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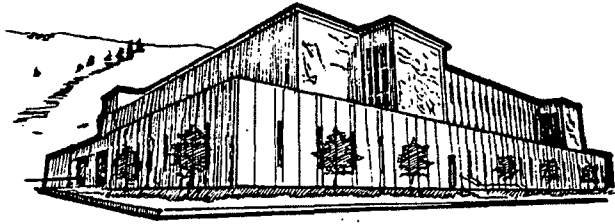
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University of  
**Montana**

ANALYSIS AND PREPARATION OF A BASELINE DATA INVENTORY FOR A  
RURAL-SUBURBAN PROPERTY CONSERVATION EASEMENT, GRANT CREEK  
VALLEY, MISSOULA COUNTY, MONTANA

by

Judy Lynn Reese

B.S. Wayne State University, 1980

Presented in partial fulfillment of the requirements for

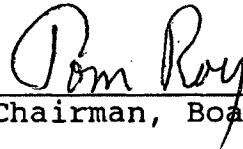
the degree of

Master of Science


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1991

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## INTRODUCTION

This document is a baseline data inventory, which was requested by and prepared for Five Valleys Land Trust, Missoula County, Montana. The purpose of this document is to provide a study and official record of the condition of a property for which a conservation easement is being donated by the owner to Five Valleys Land Trust.

This baseline data inventory reviews the historic development of the Grant Creek Valley. It details the physiographic setting of a 21 acre parcel of property located in the Grant Creek Valley and its regional setting. Subdivision development since 1962 within the Grant Creek Valley is reviewed. Land conservation efforts, open space, and wildlife within the Grant Creek Valley are described. Property specifics such as location, soils, and the character of the property are included in this document.

This professional paper is formatted such that the baseline data inventory document prepared for the Five Valleys Land Trust is the body of this paper. The Introduction describes the Five Valleys Land Trust, provides a general background of baseline data inventories and conservation easements, and explains the purpose of this specific document, its construction and subsequent format. The Problems and Issues section addresses some of the local landowners' concerns.



### Five Valleys Land Trust

The Five Valleys Land Trust is a private, non-profit organization whose primary purpose is to protect some of Missoula's natural resources. The Trust was formed by a diverse group of local Missoula residents in 1989. This organization grew from and expanded upon the Five Valley River Parks Association.

### Conservation Easement

A conservation easement is a legal agreement undertaken by the property owner which restricts the type and amount of development that may take place on a particular property, while retaining private ownership of that property. An easement may be granted on properties with conservation or historic resources. Each easement is tailored to suit the specific property. The intent is to preserve and protect the resource value of a property from inappropriate development, regardless of the future ownership of the property. An easement which lasts forever is known as a perpetual easement. An easement written for a specified period of years is called a term easement.

Donation of a conservation easement may qualify as a tax deductible gift if the easement is perpetual and is donated for conservation purposes. The Internal Revenue Service (IRS) recognizes the following criteria as "conservation purposes" (Diehl and Barrett, 1988):

Land for outdoor recreation by, or the education

of, the general public.

Protection of relatively natural habitats of fish, wildlife, or plants, or similar ecosystems.  
Preservation of open space ..... for a significant public benefit.

Preservation of historically important area or buildings.

The property must be donated to a qualified conservation organization or public agency. The grantor retains ownership of the property and is responsible for maintaining the condition of the property. The grantee is responsible for enforcing the restrictions that the easement stipulates.

A copy of the conservation easement for which this baseline data inventory was prepared is in Appendix A.

#### Baseline Data Inventory

A baseline data inventory for a proposed easement property is completed prior to the consummation of the easement. A baseline data inventory provides evidence of the character and value of the easement property. Additionally, it is used as a reference for future monitoring of the property.

Baseline data inventories are an IRS requirement if the donor has retained rights in the property that could impair the conservation values of that property and if the donor is claiming an income tax deduction.

These inventories serve to establish the condition of the property at the time of the gift. If necessary, a baseline data inventory may serve as evidence in a court of law as

proof of the resource value at the time of the donation.

This document was completed for the Five Valleys Land Trust for the following reasons:

To provide an inventory documenting the conservation resources of the property at the time of donation,

to serve as a reference for future management of the property, and

because the donor will be claiming a tax deduction.

#### Construction and Format of the Grant Creek Baseline Data Inventory

This document constitutes the first baseline data inventory completed for the Five Valleys Land Trust. To date, this is the only detailed baseline data inventory completed for a property within the Grant Creek Valley area. This document will be useful for future baseline inventories prepared for parcels of property situated in similar settings. It may also serve as the format for future baseline data inventories prepared for the Five Valleys Land Trust.

As each conservation easement is tailored to fit specifics of the easement property, a baseline data inventory is also tailored to suit specific property characteristics. Typical components of a baseline data inventory may include: background information, legal condition, ecological features, agricultural features, scenic features, man-made features, photographs, and maps (Diehl and Barrett, 1988). The amount and type of information within each of these categories is dependent upon the specific property and the purpose of the

easement.

The components of this baseline data inventory were chosen to best suit a 21 acre parcel of property situated in the rural-suburban setting of the Grant Creek Valley. As the donor will be taking a tax deduction from the IRS for this donation, it was imperative to include components stipulated by the Internal Revenue Service. There is some flexibility, as the IRS regulations specify that baseline data inventory documentation may include: a location map, maps showing all existing manmade features, vegetation and identification of flora and fauna, land use history, distinct natural features, and on-site photographs (Diehl and Barrett, 1988). The IRS mandates that the following be included in the document: a description of the condition of the resource at the time of donation, and a statement signed by the donor and a representative of the donee stating "This natural resource inventory is an accurate representation of the property at the time of the conveyance of the easement" Treas. Reg. 1.170A-14(g)(5)(i)(D).

Three baseline document inventories were reviewed to help formulate a format for this document. One of these documents, the "Blackfoot River Recreation Corridor: State Lands Analysis" was prepared by Bugbee and Associates in 1982. The corresponding conservation easement involved Montana Fish Wildlife and Parks, the State, and private landowners. Categories in this document pertinent to, and included in the

Grant Creek baseline document are regional overview, wildlife, and a historic overview.

The regional overview was included in the Grant Creek Baseline Data Inventory because it facilitates a thorough description of the easement property and its surrounding area. Because the donor will be claiming a tax deduction based on the IRS open scenic space resource category, it was imperative to portray the physiographic setting of the property within a regional context.

A historic overview was included for general information, and because it sets a foundation for the recent extensive subdivision development within the Grant Creek Valley.

The type and abundance of wildlife in the Grant Creek Valley is a very special feature of the area. Over 2,000 acres of land within the immediate area are under easement for the preservation and protection of wildlife and wildlife habitat. In addition to offering open and scenic space, the Grant Creek easement property provides wildlife habitat which is rapidly diminishing in the Grant Creek Valley due to subdivision development. A section titled Conservation was included in this document because it is important to note the existing identified protected resource values within the area.

Two other baseline document reports reviewed were completed for the Big Sky Office of the Nature Conservancy by Western Technology and Engineering (1987 and 1988). One was prepared for a conservation easement which protects rare and

threatened plants, and the other for an easement protecting the floodplains of the Boulder and Yellowstone rivers and the vegetation communities they support. As both of these documents were prepared by the same consulting firm, they possess very similar formats. Components of these documents included in this report are: location, history, soils, physiographic setting, and land use. The location, soils, physiographic setting, and land use are typically included in most baseline data inventories. Physiographic setting is especially important in the Grant Creek documentation because of the scenic open space nature of the property. Consequentially, in addition to the "normal" physiographic setting, a section titled Character of the Property was included. This section contains a detailed description of the property, its vegetation, riparian zone, and scenic open space nature.

Subdivision development, conservation, and open space are important categories of the Grant Creek document due to the nature and purpose of the conservation easement. According to Diehl and Barrett (1988), factors to be considered to qualify under IRS open and scenic space regulations for a tax deduction which would pertain to the Grant Creek easement property include:

The openness of the land which is a significant factor in an urban setting.

The intensity and trends of land development in the vicinity of the property.

The relief afforded from urban closeness.

The degree to which the land use maintains and preserves open space and visual enjoyment.

The uniqueness of the property.

The intensity of land development and foreseeable development in the area.

If development of the property would lead to degradation of the scenic character of the property.

The opportunity for the public to appreciate the property's scenic values.

The population density in the local property area.

Is the size of the property (and relative location) sufficient enough to maintain its scenic attributes if adjacent properties are developed?

The format and contents of this paper incorporate all of the applicable Internal Revenue Service considerations. This paper also includes the standard and necessary baseline data inventory information and maps. Information was included which facilitates a conceptual understanding of the property, its surrounding area, and the importance for preserving its resources.

This baseline data inventory format is particularly appropriate for this area because of the character of the area and the easement type. Specifically, development in the Grant Creek Valley has, is, and will continue to modify the nature of the valley. Consequently, it was necessary to give a thorough description of the character of the area, and the changes affecting the area. This was achieved through the regional overview, physiographic setting, subdivision development, open space, and local wildlife sections.

The purpose of the conservation easement is, in part, to preserve the open scenic space, protect the ecological and aesthetic features, protect the water resources, and preserve the nature and character of the meadow. Consequently, the purpose, in part, of this baseline data inventory is to describe the open scenic space, ecological and aesthetic features, the water resources and the overall character of the property. The format devised for this paper achieves this goal.

It should be remembered that every parcel of property is unique and may require a baseline data inventory suited for its specific characteristics and the purpose of the conservation easement. As this baseline data inventory was the first one prepared for a parcel located in the Grant Creek Valley, an appropriate format was developed. Some peculiarities of the area that influenced development of the format include: urban character, subdivision development, future subdivision development, existing conservation efforts, and local abundant wildlife.

The format developed for this baseline data inventory could be appropriate in other rural-suburban country locales, which are experiencing modification by subdivision development. Changes may be necessary so that the document is tailored to fit the specific property and the purpose of the conservation easement, but the general format certainly could be applied.



Our environment will continue to suffer from the impact of population growth and subsequent subdivision development. Sagacious landowners will realize the value of scenic open space, undisturbed land, and significant natural habitat and pursue methods to protect these resources such as conservation easements.

## BASELINE DATA INVENTORY

Population growth and consequential development increasingly threaten the environment's precious open space, agricultural, ecological, recreational, and historic resources. Conservation easements are a means of legally preserving and protecting these resources, which are rapidly being modified by human development. They are especially useful and appropriate in western communities such as Missoula, Montana which is subject to urban growth and development.

The Grant Creek Valley is one of a few urban areas in close proximity to Missoula, Montana which still possesses several of these priceless resources. Situated in the foothills of the Rattlesnake Mountains, the valley is bisected by a perennial mountain stream originating from peaks 6,000 to 8,000 feet high. The Grant Creek Valley bottom consists of approximately 4,600 acres of scenic open hay meadows, pastureland, riparian corridors, and burgeoning new suburbs. Verdant hillsides of grasses, ponderosa pine, douglas-fir, and lodgepole pines envelop the valley. These natural assets, intrinsic to the Grant Creek area, are currently being imposed upon by suburban development.

The Grant Creek area is a critical elk migration and breeding habitat. Over two thousand acres of land within the valley proper and surrounding hillsides are held under conservation easement by the National Wildlife Federation for

the purpose of protecting elk populations. Not only are these protected properties valuable for their ecological qualities, but they also possess research and educational value for range management studies conducted by the University of Montana.

Extensive subdivision development has been underway in and on the periphery of the Grant Creek Valley for the last 20 years. Recently, construction of homesites has increased at a rapid pace, threatening the inherent scenic beauty and ecological resources of this pristine valley. Missoula County and developers have realized that it is important to preserve wildlife habitat, agricultural land, scenic vistas, and the natural characteristics of the land. Consequently, the Planned Unit Development for Grant Creek (Missoula Planning Office, 1987) stipulates common open space and clustering of individual building sites.

### Grant Creek Valley

#### History

American Indians were some of the first human inhabitants in the Grant Creek Valley. Archeological evidence indicates that they used this area as an occasional hunting ground. The first recorded history of Grant Creek is assumed to be mention of a small stream in the Missoula area visited by the Lewis and Clark party on July 3, 1806.

Grant Creek was named after Richard Grant who was one of the project engineers on the U.S. Military Mullen Road

project. Subsequent to his service in the military he returned to the Missoula area and settled in the Grant Creek Valley. His daughter, who was half Flathead Indian, married C.P. Higgins, a prominent figure in Missoula's history.

One of the first sawmills in Western Montana, built by John Rankin, was located at the present site of the Grant Creek Ranch. Many of the original buildings in the city of Missoula were built with Rankin lumber from the Grant Creek Valley. John Rankin's daughter, Jeannette, was the first woman to serve in the U.S. Congress.

By 1897 there were enough families living in the Grant Creek Valley to require a rural school. This school served Grant Creek and upper Butler Creek residents until 1947.

Charles Quast, a German immigrant, purchased parcels of land in the Grant Creek Valley after the turn of the century and eventually ran one of the largest dairy ranches in Missoula County. The Quast property was purchased by Charlotte Reed Marbut in the mid 1950s, establishing the Grant Creek Ranch.

In 1978, the Grant Creek Ranch property was purchased by a limited partnership organized for the purpose of developing the property. Subsequent to the sale, the Grant Creek Ranch property was subdivided and development ensued. The 1980 Grant Creek Area Plan and the 1987 Grantland, Grant Creek Ranch, A Planned Unit Development delineate the Missoula County approved comprehensive development plan for the valley.

In the early 1960s the Snow Bowl ski resort opened for skiing. The only improved access to Snow Bowl is via Grant Creek Road.

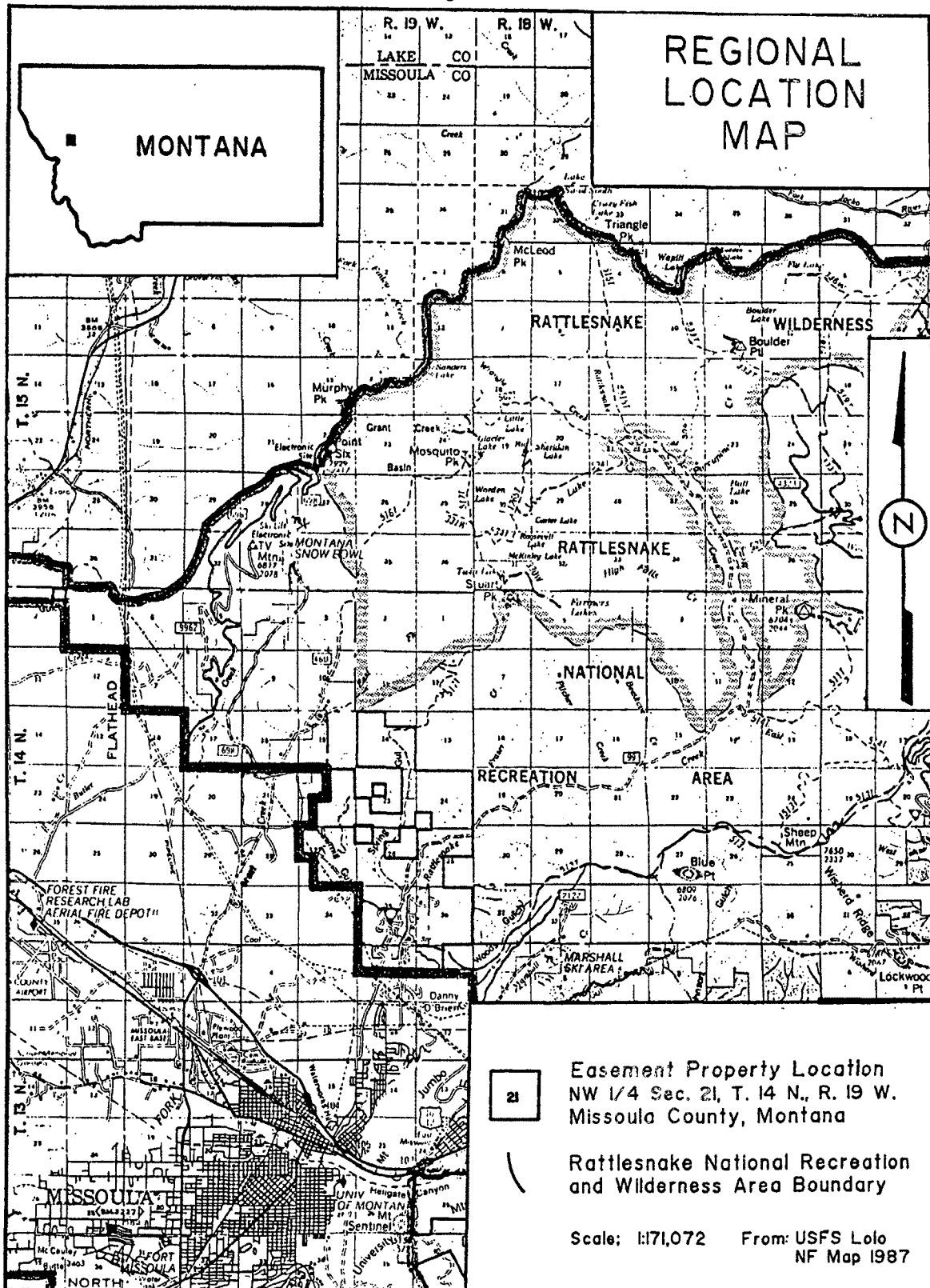
Land use has changed from Indian hunting grounds and later agricultural/ranching lands to semi-rural subdivisions. During the past 15 years, residential development within the Grant Creek Valley has proceeded at a relatively rapid pace. Grant Creek's close proximity to Missoula, prime building and agricultural soils, lovely vistas, and abundant wildlife have provided an irresistible attraction to developers and homeowners alike.

#### Physiographic Setting

Figure 1 depicts the regional setting of the Rattlesnake Wilderness and Rattlesnake National Recreation Areas, Missoula, Montana, the Grant Creek Valley, and the relative location of the easement property.

Grant Creek Valley is a north-south oriented valley approximately five miles in length. The valley bottom is underlain by Tertiary basin deposits of consolidated and unconsolidated clays and conglomerates. This is covered by Pleistocene alluvium 30 to 60 feet deep. Recent terrace deposits of alluvium (gravel, sand, and silt) and alluvium of the Grant Creek floodplain are present (Missoula Planning Office 1987; 1980; and Hall, 1968). The principal aquifer is located below modern Grant Creek and above the Tertiary basin deposits (Hall, 1968). Grant Creek is the most likely

Figure 1



recharge source for the water table.

The surrounding mountains in the immediate vicinity reach an elevation of 5,500 feet and the peaks in the nearby Rattlesnake Wilderness Area reach an elevation over 8,600 feet. The hillsides surrounding the valley floor are Proterozoic Wallace and Miller Peak Formations (Hall, 1968), which are part of the Montana Fold and Thrust Belt produced by the Laramide Orogeny during the Late Cretaceous.

The Rattlesnake Wilderness Area and Rattlesnake National Recreation Area border the upper Grant Creek Valley to the east and northeast and the Lolo National Forest and privately owned land constitute the north and northwest border. The Clark Fork River Valley terminates the Grant Creek Valley along its the southern margin.

#### Subdivision Development

Development pressures spurred by the increasing population are evident throughout much of Western Montana. This is especially true in the Missoula area and its surrounding valleys. During the period 1980 to 1985, 23,537 acres in Missoula County were subdivided (Bugbee, 1985). The Grant Creek Valley is one of the primary Missoula "suburban" areas currently experiencing the impact of residential development. Open valley meadows are being converted to urban subdivisions.

Population trends of the Grant Creek area can only be generalized based on the Missoula County Census Tracts 1 & 2,

which cover the Grant Creek Valley and include areas to the north and west. According to population projections, the Grant Creek Valley population is expected to be double the 1980 population by the year 2000. Projected and potential development outlined in the Grant Creek Area Plan, 1980 and the Grantland Planned Unit Development (1987) will certainly have a significant impact.

The first large scale residential development in the Grant Creek Valley commenced in 1962 with dwellings being built on 10 acre lots. By 1979, two hundred lots were platted and 140 lots were reviewed. The Planned Unit Development (P.U.D.) for the Grant Creek area, approved in 1979, called for 1,848 dwellings occupying 974 acres. The most recent Planned Unit Development plan, dated February 1987, anticipates a total number of 672 dwellings on 974 acres. Table 1 lists the platted and approved subdivisions located within the Grant Creek Valley.

The development plan for the Grant Creek Area portends 2,000-4,000 dwellings for a population of 2,500 to 6,000 people. The area is divided into the Grantland District and the Prospect District. The Grantland District, formerly the Grant Creek Ranch property (figure 2), stipulates "neighborhoods" composed of 120-200 dwelling units, with a total of 1,800 dwellings for the district. Grantland 1-14 and Grantland-Rankin are neighborhoods already platted in this district. The Gleneagle platted subdivision is not included.

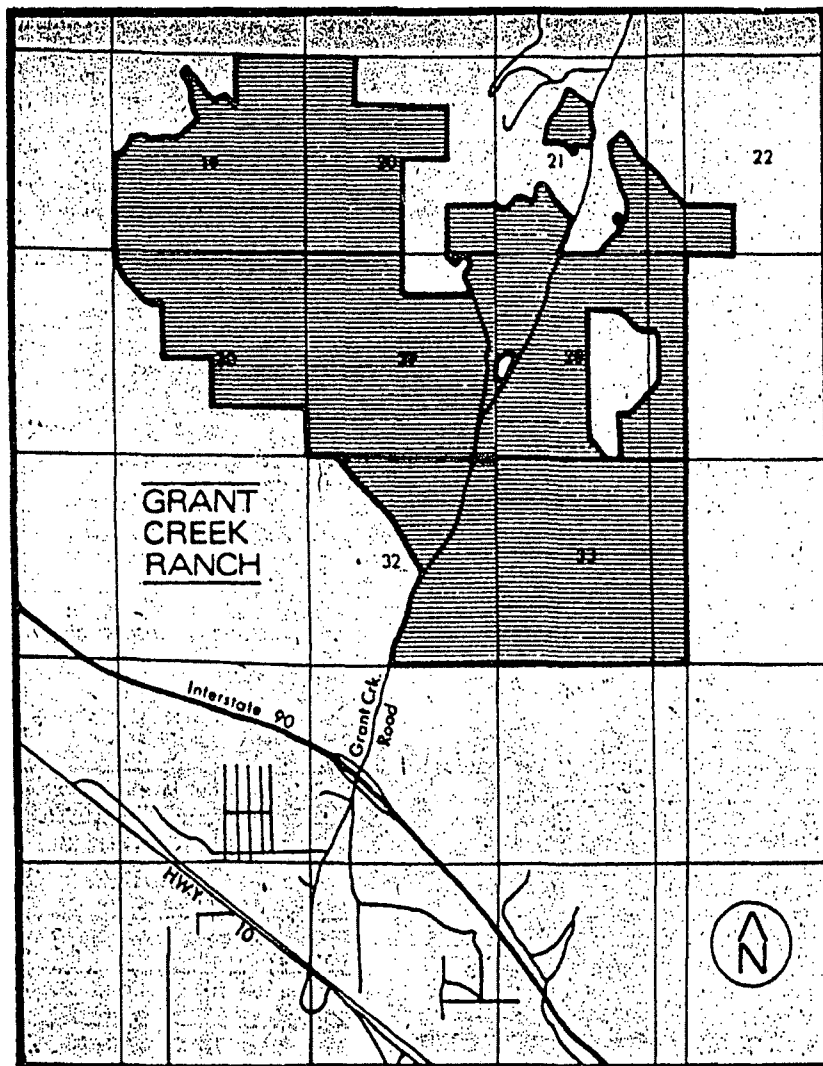


TABLE 1  
PLATTED  
SUBDIVISIONS  
GRANT CREEK VALLEY

<u>Name</u>	<u>Acreage</u>	<u>No. of Lots</u>
Prospect Phase I	~30	~50
Prospect Master Plan	~70	65
Gleneagle	~74	94
Lime Spring	26.4	7
Grantland 1	~6	6
Grantland 2	~6	6
Grantland 3-10	~75	36
Grantland 11	~50	31
Grantland 12	15.3	22
Grantland 13	56.5	62
Grantland 14	10	7
Grantland-Rankin	30	29

Figure 2

R. 19 W.



T.  
14  
N.

GRANT CREEK RANCH  
PROPERTY  
Missoula County, Montana

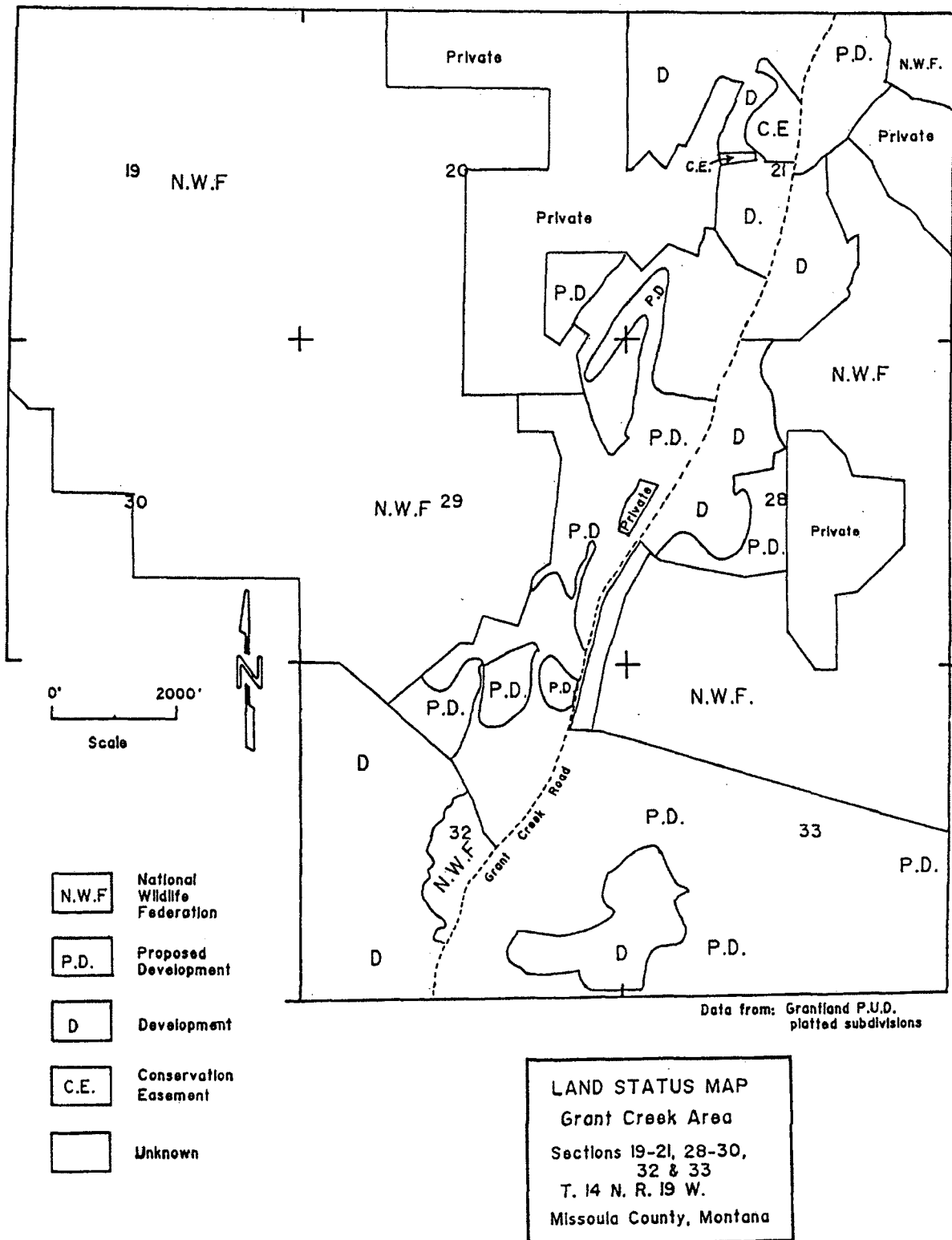
The Prospect District, located in the western half of section 32, was annexed into the Missoula City limits in 1979. This district consists of the Prospect Phase 1 subdivision and the Prospect Master Plan subdivision.

Figure 3 is a land status map displaying the developed areas, locations of proposed development, private lands, and National Wildlife Federation land. It is evident from this map that the vast majority of land situated within the Grant Creek Valley bottom is destined for development. Planners anticipate a community larger than the one currently in the Rattlesnake Valley. If development occurs as planned, the 21 acre property under easement could be the only remaining large open parcel located in the northern end of the Grant Creek Valley.

#### Conservation

The critical need for land preservation for its inherent ecological value was recognized long ago in the Grant Creek Valley area. This locale is one of the most important elk and deer habitats in Missoula County. It is of paramount importance because it constitutes a critical "core" area for winter and spring range for elk and deer herds of the Rattlesnake Wilderness and Recreation Areas (Bugbee, 1979 and 1985). Winter range is critical because it determines the number and distribution of large game animals. Elk habitat in the Grant Creek Valley includes feeding areas, thermal and escape cover, and migration routes between these areas.

Figure 3



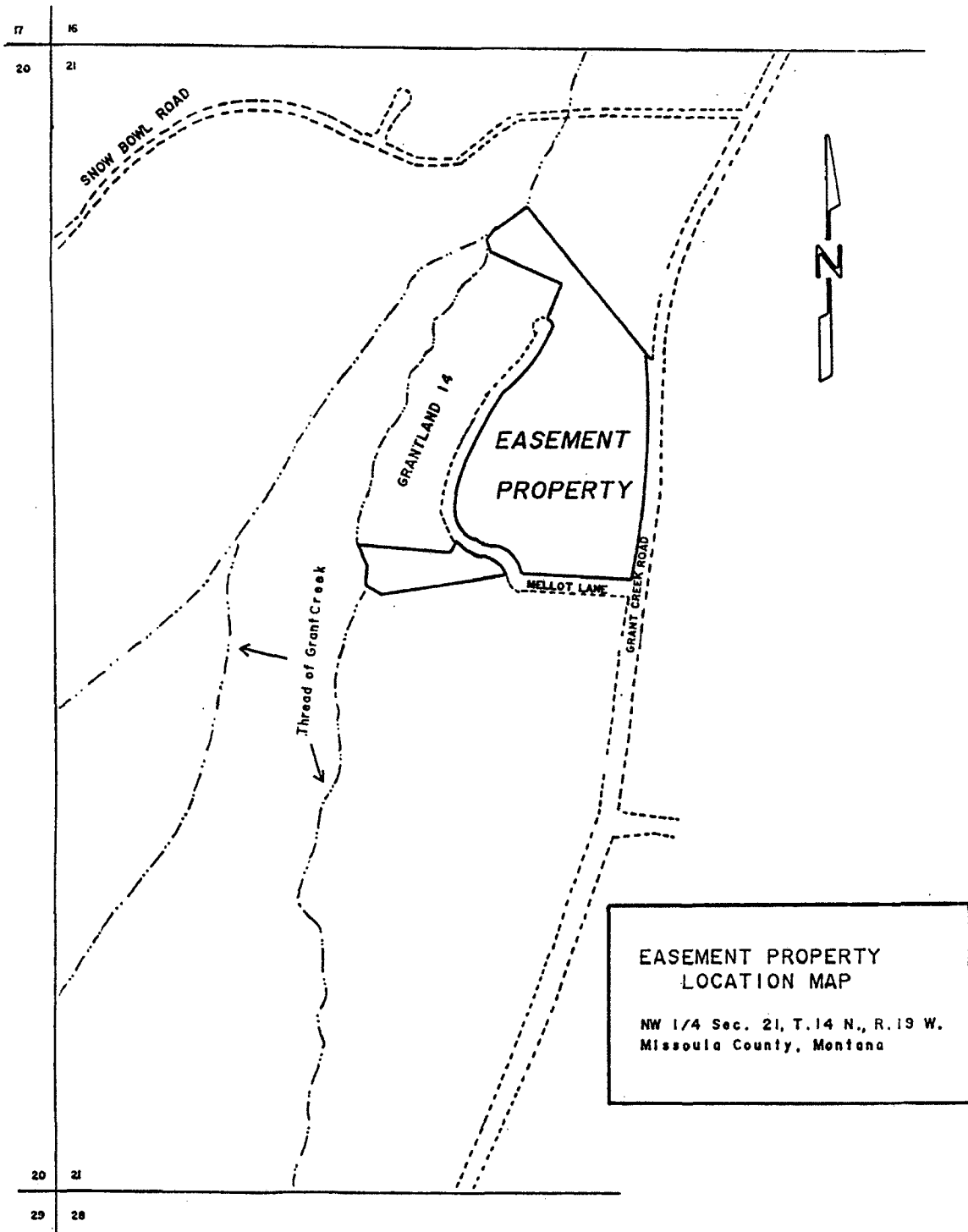
Presently 2,284 acres within the Grant Creek Valley are under easement to the National Wildlife Federation principally for protection, preservation and perpetuation of elk and deer species. One thousand six-hundred eighteen acres in Sections 19, 20, 29, and 30, T.14 N., R. 19 W. are located on the west side of Grant Creek and 561 acres are situated on the east side of Grant Creek within Sections 21, 28, and 33, T. 14 N., R. 19 W (see figure 3). The total acreage includes 27 acres known as the Charlotte Reed Marbut Wildlife Refuge. This property was donated to the National Wildlife Federation by Mrs. Marbut in the 1970s. Situated within this parcel is a valuable riparian zone along Grant Creek.

Additional proposed conservation efforts outlined in the 1987 P.U.D. include using tools such as conservation easements on the land designated as "common area" within and on the periphery of subdivisions, and on a power line corridor which transects the Grant Creek Valley. Other conservation efforts include subdivision restrictions for Grantland 14 which protect the floodplain area or a zone 50 feet from the centerline of Grant Creek, whichever is furthest from the Creek (see figure 4).

#### Open Space

Scenic open space is a diminishing resource due to the residential subdivision development in the bottomland of the Grant Creek Valley. The Grant Creek Valley was designated as land possessing both scenic and non-scenic open space value in

Figure 4



the Missoula County Inventory of Conservation Resources book (Bugbee, 1985).

To date, the Valley still possesses beautiful, verdant open fields which afford panoramic vistas of the surrounding hillsides, wildlife habitat, and wildlife migration corridors. Two such areas, visible from the Grant Creek Road, are located in Sections 28, 29, and 32, T. 14 N., R. 19 W. These meadows offer spectacular scenic open space, panoramic views, wildlife habitat, and wildlife migration corridors.

#### Wildlife

Large mammals inhabiting the Grant Creek Valley and surrounding hillsides include elk, whitetail deer, mule deer, and black bear. Small mammals found in the area are cottontail rabbit, snowshoe hare, raccoon, striped skunk, porcupine, least weasel, columbia ground squirrel, red squirrel, badger, red fox and coyote. Grizzly bear have been observed in remote areas in the adjacent Rattlesnake Wilderness and Recreation Areas. Apparently, an occasional grizzly bear will wander down from the nearby Mission Mountains. Mountain lion and bobcat are rare to the area, but have been observed on occasion (Bugbee, 1979).

Bird species observed in the area are robin, brewers and red-winged blackbirds, black-billed magpie, common flicker, rock dove, english sparrow, western meadowlark, red-tailed hawk, sparrow hawk, marsh hawk, cedar waxwing, western bluebird, great horned owl, and kingbird (Bugbee, 1979).

Golden eagle, mallard duck, Swainson's hawk, downy woodpecker, yellow-bellied sapsucker, belted kingfisher, morning dove, blue grouse, ruffed grouse, Canada goose, Canada jay, Steller's Jay, Hungarian Partridge, rufous-sided towhee, great blue heron, and red-breasted nuthatch are consistent inhabitants of the Grant Creek area, but less commonly seen (Bugbee, 1979). Uncommon bird species which are occasionally observed in the Grant Creek area are the bald eagle, pileated woodpecker, snowy owl, American bittern, turkey vulture, merlin, and snow goose.

Suburban development, supplanting open space, will likely displace many of the mammals and bird species which require undisturbed space. Several species such as the whitetail deer squirrel, raccoon, and some common birds adapt well to subdivisions and rural development. On the contrary, elk can be impacted by subdivision development. A study conducted in the nearby Lolo area by Hayden (1975) found that cover, of all elk habitat requirements, was most threatened by subdivision development. Weybright (1983) suggested that additional subdivision development in the Grant Creek Valley area may significantly impact local elk populations.

Also, a common threat to the wildlife are domestic cats and dogs. One of the goals of the Comprehensive Plan outlined in the 1987 P.U.D. calls for protective covenants for the subdivision limiting pets to one dog and one cat per household



confined to the owner's property. Fines for violation are mandated.

### Easement Property

#### Location

The proposed conservation easement property is located within the Grant Creek Valley bottom at an elevation of 3,740 feet. It is situated near the northern end of the valley, approximately six miles from Missoula, Montana. More specifically, the parcel is located in the Northwest 1/4 corner of Section 21, T.14 N., R. 19 W. Missoula County, Montana. The property is situated between Grant Creek, Mellot Lane, and/or Grantland 14 Subdivision on the west and Grant Creek Road on the east (see figure 4).

The parcel is 21.01 acres in size and is labelled "EASEMENT PROPERTY" in figure 4.

#### Property History

The property is owned by Horizon Enterprises, Inc., a Montana Corporation, Missoula, Montana. Horizon Enterprises is donating the conservation easement to Five Valleys Land Trust.

#### Soils

Three types of soils are found on the property, the Bigarm gravelly loam, Totelake loam and the Grantsdale loam (USDA Soil Conservation Service, 1983).

The Bigarm gravelly loam is very dark grayish brown gravelly loam to a depth of approximately 15 inches with a brown and pale brown gravelly sandy subsoil. The hazard of water erosion is slight, permeability is moderate and available water capacity is approximately four inches. This soil type is well suited for cultivated crops and urban development. When irrigated, the Bigarm is designated as prime farmland.

The Grantsdale loam is a deep, well drained soil commonly found above the flood plains of the Clark Fork and Bitterroot rivers. The surface layer is grayish brown and the subsoil is grayish brown and light gray loam. Permeability is moderate, available water capacity is approximately five inches, runoff is slow and hazard of water erosion is slight. If irrigated, the Grantsdale soil is classified as prime farmland.

Totelake soil occurs proximal to Grant Creek and the top layer is extremely stony loam. The subsoil is pale brown, very gravelly sandy loam. The permeability is moderately rapid to rapid and runoff is slow.

#### Character of Property

The easement property is primarily a large flat open field. Vegetation in the field is approximately 50% to 60% grass and 40% to 50% weeds and forbs (Comfort, 1989). The northwestern corner of the parcel includes a 290 foot long segment of the Grant Creek corridor.

Appendix B is a list of the trees, shrubs, and forbes

found within this creek corridor. The corridor includes the riparian zone of Grant Creek and a densely vegetated zone which extends approximately 150 feet away from the center of the creek. This area is relatively undisturbed, and could be considered a good to high quality riparian ecosystem. Deer beds, animal tracks, animal scat, and nests indicate that this area is frequented by several different species of wildlife.

The open field coupled with the creek corridor provides wildlife cover, feeding areas, water, and migration routes. Preservation, and thus availability of these resources for wildlife habitat, is of critical importance for their maintenance and perpetuation.

Figure 5 is a photo survey location map of the easement property. Black and white photographs (Appendix C) were taken from each site location. Table 2 is a list of the photograph number with the corresponding bearing taken with each photo. These photographs are physical documentation of the character of the property at the time of donation.

A significant portion of the Grant Creek riparian zone will be protected by the following conservation methods: the 50 foot subdivision restriction along Grant Creek in Grantlands 14, consummation of a pending conservation easement on a two acre parcel located south of Grantlands 14 (see figure 4), and a conservation easement on this property. A total of approximately 1,930' of the Grant Creek riparian zone will be preserved through these combined conservation efforts.

Figure 5

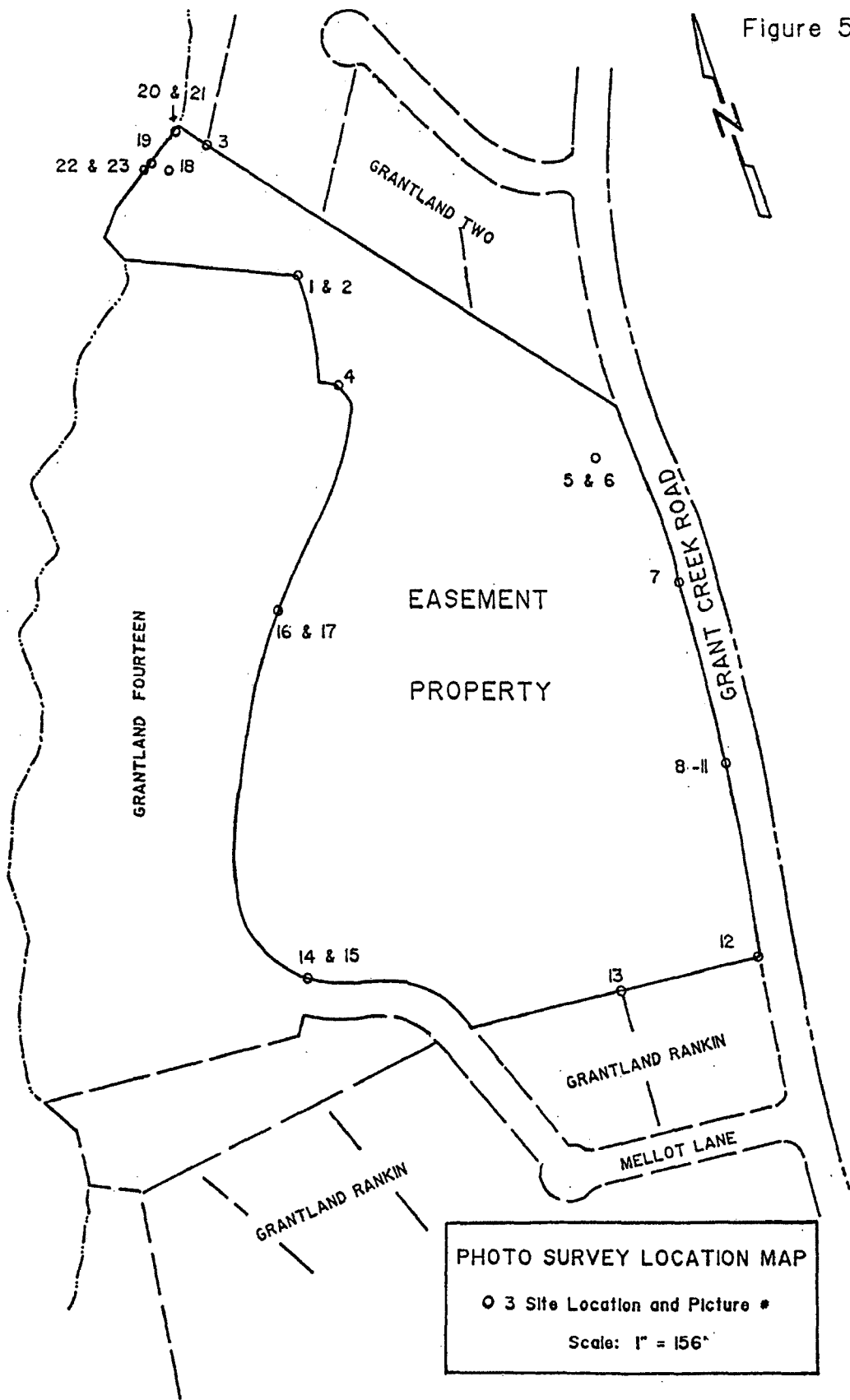


TABLE 2

## PHOTO SURVEY

<u>Photograph Number</u>	<u>Bearing</u>
1	North
2	N45W
3	South
4	S45E
5	S60W
6	N50W
7	N30W
8	West
9	N45W
10	S55W
11	S30W
12	N80W
13	North
14	N70E
15	N25E
16	East
17	S25E
18 <sup>1</sup>	N30W
19	N50E
20	S50W
21	S40W
22	S45W
23	N65E

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<sup>1</sup>Riparian zone photographs 18-23 locations and bearings are approximate.

Much of the Grant Creek Valley, including this property locale, was first recognized as prime park and open space land in the 1975 Urban Area Plan for Missoula County (Missoula Planning Office, 1975). In the Inventory of Conservation Resources, Missoula County, Montana book (Bugbee, 1985) this area was identified as land possessing both scenic and non-scenic open space value, big game winter range for elk, mule deer, and white-tail deer, and as a densely populated area possessing prime and important farmland soils.

The scenic and non-scenic open space value of this parcel is significant in this area of the Grant Creek Valley. Conservation of this property will preserve the last remaining northern most open scenic space area along the Grant Creek Road south of the junction with Snowbowl Road.

The riparian zone and densely vegetated 150' corridor along the periphery of Grant Creek is non-scenic open space valuable for its natural habitat. In addition to providing wildlife habitat and migration routes, this area represents a high quality native terrestrial and aquatic ecosystem. To preserve this resource in its present condition, one water gap fence may be constructed in accordance with the conservation easement. The location of this creek access for livestock is confined to a pre-existing access depicted in the photographic documentation in Appendix C.

To maintain and enhance the property's open scenic space value the conservation easement stipulates that if a fence is

constructed, it must be the wooden post and pole variety. In addition to being aesthetically pleasing, this fence type is more conducive to resident wildlife migration than the barbwire type fence.

To maintain the high quality of the property, the conservation easement mandates that the number of animals on said property cannot exceed the following:

two horses or cow/calf pair or three yearlings if dryland;

and eight horses or cow/calf or ten yearlings if irrigated.

Additionally, one corral may be constructed on this property to regulate the movement of livestock.

#### Summary

Subdivision development within the easement property would impair the scenic character of the rural open landscape which is rapidly diminishing within the Grant Creek Valley. Presently the property herein described, affords scenic panoramas of the mountains to the west, north, and south from Grant Creek Road. This property is one of the few remaining parcels with scenic open space value located in the northern end of the Grant Creek Valley.

The presence of homes built in the Grantland Two subdivision along the northern border of the easement property (see figure 5), is obscured by natural vegetation. The strategic placement of new homes away from the open space in the Grantland 14 Subdivision further increases the aesthetic

open space value of the land under proposed easement. Houses built on lots of a subdivided meadow south of Mellot Land have detracted from the once pristine views. Conservation of the 21 acre easement parcel will help maintain the present, beautiful open space character of the northern end of the Grant Creek Valley.

The property's location, adjacent to Grant Creek Road, offers scenic views readily available to the public. As Grant Creek Road is the only access to the Snow Bowl Ski Area, preservation of the natural integrity of open land in the Grant Creek Valley will significantly benefit local Missoulians and tourists alike.

Preservation of this parcel will provide protection for ecological values inherent to the area. The protection of migration corridors and winter range for big game animals is especially important in this area, due to its close proximity to the Rattlesnake Wilderness and National Recreation Areas.

Protection of the natural resources of this property through a conservation easement will ensure preservation of the diminishing scenic and non scenic open space resource in this area in perpetuity. Additionally, protection of a significant continuous portion of Grant Creek through the combined conservation efforts of this easement and the others mentioned, will be extremely beneficial for water quality, fisheries, wildlife, and the public.



## PROBLEMS AND ISSUES

The ability to maintain the environmental integrity of the Grant Creek area which attracted residents and developers there initially has been a major concern of the local homeowners and landowners. Conflict with the natural environment and development are the primary problems facing the Grant Creek Area and residents. Specific issues relating to these problems are addressed under goals and objectives listed in the Grant Creek Area Plan (Missoula Planning Office, 1980). The following is a list of some of the problems mentioned:

Protect the integrity of the Grant Creek floodplain by adopting floodplain management regulations.

Protect wildlife migration corridors.

Protect natural vegetation for wildlife habitat.

Provide for the conservation of agricultural lands through tax incentives, conservation easements, land donations, and purchases, trespass controls, and resident education to minimize conflicts between urban and agricultural uses.

Preserve open space for wildlife, agriculture, recreation, and the preservation of the rural character of the Grant Creek Valley.

Conservation easements are an appropriate resolution to these environmental problems associated with current development within Grant Creek Valley because they are a failsafe method of protecting land situated in areas which have already been modified by development. Individual tracts,

regardless of size, can be preserved and protected. The individual needs of a particular property can be addressed through a conservation easement, as they are tailored to suit a specific property. Additionally, because conservation easements can offer permanent protection, shifting political winds cannot jeopardize the disposition of the land.

## REFERENCES

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- Hall, F. W., 1968. Bedrock Geology, North Half of Missoula 30' Quadrangle, Montana, Ph.D. Dissertation, University of Montana, Missoula, 261 pp.
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- USDA Soil Conservation Service, Missoula County Soil Survey, dated September, 1983.
- Western Technology and Engineering, Inc., 1988. Whitefish Lady's-Slipper Easement Documentation Report, 21 pp. Unpublished Report.
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APPENDIX A

Copy of the Conservation Easement

## DEED OF CONSERVATION EASEMENT

THIS AGREEMENT AND DEED OF CONSERVATION EASEMENT is made and entered into this 28 day of December, 1990, under the laws of the State of Montana by and between HORIZON ENTERPRISES, INC., a Montana Corporation, with offices at 1620 Reserve, Missoula, Montana 59801 (hereinafter referred to as the "Grantor"), and the FIVE VALLEYS LAND TRUST, a nonprofit corporation with a mailing address of P.O. Box 8953, Missoula, Montana 59807 (hereinafter referred to as "Land Trust"), and MISSOULA COUNTY, with offices at Missoula County Courthouse, 200 West Broadway, Missoula, MT, 59802 (hereinafter referred to as "the second holder").

## W I T N E S S E T H T H A T:

WHEREAS, Grantor is the owner of approximately 21.04 acres of real property located in Missoula County, Montana, more particularly described in Exhibit A attached hereto and incorporated herein by this reference (hereinafter referred to as the "Property"); and

WHEREAS, Grantor owns the affirmative rights to identify, to preserve and protect in perpetuity and by mutual agreement, to enhance by restoration, the natural ecosystems, the natural elements and processes and the great aesthetic value of the property; and

WHEREAS, the Property has significant ecological and open space values as defined in Section 76-6-104, Montana Code Annotated (MCA), and provides significant relatively natural habitat for native plants and wildlife; and

WHEREAS, the State of Montana has recognized the importance of private efforts towards the preservation of natural systems of the state by the enactment of the MCA 76-6-201 et seq.; and

WHEREAS, the Land Trust is a private, nonprofit corporation under the terms of MCA 76-6-104(5) and 76-6-204, MCA, and under Section 170 (h) (3) of the Internal Revenue Code of 1986, as amended, to acquire and hold conservation easements; and

WHEREAS, the Land Trust is organized to preserve and protect natural areas and ecologically significant land for scientific, charitable, and educational purposes; and

WHEREAS, the Property possesses significant aesthetic, scenic and ecological value in its present, substantially undisturbed, relatively natural state; and

WHEREAS, the granting of this Conservation Easement provides a means for the preservation of native plants, animals and biotic communities of significant scientific, aesthetic or educational interest and of providing for a significant block of open space land of significant benefit to the public; and

WHEREAS, the Grantor is willing to grant and the Land Trust is willing to accept a Conservation Easement over the property of the nature, character and extent, and subject to the reservations hereinafter set forth.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, based upon the common law, and further, pursuant to Section 76-6-201, et seq., MCA, Grantor, hereby conveys to the Land Trust, its successors and assigns, a perpetual Conservation Easement consisting of the rights hereinafter enumerated, over and across the Property. The Grantor also designates Missoula County as a second holder of this Easement should, for any reason, the Land Trust cease being the holder and administrator of this Conservation Easement.

A. PURPOSES: It is the purpose of this Easement to preserve and protect in perpetuity and to enhance and restore the open space and significant relatively natural features and values of the Property. It is further the specific purposes of this Easement to conserve important wildlife habitat and to protect native plants currently known or later identified, and to conserve the diverse vegetative communities and the wildlife inhabiting these communities. In achieving these purposes, it is the intent of this Easement to permit the continuation of such uses (agriculture) of the Property as may be conducted consistent with the conservation values protected herein.

In accordance with Section 76-6-107 M.C.A., the property preserved hereby as natural land may not be converted or diverted from open space land unless the conversion or diversion is necessary to the public interest; not in conflict with the program of comprehensive planning for the area and permitted by conditions imposed by this Agreement at the time of the creation of the conservation easement.

B. EASEMENT DOCUMENTATION REPORT. The parties acknowledge that an Baseline Easement Report will be completed, reviewed and approved by the Grantor and Land Trust. It is the intended purpose of the report that it be an accurate representation of the physical and biological condition of the Property. Both Grantor and Land Trust have acknowledged in a signed statement (Exhibit B) that the report accurately represents the condition of the Property at the time of conveyance, in accordance with Treasury Regulation Section 1.170A-14(g)(5)(i). A copy of the completed report will be on file with both the Grantor and Land Trust. The parties agree that, in the event a controversy arises with respect to the nature and extent of the biological or physical condition of the Property, the parties shall not be foreclosed from utilizing all other relevant or material documents, surveys, reports, and other information to assist in the resolution of the controversy.

C. Rights of the Land Trust. The rights conveyed to the Land Trust by the Conservation Easement are the following:

1. To identify, to preserve and protect in perpetuity and to enhance by mutual agreement, the ecological and aesthetic features and the natural flora and fauna on the Property and its water resources, and specifically to preserve the nature and character of the meadow.
2. To enter upon the Property to enforce the rights herein granted and to observe, study and make scientific observations of its ecosystems, upon prior written notice to Grantor, its heirs, personal representatives, successors or assigns, and in a manner that will not unreasonably interfere with the use of the Property by Grantor, his heirs, successors or assigns at the time of such entry.
3. To enjoin any activity on, or use of, the Property which is inconsistent with the Conservation Easement granted and with the Grantor's intentions and to enforce the restoration of such areas or features of the Property as may be damaged by such activities.

D. Consistent Uses of the Property. The following uses and practices, though not an exhaustive recital of consistent uses and practices, may not be precluded, prevented or limited by this Conservation Easement as interpreted in the context of historical use as above mentioned, except for the requirement of prior approval from the Land Trust as described in Paragraph E:

1. To pasture and graze livestock and to continue agricultural activity on the Property consistent with the maintenance and enhancement by mutual agreement, of soil composition, structure and productivity and to the extent that such activities do not result in the pollution or degradation of any surface waters in such a manner as to have demonstrable detrimental effect upon fish or wildlife, their natural habitat, or upon the natural ecosystems and their processes, or degradation of the open space character of the meadow.

Any brush clearing or farming activities such as plowing of land shall only take place after consultation with the Land Trust in accordance with Paragraph E.

The number of animals on the Property can not exceed the following:

-two (2) horses if dryland; and  
-eight (8) horses if irrigated.

2. To institute and carry on any agricultural or ranching activity which will not result in a degradation of any of the ecological elements upon the Property in such a manner as to have a demonstrable detrimental effect upon fish or wildlife, their natural habitat or upon the natural ecosystems and their processes, or degradation of the open space character of the meadow. Grantor specifically reserves the right to maintain and to utilize the meadow on the Property for grazing and grain and/or hay production, subject to the general restrictions set forth above.
3. To develop and maintain those water resources of the Property necessary for the grazing, agricultural, wildlife and domestic purposes conducted thereon pursuant to the terms hereof, including, but not limited to, the right to locate, construct, install and maintain a pump and irrigation system, to irrigate pastures situated on the Property.

One access point to the creek for watering of stock has been designated (refer to report). A lead fence can be used for this purpose. All other fencing is to be a minimum of 50 feet back from the middle of Grant Creek.

4. To build, maintain and repair fences, irrigation systems, and other improvements (other than buildings) on the Property, and including one location for a containment corral in the northwest quarter of the meadow area.

Cross fencing can be used to increase forage production and for grazing control. The number of cross fences can not exceed three (3) on the Property.



All fencing is to be of wooden post and pole construction.

5. To use agrichemicals, including, but not limited to, fertilizers and biocides, only in those amounts and with that frequency of application constituting the minimum necessary to accomplish reasonable grazing and agricultural purposes. The use of such agents shall in all cases be conducted in such a manner as to minimize any adverse effect upon the natural value of Grantor's land and to avoid any impairment of the natural ecosystems and their processes.
6. For the control of predatory and problem animals; provided that chemical biocides may be used only when no other method of control is effective, that the biocide is used only in those amounts and with a frequency of application constituting the minimum necessary to accomplish reasonable grazing, agricultural and residential purposes, and that the biocide use does not adversely affect ecosystem function or nontarget species of plant and animals.
7. To bury and otherwise camouflage all utility systems or extensions of existing utility systems constructed in the future.
8. Large animals, such as mules and llamas, may be accepted on the Property after consultation with the Land Trust in accordance with Paragraph E.

E. Prior Notice and Approval. Grantor shall not undertake or permit any activity requiring prior approval of the Land Trust without first having notified and received approval from the Land Trust as provided herein.

Prior to the commencement of any such activity, Grantor shall send the Land Trust written notice of their intention to undertake or permit such activity. The notice shall inform the Land Trust of all aspects of the proposed activity, including location, design, materials or equipment to be used, dates and duration, and any other relevant information, and shall be sent by registered or certified mail, return receipt requested, to the Five Valleys Land Trust, Post Office Box 8953, Missoula, Montana 59807, or such other addresses as Grantor may be from time to time informed of in writing by the Land Trust.

The Land Trust shall have thirty (30) days from receipt of the notice, as indicated by the date of the return receipt, to review the proposed activity and to notify Grantor of any objections thereto; provided that the 30-day period shall not begin until such time as the Land Trust has received adequate

information from Grantor to evaluate the proposed activity. In the event that the Land Trust requires additional information to evaluate the proposed activity, the Land Trust shall request the information from the Grantor as soon as practicable and in any case not later than 20 days after the receipt of the notice of the proposed activity.

A written statement of the Land Trust's decision to approve or disapprove the activity proposed by Grantor shall be sent by registered or certified mail, return receipt requested, to Grantor at the address first stated above, or to such other address as the Land Trust may from time to time be informed of in writing be Grantor.

A decision by the Land Trust to disapprove a proposed activity must be based upon the Land Trust's determination that the proposed activity is inconsistent with the conservation purposes of the Easement. If in the Land Trust's judgement it is possible that the proposed activity can be modified to be consistent with the easement, the Land Trust's decision notice shall inform Grantor of such modification(s). Once modification is made to the satisfaction of the Land Trust or the Land Trust otherwise concurs with the matters set forth in Grantor's notice, the proposed activity may thereafter be conducted in a manner that is acceptable to the Land Trust.

Should the Land Trust fail to post its response to Grantor's notice within thirty (30) days of its receipt of notice or within thirty (30) days of the time that the Land Trust has received adequate information to evaluate the proposed activity, whichever is later, the proposed activity is automatically deemed consistent with the terms of the Easement, the Land Trust having no further right to object to the activity identified by such notice.

F. Inconsistent Uses of the Property. Grantor states that the following uses and practices, though not an exhaustive recital of inconsistent uses and practices, are inconsistent with the purpose of this Conservation Easement, and shall be prohibited:

1. The change, disturbance, alteration or impairment of the natural ecological values of those portions of any river system within and upon the Property except as provided herein.
2. The introduction of non-native plant or animal species which will compete with and result in the decline or elimination of native species except where such introduction is intended as biological control against introduced pest species and where the introduction is subject to the prior approval of the Land Trust.
3. Trapping for any purposes other than predatory and problem animal control as provided herein in Paragraph D.
4. The exploration for or extraction of minerals, hydrocarbons, or soils or other material on or below the surface of the Property.
5. Commercial timber cutting, except for the express purpose of removing or abating disease or infestation.
6. Disturbance, destruction, or damage to any plantlife, animal life, or other creekside natural habitat within the 100-year floodplain on the Property, except where absolutely necessary to remove dead or dying trees or shrubs; to prune limbs or vegetation which pose a threat to persons or property; or to remove accumulated downfall leaves, limbs, or debris from the ground which could become a fire hazard. Grantor may not undertake any activity pursuant to the provisions of this section without first having notified and gotten the approval of the Land Trust.
7. The construction of any structures, except fences as approved herein.
8. The construction of roads.
9. The establishment or maintenance of any commercial feed lots. A commercial feed lot shall be defined for purposes of this agreement as the establishment and maintenance of a permanently constructed confined area or facility within which the land is not grazed or cropped annually, for purposes of engaging in the business or the reception and feeding of livestock for hire.
10. The collection of firewood.
11. With regard to the raptor nesting habitat on the Property, Grantor specifically intends that this Easement shall prohibit the cutting or disturbance of any trees or other vegetation within 660 feet of any active or inactive raptor nest, currently known or later identified, during the nesting season. Grantor further intends that this Easement shall prohibit the removal of any crown trees or other overstory vegetation including the nesting trees themselves, within 330 feet of any active or inactive raptor nest, currently known or later identified, at any time, provided, however, that during the non-nesting season, diseased trees may be cut and removed to abate infestation subject to

Paragraph E. The Land Trust may survey forest lands to determine whether any dead or diseased trees are important to wildlife. Upon notification by the Land Trust that such trees have wildlife values, Grantor agrees not to harvest such trees.

12. No barbed wire or electric fencing.
13. The division, subdivision, or de facto subdivision of the Property.
14. The use of snowmobiles, all-terrain vehicles, motorcycles, or other motorized vehicles, except for agricultural or property maintenance purposes.

Remedies, Breach and Restoration. Grantor further intends that should Grantor, their heirs, successors or assigns, undertake any activity requiring approval of the Land Trust without or in advance of securing such approval, or undertake any activity in violation of the terms of the Conservation Easement, the Land Trust shall have the right to require the restoration of that portion of the Property affected by such activity to the condition that existed prior to the undertaking of such unauthorized activity. In such case, the costs of such restoration and the Land Trust's costs of suit, including attorney's fees, shall be borne by Grantor or those against whom a judgment is entered, or, in the event that the Land Trust secures redress without a completed judicial proceeding, by Grantor or those of its heirs, personal representatives, successors or assigns who are otherwise determined to be responsible for the unauthorized activity. Nothing herein contained shall be construed to preclude Grantor from exhausting its legal remedies in determining whether the proposed activity to which the Land Trust has objected is inconsistent with the Conservation Easement.

In the event a violation of any restriction contained in Paragraph F hereof, whether by Grantor or a third party, comes to the attention of the Land Trust, the Land Trust shall notify Grantor in writing of the violation. Grantor shall have thirty (30) days after the receipt of such notice to undertake actions, including restoration of the Property, that are reasonably calculated to promptly correct the conditions caused by such

violation. If Grantor fails to take such corrective action, the Land Trust may at its discretion undertake such actions, including appropriate legal proceedings, as are reasonably necessary to effect such corrections, and the cost of such corrections, including the Land Trust's expenses, attorney's fees and costs, shall be paid by Grantor, provided either Grantor, Grantor's family, any shareholders in the Property, agents, guests, employees or other persons permitted by Grantor are determined to be responsible for the violation.

Enforcement of the terms and provisions of the Easement shall be at the discretion of the Land Trust and any forbearance on behalf of the Land Trust to exercise its right hereunder in the event of any breach hereof by Grantor, respective heirs, personal representatives, or assigns, shall not be deemed or construed to be a waiver of the Land Trust's rights hereunder in the event of any subsequent breach.

H. Taxes, Costs and Liabilities. Grantor agrees to pay any and all real property taxes and assessments levied by competent authority on the Property, except any tax or assessment on the easement herein granted and to bear all costs and liabilities of any kind related to ownership, operation, upkeep, and maintenance of the Property, and does hereby indemnify the Land Trust therefor.

I. Access. At this time, nothing herein contained shall be construed as affording access for the public to any portion of the Property. This Easement shall not preclude the possibility of an approved walkway system, to be adopted in the future as part of the larger Grantland PUD walkway system on the Property subject to Paragraph E.

J. Assignment. The parties hereto covenant and agree that the Land Trust may not assign its interest in this Easement without the prior written consent of Grantor, which consent shall not be unreasonably withheld unless the proposed assignee does not meet the qualifications required by Section 170 (h)(3) of the Internal Revenue Code.

K. Hold Harmless. Grantor shall hold harmless, indemnify and defend the Land Trust and its members, directors, officers employees, and agents and the heirs, personal representatives, successors and assigns of each of them from and against all liabilities, penalties, costs, losses, damages, expenses, causes of action, claims, demands or judgments, including, without limitation, reasonable attorneys' fees, arising from or in any way connected with: (1) injury to or the death of any person, or physical damage to any property, resulting from any act, omission, condition, or other matter related to or occurring on or about the Property, regardless of cause, unless due solely to the negligence of the Land Trust; and (2) the obligations specified in Paragraph H.

The Land Trust shall hold harmless, indemnify and defend the Grantor against any and all claims, including attorney's fees, arising out of, or attributable to the sole negligence of the Land Trust.

L. Proceeds. This Easement constitutes a real property interest immediately vested in the Land Trust, which, for the purposes of Paragraph M, the parties stipulate to have a fair market value determined by multiplying the fair market value of the Property unencumbered by the Easement (minus any increase in value after the date of this grant attributable to improvements) by the ratio of the value of the Easement at the time of this grant to the value of the Property, without deduction for the value of the Easement, at the time of this grant. The values at the time of this grant shall be those values used to calculate the deduction for federal income tax purposes allowable by reason of this grant, pursuant to Section 170(h) of the Internal Revenue Code of 1986, as amended. For the purposes of this paragraph, the ratio of the value of the Easement to the value of the Property unencumbered by the Easement shall remain constant.

M. Extinguishment. In the event the asement should be extinguished for any reason. the Grantor, the Land Trust, and the second holder shall endeavor to satisfy any and all requirements set forth under the regulations of Section 170 of the Internal Revenue Code of 1986, as amend. 1.

N. Miscellaneous.

1. The terms "Grantor" and "Land Trust" as used herein shall be deemed to include, respectively, the Grantor, their heirs, successors, personal representatives and assigns, and the Land Trust, its successors and assigns.

2. Grantor intends that the Easement shall run with and burden title to the Property in perpetuity, and shall bind Grantor, their heirs, personal representatives and assigns.

3. If any provision of this Deed of Conservation Easement or the application thereof to any person or circumstances is found to be invalid, the remainder of the provisions of the Deed of Conservation Easement and the application of such provisions to persons or circumstances other than those as to which it is found to be invalid, shall not be affected thereby.

4. In the event that any provision contained herein conflicts with Section 170 of the Internal Revenue Code or any regulations promulgated thereunder, such section and regulations shall govern the enforcement of this easement.

--END--

IN WITNESS WHEREOF, the Grantor has hereunto set their hand and seal this 28 day of December, 19 90.

David Bern  
David Bern  
President  
David Bern  
Secretary  
Horizon Enterprises, Inc.

Harold K. [Signature]  
President

STATE OF MONTANA  
 County of MISSOULA )  
 On this 28<sup>th</sup> day of December, 1990,  
 before me, the undersigned, a Notary Public in and for said  
 State, personally appeared HAL KLUTSCHWAGER and P. DAVID EDGALL,  
 known to me to be the persons whose name are subscribed to the  
 within instrument, and acknowledged to me that they executed the  
 same.

In WITNESS WHEREOF, I have hereunto set my hand and affixed  
 my official seal the day and year first above written.

Dawn Simmons

Notary Public, residing at MISSOULA, Montana  
 My commission expires: 6/6/92

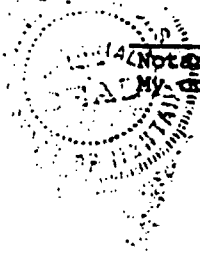
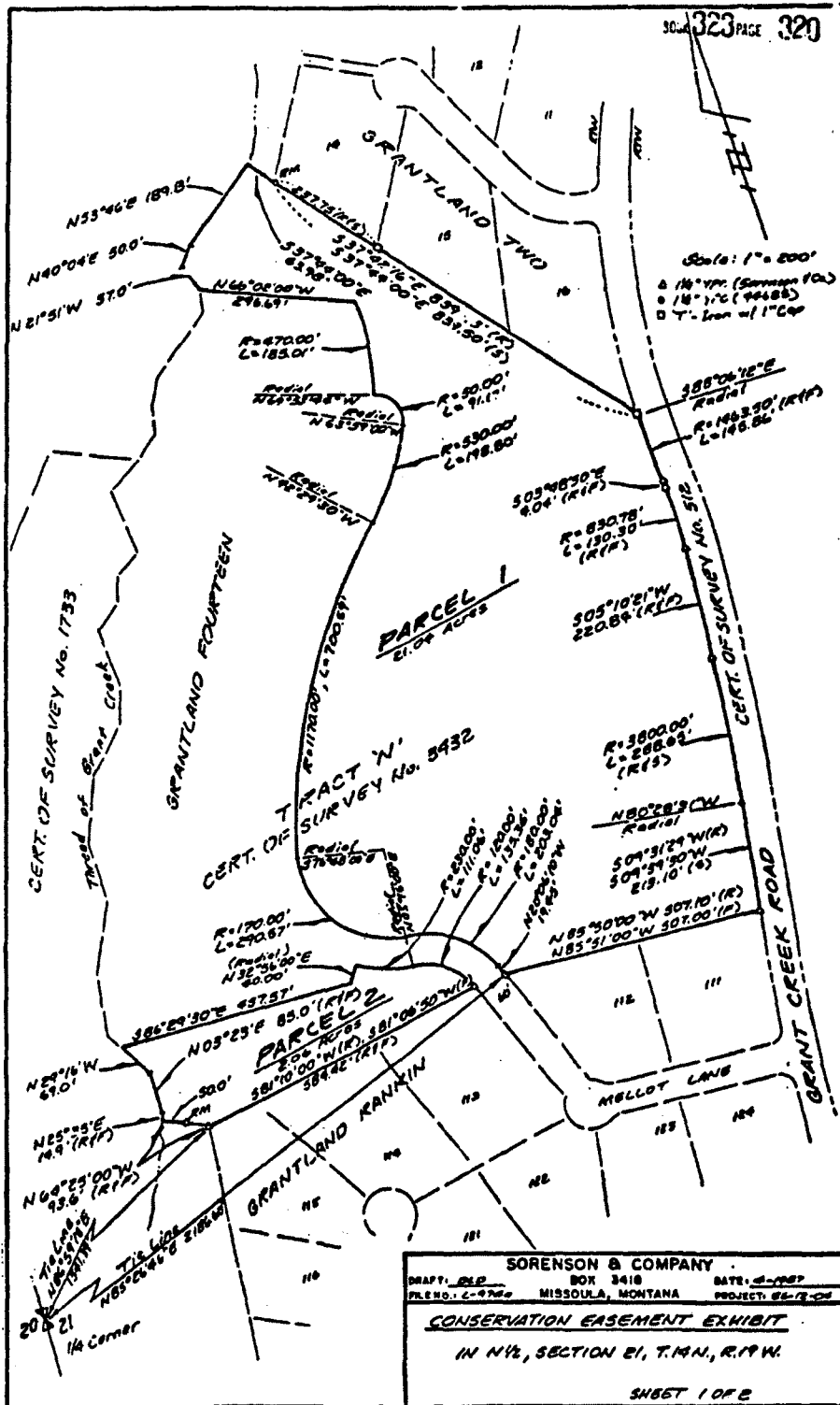




Exhibit A

323 PAGE 320



Scale: 1" = 200'  
 Δ 1/4" = 1/4" (Sorenson Co.)  
 ○ 1/8" = 1/8" (9488)  
 □ 1/4" = 1/4" (1" Cap)

SORENSEN & COMPANY  
 DRAFT: RLD BOX 3416 DATE: 2-1957  
 FILE NO. L-4762 MISSOULA, MONTANA PROJECT: 66-7-02  
 CONSERVATION EASEMENT EXHIBIT  
 IN 1/4, SECTION 21, T.14N., R.19W.  
 SHEET 1 OF 2

EXHIBIT A

BOOK 323 PAGE 321

LEGAL DESCRIPTION: PARCEL 1

A TRACT OF LAND LOCATED IN SECTION 21, T. 14 N., R. 19 W., PRINCIPAL MERIDIAN, MONTANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWESTERLY CORNER OF LOT 112, GRANTLAND RANKIN, A RECORDED SUBDIVISION OF MISSOULA COUNTY, MONTANA; THENCE N 20°06'10" W, 19.45 FEET; THENCE ALONG A 180.00 FOOT RADIUS CURVE TO THE LEFT, AN ARC DISTANCE OF 203.04 FEET TO A REVERSE CURVE WITH CENTER BEING N 05°16'00" E, 170.00 FEET RADIAL DISTANCE; THENCE CLOCKWISE ALONG SAID CURVE, AN ARC DISTANCE OF 290.51 FEET TO A COMPOUND CURVE WITH CENTER BEING S 76°48'00" E, 1170.00 FEET RADIAL DISTANCE; THENCE CLOCKWISE ALONG SAID CURVE, AN ARC DISTANCE OF 700.59 FEET TO A REVERSE CURVE WITH CENTER BEING N 42°29'30" W, 530.00 FEET RADIAL DISTANCE; THENCE COUNTERCLOCKWISE ALONG SAID CURVE, AN ARC DISTANCE OF 198.80 FEET TO A COMPOUND CURVE WITH CENTER BEING N 63°59'00" W, 50.00 FEET RADIAL DISTANCE; THENCE COUNTERCLOCKWISE ALONG SAID CURVE, AN ARC DISTANCE OF 91.17 FEET TO A NONTANGENT CURVE WITH CENTER BEING N 69°53'44" W, 470.00 FEET; THENCE COUNTERCLOCKWISE ALONG SAID CURVE, AN ARC DISTANCE OF 185.01 FEET; THENCE N 66°02'00" W, 296.69 FEET TO THE THREAD OF GRANT CREEK; THENCE UPSTREAM ALONG SAID THREAD THROUGH THE FOLLOWING THREE COURSES: (1) N 21°51' W, 57.0 FEET; (2) N 40°04' E, 50.0 FEET; (3) N 53°46' E, 189.8 FEET; THENCE S 37°44'00" E, 903.48 FEET ALONG THE PROJECTION OF AND ALONG THE SOUTHERLY BOUNDARY OF GRANTLAND TWO, A RECORDED SUBDIVISION OF MISSOULA COUNTY TO THE WESTERLY RIGHT-OF-WAY LIMIT OF GRANT CREEK ROAD AND A NONTANGENT CURVE WITH CENTER BEING S 88°06'12" E, 1463.50 FEET RADIAL DISTANCE; THENCE ALONG SAID R/W LIMIT THROUGH THE FOLLOWING SIX COURSES: (1) COUNTERCLOCKWISE ALONG SAID CURVE, AN ARC DISTANCE OF 145.86 FEET; (2) S 03°48'50" E, 4.04 FEET; (3) ALONG AN 830.78 FOOT RADIUS CURVE TO THE RIGHT, AN ARC DISTANCE OF 130.30 FEET; (4) S 05°10'21" W, 220.84 FEET; (5) ALONG A 3800.00 FOOT RADIUS CURVE TO THE RIGHT, AN ARC DISTANCE OF 288.65 FEET; (6) S 09°39'30" W, 213.10 FEET; THENCE N 85°51'00" W, 507.00 FEET ALONG THE NORTHERLY BOUNDARY OF GRANTLAND RANKIN TO THE POINT OF BEGINNING; CONTAINING 21.04 ACRES, MORE OR LESS.

LEGAL DESCRIPTION: PARCEL 2

A TRACT OF LAND LOCATED IN SECTION 21, T. 14 N., R. 19 W., PRINCIPAL MERIDIAN, MONTANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWESTERLY CORNER OF LOT 115, GRANTLAND RANKIN, A RECORDED SUBDIVISION OF MISSOULA COUNTY, MONTANA; THENCE N 64°25'00" W, 93.6 FEET ALONG THE EASTERLY BOUNDARY OF THAT TRACT ON CERTIFICATE OF SURVEY NO. 1733 TO THE THREAD OF GRANT CREEK; THENCE UPSTREAM ALONG SAID THREAD AND BOUNDARY THROUGH THE FOLLOWING THREE COURSES: (1) N 25°35' E, 14.9 FEET; (2) N 03°23' E, 85.0 FEET; (3) N 29°16' W, 69.0 FEET; THENCE S 86°29'30" E, 457.57 FEET; THENCE N 32°56'00" E, 40.00 FEET TO A NONTANGENT CURVE WITH CENTER BEING N 32°56'00" E, 230.00 FEET RADIAL DISTANCE; THENCE COUNTERCLOCKWISE ALONG SAID CURVE, AN ARC DISTANCE OF 111.06 FEET TO A REVERSE CURVE WITH CENTER BEING S 05°16'00" W, 120.00 FEET RADIAL DISTANCE; THENCE CLOCKWISE ALONG SAID CURVE, AN ARC DISTANCE OF 135.36 FEET; THENCE S 81°06'50" W, 584.42 FEET ALONG THE NORTHERLY BOUNDARY OF GRANTLAND RANKIN TO THE POINT OF BEGINNING; CONTAINING 2.06 ACRES, MORE OR LESS.

## SORENSEN &amp; COMPANY

DRAFT: BLD BOX 2418 DATE: 5-1987  
 PLERO: C-974 MISSOULA, MONTANA PROJECT: 05-12-07

CONSERVATION EASEMENT EXHIBIT

IN N 1/2, SECTION 21, T. 14 N., R. 19 W.

SHEET 2 OF 2



## APPENDIX B

## LIST OF TREES, SHRUBS, AND FORBES

<u>Scientific name<sup>2</sup></u>	<u>Common Name</u>
Trees	
Populus tremuloides	Quaking aspen
Populus sp.	Cottonwood
Pinus ponderosa	Ponderosa pine
Larix occindentalis	Tamarack
Pseudotsuga menziesii	Doug fir
Shrubs	
Cornus stolossifera	Red ozier
Prunus virginiana	Chokecherry
Lonicera sp.	Honeysuckle
Alnus rubra	Alder
Crataegus sp.	Hawthorne
Rosa woodsii	Rose
Symphoricarpos sp.	Snowberry
Forbes	
Equisetum sp.	Horsetail
Trifolium sp.	Clover
Solidego sp.	Golden rod
Epilobium sp.	Fireweed
Rudbeckia hirta	Sunflower
Urtica sp.	Nettle
Medicago sativa	Medic weed
Elymus canadensis	Wild rye
Centauria macalosa	Knapweed
Agropyron desertorum	Wheatgrass
Phleum pratense	Timothy

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<sup>2</sup>Positive identification of several species was not possible due to the time of year this inventory was taken.

APPENDIX C

Copy of Photographic Documentation of Easement Property



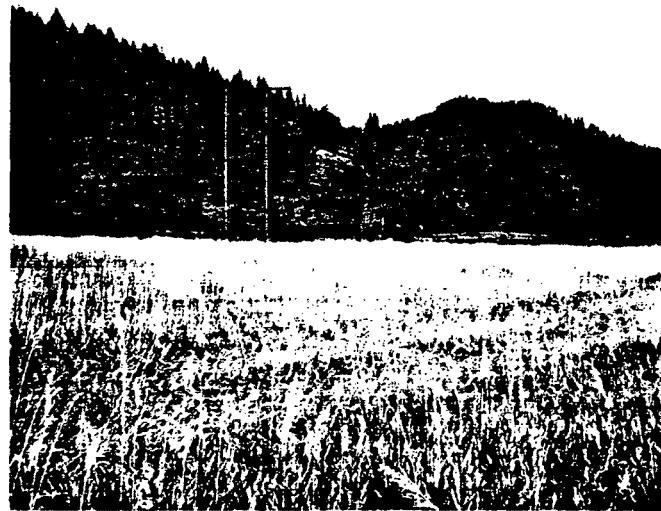
1 NORTH



2 N45W



3 SOUTH



4 S45E



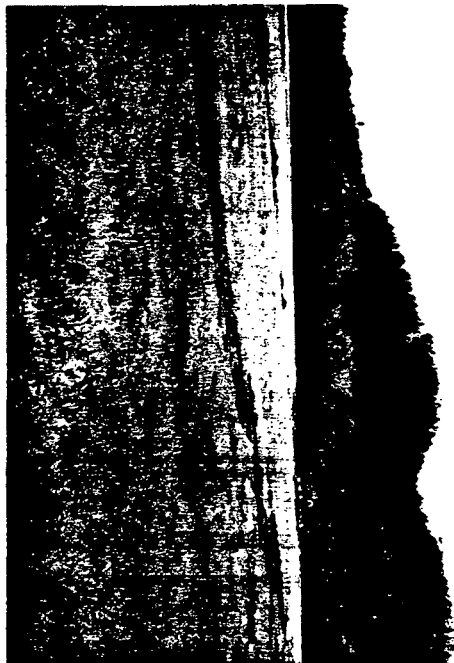
6 N50W



5 S69S



7 N30W

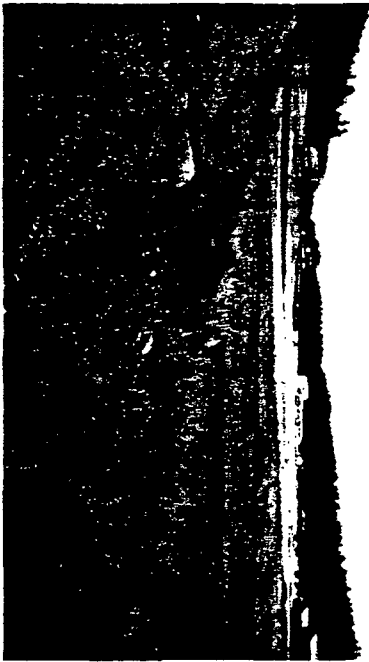


8 WEST



9 N45W

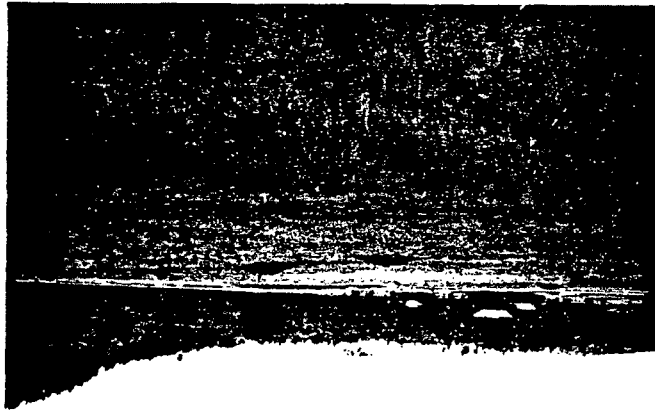
11 S30W



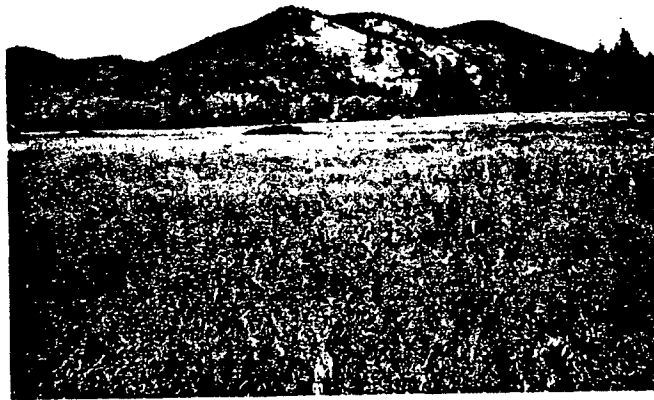
12 N80W



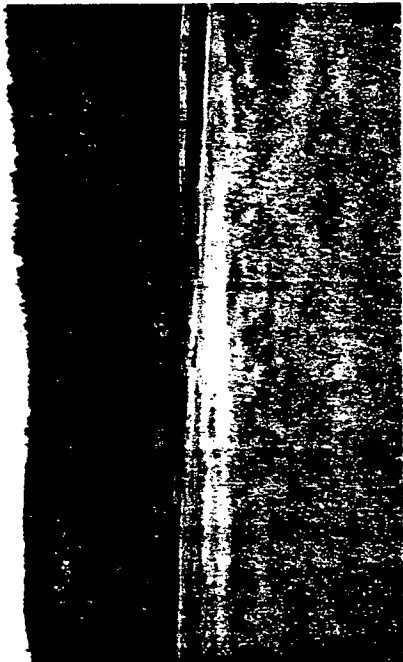
10 S55W







13 NORTH



14 N70E



15 N25E



18 N30W



17 S25E



16 EAST



19 N50E



20 S50W



21 S40W



22 S45W



23 N65E

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