

J-458

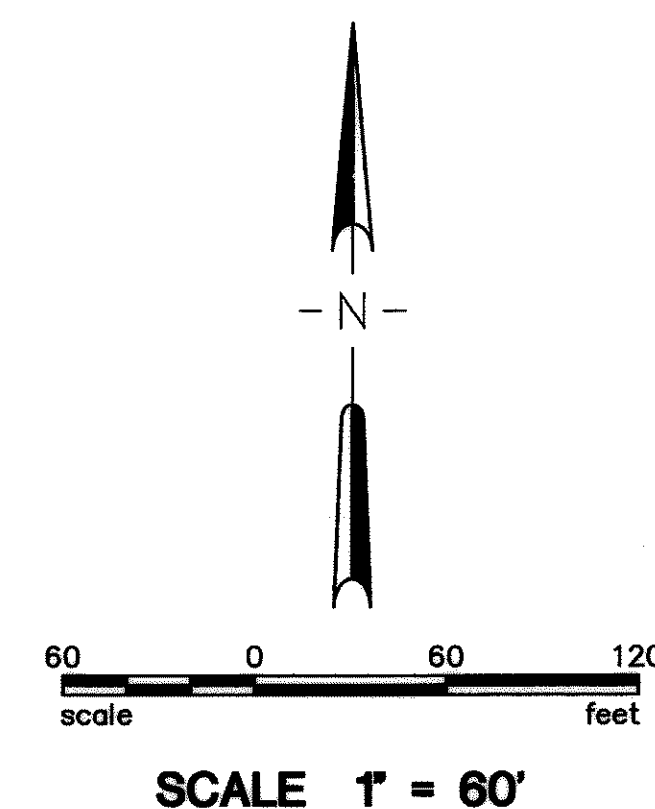
FINAL PLAT OF THE WEST WINDS MAJOR SUBDIVISION PHASE 3

SITUATED IN THE NW 1/4 OF SECTION 2, T2S, R5E, P.M.M.
GALLATIN COUNTY, MONTANA

J-458

PURPOSE OF SURVEY: TO CREATE PARCELS FOR PHASE DEVELOPMENT.

REMAINDER NOT INTENDED FOR TRANSFER
OWNERS:
CASCADE DEVELOPMENT INC
B 2163 - P 577
NW 1/4 SECTION 2, T2S, R5E
ZONED R-3

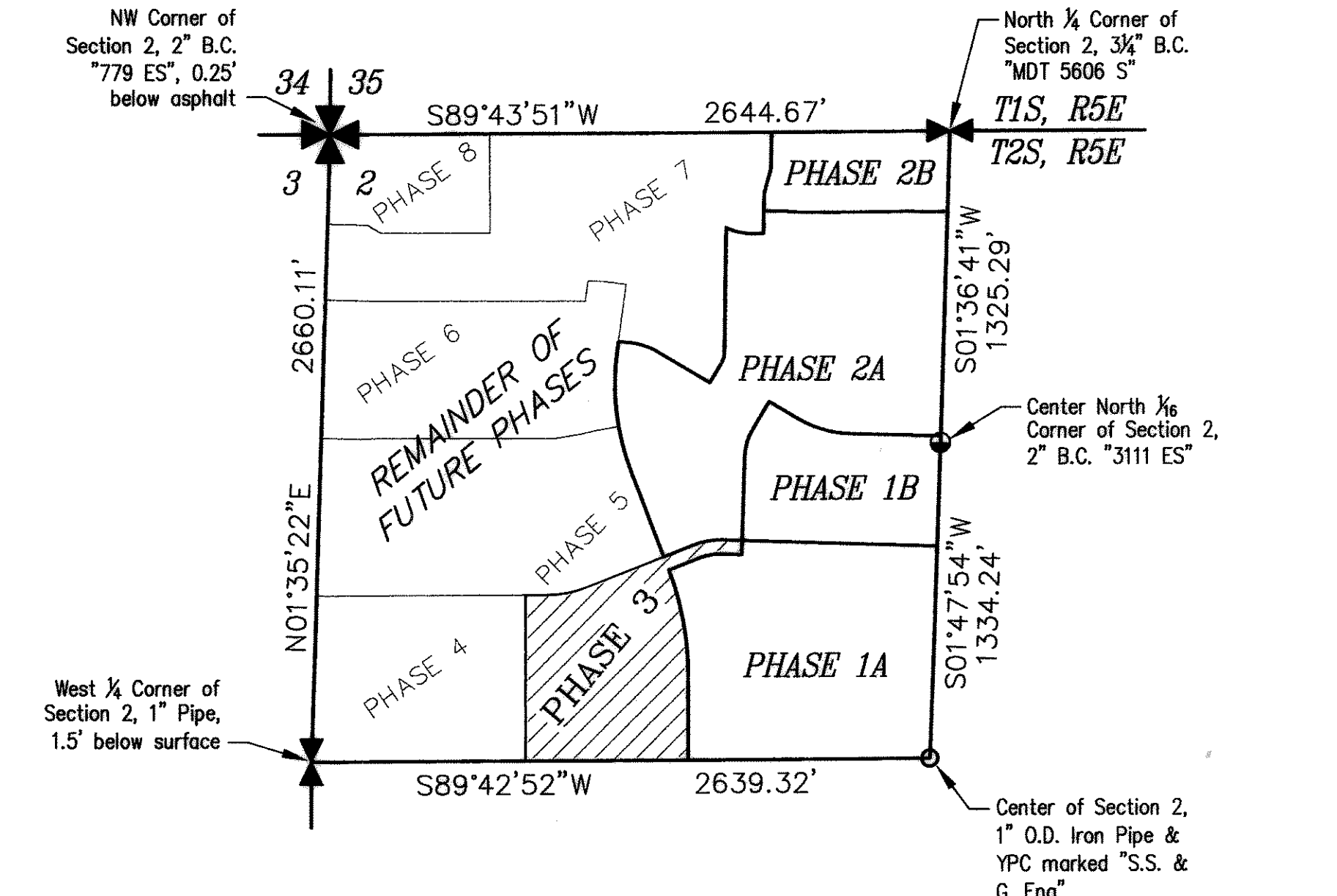


- LEGEND:**
(RSL) RESTRICTED SIZE LOT
⊙ - 1/2" REBAR AND PLASTIC CAP, SET OR FOUND FOR THIS SURVEY MARKED "HKM ENG. 14531 LS"
← INDICATES BUILDING ORIENTATION FOR CORNER LOTS
- NOTES**
- Property shown herein was annexed to the City of Bozeman pursuant to Commission Resolution No. 3216 recorded on Doc. No. Fm 179 PG 2076.
 - All lot accesses shall be built to the standards contained in Section 18.44.090 of the Unified Development Ordinance of the City of Bozeman.
 - Development of each phase will not interfere with any agricultural water user facility or irrigation ditches for downstream water user rights.
 - Existing Zoning: R3
 - Due to high groundwater full or partial basements are not recommended.
 - Direct access to Oak Street from single family, townhouse, or multifamily lots is prohibited.
 - Temporary storm water retention pond easements granted to the City of Bozeman will be relinquished when Phase 4 (Phase to the north) is constructed.
 - Lot 9 & Block 1 shall be developed as per Section 18.16.030.C of the Unified Development Ordinance and as outlined in the agreement on file with the Clerk & Recorder's Office.
 - A 1.0 foot "no access easement" (restriction) is created on this plot fronting Oak Street.
 - Public Park, dedicated to City of Bozeman and maintained by the homeowners association.
 - Open Space Public Access: owned by the landowners, maintained by the homeowners association.
 - A right-of-way for pedestrian walk, not less than 10 feet wide, shall be required in Lot 1 and/or Lot 2, Block 2, extending from Hunters Way to Windward Avenue, Per Section 18.42.040 of the Unified Development Ordinance of the City of Bozeman.
 - Lots 1 and 2, Block 2, are designated for the construction of 11 (combined total) multifamily affordable housing units of the restricted dwelling unit size (908 square feet maximum) in accordance with Sections 18.42.180 and 18.42.180.C.5 of the Unified Development Ordinance of the City of Bozeman. The construction of affordable units is not the sole or primary use of Lots 1 and 2, other multi-family, senior living, assisted living, single family and auxiliary uses are permitted on the lots in conformance with the approved Final West Winds Planned Unit Development and the Unified Development Ordinance of the City of Bozeman.

REMAINING TRACT RESTRICTION NOTE
Applicant shall provide evidence that all original tracts of record of this property are or through this subdivision will become remainder tracts of less than 160 acres were not created for the purpose of transfer, and that any subsequent transfer of said tracts may not occur prior to filing of a subdivision plat or certificate of survey reviewed and approved by the City of Bozeman.

PLAT STATISTICS SUMMARY
PHASE 3

BLOCK 1	SINGLE FAMILY: LOTS 1-9	55,355 SQ. FT.	1.271 AC.
BLOCK 2	MULTI-FAMILY: LOTS 1-2	318,957 SQ. FT.	7.322 AC.
	OPEN SPACE PUBLIC ACCESS	9,788 SQ. FT.	0.225 AC.
	PUBLIC PARK	6,105 SQ. FT.	0.140 AC.
	STREETS	148,566 SQ. FT.	3.411 AC.
	TOTAL AREA	538,769 SQ. FT.	12.368 AC.



Location Map of the WEST WINDS SUBDIVISION in the NW 1/4 of Section 2, T2S, R5E, P.M.M.

WEST WINDS SUB PH 3

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HARVEST CREEK SUBDIVISION PHASE 10 & 11

ZONED R-1

ZONED R-1

HKM Engineering Inc.
1015 S. Montana St.
P.O. Box 3588
Butte, MT 59702
(406) 723-8213
FAX (406) 723-8328

WEST WINDS MAJOR SUBDIVISION PHASE 3

CLIENT: CASCADE DEVELOPMENT, INC.	DATE: DEC. 2006
LOCATION: NW 1/4 Section 2, T2S, R5E, P.M.M.	
DRAWN BY: BF, EL	SCALE: 1"=60'
PROJECT: 06067.HO WW-PH3-PLAT-FINAL.DWG	PLAT NO. _____
	SHEET: 1 OF 2

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FINAL PLAT OF THE WEST WINDS MAJOR SUBDIVISION PHASE 3, SITUATED IN THE NW 1/4 OF SECTION 2, T2S, R5E, P.M.M. GALLATIN COUNTY, MONTANA

PURPOSE OF SURVEY: TO CREATE PARCELS FOR PHASE DEVELOPMENT.

CERTIFICATE OF DEDICATION

(I), (We), the undersigned property owner(s), do hereby certify that (I), (We) have caused to be surveyed, subdivided and platted into lots, blocks, streets, and alleys, and other divisions and dedications, as shown by the plat hereunto included, the following described tract of land, to wit:

That portion of the NW 1/4 of Section 2, T2S, R5E, P.M.M., Gallatin County, Montana and more particularly described as follows:

PHASE 3 DESCRIPTION

Beginning at the southwest corner of WEST WINDS SUBDIVISION PHASE 1A, from which the center of said section bears N89°42'52"E, 1032.61 feet; Thence, from said Point of Beginning, South 89°42'52" West, 693.92 feet; Thence, North 00°17'08" West, 700.00 feet; Thence, North 89°42'52" East, 92.12 feet to a point of curvature, concave northerly; Thence, along said curve to the left, having an arc length of 174.34 feet, a radius of 470.00 feet, a central angle of 21°15'13", and a chord bearing North 79°05'15" East, 173.35 feet; Thence, North 68°27'39" East, 486.45 feet, to a point of curvature, concave Southerly; Thence, along said curve to the right, having an arc length of 134.39 feet, a radius of 330.00 feet, a central angle of 23°20'00", and a chord bearing North 80°07'39" East, 133.46 feet; Thence, South 88°12'21" East, 79.16 feet; Thence, South 01°47'39" West, 60.00 feet; Thence, North 88°12'21" West, 79.16 feet, to a point of curvature, concave southerly; Thence, along said curve to the left, having an arc length of 109.95 feet, a radius of 270.00 feet, a central angle of 23°20'00", and a chord bearing South 80°07'39" West, 109.20 feet; Thence, South 68°27'39" West, 132.61 feet, to a point of non-tangent curvature, concave Westerly; Thence, along said curve to the right, having an arc length of 454.65 feet, a radius of 1280.00 feet, a central angle of 20°21'04", and a chord bearing of South 10°27'40" East, 452.26 feet; Thence, South 00°17'08" East, 359.16 feet, to the point of beginning, containing 12.368 acres.

EXCEPTING AND RESERVING, SUBJECT TO AND TOGETHER WITH, all utility easements as shown on this plat, and subject to all recorded and unrecorded easements.

The above tracts of land are to be known and designated as: the WEST WINDS MAJOR SUBDIVISION PHASE 3, City of Bozeman, Montana, and the lands included in all streets, avenues, alleys, and parks or public squares shown on said plat are hereby granted and donated to the City of Bozeman for the public use and enjoyment. Unless specifically listed herein, the lands included in all streets, avenues, alleys, and parks or public squares dedicated to the public are accepted for public use, but the City has no obligation to maintain the lands included in all streets, avenues, alleys, and parks or public squares hereby dedicated to public use. The lands included in all streets, avenues, alleys, and parks or public squares dedicated to the public for which the City accepts responsibility for maintenance includes streets.

The undersigned hereby grants unto each and every person, firm or corporation, whether public or private, providing or offering to provide telephone, electric power, gas, internet, cable television, or other similar utility or service, the right to the joint use of an easement for the construction, maintenance, repair and removal of their lines and other facilities in, over, under and across each area designated on this plat as "Utility Easement" to have and hold forever.

REMAINDER DESCRIPTION - NOT INTENDED FOR TRANSFER WITHOUT A CERTIFICATE OF SURVEY That portion of the NW 1/4 of Section 2, T2S, R5E, P.M.M., Gallatin County, Montana, less West Winds Phase 1A & 1B Major Subdivision, West Winds Phase 2A & 2B Major Subdivision and West Winds Phase 3 Major Subdivision containing 83.879 acres.

Dated this 13th day of February 2007, John Dunlap for Cascade Development, Inc.

STATE OF MONTANA COUNTY OF GALLATIN On this 13th day of February in the year 2007, before me Dawn Lindbo, a Notary Public for the State of Montana, personally appeared John Dunlap, known to me to be as President of Cascade Development, Inc., a Montana Corporation, and the person whose name is subscribed to the attached instrument and acknowledged to me that they executed the same, for and on behalf of said Corporation. In witness whereof, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Subscribed and Sworn to before me this 13th day of February, 2007. Dawn Lindbo, Notary Public for the State of Montana, my commission expires January 9, 2011, Residing at Bozeman, Montana.

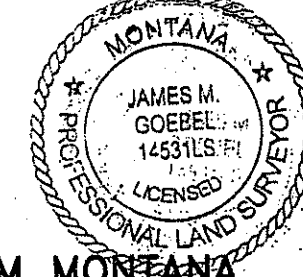


NEW UTILITY EASEMENTS 12' front along all streets. Others as shown.

CERTIFICATE OF SURVEYOR

I, the undersigned, James M. Goebel, Professional Land Surveyor No. 14531 LS, do hereby certify that between April 2003 and December 2006, I surveyed the WEST WINDS MAJOR SUBDIVISION, PHASE 3, and platted the same as shown on the accompanying plat and as described, in accordance with the provisions of the Montana Subdivision and Platting Act, Sections 76-3-101 through 76-3-625, MCA., and the Bozeman Unified Development Ordinance.

DATED this 11th day of December, 2006. James M. Goebel, Professional Land Surveyor No. 14531 LS.



CERTIFICATE OF EXCLUSION FROM MONTANA DEPARTMENT OF ENVIRONMENTAL QUALITY REVIEW

The WEST WINDS MAJOR SUBDIVISION PHASE 3, Gallatin County, Montana, is within the City of Bozeman, Montana, a first-class municipality, and within the planning area of the Bozeman growth policy which was adopted pursuant to Section 76-1-601 et seq., MCA, and can be provided with adequate storm water drainage and adequate municipal facilities. Therefore, under the provisions of Section 76-4-125(2)(d), MCA, this subdivision is excluded from the requirement for Montana Department of Environmental Quality Review.

DATED this 26th day of February, 2007. Director of Public Services, City of Bozeman, Montana.

APPROVED AS TO FORM. Tom Cooper, Staff Attorney, City Attorney.

CERTIFICATE OF COMPLETION OF IMPROVEMENTS

I, John Dunlap, President of Cascade Development, Inc., and I, Clint Little, a Professional Engineer licensed to practice in the State of Montana, do hereby certify that the following improvements, required to meet the requirements of this title or as a condition(s) of approval of the West Winds Major Subdivision Phase 3 have been installed in conformance with the approved plans and specifications:

Oak Street (off-site): curb, gutter, pavement, and storm drainage improvements.

The following improvements, required to meet the requirements of this title or as a condition of approval of the West Winds Major Subdivision Phase 3 have been financially secured by an irrevocable letter of credit (18.74.080.A.2 BMC) and are under construction in conformance with the approved plans and specifications:

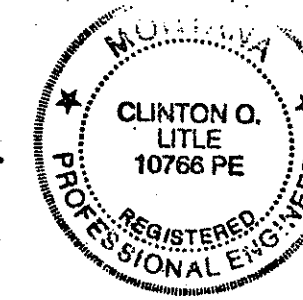
(on-site): Sanitary Sewer Mains and Services, Water Mains and Services, Street Improvements, sidewalks adjacent to park or open space, storm drainage improvements, street lighting, park, and landscape improvements.

Oak Street (off-site): sidewalk, street lighting, and landscaping improvements.

The subdivider hereby warrants against defects in these improvements for a period of two years from the date of acceptance by the City of Bozeman. The subdivider grants possession of all public infrastructure improvements to the City of Bozeman, and the City hereby accepts possession of all public infrastructure improvements, subject to the above indicated warranty.

Dated this 13th day of February 2007. John Dunlap, President, Cascade Development, Inc.

Dated this 16th day of February 2007. Clint Little, Professional Engineer No. 10766 PE.



Dated this 28th day of February, 2007. Director of Public Services, City of Bozeman, Montana.

APPROVED AS TO FORM. Tom Cooper, Staff Attorney, City Attorney.

CERTIFICATE OF DIRECTOR OF PUBLIC SERVICE

I, Director of Public Service, City of Bozeman, Montana, do hereby certify that the accompanying plat has been duly examined and has found the same to conform to the law, approves it, and hereby accepts the dedication to the City of Bozeman for the public use of any and all lands shown on the plat as being dedicated to such use.

DATED this 28th day of February, 2007. Director of Public Services, City of Bozeman, Montana.

APPROVED AS TO FORM. Tom Cooper, Staff Attorney, City Attorney.

CERTIFICATE OF COUNTY TREASURER

I, Kimbly Buchanan, Treasurer of Gallatin County, Montana, do hereby certify that the accompanying plat has been duly examined and that all real property taxes and special assessments assessed and levied on the land to be subdivided have been paid. 76-3-611(1)(b) MCA.

DATED this 16th day of February, 2007. Denise Stans, Treasurer of Gallatin County.

CERTIFICATE OF CLERK AND RECORDER

I, Charlotte Mills, Clerk and Recorder of Gallatin County, Montana, do hereby certify that the foregoing instrument was filed in my office at 1:30 o'clock P.M. this 26th day of March, A.D., 2007, and recorded in Book 3 of Plats on Page 458, as Document No. 2258420. Records of the Clerk and Recorder, Gallatin County, Montana.

Charlotte Mills, Clerk and Recorder.

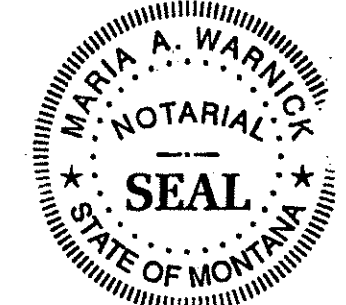
CONSENT OF MORTGAGEES

We, the undersigned mortgagees or encumbrancers, do hereby join in and consent to the described plat, releasing our respective liens, claims or encumbrances as to any portion of said lands now being platted into streets, avenues, parks or other public areas which are dedicated to the City of Bozeman for the public use and enjoyment.

APPROVED AS TO FORM. DATE: Feb 14, 2007. FOR BOZEMAN VILLAGE INDUSTRIES, LLC.

State of Montana, County of Gallatin.

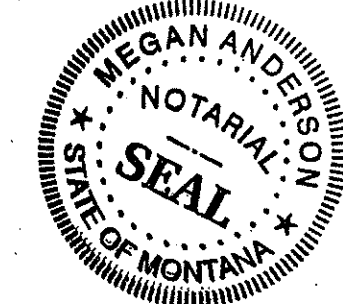
This instrument was acknowledged before me on February 14, 2007 by Ronald Siebert as Owner of Bozeman Village Industries, LLC. Notary Public for the State of Montana, my commission expires November 2, 2010, Residing at Bozeman, Montana.



APPROVED AS TO FORM. DATE: 2-13-07. FOR BANK OF BOZEMAN.

State of Montana, County of Gallatin.

This instrument was acknowledged before me on February 13, 2007 by Linda Keen as Comptroller of Bank of Bozeman. Notary Public for the State of Montana, my commission expires May 1, 2010, Residing at Bozeman, Montana.



PLAT CONDITIONS

- 1. Street access to Lot 1, Block 1, will be by Hunters Way. No street access from Breeze Lane.
2. Street access to Lots 1 and 2, Block 2, will be by Hunters Way. No street access from Breeze Way or Oak Street.
3. NOTICE TO LOT OWNERS: Due to relatively high ground water table within the subdivided area, full or partial basements are not recommended.

SURVEY MONUMENT NOTE

Not all monuments may be set at the time of the filing of this plat due to ground disturbances by contractors installing improvements to the subdivision. All monuments will be set within 240 days of the filing of the plat, as per ARM 8.94.3001(1)(d).

BASIS OF BEARING

True North as observed by GPS



HKM Engineering Inc. 1015 S. Montana St. P.O. Box 3588 Butte, MT 59702 (406) 723-8213 FAX (406) 723-8328. WEST WINDS MAJOR SUBDIVISION PHASE 3. CLIENT: CASCADE DEVELOPMENT, INC. DATE: DEC. 2006. LOCATION: NW 1/4 Section 2, T2S, R5E, P.M.M. DRAWN BY: BF, EL SCALE: 1"=60' PLAT NO. PROJECT: 030527.110 EIP-PH3-PLAT_FINAL.DWG SHEET: 2 OF 2