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**MTE**

ORDER # M-24426  
Montana Title & Escrow  
1925 N. 22<sup>nd</sup> Av., Ste. 102  
Bozeman, MT 59718

**2634711**

Page 1 of 12 12/26/2018 09:37:08 AM Fee: \$84.00  
Charlotte Mills - Gallatin County, MT MISC

**SECOND AMENDMENT TO THE DECLARATION  
FOR THE  
SR BLOCK 3 CONDOMINIUMS**

**CERTIFICATE OF FLOOR PLAN**

The undersigned, being a duly registered professional architect in the State of Montana, herewith certifies the following:

That the floor plan and site plan for 544 Enterprise Drive of SR BLOCK 3 CONDOMINIUMS, are situated according to the official plat thereof on file and of record in the office of the County Clerk and Recorder of Gallatin County, Montana, as duly filed with this Second Amendment to the Declaration hereof, fully and accurately depict the layout, location, unit designation and dimensions of SR BLOCK 3 CONDOMINIUMS, and that such floor plan and site plan are accurate copies of the plans filed with and approved by the officials and officers of Gallatin County, having jurisdiction to issue land use permits.

The floor plan accurately depicting the layout, location, unit designation and dimensions of each unit as-built, shall be recorded by the Declarant within thirty (30) days from the date of completion of the building or from the date of occupancy of the building, whichever first occurs.

DATED this 20<sup>th</sup> day of December, 2018.

A. Lindqvist  
REGISTERED PROFESSIONAL ARCHITECT  
Number: MT-3224  
Anna Lindqvist

# BOZEMAN<sup>MT</sup>

Community Development

## CONDOMINIUM REVIEW DECISION

### APPLICATION

Date: November 15, 2018

File Number: 18486

Original Project File  
Number, If applicable: 17072

Condominium Name: SR Block 3 Condominiums

Legal Description: Phase 1 of Site Plan Application 17072 which includes 21 units located in 6 buildings addressed as 540, 542, 544, 546, 548 and 550 located in Lot 1A of the amended plat of Block 3 of Meadow Creek Subdivision Phase 1, City of Bozeman, Gallatin County, Montana

### STATUTE

Senate Bill 527 amending §76-3-203, M.C.A. was signed into law on April 17, 2007. This bill revised the exemption for the creation of new condominiums from the Subdivision and Platting Act. The amendment had an immediate effective date. The text of the amended section is now as follows:

**Section 1.** Section 76-3-203, M.C.A., is amended to read:

**"76-3-203. Exemption for certain condominiums.** Condominiums constructed on land subdivided in compliance with parts 5 and 6 of this chapter or on lots within incorporated cities and towns are exempt from the provisions of this chapter if:

- (1) the approval of the original subdivision of land expressly contemplated the construction of the condominiums and any applicable park dedication requirements in 76-3-621 are complied with; or
- (2) the condominium proposal is in conformance with applicable local zoning regulations when local zoning regulations are in effect."

### FINDINGS

Pursuant to the above statute, the Department of Community Development has determined that the condominium development noted above:

- Does not require subdivision review and has satisfied the exemption criteria.
- Has completed review as a subdivision.

### DIRECTOR SIGNATURE

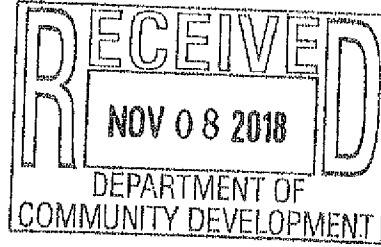


Martin Matsen, AICP, Director, City of Bozeman Department of Community Development

### CONTACT US

Alfred M. Stiff Professional Building  
20 East Olive Street 59715 (FED EX and UPS Only)  
PO Box 1230  
Bozeman, MT 59771

phone 406-582-2260  
fax 406-582-2263  
planning@bozeman.net  
www.bozeman.net



November 8, 2018

Matt Cotterman  
Caddis Engineering & Land Surveying  
PO Box 11805  
Bozeman MT 59719

RE: Amended Plat of Block 3 Meadows Creek Subdivision  
Phase 1 (SR Block 3 Conominiums)  
Municipal Facilities Exclusion  
EQ# 19-1452  
City of Bozeman  
Gallatin County

Dear Sirs;

This is to certify that the information and fees received by the Department of Environmental Quality relating to this subdivision are in compliance with 76-4-127, MCA. Under 76-4-125(2)(d), MCA, this subdivision is not subject to review, and the plat can be filed with the county clerk and recorder.

Plans and specifications must be submitted when extensions of municipal facilities for the supply of water or disposal of sewage are proposed 76-4-131. Construction of water or sewer extensions prior to DEQ, Public Water Supply Section's approval is prohibited, and is subject to penalty as prescribed in Title 75, Chapter 6 and Title 76, Chapter 4.

Sincerely,

Rachel Clark  
Department of Environmental Quality  
Engineering Bureau  
Public Water & Subdivision Review  
(406) 444-6722  
email [relark@mt.gov](mailto:relark@mt.gov)

cc: City Engineer  
County Sanitarian  
Owner  
file

**SECOND AMENDMENT TO THE DECLARATION FOR  
THE  
SR BLOCK 3 CONDOMINIUMS**

By this Second Amendment to the Declaration for SR BLOCK 3 CONDOMINIUMS made this ~~13<sup>th</sup>~~ day of December, 2018, SOUTH ROWS INVESTORS, LLC, the undersigned, supplements the prior Declaration for the SR BLOCK 3 CONDOMINIUMS filed on November 16, 2018 as Document No. 2631925, and the First Amendment to the Declaration for the SR BLOCK 3 CONDOMINIUMS filed on November 27, 2018 as Document No. 2632585, both in the office of the County Clerk and Recorder of Gallatin County, Montana. This Second Amendment is made pursuant to Articles VII and VIII and other appropriate provisions of said Declaration, and as 100% of the owners of the declared units, the following amendments are declared and approved as appropriate:

1. The second paragraph of Article II., Real Estate, subparagraph Description shall be amended as follows:

The condominium units in SR BLOCK 3 CONDOMINIUMS consist of six (6) buildings listed as 540 Enterprise Drive, Units 1 and 2 (Phase 1), 542 Enterprise Drive, Units 3, 4, 5, and 6 (Phase 2), 546 Enterprise Drive, Units 12, 13, 14, and 15 (Phase 3), 544 Enterprise Drive, Units 7, 8, 9, 10, and 11 (Phase 4), 548 Enterprise Drive, Units 16 and 17 (Phase 6), and 550 Enterprise Drive, Units 18, 19, 20, and 21 (Phase 5). Under the expansion provision in Article IV, it is contemplated that the condominium units in SR BLOCK 3 CONDOMINIUMS shall eventually consist of a total of up to seventeen (17) separate buildings or phases, which buildings or phases will contain a total of up to fifty-seven (57) separate units. The provisions of this Declaration and the Bylaws shall be construed to be covenants running with the land, and shall include every unit and shall be binding upon the Unit owners, their heirs, successors, personal representatives and assigns for as long as this SR BLOCK 3 CONDOMINIUMS' Declaration and Bylaws are in effect.

2. In Article IV., Ownership and Voting – Exhibits – Use, subparagraph Percentage of Interest, the percentage of interest in general common elements shall be amended as follows:

UNIT	SQUARE FOOTAGE	PERCENTAGE OF INTEREST IN GENERAL COMMON ELEMENTS
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**Phase 1**

540 Enterprise Drive – Unit 1	1958	5.040805293%
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540 Enterprise Drive – Unit 2	1958	5.040805293%
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**Phase 2**

542 Enterprise Drive – Unit 3	1942	4.999613830%
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542 Enterprise Drive – Unit 4	1616	4.160337769%
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542 Enterprise Drive – Unit 5	1616	4.160337769%
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542 Enterprise Drive – Unit 6	1942	4.999613830%
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**Phase 3**

546 Enterprise Drive – Unit 12	1954	5.030507427%
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546 Enterprise Drive – Unit 13	1932	4.973869165%
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546 Enterprise Drive – Unit 14	1932	4.973869165%
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546 Enterprise Drive – Unit 15	1941	4.997039363%
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**Phase 4**

544 Enterprise Drive – Unit 7	1954	5.030507427%
544 Enterprise Drive – Unit 8	1933	4.976443632%
544 Enterprise Drive – Unit 9	1933	4.976443632%
544 Enterprise Drive – Unit 10	1933	4.976443632%
544 Enterprise Drive – Unit 11	1939	4.991890438%

**Phase 6**

548 Enterprise Drive – Unit 16	1629	4.193805833%
548 Enterprise Drive – Unit 17	1615	4.157763304%

**Phase 5**

550 Enterprise Drive – Unit 18	1942	4.99961383%
550 Enterprise Drive – Unit 19	1616	4.160337769%
550 Enterprise Drive – Unit 20	1616	4.160337769%
550 Enterprise Drive – Unit 21	<u>1942</u>	<u>4.99961383%</u>

**TOTALS**                      **38,843**                      **100%\***

\* subject to the expansion provision below.

4. In Article IV., Ownership and Voting – Exhibits – Use, subparagraph Voting Interest shall be amended as follows:

For the purposes of this Declaration, the voting interest of the Unit Owner or Owners in all matters concerning the Association shall be equal to the other units in accordance with the Bylaws of the Association. For the present, each of the twenty-one (21) units shall have one vote per unit, for a total of twenty-one (21) votes, unless the Montana Unit Ownership Act demands differently.

5. In Article IV., Ownership and Voting – Exhibits – Use, subparagraph Floor Plans and Exhibits, the first paragraph shall be amended as follows:

SR BLOCK 3 CONDOMINIUMS presently consist of six (6) buildings or phases, and twenty-one (21) separate, residential dwelling units. For identification and descriptive purposes, the following exhibits are attached and by reference hereto incorporated into and made a part of this Declaration:

**Exhibit B:** showing the site plan for Phase 1, 540 Enterprise Drive, Units 1 and 2, Phase 2, 542 Enterprise Drive, Units 3, 4, 5, and 6, Phase 3, 546 Enterprise Drive, Units 12, 13, 14, and 15, Phase 4, 544 Enterprise Drive, Units 7, 8, 9, 10, and 11, Phase 6, 548 Enterprise Drive, Units 16 and 17, and Phase 5, 550 Enterprise Drive, Units 18, 19, 20, and 21, of SR BLOCK 3 CONDOMINIUMS and the location of the buildings containing SR BLOCK 3 CONDOMINIUMS' Units on the Property.

**Exhibit C:** showing the floor plans for 544 Enterprise Drive, Units 7, 8, 9, 10, and 11 of SR BLOCK 3 CONDOMINIUMS, the area of each, and the dimensions and elevations for each Unit.

6. In Article IV., Ownership and Voting – Exhibits – Use, subparagraph Use, under numbered paragraph 3., the following sentence shall be removed: "Interior window coverings that are visible from outside the Building shall be colored white and without pattern." The remainder of numbered paragraph 3., of subparagraph Use, shall remain the same.

7. In Article IV., Ownership and Voting – Exhibits – Use, subparagraph Use, under numbered paragraph 11., the following sentence shall be removed: "Garbage shall be regularly taken by residents to the garbage container area and disposed of properly." The remainder of numbered paragraph 11., of subparagraph Use, shall remain the same.

8. In Article IV., Ownership and Voting – Exhibits – Use, subparagraph Use, under numbered paragraph 12., that paragraph shall be amended as follows:

12. Wood burning stoves, fireplaces, barbecues and similar devices are prohibited in the Units, including on attached balconies provided, however,



gas or propane barbecue grills may be used on the patios attached to the ground-level and the second-level balconies of the Unit. No charcoal or any other type of combustible fuel per the Bozeman City Fire Marshall may be used in any Unit.

9. Except as amended and clarified as set forth above, the Declaration for the SR BLOCK 3 CONDOMINIUMS shall be in full force and effect.

IN WITNESS WHEREOF, the undersigned has caused this Second Amendment to the Declaration to be made and executed according to and under the provisions of the Unit Ownership Act, Title 70, Section 23, M.C.A., and the Declaration for the SR BLOCK 3 CONDOMINIUMS.

DECLARANT:

SOUTH ROWS INVESTORS, LLC

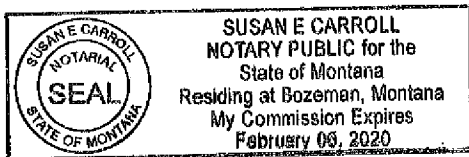
By: Cadius Partners Limited, Managing Member


By:   
\_\_\_\_\_  
Gregory J. Allen, President

STATE OF MONTANA     )  
  : ss.  
County of Gallatin     )

On this 13th day of December, 2018, before me, a Notary Public in and for the State of Montana, personally appeared Gregory J. Allen, known to me to be the President of Cadius Partners Limited, Managing Member of SOUTH ROWS INVESTORS, LLC, the Declarant, and acknowledged to me that he executed the same on behalf of the LLC.

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

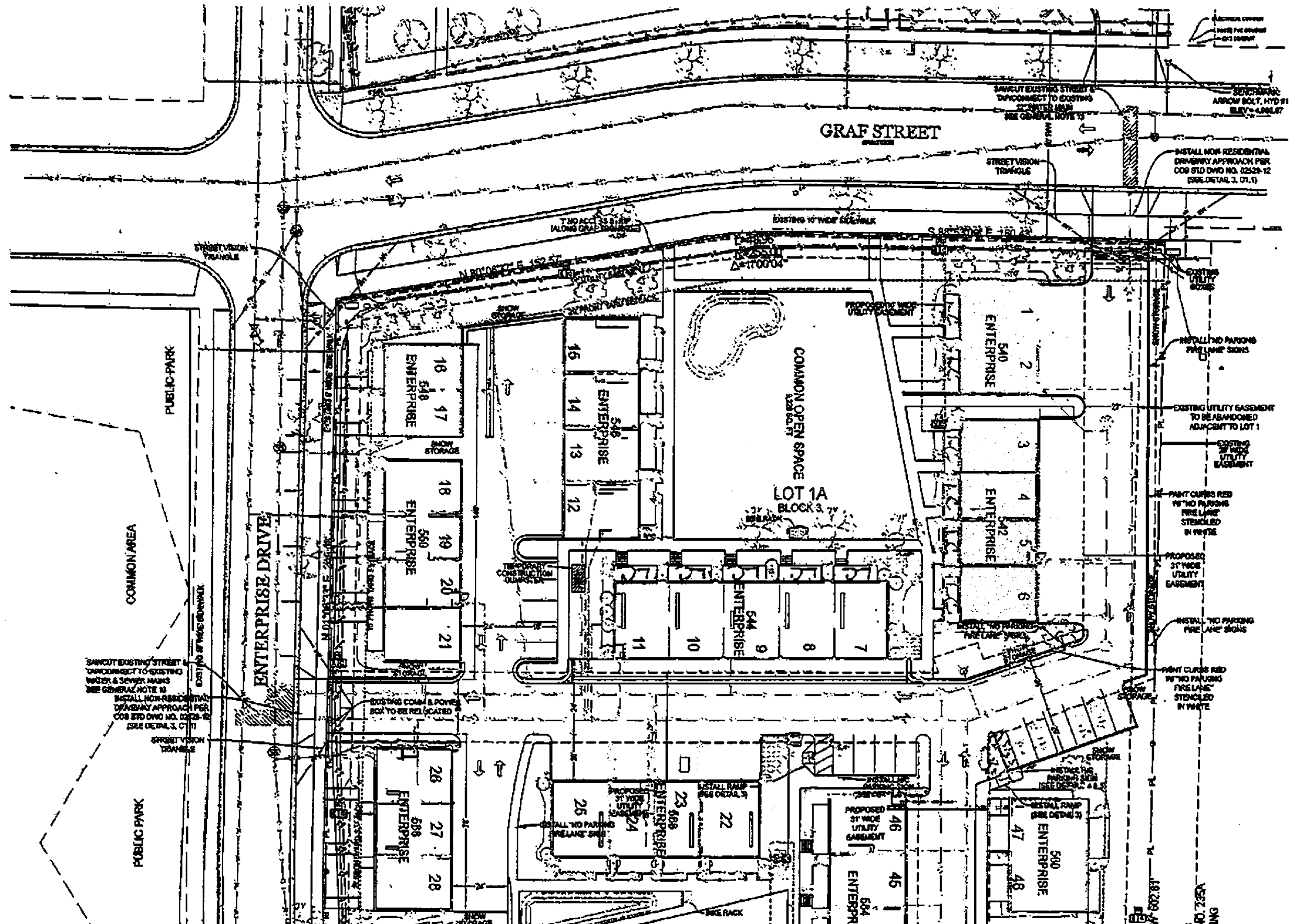
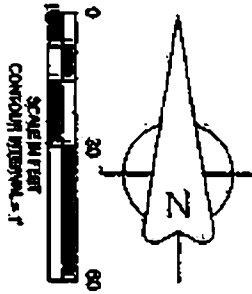


  
\_\_\_\_\_  
Notary Public for the State of Montana  
Printed Name: Susan E. Carroll

**EXHIBIT A**

**Legal Description**

Lot 1A of the amended plat of Block 3 of Meadow Creek Subdivision Phase 1, City of Bozeman, Gallatin County, Montana, according to the official plat thereof on file and of record in the office of the County Clerk and Recorder of Gallatin County, Montana (Plat Reference: J-453-E).



SANICUT EXISTING STREET & RECONNECT TO EXISTING WATER & SEWER MAINS SEE GENERAL NOTE 13  
 INSTALL NON-RESIDENTIAL DRAINWAY APPROACH PER COS STD DWD NO. 0252-12 (SEE DETAIL 3, CT.1)

INSTALL NON-RESIDENTIAL DRAINWAY APPROACH PER COS STD DWD NO. 0252-12 (SEE DETAIL 3, CT.1)

INSTALL NO PARKING FIRE LANE SIGNS

EXISTING UTILITY BASEMENT TO BE ABANDONED ADJACENT TO LOT 1

EXISTING 24" UTILITY BASEMENT

PAINT CURBS RED W/NO PARKING FIRE LANE STENCILED IN WHITE

PROPOSED 31" UTILITY BASEMENT

INSTALL NO PARKING FIRE LANE SIGNS

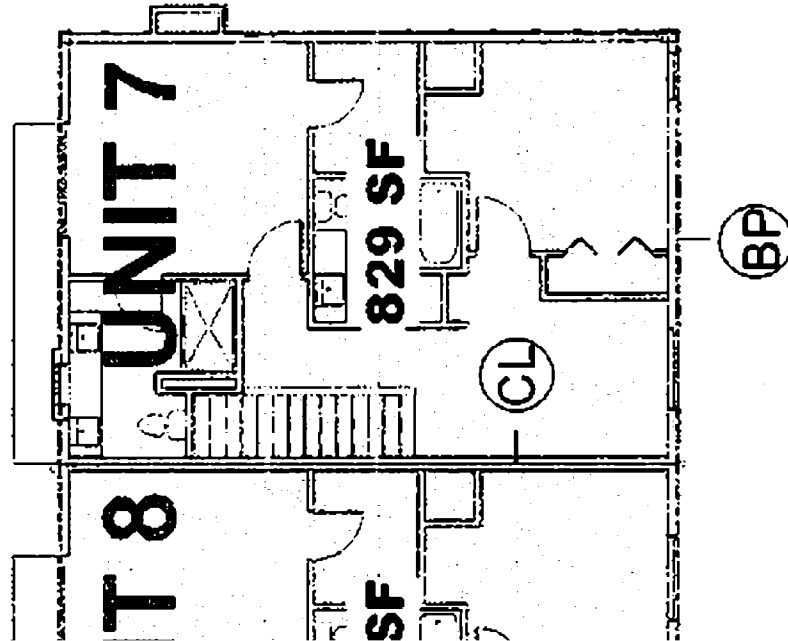
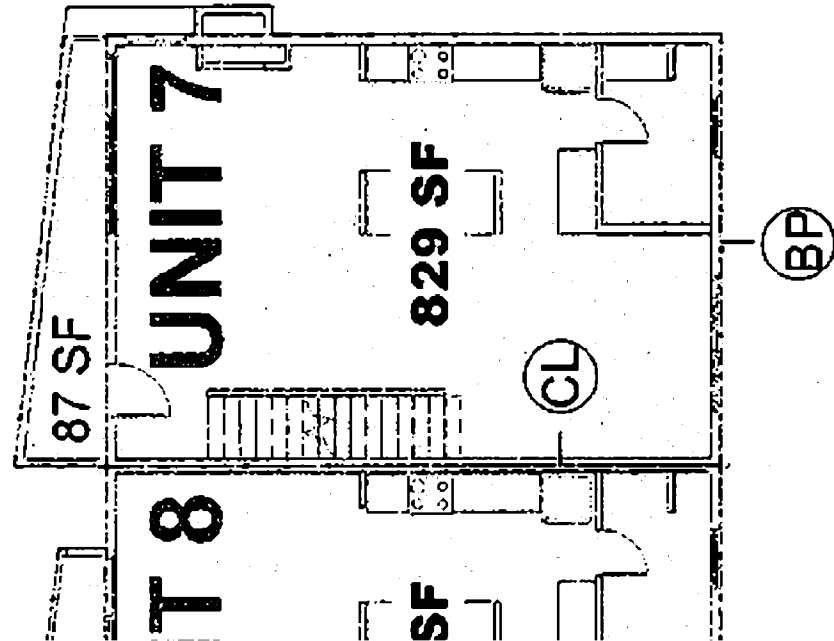
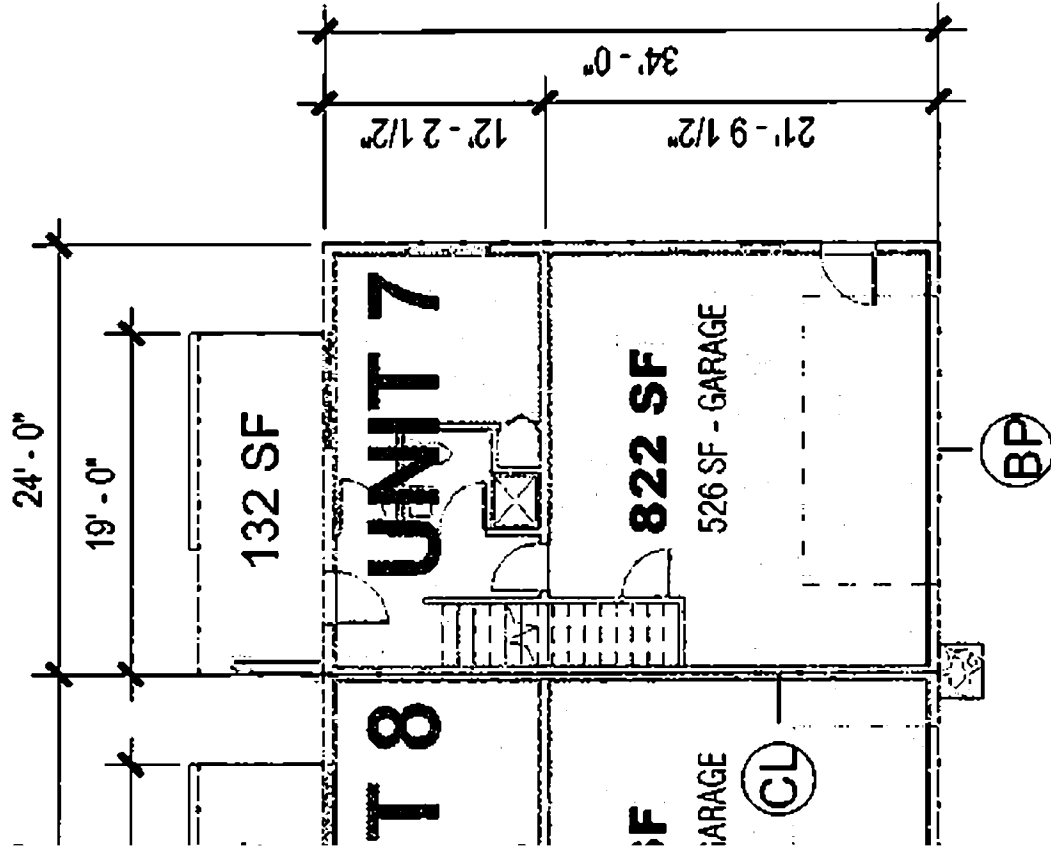
PAINT CURBS RED W/NO PARKING FIRE LANE STENCILED IN WHITE

INSTALL NO PARKING FIRE LANE SIGNS

INSTALL NO PARKING FIRE LANE SIGNS

INSTALL NO PARKING FIRE LANE SIGNS

INSTALL NO PARKING FIRE LANE SIGNS



**UNIT 7:**  
GROSS AREA = 2,480 SF  
GARAGE AREA = 526 SF  
GROSS LIVING AREA = 1,954 SF  
LIMITED COMMON AREA = 219 SF

**UNIT 8:**  
GROSS AREA = 2,458 SF  
GARAGE AREA = 525 SF  
GROSS LIVING AREA = 1,933 SF  
LIMITED COMMON AREA = 202 SF

**UNIT 9:**  
GROSS AREA = 2,458 SF  
GARAGE AREA = 525 SF  
GROSS LIVING AREA = 1,933 SF  
LIMITED COMMON AREA = 202 SF

**UNIT 10:**  
GROSS AREA = 2,458 SF  
GARAGE AREA = 525 SF  
GROSS LIVING AREA = 1,933 SF  
LIMITED COMMON AREA = 202 SF

**UNIT 11:**  
GROSS AREA = 2,437 SF  
GARAGE AREA = 498 SF  
GROSS LIVING AREA = 1,939 SF  
LIMITED COMMON AREA = 202 SF

UNIT GROSS AREA

LIMITED COMMON AREA

BUILDING FIRE RISER ROOM

CL CENTERLINE

BP BUILDING PERIMETER

*EX.C*

**mosaic**  
architecture | planning | design

428 N. Last Chance Gulch ph. 406-449-2013  
Helena, MT 59601 fax 406-449-2036