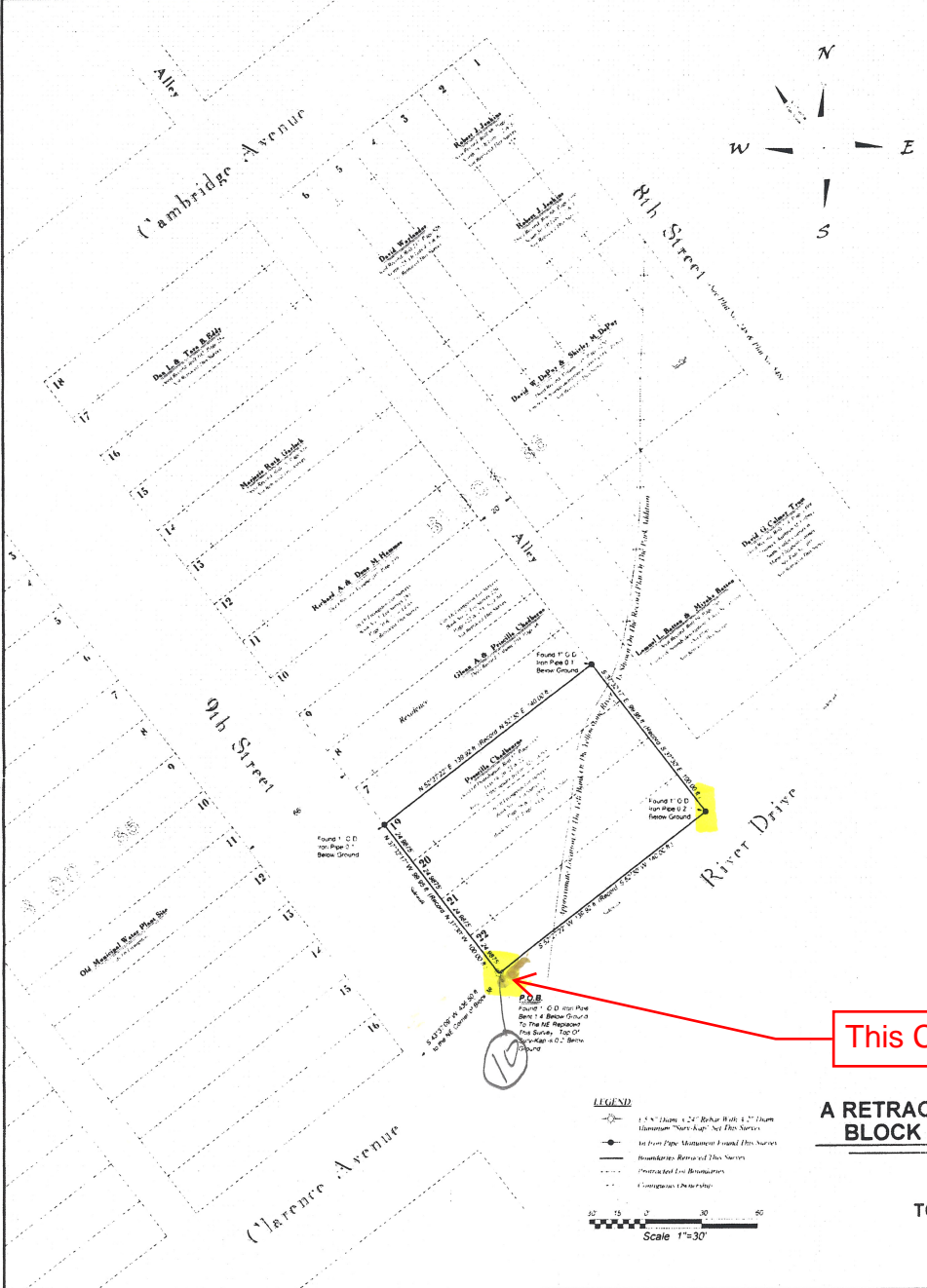


SD 265

Amended Subdivision Plat No. 265



DESCRIPTION
 Lots Nineteen (19), Twenty (20), Twenty-one (21) and Twenty-two (22), Block Thirty-six (36), of the Park Addition to the City of Livingston, Park County, Montana, according to Amended Subdivision Plat No. 265, on file in the office of the Clerk and Recorder of said Park County.

SURVEYORS COMMENTS
 The Plat of the Town of Livingston, Gallatin County, Montana was "surveyed and laid out" during the month of November, 1882 with the east-west streets parallel to the main line of the Northern Pacific Railroad Company at the recorded bearing of N 55° 00' W. According to city north is actually N 37° 30' W, and this plat has subsequently been referred to as the "Original Townsite of the City of Livingston". It is located wholly within the boundaries of Section 13, Township 2 South, Range 9 East, P.M.M., a land-grant section held by the Northern Pacific Railroad Company who caused the plat to be surveyed by Robert J. Perry. It was filed March 15, 1883 in the county of Gallatin, Territory of Montana.
 The Palace Addition in the SW 1/4 of Section 14 and the Park Addition in the W 1/2 NW 1/4 and Government Lots 1 and 2 of Section 24, all in said Township 2 South, Range 9 East also follow the same orientation. These were not land-grant sections, and the proprietors, Crawford Livingston, Charles Beardley, and Charles Scott, commissioned I. W. Lewis to survey the additions which were filed February 16, 1883 in the County of Gallatin, Territory of Montana. The Town of Livingston was named after Johnson Livingston, an initial director of the Northern Pacific Railroad Company, and his nephew, Crawford Livingston, founded the First National Bank in Livingston so it is suspected he and his associates worked closely with the railroad in the development of Livingston. All plats were subsequently transferred to Park County in May, 1887 when it was formed from a portion of Gallatin County, Territory of Montana. Montana became a state November 8, 1889.
 Block 36 of the Park Addition shows fractional lots 1 through 6 and 19 through 22 abutting the Yellowstone river and full lots 7 through 18 with a record measurement of 25 feet by 140 feet. Subsequent changes in the river channel, both natural and man-made, have changed the river location. Some revised plots of riparian ownership have been made and filed, but the City of Livingston has also surveyed fractional lots as full-sized lots and shown them on updated city maps without filing an official plat thereof. The 1968 composite City Map and the current City Map which bears no date but is believed to have been prepared for the city in 1992. Lots 19, 20, 21 and 22 of Block 36 fall in the latter category.
 The office of the County Clerk and Recorder has four City of Livingston fieldbooks of lot surveys completed by the City Engineer's office in the courthouse basement record vault recording each survey by book. Record surveys in the W 1/2 of said block 36 of the Park Addition are:

- Book No. 1
 1) East Survey No. 13, page 26 & 27. 38 notes cover East 100 ft. of lot 19, all of 20, 21 & 22 Block 36 Park Addition. All corners marked with iron pipe. Owner Ted Stump. An accompanying sketch shows measured distances based upon lot sizes of 25 feet by 140 feet and no fractional lots. The date is reported as 1954 only.
- Book No. 2
 1) East Survey No. 129, page 122 & 123, dated 3-14-60. These notes cover "Survey Lots 7-8-9 Block 36 Park Addition". The notes also state "The order for the survey called for Lots 10, 11, and 12 instead of Lots 7, 8, and 9. 41 corners marked with iron pipe, S.I. Fahren". The accompanying sketch of the W 1/2 of Block 36 shows iron pipe monuments at all four corners of the combined three lots.
- 2) East Survey No. 145, page 154 & 155, dated 8-2-60. These notes cover "Survey Lots 19-22 Block 36, Park Addition. 4 corners marked with iron pipe as shown. Ted Stump". The four corners of the combined four full lots are shown on the notebook sketch.
- Book No. 3
 1) East Survey No. 181, page 70 & 71, dated June 14, 1963. These notes cover "Survey Lots 10-11-12 Block 36, Park Addition. 4 corners marked with iron pipes as shown. Dick Hammes".

Of the above notes found only 1 in Survey No. 13 shows distances between iron pipe monuments. All other cities are based upon the assumption that standard lot sizes are 25 feet by 140 feet. All though no bearings are shown on the sketches, the lot lines are drawn at right angles to Rib Street and the alley of Block 36 and parallel to Cambridge Avenue on the north and River Drive on the south.
 The three one-inch diameter iron pipe monuments found at the northeast and northwest corners of Lot 19 and the southeast corner of Lot 22 of Block 36 were undisturbed and so close to the record distances and the included interior angle that it was concluded these monuments unquestionably control the retracement survey. The found one-inch diameter iron pipe at the southeast corner of Lot 22 had been hit extremely hard and was bent to the northeast. It was removed and replaced with a 5/8-inch diameter by 24-inch long rebar fitted with 2-inch diameter aluminum survey cap at the intersection of lines parallel to the found north and east boundaries of Lots 19 through 22 running from the found northwest corner of said Lot 19 and the found southeast corner of said Lot 22. A tie was also made from this relocated corner to the northeast corner of Block 38. Certificate of Survey No. 1399 entitled "The Relocation of Common Boundaries of Lots 4, 2, 10, 11, & 12 in Block 38, Park Addition, City of Livingston".
 Current active files of the Park County Assessor's office go back to 1987 which show taxes being paid on said Lots 19 through 22 for 14,000 square feet, i.e. four full-sized lots measuring 25 feet by 140 feet. It is entirely possible taxes have been the same for more than this 10 year period and possibly back to 1954, the date of the first survey, which could only be certified by research of inactive assessor's files or landowner's personal files. Inasmuch as Lots 19 through 22 were surveyed as full-size city lots by the City of Livingston in 1954 or 19 years prior to the 1975 Subdivision and Platting Act and taxes have been paid on full-size lots occupied by Francis Chaboussier for more than five (5) years, the requirements for adverse possession have been met. This survey was ordered to prepare an amended subdivision plat for record showing 1 lot 19 through 22 as full-size lots as accepted since 1954 for the purpose of initiating a quiet-title procedure.

This Corner (10)

A RETRACEMENT SURVEY OF LOTS 19, 20, 21 AND 22, BLOCK 36, PARK ADDITION, CITY OF LIVINGSTON

**LOCATED IN:
 GOVERNMENT LOT 2, SECTION 24,
 TOWNSHIP 2 SOUTH, RANGE 9 EAST, P.M.M.
 PARK COUNTY, MONTANA**

CERTIFICATE OF PLAT APPROVAL
 CITY OF LIVINGSTON
 State of Montana ss.
 County of Park ss.
 THE CITY COMMISSION of the City of Livingston does hereby certify that it has examined the accompanying Amended Subdivision Plat and, having found the same to conform with the requirements of the Montana Subdivision and Platting Act, does approve it.
 IN WITNESS WHEREOF, we have hereunto set our hands this 14th day of April, 1998.
 Mike Dague, Chairperson
 Stephanie Dean, City Clerk

CERTIFICATE OF SURVEYOR
 State of Montana ss.
 County of Park ss.
 I hereby certify that the accompanying Amended Subdivision Plat was prepared from a retracement survey made by me, or under my supervision, pursuant to Section 76-3-100, et seq., M.C.A. that to the best of my knowledge, the information shown is true and correct, and the monuments set, together with those found, are sufficient to enable the survey to be retraced.
 BASIS OF BEARINGS: Certificate of Survey No. 1399 on file in the office of Clerk and Recorder of Park County, Montana.
 IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal this 12th day of April, 1998.
 Thomas J. Hallin
 Thomas J. Hallin
 Montana Registration No. 287 E.S.
 501 South Yellowstone Street
 Livingston, Montana 59047
 Phone: (406) 222-1780



CERTIFICATE OF COUNTY TREASURER
 State of Montana ss.
 County of Park ss.
 I, Bert R. Hollida, Treasurer of said county, do hereby certify that the accompanying Amended Subdivision Plat has been duly examined and that all real property taxes assessed and levied on the land are paid.
 Dated this 14th day of April, 1998.
 Bert R. Hollida, Treasurer

CERTIFICATE OF GOVERNING BODY
 State of Montana ss.
 County of Park ss.
 I, Chairperson of the Board of County Commissioners, hereby certify that we have examined the accompanying Amended Subdivision Plat and find that it conforms with the requirements of the Montana Subdivision and Platting Act and the Park County Subdivision Regulations.
 IN WITNESS WHEREOF, I have hereunto set my hand this 14th day of April, 1998.
 Stump Davignon, Chairperson

Filed in the Office of Clerk and Recorder For the County of Park, State of Montana, This <u>28th</u> Day of <u>April</u> , 19 <u>98</u> at <u>5:52</u> o'clock <u>P.M.</u>		AMENDED SUBDIVISION PLAT	
1/2 Sec	T	R	Drawn By Date
24	2 S	9 E	J. Chaboussier 4-3-88
By <u>Thomas J. Hallin</u> County Clerk and Recorder			Checked By <u>J. Chaboussier</u> 4-6-88
By _____ Deputy			Revised By _____
Document No <u>26698</u>		Amended Subdivision Plat No _____	
Fee <u>7.00</u> Lots at _____ Total _____		Park County, Montana Sheet No <u>1</u> of <u>1</u>	