

APPENDIX D

SAMPLE FORMS AND CERTIFICATES

- a. **General:** The following represent the general format for the certificates to be shown on plats. Other certificates than those shown may be required by the County Commission, when deemed appropriate. A corporate notary shall be used in place of an individual notary when appropriate.

- b. **Dedication or Consent.** All parts of subdivisions must contain a Certificate of Dedication or Certificate of Consent. In the case of corporate ownership, the proper corporation officers shall sign, corporate notary form shall be used, and the corporate seal shall be affixed. The certificate shall read as follows:

Certificate of Dedication – Final Plat

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

(Exterior boundary description of area contained in plat and total acreage)

The above described tract of land is to be known and designated as (Name of Subdivision), and the lands included in all roadways, and open space and parks shown on said plat are hereby granted and donated to the use of the public forever. Unless specifically listed herein, the lands included in all roadways, and open space and parks shown dedicated to the public are accepted for public use, but the County accepts no responsibility for maintaining the same. The owner(s) agree(s) that the County has no obligation to maintain the lands included in all roadways, and open space and parks shown hereby dedicated to public use. The lands included in all roadways, and open space and parks shown dedicated to the public for which the County accepts responsibility for maintenance include (list specific lands, if any).

Dated this _____ day of _____, 20 ____.

(Acknowledged and notarized signatures of all record owners of platted property)

Certificate of Consent – Final Plat

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

(Exterior boundary description of area contained in plat and total acreage)

The above described tract of land is to be known and designated as (Name of Subdivision), Carbon County, Montana

Dated this _____ day of _____, 20 ____.

(Acknowledged and notarized signatures of all record owners of platted property)

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- c. **Utility Dedication:** All parts of subdivisions must contain a Certificate of Dedication for utility easements. The certificate shall read as follows:
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Certificate of Dedication Utility Easement– Final Plat

(I) (We), the undersigned property owner(s), do hereby certify that (I) (We) have caused to be surveyed, subdivided and platted into lots, blocks, streets and alleys, as shown by the plat hereto annexed, the following described land in Carbon County, to-wit:

(Exterior boundary description of area contained in plat and total acreage)

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

Dated this _____ day of _____, 20 ____.

(Acknowledged and notarized signatures of all record owners of platted property)

- d. **Consent to Subdivide.** In those cases where the area being platted on the plat of the subdivision is subject to any liens, mortgages, claims, or other encumbrances by party(ies) or other owner(s) the following certificate shall also be required:
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Consent to Subdivide

(I) (We), the undersigned mortgagee(s) or encumbrancer(s), do hereby join in and consent to the described plat, releasing (my) (our) respective liens, claims or encumbrances as to any portion of said lands now being platted into streets, avenues, parks or other public areas which are dedicated public use and enjoyment.

Dated this ___ day of _____, _____.

(Acknowledged and notarized signature of all encumbrancers of record.)

- e. **Cash-in-lieu of Park.** Where the park requirements are being waived in lieu of cash, plats of subdivision shall show the following certificate:

Certificate of Waiver of Park Land Dedication and Acceptance of Cash in Lieu Thereof

I, (County Clerk and Recorder) of Carbon County, Montana, do certify that the following order was made by the County Commission of Carbon County at a meeting thereof held on the _____ day of _____, 20 __, and entered into the proceedings of said Body to-wit: "Inasmuch as the dedication of park land within the platted area of (Name of Subdivision) is undesirable for the reasons set forth in the minutes of this meeting, it is hereby ordered by the Carbon County Commission that land dedication for park purposes be waived and that cash in lieu of park with the provisions of Title 76, Chapter 3, MCA."

In witness whereof, I have hereunto affixed the seal of Carbon County, Montana this _____ day of _____, 20 __.

(Seal)

(Signature of Clerk)

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- f. **Off Site Park.** Where the park requirements are being provided off site of the platted subdivision, plats of subdivision shall show the following certificate:

Certificate Accepting Off Site Park Land Dedication

In as much as an alternative to dedication of park land, for park and playground purposes within the platted area of (Subdivision Name), would be desirable, it is hereby ordered by the County Commission of the Carbon County that land dedication for park purposes be provided off-site with land outside of the platted area of (Subdivision Name) in accordance with the provisions of the Montana Subdivision and Platting Act, §76-3-101 through §76-3-625, MCA, and the Carbon County Subdivision Regulations. The off-site park land dedication will be provided with the following described tract(s) of land, to wit:

(Exterior boundary description of area contained in plat and total acreage)

Dated this _____ day of _____, 20 __.

Chairman, Carbon County Commission
(Signature)

- g. **Park Dedication to School District.** Where the park requirements are satisfied by providing dedication of land to School District, plats of subdivision shall show the following certificate:

Certificate Accepting Park Land Dedication to School District

In as much as an alternative to dedication of park land, for park and playground purposes within the platted area of (Subdivision Name), would be desirable, it is hereby ordered by the County Commission of Carbon County that required land dedication for park purposes be met with land dedicated to the _____ School District in accordance with the provisions of the Montana Subdivision and Platting Act, §76-3-101 et. seq., MCA, and the Carbon County Subdivision Regulations. If the _____ School District chooses to no longer use the land for school buildings and facilities, the ownership of the land shall revert to the Carbon County for park purposes and the _____ School District shall transfer the land to the County with clear title. The land dedication will be provided with the following described tract(s) of land, to wit:

(Exterior boundary description of area contained in plat and total acreage)

Dated this _____ day of _____, 20 ____.

Chairman, Carbon County Commission
(Signature)

Chairman, _____ School District Board of Trustees
(Signature)

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- h. **Surveyor.** All plats of subdivision shall contain a Certificate of Surveyor and shall read as follow:

Certificate of Surveyor – Final Plat

State of Montana)
) ss.
County of _____)

I, (Name of Surveyor), a Professional Land Surveyor, do hereby certify that I have performed the survey shown on the attached plat of (Name of Subdivision); that such survey was made on (Date of Survey); that said survey is true and complete as shown and that the monuments found and set are of the character and occupy the positions shown thereon.

Dated this _____ day of _____, 20 ____.

(Seal)

(Signature of Surveyor)
Registration No. _____
(Address)

- i. **Improvements Completion.** Where improvements are to be installed prior to final plat approval, the plat of subdivision shall contain a Certificate of Completion of Public Improvements (to be submitted with application for approval of final subdivision plat). The certificate shall read as follows:

Certificate of Completion of Public Improvements

I, (Name of Subdivider), and I, (Name of Subdivider’s Registered Engineer), a registered professional engineer licensed to practice in the State of Montana, hereby certify that the following public improvements, required as a condition of approval of (Name of Subdivision), have been installed in conformance with the attached engineering specifications and plans: (List the improvements actually installed.)

Signature of Subdivider	Date
Signature of Professional Engineer	Date
Registration No. _____	(Engineers Seal)

- j. **County Commission.** The County Commission shall certify approval fo the plat of subdivision. Said certificate shall read as follows:

Certificate of County Commission

The County Commission of Carbon County, Montana does hereby certify that it has examined this subdivision plat and having found the same to conform to law, approves it, and hereby accepts the dedication to public use of any and all lands shown on this plat as being dedicated to such use, this _____ day of _____, 20 ____.

(Signatures of Commissioners)	ATTEST:
	(Signature of Clerk and Recorder)
(Seal of County)	Carbon County, Montana

k. **County Treasurer.** All final subdivision plats shall show the following certificate:

Certificate of County Treasurer

I hereby certify, pursuant to Section 76-3-611(1)(b), MCA, that all real property taxes assessed and levied on the land described below and encompassed by the proposed (Name of Subdivision) have been paid:

(legal description of land)

Dated this _____ day of _____, 20 ____.

(seal)

(Signature of County Treasurer) Treasurer,
Carbon County, Montana

l. **Clerk and Recorder:** All subdivision plats, amended subdivision plats, and Certificates of Survey shall show the following certificate of the Clerk:

Certificate of Filing by Clerk and Recorder

STATE OF MONTANA)
) ss.
County of _____)

Filed for record this _____ day of _____, 20 ____, at _____ o'clock.

(Signature of Clerk and Recorder)
County Clerk and Recorder, Carbon County, Montana

m. **Exemptions:** The following represents examples of certificates to be used on certificates of survey for the following types of exemptions: relocation of common boundaries, land gift or sale to family member, agricultural exemption, and security for construction.

Certificate of Exemption
(Relocation of Common Boundary Outside of Platted Subdivision)

(I) (We) certify that the purpose of this survey is to relocate common boundaries between adjoining properties outside of a platted subdivision. Therefore, this survey is exempt from review as a subdivision pursuant to Section 76-3-207(1)(a), MCA.

Dated this _____ day of _____, 20 ____.

(Signature of Property Owner(s))

Certificate of Exemption
(Relocation of Common Boundary Between A Single Lot
Within a Platted Subdivision and Adjoining Land Outside of Platted Subdivision)

(I) (We) certify that the purpose of this survey is to relocate common boundaries between a single lot within a platted subdivision and adjoining land outside of a platted subdivision. Therefore, this survey is exempt from review as a subdivision pursuant to Section 76-3-207(1)(e), MCA. I/We hereby acknowledge that any restrictions or requirements on the original platted or original unplatted parcel continue to apply to those areas.

Dated this _____ day of _____, 20 ____.

(Signature of Property Owner(s))

Certificate of Exemption
(Family Conveyance)

(I)(We) certify that the purpose of this survey is to create Tract _____ for transfer of ownership as a family gift or sale and that no prior family gift or sale has been conveyed to _____ and that this exemption complies with all conditions imposed upon its use. Therefore this survey is exempt from review as a subdivision pursuant to Section 76-3-207(1)(b), MCA, and the Carbon County Subdivision Regulations.

Dated this _____ day of _____, 20 ____.

(Signature of Property Owner(s))

Certificate of Exemption
(For Agricultural Purposes)

(I) (We) certify that the purpose of this survey is to create Tract _____ for gift or sale, which is to be used for agricultural purposes only, and that this exemption complies with all conditions imposed on its use. Therefore, this survey is exempt from review as a subdivision pursuant to Section 76-3-207(1)©, MCA and the Carbon County Subdivision Regulations.

(I) (We) also hereby enter a covenant, to run with the land, that Tract _____ as shown hereon, will be used exclusively for agricultural purposes only. No building or structure requiring water or wastewater facilities shall be utilized on Tract _____. This covenant is revocable only by the mutual consent of the Carbon County Commission and the property owner(s).

Dated this _____ day of _____, 20 ____.

(Signature of Property Owner(s))

Certificate of Exemption
**(Security For Mortgages, Liens, Trust Indentures for Construction, Improvements
To the Land Being Divided, or Refinancing)**

(I) (We) Certify that the purpose of this survey is to create a parcel of land to provide security for (Type of Security: mortgage, lien, trust indenture, construction, improvements to the land, refinancing), and that this exemption complies with all conditions imposed upon its use. Therefore, this survey is exempt from review as a subdivision pursuant to section 76-3-201(1)(b) MCA of the Subdivision and Platting Act , the Carbon County Subdivision Regulations and from review by the Montana Department of Environmental Quality pursuant to 76-4-125(2)(a)MCA.

Dated this _____ day of _____, 20 ____.

(Signature of Property Owner(s))

n. **Exemption Accepted.** If the exemption is allowed, the County Commission shall so certify in a printed certificate on the certificate of survey.

I, Chairman of the Board of County Commissioners, do hereby certify that the use of the exemption claimed on the accompanying certificate of survey has been duly reviewed, and has been found to conform to the requirements of the Montana Subdivision and Platting Act, Section 76-3-101 et. seq. MCA, and the Carbon County Subdivision Regulations.

DATED this ____ day of _____, 20 ____.

(Signature of Chairman)

Chairman, Board of County Commissioners, Carbon County, Montana