



Michael Alvarez, Planner II
Community Development Department
316 North Park Avenue, Room 404
Helena, MT 59623

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helenamt.gov

Date: June 27, 2022
File: ZONC2205-001 | Joslyn St

ZONE CHANGE

STAFF REPORT

TO: City of Helena Zoning Commission

FROM: Michael Alvarez, Planner II
Christopher Brink, Community Development Director

SUBJECT: **To make a recommendation on an ordinance amending the official zoning map for the City of Helena that changes the zoning district from R-2 (Residential) to (R-3) Residential for properties legally described as A tract of land located in the SE ¼ of the NE ¼ of Section 23, Township 10 N, Range 4 W, P.M.M.; AND all of Lots 1 through 8 of Block 171 of the Syndicate Addition to the City of Helena, as shown on COS 484404, City of Helena, Lewis and Clark County, Montana.**
These properties are located at 1625 & 1655 Joslyn St.
and;
a tract of land in the SE ¼ of the NE ¼ of Section 23, Township 10 N, Range 4 W, M.P.M., described more fully in the Book of Deeds Bk. 271 Pg. 770.
This property is located at 1805 Joslyn St.

GENERAL INFORMATION

DATE OF APPLICATION: May 23, 2022
DATE DEEMED COMPLETE: June 20, 2022

PUBLIC HEARING DATES:

Zoning Commission: 6:00 P.M. Tuesday, July 12, 2022
City Commission: 6:00 P.M. Monday, August 22, 2022

PUBLIC NOTICE:

Legal notice has been published June 26, 2022 in the Independent Record; notice letters have been sent to adjacent property owners and a sign posted on the property.

PUBLIC COMMENT:

As of Monday, June 27, 2022 no public comments have been received in regard to this proposed zone change.

APPLICANT/OWNER: Aaron Williams
ADDRESS: 5295 York Rd, Helena, MT 59602

OWNER: David Dorn (MC Properties)
ADDRESS: 2680 overland Ave Ste F, Billings, MT 59102

SUBJECT PROPERTY ADDRESS: 1625, 1655, & 1805 Joslyn St., Helena, MT 59601

LEGAL DESCRIPTION:

A tract of land located in the SE ¼ of the NE ¼ of Section 23, Township 10 N, Range 4 W, P.M.M.; AND all of Lots 1 through 8 of Block 171 of the Syndicate Addition to the City of Helena, as shown on COS 484404, City of Helena, Lewis and Clark County, Montana.

and;

a tract of land in the SE ¼ of the NE ¼ of Section 23, Township 10 N, Range 4 W, M.P.M., described more fully in the Book of Deeds Bk. 271 Pg. 770.

GENERAL LOCATION: The three properties are generally located at the southwest corner of the Motor City loop road on the east side of Joslyn St., and the property where Peosta Ave dead-ends, in Helena, Montana. These properties are located at 1625, 1655, & 1805 Joslyn St.

PRESENT LAND USE:
SIZE:

ADJACENT LAND USE:

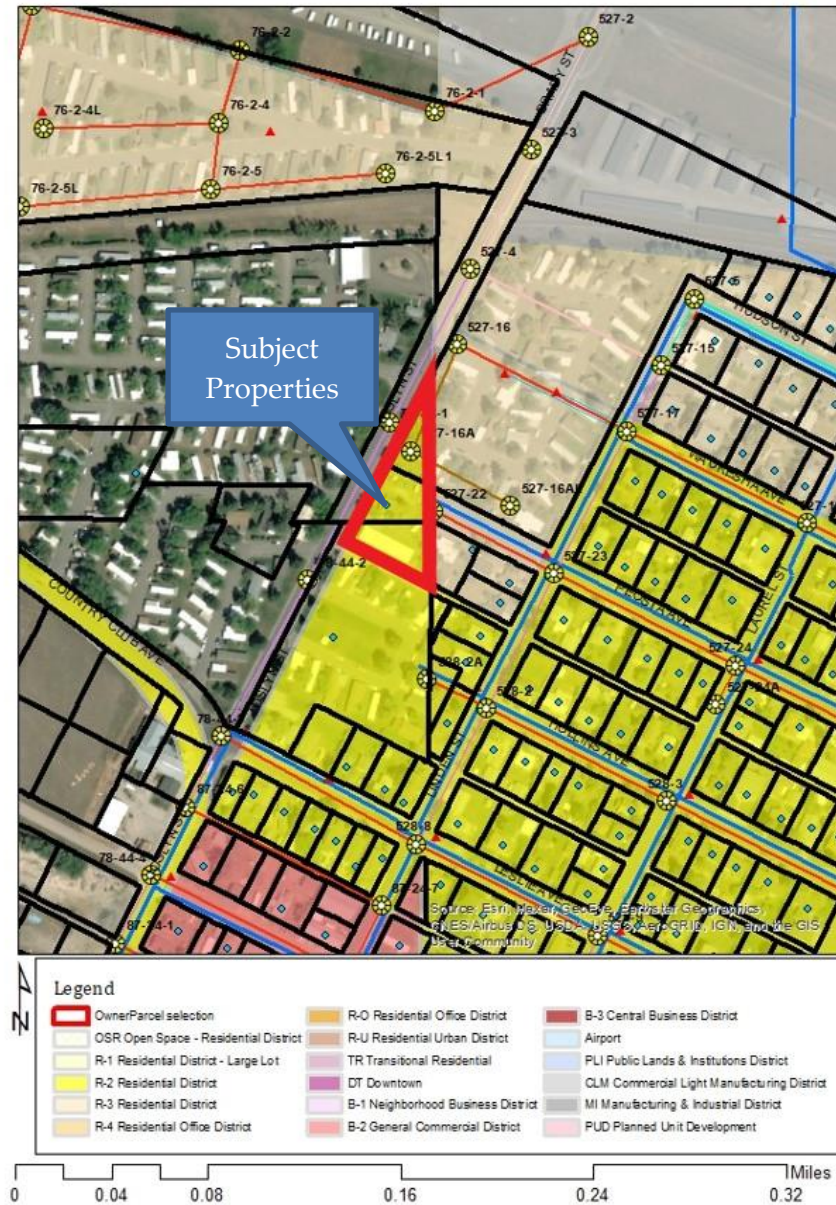
North: Mobile home Park
South: Mobile home Park
East: Single Dwelling-Unit
West: Mobile home Park

PRESENT ZONING: R-2 (residential)

ADJACENT ZONING:

North: R-3 (residential)
South: R-2 (residential)
East: R-3 (residential)
West: URBAN RESIDENTIAL MIXED USE (county zoning)

VICINITY MAP:



ZONING USE DEFINITIONS:

The **R-1/R-2 (residential)** districts provide for residential dwellings and limited nonresidential development that protects and enhances the residential nature of the area.

The **R-3 (residential)** district provides for the development of a mixture of residential structures to serve varied housing needs and allows limited compatible nonresidential uses.

DESCRIPTION / BACKGROUND

The applicant/property owner is requesting a that the official zoning map for the City of Helena be amended to change the zoning district of 1625, 1655, & 1805 Joslyn St from R-2 (Residential) to (R-3) Residential. The property at 1805 is located in a mobile home park and the change in zoning would better reflect that use and match the zoning of the remainder of the park. The applicant/owner, Aaron Williams, is seeking to enjoy the same zoning as other properties on Peosta.

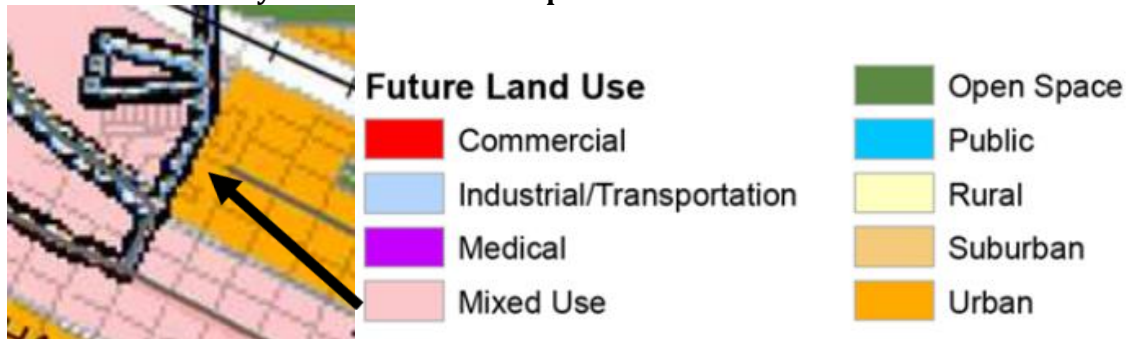
RECOMMENDATION

Move to recommend **Approval** of an ordinance amending the official zoning map for the City of Helena that changes the zoning district from R-2 (Residential) to (R-3) Residential for properties legally described as A tract of land located in the SE ¼ of the NE ¼ of Section 23, Township 10 N, Range 4 W, P.M.M.; AND all of Lots 1 through 8 of Block 171 of the Syndicate Addition to the City of Helena, as shown on COS 484404, City of Helena, Lewis and Clark County, Montana.
and;
a tract of land in the SE ¼ of the NE ¼ of Section 23, Township 10 N, Range 4 W, M.P.M., described more fully in the Book of Deeds Bk. 271 Pg. 770.

EVALUATION:

GROWTH POLICY:

2019 Growth Policy Future Land Use Map



Montana MCA Section 76-2-304 (1.a), Criteria and guidelines for zoning regulations: Zoning regulations must be made in accordance with a growth policy.

1) Growth Policy Area Designation:

The 2019 Helena Growth Policy Land Use Chapter and Future Land Use map identifies the neighborhood that the proposed rezone area is in as urban. Areas to the north, south, and east of the properties are similarly designated as urban. The county areas to the west are designated as mixed-use. The Growth Policy also includes several goals and objectives that are applicable to the proposed zone change.

2) Growth Policy Area Definition:

The 2019 Growth Policy identifies Urban future land use areas as “predominantly moderate- to high-density residential uses, and may include public uses such as schools, churches, and open lands such as parks and occasional commercial uses that serve the immediate area or are relatively small and low-intensity.” These areas are ideally feature multi-modal transportation offerings and should strive for high levels of walkability. R-3 (residential) zoning allows for more moderate density residential uses.

The Land Use chapter of the 2019 Growth Policy sets forth a range of objectives relevant to the present rezoning application. When considering rezoning of lots within the city, consideration must be made for factors such as the future land use mapping (discussed above), compatibility with surrounding land uses, and the development of vacant and under-utilized spaces, to name a few.

3) Growth policy Objectives of note:

Objective 12 of the Growth Policy seeks to “Promote and maintain development of a diverse housing stock, helping to:

- Minimize depletion of natural resources;
- Reduce land consumption and demands on the physical environment;
- Provide housing for all residents;
- Optimize infrastructure use;
- Prepare Helena to meet emerging needs.

The R-2 (residential) district does not accommodate moderate to high density residential units. R-3 (residential) allows for the development of most types of housing stock, including the denser types of housing the Urban future land use map encourages.

Objective 78 of the Growth Policy seeks to “Encourage infill development on vacant and under-utilized land within the city, directing growth to areas currently served by, or in close proximity to existing infrastructure and that harmonizes with the character of existing neighborhoods.”

The 2019 growth policy encourages development of vacant and under-utilized land within city limits. 1805 Joslyn St is located within a mobile home park and would need a CUP to build more intensely and maintain that land use. For 1625 & 1655 Joslyn St a re-zone to R-3 will allow a more intense level of development to be built by right.

4) Zoning compatibility:

The proposed zoning, R-3, would most squarely address the Growth Policy’s direction to allow for more intensive residential development in the area. The change in zoning from R-2 to R-3 would allow for the development of all types of housing – and specifically multi-family residential. R-3 is also the predominant zoning district of both the mobile home park and the other properties on Peosta Ave.

The proposed zone change from R-2 to R-3 District meets all the zone change requirements outlined in MCA Section 76-2-304(1.b). This is documented below.

Montana MCA Section 76-2-304(1.b), Criteria and guidelines for zoning regulations:

- (1) *Zoning regulations must be (b) designed to:*
 - (i) *secure safety from fire and other dangers;*
 - (ii) *promote public health, public safety, and the general welfare; and*
 - (iii) *facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.*

Designed to (i) secure safety from fire and other dangers;

All structures built in either an R-2 district, or an R-3 district would need to adhere to all applicable safety and fire codes. City Code secures safety from fire and other dangers primarily through Title 3: Building Regulations.

Designed to (ii) promote public health, public safety, and the general welfare; and

This change in zoning would benefit the general welfare of the neighborhood by granting the property owner the same use of their property enjoyed by other property owners on Peosta.

Both zoning districts contain provisions that address the promotion of public health and safety through dimensional limitations and allowed uses.

The intent of R-2 district is the creation and preservation of lower-density residential areas. The R-3 district allows for slightly more intensity of development while still encouraging the development of residential areas.

Designed to (iii) facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.

This change in zoning will have a negligible impact on the provision of transportation, water, sewerage, schools, parks, and/or other public requirements. The three properties are approximately 1 acre in size and are currently served by city utilities. Currently, the three properties are occupied by three, single dwelling-units. Our traffic estimates for three units is 28.5 trips per day. A high-end estimate for trips generated on 1 acre of R-2 zoned land is 45 trips per day. A high estimate for traffic for 1 acre of land zoned R-3 is 142 trips per day. However, it is worth noting that for this zone change, ~28% of the land is developed as a mobile home park that is otherwise already zoned as R-3 and a change in zoning is unlikely to be associated with any change in traffic whatsoever on that portion.

The property is currently served by water, sewer, the Helena Police Department, and Helena Fire Department.

The application shall also be reviewed through Montana MCA Section 76-2-304. Montana MCA Section 76-2-304(2.a thru e), In the adoption of zoning regulations, the municipal governing body shall consider:

- (2) *In the adoption of zoning regulations, the municipal governing body shall consider:*
- (a) reasonable provision of adequate light and air;*
 - (b) the effect on motorized and non-motorized transportation systems;*
 - (c) promotion of compatible urban growth;*
 - (d) the character of the district and its peculiar suitability for particular uses; and*
 - (e) conserving the value of buildings and encouraging the most appropriate use of land throughout the jurisdictional area.*

a) reasonable provision of adequate light and air;

The city's zoning districts, and their accompanying regulations are intended to protect the public health and general welfare by identifying appropriate land uses for each zoning district found in the community. Additionally, the provisions outlined in the city's zoning code under Title 11 are designed to ensure that properties located in each zoning district will be developed in accordance with the zoning requirements and restrictions for

the district, such as: use, size, setbacks, lot coverage, off street parking, landscaping, and screening.

The minimum lot size, setbacks, height restrictions of City Code are intended to prevent the overcrowding of the land and ensure buildings that are compatible in size and scale to others in the district. In addition, these requirements are also intended to assure adequate light and air will be provided. The dimensional limitations for both the R-2 and R-3 districts are included in the appendix.

R-2 and R-3 both require that buildings be setback 10' from their front and rear property lines. R-2 requires that buildings be setback 8' from their side property lines while R-3 only requires 6'. R-2 allows buildings up to 30' in height. R-3 allows buildings up to 36' in height.

b) *the effect on motorized and non-motorized transportation systems;*

R-3 is considered a more intensive land use than R-2 in traffic impact studies. Sidewalks would be required on all frontages with any new primary structure (required for a building permit).

c) *promotion of compatible urban growth;*

The proposed zone change is in keeping with the residential nature of the surrounding area. R-3 is a low to moderate -density residential zone type and that is the primary development pattern in the area.

d) *the character of the district and its peculiar suitability for particular uses; and*

The area has primarily developed as a residential district and this proposed zone change is in-keeping with that history.

e) *conserving the value of buildings and encouraging the most appropriate use of land throughout the jurisdictional area*

An up-zoning from R-2 to R-3 will not have any clear impacts on the value of buildings in the area.

CONCLUSION

Staff concludes this proposal is consistent with the 2019 Helena Growth Policy and is consistent with all the Montana zoning criteria.

Staff recommends that the Zoning Commission move to recommend **Approval** of an ordinance amending the official zoning map for the City of Helena that changes the zoning district from R-2 (Residential) to (R-3) Residential for properties legally described as A tract of land located in the SE ¼ of the NE ¼ of Section 23, Township 10 N, Range 4 W, P.M.M.; AND all of Lots 1 through 8 of Block 171 of the Syndicate Addition to the City of Helena, as shown on COS 484404, City of Helena, Lewis and Clark County, Montana.

and;

a tract of land in the SE ¼ of the NE ¼ of Section 23, Township 10 N, Range 4 W, M.P.M., described more fully in the Book of Deeds Bk. 271 Pg. 770.



City of Helena
ZONE CHANGE
Application Form

DATE RECEIVED:

RECEIVED

MAY 23 2022

City Comm. Dev. Dept.

APPLICATION FEE: \$410.00
(Payable to the City of Helena)
ALL FEES ARE NON-REFUNDABLE

**Please provide all of the information requested in the Application Instructions and Checklist
AN INCOMPLETE APPLICATION MAY DELAY REVIEW OF YOUR REQUEST**

1. **PROPOSED ZONING:** R3 **ADJACENT ZONING:** R2/R3
2. **PRESENT USE:** Single Dwelling/Storage units nonconforming
3. **PROPOSED USE:** (attach additional information if necessary) Residential multi-family
4. **ADJACENT USES:** Single Dwelling, mobile home parks
5. **REASON(S) THIS PROPOSAL SHOULD BE APPROVED** (attach additional information if necessary)
to allow residential multi-family

Application Instructions

INTENT: Application to the Helena Zoning Commission and City Commission for an amendment to the official Zoning Map. Such amendments re-classify property from one zoning district to another.

GENERAL REQUIREMENTS:

1. Submit an application, including the application fee, according to the Zone Change application deadline schedule available in the Community Development Department.
2. The application must be **COMPLETE** and **SIGNED** by the applicant and property owner. An incomplete application may delay review of your request. Attach additional information if needed.
3. Submit the following materials with your signed application:
 - A. A description of the boundaries of the area of the proposed zone change and its relationship to the City of Helena Growth Policy and future land use map.
 - B. A vicinity map of the area showing the location of the property in relation to surrounding land and zoning in the immediate area, and City streets.

- C. The most recently filed plat or certificate of survey;
- D. A current tax receipt for the subject property (if available).
- E. Any information you may find relative to the review criteria listed below:

Review Criteria

Your application will be reviewed using Montana MCA Section 76-2-304, "Criteria and Guidelines for Zoning Regulations" stated below:

- (1) *Zoning regulations must be:*
- (a) *made in accordance with a growth policy; and*
 - (b) *designed to:*
 - (i) *secure safety from fire and other dangers;*
 - (ii) *promote public health, public safety, and the general welfare; and*
 - (iii) *facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.*
- (2) *In the adoption of zoning regulations, the municipal governing body shall consider:*
- (a) *reasonable provision of adequate light and air;*
 - (b) *the effect on motorized and nonmotorized transportation systems;*
 - (c) *promotion of compatible urban growth;*
 - (d) *the character of the district and its peculiar suitability for particular uses; and*
 - (e) *conserving the value of buildings and encouraging the most appropriate use of land throughout the jurisdictional area.*

PROCESS:

Section 11-1-10 of the Helena Zoning Ordinance states the Zoning Commission and the City Commission will hold public hearings, to give the public an opportunity to be heard upon the matter.

ANY ZONE CHANGE ACTION IS NOT EFFECTIVE UNTIL THIRTY (30) DAYS FOLLOWING SECOND PASSAGE OF AN APPROVED ZONING ACTION BY THE CITY COMMISSION.

The Zoning Commission will make a recommendation to the City Commission who will approve, deny or conditionally approve the requested change.



City of Helena
LAND USE
Application Form

DATE RECEIVED:

RECEIVED

MAY 23 2022

City Comm. Dev. Dept.

Please provide all of the information requested in the Application Instructions.
AN INCOMPLETE APPLICATION MAY DELAY REVIEW OF YOUR REQUEST.

1. **APPLICANT:** *Property Owner*
Name: Aaron Williams
Address: 5295 York Rd
Primary Phone: 406 439 1183
Secondary Phone: _____
Email address: aaron.williams950@gmail.com
Authorized Representative _____
(The representative is authorized to represent the property owner and to receive all correspondence)
2. **PROPERTY OWNER** *Additional* (if different from applicant):
Name: William David Dorn
Address: 2680 Overland Ave Stef Billings MT 59102
Primary Phone: 406-652-8232
Secondary Phone: _____
Email address: david.dorn@andesite.com
3. **LEGAL DESCRIPTION** (submit a deed and recent copy of the plat to verify description):
Subdivision/Blocks/Lots and COS number: Blocks 171 lots 1 through 8 of the syndicate addition
Section, Township, and Range: A tract of land in the SE 1/4 of NE 1/4 of Section 23, Township 10 North Range 4 West, P.M.M. & C County, Montana
4. **ADDRESS OF PROPERTY:** 1625 Joslyn St, 1655 Joslyn St Helena, MT 59601
5. **CURRENT ZONING:** R2
6. **GEOCODE:** 05188723102170000 / 05188723447350000

Please indicate the type of land use/land use change you are requesting and submit this form with your application:

- Pre-Zone Annexation
 Conditional Use Permit Variance from Zoning Regulations Zone Change
 Major Subdivision Preliminary Plat Minor Subdivision Preliminary Plat Final Plat Amended Plat

IT IS THE POLICY OF THE CITY COMMISSION NOT TO ACT ON A PROPOSAL IF THE APPLICANT/APPLICANT'S REPRESENTATIVE IS NOT PRESENT AT THE COMMISSION MEETING. City Planning Staff represents the City; staff cannot answer questions for the applicant.

The taxes and assessments on the applicant's property, which is the subject of the proposed action, must be paid or payment of said taxes and assessments must be made a condition of final approval of said action by the city commission, with the taxes and assessments to be paid within fourteen (14) days after final passage. In the event the taxes and assessments are not paid, the proposal will be brought back before the city commission at the next regularly scheduled meeting for reconsideration.

I HEREBY CERTIFY AND ACKNOWLEDGE THE ABOVE STATEMENTS AND ANY ATTACHED INFORMATION ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

SIGNED: Aara Williams Date: 4/29/22
Applicant property owner

Property Owner: Chris Hand, manager Date: 5-27-22
Additional (If different from applicant)

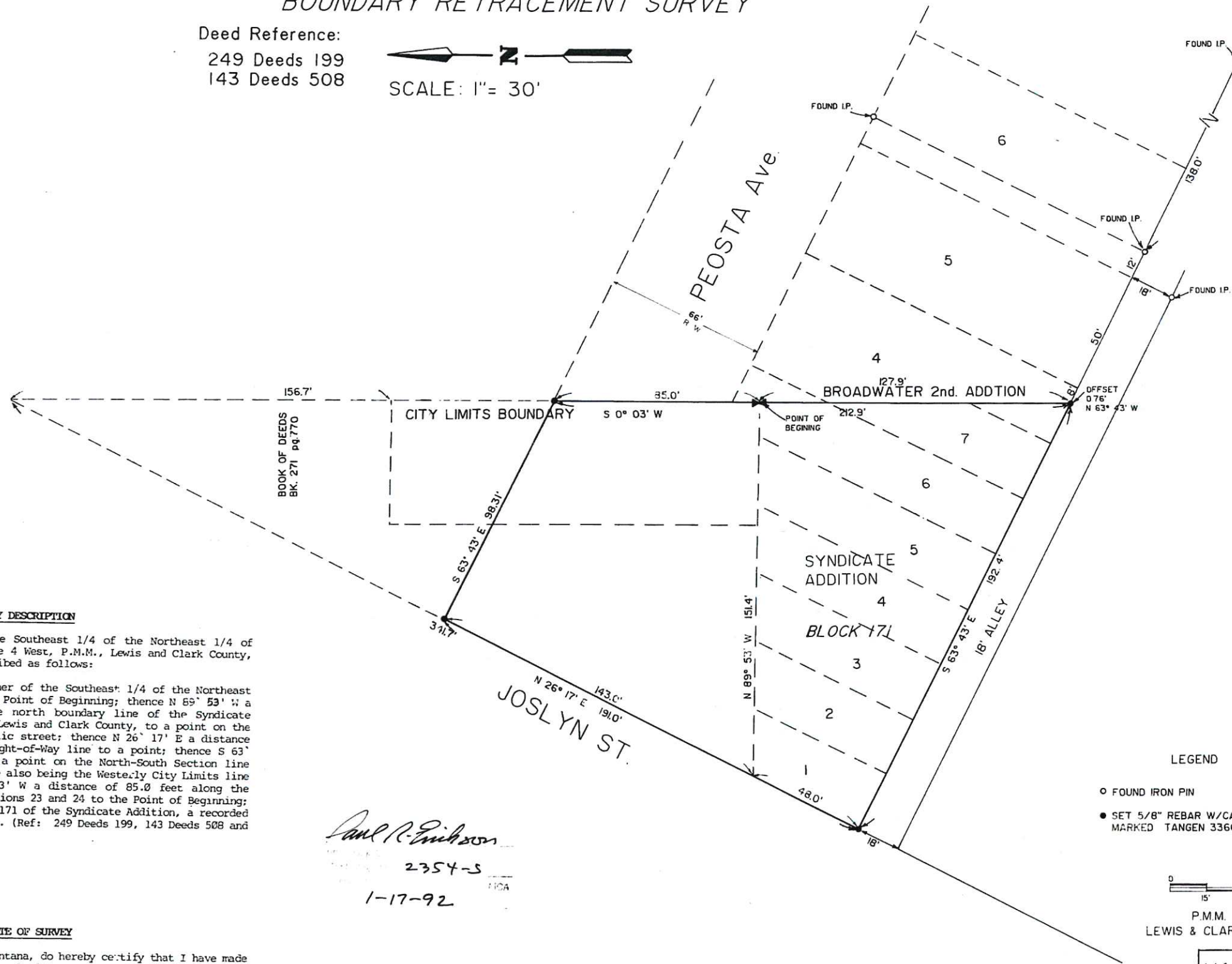
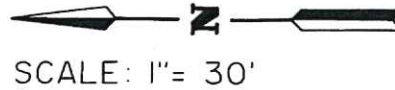
Proposed zone change for the property located at 1625 and 1655 Joslyn St. Helena, Montana. This property is currently bordered by county, city R3 and city R2. The current use is single family and I would like to increase that to multi-family. The future land use for the City of Helena growth policy has this area listed as urban and looking to increase to a higher density. City services are provided through Joslyn St. Traffic should not increase significantly. The purpose of the zone change is to add additional units to land that can support it and utilize space more efficiently.

CERTIFICATE OF SURVEY

4124

BOUNDARY RETRACEMENT SURVEY

Deed Reference:
249 Deeds 199
143 Deeds 508



PROPERTY DESCRIPTION

A tract of land located in the Southeast 1/4 of the Northeast 1/4 of Section 23, Township 10 North, Range 4 West, P.M.M., Lewis and Clark County, Montana, and more particularly described as follows:

Beginning at the Southeast corner of the Southeast 1/4 of the Northeast 1/4 of Section, said point being the Point of Beginning; thence N 69° 53' W a distance of 151.4 feet along the north boundary line of the Syndicate Addition, a recorded subdivision in Lewis and Clark County, to a point on the easterly Right-of-Way line of a public street; thence N 26° 17' E a distance of 143.0 feet along said easterly Right-of-Way line to a point; thence S 63° 43' E a distance of 98.31 feet to a point on the North-South Section line between Sections 23 and 24, said line also being the Westerly City Limits line of Helena, Montana; thence S 00° 03' W a distance of 85.0 feet along the North-South Section line between Sections 23 and 24 to the Point of Beginning; AND all of Lots 1 through 8 of Block 171 of the Syndicate Addition, a recorded subdivision in Lewis and Clark County. (Ref: 249 Deeds 199, 143 Deeds 508 and 271 Deeds 770).

CERTIFICATE OF SURVEY

I, William H. Tangen, Helena, Montana, do hereby certify that I have made the survey of a parcel of land comprised of Tracts I, II & III located in the SE 1/4NE 1/4 and NE 1/4SE 1/4 of Section 23, T 10 N, R 4 W, P.M.M., Lewis and Clark County; no new parcels are hereby created; date of survey was November, 1991, and the annexed Certificate of Survey is a true representation of that survey.

William H. Tangen
Registration No. 3366ES
Helena, Montana



Paul R. Erickson
2354-S
1-17-92

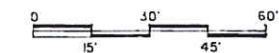
484404/T

REC'D
1002 APR 21 AM 2:57
Cheryl McDade

THE PURPOSE OF THIS SURVEY IS FOR THE BOUNDARY RETRACEMENT OF ONE PARCEL WITH NO NEW PARCELS BEING HEREBY CREATED.
SURVEYED November, 1991.

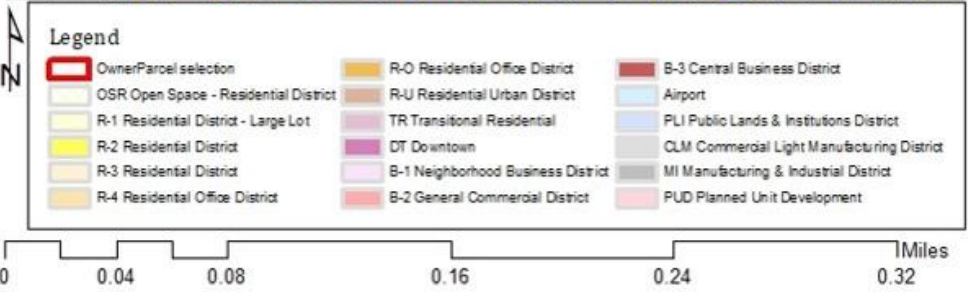


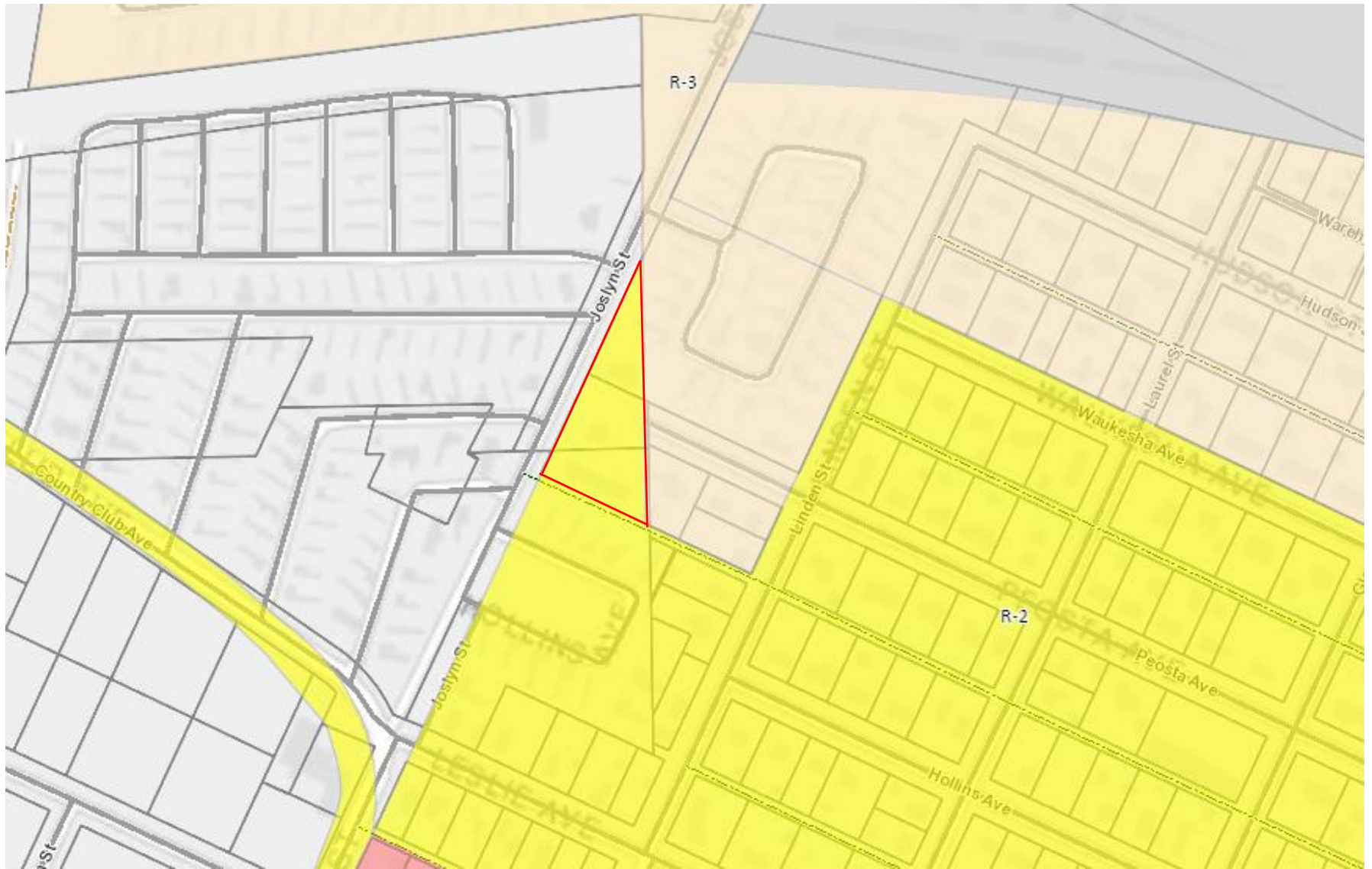
- LEGEND**
- FOUND IRON PIN
 - SET 5/8" REBAR W/CAP MARKED TANGEN 3366ES



P.M.M.
LEWIS & CLARK COUNTY

1/4	Sec	T	R
X	23	10N	4W







Shopping Cart: 0 items [\$0.00]

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- [Payoff](#)
- [PayTaxes](#)
- [Help](#)

Property Tax ID: 8705

Status: Current
Realware#: 188723102170000
Receipt: 41017

Mailing Address:
 1625 JOSLYN ST
 HELENA, MT 596010102

Levy District:
 2C-09, Tax District 2C

2021 Owner(s):
 WILLIAMS AARON J

2021 Value:

Market: \$169,100
Taxable: \$2,283

2021 Taxes:

First Half: \$1,057.25 **Due:** 11/30/2021
Second Half: \$1,053.05 **Due:** 5/31/2022
Total: \$2,110.30

[View Pie Charts](#)

2021 Payments:

First Half: \$1,057.25
Second Half: \$0.00
Total: \$1,057.25

(May include penalty & interest)

[Detail](#)

[Detail](#)

2021 Legal Records:

Geo Code: 05-1887-23-1-02-17-0000 **Date:** 2008-08-01

Property address: 1655 JOSLYN ST, HELENA MT 59601
TRS: T10 N, R04 W, Sec. 23
Legal: S23, T10 N, R04 W, C.O.S. 484404/T, M&B
 TRACT IN SE4SE4NE4

Note: The accuracy of this data is not guaranteed. Property Tax data was last updated 04/29/2022 10:00 AM.

Send Payments to:
 Lewis & Clark County
 316 North Park Ave; Room #147
 Helena, Montana 59623

Phone: (406) 447-8329
 Email: propertytax@lccountymt.gov





Shopping Cart: 0 items [\$0.00]

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[History](#)

[Payoff](#)

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Property Tax ID: 9078

Status: Current
Realware#: 188724342010000
Receipt: 41018

2021 Owner(s):
WILLIAMS AARON J

Mailing Address:
1625 JOSLYN ST
HELENA, MT 596010102

Levy District:
2C-09, Tax District 2C

2021 Value:

Market: \$166,100
Taxable: \$3,139

2021 Taxes:

First Half:	\$1,789.58	Due: 11/30/2021
Second Half:	\$1,783.82	Due: 5/31/2022
Total:	\$3,573.40	

[View Pie Charts](#)

2021 Payments:

First Half:	\$1,789.58
Second Half:	\$0.00
Total:	\$1,789.58

(May include penalty & interest)

[Detail](#)

[Detail](#)

2021 Legal Records:

Geo Code: 05-1887-23-4-47-35-0000 **Deed Book:** M37 **Page:** 7296 **Instru#:** 3141420 **Date:** 2008-01-04

Property address: 1625 JOSLYN ST, HELENA MT 59601
Subdivision: (SYN) SubDiv SYN **Lot:** 1 **Block:** 171
TRS: T10 N, R04 W, Sec. 23
Legal: SYNDICATE ADDN (HELENA), S23, T10 N,
R04 W, BLOCK 171, Lot 1 - 8, COS
484404/T

Note: The accuracy of this data is not guaranteed. Property Tax data was last updated 04/29/2022 10:00 AM.

Send Payments to:
Lewis & Clark County
316 North Park Ave; Room #147
Helena, Montana 59623

Phone: (406) 447-8329
Email: propertytax@lccountymt.gov



First Montana Title Company of Helena
400 N. Park Ave.
Helena, MT 59601

05188723102170000

After Recording Return to:
First Montana Title Company of Helena
400 N. Park Ave.
Helena, MT 59601

FIRST MONTANA TITLE
L & C # 81195

WARRANTY DEED

For Value Received:

Daniel J. Whyte and Shawn A. Whyte

the grantor(s) do(es) hereby grant, bargain, sell and convey unto

Aaron J. Williams


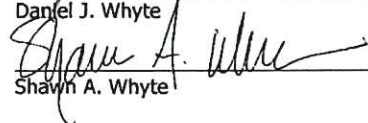
The grantees the following described premises, in Lewis & Clark County, Montana, to-wit:

A tract of land located in the Southeast 1/4 of the Northeast 1/4 of SECTION 23, TOWNSHIP 10 NORTH, RANGE 4 WEST, P.M.M., Lewis and Clark County, Montana, and more particularly described as follows:

Beginning at the Southeast corner of the Southeast 1/4 of the Northeast 1/4 of Section 23, said point being the Point of Beginning; thence N. 89°53' W. a distance of 151.4 feet along the north boundary line of the Syndicate Addition, a recorded subdivision in Lewis and Clark County, to a point on the easterly Right-of-Way line of a public street; thence N. 26°17' E. a distance of 143.0 feet along said easterly Right-of-Way line to a point; thence S. 63°43' E. a distance of 98.31 feet to a point of the North-South Section line between Sections 23 and 24, said line also being the Westerly City Limits line of Helena, Montana; thence S. 00°03' W. a distance of 85.0 feet along the North-South Section line between Sections 23 and 24 to the Point of Beginning: AND all of Lots 1 through 8 of Block 171 of the SYNDICATE ADDITION, a recorded Subdivision in Lewis and Clark County, as shown on Retracement Certificate of Survey recorded under Document Number 484404/T.

TO HAVE AND TO HOLD the same premises, with the appurtenances unto said Grantee(s) his/her/their heirs and assigns forever. And the said Grantor(s) do(es) hereby covenant to and with the Grantee(s), that he/she/they are/is the owner(s) in fee simple of said premises; that is free from all encumbrances SUBJECT to all legal taxes and assessments levied with respect to said premises and that he/she/they will warrant and defend the same from all lawful claims whatsoever.

Dated: August 1, 2008


Daniel J. Whyte

Shawn A. Whyte

STATE OF Montana

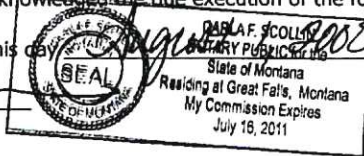
COUNTY OF Lewis & Clark

I, a Notary Public of the County and State first above written, do hereby certify that

DANIEL J. WHYTE + SHAWN A. WHYTE personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal, this day


Notary Public



My Commission Expires:

(SEAL)



3152324
Page: 1 of 1
08/01/2008 03:37P
Bk-M38 Pg-7458

Lewis & Clark County

DEED

05188723447350000

First Montana Title Company of Helena
400 North Park Avenue
Helena, MT 59601

After Recording Return to:
First Montana Title Company of Helena
400 North Park Avenue
Helena, MT 59601

FIRST MONTANA TITLE
L & C # 179502

WARRANTY DEED

For Value Received:

Comase, LLC

the grantor(s) do(es) hereby grant, bargain, sell and convey unto

^{J.}
Aaron Williams

The grantees the following described premises, in Lewis & Clark County, Montana, to-wit:

Lots 1 through 8 in Block 171 of the SYNDICATE ADDITION, City of Helena, Lewis and Clark County, Montana.

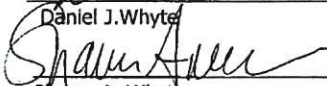
TO HAVE AND TO HOLD the same premises, with the appurtenances unto said Grantee(s) his/her/their heirs and assigns forever. And the said Grantor(s) do(es) hereby covenant to and with the Grantee(s), that he/she/they are/is the owner(s) in fee simple of said premises; that is free from all encumbrances SUBJECT to all legal taxes and assessments levied with respect to said premises and that he/she/they will warrant and defend the same from all lawful claims whatsoever.

Dated: January 4, 2008

Comase, LLC

BY:


Daniel J. Whyte


Shawn A. Whyte

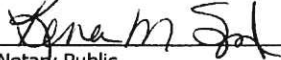
STATE OF Montana

COUNTY OF Lewis & Clark

I, a Notary Public of the County and State first above written, do hereby certify that Daniel J. Whyte and Shawn A. Whyte known to me to be the members of Comase, LLC

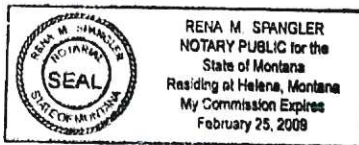
personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal, this day Jan 4, 2008.


Notary Public

My Commission Expires:

(SEAL)



3141420

Page: 1 of 1
01/04/2008 12:52P
Bk-M37 Pg-7296

SCHEDULE 1 LEGAL DESCRIPTION

PARCEL #1: A tract of land in Section Twenty Three (Sec. 23), Township Ten North (T. 10 N.), Range Four West (R. 4 W.) of the Montana Principal Meridian (M.P.M.) in Lewis and Clark County, Montana, more particularly described as follows: Beginning at a survey cap at the intersection of the section line between Sections 23 and 24 with the south boundary of the former Great Northern Railroad right-of-way; thence from point of beginning, N. 74°54'05" W. along the south boundary of said right of way (right of way being 100' from the centerline of removed tract) 825.23 feet to a survey cap; thence continuing along the railroad right of way on a curve to the right, having a radius of 1354.74 feet, a distance of 89.83 feet to a survey cap; thence continuing along the railroad right of way on a curve to the right, having a radius of 1246.00 feet a distance of 65.00 feet to a survey cap; thence S. 10°33'15" W., 553.55 feet to a survey cap on the north boundary of the Rimini Branch of the Montana Central Railroad right-of-way; thence N. 83°36'10" E. along said right of way 1051.51 feet to a survey cap at the intersection of said right of way with the section line between Sections 23 and 24; thence north along said section line 163.15 feet to the point of beginning, shown on the Certificate of Survey filed under Doc. No. 267111.

PARCEL #2: A tract of land in the S1/2SE1/4NE1/4 of Sec. 23, T. 10 N., R. 4 W., M.P.M., Lewis and Clark County, Montana, more particularly described as follows: Beginning at a point which bears N. 0°03' E. a distance of 447.8 feet from the east one quarter corner of the said Sec. 23; thence N. 0°03' E. a distance of 191.2 feet to an iron pipe; thence along the arc of a 1° curve to the left a distance of 976 feet to a point on the south right of way line of the Northern Pacific Railroad; thence S. 0°03' W. a distance of 312.2 feet to a point; thence S. 82°53' E. a distance of 753.5 feet to a point; thence S. 63°55' E. a distance of 95 feet; thence N. 26°05' E. a distance of 298.2 feet to place of beginning. (Ref: 249 Deeds 619)

PARCEL #3: A tract of land in SE1/4SE1/4NE1/4 of Section 23, T. 10 N., R. 4 W., M.P.M., Lewis and Clark County, Montana, more particularly described as follows: Beginning at the E1/4 corner of Section 23, Township 10 North, Range 4 West; running thence north along the east line of said Section 23 to a point where the south line of Block 18 of the Broadwater Second Addition to the City of Helena intersects the end line of said Section 23 to the point of beginning for the parcel herein described; thence northwesterly along the south line of said Block 18 extended to a point on the east line of Joslyn Street; thence northeasterly along the east line of Joslyn Street to its intersection with the east line of said Section 23 to a point; thence south along the east line of said Section 23 to the point of beginning for the triangular tract here described (Ref: 271 Deeds 770)

PARCEL #4: Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, and 15 in Block 18 of Broadwater's Second Addition to the City of Helena, Lewis and Clark County, Montana, TOGETHER WITH the vacated alley adjacent to the said lots, and also that portion of vacated Waukesha Street between Blocks 18 and 36 vacated by Ordinance 1858 in Book 102 Misc., page 537.

Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, and 16 in Block 36 of Broadwater's Second Addition to the City of Helena, Lewis and Clark County, Montana, and the vacated alley adjacent to the said Lots, and also that portion of vacated Waukesha Street between Blocks 18 and 36, and that portion of Linden Street between Hudson Street and the Burlington Northern right-of-way, vacated by Ordinance 1858 in Book 102 Misc., page 537.

PARCEL #5: A tract of land in the S1/2SE1/4NE1/4 of Sec. 23, T. 10 N., R. 4 W., more particularly described as follows: Beginning at the quarter corner between Sections 23 and 24, T. 10 N., R. 4 W., running thence N. 89°53' W. a distance of 970 feet; thence N. 56°21' W. a distance of 100 feet to the true point of beginning; thence N. 56°14' W. a distance of 82.5 feet; thence N. 10°01' E. a distance of 216.8 feet; thence N. 2°54' E. a distance of 236.8 feet; thence N. 84°50' E. a distance of 69.1 feet; thence S. 0°03' W. a distance of 327.8 feet; thence S. 26°44' W. a distance of 185.9 feet to the true point of beginning. (Ref: 263 Deeds 537) All lying north of the north line of Country Club Avenue.

PARCEL #6: Lots 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, and 29 in Block 188 of the Syndicate Addition to the City of Helena, Lewis and Clark County, Montana. TOGETHER WITH the vacated alley adjoining. (Ref: 93 Misc., page 203) AND, TOGETHER WITH the closed portion of Winston Street adjoining. (Ref: 86 Misc. 352) All lying north of the north line of Country Club Avenue.

PARCEL #7: A tract of land in the S1/2SE1/4NE1/4 of Sec. 23, T. 10 N., R. 4 W., described as follows: Beginning at a point marked by an iron pin which is N. 89°53' W. a distance of 665.9 feet from the quarter corner between Sections 23 and 24, T. 10 N., R. 4 W.; thence from said point of beginning N. 89°53' W. a distance of 304.1 feet to an iron pin; thence N. 56°21' W. a distance of 100 feet to an iron pin; thence N. 26°44' E. a distance of 185.9 feet to an iron pin; thence S. 89°53' E. a distance of 414.8 feet to an iron pin; thence S. 26°42' W. a distance of 247.6 feet to the point of beginning. (Ref: 301 Deeds 145) All lying north of the north line of Country Club Avenue.

PARCEL #8: A tract of land in the S1/2SE1/4NE1/4 of Sec. 23, T. 10 N., R. 4 W., M.P.M., more particularly described as follows: Beginning at a point marked with an iron pin which bears N. 89°53' W. from the quarter corner between Sections 23 and 24, T. 10 N., R. 3 W. a distance of 218.7 feet; thence N. 26°05' E., 200 feet to a point; thence N. 63°55' W. a distance of 95 feet to a point; thence N. 89°53' W., 238.7 feet to a point; thence S. 26°42' W. a distance of 134.2 feet to a point; thence S. 89°53' E., 370.9 feet to a point; thence S. 26°42' W., 113.4 feet to a point; thence S. 89°53' E., 76.3 feet to the place of beginning. (Ref: 265 Deeds 795)

PARCEL #9: A tract of land in the S1/2SE1/4NE1/4 of Sec. 23, T. 10 N., R. 4 W., M.P.M., more particularly described as follows: Beginning at a point marked with an iron pin which bears N. 89°53' W. of the quarter corner between Sections 23 and 24, T. 10 N., R. 4 W., M.P.M., the distance of 295 feet; thence N. 89°53' W. a distance of 176 feet, the true point of beginning; thence N. 89°53' W. a distance of 194.9 feet to an iron pin; thence N. 26°42' E. a distance of 113.4 feet; thence S. 89°53' E. a distance of 170.3 feet; thence S. 0°7' W. a distance of 113.4 feet to the point of beginning. (Ref: 259 Deeds 300)

PARCEL #10: Lots 16, 17, 18, 25, 26, 27, and 28 in Block 187 of the Syndicate Addition to the City of Helena, Lewis and Clark County, Montana, TOGETHER WITH that portion of closed Hollins Avenue adjacent to Lots 25, 26, 27, and 28. (Ref: 93 Misc. 203)

PARCEL #11: Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 29, 30, 31, and 32 in Block 172 of the Syndicate Addition to the City of Helena, Lewis and Clark County, Montana.

PARCEL #12: Lots 23, 24, 25, 26, 27, 28, 29, 30, 31, and 32 in Block 171 of the Syndicate Addition to the City of Helena, Lewis and Clark County, Montana.

PARCEL #13: Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, and 32 in Block 186 of the Syndicate Addition to the City of Helena, Lewis and Clark County, Montana. TOGETHER WITH the vacated alley and that portion of closed Hollins Avenue. (Ref: 93 Misc. 203) AND TOGETHER WITH that portion of closed Winston Street adjacent thereto. (Ref: 86 Misc. 352) All lying north of the north line of Country Club Avenue.

PARCEL #14: INTENTIONALLY DELETED.

PARCEL #15: INTENTIONALLY DELETED.

PARCEL #16: INTENTIONALLY DELETED.

PARCEL #17: INTENTIONALLY DELETED.

PARCEL #18: INTENTIONALLY DELETED.

PARCEL #19: INTENTIONALLY DELETED.

PARCEL #20: INTENTIONALLY DELETED.

PARCEL #21: The north 110.0 feet of the west 3 feet of Lot 11, and all of Lot 12 in Block 17 of the Broadwater Second Addition to the City of Helena, Lewis and Clark County, Montana. (Ref: 271 Deeds 361)

PARCEL #22: Lot 7 in Block 6 of the Broadwater Second Addition, TOGETHER WITH the closed and vacated south one-half of Hollins Avenue north of Lot 7 and that portion of closed and vacated north one-half of Hollins Avenue lying south of Lots 10 and 11 in Block 17 of the Broadwater Second Addition to the City of Helena, Lewis and Clark County, Montana, and further described as follows: Commencing at the southeast corner of Lot 10 of Block 17 in Broadwater Second Addition, said point being the point of beginning; thence S. 26°18'35" W. a distance of 179.78 feet to a point on the City Limits Boundary; thence N. 00°26'24" E. a distance of 200.00 feet along said City Limits Boundary to a point on the north line of closed and vacated Hollins Avenue; thence S. 63°34'45" E. a distance of 87.26 feet along said north line of closed Hollins Avenue to the point of beginning, shown as Tract B on the Amended Plat filed under Doc. No. 482594-B.

PARCEL #23: All of Block 37 in the Broadwater Second Addition to the City of Helena, Lewis and Clark County, Montana.

PARCEL #24: INTENTIONALLY DELETED.

PARCEL #25:

Tract 1: Lots 21, 22, 23, and 24 in Block 187 of the Syndicate Addition to the City of Helena, Lewis and Clark County, Montana.

Tract 2: Lots 19 and 20 in Block 187 of the Syndicate Addition to the City of Helena, Lewis and Clark County, Montana.

Tract 3: A tract of land in the S1/2SE1/4NE1/4 of Section 23, Township 10 North, Range 4 West, M.P.M., Lewis and Clark County, Montana, more particularly described as follows: Beginning at a point marked with an iron pin, which bears N. 89°53' W. of the quarter corner between Sections 23 and 24, T. 10 N., R. 4 W., M.P.M., a distance of 295 feet; thence N. 89°53' W. a distance of 675 feet to an iron pin; thence N. 0°7' E. a distance of 101.4 feet to an iron pin; thence S. 89°53' E. a distance of 725.7 feet to an iron pin; thence S. 26°42' W. a distance of 113.4 feet to an iron pin, which is the point of beginning in Lewis and Clark County, Montana. (Ref: 156 Deeds 21)

EXCEPT a tract of land deed to Anna Moore, more particularly described as follows: A tract of land adjacent to the north boundary of the Syndicate Addition described as follows: Beginning at a point which is the intersection of the easterly boundary line of Winston Street with the northerly boundary line of the Syndicate Addition; running thence westerly along the northerly boundary line of the said Syndicate Addition a distance of 310 feet, more or less; running thence northerly at right angles to the northerly boundary line of said Syndicate Addition a distance of 101.4 feet, more or less; running thence easterly, parallel to the northerly boundary line of said Syndicate Addition a distance of 355.0 feet, more or less, to a point on the easterly boundary line, extended, of Winston Street; thence southwesterly along the easterly boundary line, extended, of Winston Street a distance of 113.4 feet, more or less, to the place of beginning. (Ref: 169 Deeds 471)

AND EXCEPT a tract of land in the S1/2SE1/4NE1/4 of Section 23, T. 10 N., R. 4 W. more particularly described as follows: Beginning at a point marked with an iron pin which bears N. 89°53' W. of the quarter corner between Sections 23 and 24, T. 10 N., R. 4 W. the distance 295 feet; thence N. 89°53' W. a distance of 176 feet, the true point of beginning; thence N. 89°53' W. a distance of 194.9 feet to an iron pin; thence N. 26°42' E. a distance of 113.4 feet; thence S. 89°53' E. a distance of 170.3 feet; thence S. 0°7' W. a distance of 113.4 feet to the point of beginning. (Ref: 259 Deeds 300)

PARCEL #26: INTENTIONALLY DELETED.

PARCEL #27: INTENTIONALLY DELETED.

PARCEL #28: INTENTIONALLY DELETED.

PARCEL #29: INTENTIONALLY DELETED.

PARCEL #30:

Parcel A: INTENTIONALLY DELETED.

Parcel B:

A tract of land in the NE1/4 of Section 23, Township 10 North, Range 4 West of the Principal Montana Meridian, Lewis and Clark County, and being the area of the old "Rimini Branch of Montana Central Railroad" right of way between the East boundary of said Section 23 and the East right of way line of Country Club Avenue, said tract of land being more particularly described as follows:

Commencing at a survey cap at the intersection of the North boundary of said Railroad Company's right of way with the East boundary of said Section 23 and from which the Northeast corner of said Section 23 is N00°00'00"E, 1930.33 feet; thence from the POINT OF BEGINNING, S00°E, 117.9 feet along the East boundary of said Section 23 to a survey cap on the South boundary of said Railroad Company's right of way; thence Westerly along said Railroad Company's right of way on a curve to the left having a radius of 5680.0 feet, 1569.15 feet to a survey cap on the East right of way of Country Club Avenue; thence N46°01'22"W, 101.28 feet along the East right of way of Country Club Avenue to a survey cap on the North boundary of said Railroad Company's right of way; thence N69°19'23"E, 298.12 feet along the North boundary of said Railroad Company's right of way to a set and scribed stone (MC RRW); thence N83°36'10"E, 1352.52 feet along the North boundary of said Railroad Company's right of way to the TRUE POINT OF BEGINNING, being the same premises described in Certificate of Survey No. 478241-T.

PARCEL #31: The following described closed and vacated portions of Hollins Avenue and alley way in Lewis and Clark County, Montana, described as follows:

Section 1: That portion of Hollins Avenue, specifically described as follows, to-wit: Commencing at the northeast corner of Lot 16, Block 186, of the Syndicate Addition; thence west along the north boundary of Block 186 to the northwest corner of Lot 9, Block 186 of said Syndicate Addition; thence in the northerly direction to the southwest corner of Lot 24, Block 187 of said Syndicate Addition; thence east along the south boundary of Block 187 to the southeast corner of Lot 17, Block 187, of the said Syndicate Addition; thence south to the point of beginning.

Section 2: That portion of Hollins Avenue, specifically described as follows to-wit: Commencing at the northwest corner of Lot 1, Block 172 of the Syndicate Addition; thence north to the southwest corner of Lot 32, Block 171 of the said Syndicate Addition; thence east along the southern boundary of Block 171 to the southeast corner of Lot 23, Block 171 of the Syndicate Addition; thence southeast to the northeast corner of Lot 12, Block 172 of the said Syndicate Addition; thence west along the northern boundary of Block 172, to the point of beginning.

Section 3: That portion of an alley located in Block 187 of the Syndicate Addition, specifically described as follows to-wit: Commencing at the southeast corner of Lot 16, Block 187, of the Syndicate Addition; thence south to the northeast corner of Lot 17, Block 187 of the said Syndicate Addition; thence west along the northern boundary of Lots 17, 18 and 19 of Block 187 of the said Syndicate Addition to the point where the platted ground meets the unplatted ground hereinabove described; thence northeast to the southwest corner of Lot 16, Block 187 of the said Syndicate Addition; thence east along the southern boundary of Lot 16 to the point of beginning.

(Ref: Resolution No. 1971-8)