

STATE OF MONTANA - DEPARTMENT OF TRANSPORTATION  
HELENA, MONTANA 59620-1001

DRIVEWAY APPROACH APPLICATION AND PERMIT

- To be filled in by Department of Transportation Personnel -

F.A. ROUTE NO.: MT 35 (C-52)      APPROACH STATION: 823+12 ft  
DISTRICT: Missoula      NO.: 12-05      MILEPOST: 15.4  
COUNTY: lake      PROJECT: S-102 (10)  
DRAINAGE AS DETERMINED BY DEPT. OF TRANSPORTATION:  
Type: CMP      Size: 18 Inch      Length: 38 Feet + two eight ft racets  
54 feet total  
Access Control:       Yes       No

Approach Recommended by District Traffic Engineer or Traffic Unit      Date      Approach Application Approved by District Administrator      Date  
*[Signature]*      11-16-06

If Access Control is Yes:      Date  
Approach Recommended by Access Manager, R/W Bureau

**APPLICANT (Property Owner)**

Name: Martin Dowling      Phone: 702-253-9490  
Address: 7069 Big Springs Ct, Las Vegas, NV 89113-1381

herein termed the applicant, requests permission to construct approach(es) described and shown on attached plot plan or plan and profile and hereby made a part of this application.

Please indicate if permits or approaches are required from units of government other than the Department of Transportation. Write the number of permits required in the box:

Federal Government       State       County       City       N/A

Private: X      Public: \_\_\_\_\_

Use of Property or Facility: Residence  
(Residence, Trailer Court, Gas Station, Field Access, Type of Business, etc.)

**LOCATION:**

City or Town: 15 miles north of Polson  
(If rural, direction & approx. distance from nearest city or town)

Street Name, if any: MT 35

**ROADWAY OR HIGHWAY:**

Sight Distance: Left: 767      Right: 1,000  
Surfacing: Asphalt      Width: 26 Feet

**APPROACH:**

Estimated number of trips per day: 5  
Width: 24 Feet      Flare: 25 Feet      Side of Roadway: East  
(N, E, S, W)

**DRAINAGE:** See above as determined by Department of Transportation.

**INSTRUCTION CONCERNING USE OF THIS FORM**

Applicant will complete and deliver this form in duplicate to the District Administrator serving the area in which the Approach Permit is requested. The District Administrator, in conjunction with the District Traffic Engineer, is delegated authority to approve curb cuts, public and private approaches serving businesses, residences and agricultural uses in rural or urban areas without further consultation if the traffic conditions are not congested. In congested areas, usually urban situations,

the District Administrator and District Traffic Engineer can request the Manager, Traffic Unit in Helena for additional technical assistance. If this is necessary, the approach should be scaled onto existing plan and profile sheets showing the highway right-of-way and sent to Helena.

- APPROACH PERMIT -

Subject to the following terms and conditions, the permit applied for upon the reverse side hereof, is hereby granted:

- 1) **TERM.** This permit shall be in full force and effect from the date hereof until revoked as herein provided.
- 2) **RENTAL.** Rental shall be : no rental
- 3) **REVOCAION.** This permit may be revoked by State upon giving thirty (30) days notice to Permittee by ordinary mail, directed to the address shown in the application hereto attached, but the State reserves the right to revoke this permit without giving said notice in the event Permittee breaks any of the conditions or terms set forth herein.
- 4) **COMMENCEMENT OF WORK.** No work shall be commenced until Permittee notifies the District Administrator, shown in application, when he proposes to commence work.
- 5) **CHANGES IN HIGHWAY.** If the State changes the highway, or there are other changes to adjoining streets, alleys, etc., which necessitate alterations in structures or installations installed under this permit, Permittee shall make the necessary alterations at Permittee's sole expense or in accordance with a separate agreement.
- 6) **STATE SAVED HARMLESS FROM CLAIMS.** In accepting this permit the Permittee, its/his successors or assigns, agree to protect the State and save it harmless from all claims, actions or damage of every kind and description which may accrue to, or be suffered by, any person or persons, corporations or property by reason of the performance of any such work, character of materials used, or manner of installations, maintenance and operation, or by the improper occupancy of said highway right of way, and in case any suit or action is brought against the State and arising out of, or by reason of, any of the above causes, the Permittee, its/his successors or assigns, will upon notice to it/him of the commencement of such action, defend the same at its/his sole cost and expense and satisfy any judgment which may be rendered against the State in any such suit or action.
- 7) **PROTECTION OF TRAFFIC.** Insofar as the interests of the State and the travelling public are concerned, all work performed under this permit shall be done under the supervision of the District Administrator of the Department of Transportation and his authorized representatives, and he/they shall indicate barriers to be erected, the lighting thereof at night, placing of flagmen and watchmen, manner in which traffic is to be handled, and shall specify to Permittee how road surface is to be replaced if it is disturbed during operations, but said supervision shall in no way operate to relieve or discharge Permittee from any of the obligations assumed by acceptance of this permit, and especially those set forth under Section 8 thereof.
- 8) **HIGHWAY DRAINAGE.** If the work done under this permit interferes in any way with the drainage of the State Highway affected, Permittee shall, at its/his own expense, make such provisions as the State may direct to take care of said drainage.
- 9) **RUBBISH AND DEBRIS.** Upon completion of work contemplated under this permit, all rubbish and debris shall be immediately removed and the roadway and the roadside left in a neat and presentable condition satisfactory to the State.
- 10) **WORK TO BE SUPERVISED BY STATE.** All work contemplated under this permit shall be done under the supervision of and to the satisfaction of the authorized representative of the State, and the State hereby reserves the right to order the change of location or removal of any structure or installation authorized by this permit at any time, said changes or removal to be made at the sole expense of the permittee.
- 11) **STATE'S RIGHT NOT TO BE INTERFERED WITH.** All such changes, reconstructing or relocation shall be done by Permittee, in such a manner as will cause the least interference with any of the State's work, and the State shall in no wise be liable for any damage to the Permittee by reason of any such work by the State, its agents, contractors or representatives, or by the exercise of any rights by the State upon the highways by the installations or structures placed under this permit.
- 12) **REMOVAL OF INSTALLATIONS OR STRUCTURES.** Unless waived by the State, upon termination of this permit, the Permittee shall remove the installations or structures contemplated by this permit and restore the premises to the condition existing at the time of entering upon the same under this permit, reasonable and ordinary wear and tear and damage by the elements, or by circumstances over which the Permittee has no control, excepted.
- 13) **MAINTENANCE AT EXPENSE OF PERMITTEE.** Permittee shall maintain, at its/his sole expense the installations and structures for which this permit is granted, in a condition satisfactory to the State.
- 14) **STATE NOT LIABLE FOR DAMAGE TO INSTALLATIONS.** In accepting this permit the Permittee agrees that any damage or injury done to said installations or structures by a contractor working for the State, or by any State employee engaged in construction, alteration, repair, maintenance or improvement of the State Highway, shall be at the sole expense of the Permittee.
- 15) **STATE TO BE REIMBURSED FOR REPAIRING ROADWAY.** Upon being billed therefor Permittee agrees to promptly reimburse State for any expense incurred in repaving surface or roadway due to settlement at installation, or for any other damage to roadway as a result of the work performed under this permit.
- 16) **OTHER CONDITIONS AND/OR REMARKS.**
  - a. All approach side slopes will be constructed on not less than 8 to 1 slope, unless otherwise approved.
  - b. No private signs or devices etc., will be constructed or installed within the highway right-of-way limits.
  - c. This permit is valid only if approach construction is completed within 6 months from date of issue.
  - d. See attachments for further restrictions.

Dated at Kellogg, Montana, this 25 day of September, 2006.

The undersigned, the "Permittee" mentioned in the foregoing instrument, hereby accepts this permit, together with all of the terms and conditions set forth therein.

DEPARTMENT OF TRANSPORTATION

Completed Approach Inspected by:

  
Permittee Martin Dowling-owner

\_\_\_\_\_  
Date  
\_\_\_\_\_  
Title

- One copy of permit to District Administrator for file
- One copy of permit to Applicant
- If Access Control is Yes, one copy of permit to Access Manager, RAW Bureau

**Attachment for M. Dowling Approach  
MT 35 MP 15.4 rt  
Yellow Bay, MT 9/2006**

- A. This permit is for access to a residence. Any signing or monuments associated with this access must be installed on permittee property and not right of way. This access must be installed on the North property line boundary to insure the greatest amount of sight distance.
- B. Permittee or their contractors are required to locate and move or protect all utilities and encroachments currently buried on MDT right of way. Repair of any damaged caused by construction will be the responsibility of the permittee.
- C. Permittee or their contractors are required to meet all signing and traffic control requirements while working on MDT right of way in accordance with MUTCD specifications.
- D. Permittee is responsible for any rocks, gravel, or debris that is carried onto the roadway by this construction. Sweeping and cleaning will be done daily at the permittee's expense.
- E. The permittee/owner of this approach agrees to maintain this access in a safe and useable condition during all seasons. MDT will not assist in construction of this approach or any future maintenance.
- F. Approach must be covered with 2 inches of ½" or ¾" crush gravel or paved.
- G. Parking is not be allowed on MDT right of way. Landscaping or beautification on r/w requires a separate encroachment permit.
- H. Permittee or owner of this access will be responsible for maintaining sight distance in both directions. Removal of brush and trees will be required as necessary.
- I. **For permit to be valid, all work must be completed, inspected, and signed within six months. Contact the area supervisor, Bill Schultz at 883-4240 for the final inspection and approval signature.**

|                    |            |                            |  |
|--------------------|------------|----------------------------|--|
| CN / UPN           | Project Id | Name/ Location Description | Route/Corr. Fed. Funds Involved?<br>Yes <input type="checkbox"/> No <input type="checkbox"/> |
| (For MDT Use Only) |            |                            |  |

**ENVIRONMENTAL CHECKLIST FOR:**  **X Approach Permit**  **Encroachment/Occupancy (incl. Utility)**  **Maintenance Projects (w/ No Right-Of-Way Acquisition, Sale or Transfer)**

Location: Highway or Route No MT 35 Milepost(s) 15.4

Physical Address: Lot 5, Block 4, Ordway Village Sp City: Polson, MT

Legal Description: County: Lake Township: T 24 N Range: R 19 W Section(s): 9

Applicant Information: Name: Martin Dowling Phone: 702-253-9490

Company/Utility \_\_\_\_\_ Business Phone: \_\_\_\_\_

Mailing Address: Street or Box: 7069 Big Springs Court City Las Vegas State Nevada Zip Code 89113

| Impact Questions   |  | Comment or Explanation<br>(Use attachments if necessary) |                                       |
|--|--|--|---------------------------------------|
| Based on ARM 18.2.261 & 23 CFR 771.117 – Actions that qualify for Categorical Exclusion under MEPA or NEPA |  | Yes  | No                                    |
| 1.   | Will the proposed action impact any historical sites?  | <input type="checkbox"/>                                 | <input checked="" type="checkbox"/> X |
| 2.   | Will the proposed action impact any publicly owned parklands, recreation areas, wildlife or waterfowl refuges?   | <input type="checkbox"/>                                 | <input checked="" type="checkbox"/> X |
| 3.   | Will the proposed action impact prime farmlands?   | <input type="checkbox"/>                                 | <input checked="" type="checkbox"/> X |
| 4.   | a. Will the proposed action have an impact on the human environment that may result from relocations of persons or businesses, changes in traffic patterns, changes in grade, or other types of changes?<br>b. Has the proposed action received any preliminary or final approval from the local land use authority? | <input type="checkbox"/>                                 | <input checked="" type="checkbox"/> X |
| 5.   | For the proposed action, is there documented controversy on environmental grounds? (i.e., has the applicant received a letter of petition from an environmental organization?)   | <input type="checkbox"/>                                 | <input checked="" type="checkbox"/> X |
| 6.   | Will the proposed action require work in, across or adjacent to listed or proposed Wild or Scenic River? (See listing on page 2)   | <input type="checkbox"/>                                 | <input checked="" type="checkbox"/> X |
| 7.   | Will the proposed action impact air quality or increase noise?   | <input type="checkbox"/>                                 | <input checked="" type="checkbox"/> X |
| 8.   | Will the proposed project involve hazardous waste sites? (Superfund, spills, underground storage tanks, old mines etc.)  | <input type="checkbox"/>                                 | <input checked="" type="checkbox"/> X |
| 9.   | Will the proposed action affect water quality, wetlands, streams or other water bodies? If the answer is YES, an environment-related permit or authorization may be required (See Attached "Stream Permitting Guidelines").  | <input type="checkbox"/>                                 | <input checked="" type="checkbox"/> X |
| 10.  | a. Are there any listed or proposed threatened or endangered species, or critical habitat in the vicinity of the proposed action?<br>b. Will the proposed action adversely affect listed or proposed threatened or endangered species, or adversely modify critical habitat?   | <input type="checkbox"/>                                 | <input checked="" type="checkbox"/> X |
| 11.  | Will the proposed action require an environment-related permit or authorization? If the answer is "yes," please list the specific permits or authorizations.   | <input type="checkbox"/>                                 | <input checked="" type="checkbox"/> X |
| 12.  | Is the proposed action on or within approximately 1 mile of an Indian Reservation?<br>a. If Yes – Will a Tribal Water Permit be required   | <input checked="" type="checkbox"/> X                    | <input type="checkbox"/>              |
| 13.  | Is the proposed action in a "Class I Air Shed" (Some Indian Reservations)?   | <input type="checkbox"/>                                 | <input checked="" type="checkbox"/> X |
| 14.  | Will the proposed action result in increased traffic volumes, increased wait or delays on state highways, or have adverse impacts on other forms of transportation (rail, transit or air movements)?   | <input type="checkbox"/>                                 | <input checked="" type="checkbox"/> X |
| 16.  | Is the proposed action part of a project that may require other governmental permits, licenses or easements? If "Yes" then describe the full extent of the project and any other permits, licenses or easements that may be necessary for the applicant to acquire.  | <input type="checkbox"/>                                 | <input checked="" type="checkbox"/> X |

16.  Attach representative photos of the sites where the proposed action would be implemented.
17.  Attach map(s) showing the location(s) of the proposed action(s), Township, Range, Section, highway or route number and approximate milepost(s).
18. Describe Magnitude / Importance of potential impacts: (To be completed by Applicant)(Use Attached Sheets)

Checklist prepared by: Martin Dowling (pls initial) P. owner 2 Sept 06  
Applicant Title Date

Reviewed for completeness by:

*Jim Swartz*  
MDT District Representative

*Maunit Gupta*  
Title

*11-16-06*  
Date

Approved by:

Environmental Services  
(When any of the items 1 through 13 are checked "Yes")

Title

Date

Transportation Planning  
(When items 14 or 15 are checked "Yes")

Title

Date

Checklist Conditions & Required Approvals

- A. Applicant is NOT authorized to proceed with the proposed work until ALL of the Checklist Conditions have been met and the required approvals have been obtained.
- B. Completes the checklist indicating a "Yes" or "No" for each item.
- C. When a "Yes" is indicated on any of the items except 12 or 13, the Applicant must explain the impacts, and for Items 1 through 10 describe any appropriate mitigation measures that will be taken. Use attachments if necessary. If the applicant checks "No" and the District feels there may be potential impacts, the Environmental Checklist must be forwarded to Environmental Services.
- D. If a "Yes" is checked in item 10 a. (threatened or endangered species), please provide information naming the particular species and the expected location, distribution and habitat use in the proposed action area, i.e. within the immediate area of the proposed action and possible direct affects to the species; or, in the general area on occasion (seasonally passes through) but does not nest, den or occupy the area for more than a few days – adverse affects are very unlikely.
- E. If the applicant checks "Yes" for any item, the approach permit, occupancy agreement or permit along with the checklist and Applicant's mitigation proposal, documentation, evaluation and/or permits must be submitted to MDT Environmental Services for review and approval.
- F. When the applicant checks "Yes" to any item, the Applicant cannot be authorized to proceed with the proposed work until the MDT Environmental Services and/or Transportation Planning, as appropriate, reviews the information and signs the checklist.
- G. Applicant must obtain all necessary permits or authorizations from other entities with jurisdiction prior to beginning the proposed action or activity.

Montana's Wild and Scenic Rivers system as published by the U.S. Department of Agriculture, or the U.S. Department of the Interior:

1. Middle Fork of the Flathead River (headwaters to South Fork of the Flathead River confluence)
2. North Fork of the Flathead River (Canadian border to Middle Fork of the Flathead River confluence)
3. South Fork of the Flathead River (headwaters to Hungry Horse Reservoir)
4. Missouri River (Fort Benton to Charles M. Russell National Wildlife Refuge)

**Montana Department of Transportation**

**F. A. Route No: MT 35 (C-52) Approach Station: 823+12 rt**

**District: Missoula NO: 12-05 Milepost: 15.4**

**County: Lake Project S-102 (10)**

**ENVIRONMENTAL CHECKLIST FOR: X Approach Permit**

**Impact Questions: #18**

**Describe Magnitude / Importance of potential impacts:**

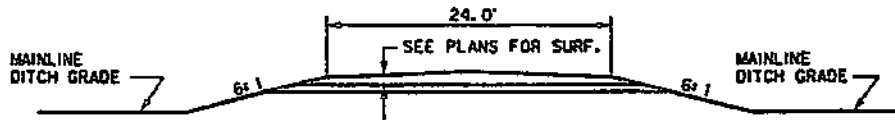
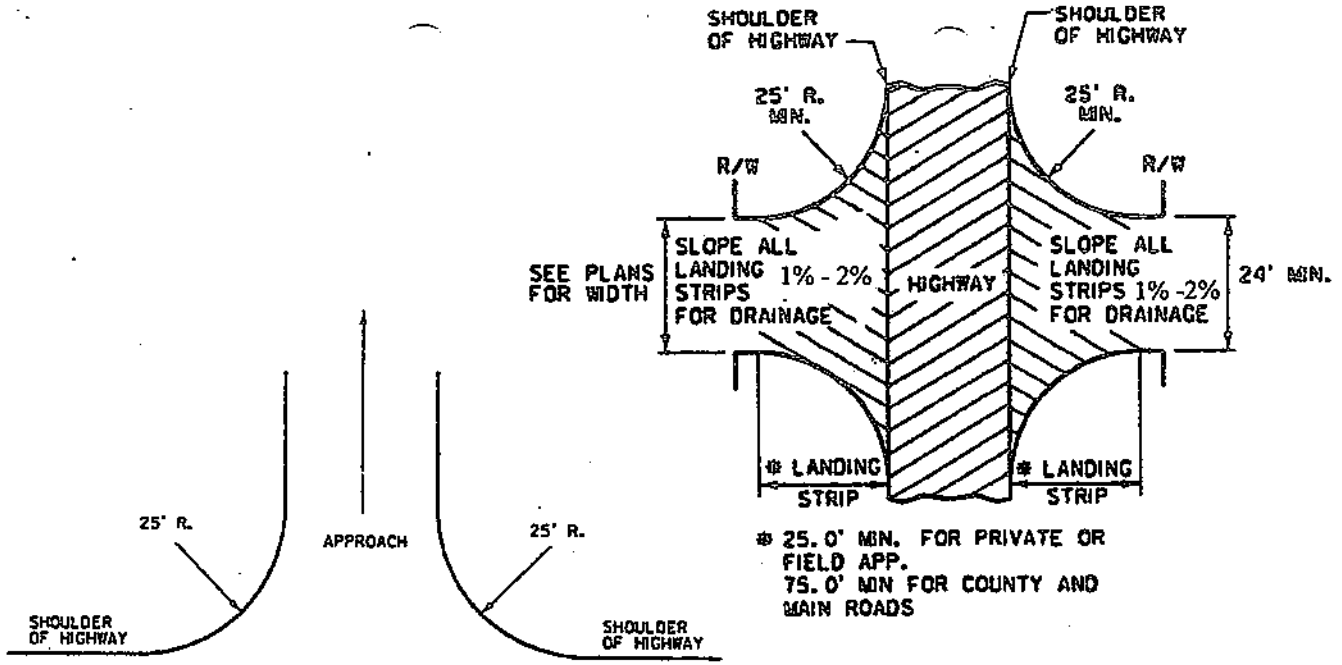
Installation of Culvert / Minimal impact

Signed:



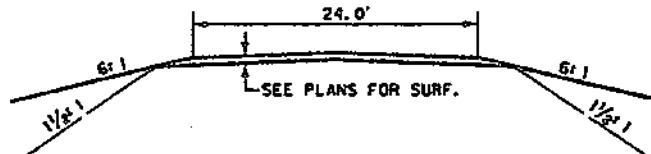
Martin Payne Dowling  
7069 Big Springs Court  
Las Vega NV 89113-1381

2 September 2006



**TYPICAL SECTION AT MAINLINE DITCH**

USE A PIPE AS NECESSARY FOR DRAINAGE.  
INSTALL CULVERTS OUTSIDE THE CLEAR ZONE OR PROVIDE END TREATMENT.



**TYPICAL SECTION IN THOROUGH FILL**

| FILL SLOPES |     |
|-------------|-----|
| 0'-10'      | 6:1 |
| 10'-20'     | 4:1 |
| 20'-30'     | 3:1 |
| OVER 30'    | 2:1 |

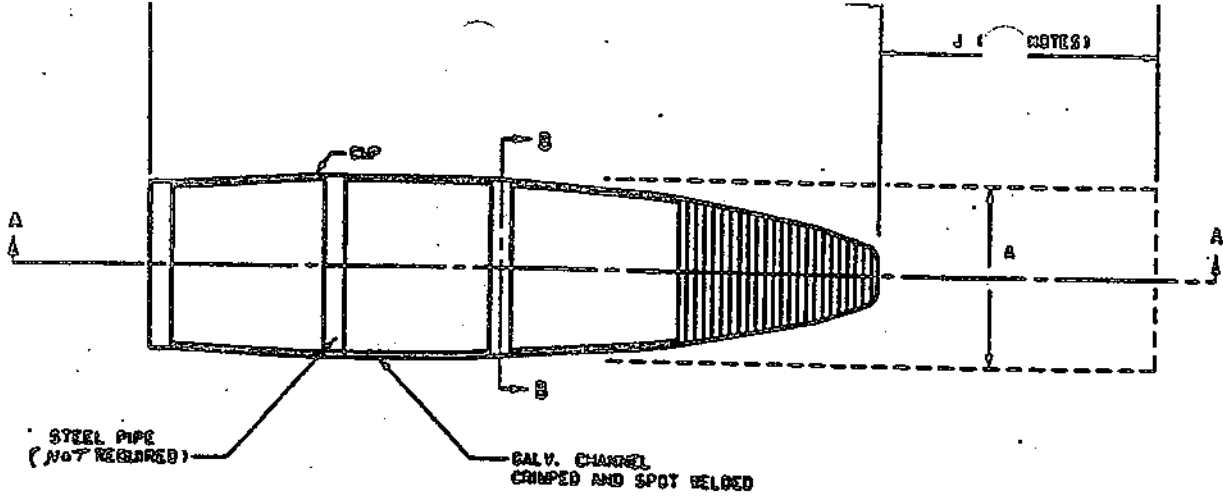
**NOTES:**

APPROACH GRADE IS NOT TO EXCEED 10% UNLESS TRAFFIC VOLUMES AND COST INDICATE SUCH TO BE JUSTIFIABLE.

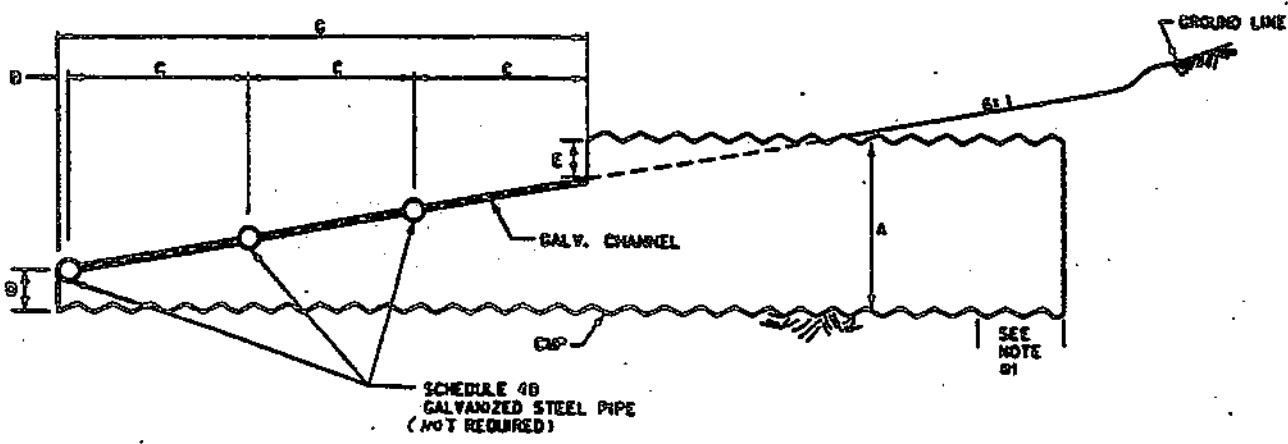
CONSTRUCT APPROACHES TO FIT LOCAL CONDITIONS, MINIMIZE TRAFFIC HAZARDS, AND AFFORD ENTRY AND EXIT OF TRAFFIC TO AND FROM THE MAIN ROAD.

SECURE WRITTEN PERMISSION FROM LANDOWNER FOR WORK BEYOND THE RIGHT-OF-WAY.

| DETAILED DRAWING                     |                 |
|--------------------------------------|-----------------|
| REFERENCE STANDARD SPEC. SECTION 203 | DWG. NO. 203-05 |
| <b>APPROACHES</b>                    |                 |
| EFFECTIVE: AUGUST 1996               |                 |
|                                      |                 |



PLAN VIEW



SECTION A-A

ILLUSTRATED WITH 24" CMP (30" CMP UTILIZES FOUR GALV. STEEL PIPES)

PICTURE ON BACK →

| ROAD APPROACH CULVERT END TREATMENT |                        |                                     |   |                  |      |     |     |     |      |     |
|-------------------------------------|------------------------|-------------------------------------|---|------------------|------|-----|-----|-----|------|-----|
| QUANTITIES (FOR ESTIMATING ONLY)    |                        |                                     |   |                  |      |     |     |     |      |     |
| DIA. A<br>CMP (INCHES)              | N PIPE<br>LENGTH (FT.) | 3/4" x 3/4" x 1/8"<br>GALV. CHANNEL | 3" GALV. PIPE,<br>SCHEDULE 40<br>LENGTH (FT.) | DIMENSIONS (FT.) |      |     |     |     |      |     |
|                                     |                        |                                     |   | B                | C    | D   | E   | G   | I    | J   |
| 15                                  | 7                      | 10'                                 |   |                  |      | .20 | .20 | 5.0 | 6.0  | 1.0 |
| 18                                  | 8                      | 10'                                 |   |                  |      | .33 | .33 | 5.0 | 7.0  | 1.0 |
| 24                                  | 10                     | 12'                                 | 6.0   | .15              | 1.95 | .50 | .50 | 6.0 | 9.0  | 1.0 |
| 30                                  | 12.5                   | 16'                                 | 10.0  | .20              | 1.95 | .60 | .60 | 8.0 | 11.5 | 1.0 |

NOTES:

- 1) PIPE TO HAVE ANGULAR CORRELATION OR REROLLED ENDS. USE ONLY APPROVED COUPLING BAND PER STANDARD SPECIFICATION 705.02 CMP. FOR RCP END TREATMENT, SEE DTL. DRG. NO. 603-26 FOR CONNECTION.
- 2) GALVANIZED STEEL PIPE, GALVANIZED CHANNEL, AND FABRIC AS REQUIRED ARE INCLUDED IN THE UNIT PRICE BID FOR DRAINAGE PIPE.
- 3) THE TWO 3/4" CHANNELS MAY BE ELIMINATED FROM THE CULVERT END TREATMENT IF:
  - A. THE CULVERT IS FABRICATED WITH 12 GAGE (0.107" THICK) MATERIAL.
  - B. HALF CIRCLE NOTCHES ARE CUT IN THE CULVERT FOR THE STEEL PIPE WITH CONTINUOUS WELD OF THE PERIPHERY IN CONTACT PROVIDED.
  - C. ALL WELDS AND OTHER NON-GALVANIZED PARTS ARE PAINTED IN ACCORDANCE WITH STANDARD SPECIFICATIONS SECTION 710.
- 4) CORRECTIONS MADE PER DTL. DRG. NO. 603-26 REQUIRE PIPE LENGTHS H AND J TO BE INCREASED BY 3".

**DETAILED DRAWING**

REFERENCE DWG. NO. STANDARD SPEC. SECTION 603.705.710 603-14

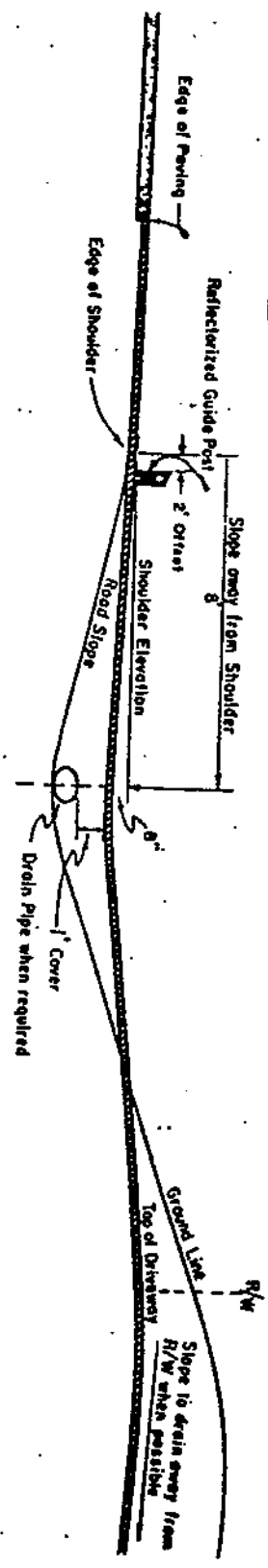
**CMP ROAD APPROACH CULVERT END TREATMENT (RACET)**

EFFECTIVE AUGUST 1996

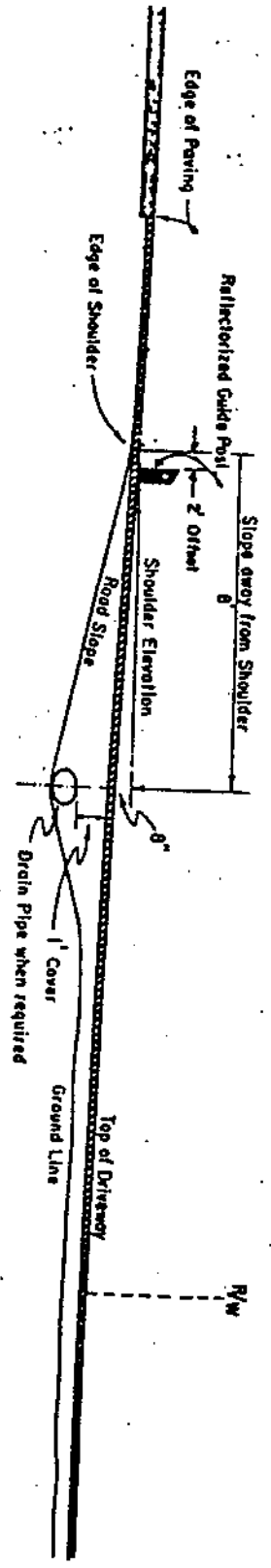
MONTANA DEPARTMENT OF TRANSPORTATION



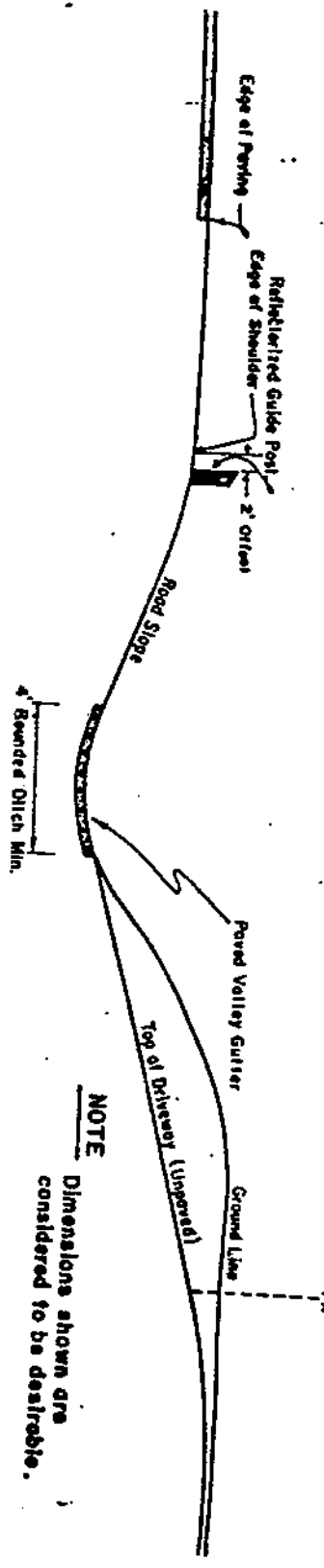
**SECTION X-X FOR CUT SECTION**



**SECTION X-X FOR FILL SECTION**



**SECTION X-X FOR VALLEY GUTTER**



**NOTE**  
Dimensions shown are considered to be desirable.

**TYPICAL SECTIONS**

A. L. Cobb, Clerk and Recorder. By Estelle Baumert, Deputy

87362

Book 13 Misc, Page 292

STATE HIGHWAY COMMISSION OF MONTANA

RIGHT OF WAY ACQUISITION UNIT

Case No. PAS 102(10)/53

County of LAKE

HIGHWAY RIGHT OF WAY EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

That Florence Violetta Shepard of San Diego, California for, and in consideration of the sum of One Dollar and other valuable considerations lawful money of the United States to her in hand paid by the State of Montana, the receipt whereof is hereby acknowledged do hereby grant, bargain, sell and convey unto the State of Montana, an easement of way for the construction of a State highway over, across, covering and embracing the following described parcel of land, to-wit:

819+48.2 to 821+09.8

A tract of land in Lot 1, Block 4, Orchard Villa Site SE1/4SW1/4 Sec. 9, T24N, R10E, P. M., Lake County, Montana, more particularly described as follows:

A strip of land 100 feet wide, being 50 feet wide on each side of the following described center line: Beginning at a point on the south line of said Lot 1, Block 4, which said point is north 1168.1 feet, and west 432.5 feet, more or less, from the south quarter corner of said Sec. 9; thence from the said point of beginning north 161.6 feet, more or less to a point on the north line of said Lot 1, Block 4, which said point is north 1329.0 feet and west 417.3 feet, more or less from the south quarter corner of said Sec. 9, and containing in all 0.37 acres, more or less, of which however, 0.14 acres herein described which constitute a part of an existing highway. (Gross acreage 0.37; present highway acreage 0.14; net acreage 0.23)

SPECIAL CONSIDERATIONS:

- 1) State to leave existing County Road in place to serve as entrance road to the tract on left.

It is agreed between the parties hereto that the undersigned shall maintain any fence along the right of way herein described as has been heretofore maintained.

TO HAVE AND TO HOLD, all of the above described and conveyed property unto the State of Montana, and its successors or successors in interest as long as the same is used as a public highway.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 7th day of February, 1947.

(2)

Florence Violetta Shepard  
(Florence Violetta Shepard)

STATE OF California }  
County of San Diego } SS.

On this 7th day of February A. D. 1947 before me John A. [Name], Notary Public in and for the State of California personally appeared Florence Violetta Shepard

PLAT 102-50

RIGHT OF WAY ACQUISITION UNIT  
HIGHWAY RIGHT OF WAY EASEMENT

County of LAKE

Know All Men By These Presents:

RUTH PAYNE DOWLING, of LANDERS, WYOMING for, and in consideration of the sum of ONE AND NO/100 (\$1.00) DOLLARS lawful money of the United States to me in and by the State of Montana, the receipt whereof is hereby acknowledged, do hereby grant, bargain, sell and convey unto the State of Montana, an easement and right of way for the construction of a State highway over, across, covering and embracing the following described parcel of land, to-wit:

813+00.8 to 814+62.6

A tract of land in Lot 5, Blk. 4 of the Orchard Villa Site in Sec. 9, T24N, R19W, MPM, Lake County, Montana, more particularly described as follows:

A strip of land 110 ft. wide, being 50 ft. wide on the easterly side and 60 ft. wide on the westerly side of the following described centerline: Beginning at a point on the south line of said Lot 5, which said point is north 524.7 ft. and west 530.1 ft. more or less, from the south quarter corner of said Sec. 9; thence from the said point of beginning northerly along a curve to the right of 2865.0 ft. radius, 46.8 ft.; thence N. 5° 02' E., 115.0 ft. more or less, to a point on the north line of said Lot 5, which said point is north 685.9 ft. and west 515.9 ft. more or less from the south quarter corner of said Sec. 9, and containing in all 0.41 acres, more or less, including, however, 0.18 acres herein described which constitute a part of an existing public highway. Gross acreage 0.41; present highway acreage 0.18; net acreage 0.23.

SPECIAL CONSIDERATIONS: Farm approach left from service road at Station 814+00. < ?

It is agreed between the parties hereto that the undersigned shall build or reset any fence along the right of way herein described as has been heretofore agreed upon.

TO HAVE AND TO HOLD all of the above described and conveyed property unto the State of Montana, and its successor or successors in interest as long as the same is used as a public highway.

IN WITNESS WHEREOF I HAVE HEREUNTO SUBSCRIBED MY NAME THIS 6 DAY OF August A. D. 1945.

Ruth Payne Dowling  
Ruth Payne Dowling

STATE OF Wyoming }  
County of Fremont } ss.

On this 6 day of August A. D. 1945, before me E. W. Frankenfeld a Notary Public in and for the State of Wyoming, personally appeared Ruth Payne Dowling known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same.

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

IN THE NAME AND BY

THE AUTHORITY OF

THE STATE OF MONTANA

QUITCLAIM DEED

THIS INDENTURE, made the 21st day of May, 1947, between STATE OF MONTANA, party of the first part, and RUTH PAYNE DOWLING, of Lander, Wyoming, party of the second part:

WITNESSETH; That the said party of the first part, for and in consideration of the sum of ONE DOLLAR (\$1.00), the receipt whereof is hereby acknowledged, does hereby remise, release and forever quitclaim unto the said party of the second part, and to her successors and assigns, forever, the following described real estate, situated in the County of Lake and State of Montana, to-wit:

A tract of land in Lot 5, Block 4 of the Orchard Villa Site in Sec. 9, T24N, R19W, M.P.M., Lake County, Montana, more particularly described as follows:  
A strip of land 110 feet wide, being 50 feet wide on the easterly side and 60 feet wide on the westerly side of the following described centerline: Beginning as a point on the south line of said Lot 5, which <sup>said</sup> point is north 524.7 feet and west 530.1 feet, more or less, from the south quarter corner of said sec. 9; thence from the said point of beginning northerly along a curve to the right of 2865.0 feet radius, 46.8 feet; thence N 5°02' E, 115.0 feet, more or less, to a point on the north line of said Lot 5, which said point is north 685.9 feet and west 515.9 feet, more or less, from the south quarter corner of said Sec. 9, and containing in all 0.41 of an acre, more or less, excepting, however, 0.18 of an acre herein described which constitutes a part of an existing public highway. (Gross acreage 0.41; present highway acreage 0.18; net acreage 0.23).

This deed reconveys to the party of the second part that land described in the easement deed which said party executed in favor of the State of Montana on August 6, 1945, and which is recorded in Book 12 of Miscellaneous on Page 248, records of Lake County, Montana.

TO HAVE AND TO HOLD, all and singular the said premises, with the appurtenances unto the said party of the second part, her successors and assigns forever.

This deed is issued pursuant to authority contained in Chapter 92, of the Session Laws of 1939.

IN TESTIMONY WHEREOF, The State of Montana has caused these presents to be executed by the Governor, to be attested by the Secretary of State and countersigned by the Vice Chairman of the State Highway Commission, and the Great Seal of the State and the Seal of the State Highway Commission to be hereunto affixed the day and year first above written.

(GREAT SEAL)  
GREAT SEAL OF THE STATE  
OF MONTANA

(SEAL )  
SEAL STATE HIGHWAY COMMISSION  
MONTANA



Sam C. Ford  
Governor of the State of Montana

ATTEST:  
Sam W. Mitchell  
Secretary of State

Countersigned by  
J. E. Foster  
Vice Chairman of the State Highway Commission



STATE OF MONTANA  
**HIGHWAY COMMISSION**  
HELENA

February 3, 1947

FAS 102(10)/50

Mrs. Ruth Payne Dowling  
Post Office Box 90  
Lander, Wyoming

Dear Mrs. Dowling:

We are again writing you concerning the right of way through your Lot 5, Block 4 of the Orchard Villa Site on Flathead Lake. Sometime ago you sold us right of way through this lot. After this transaction was complete, your husband discussed with us the possibility of making a line change in this vicinity, which line change would move the new highway away from the lake shore thus leaving more acreage between the lake shore and the highway right of way. We are now planning such a change and if all of the property owners affected by this change will exchange right of way with us free of cost, we will be glad to deed back to each of these individual owners the right of way which was originally deeded us in exchange for the additional land on the east side of the highway required for the new construction.

For your convenience and as an illustration of our proposed exchange, we enclose herewith one print of our right of way map showing in yellow color the strip of land which will be deeded back to you, and in green color the area which you originally deeded to us that will remain as part of our right of way and in red color the additional new acreage which we shall require.

If you will please sign the enclosed easement before a Notary Public and return it to us immediately, we will hold this instrument until such time as we secure all of the other deeds for the lands affected by this change. As soon as we secure all this data, we will have recorded in the County Clerk's office a deed from the state to you and the new deed from you to the state.

By making this change, we will leave the existing county road as it is at the present time, therefore, the entrance from your property to the county road will not be affected. In making this proposed change, we will also make the proposed connections from the new road to the county road.

We wish to thank you for cooperating with us on this matter because we believe it will be an advantage to all property owners in this vicinity.

Very truly yours,

MONTANA HIGHWAY DEPARTMENT

By

*E. O. Parsons*  
E. O. Parsons, R/W Engineer

BCF:at  
Encs.



STATE OF MONTANA  
**HIGHWAY COMMISSION**

HELENA

June 14, 1945

TPAS 102(10)/50

Ruth Payne Dowling  
P. O. Box 90  
Larders, Wyoming

Dear Mrs. Dowling:

On May 3, 1945, we wrote you a letter concerning land along Flathead Lake across Lot 5, Block 4, of the Orchard Villa Site. To date we have had no reply to this letter.

We are now concluding all parcels of land on this project and are very anxious to make a settlement.

Since first writing to you it has been necessary for us to pay some of the property owners in this vicinity at the rate of \$200.00 per acre for this land. Others have donated the land, feeling that the construction of a new highway is worth more to the property than the small amount of land which we require. However, in order to complete this transaction we are making you the final offer of \$200.00 per acre for the 0.23 of additional land which we require, and therefore, are enclosing a claim against the State of Montana in the amount of \$46.00. In addition to this, we are providing a service road for entrance to this property. <

Unless we receive from you the duly executed easement and claim by June 23, 1945, it will be necessary for us to include you in a condemnation suit so that we can conclude the right of way negotiations for this highway.

Believing that you will execute the necessary papers and return them to us immediately, we remain,

Very truly yours,

MONTANA HIGHWAY DEPARTMENT  
P. G. Poore

By. 

E. O. Parsons  
Right of Way Engineer

EOP/po  
Enc.