

J BAR T ENGINEERS, LLC

1229 E. LYNDALE • HELENA, MT 59601  
406 449 1306 • J.BARTENGINEERS.COM

March 27, 2024

Community Development  
City of Helena  
316 N. Park Avenue, Room 445  
Helena, MT 59623

**RE: Pre-Application Meeting April 15, 850 Sparta Street  
Patrick & Dava Murray**

To Whom It May Concern:

Please find the attached “Pre-Application Information Form” for our April 15<sup>th</sup> meeting. Patrick and Dava Murray would like to discuss their proposed build at 850 Sparta Street. The form and the attachments address most of the information requested with the following exceptions:

8. Proposed water and wastewater systems

- We propose extending City services at the South end of Sparta Street to 850 Sparta.
- The City of Helena holds a BLM permit for a “City Street” in this area.
- It is understood that this is not a dedicated City Street.

9. Nearest Utilities

- The nearest water and sewer mains are located at the intersection of Sparta Street and Rodney Street.

11. Zoning Change/Variance

- At this time, it is unknown if any will be required by the City.
- Possible variance from City Code, is it possible to install well and septic along with a tank for fire suppression? What are City thoughts on a dry hydrant at pond?

13. Stormwater Drainage System

- We anticipate the need for creating a stormwater pond.

14. SID or Maintenance District

- None at this time. Will the City require any?

15. Parkland

- Not a subdivision and nothing is proposed.

20. Existing and proposed covenants or deed restrictions.

- None at this time.

22. Types and locations of agricultural water facilities

- There is a water line (abandoned?) along the westerly side of the property.
- There is an access easement benefiting the city across the 96 Lode. Is this necessary if the water line is abandoned?
- There was no easement document found for the waterline across the 96 Lode.

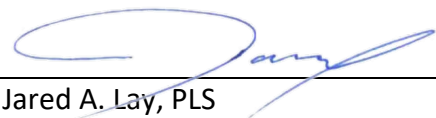
23. City Growth Policy

- This is not a proposed subdivision, but rather a proposal to build.

Please contact me should you have any questions or comments via email at [jared@jbartengineers.com](mailto:jared@jbartengineers.com) or telephone at (406) 449-1306. Thank you.

Sincerely,

**J Bar T Engineers, LLC**



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Jared A. Lay, PLS

Attachments: #1- pre-app\_info\_form\_\_\_checklist\_june2022.pdf  
#2- COS-1-03272024-PHOTO-cont.pdf  
#3- MURRAY-EXISTING UTILITIES.pdf  
#4- blm easement.pdf

Document1



DATE RECEIVED:

City of Helena  
**Pre-Application Information Form**

Please fill out this form as best you can and return to the City Planning Office **five (5) days prior** to your pre-application meeting. If you have any problems filling out this form, please call the City Planning Office at 447-8490 and we will be happy to assist you.

**PLEASE CHECK ONE:**      ☐ **SUBDIVISION**      ☐ **NON-SUBDIVISION**

1. Name of Applicant: \_\_\_\_\_  
Name of Property Owner (if different): \_\_\_\_\_  
Address/City/State/Zip: \_\_\_\_\_  
Email: \_\_\_\_\_ Primary Phone: \_\_\_\_\_  
Secondary Phone: \_\_\_\_\_
2. Contact person: \_\_\_\_\_ Primary Phone: \_\_\_\_\_  
Email: \_\_\_\_\_ Secondary Phone: \_\_\_\_\_
3. Legal Description and general location: \_\_\_\_\_

***Please provide a general vicinity map, showing existing streets, north arrow and the proposed location of the site.***

4. Describe land use proposal (CUP, zone change, etc.): \_\_\_\_\_
5. What, if any, is the existing zoning? \_\_\_\_\_
6. Do you plan to hire an engineer? Yes ☐ No ☐ Do you plan to hire a surveyor? Yes ☐ No ☐
7. Are you aware of any site conditions that may affect development? \_\_\_\_\_
8. Describe proposed water and sewer system: \_\_\_\_\_
9. Describe proposed streets/access: \_\_\_\_\_
10. Do you intend to apply for a variance? \_\_\_\_\_
11. Describe drainage provisions (if applicable): \_\_\_\_\_

**For Subdivision Pre-Application Conference, please complete the following additional information:**

12. Name of proposed subdivision: \_\_\_\_\_
13. Number and size of lots: \_\_\_\_\_ approximate size of subdivision: \_\_\_\_\_
14. How do you intend to meet the park dedication requirement? ☐ cash donation ☐ park dedication  
☐ Combination ☐ n/a

***Please include a sketch of the proposed subdivision showing the layout of the existing streets in relation to the site.***

## SUBDIVISION PRE-APPLICATION CONFERENCE

- A. Prior to submitting a preliminary plat application, a subdivider for a subdivision must consult with the Planning division of the Community Development Department to become familiar with the City's subdivision application requirements and review process. The subdivider must attend a pre-application meeting prior to submitting a subdivision application or resubmitting a previously submitted subdivision application that has material changes or amendments made by the subdivider after the original application has been determined by the City to contain required elements and sufficient information.
- B. The pre-application meeting will be scheduled within thirty (30) days after the subdivider submits a written request for a pre-application consultation and submits the pre-application materials to the City.
- C. To be considered for review, a subdivision application must be submitted within one hundred eighty (180) days of the pre-application meeting consultation. If an application is not submitted within that time frame, the subdivider must request a new pre-application consultation prior to submitting the subdivision application.
- D. In order to make the pre-application consultation productive, the subdivider should provide as much of the following information as possible:

- ☐ 1. Names and addresses of the subdivider and the owner of the property proposed to be subdivided;
- ☐ 2. Name of proposed subdivision;
- ☐ 3. Location of the property to be subdivided;
- ☐ 4. Existing zoning of the property to be subdivided;
- ☐ 5. Number and size of proposed subdivided lots;
- ☐ 6. Size of the proposed subdivision;
- ☐ 7. Name and contact information for any engineer or surveyor that have been retained;
- ☐ 8. Proposed water and wastewater systems;
- ☐ 9. Nearest existing water and wastewater mains to the property and type, size, and location of existing wastewater treatment facilities, including septic systems;
- ☐ 10. Proposed streets;
- ☐ 11. Whether the subdivider intends to apply for a zone change, zoning variance, or subdivision regulation variance;
- ☐ 12. Description of any physical and environmental site conditions on the property;
- ☐ 13. Stormwater drainage system;
- ☐ 14. Proposed special improvement or maintenance districts;
- ☐ 15. Proposed park land dedication;
- ☐ 16. Legible drawing of the proposed subdivision showing layout of existing streets in relationship to proposed improvements and topography of the tract, if possible (drawing does not need to be to scale);
- ☐ 17. A general vicinity map showing existing streets and north arrow;
- ☐ 18. Existing structures on the property;
- ☐ 19. Existing easements and right-of-ways on the property;
- ☐ 20. Existing and proposed covenants or deed restrictions;
- ☐ 21. Water rights, including the name of owner(s), amount of water by flow rate or volume, date of priority of the right, purpose of use, place of use, and place and means of diversion;
- ☐ 22. Types and locations of agricultural water facilities; and
- ☐ 23. Analysis on how the proposed subdivision complies with the City Growth Policy.



## **Applicable Laws and Regulations**

The following are state laws, local regulations, Growth Policy provisions and other documents that may apply to the subdivision review process; this is for informational purposes only per MCA 76-3-504 (1)(q)(ii):

- Montana Code Annotated: including but not limited to Title 76 – Chapter 3
- Administrative Rules of Montana: including but not limited to Title 8, Chapter 94, Sub-chapter 30
- City of Helena City Code: including but not limited to Title 6 Public Utilities  
Title 7 Public  
Ways Title 11  
Zoning, and  
Title 12 Subdivision Regulations
- 2011 City of Helena Growth Policy
- Greater Helena Area Transportation Plan – 2004 Update
- 2011 City of Helena Comprehensive Parks, Recreation, and Open Space Plan
- City of Helena Engineering Standards
- South Hills Planning Study – 1985
- Helena West Side Infrastructure Study – 2001

## **Comment Contact List**

The following entities may be contacted for comments on proposed subdivisions per MCA 76-3-504 (1)(q)(iii). The City requests these entities respond within two (2) weeks of receiving the City's "Request for Comment." Although the City requests that these entities respond within two (2) weeks, they may comment at any time during the subdivision review process. Applications for subdivision review will not be delayed if these entities do not respond within the review period.

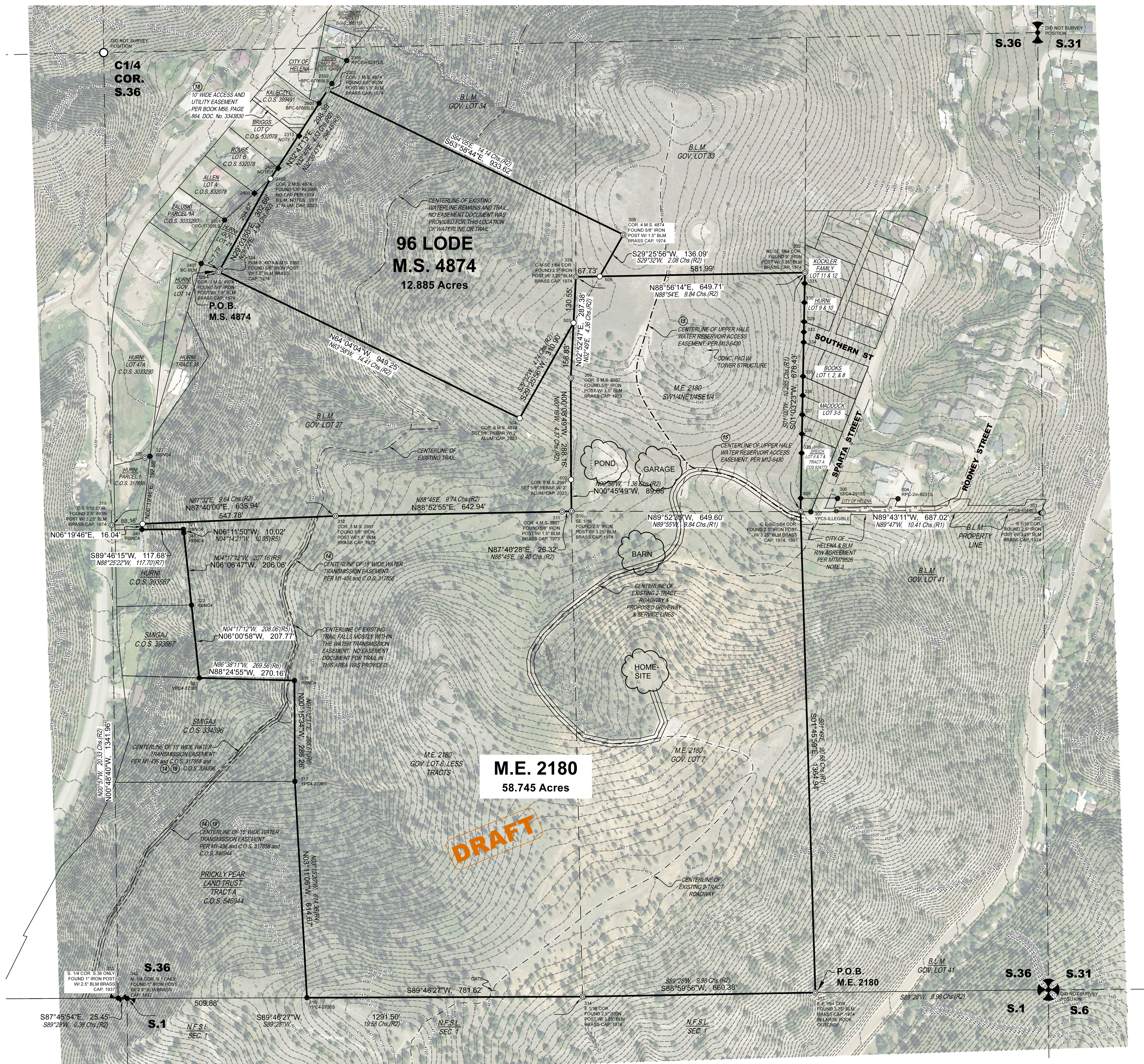
- ADA Compliance Committee
- City of East Helena
- City of Helena
- East Helena Public Schools
- Fort Harrison
- Helena Citizen's Council (HCC)
- Helena Regional Airport
- Helena School District
- Helena Valley Irrigation District
- Jefferson County
- Lewis and Clark County
- Lewis and Clark County Water Quality Protection District
- Lewis and Clark County Soil Conservation District
- Montana Department of Environmental Quality
- Montana Department of Fish, Wildlife, and Parks
- Montana Department of Natural Resources and Conservation
- Montana Department of Transportation
- Montana Land Reliance
- Montana Natural Heritage Program
- Non-motorized Transportation Advisory Council
- NorthWestern Energy
- St. Peter's Hospital and Ambulance Service
- State Historic Preservation Office
- City-County Heritage Tourism Council
- Three Rivers Communications

- U.S. Army Corps of Engineers
- U.S. Bureau of Land Management
- U.S. Environmental Protection Agency
- U.S. Fish and Wildlife Service
- U.S. Forest Service
- U.S. Geological Survey, Water Resources Division
- U.S. Post Office
- Utility companies including those providing electrical, communication, fiber optic, gas, or other services
- Yellowstone Pipe Line Company



# CERTIFICATE OF SURVEY

**PURPOSE OF SURVEY: RETRACEMENT SURVEY BOOK M62, PAGE 7652, DOCUMENT No. 3418689  
LOCATED IN THE SOUTHEAST 1/4 OF SECTION 36, TOWNSHIP 10 NORTH, RANGE 4 WEST,  
PRINCIPAL MERIDIAN, MONTANA, CITY OF HELENA, LEWIS AND CLARK COUNTY, MONTANA.  
SURVEY COMMISSIONED BY: PATRICK MURRAY**



## TITLE EXCEPTIONS

Issuing Agent and Office: Flying S Title and Escrow of Montana, Inc., 400 N Park Ave., Helena, MT 59601 (406)443-4422  
Office File No. 1114711  
Property Address: Unknown, Helena, MT 59062  
Commitment Date: October 3, 2023  
This title commitment was delivered by Julie Hadley of Flying S to J Bar T Engineers on November 27, 2023.

Exceptions to Schedule B II of File No. 1114711

- 10.  
Not provided and believed to not be survey related.
- Provisions in Patent recorded in U.S. Patent Book 1, Page 562.  
This document was not provided.
- Provisions in Assignment recorded December 30, 1996 in Book M18, page 8254  
Item 1 of provision is not related to this property. Item 2 allows Ilene C. Belgrade, her successors, heirs and assigns, and Waterline Trail Lands, Inc., its successors and assigns.....to traverse from the southernmost portion of Sparta Street in the City of Helena across Mineral Entry 2180.... This appears to be a blanket easement and is not plottable.
- Right-of-way granted to Montana Power Company, recorded in Book 96 of Deeds, Page 537.  
Blanket Easement covering all of Section 36, Township 10 North, Range 4 West. Per the observable above ground evidence, there is no power line across the property.
- Easement Agreement with City of Helena, recorded in Book M1, Page 436.  
A perpetual easement to the City to operate, maintain, repair and replace that portion of City's Orofino Water Line crossing owners' property. This easement is further defined on C.O.S. 317858 as a "strip of land, 15 feet in width.....7.5 feet on each side of the following described centerline". This is as shown on the face of the plat.
- Easement Agreement with City of Helena, recorded in Book M14, Page 7011.  
A perpetual easement to the City for ingress and egress over and across the M.E. 2180. The document provides no legal description and no width, but is generally located as per the Exhibit "A" and as shown on the face of this plat.
- Easement Agreement with City of Helena, recorded in Book M14, Page 7012.  
A 15' wide perpetual easement to the City for ingress and egress over and across the M.E. 2180 and M.S. 4874. The document provides no legal description, but is located as per the Attachment "A-2" and as shown on the face of this plat. We are working on abandoning this and it has been "frozen" in this version.
- Easement Agreement with City of Helena, recorded in Book M14, Page 7012.  
The easement described in this document is located off the subject property and does not affect this survey.
- Grant of Easement for ingress/egress by Kalezyc to Hurni  
A 10' wide easement for ingress/egress as shown on the face of this plat.
- All matters, covenants, conditions, restrictions, easements.....disclosed by Record of Survey recorded as instrument number 546944-T, 334396, 393667, 399491.....  
All plottable easements within the above documents are plotted as shown on the face of this plat.

## SURVEYOR'S NOTES:

- The monuments shown as Point #2313 and Point #2401 were set by Steven Ries, "41255" in 1994 for Certificate of Survey # 532078. This survey's measurements have the monuments 2.5' and 2.3' over the line in the second course in M.S. 4874. These monuments encroach into M.S. 4874.
- City of Helena has a right-of-way grant from the BLM filed under serial number "MTM79526". This appears to be for the use of the public up until the Hurni property. This grant was for 50 years from the time it was granted and it is renewable at the end of the grant.

0 150 300 450  
SCALE IN FEET

BASIS OF BEARINGS  
City of Helena LDP

DATUM: NAD83 (2011) (EPOCH 2010.00)  
PROJECTION: TRANSVERSE MERCATOR  
CENTRAL MERIDIAN: W 111°57'00" (-111.95°)  
PROJECT ORIGIN LATITUDE: N 46°30'00" (46.5°)  
SCALE FACTOR AT CENTRAL MERIDIAN: 1.000191  
FALSE NORTHING: 100,000,000 IFT (30,480m)  
FALSE EASTING: 200,000,000 IFT (60,960m)

## LEGAL DESCRIPTION M.E. 2180

A tract of land known as Mineral Entry No. 2180, more particularly described as Lots 6 and 7 and the SW1/4NE1/4SE1/4 of Section 36, Township 10 North, Range 4 West, Principal Meridian, Montana, Lewis and Clark County, Montana, all being located in the Southeast 1/4 of said Section 36, Township 10 North, Range 4 West, Principal Meridian, Montana, Lewis and Clark County, Montana, and being more particularly described by metes and bounds as follows:

Beginning at the E-E-1/64th corner of said Section 36, a 3.25" B.L.M. brass disc cemented into a large rock outcrop; thence from said Point of Beginning traveling along the south line of said Section 36, S88°59'56"W 660.38 feet to the survey monument at the E 1/16th corner of said Section 36; thence continuing along said south line S89°46'27"W 781.62 feet to a point; thence leaving said south line N03°11'05"W 614.67 feet to a survey monument; thence N00°15'34"W 286.26 feet to a survey monument; thence N08°24'55"W 270.16 feet to a survey monument; thence N06°11'50"W 10.02 feet to a survey monument; thence S89°46'15"W 117.68 feet to a survey monument; thence N06°19'46"E 16.04 feet to a survey monument on the north line of Government Lot 6; thence along the said north line traveling N87°40'00"E 547.78 feet to the survey monument located at Corner 3 of Cancelled Mineral Survey No. 2957; thence continuing along said north line N08°52'55"E 642.94 feet to the survey monument located at Corner 4 of Cancelled Mineral Survey No. 2957; thence continuing along said north line N87°40'28"E 26.32 feet to the survey monument at the SE 1/16th corner of Section 36; thence leaving said north line traveling N00°45'49"W 89.68 feet to the survey monument located at Corner 5 of Cancelled Mineral Survey No. 2957; thence N00°08'49"W 288.16 feet to the survey monument located at Corner 6 of Cancelled Mineral Survey No. 2957; thence N02°52'47"E 156.83 feet to a survey monument; thence continuing N02°52'47"E 130.55 feet to the survey monument at the C-N-SE 1/64th corner of Section 36; thence N08°56'14"E 67.73 feet to a survey monument; thence continuing N08°56'14"E 581.99 feet to the survey monument at the NE-SE 1/64th corner of Section 36; thence S01°32'23"W 678.43 feet to the survey monument at the C-E-SE 1/64th corner; thence S01°45'59"E 1364.94 feet to the survey monument located at the Point of Beginning, containing 58.739 acres, more or less, and subject to all easements of record or apparent on the ground.

## LEGAL DESCRIPTION M.S. 4874, 96 LODE

A tract of land known as Mineral Survey 4874, 96 Lode, located in the Southeast 1/4 of said Section 36, Township 10 North, Range 4 West, Principal Meridian, Montana, Lewis and Clark County, Montana and being more particularly described by metes and bounds as follows:

Beginning at Corner 1 of said M.S. 4874, a 5/8" iron post with a 1.5" B.L.M. brass cap; thence from said Point of Beginning N29°03'59"E 302.66 feet to the survey monument at Corner 2 of said M.S. 4874; thence N32°47'13"E 298.39 feet to the survey monument at Corner 3 of said M.S. 4874; thence S63°58'44"E 933.62 feet to the survey monument at Corner 4 of said M.S. 4874; thence S29°25'56"W 136.09 feet to a survey monument; thence S88°56'14"W 67.73 feet to the survey monument at the C-N-SE 1/64th corner of Section 36; thence S02°52'47"W 130.55 feet to a survey monument; thence S29°25'56"W 310.90 feet to the survey monument at Corner 5 of said M.S. 4874; thence N64°04'04"W 949.25 feet to the survey monument located at the Point of Beginning, containing 12.885 acres, more or less, and subject to all easements of record or apparent on the ground.

## LEGEND

- = Set 5/8" x 24" rebar with 2" aluminum cap marked: "17305LS"
- ⊙ = Found B.L.M. brass cap monument as described
- ◆ = Found 5/8" rebar with yellow plastic cap marked: "41255"
- = Found survey monument, as described
- = Calculated point, no monument found or set, this survey

P.O.B. = Point of Beginning

C.O.S. = Certificate of Survey

(R1) = Record per B.L.M. 1999

(R2) = Record per B.L.M. 1974

(R3) = Record per C.O.S. 3085159

(R4) = Record per C.O.S. 546944

(R5) = Record per C.O.S. 393667

(R6) = Record per C.O.S. 334396

(R7) = Record per C.O.S. 317858

— = Property boundary this survey

- - - = Easement Limit

⊙ = PLSS Corner

## CERTIFICATE OF SUBDIVISION EXEMPTION

This survey was commissioned by Patrick Murray, and it retraces two existing tracts of record as recorded as Book M62 Page 7652, or Document No. 3418689 in the records of Lewis and Clark County.

This survey is exempt from review as a subdivision by definition in accordance with the provisions of Section 76-3-103(17)(a), M.C.A. in that these are individual parcels of land, irrespective of ownership, that can be identified by legal description, independent of any other parcel of land, using documents on file in the records of the county clerk and recorder's office.

## CERTIFICATE OF D.E.Q. EXEMPTION

This survey is exempt from review as a subdivision by definition in accordance with the provisions of Section 76-3-103(17)(a), M.C.A. in that these are individual parcels of land, irrespective of ownership, that can be identified by legal description, independent of any other parcel of land, using documents on file in the records of the county clerk and recorder's office.

Patrick Murray \_\_\_\_\_ Date \_\_\_\_\_

Dava Murray \_\_\_\_\_ Date \_\_\_\_\_

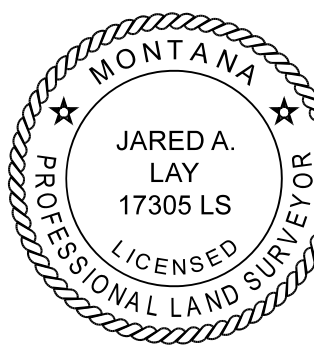
State of Montana \_\_\_\_\_  
County of \_\_\_\_\_  
This instrument was signed or acknowledged before  
me on \_\_\_\_\_ by Patrick Murray & Dava Murray  
(Name of signer)

(Notary Signature)  
[Affix seal/stamp to the left or below]

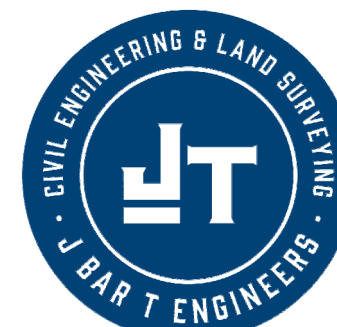
## CERTIFICATE OF SURVEYOR

I, Jared A. Lay, a licensed Professional Land Surveyor in the State of Montana, do hereby certify that this certificate of survey has been prepared in conformance with the applicable sections of the Montana Subdivision and Platting Act and the regulations adopted under the Act.

Jared A. Lay, Montana Reg. No. 17305LS \_\_\_\_\_ Date \_\_\_\_\_



1/4	SEC.	T.	R.
<input checked="" type="checkbox"/>	36	10N	4W
<input type="checkbox"/>			
<input type="checkbox"/>			



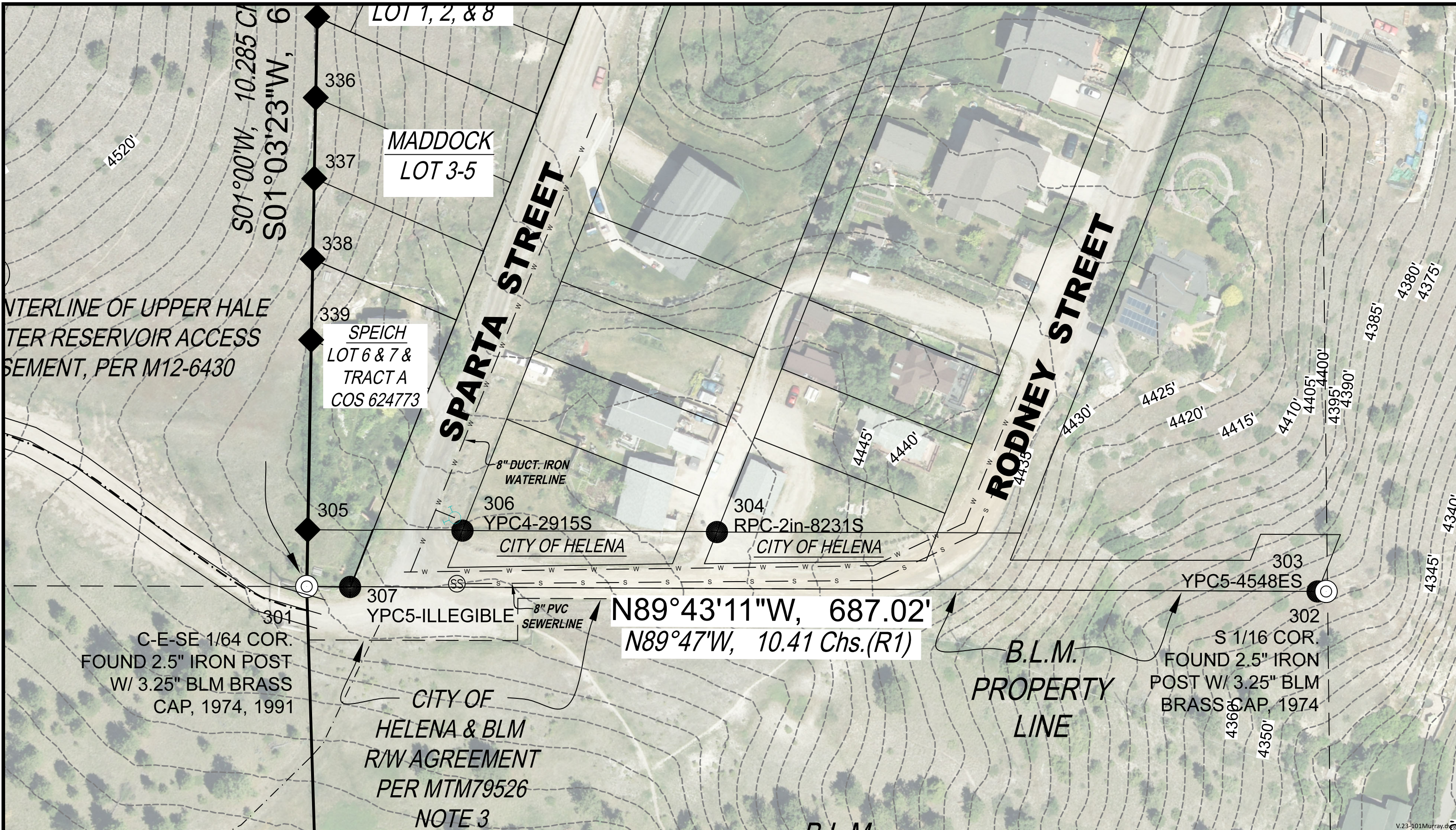
**J BAR T ENGINEERS LLC**  
1229 E. Lyndale Ave.  
Helena, MT 59601  
www.jbartengineers.com  
406.449.1306

DRAWN BY: JAL

County: Lewis and Clark  
MONTANA

P.M., Date: 3/27/2024









# United States Department of the Interior

## BUREAU OF LAND MANAGEMENT

Headwaters Resource Area

106 North Parkmont

P.O. Box 3388

Butte, Montana 59702-3388



IN REPLY REFER TO:

MTM79526 (075)

OCT 21 1994

CITY OF HELENA  
PUBLIC WORKS

Mr. Kim Milburn, P. E.  
Director of Public Works  
City of Helena  
316 North Park  
Helena, Montana 59623

Dear Mr. Milburn:

This is in response to your request to make certain changes in the uses allowed under the City's right-of-way (R/W) grant from the Bureau of Land Management, serial number MTM79526, for the Upper Hale Reservoir Project. These changes have been discussed with members of your staff, the construction contractor, and local area residents. The following proposed changes for which you have requested approval are shown on the enclosed map:

1. You propose to increase the width of the reservoir access road to 60 feet to allow the southern end of Sparta street to extend to the property line between BLM and Don Hurni. This would change the purpose of the road authorized from a reservoir access road to a city street; we recognize that the city street will not actually be constructed at this time.
2. You propose to move the drinking fountain in the parking area 15 feet to the south to avoid conflict with vehicles using the parking area.
3. The parking area itself would be extended 50 feet to the east to avoid conflict with traffic if and when the proposed new city street extension is constructed. The fence around the parking area would also be moved accordingly.
4. The fence which extends east from the northeast corner of the new parking area needs to be moved 5 feet to the south to accommodate buried gas, telephone, power, and cable television lines.
5. You have asked that the fence originally proposed to go from the northwest corner of Lot 41 north be moved to the south, from the same corner, for an equivalent distance. We understand that there will still be a gate placed across the road on or near the west boundary of Lot 41.

These changes would all occur within the area already authorized in your R/W grant. I have determined that these changes do not constitute a substantial deviation from the grant, as defined in BLM regulations at 43 CFR 2803.2. Your request to make these changes is hereby approved. The R/W width for the access road on Lot 33 remains 20 feet. Also the topsoil removed from BLM Lot 27 still needs to be replaced and the area seeded. You also need to determine if any brass caps for the lot were destroyed when the topsoil was removed.

Mr. Doug Olson has informed us of his intention to appeal our approval of these changes, and he has been sent instructions on how to do so.

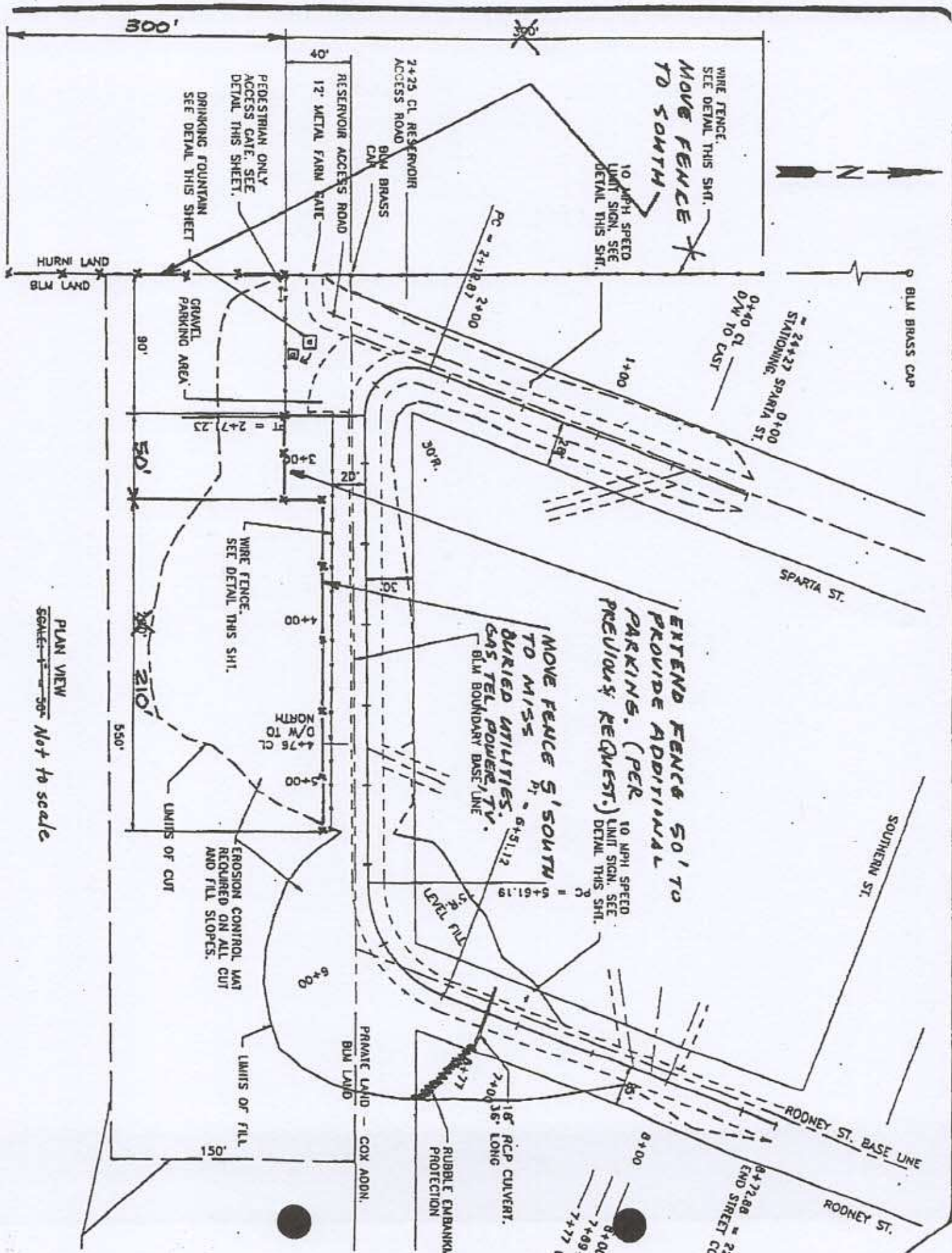
Sincerely yours,

*Merle Good*  
for Merle Good  
Area Manager

1 Enclosure  
1-Map

cc:  
Mr. Doug Olson





PLAN VIEW

SCALE: 1" = 50' Not to scale





October 7, 1994

## City of Helena

United States Department  
of Interior  
ATTN: BOB RODMAN  
Bureau of Land Management  
P.O. Box 3388  
Butte, Montana 59702

**RE: HALE WATER SYSTEM IMPROVEMENTS - PROJECT NO. 90-14**

Dear Bob:

The City of Helena is requesting an insignificant change to Right-of-Way Grant M 79526. This permit provides the City access to and through BLM land for portions of our water system. The attached copy of Exhibit C shows the portion of the grant that needs to be changed. Our agreement is unclear whether motorized public access is allowed through the portion of BLM land at the southeast portion of this project. The City requests that BLM allow an insignificant change to allow public access through BLM to adjacent private property.

The City is in the final phases of construction for this project. The existing agreement requires us to install a water fountain and parking area on the BLM property. In order to provide unobstructed access, the parking area and fence need to be shifted 50 feet to the east. Also, attached is a copy of a revised plan showing the seven space parking area moved 50 feet and the drinking fountain moved approximately 15 feet to get it out of the way. The change will not impact more BLM land than previously approved. Your immediate attention to this request is greatly appreciated. The City needs to get this portion of the project done so the contractor can place topsoil and reseed the area before the snow flies.

Sincerely,

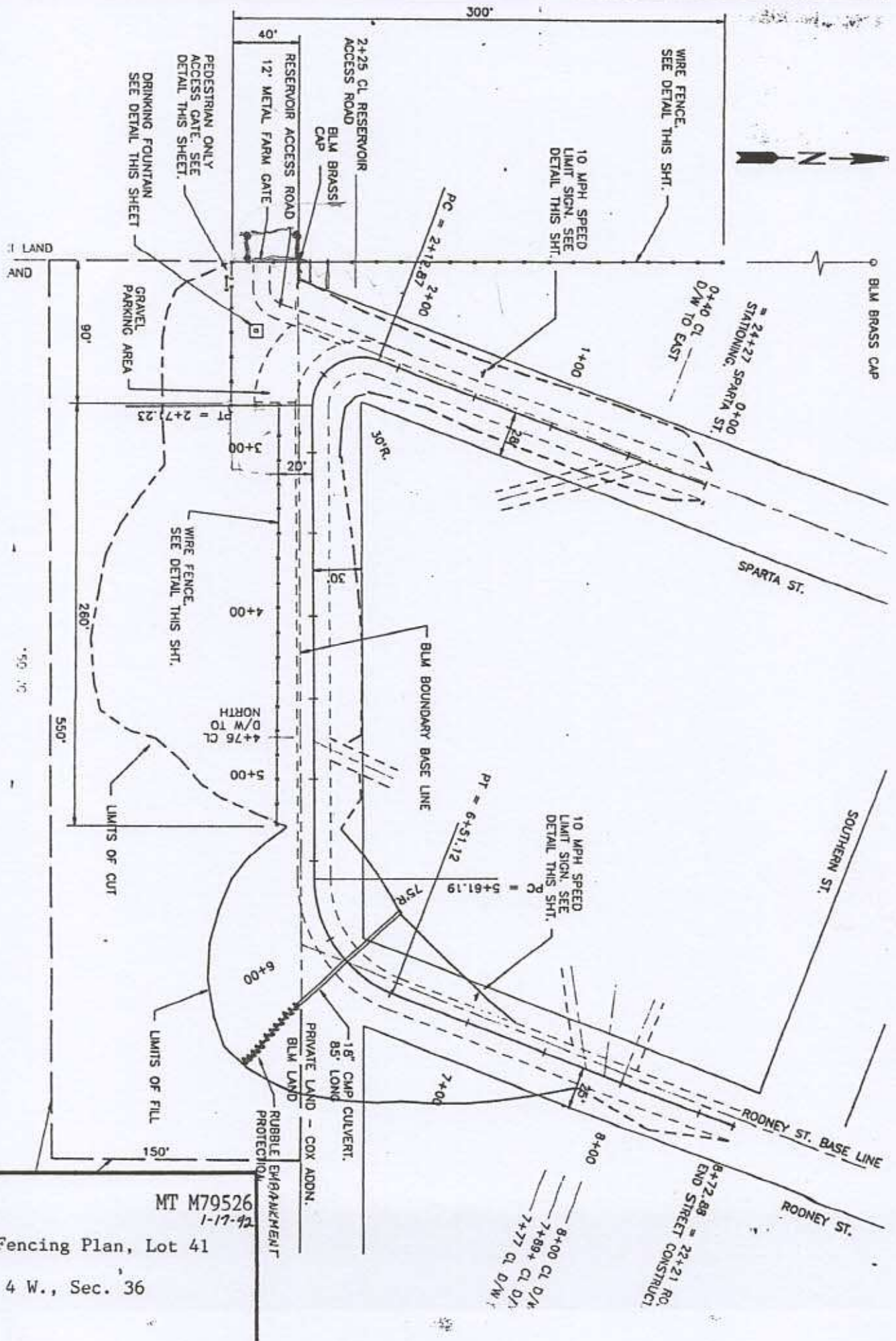
KIM MILBURN, P.E.  
PUBLIC WORKS DIRECTOR

c: Bill Verwolf, City Manager

CRH/lk  
90-14blm.ltr

CRH/lk





# EXHIBIT C

MT M79526  
1-17-92

City Street/Fencing Plan, Lot 41

T. 10 N., R. 4 W., Sec. 36



United States Department of the Interior

BUREAU OF LAND MANAGEMENT  
Headwaters Resource Area  
106 North Parkmont  
P.O. Box 3388  
Butte, Montana 59702-3388

*New file to Helena  
Upper State Improvement  
Bureau of Land Management*

TAKE  
PRIDE IN  
AMERICA

In Reply To:

MT M79526

RECEIVED

FEB 27 1992

MAR 2 1992

CITY OF HELENA  
PUBLIC WORKS

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

DECISION

Mr. Richard A. Nisbet, P. E.	:	
Director of Public Works	:	Application for Right-of-Way
City of Helena	:	
316 North Park	:	
Helena, MT 59623	:	

Right-of-Way Grant MT M79526 Issued

Enclosed is the City's copy of right-of-way (R/W) grant MT M79526 which was approved by the Bureau of Land Management on February 25, 1992. Please let Susie Williams know when you plan to begin construction.

The issuance of this R/W grant constitutes a final decision by the Bureau of Land Management in this matter. You may appeal this decision to the Interior Board of Land Appeals. Enclosed is BLM Form 1842-1 which explains appeal rights. This decision shall remain effective, pending appeal, pursuant to 43 CFR 2804.1(a).

*Bob Rodman*

Bob Rodman  
Acting Area Manager

2 Enclosures

- 1 - R/W Grant Document
- 2 - Form 1842-1



UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
RIGHT-OF-WAY GRANT/TEMPORARY USE PERMIT

SERIAL NUMBER MT M79526

1. A right-of-way is hereby granted pursuant to Title V of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2776; 43 U.S.C. 1761).
2. Nature of Interest:
  - a. By this instrument, the holder:

City of Helena  
316 North Park Avenue  
Helena, MT 59623

receives a right to construct, operate, maintain, and terminate a water reservoir and associated distribution lines, access road (20' wide) and city street, on public lands described as follows: ELW

Principal Meridian, Montana  
T. 10 N., R. 4 W., Sec. 36: Lots 33 and 41
  - b. The right-of-way or permit area granted herein contains approximately 2.7 acres, more or less.
  - c. This instrument shall terminate 50 years from the effective date of this grant unless prior thereto, it is relinquished, abandoned, terminated, or modified pursuant to the terms and conditions of this instrument or of any applicable Federal law or regulation.
  - d. This instrument may be renewed. If renewed, the right-of-way or permit shall be subject to the regulations existing at the time of renewal and any other terms and conditions that the authorized officer deems necessary to protect the public interest.
  - e. Notwithstanding the expiration of this instrument or any renewal thereof, early relinquishment, abandonment, or termination, the provisions of this instrument, to the extent applicable, shall continue in effect and shall be binding on the holder, its successors, or assigns, until they have fully satisfied the obligations and/or liabilities accruing herein before or on account of the expiration, or prior termination, of the grant.



3. Rental:

This right-of-way is specifically exempted from payment of rental by regulation.

4. Terms and Conditions:

- a. This grant or permit is issued subject to the holder's compliance with all applicable regulations contained in Title 43 Code of Federal Regulations part 2800.
- b. Upon grant termination by the authorized officer, all improvements shall be removed from the public lands within 180 days, or otherwise disposed of as directed by the authorized officer.
- c. Each grant issued for a term of 20 years or more shall, at a minimum, be reviewed by the authorized officer at the end of the 20th year and at regular intervals thereafter not to exceed 10 years. Provided, however, that a right-of-way or permit granted herein may be reviewed at any time deemed necessary by the authorized officer.
- d. The maps set forth in Exhibits A, B and C and D, dated January 17, 1992, attached hereto, and the final construction plans prepared by Morrison-Maierle CSSA, are incorporated into and made a part of this grant instrument as fully and effectively as if they were set forth herein in their entirety.
- e. Failure of the holder to comply with applicable law or any provision of this right-of-way grant or permit shall constitute grounds for suspension or termination thereof.
- f. The holder shall perform all operations in a good and workmanlike manner so as to ensure protection of the environment and the health and safety of the public.
- g. The holder shall be responsible for weed control on disturbed areas within the limits of the right-of-way. The holder is responsible for consultation with the authorized officer and/or local authorities for acceptable weed control methods (within limits imposed in the grant stipulations).
- h. The holder shall protect all survey monuments found within the right-of-way. Survey monuments include, but are not limited to, General Land Office and Bureau of Land Management Cadastral Survey Corners, reference corners, witness points, U.S. Coastal and Geodetic benchmarks and triangulation stations, military control monuments, and recognizable civil (both public and private) survey monuments. In the event of obliteration or disturbance of any of the above, the holder shall immediately report the incident, in writing, to the authorized officer and the respective installing authority if known. Where General Land Office or Bureau of Land Management right-of-way monuments or



references are obliterated during operations, the holder shall secure the services of a registered land surveyor or a Bureau cadastral surveyor to restore the disturbed monuments and references using surveying procedures found in the Manual of Surveying Instructions for the Survey of the Public Lands in the United States, latest edition. The holder shall record such survey in the appropriate county and send a copy to the authorized officer. If the Bureau cadastral surveyors or other Federal surveyors are used to restore the disturbed survey monument, the holder shall be responsible for the survey cost.

- i. The holder of this right-of-way grant or the holder's successor in interest shall comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) and the regulations of the Secretary of Interior issued pursuant thereto.
- j. The holder shall conduct all activities associated with the construction, operation, and termination of the right-of-way within the authorized limits of the right-of-way.
- k. The holder shall seed all disturbed areas with the seed mixture(s) listed below. The seed mixture(s) shall be planted in the amounts specified in pounds of pure live seed (PLS)/acre. There shall be no primary or secondary noxious weed seed in the seed mixture. Seed shall be tested and the viability testing of seed shall be done in accordance with State law(s) and within 12 months prior to purchase. Commercial seed shall be either certified or registered seed. The seed mixture container shall be tagged in accordance with State law(s) and available for inspection by the authorized officer.

Seed shall be planted using a drill equipped with a depth regulator to ensure proper depth of planting where drilling is possible. The seed mixture shall be evenly and uniformly planted over the disturbed area. (Smaller/heavier seeds have a tendency to drop to the bottom of the drill and are planted first. The holder shall take appropriate measures to ensure this does not occur.) Where drilling is not possible, seed shall be broadcast and the area shall be raked or chained to cover the seed. When broadcasting the seed, the pounds per acre noted below are to be doubled. The seeding will be repeated until a satisfactory stand is established as determined by the authorized officer. Evaluation of growth will not be made before completion of the first growing season after seeding.

Pure Live Seed (PLS) formula: % of purity of seed mixture times % germination of seed mixture = portion of seed mixture that is PLS.



Seed Mixture

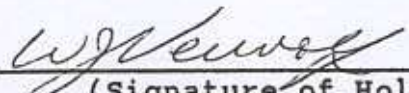
Rate

Thickspike Wheatgrass "Critana"  
Streambank Wheatgrass  
Slender Wheatgrass

8 lbs./acre  
6 lbs./acre  
6 lbs./acre

1. Construction sites shall be maintained in a sanitary condition at all times; waste materials at those sites shall be disposed of promptly at an appropriate waste disposal site. "Waste" means all discarded matter including, but not limited to, human waste, trash, garbage, refuse, oil drums, petroleum products, ashes, and equipment.
- m. The holder agrees to indemnify the United States against any liability arising from the release of any hazardous substance or hazardous waste (as these terms are defined in the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. 9601, et seq. or the Resource Conservation and Recovery Act of 1976, 42 U.S.C. 6901 et seq.) on the right-of-way (unless the release or threatened release is wholly unrelated to the right-of-way holder's activity on the right-of-way). This agreement applies without regard to whether a release is caused by the holder, its agent, or unrelated third parties.

IN WITNESS WHEREOF, The undersigned agrees to the terms and conditions of this right-of-way grant or permit.

  
(Signature of Holder)

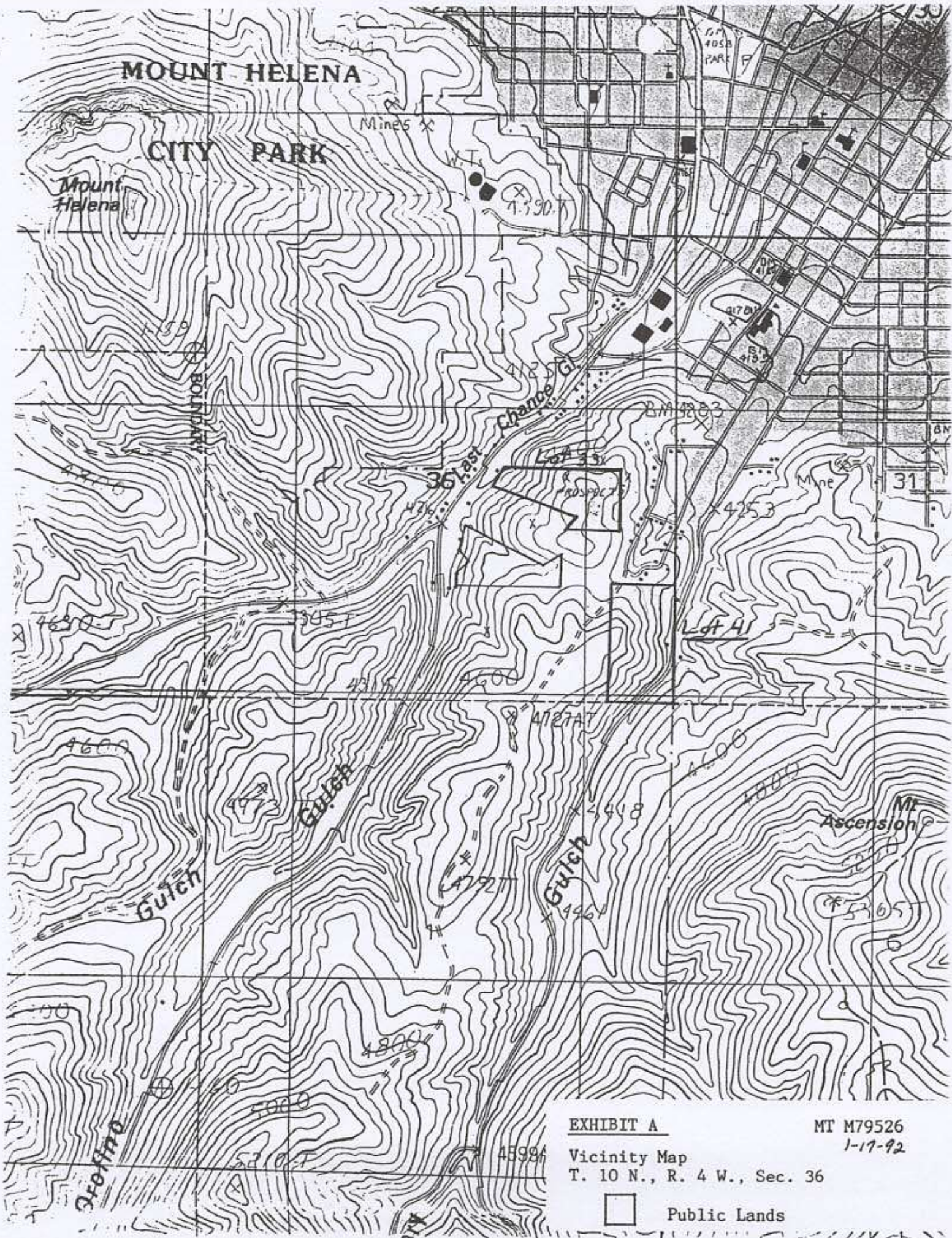
Bob Richman (Asting)  
Merle Good  
Headwaters Resource Area Manager

CITY MANAGER  
(Title)

February 21, 1992  
(Date)

FEB 25 1992  
(Effective Date of Grant)





MOUNT HELENA

CITY PARK

Mount Helena

Mines

W.T.

Change Gulch

36 East

Lot 3

PROSPECT

Lot 4

Gulch

Gulch

Mr. Ascension

EXHIBIT A

MT M79526

1-17-92

Vicinity Map

T. 10 N., R. 4 W., Sec. 36



Public Lands

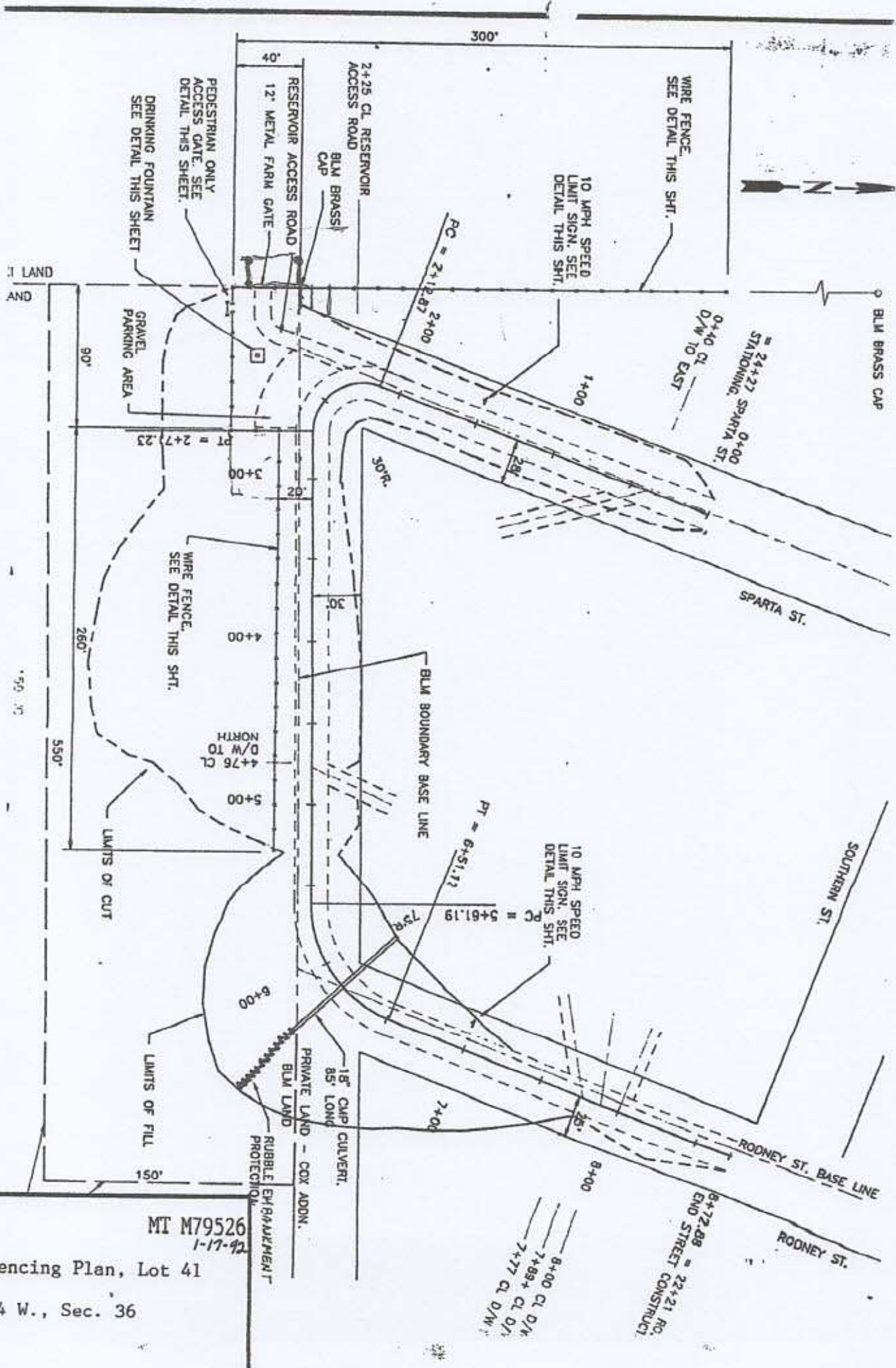




## Reservoir Site Plan

T. 10 N., R. 4 W., Sec. 36





# EXHIBIT C

MT M79526  
1-17-92

City Street/Fencing Plan, Lot 41

T. 10 N., R. 4 W., Sec. 36

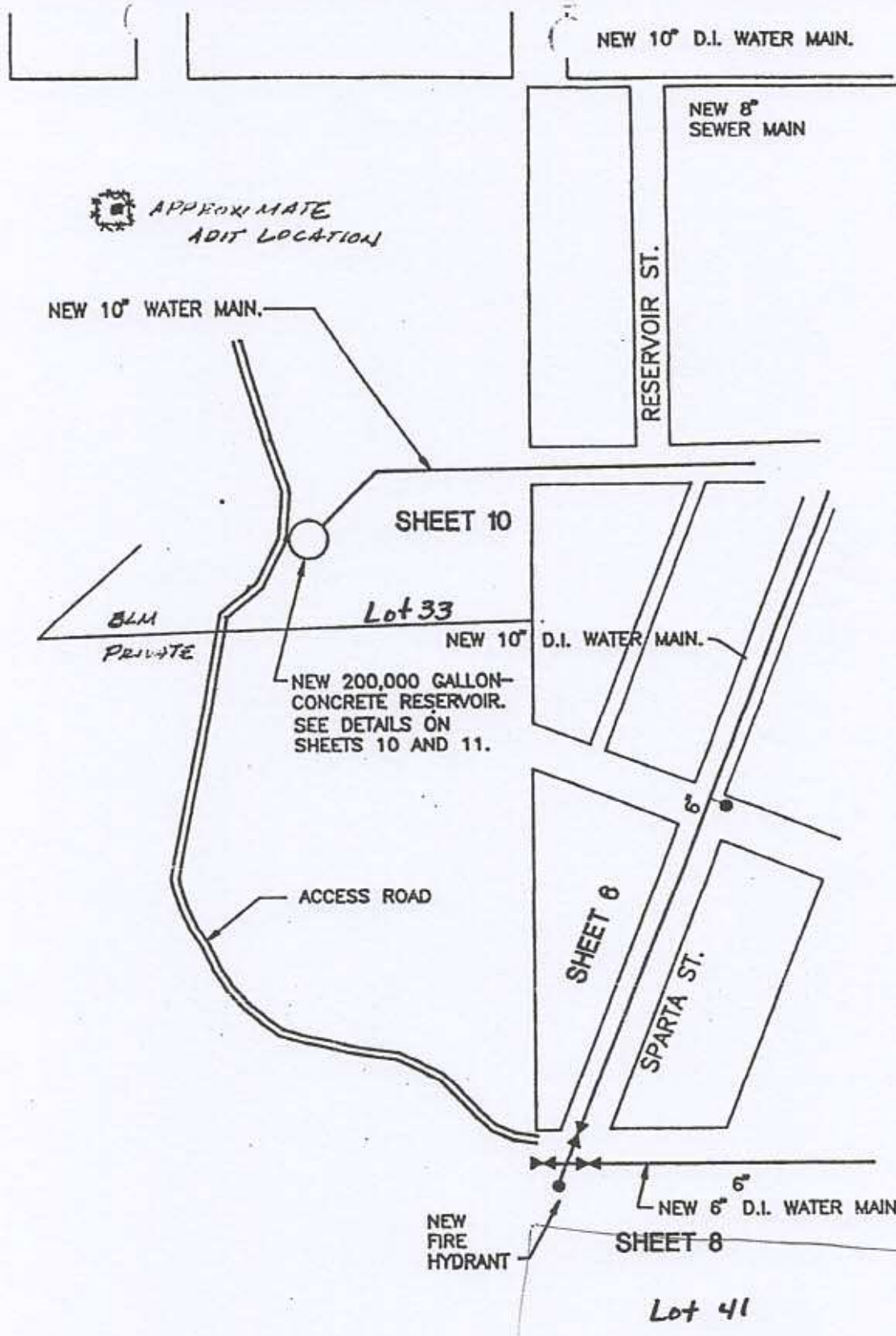


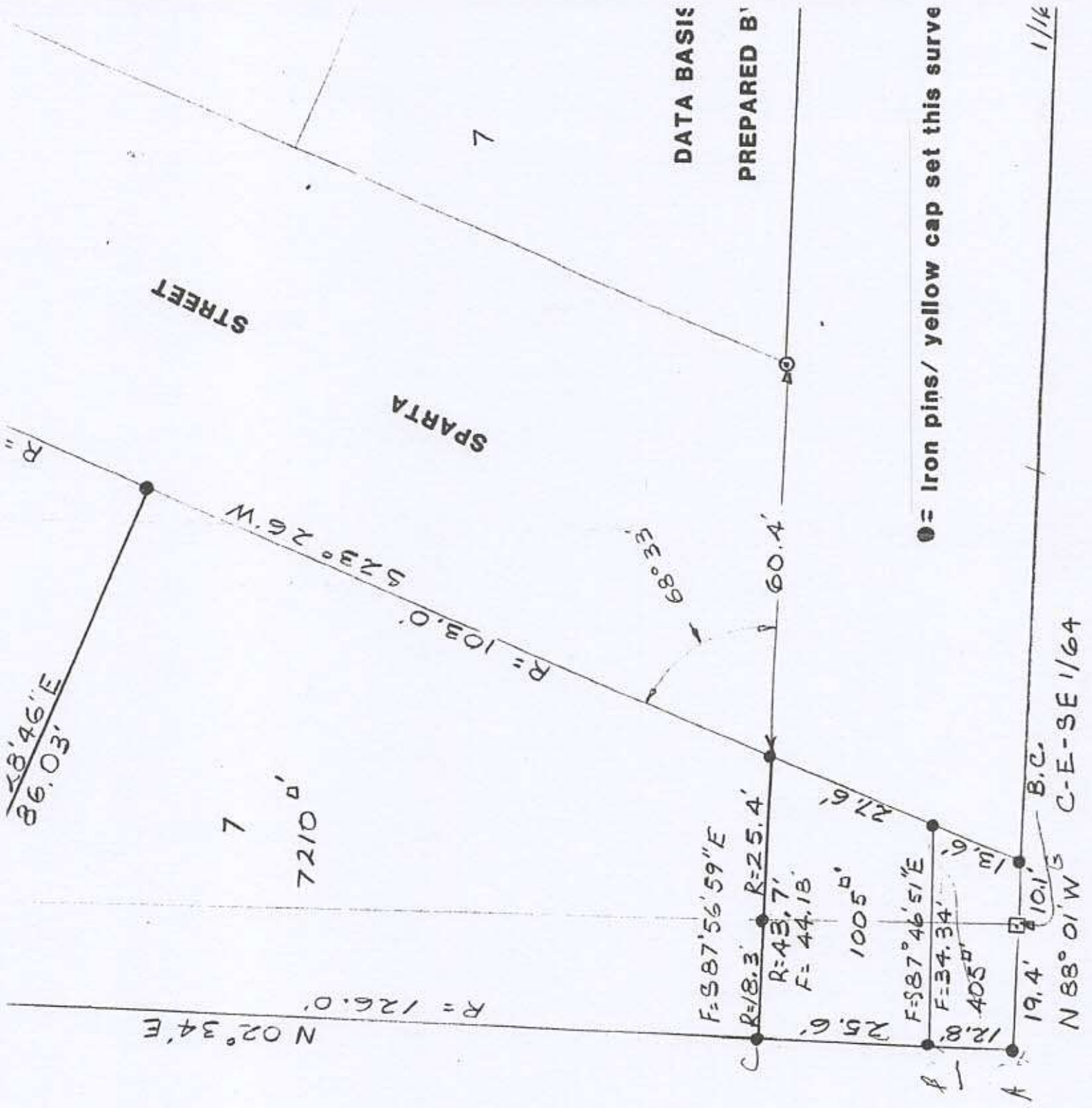
EXHIBIT D

MT M79526  
1-17-92

Location of Access Road

T. 10 N., R. 4 W., Sec. 36



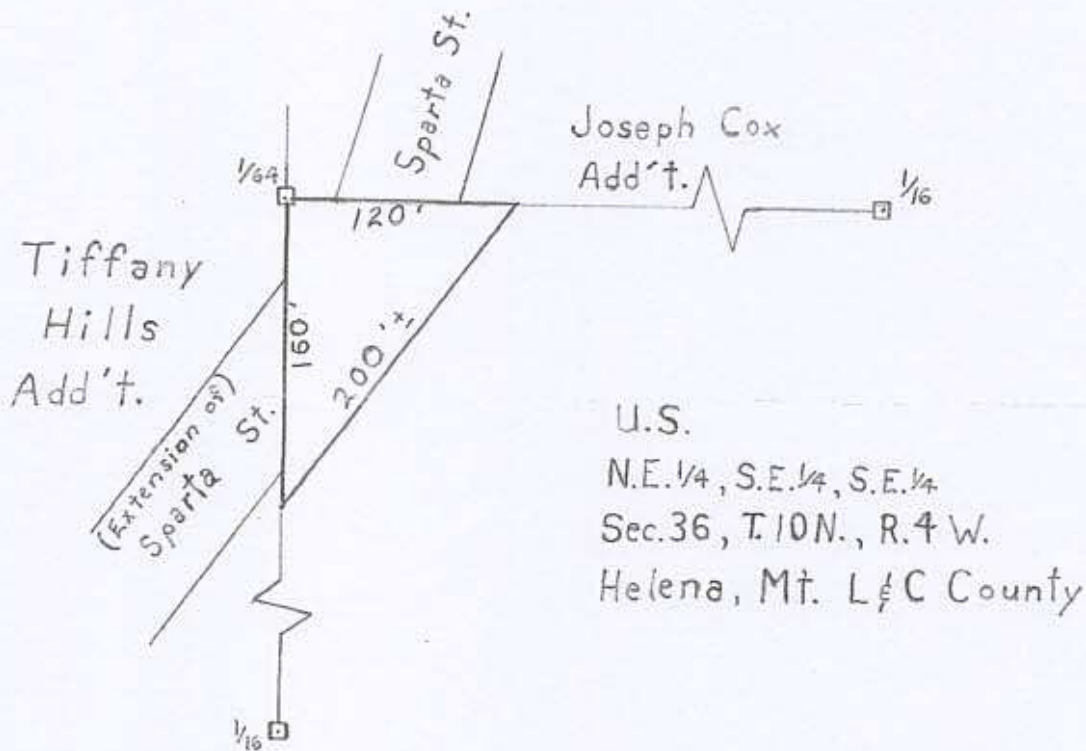


DATA BASIS

PREPARED BY

● = Iron pins/ yellow cap set this curve

# ATTACHMENT



## LEGEND

Scale: 1" = 100'  
 □ - Brass Cap

## DESCRIPTION

Beginning at a point on the west bndry. of the N.E. 1/4 S.E. 1/4 S.E. 1/4. Thence Northerly 160 feet along to the N.W. corner, thence Easterly 120 feet along the north bndry. of N.E. 1/4 S.E. 1/4 S.E. 1/4 thence southwesterly to the point of beginning.

This tract contains 0.22 acres



Public Works Department  
ENGINEERING DIVISION

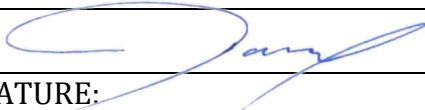
FIRE FLOW REQUEST FORM

DATE RECEIVED:

APPLICANT:	J Bar T Engineers	PHONE #:	406-449-1306
MAILING ADDRESS:	1229 East Lyndale Avenue	PROJECT NAME:	Murray Site
EMAIL ADDRESS:	jared@jbartengineers.com	FAX NUMBER:	
PROJECT LOCATION:	850 Sparta Street	PROPERTY ELEVATION:	4465' NAVD88

ADDRESS/LOCATION OF FIRE FLOW INFORMATION: HYDRANT #, CROSS STREETS

NE corner of Sparta Street and S Rodney Street, Hydrant #767

ENGINEER SIGNATURE:		DATE:	03/27/2024
SPRINKLER DESIGNER SIGNATURE:		DATE:	
*OWNER SIGNATURE:		DATE:	

\*OWNER SIGNATURE REQUIRED IF DATA FOR SPRINKLER DESIGN

**NOTE:** All information above must be included by the applicant for the request to be processed.

Please be aware that this information is from a flow test and pressures may fluctuate during the normal operation of the water system. In addition to normal operating pressure fluctuation, the City may change pressure zones in order to better operate the water system.

**All fire sprinkler systems are required to be designed at 90% of the maximum operating pressure and a pressure relief valve installed to protect the system from pressure surges.** The City of Helena may move the existing Low Malben Pressure Zone to the maximum service elevation of 4009 feet and create the new Valley Pressure Zone to the maximum service elevation of 3819 feet. Any system with a ground elevation that falls within the changing or new pressure zone, must be designed with the calculated design pressure received from the City Engineering Department. Please see the Fire Pressure Zone Map. These requirements will take affect for any system reviewed by the City Fire Marshal after July 1, 2007. A completed copy of this form shall accompany sprinkler system plans submitted to the City of Helena Fire Marshal.

Any system that is located within the changing zone or new pressure zone may delay the installation of the fire pump until the change takes place as long the new system is designed with calculated design pressure received by the City Engineering Department. The owner's signature is required below and a copy of this signed request is to be submitted to the City of Helena Fire Marshall and on file with the City of Helena Building Division prior to receiving occupancy.

PROCESSED BY:		DATE:	
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**Public Works Department**  
ENGINEERING DIVISION

FIRE FLOW REQUEST FORM

**FOR CITY OF HELENA OFFICE USE ONLY**

**DATE:**

<b>EXISTING PRESSURE ZONE</b>		<b>FUTURE PRESSURE ZONE</b>	
<b>Is the Pressure Zone anticipated to change in the future?</b>		<b>YES</b>	<b>NO</b>
<b>CALCULATED SITE PRESSURE(psi)</b>		<b>Calculated New Design Static Pressure (psi):</b>	
<i>(Only used for sites that may change pressure zones)</i>			

**TEST DATE:**

<b>HYDRANT #</b>		<b>HYDRANT LOCATION:</b>	
<b>STATIC PRESSURE(psi)</b>		<b>RESIDUAL PRESSURE (psi):</b>	
<b>RESIDUAL FLOW RATE(gpm)</b>		<b>FIRE FLOW (HAZEN-WILLIAMS) (gpm)</b>	

**TEST DATE:**

<b>HYDRANT #</b>		<b>HYDRANT LOCATION:</b>	
<b>STATIC PRESSURE(psi)</b>		<b>RESIDUAL PRESSURE (psi):</b>	
<b>RESIDUAL FLOW RATE(gpm)</b>		<b>FIRE FLOW (HAZEN-WILLIAMS) (gpm)</b>	

**TEST DATE:**

<b>HYDRANT #</b>		<b>HYDRANT LOCATION:</b>	
<b>STATIC PRESSURE(psi)</b>		<b>RESIDUAL PRESSURE (psi):</b>	
<b>RESIDUAL FLOW RATE(gpm)</b>		<b>FIRE FLOW (HAZEN-WILLIAMS) (gpm)</b>	



**Public Works Department**  
ENGINEERING DIVISION

FIRE FLOW REQUEST FORM

**TEST DATE:**

HYDRANT #

HYDRANT  
LOCATION:

STATIC PRESSURE(psi)

RESIDUAL PRESSURE (psi):

RESIDUAL FLOW RATE(gpm)

FIRE FLOW (HAZEN-WILLIAMS) (gpm)

**TEST DATE:**

HYDRANT #

HYDRANT  
LOCATION:

STATIC PRESSURE(psi)

RESIDUAL PRESSURE (psi):

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