



File No. _____
to be completed by City

EXEMPTION CLAIM APPLICATION
BOUNDARY LINE ADJUSTMENT
AND/OR AGGREGATION OF LANDS

Miles City Community Services & Planning
17 South 8th Street, PO Box 910
Miles City, MT 59301

Date Received: _____
to be completed by City

Attach a check payable to the City of Miles City for \$200.00 and submit the application materials (Original, plus 2 copies) to the City of Miles City Community Services and Planning Department, 17 S. 8th Street, Miles City, MT, 59301.

1. Property owner(s): (If more than 2, please attach additional sheets)

a. Name: _____ Dennis Petrik _____ Occupation: _____
Address: _____ 819 Woodbury Street _____ Phone: _____ 406-951-7311
City, State, Zip: _____ Miles City, MT, 59301 _____ Email: _____

b. Name: _____ Bradley Petrik _____ Occupation: _____
Address: _____ 1910 Bridge Street _____ Phone: _____ + 406-951-1417
City, State, Zip: _____ Miles City, MT, 59301 _____ Email: _____

2. Surveyor/Representative:

Name: _____ Quinn W. Wright _____ Firm: _____ DOWL _____
Address: _____ 713 Pleasant Street _____ Phone: _____ 406-234-6666
City, State, Zip: _____ Miles City, MT, 59301 _____ Email: _____ qwright@dowl.com

3. Parcel Description(s) of Existing Tract(s): (If more than 2, please attach additional sheets)

a. Address: _____ No Address at this Time _____

Tax ID Number: _____ Geocode: _____ 14-1740-28-4-46-05-0000 _____

Section: _____ 28 _____ Township: _____ 8 North _____ Range: _____ 47 East _____

Other legal description: _____ Lots 12 & 13, Block 1, Amended Plat of Baker Addition, Warranty Deed Doc. #162927
Portion of Govt. Lot 9, Block 1, Amended Plat of Baker Addition, Warranty Deed Doc. #162927

Zoning District: _____ Minimum Lot Size: _____

How and when the parcel was created (example: Subdivision: X Addition, 10/3/92):

_____ Amended Plat of Baker Addition, Envelope Number 58A, 6/1973 _____



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b. Address: _____

Tax ID Number: _____ Geocode: _____

Section: _____ Township: _____ Range: _____

Other legal description: _____

Zoning District: _____ Minimum Lot Size: _____

How and when the existing parcel was created (example: Subdivision: X Addition, 10/3/92):

4. Proposed Exemption(s):

This application is used for proposals to relocate common boundaries between adjoining properties, and/or the aggregation of lots. Please indicate which exemptions apply to this proposal by checking the appropriate box(es):

- A division made outside of platted subdivisions for the purpose of relocating common boundary line(s) between adjoining properties. [76-3-207(1)(a), MCA]
- For five or fewer lots within a platted subdivision, the relocation of common boundaries. [76-3-207(1)(d), MCA]
- A division made for the purpose of relocating a common boundary line between a single lot within a platted subdivision and adjoining land outside a platted subdivision. A restriction or requirement on the original platted lot or original unplatted parcel continues to apply to those areas. [76-3-207(1)(e), MCA]
- 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 aggregate parcel are established. A restriction or requirement on the original platted lot or original unplatted parcel continues to apply to those areas. [76-3-207(1)(f), MCA]



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a. Reasons/justification for use of the exemption:

Adjust the boundaries to have two equal sized parcels.

b. Intentions for uses of the property (List or discuss the property owners' intentions for the use of each resulting parcel. For example, will the parcel(s) be used for agriculture, commercial, residences, etc.?):

Lot 12A will be used for residential purposes.

Lot 13A will be used for residential purposes.

c. Intentions for disposition (For example, is the intent to correct a building or fence encroachment, to bring the property into compliance with zoning requirements, to prepare tracts for sale, etc.?):

Adjust the boundaries to have two equal sized parcels.

5. Required attachments:

Submit the original, signed application, along with two additional copies of the completed application and the information listed below.

- a. Copies of recorded deeds documenting present ownership of affected parcels.
- b. Copies of all deeds, contracts, restrictions, and covenants related to this property recorded or entered into within the past year.
- c. Site plan (or draft certificate of survey or subdivision/amended plat) showing the approximate gross and net lot sizes (in acreage or square feet), proposed property lines, and all existing and



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-
- proposed structures. The site plan should also identify property line setbacks, parking spaces, and any other information necessary to demonstrate compliance with the zoning code.
 - d. Documentation of approved variances from zoning requirements related to the affected parcels.
 - e. Copies of existing and proposed deed restrictions or covenants, if any.
 - f. All documentation in support of the sanitation exemption(s), if applicable.
 - g. Copies of any existing permits for the development on the property (building permits, floodplain permits, etc.), as applicable.

6. Acknowledgments:

I/We, the undersigned landowner(s) and exemption claimant(s) understand that the State of Montana provides that certain divisions of land, which would otherwise constitute subdivisions, are exempt from local subdivision review and approval, unless the transactions are an attempt to evade the Montana Subdivision and Platting Act or local subdivision regulations.

I/We affirm that this exemption claim is not an attempt to evade the Montana Subdivision and Platting Act or the Miles City Subdivision Regulations.

I/We recognize that I/We may be subject to penalties if my actions are deemed to be an effort to evade subdivision review, as set forth in Montana law:

- 76-3-301(3), MCA: If transfers not in accordance with the Montana Subdivision and Platting Act are made, the City Attorney shall commence action to enjoin further sales or transfers and complete compliance with all provision of the Montana Subdivision and Platting Act. The cost of such action shall be imposed against the party not prevailing.
- Violations: Any person who violates any provision of the Montana Subdivision and Platting Act or any local regulations adopted pursuant thereto shall be guilty of a misdemeanor and punishable by a fine of not less than \$100 or more than \$500 or by imprisonment in a county jail for not more than 3 months or by both fine and imprisonment. Each sale, lease, or transfer of each separate parcel of land in violation of any provision of this chapter or any local regulation adopted pursuant thereto shall be deemed a separate and distinct offense.
- I/We also recognize that making false statements on this form could subject me to criminal prosecution for False Swearing (per MCA 45-7-202) and Perjury (per MCA 45-7-201).
- I/We also recognize that per 45-7-203(1), MCA (Unsworn falsification to authorities), A person commits an offense under 45-7-203 if, with the purpose to mislead a public servant in performing an official function, the person:
 - (a) makes any written false statement that the person does not believe to be true;



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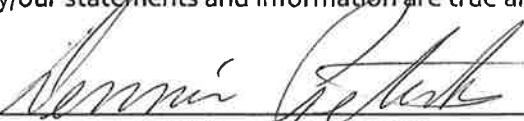
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- (b) purposely creates a false impression in a written application for any pecuniary or other benefit by omitting information necessary to prevent statements from being misleading;
- (c) submits or invites reliance on any writing that the person knows to be forged, altered, or otherwise lacking in authenticity; or
- (d) submits or invites reliance on any sample, specimen, map, boundary mark, or other object that the person knows to be false.


7. Signatures:

I/We, as Claimant(s), has/have read the foregoing Exemption Claim Application, and affirm that my/our statements and information are true and correct to the best of my/our knowledge.



Property owner's/Claimant's signature

Date: 9-9-16



Property owner's/Claimant's signature

Date: 9-9-16

Property Record Card

Summary

Primary Information

Property Category: RP **Subcategory:** Real Property
Geocode: 14-1740-28-4-46-05-0000 **Assessment Code:** 000RMS2966
Primary Owner: **PropertyAddress:** N MONTANA AVE
 PETRIK DENNIS S & BRADLEY SCOTT MILES CITY, MT 59301
 819 WOODBURY ST **COS Parcel:**
 MILES CITY, MT 59301-2423

NOTE: See the Owner tab for all owner information

Certificate of Survey:

Subdivision: BAKER ADDITION

Legal Description:

BAKER ADDITION, S28, T08 N, R47 E, BLOCK 001, Lot 012, W 150.5' LTS 12,13,158' S LT 12

Last Modified: 5/25/2016 9:10:12 AM

General Property Information

Neighborhood: 002 **Property Type:** VU - Vacant Land Urban
Living Units: 0 **Levy District:** 14-0172-1C
Zoning: 2 **Ownership %:** 100

Linked Property:

No linked properties exist for this property

Exemptions:

No exemptions exist for this property

Condo Ownership:

General: 0 **Limited:** 0

Property Factors

Topography: 1 **Fronting:** 4 - Residential Street
Utilities: 1, 4 **Parking Type:**
Access: 2 **Parking Quantity:**
Location: 5 - Neighborhood or Spot **Parking Proximity:**

Land Summary

<u>Land Type</u>	<u>Acres</u>	<u>Value</u>
Grazing	0.000	00.00
Fallow	0.000	00.00
Irrigated	0.000	00.00
Continuous Crop	0.000	00.00
Wild Hay	0.000	00.00
Farmsite	0.000	00.00
ROW	0.000	00.00
NonQual Land	0.000	00.00
Total Ag Land	0.000	00.00
Total Forest Land	0.000	00.00
Total Market Land	0.739	8,552.00

Deed Information:

Deed Date	Book	Page	Recorded Date	Document Number	Document Type
3/6/2015			3/9/2015	162767	Warranty Deed
3/6/2015			4/1/2015	162927	Warranty Deed
5/2/2000	11	4255			
10/6/1995	M80	195			
5/4/1995	M78	325			
5/23/1991	M57	1055			
1/9/1991	M56	606			

Owners

Party #1

Default Information: [PETRIK DENNIS S & BRADLEY SCOTT](#)
[819 WOODBURY ST](#)

Ownership %: 100

Primary Owner: "Yes"

Interest Type: [Joint Tenant w/Right of Survivorship](#)

Last Modified: [10/22/2015 9:30:32 AM](#)

Other Names

Other Addresses

Name

Type

Appraisals

Appraisal History

Tax Year	Land Value	Building Value	Total Value	Method
2016	8552	0	8552	COST
2015	8552	0	8552	COST
2014	8408	0	8408	COST

Market Land

Market Land Item #1

Method: [Sqft](#)

Type: [1 - Primary Site](#)

Width:

Depth:

Square Feet: [32,207](#)

Acres:

Valuation

Class Code: [2201](#)

Value: [8552](#)

Dwellings

Existing Dwellings

[No dwellings exist for this parcel](#)

Other Buildings/Improvements

Outbuilding/Yard Improvements

[No other buildings or yard improvements exist for this parcel](#)

Commercial

Existing Commercial Buildings

No commercial buildings exist for this parcel

Ag/Forest Land

Ag/Forest Land

No ag/forest land exists for this parcel



RETURN TO:
Security Abstract & Title Company
PO Box 1588
Miles City, MT 59301

162927 Fee: \$14.00

Custer County Recorded 4/1/2015 At 3:07 PM

Linda Corbett, Clk & Rcdr By 
Return to: Security Abstract In Person

**Re-recorded to
complete Notary Acknowledgment**

WARRANTY DEED

FOR A VALUABLE CONSIDERATION, the receipt of which is hereby acknowledged, this 6th day of March 2015 by the undersigned:

MILES CITY AREA HABITAT FOR HUMANITY

A Montana non-profit corporation

GRANTOR, of PO Box 1362, Miles City, MT 59301

does hereby grant and convey all of its right, title and interest unto

DENNIS S. PETRIK and BRADLEY SCOTT PETRIK,

as joint tenants with full right of survivorship

(and not as tenants in common)

GRANTEES, of 819 Woodbury Street, Miles City, MT 59301

the following described real property in Custer County, Montana, to-wit:

The west 150.5 feet of Lots 12 and 13 in Block 1 of Baker Addition to the City of Miles City, Custer County, Montana, according to the official plat and survey of said addition now on file and of record in the office of the County Clerk and Recorder in and for Custer County, Montana.

AND

That portion of Lot 9 of Section 28 in Township 8 North, Range 47 East, M.P.M. in Custer County, Montana, described as follows:

Commencing at a point 151 feet due north of the northeast corner of Block 7 of Baker Addition to the City of Miles City, Custer County, Montana, according to the official plat thereof now on file and of record in the office of the County Clerk and Recorder in and for Custer County, Montana, and running thence due west 150.5 feet, thence due north to the southwest corner of Lot 12 in Block 1 of said Baker Addition, thence due east along the south line of said Lot 12 a distance of 150.5 feet, and thence due south to the point of beginning.

TOGETHER WITH all improvements, hereditaments, and tenements appurtenant thereto, including all water rights thereon.

SUBJECT TO THE FOLLOWING:

- (a) Reservations and exceptions in patents from the United States of America or the State of Montana;
- (b) Visible easements, easements of record and rights-of-way;
- (c) All building, use, zoning, sanitary and environmental restrictions;
- (d) Mineral rights and royalty reservations and conveyances, if any, made by predecessors in interest to Grantors, and
- (e) Taxes and assessments which are not yet due and payable.

EXCEPT as modified above, those covenants expressed in Section 30-11-110, Montana Code Annotated, are incorporated herein by reference and made a part hereof.

TO HAVE AND TO HOLD unto the GRANTEES, AS JOINT TENANTS AND TO THE SURVIVOR OF SAID NAMED JOINT TENANTS, (and not as tenants in common) and to the heirs and assigns of such forever,

IN WITNESS WHEREOF, said PARTY OF THE FIRST PARTY has caused its corporate name to be subscribed by its proper officers, thereunto duly authorized, the day and year first above written.

MILES CITY AREA HABITAT FOR HUMANITY

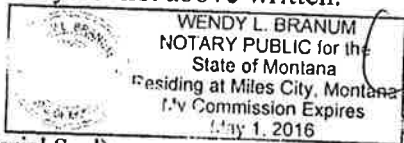
By: Mary L. Notbohm
MARY L. NOTBOHM, as Member of Board of Directors

By: Franklin Lund
FRANKLIN LUND, as Member of Board of Directors

STATE OF MONTANA)
)ss
COUNTY OF CUSTER)

On this 10th day of March 2015, before me, the undersigned, a Notary Public, for the State of MONTANA, personally appeared **MARY L. NOTBOHM** and **FRANKLIN LUND** known to me to be **Members of the Board of Directors** of the corporation who were duly authorized and who executed the within instrument and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year first above written.


 WENDY L. BRANUM
 NOTARY PUBLIC for the
 State of Montana
 Residing at Miles City, Montana
 My Commission Expires
 May 1, 2016
 (Notarial Seal)

Wendy L. Branum
WENDY L. BRANUM
 Notary Public of the State of MONTANA
 Residing at Miles City, Montana
 My Commission Expires May 1, 2016

DESCRIPTION

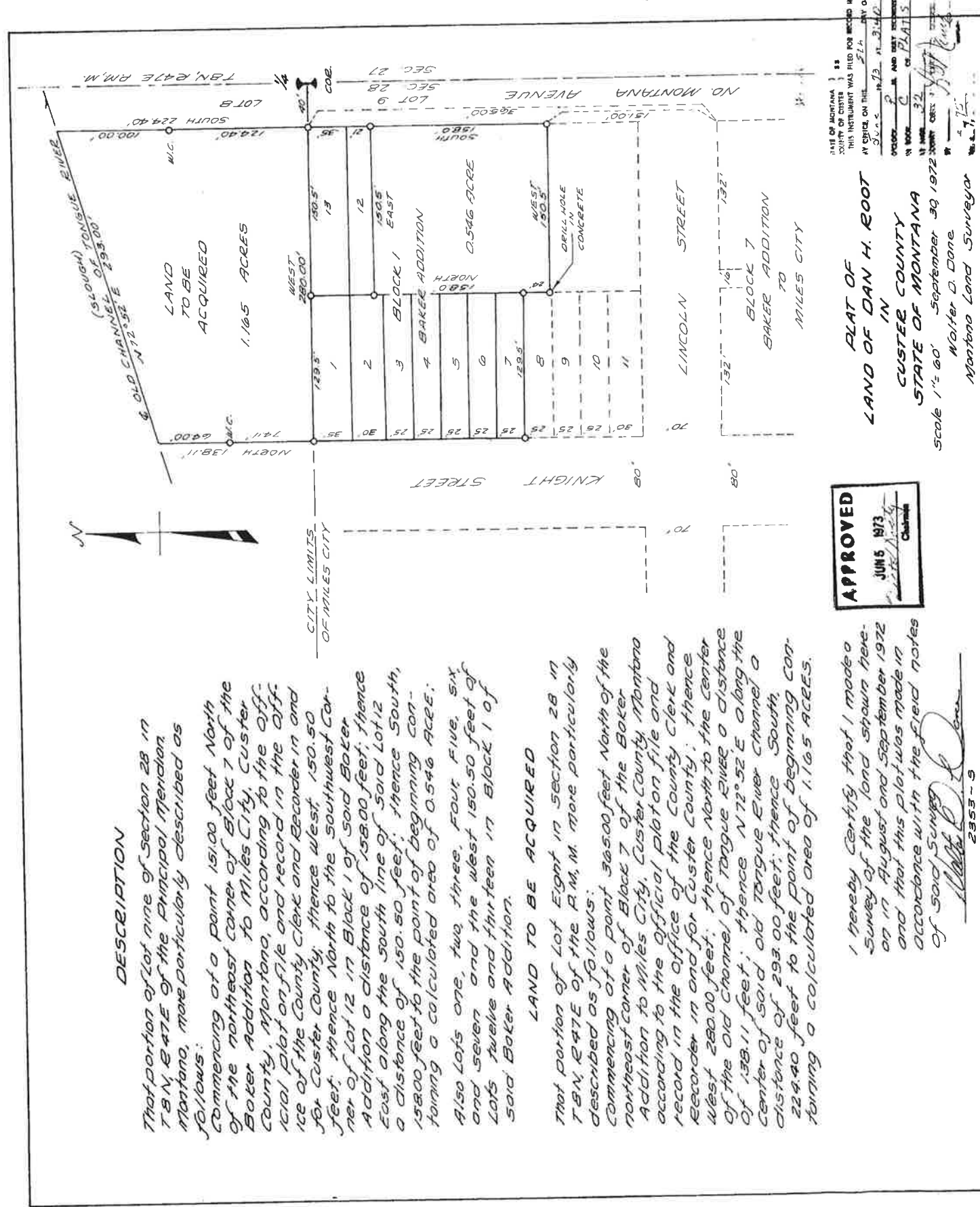
That portion of Lot nine of Section 28 in T8N, R47E of the Principal Meridian, Montana, more particularly described as follows:
 Commencing at a point 151.00 feet North of the northeast corner of Block 7 of the Baker Addition to Miles City, Custer County, Montana, according to the Official Plat on file and record in the Office of the County Clerk and Recorder in and for Custer County; thence West, 150.50 feet; thence North to the southwest corner of Lot 12 in Block 1 of said Baker Addition a distance of 158.00 feet; thence East along the south line of said Lot 12 a distance of 150.50 feet; thence South, 158.00 feet to the point of beginning containing a calculated area of 0.546 ACRE.
 Also Lots one, two, three, four, five, six and seven and the west 150.50 feet of Lots twelve and thirteen in Block 1 of said Baker Addition.

LAND TO BE ACQUIRED

That portion of Lot Eight in Section 28 in T8N, R47E of the R.M., M. more particularly described as follows:
 Commencing at a point 365.00 feet North of the northeast corner of Block 7 of the Baker Addition to Miles City, Custer County, Montana according to the Official Platon file and record in the office of the County Clerk and Recorder in and for Custer County; thence West 280.00 feet; thence North to the center of the Old Channel of Tongue River a distance of 138.11 feet; thence N72°52'E along the center of said old Tongue River Channel a distance of 293.00 feet; thence South 224.40 feet to the point of beginning containing a calculated area of 1.165 ACRES.

I hereby Certify that I made a Survey of the land shown hereon in August and September 1972 and that this Plat was made in accordance with the field notes of said Survey.

Walter D. Dore
 2953-9



APPROVED
 JUN 5 1973
Walter D. Dore
 Surveyor

PLAT OF DAN H. ROOT
 IN
 CUSTER COUNTY
 STATE OF MONTANA
 Scale 1" = 60' September 30, 1972
 Walter D. Dore
 Montana Land Surveyor

STATE OF MONTANA)
 COUNTY OF CUSTER) SS
 THIS INSTRUMENT WAS FILED FOR RECORD IN
 MY OFFICE ON THIS 27th DAY OF
 SEPTEMBER 1972 AT 3:40 P.M.
 WALTER D. DORE, Surveyor
 BY _____

STATE OF MONTANA } ss.
 COUNTY OF CUSTER

I, H.L. COY, of said County and State, do hereby certify and subscribe and say: That I am a competent and lawful officer of said County and State, and that I have read the foregoing plat of the BAKER ADDITION, as shown on attached plat, and that the same is true and correct plat of such survey.

H.L. Coy

Subscribed and sworn to before me this 22nd day of October, A.D. 1906.

J.J. Porter
 Notary Public in and for Custer County
 State of Montana.

CERTIFICATE OF DEDICATION

A.G. Baker and Mary S. Baker, his wife, hereby certify that they are the owners of the tract of land described in the foregoing survey certificate, that they have caused the same to be surveyed, subdivided and platted into lots, blocks, streets, avenues and alleys, as shown by said certificate and the annexed plat; said tract is to be known and designated as BAKER ADDITION, a townsite adjoining Miles City, in Custer County, Montana, and the lands included in all the streets, avenues and alleys and parks or public squares shown on said plat are hereby granted and donated to the public forever.

A.G. Baker
Mary S. Baker

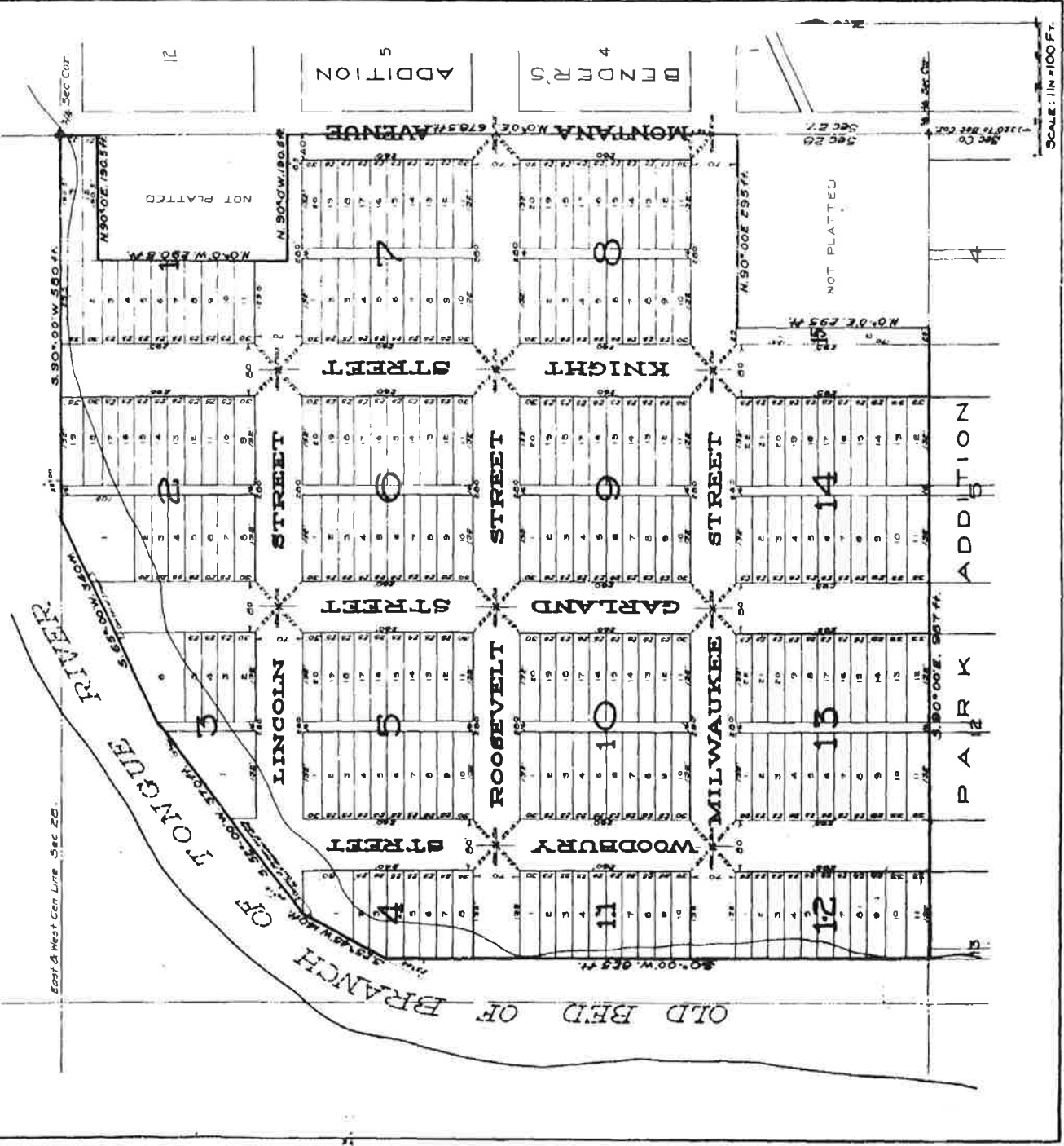
IN WITNESS WHEREOF, the said A.G. BAKER and Mary S. Baker, his wife, have caused this certificate to be duly executed the 22nd day of October, A.D. 1906.

STATE OF MONTANA } ss.
 COUNTY OF CUSTER
 On this 22 day of October, A.D. 1906, before me the undersigned a Notary Public in and for said county and state, personally appeared A.G. BAKER and MARY S. BAKER his wife, known to me to be the persons that executed the foregoing certificate, and acknowledged to me that they executed the same.

J.J. Porter
 Notary Public in and for Custer County
 State of Montana

**BAKER
 ADDITION
 MILES CITY MONT.**

October 9³⁰
 A plat
 of
 J. J. Porter
 33 70



EAS FILE CORP IRVING CA 154-26
 377 B
 BAKER