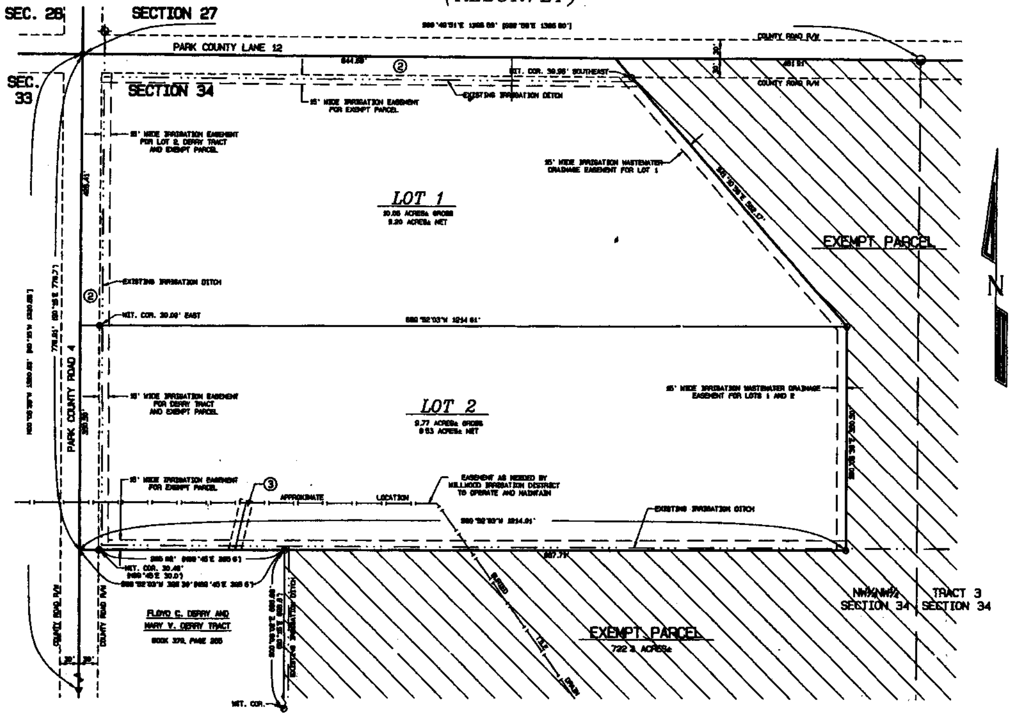
T. 55 N., R. 98 W.

(RESURVEY)



NO PUBLIC SEWAGE DISPOSAL SYSTEM PROPOSED.
NO PROPOSED PUBLIC DOMESTIC WATER SOURCE.
THERE ARE NO ROADS PROPOSED AS A PART OF THIS SUBDIVISION.

PLATTING CONDITIONS FOR BIRKY SS-153

1. RIGHT-OF-WAY. The right-of-way for ingress and egress for service and emergency vehicles is granted over, across, on, and through any and all private roads and drives now or hereinafter established.

2. COUNTY, STATE AND OTHER REGULATIONS. To the extent that applicable county or other governmental regulations, rules, or laws are more restrictive than the paragraphs herein contained, such applicable regulations shall supersede and govern at all times.

3. RESTRICTIONS RUN WITH THE LAND. The restrictions herein set forth are binding upon all owners and respective successors-in-interest and run with the land.

4. REVISION AND/OR AMENDMENT. The conditions, restrictions, stipulations, agreements, and covenants herein shall not be waived, abandoned, terminated, nor amended except by unanimous written consent of the property owners, and consent of the Board of County Commissioners.

5. ENFORCEMENT. In case of any violation of the provisions hereon, the Board of County Commissioners may, in addition to other remedies at law, including an action for damages, have such violations enjoined or, in the case of the erection or maintenance of any building, structure, or thing in violation of any of the provisions hereof, may have such building, structure, or thing removed by proper legal procedure. Inaction by the Board of County Commissioners to perfect and enforce their rights shall not be deemed a waiver of the right of enforcement of same, even though such inaction may be of long duration.

6. VACATION. This subdivision may be vacated or partially vacated pursuant to applicable State law or County rules and regulations.

7. FUTURE SUBDIVISION. No further subdivision of the subject lots, parcels, or other units of land which would increase the number of lots, parcels, or other units of land within this subdivision will be permitted without complying with all applicable subdivision regulations and requirements.

8. ROAD CONSTRUCTION AND ACCEPTANCE. The County shall not accept the maintenance of any road and bridge within the boundaries of BIRKY SS-153 until and unless the road or bridge meets all County road and bridge specifications and all requirements of the Statutes of the State of Wyoming in effect at the time a petition for acceptance is filed with the Park County Board of County Commissioners. The Board of County Commissioners shall have sole authority to determine whether or not to accept maintenance. Nothing shall require the Board of County Commissioners to assume maintenance.

9. IRRIGATION. There is an existing water right for a portion of BIRKY SS-153. Irrigation wastewater drainage will be the responsibility of each lot owner. It shall be the responsibility of each lot owner to properly maintain irrigation facilities across their lot. Lot owners are not allowed to use water out of any ditch or stream without a water right from the State of Wyoming.

10. SEVERABILITY. Invalidation of any of these restrictions or agreements by judgement or court order shall in no way affect any of the other provisions hereof, which shall remain in full force and effect.

AGREEMENT AND APPROVAL:

IN CONSIDERATION OF THE BOARD OF PARK COUNTY COMMISSIONERS' DETERMINATION OF THIS DIVISION OF LAND AS A "SUBDIVISION" AND "SUBDIVIDED LAND" AS NOTED HEREON:

THE UNDERSIGNED HEREBY WAIVE ALL CLAIMS AGAINST PARK COUNTY FOR DAMAGE OR LOSS TO OUR PERSONS AND/OR PROPERTY WHICH MAY BE CAUSED BY SUCH DETERMINATION, AND THE UNDERSIGNED HEREBY AGREE TO HOLD HARMLESS, INDEMNIFY, AND DEFEND PARK COUNTY IN ANY ACTION WHICH MAY ARISE IN CONNECTION WITH ANY AND ALL ERRORS, OMISSIONS, OR MISTAKES IN THIS LAND SURVEY PLAT AND/OR OTHER INFORMATION WHICH THE UNDERSIGNED HAVE SUBMITTED IN CONNECTION WITH THIS REQUEST.

THE UNDERSIGNED HEREBY FURTHER ACKNOWLEDGE AND STATE UNDER OATH THAT THEY ARE THE OWNERS OF THE PROPERTY DESCRIBED HEREON.

THE UNDERSIGNED HEREBY FURTHER AGREE THAT THIS PLAT WHEN RECORDED IN THE OFFICE OF THE PARK COUNTY CLERK AND RECORDER ESTABLISHES VESTED PROPERTY RIGHTS.

THE UNDERSIGNED HEREBY AGREE TO ABIDE BY THE CONDITIONS AND STIPULATIONS CONTAINED HEREIN.

IN WITNESS WHEREOF, WE HAVE CAUSED OUR NAMES TO BE HEREON SUBSCRIBED THIS ______ DAY OF ______ 2008.

Charles Sean Birky — CHARLES SEAN BIRKY
Julie Marie Birky — JULIE MARIE BIRKY

ACKNOWLEDGEMENT:

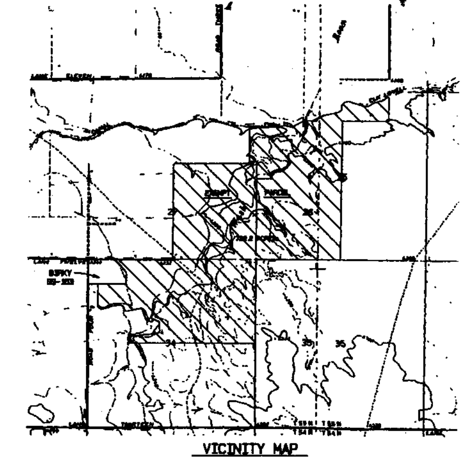
STATE OF WYOMING }
COUNTY OF PARK } SS

THE FOREGOING PLATTING CONDITIONS AND AGREEMENT AND APPROVAL WERE ACKNOWLEDGED BEFORE ME THIS *19* DAY OF *February*, 2008 BY CHARLES SEAN BIRKY AND JULIE MARIE BIRKY.

WITNESS MY HAND AND OFFICIAL SEAL.

Karl L. Richmond
NOTARY PUBLIC

MY COMMISSION EXPIRES *January 8, 2012*



VICINITY MAP

SCALE: 1" = 2000'

CERTIFICATE OF DEDICATION

KNOW ALL PERSONS BY THESE PRESENTS: CHARLES SEAN BIRKY AND JULIE MARIE BIRKY ARE THE OF THAT PORTION OF LAND DESCRIBED IN THE WARRANTY DEEDS RECORDED AS DOCUMENTS NO. 200 2005-5405, 2005-5406 AND 2007-9534 IN THE DEED RECORDS ON FILE IN THE OFFICE OF THE C RECORDER OF PARK COUNTY, WYOMING OF WHICH BIRKY SS-153 IS A PORTION THEREOF AND BIRKY IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A PARCEL OF LAND LOCATED IN THE NORTHWEST ONE-QUARTER NORTHWEST ONE-QUARTER (NW1/4NW1/ SECTION 34, TOWNSHIP 55 NORTH, RANGE 98 WEST OF THE SIXTH PRINCIPAL MERIDIAN, PARK COU WYOMING ACCORDING TO THE GOVERNMENT RESURVEY MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID SECTION 34; THENCE SOUTH 89°49'51" EAST ALONG THE NORTH LINE OF SAID SECTION 34, A DISTANCE OF 844.88 FEET; THENCE SOUTH 41°10'56" EAST, A DISTANCE OF 562.17 FEET; THENCE SOUTH 00°08'38" EAST, A DISTANCE OF 350.50 FEET; THENCE SOUTH 89°52'03" WEST, A DISTANCE OF 887.71 FEET T THE NORTHEAST CORNER OF THAT TRACT OF LAND RETAINED BY FLOYD C. DERRY AND MARY V. DERRY IN THE WARRANTY DEED RECORDED IN BOOK 372 AT PAGE 255 OF THE DEED RECORDS O THE PARK COUNTY CLERK AND RECORDER; THENCE CONTINUING SOUTH 89°52'03" WEST ALONG THE NORTH LINE OF SAID DERRY TRACT, A DISTANCE OF 385.30 FEET TO THE NORTHWEST CORNER OF SAID DERRY TRACT, ALSO BEING ON THE WEST LINE OF SAID SECTION 34; THENC NORTH 00°08'38" WEST ALONG SAID WEST LINE, A DISTANCE OF 778.91 FEET TO THE POIN OF BEGINNING.

IN PARK COUNTY, WYOMING, UNDER THE NAME AND STYLE OF "BIRKY SS-153", HAVE LAID OUT, PL AND SUBDIVIDED SAME AS SHOWN ON THIS PLAT, AND BY THESE PRESENTS DO HEREBY DEDICATE TO COUNTY OF PARK, STATE OF WYOMING FOR THE USE BY THE PUBLIC, THE RIGHTS OF WAY AND OTHE AREAS AS SHOWN HEREON FOR USE AS SUCH AND HEREBY DEDICATE THOSE PORTIONS OF LAND LABEL UTILITY EASEMENTS TO THE COUNTY OF PARK FOR USE BY UTILITY COMPANIES IN THE INSTALLATI MAINTENANCE OF UTILITY LINES AND FACILITIES AND HEREBY DEDICATE TO THE WILLWOOD IRRIGA DISTRICT THE EASEMENT AS SHOWN HEREON ACROSS LOT 2 AS NEEDED TO OPERATE AND MAINTAIN T TILE DRAIN AND HEREBY DEDICATE TO THE OWNERS, HEIRS, SUCCESSORS AND ASSIGNS OF LOT 1 O SS-153 THE 15 FOOT WIDE IRRIGATION WASTEWATER DRAINAGE EASEMENT AS SHOWN HEREON ALONG EASTERLY BOUNDARY OF LOTS 1 AND 2 OF BIRKY SS-153 AND HEREBY DEDICATE TO THE OWNERS, H SUCCESSORS AND ASSIGNS OF LOT 2 OF BIRKY SS-153 THE 15 FOOT WIDE IRRIGATION EASEMENT A HEREON ACROSS THE WESTERLY PORTION OF LOT 1 OF BIRKY SS-153 AND THE 15 FOOT WIDE IRRIG WASTEWATER DRAINAGE EASEMENT AS SHOWN HEREON ALONG THE EASTERLY BOUNDARY OF LOT 2 OF B SS-153 AND HEREBY DEDICATE TO THE OWNERS, HEIRS, SUCCESSORS AND ASSIGNS OF THE EXEMPT THE 15 FOOT WIDE IRRIGATION EASEMENTS AS SHOWN HEREON ACROSS THE NORTHERLY AND WESTER PORTIONS OF LOT 1 OF BIRKY SS-153 AND ACROSS THE WESTERLY AND SOUTHERLY PORTIONS OF LO BIRKY SS-153 AND HEREBY DEDICATE TO DOWNSTREAM IRRIGATION WATER USERS THE 15 FOOT WIDE IRRIGATION EASEMENT AS SHOWN HEREON ACROSS THE WESTERLY PORTION OF LOTS 1 AND 2 OF BIR

IT IS UNDERSTOOD THAT DEDICATION OF RIGHTS-OF-WAY FOR STREETS AND ROADS DOES NOT NECES RESULT IN THE ESTABLISHMENT OF COUNTY ROADS OR ACCEPTANCE OF ROADS CONSTRUCTED THEREIN MAINTENANCE BY THE COUNTY OF PARK.

THE ABOVE SUBDIVISION AS APPEARS ON THIS PLAT, IS WITH THE FREE CONSENT, AND IN ACCORD WITH THE DESIRES OF THE UNDERSIGNED OWNERS AND PROPRIETORS.

IN WITNESS WHEREOF, THE SAID OWNERS, CHARLES SEAN BIRKY AND JULIE MARIE BIRKY HAVE CAU THEIR NAMES TO BE HEREON SUBSCRIBED THIS *19* DAY OF *February* 2008.

Charles Sean Birky — CHARLES SEAN BIRKY
Julie Marie Birky — JULIE MARIE BIRKY

ACKNOWLEDGEMENT:

STATE OF WYOMING }
COUNTY OF PARK } SS

THE FOREGOING CERTIFICATE OF DEDICATION WAS ACKNOWLEDGED BEFORE ME THIS *19th* DAY *February* 2008 BY CHARLES SEAN BIRKY AND JULIE MARIE BIRKY.

WITNESS MY HAND AND OFFICIAL SEAL.

Karl L. Richmond
NOTARY PUBLIC

MY COMMISSION EXPIRES *January 8, 2012*

BIRKY SS-153

ENCOMPASSING 19.83 ACRES±

GRAPHIC SCALE 1"=100'
0 100 200 300

LEGEND

5/8" REBAR WITH 2" ALUM. CAP SET	○
REBAR WITH ALUM. CAP FOUND	●
3/4" IRON PIPE FOUND	⊘
1 1/2" IRON PIPE FOUND	⊖
NAIL FOUND	▼
INDICATES A BREAK IN THE LINE	√
IRRIGATION HEADGATE	⊕
RECORD DIMENSIONS SHOWN THUS ( )	
G.L.O. RECORD DIMENSIONS SHOWN THUS [ ]	

NOTES

1. BEARINGS ARE TRUE NORTH BASED ON GLOBAL POSITIONING SYSTEM OBSERVATIONS.

2. THIS PROPERTY IS IN AN AREA OF HISTORIC AGRICULTURAL USE AND IS LOCATED IN AN AGRICULTURAL OVERLAY DISTRICT AS DEFINED BY THE PARK COUNTY ZONING RESOLUTION. THIS USE IS PRESERVED BY THE WYOMING RIGHT TO FARM AND RANCH ACT OF 1991 (W.S. 11-44-101). HISTORIC AGRICULTURAL USE MAY CAUSE NOISE, ODORS, DUST, FLIES, HIGH GROUNDWATER AND OTHER FACTORS INCLUDING POSSIBLE FLOODING OF BASEMENTS THAT ARE CONSEQUENCES OF ACCEPTED AGRICULTURAL PRACTICES.

3. THE GROSS AREAS OF LOTS 1 AND 2 INCLUDE THE RIGHT OF WAY OF PARK COUNTY LANE 12 AND PARK COUNTY ROAD 4.

4. THE NET AREAS OF LOTS 1 AND 2 EXCLUDE THE RIGHT OF WAY OF PARK COUNTY LANE 12 AND PARK COUNTY ROAD 4.

5. THE LOCATION OF THE BURIED TILE DRAIN ACROSS LOT 2 IS APPROXIMATE AND WAS PLOTTED USING COORDINATES PROVIDED BY THE WILLWOOD IRRIGATION DISTRICT.

EASEMENTS OF RECORD

① RIGHTS OF WAY FOR CANALS AND DITCHES RESERVED IN PATENT FROM THE UNITED STATES OF AMERICA RECORDED MAY 20, 1936 IN BOOK 40 AT PAGE 392. (UNABLE TO PLOT)

② RIGHT OF WAY FOR PARK COUNTY ROAD 4 AND LANE 12 ESTABLISHED BY THE PARK COUNTY COMMISSIONERS ON OCTOBER 6 AND 7, 1914 (SEE COMMISSIONERS' RECORD BOOK 1 AT PAGES 242 AND 244) AND JANUARY 7, 1931 (SEE COMMISSIONERS' RECORD BOOK 3 AT PAGE 167).

③ EASEMENT, INCLUDING THE TERMS, COVENANTS AND PROVISIONS AS MAY BE CONTAINED THEREIN, AS GRANTED/RESERVED BY INSTRUMENT RECORDED FEBRUARY 1, 1973 IN BOOK 372 AT PAGE 255, 20 FEET WIDE.

④ EASEMENT, INCLUDING THE TERMS, COVENANTS AND PROVISIONS AS MAY BE CONTAINED THEREIN, AS GRANTED BY INSTRUMENT TO PACIFIC POWER & LIGHT COMPANY RECORDED MAY 10, 1978 IN MICROFILM BOOK 29 AT PAGE 15, 25 FEET WIDE. (UNABLE TO PLOT)

SURVEYOR'S CERTIFICATE

I, STEVEN D. FOLLWEILER, BEING A REGISTERED LAND SURVEYOR IN THE STATE OF WYOMING, DO HEREBY CERTIFY THAT THIS PLAT AND SURVEY OF BIRKY SS-153 WAS MADE BY ME AND UNDER MY SUPERVISION AND THAT BOTH ARE ACCURATE TO THE BEST OF MY KNOWLEDGE AND IN COMPLIANCE WITH ALL STATE AND COUNTY STATUTORY PROVISIONS AND REGULATIONS.

DATED THIS *18TH* DAY OF *FEBRUARY* 2008

Steven D. Follweiler
HOLM, BLOUGH AND COMPANY
BY: STEVEN D. FOLLWEILER (AGENT)
WYOMING REGISTRATION NO. 3154 LS

Professional Land Surveyor — Steven D. Follweiler — 3154 — Date: *2/18/08* — Wyoming

PLANNING COMMISSION RECOMMENDATION

THE PARK COUNTY PLANNING AND ZONING COMMISSION RECEIVED NO OBJECTIONS OR HEARD ALL OBJECTIONS TO THE PROPOSED SUBDIVISION AND HEREBY RECOMMENDS THIS PLAT FOR APPROVAL.

Alan L. Liggins
CHAIRMAN

ATTEST: *Andrea Mahoney*
PARK COUNTY PLANNING AND ZONING COMMISSION SECRETARY

DATE: *2/19/08*

BOARD OF COUNTY COMMISSIONERS APPROVAL AND SUBDIVISION PERMIT

THIS PLAT IS HEREBY APPROVED AND THE SUBDIVISION PERMIT GRANTED BY THE BOARD OF COUNTY COMMISSIONERS OF PARK COUNTY, WYOMING, THIS *19* DAY OF *February*, 2008.

Tim A. French
CHAIRMAN

ATTEST: *Kelly Jensen*
PARK COUNTY CLERK

DATE: *2/19/08*

RECORDER'S ACCEPTANCE

THIS PLAT WAS ACCEPTED FOR FILING IN THE OFFICE OF THE PARK COUNTY CLERK AND RECORDER ON THIS *20th* DAY OF *February*, 2008, AND FILED FOR RECORD AT *1:04 P*.M. UNDER DOCUMENT NUMBER *2008-1302* IN PLAT CABINET *J* AT PAGE *78*.

KELLY JENSEN
PARK COUNTY CLERK AND RECORDER

Wendi K. Reiker
BY: DEPUTY COUNTY CLERK

PLAT SHOWING

BIRKY SS-153

IN THE NW1/4NW1/4 OF SECTION 34
T. 55 N., R. 98 W., 6TH P.M.
PARK COUNTY, WYOMING (RESURVEY)

HOLM, BLOUGH AND COMPANY
Consulting Engineers & Land Surveyors
1402 Stampede Ave.
Cody, Wyoming 82414

FEBRUARY, 2008

BOOK 483
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