



**2672117**

Page: 1 of 16 02/04/2020 01:47:29 PM Fee: \$122.00  
Eric Semerad - Gallatin County, MT MISC



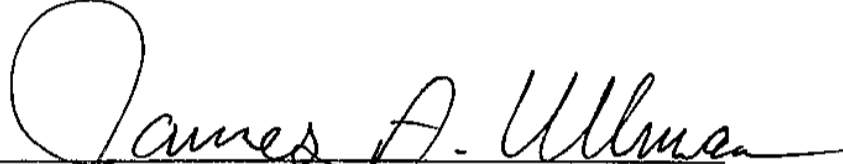
**SIXTH AMENDMENT TO THE DECLARATION  
FOR  
THE LINKS CONDOMINIUMS  
A RESIDENTIAL DEVELOPMENT**

**CERTIFICATE OF FLOOR PLAN**

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

That the floor plans and site plan for 2405A, 2405B, 2407A and 2407B Birdie Drive of THE LINKS 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 Sixth Amendment to the Declaration hereof, fully and accurately depict the layout, location, unit designation and dimensions as built of THE LINKS CONDOMINIUMS, and that such floor plans and site plan are accurate copies of the plans filed with and approved by the officials and officers of the City of Bozeman, having jurisdiction to issue land use permits.

DATED this 10th day of January, 2020.

  
REGISTERED PROFESSIONAL ENGINEER  
Number: MT 10539PE

**SIXTH AMENDMENT TO THE DECLARATION FOR  
THE LINKS CONDOMINIUMS**

By this Sixth Amendment to the Declaration for THE LINKS CONDOMINIUMS made this 30<sup>th</sup> day of January, 2020, THE GOLF COURSE PARTNERS INCORPORATED, a Montana corporation, with address of P.O. Box 1113, Bozeman, Montana 59771, the undersigned Declarant, supplements the prior Declaration for THE LINKS CONDOMINIUMS filed on August 1, 2008 as Document No. 2307174, the Amendment to THE LINKS CONDOMINIUMS filed on July 13, 2009 as Document No. 2336405, the Second Amendment to the Declaration for THE LINKS CONDOMINIUMS filed on September 23, 2009 as Document No. 2342813, the Third Amendment to the Declaration for THE LINKS CONDOMINIUMS filed on March 9, 2017 as Document No. 2574086, the Addendum to the Declaration for THE LINKS CONDOMINIUMS filed on May 21, 2018 as Document No. 2614252, and the Fifth Amendment (there is no Fourth Amendment) to the Declaration for THE LINKS CONDOMINIUMS filed on March 28, 2019 as Document No. 2640994, all in the office of the County Clerk and Recorder of Gallatin County, Montana. This Sixth Amendment is made pursuant to Articles IV and VII and other appropriate provisions of said Declaration, and approval of 100% of the owners of the declared units, the following amendments are declared and approved as appropriate:

Municipal Facilities Exclusion

Declarant certifies that THE LINKS CONDOMINIUMS is excluded from review by the Department of Environmental Quality pursuant to §76-4-125 and §76-3-203, M.C.A.

**76-4-125. Land divisions excluded from review** (1) A subdivision excluded from the provisions of chapter 3 must be submitted for review according to the provisions of this part, except that the following divisions or parcels, unless the exclusions are used to evade the provisions of this part, are not subject to review:

(d) as certified pursuant to 76-4-127(iii) divisions or parcels of land that are exempt from the Montana Subdivision and Platting Act review under 76-3-203.

**76-3-203. Exemption for certain condominiums and townhouses.** Condominiums, townhomes, townhouses, or conversions, as those terms are defined in 70-23-102, 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:

(2) the condominium, townhome, or townhouse proposal is in conformance with applicable local zoning regulations when local zoning regulations are in effect.

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

The condominium units in Phase 1 consist of four (4) separate units numbered 2413A and 2413B Birdie Drive, and 2415A and 2415B Birdie Drive. The condominium units in Phase 2 consist of two (2) separate units numbered 2411 A and 2411 B Birdie Drive. The use of all the units in THE LINKS CONDOMINIUMS shall be for residential purposes only and there shall be no commercial use whatsoever. The condominium units in Phase 3 consist of four (4) separate units numbered 2405A and 2405B Birdie Drive, and 2407A and 2407B Birdie Drive. Phases 1, 2 and 3 are subject to the expansion provisions in Article IV., below. The provisions of this Declaration and 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, personal representatives and assigns for as long as THE LINKS CONDOMINIUMS' Declaration and Bylaws are in effect.

follows2. Article II., Real Estate, subparagraph 4. Buildings, shall be amended as

Buildings: The units comprising THE LINKS CONDOMINIUMS, Phase 1, are contained in two (2) buildings, the units comprising Phase 2 are contained in one (1) building, and the units comprising Phase 3 are contained in two (2) buildings, and are subject to the expansion provisions of Article IV. below.

3. In Article IV., Ownership and Voting – Exhibits – Use, subparagraph 1.

Percentage of Interest, shall be amended as follows:

Percentage of Interest: Each Unit Owner shall be entitled to the exclusive ownership, use and possession of his Unit. Additionally, each Unit Owner shall have his percentage of undivided interest in the general common elements of THE LINKS CONDOMINIUMS. Such percentage represents his ownership interest in the general common elements. The percentage of interest in the general common elements for the respective owners shall be computed by taking the square footage of each Unit at the date of filing this Declaration and dividing it by the then combined square footage of all the units having an interest in the general common elements of THE LINKS CONDOMINIUMS. Such percentage of interest owned by each of the Units in THE LINKS CONDOMINIUMS shall be according to the percentages set forth below:

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

2413A Birdie Drive	1876	10%
2413B Birdie Drive	1876	10%
2415A Birdie Drive	1876	10%
2415B Birdie Drive	1876	10%

**Phase 2**

2411A Birdie Drive	1876	10%
2411B Birdie Drive	1876	10%

**Phase 3**

2405A Birdie Drive	1876	10%
2405B Birdie Drive	1876	10%
2407A Birdie Drive	1876	10%
2407B Birdie Drive	<u>1876</u>	<u>10%</u>

<b>TOTALS</b>	<b>18,760</b>	<b>100%*</b>
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\* subject to the expansion provision below.

4. In Article IV., Ownership and Voting – Exhibits – Use, subparagraph 2. Voting Interest shall be amended as follows:

Voting Interest: For the purposes of this Declaration and the expanded Declaration as set forth below, 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 ten (10) units shall have one vote per unit, for a total of ten (10) votes, unless the Montana Unit Ownership Act demands differently.

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

Floor Plans and Exhibits: THE LINKS CONDOMINIUMS, Phases 1, 2 and 3 presently consist of five (5) buildings, with ten (10) separate, residential dwelling

units. THE LINKS CONDOMINIUMS is planned to be expanded to include a total of eighteen (18) separate, residential dwelling units on the Property, and possibly up to an additional eighteen (18) separate, residential dwelling units on the Additional Property, for a total number of units not to exceed thirty-six (36) 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 A:** showing the site plan of THE LINKS CONDOMINIUMS, the location of the buildings containing THE LINKS CONDOMINIUMS' units on the Property, and the designation for each Unit.


**Exhibit B:** showing the floor plans for the Units of THE LINKS CONDOMINIUMS, the area of each, and the dimensions for each Unit.

6. Except as amended and clarified as set forth above, the Declaration for THE LINKS CONDOMINIUMS shall be in full force and effect.

IN WITNESS WHEREOF, the undersigned has caused this Sixth 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 LINKS CONDOMINIUMS.

DECLARANT:

THE GOLF COURSE PARTNERS  
INCORPORATED

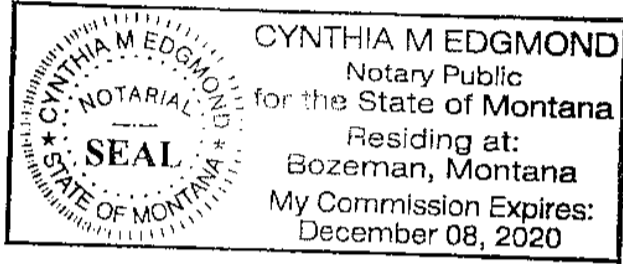
By:   
Its: Corp Sec.

*John R. Schwanke*

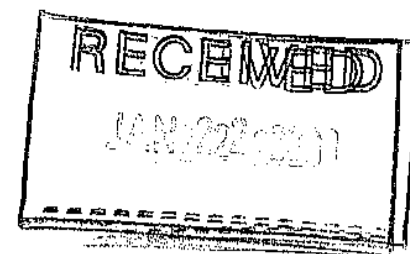
STATE OF MONTANA )  
 : ss.  
County of Gallatin )

On this 30<sup>th</sup> day of January, 2020, before me, a Notary Public in and for the State of Montana, personally appeared John R. Schunke, known to me to be the Corporate Secretary of THE GOLF COURSE PARTNERS INCORPORATED, the Declarant, and acknowledged to me that he executed the same on behalf of the corporation.

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



Cynthia M. Edgmond  
Notary Public for the State of Montana  
Printed Name: Cynthia M. Edgmond



January 16, 2020

Jim Ullman PE  
Morrison Maierle  
PO Box 1113  
Bozeman MT 59771

RE: The Links Condominiums  
Municipal Facilities Exclusion  
EQ# 20-1626  
City of Bozeman  
Gallatin County

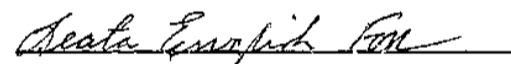
Dear Mr. Ullman;

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(1)(d), MCA, this subdivision is not subject to review, and the Declaration 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.

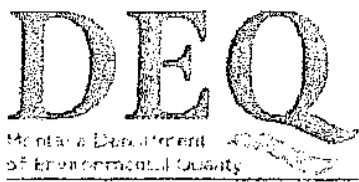
The Links Condominiums Municipal Facilities Exclusion will consist of 1 Lot , 4 Buildings and 4 Units

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





Subdivision Name: Bridger Creek Subdivision, Phase 1 - Links Condominiums units 2405A, 2405B, 2407A & 2407B Number of lots/parcels/units: Four (4) units

Geocode: Geocode:06-0905-31-4-08-01-7000 (this can be found at http://svc.mt.gov/msl/mtcadastral)

Are main extensions necessary to serve the subdivision? [ ] Yes [x] No If yes, have plans for the mains been submitted for review? [ ] Yes [ ] No

How will construction of the facilities be financed? Funded By Golf Course Partners- No bank loan and no mortgage

Owner Information:

Owner(s) Name: Golf Course Partners, Inc Print name of owner (s)

Jack Schunke Digitally signed by Jack Schunke Date: 2019.12.30 10:06:56 -0700 Signature of all owners of record

Address: P.O. Box 3229, Bozeman, Mt. 59772 Street or P.O. Box, City, State, Zip Code

Email: jschunke@m-m.net (Golf Course Partners Corp. Sec.) Phone: 406-922-6789

Engineer Information:

Company and Address: Morrison - Maierie Inc. P.O. Box 1113, Bozeman, Mt. 59771

Email: jullman@m-m.net Phone: 406-922-6825

Eligibility Requirements: All of the following criteria must be met:

- [x] The project must be provided with adequate municipal water and sewer, solid waste disposal and the municipality must review storm water plans.
[x] All the mains necessary to serve the subdivision must be municipally owned, operated and maintained. Privately owned mains or lift stations make the project ineligible for this exemption.
[x] The municipality must be a 1st or 2nd class municipality as described in MCA 7-4-1111 or covered under a growth policy pursuant to Title 76, chapter 1.

The project must be one of the following (check applicable box):

- [ ] A new division subject to review under the Montana Subdivision and Platting Act,
[ ] previously divided parcels recorded with Sanitary Restrictions prior to July 1, 1973 or
[x] divisions or parcels of land that are exempt from Montana Subdivision and Platting Act review under 76-3-203 or 76-3-207 (1) (a), (b), (d), (e), or (f)

Submittal requirements: All of the following items must be submitted:

- [x] This form, signed by the property owner, and the municipalities' representative
[x] Copy of Preliminary Plat, COS, Amended Plat or Unit Declaration. The Plat, COS, Am Plat or Unit Declaration must contain the exemption 76-4-125 (1)(d)(i), (ii) or (iii). If using item (iii), the Plat, COS, Am Plat or Unit Declaration must also contain the appropriate Platting Act exemption.
[x] Vicinity map showing project location.
[ ] Applicable zoning ordinances in effect. [x] On file
[ ] Copy of growth policy, if applicable. [x] On file
[x] \$100 processing fee

Certification: I hereby certify that I am authorized to sign on behalf of the municipality and that:

- 1. the existing water and wastewater systems are in compliance with the provisions of Title 75, chapters 5 and 6,
2. the systems have adequate capacity to meet the needs of the project, and
3. the municipality has or will review plans to ensure adequate storm water drainage and adequate solid waste disposal.

Printed Name: Mitch Reister Signature: [Signature] Date: 12/31/19

Department: Public Works City: Bozeman Phone: 406.582.2273
Send to: MTDEQ - Subdivisions PO Box 200901 Helena MT 59620-0901

BOZEMAN MT

Community Development

**CONDOMINIUM REVIEW DECISION****APPLICATION**

Date: November 25, 2019

File Number: 19465 Original Project File Number, If applicable: 16374

Condominium Name: The Links Condominiums, Sixth Amendment

Legal Description: Lot 57A of the Amended Plat of Lots 56, 57, 58A of Bridger Creek Subdivision, Phase 1 located in the SE 1/4 of Section 31, Township 1 South, Range 6 East, P.M.M., 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**

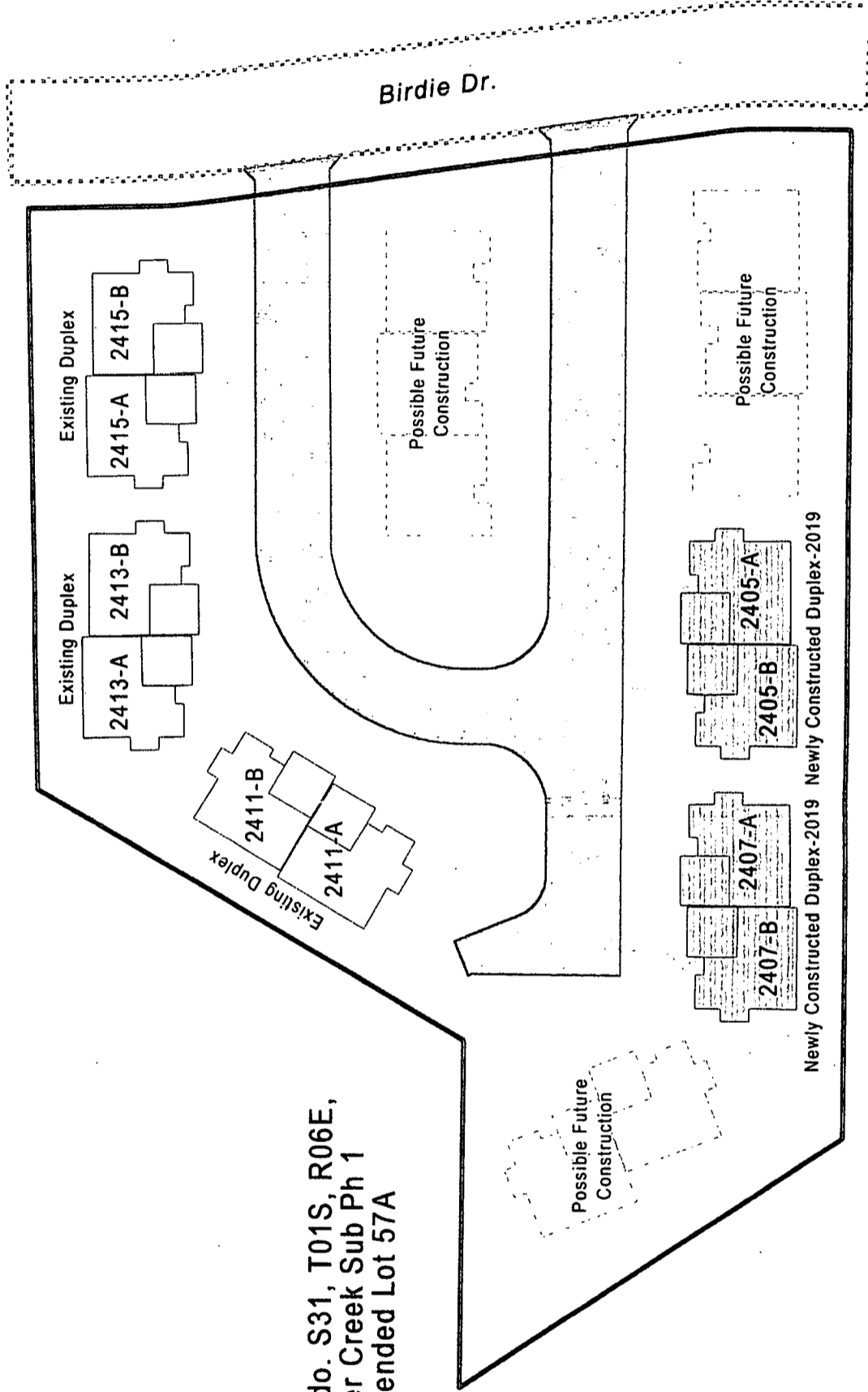
Alfred M. Stiff Professional Building  
20 East Olive Street 59715 (FED EX and UPS Only)  
PO Box 1230  
Bozeman, MT 59771

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

# Ex 'A'

## The Links Condominiums-2405 & 2407 Birdie Drive

### Units A & B



Links Condo. S31, T01S, R06E,  
 Bridger Creek Sub Ph 1  
 Amended Lot 57A

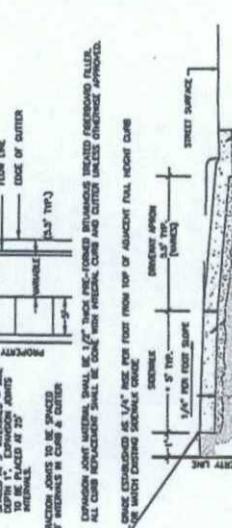
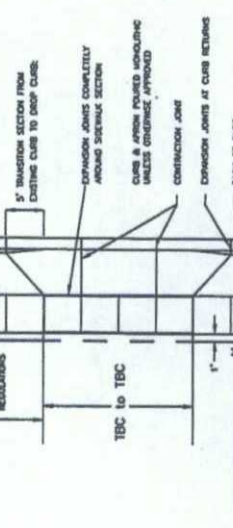
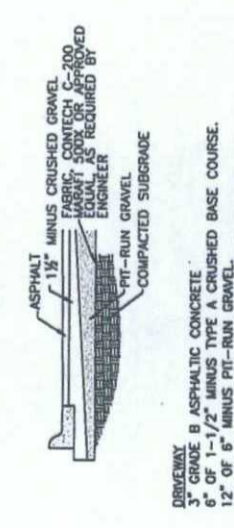
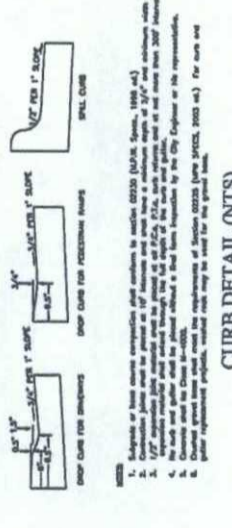
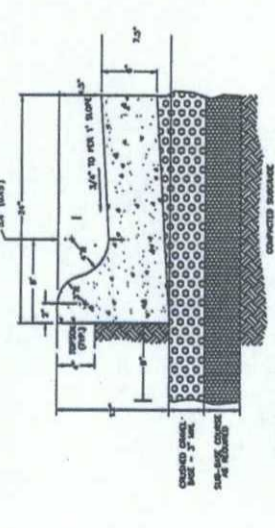
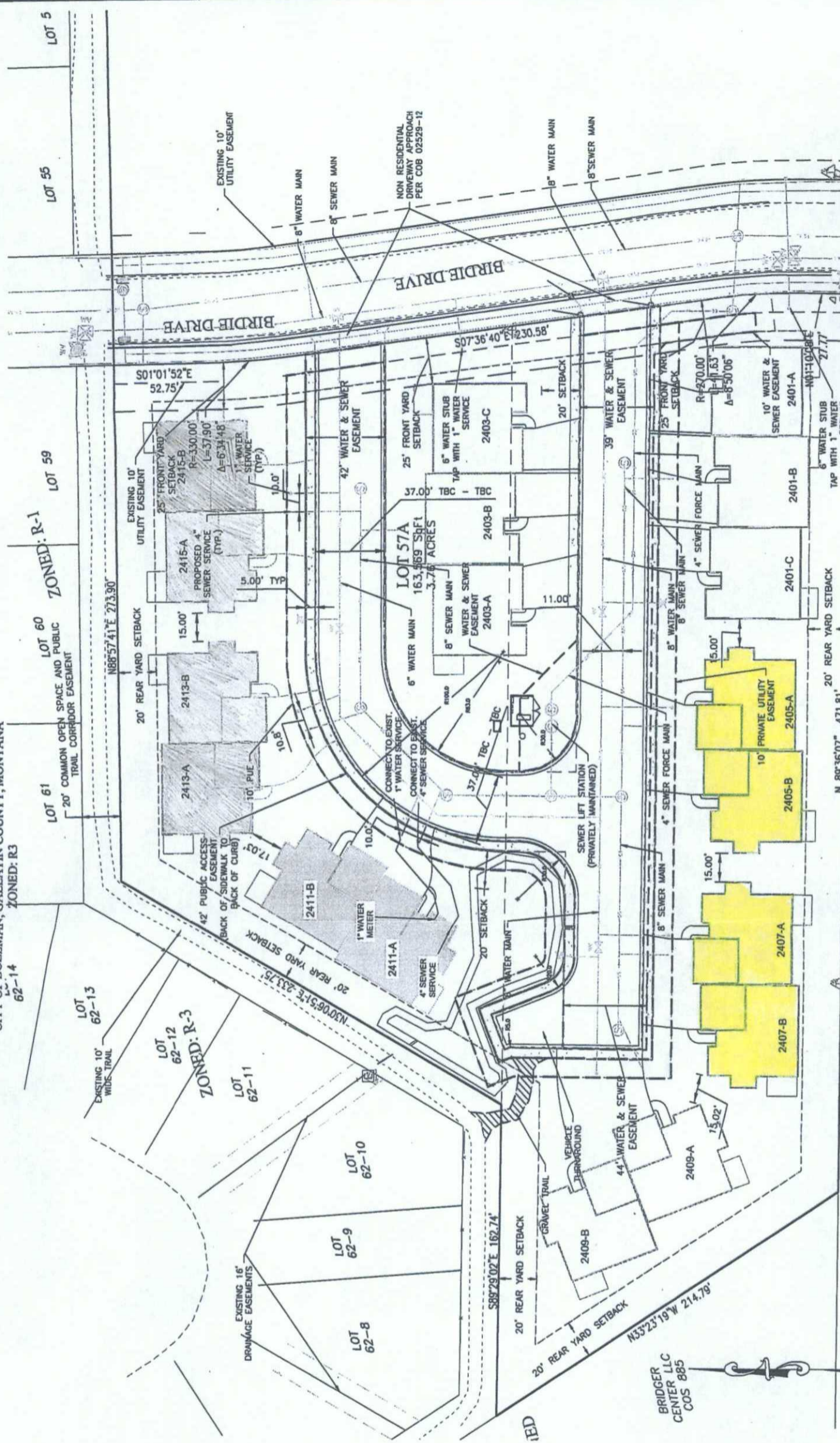
<small>SCALE: AS SHOWN                  SHEET NO. 11 OF 16                  PROJECT NO. 2019-019                  DRAWING NO. EX 'A'</small>	<small>NO. DESCRIPTION DATE BY</small>	<small>PROJECT NUMBER                  2019-019                  SHEET NUMBER                  1                  DRAWING NUMBER                  EX 'A'</small>	<small>PROJECT NUMBER                  2019-019                  SHEET NUMBER                  1                  DRAWING NUMBER                  EX 'A'</small>	<small>THE LINKS CONDOMINIUMS                  2405 AND 2407 BIRDIE DRIVE</small>	<small>BOZEMAN MT</small>
		<small>DRAWN BY: KS                  DESIGNED BY: JU                  APPROVED BY: JU                  DATE: 10/28/19                  O.C. REVIEW BY: JSS                  DATE: 10/28/19</small>		<small>BOZEMAN                  Newly Constructed Duplexes-2019</small>	
		<small>733 Technology Blvd. 100                  Bozeman, MT 59718                  Phone: (406) 491-0721                  Fax: (406) 522-9702                  www.morrisonmaierle.com</small>		<small>engineers · surveyors · planners · scientists</small>	

# The Links Condominiums

## Site Plan - Utility Plan

LOT 57A of THE AMENDED PLAT OF LOTS 56, 57, & 58A of BRIDGER CREEK SUBDIVISION PHASE I, SITUATED IN THE SE1/4 SECTION 31, T1S, R6E, P.M.M., CITY OF BOZEMAN, GALLATIN COUNTY, MONTANA  
 ZONED: R-3

- NOTES:**
1. SITE PLAN (#Z-07158) WAS PREVIOUSLY APPROVED ON 11/16/07.
  2. WATER, SANITARY SEWER, STORM SEWER, CURB, GUTTER, ASPHALT AND SIDEWALK WERE INSTALLED AND ACCEPTED ON 8/8/08.
  3. ALL EXISTING WATER SERVICES ARE 1"
  4. ALL EXISTING SEWER SERVICES ARE 4"



NO.	DESCRIPTION	DATE	BY

**Morrison Maierle**  
 engineers • surveyors • planners • scientists

2880 Technology Blvd West  
 Bozeman, MT 59718  
 Phone: 406.587.0721  
 Fax: 406.922.6702

PROJECT NUMBER: 2008.018  
 SHEET NUMBER: 1  
 DRAWING NUMBER: C-2

THE LINKS CONDOMINIUMS  
 2405 & 2407 BRIDGER DRIVE

MINOR SUB. 202  
 LOT 1  
 FARQUHARSON, INC.

MINOR SUB. 202  
 LOT 2  
 SEOB LLC

BOZEMAN

DATE: 01/20/17  
 BY: XXX  
 DATE: XXX

GRAPHIC SCALE  
 1 inch = 30 ft.

DRIVEWAY APPROACH DETAIL (NTS)  
 PER COB 02529-12

DRIVEWAY SECTION DETAIL (NTS)

CURB DETAIL (NTS)

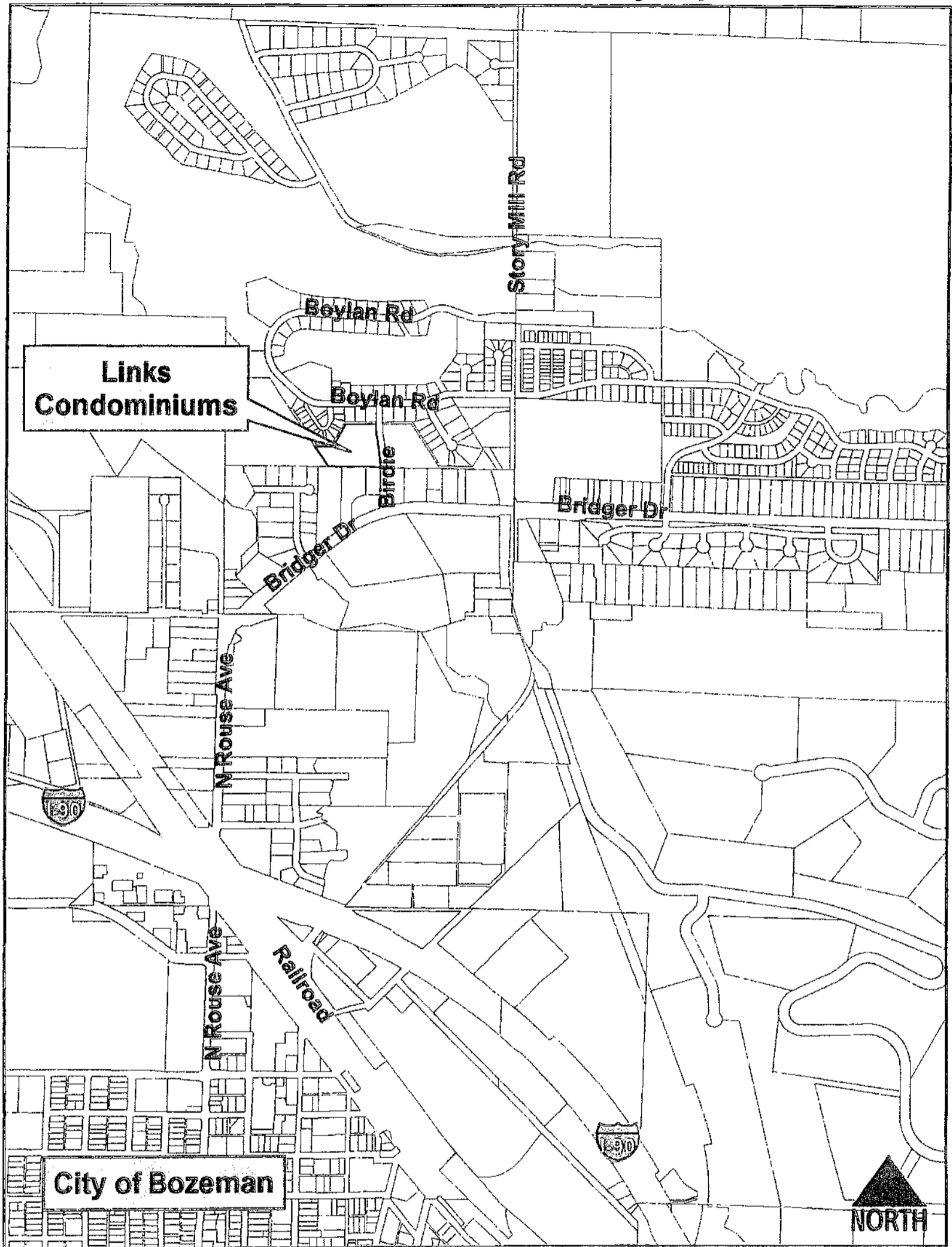
SEWER LIFT STATION DETAIL (NTS)

VEHICLE TURNAROUND DETAIL (NTS)

SEWER LIFT STATION DETAIL (NTS)

SEWER LIFT STATION DETAIL (NTS)

### Links Condominiums Vicinity Map



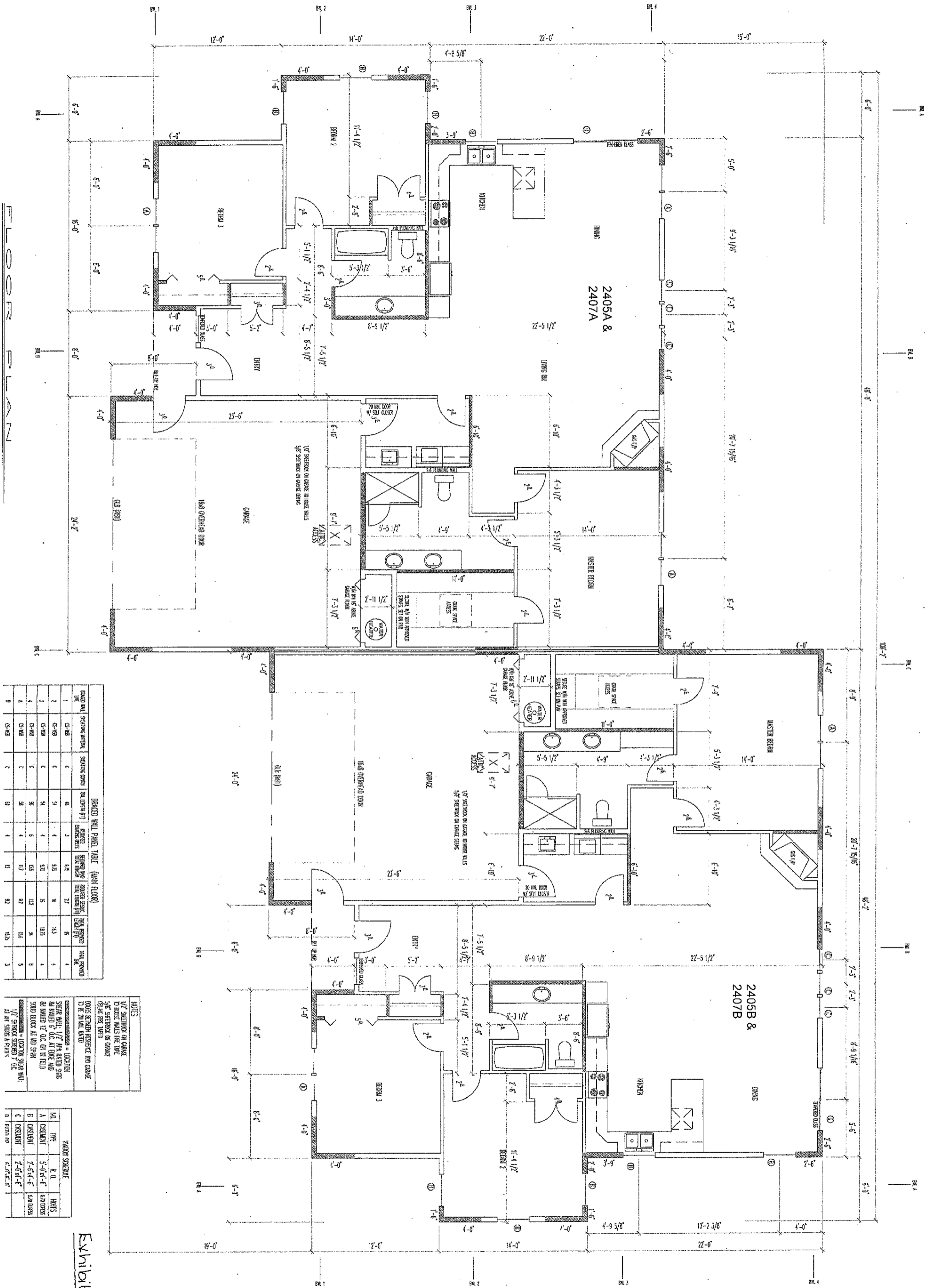
Date: 12/30/2019 Time: 3:10:17 PM

1 in = 0.25 miles

Document Path: N:\0928\Links Condominiums\2019 Permit Vic Map.mxd



MORRISON-MAIERLE INC  
2880 Technology Blvd W  
Bozeman, MT 59718  
P: 406-587-0721

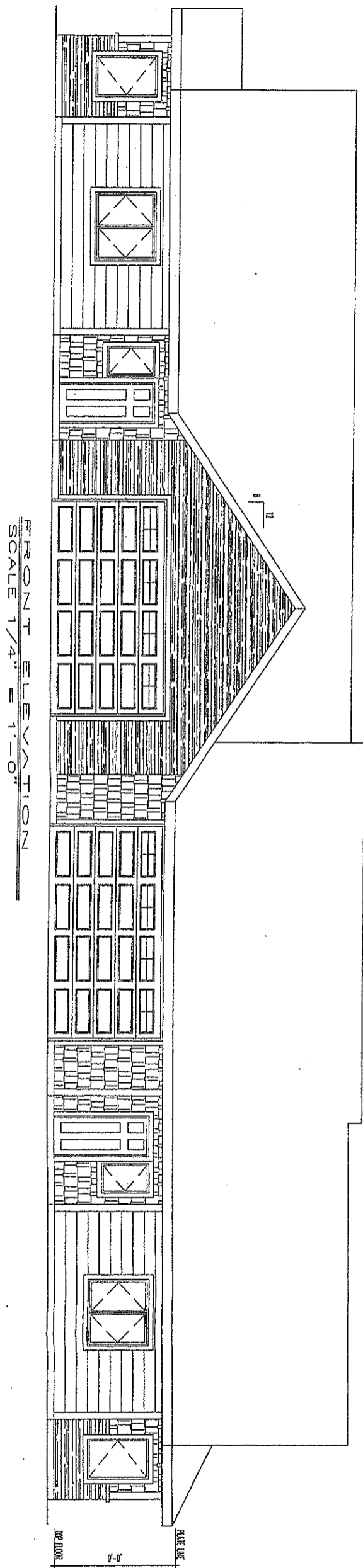


GRID WALL	SECTION NUMBER	SPACING CENTER	2ND LINE (FT)	3RD LINE (FT)	4TH LINE (FT)	5TH LINE (FT)	6TH LINE (FT)	7TH LINE (FT)	8TH LINE (FT)	9TH LINE (FT)	10TH LINE (FT)	11TH LINE (FT)	12TH LINE (FT)
1	CS-205	C	6	3	4.5	7.2	8	13.3	4				
2	CS-206	C	5	4	4.5	8	13.3	4					
3	CS-207	C	5	4	4.5	8	13.3	4					
4	CS-208	C	5	4	4.5	8	13.3	4					
5	CS-209	C	5	4	4.5	8	13.3	4					
6	CS-210	C	5	4	4.5	8	13.3	4					

**NOTES:**  
 1/2" SHEETWORK ON GARAGE  
 1/2" BOARD WALKS PER 1997  
 5/8" SHEETWORK ON GARAGE  
 5/8" BOARD WALKS PER 1997  
 DOORS SETBACK RESERVE AND GARAGE  
 TO BE IN LINE WITH  
 SHEAR WALL. 1/2" AIR RATED SHS  
 BE WAVED 5' O.C. AT DOOR AND  
 BE WAVED 1/2" O.C. ON IN FIELD  
 SLOD BLOCK AT 16D SPIN  
 1/2" SHEETWORK 7' O.C.  
 AT ALL STAIRS & RAMP

NO.	TYPE	R.O.	NOTES
A	CONCRETE	5'-6" x 6"	6.00 CROSS
B	CONCRETE	7'-6" x 4'-6"	6.00 CROSS
C	CONCRETE	7'-6" x 4'-6"	6.00 CROSS
D	FORM NO.	7'-6" x 4'-6"	6.00 CROSS

Exhibit B



BACK ELEVATION  
SCALE 1/4" = 1'-0"

