEPHEN D. BABB, PROFESSIONAL LAND SURVEYOR, MT. REG. #11699LS, CERTIFIED FEDERAL SURVEYOR #1355

#### LEGEND & RECORD DATA SOURCES

- FOUND 5/8" DIA. REBAR, WITH YELLOW PLASTIC CAP STAMPED "STANGLER 9094 LS" (C/S #2999)
- FOUND 1/2" DIA. REBAR, WITH PLASTIC CAP STAMPED "5283S" (C/S #1799); FOUND IN 1996 & 2022 (NO CAPS)
- FOUND 1" OUTSIDE DIA. IRON PIPE (SET BABB MONUMENT INSIDE THE PIPE)
- FOUND 5/8" REBAR NO CAP
- MT. DEPT. OF TRANSPORTATION RIGHT-OF-WAY CORNER AS DETERMINED BY A 3/4" DIA. SMOOTH IRON BAR REFERENCE MONUMENT SET BY M.D.T. SURVEYORS, 3.0 FEET INSIDE THE RIGHT-OF-WAY, AND ON STATION. THERE MAY OR MAY NOT BE A 4"X 4" SQUARE CONCRETE RIGHT-OF-WAY MONUMENT AT THESE LOCATIONS, BUT IF FOUND, THE CONTRACTOR SET CONCRETE MONUMENT WAS NOT USED TO DETERMINE RIGHT-OF-WAY CORNER POSITION
- MT. DEPT. OF TRANSPORTATION RIGHT-OF-WAY MONUMENT, A 4"X 4" CONCRETE POST, SET BY CONTRACTORS, NO REFERENCE MONUMENT FOUND AT THESE LOCATIONS
- (M) MEASURED OR CALCULATED DATA PER THIS SURVEY, TO FINAL CORNER POSITIONS DETERMINED THIS SURVEY
- GENERAL LAND OFFICE FIELD NOTES & PLAT FOR TOWNSHIP 20 NORTH, RANGE 4 EAST, P.M. (APPROVED BY THE SURVEYOR GENERAL NOVEMBER 28, 1882)
- BOOK 61 OF DEEDS, PAGES 189, 190 & 191, "FIRST DESCRIPTION: Black Eagle Park" FROM THE GREAT FALLS TOWNSITE COMPANY TO THE CITY OF GREAT FALLS (RECORDED NOVEMBER 26, 1910)
- APPARENTLY UNRECORDED CONDITIONAL CONVEYANCE FOUND IN THE CITY CLERK'S OFFICE IN FILE #60, FROM THE GREAT FALLS TOWNSITE COMPANY TO THE CITY OF GREAT FALLS FOR A "WAY OR DRIVE BY WHICH TO APPROACH THE BLACK (R3) EAGLE PARK" AND CONTAINS THE LANGUAGE "GRANT IS UPON EXPRESS CONDITION THAT SO LONG AS GRANTEE SHALL USE AND IMPROVE SAID PARCEL OF LAND FOR THE PURPOSE FOR WHICH THE SAME IS GRANTED..", AND CONTAINS A REVERSIONARY CLAUSE IF SUCH USE IS CEASED. (SIGNED & NOTARIZED NOVEMBER 7, 1913)
- RAILROAD RIGHT-OF-WAY MAP TITLED "G. N. RY., BUTTE DIVISION, PACIFIC JCT. GREAT FALLS SECTION, GREAT FALLS (R4) NO. 9, CASCADE CO., MONT., SECS. 5 & 6, T.20N., R.4E." "SURVEY AUGUST 1914, MAP NOV. 1914" (REVISION DATES: NOV.
- BK. 141 OF DEEDS, PAGE 310, RIGHT-OF-WAY FOR HIGHWAY FROM THE GREAT FALLS TOWNSITE COMPANY TO THE CITY OF (R5) GREAT FALLS FOR AN 80.00' WIDE RIGHT-OF-WAY FOR "THE PROPOSED GIANT SPRINGS ROAD FROM THE NORTHERLY RAILROAD RIGHT-OF-WAY TO THE BOUNDARY OF BLACK EAGLE PARK" (RECORDED SEPTEMBER 28, 1931)
- (R6) BOOK 143 OF DEEDS, PAGE 152 & 153; "EASEMENT OF RIGHT OF WAY" FROM THE GREAT FALLS TOWNSITE COMPANY TO THE CITY OF GREAT FALLS (RECORDED JANUARY 7, 1933)
- (R7) BOOK 168 OF DEEDS, PAGE 185, "QUITCLAIM DEED" FROM THE GREAT FALLS TOWNSITE COMPANY TO THE CITY OF GREAT FALLS (RECORDED APRIL 19, 1941)

MONTANA DEPT. OF TRANSPORTATION RIGHT OF WAY FOR PROJECT S-US 386(1) (APPROVAL DATES OCTOBER 4, 1960,

- (R8) JULY 21, 1961, AND APRIL 2, 1962) CERTIFICATE OF SURVEY #1638 BY WADE WOITH, PROFESSIONAL ENGINEER AND LAND SURVEYOR, REGISTRATION #4537 ES,
- RETRACING THE BOUNDARIES OF 7 EXISTING PARCELS IN SEC. 5, T.20N., R.4E. (RECORDED DECEMBER 18, 1981) CERTIFICATE OF SURVEY #1642 BY WADE WOITH, PROFESSIONAL ENGINEER AND LAND SURVEYOR, REGISTRATION #4537 ES,

(R10) ADJUSTING THE BOUNDARIES OF 2 EXISTING PARCELS IN THE S1/2 NE1/4 AND GOVERNMENT LOT 1, IN SEC. 5, "T.20N.,

R.4E. (RECORDED DECEMBER 23, 1981) CERTIFICATE OF SURVEY #1799 BY KENNETH D. BRANDT. PROFESSIONAL LAND SURVEYOR, REGISTRATION #5283 S, A (R11) RELOCATION OF COMMON BOUNDARY LINES WITH THE SOUTH LINE OF THE BURLINGTON NORTHERN RAILROAD RIGHT OF WAY

AND GENERAL MILLS ALONG THE SOUTH RIGHT OF WAY LINE (RECORDED JUNE 3, 1983)

- CERTIFICATE OF SURVEY #2999 BY THOMAS, DEAN & HOSKINS, INC., UNDER THE DIRECTION OF ROBERT F. STANGLER, PROFESSIONAL LAND SURVEYOR, REGISTRATION #9094 LS, RETRACING THE BOUNDARIES OF THE FORMER GREAT NORTHERN (R12) PROFESSIONAL LAND SURVETOR, REGISTRATION #3007 LS, NETWORDS THE BOOKSTANDED STATES OF THE RAILROAD RIGHT-OF-WAY THROUGH THE N1/2 OF SEC. 5, T.20N., R.4E., IN CONJUNCTION WITH THE CREATION OF THE "RIVER'S EDGE TRAIL" (RECORDED MAY 11, 1994)
- CERTIFICATE OF SURVEY #3295 BY NEIL CONSULTANTS, INC., UNDER THE DIRECTION OF STEPHEN D. BABB, PROFESSIONAL (R13) LAND SURVEYOR, REGISTRATION #11699 LS, CREATING THE "PASTA MONTANA LEASE PARCEL" IN THE W1/2 OF SEC. 5 & THE E1/2 OF SEC. 6, T.20N., R.4E. (RECORDED SEPTEMBER 9, 1996)
- ALTA/ACSM LAND TITLE SURVEY BY PIONEER TECHNICAL SERVICES, INC., UNDER THE DIRECTION OF JARED A. LAY, PROFESSIONAL LAND SURVEYOR, REGISTRATION #17305 LS, RETRACING THE BOUNDARIES OF EXISTING PARCELS ON THE (R14) NORTH SIDE OF THE MISSOURI RIVER IN SECS. 5 & 6, T.20N., R.4E., IN CONJUNCTION WITH A SUPER-FUND CLEAN UP PROJECT OF ARCO PROPERTY ON THE FORMER ANACONDA MINING CO. SMELTER PROPERTY (DATE PLOTTED OF THE COPY USED: JANUARY 31, 2014, NOTE: COPY USED IS UNSTAMPED & UNSIGNED)
- QUIT CLAIM DEED AS RECORD AT RO330583 QC IN THE RECORDS OF CASCADE COUNTY, QUIT CLAIMING INTEREST IN A (R15) PORTION OF FORMER BURLINGTON NORTHERN RAILROAD RIGHT-OF-WAY TO THE CITY OF GREAT FALLS IN SEC. 5, T.20N., R.4E. (RECORDED NOVEMBER 1, 2016)
- QUIET TITLE ACTION AS RECORDED AT RO450931 OD, REGARDING THE PARCELS DESCRIBED IN (R2), (R3), & (R7). (R16) (RECORDED NOVEMBER 30, 2023)



CITY-COUNTY HEALTH DEPT Exempt From Health Dept. Review

REVIEWED FOR COMPLIANCE WITH SURVEY REQUIREMENTS AND ZONING REGULATIONS PER 76-3-207 M.C.A.

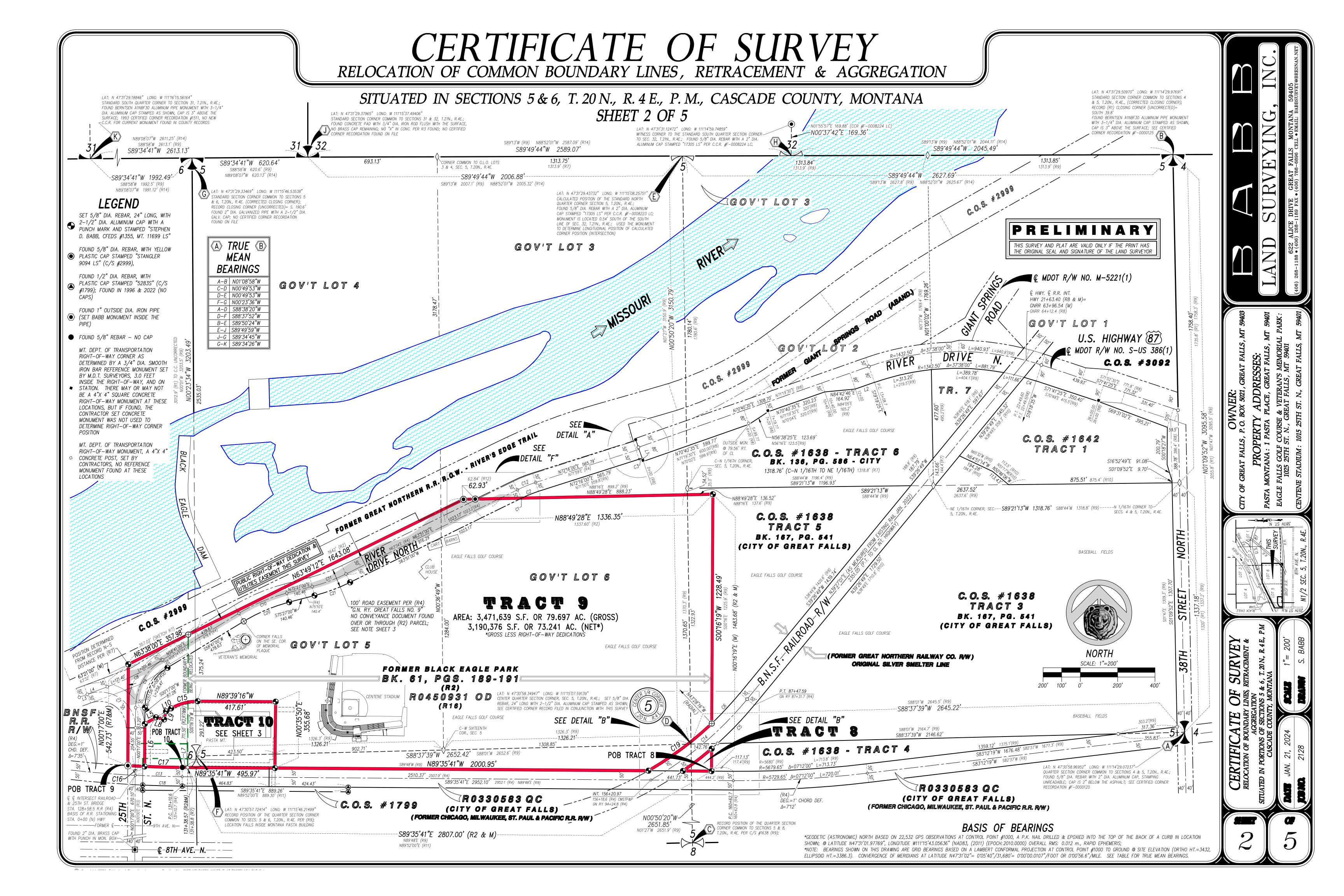
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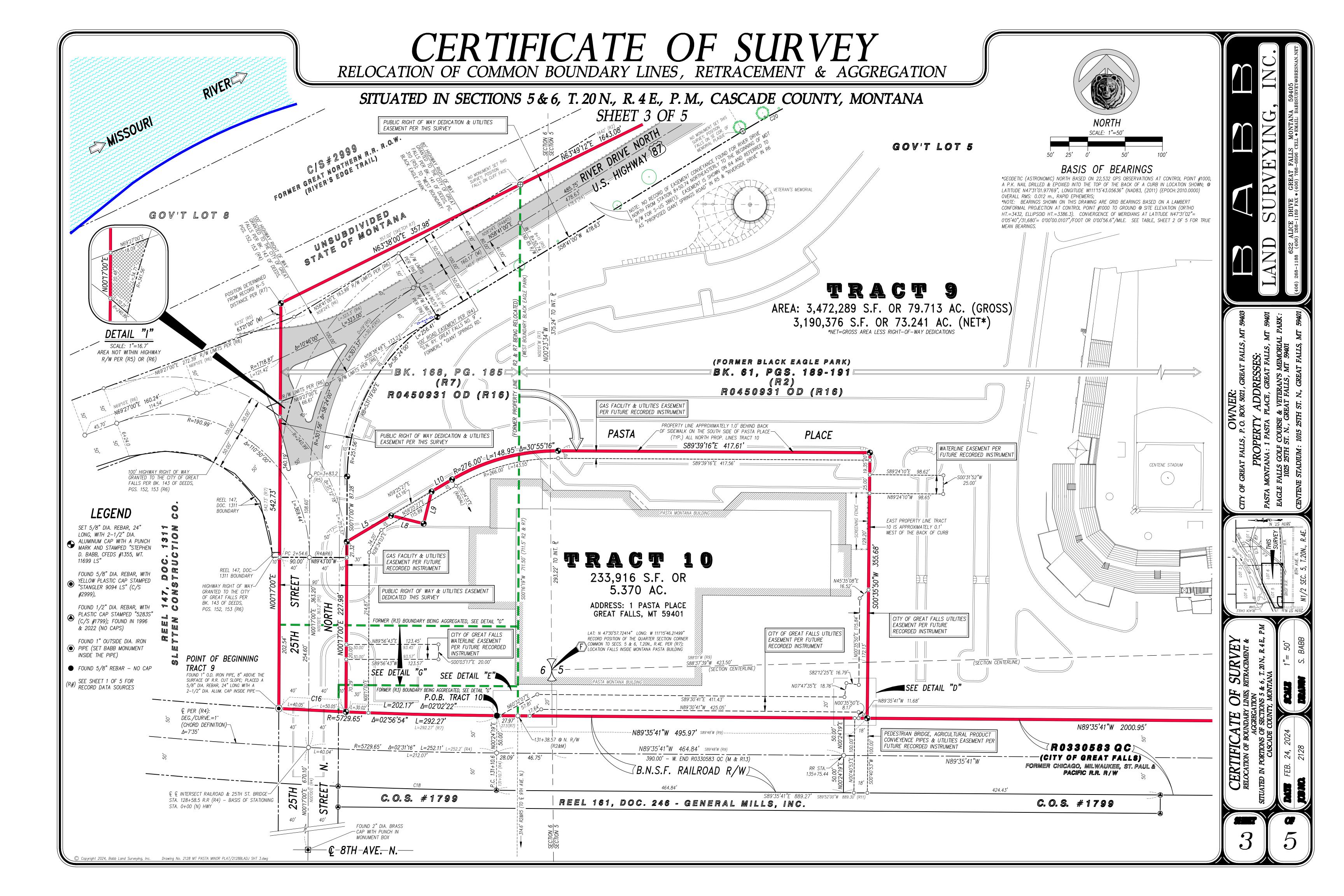
PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT CITY OF GREAT FALLS

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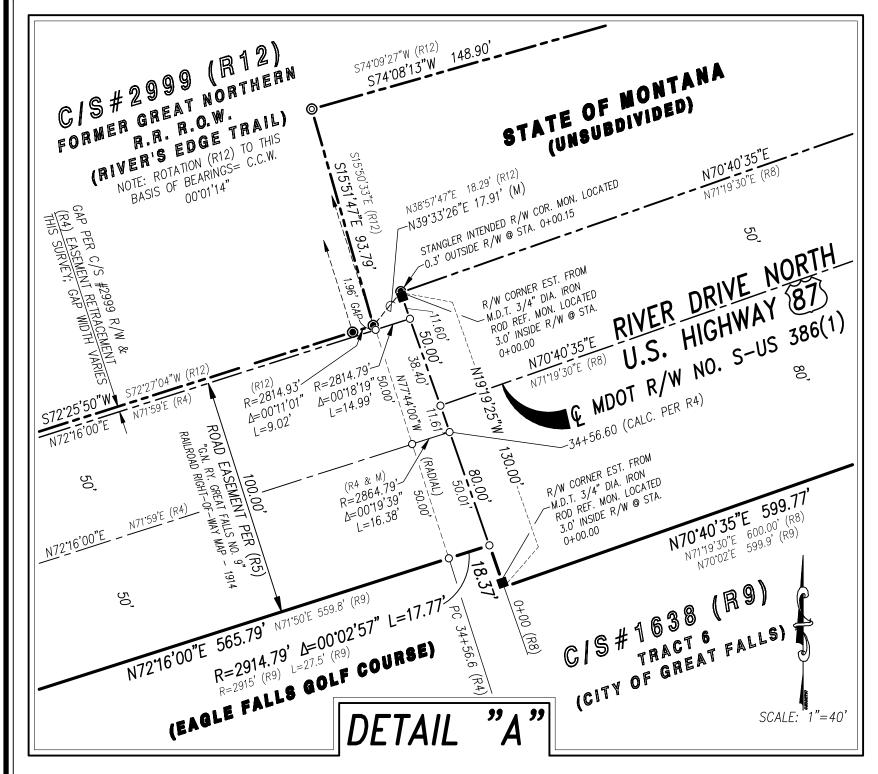


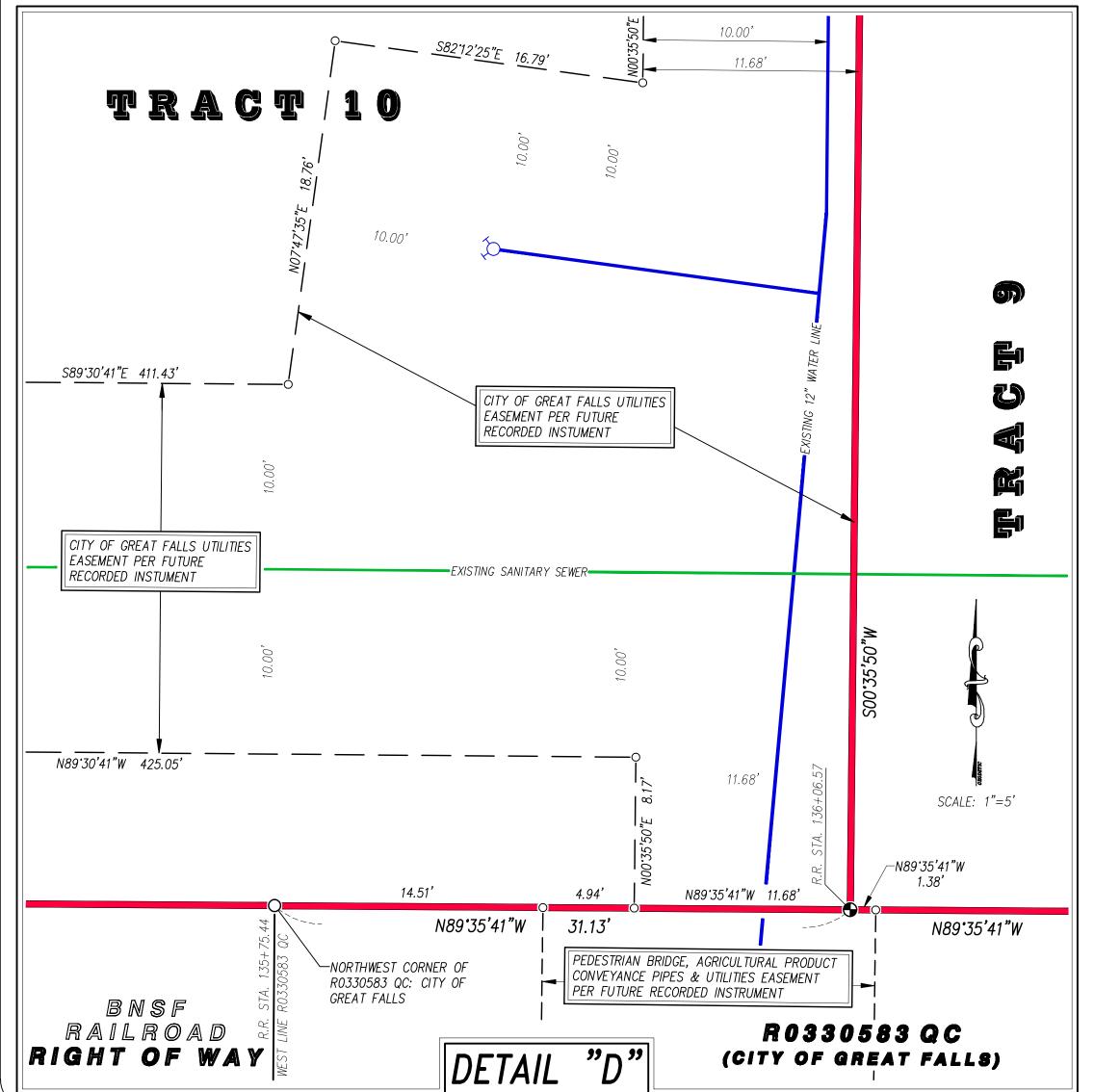


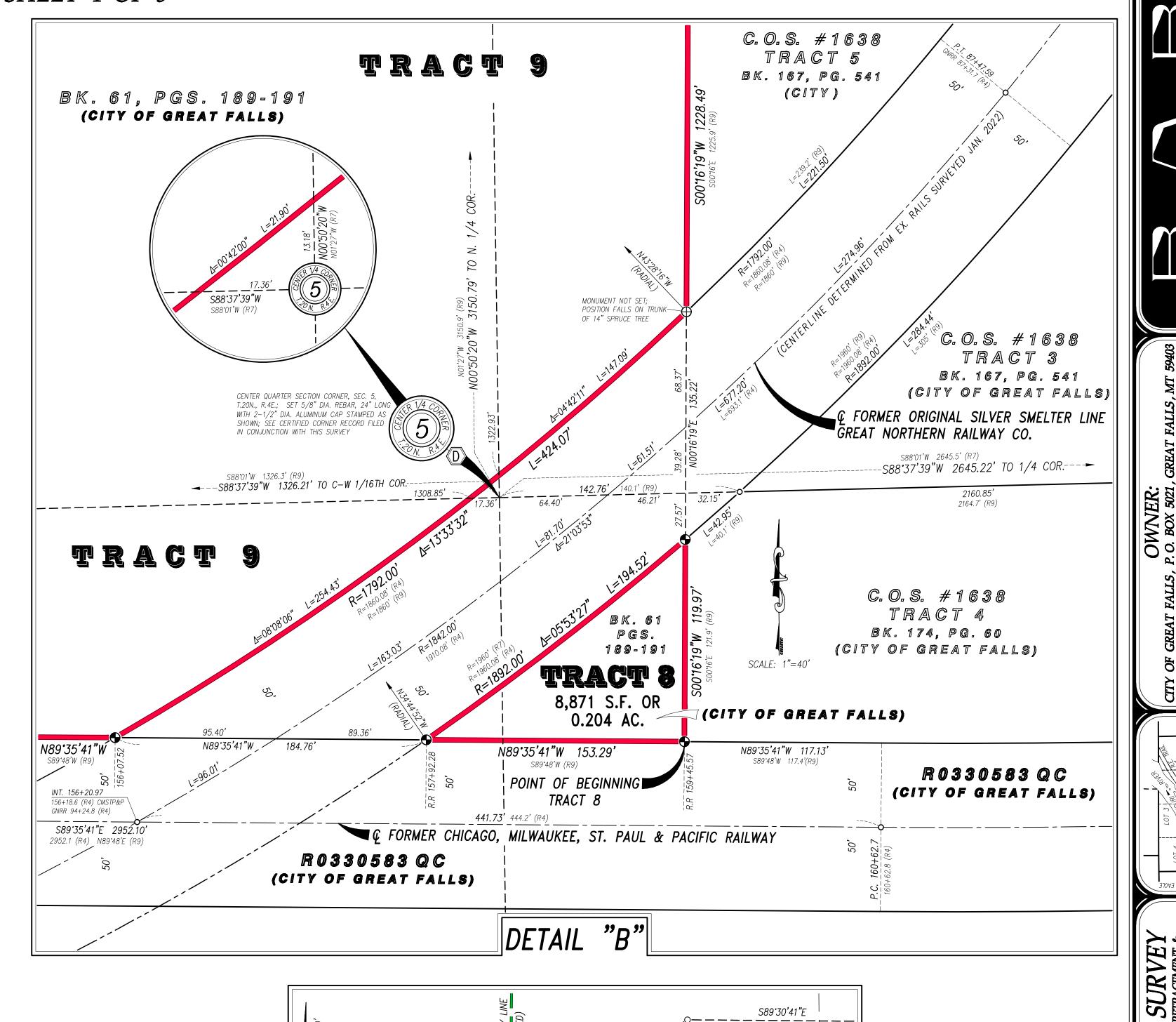
# CERTIFICATE OF SURVEY

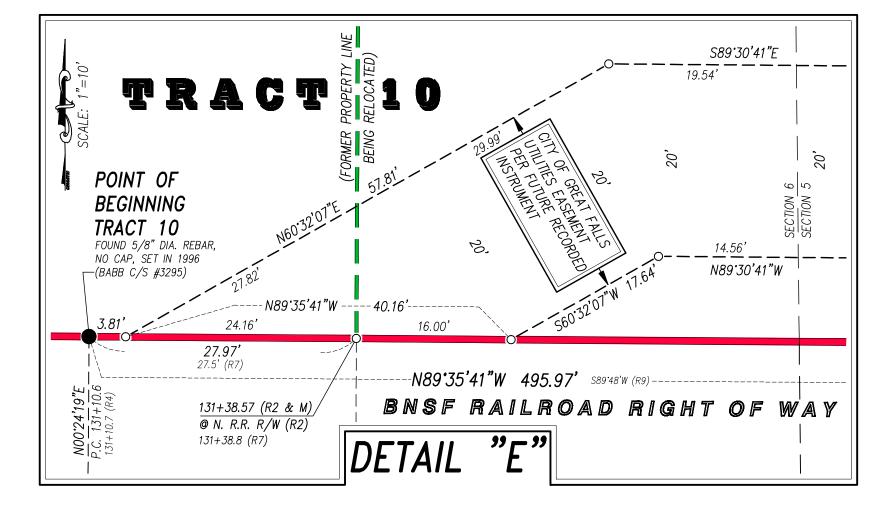
RELOCATION OF COMMON BOUNDARY LINES, RETRACEMENT & AGGREGATION

SITUATED IN SECTIONS 5 & 6, T. 20 N., R. 4 E., P. M., CASCADE COUNTY, MONTANA
SHEET 4 OF 5









CERTIFICA

PRELIMINARY

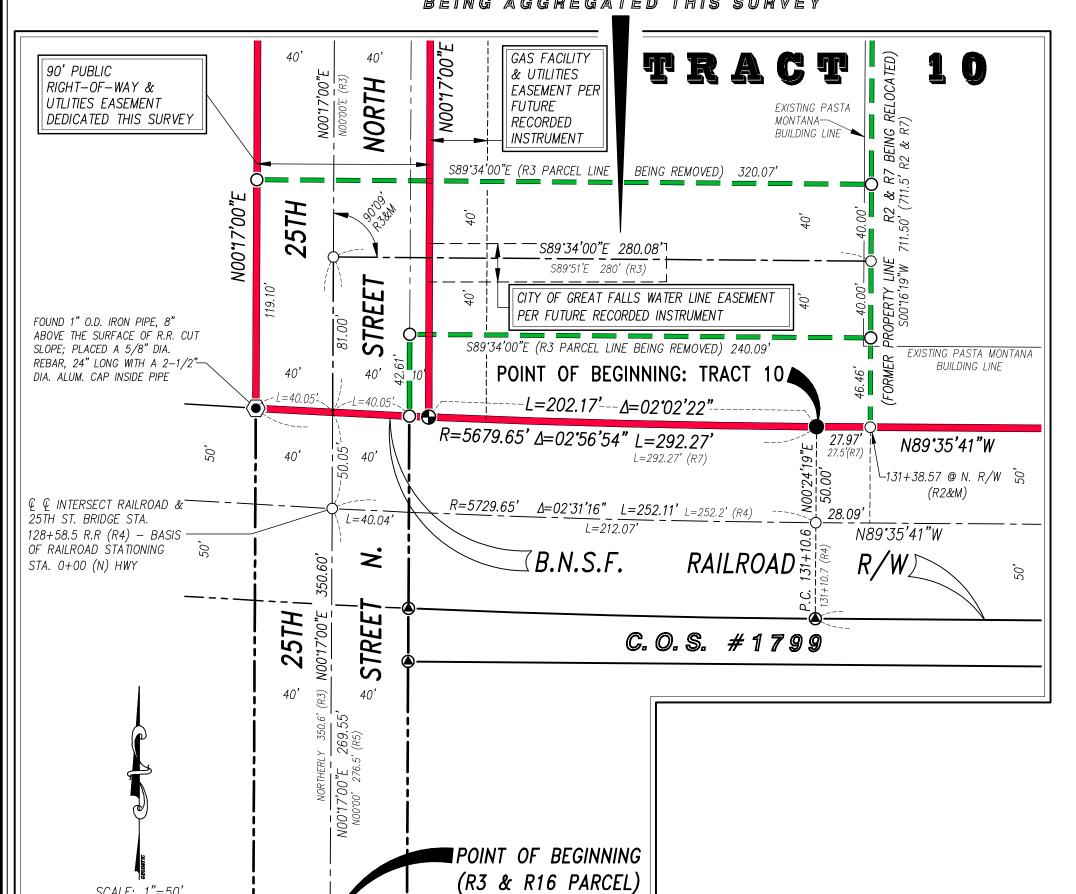
THIS SURVEY AND PLAT ARE VALID ONLY IF THE PRINT HAS THE ORIGINAL SEAL AND SIGNATURE OF THE LAND SURVEYOR

# CERTIFICATE OF SURVEY

RELOCATION OF COMMON BOUNDARY LINES, RETRACEMENT & AGGREGATION

#### SITUATED IN SECTIONS 5 & 6, T. 20 N., R. 4 E., P. M., CASCADE COUNTY, MONTANA RO450931 OD (R16) QUIET TITLE ACTION (FORMER "APPROACH TO BLACK EAGLE PARK") SHEET 5 OF 5

1913 UNRECORDED CONVEYANCE (R3)
THE PORTION LYING WITHIN TRACTS 9 & 10
BEING AGGREGATED THIS SURVEY



**Q** 9TH AVE. N.)

DETAIL "G"

SCALE: 1"=50'

RAILROAD

- Q-8TH-AVE.-N.--

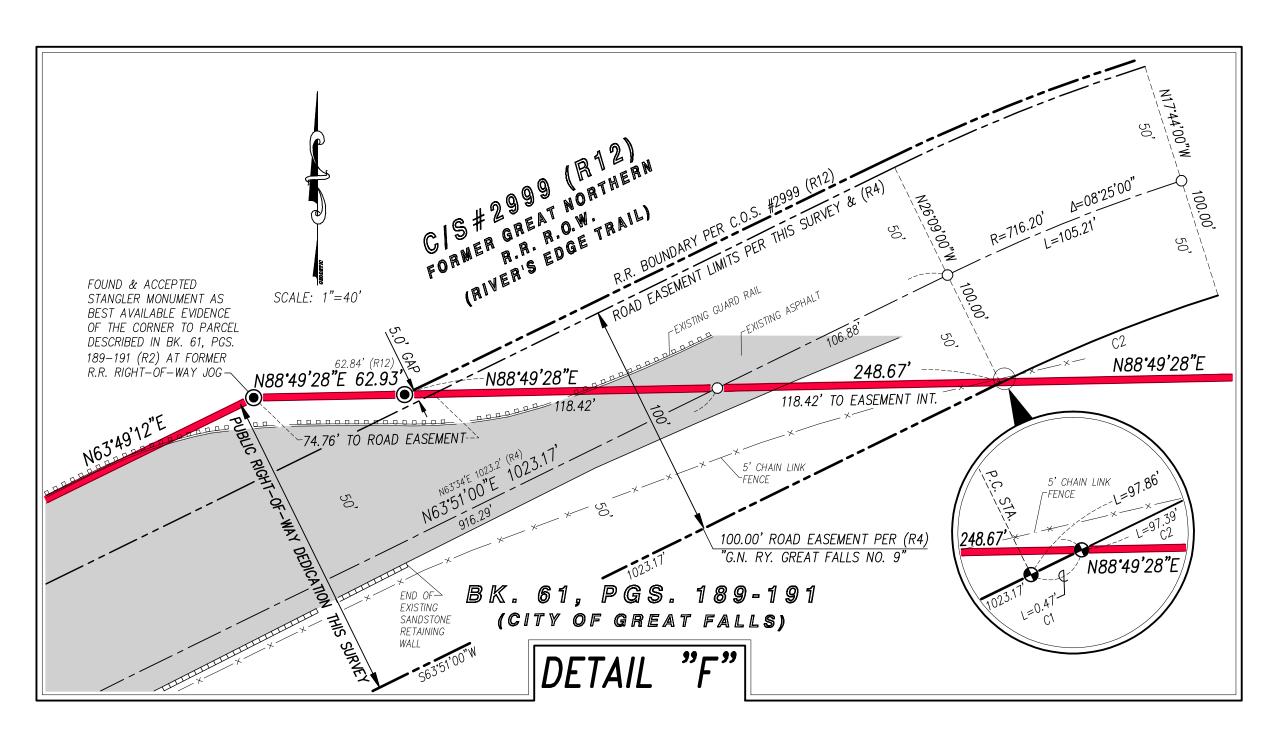
SCALE: 1"=50'

(11TH ADDN ALIGNMENT

**EXISTING** 

FOUND 2" DIA. BRASS CAP WITH PUNCH IN

MONUMENT BOX



### CURVE TABLE

CURVE NO.	RADIUS	DELTA	LENGTH	RADIAL BEARING
C1	666.20'	00°02'25"	0.47'	S26°06'35"E
C2	666.20' 666.25'(R9)	08'22'35"	97.39'	N17'44'00"W (E. END)
C3	<b>2914.79'</b> 2915'(R9)	00'02'57"	<b>17.77'</b> 27.5'(R9)	N17'44'00"W (W. END)
C4	<b>1342.50'</b> 1056'(R9)	02:51'57"	<b>67.15'</b> ?' (R9)	S15'26'38"W
C5	<b>1892.00'</b> 1960'(R9)	08:36'50"	<b>284.44'</b> 305.0' (R9)	N50'33'11"W (N. END)
C6	<b>1792.00'</b> 1860'(R9)	07'04'55"	<b>221.50'</b> 239.2' (R9)	N50'33'11"W (N. END)
<i>C7</i>	<b>190.99'</b> 1860'(R4)	110°50'00"	<b>369.44'</b> 239.2' (R4)	N89°43'00"W
C8	1718.87'	10°46'00"	323.00'	N20:33'00"W
C9	301.56'	58'24'00"	307.37'	S89 <sup>.</sup> 43 <sup>'</sup> 00"E
C10	954.93'	16'46'00"	279.45'	S31'19'00"E
C11	954.93'	11:36'00"	193.33'	N14 <sup>.</sup> 33 <sup>'</sup> 00"W
C12	716.20'	08.25'00"	105.21'	N26°09'00"W
C13	<b>5729.65'</b> DEG=1' (CHD DEF.)	02'31'16"	<b>252.11'</b> 252.2' (R4)	N00°24'19″E (P.C.)
C14	<b>1842.00'</b> 1910.08' (R4)	21.03'53"	<b>677.21'</b> 693.1' (R4)	N50'33'11"W (P.T.)
C15	276.00'	30°55'16"	148.95'	S00'20'44"W (E. END) S30'34'33"E (W. END)
C16	5679.65'	00:54'32"	90.10'	N02°26'41"E
C17	5679.65'	02'02'22"	202.17'	N00°24°19″E
C18	<b>5779.65'</b> 5779.58' (R11)	<b>02'06'05"</b> 02'06'08" (R11)	<b>211.97'</b> 212.05' (R11)	
C19	<b>1792.00'</b> 1860' (R9) 1860.08' (R4)	13'33'32"	424.07'	N43 <sup>:</sup> 28 <sup>'</sup> 16"W
C20	904.93'	16'46'00"	264.81'	S14'33'00"E
C21	1004.93'	11:36'00"	203.46	N26'09'00"W

#### LINE TABLE

LINL TADLL			
LINE NO.	BEARING	DISTANCE	
L1	<b>S19'19'25"E</b> S19'58'E (R9)	<b>18.37'</b> 20.3' (R9)	
L2	<b>N70°40'35"E</b> N70°04'E (R9)	<b>108.70'</b> 206.4' (R9)	
L3	<b>S69°27′00″W</b> S69°10′W (R4)	<b>45.70'</b> 45.7' (R4)	
L4	N69 <sup>.</sup> 27'00"E	160.23'	
L5	S59'25'27"W	68.79'	
L6	S00:17'00"W	227.98'	
L7	N89 <sup>·</sup> 35 <sup>'</sup> 41"W	<b>27.97'</b> 27.5' (R7)	
L8	N76 <sup>.</sup> 00'50"W	45.00'	
L9	S13°59'10"W	44.32'	
L10	S59°25'27"W	31.82'	



SURVEY