

**Subdivisions—Acreage Tracts—Streets—Alleys—Parks—
Play Grounds—Dedication.**

A person dividing tract of land into smaller tracts of from one to five acres must provide in the plat thereof for streets, alleys, parks and play grounds and dedicate the same to the public.

Mr. Horace W. Judson,
County Attorney,
Cut Bank, Montana.

February 9, 1931.

My dear Mr. Judson:

You inquire whether, under section 4993, R.C.M. 1921, a person who wishes to subdivide a tract of land consisting of approximately 32 acres into tracts of from one to five acres each must provide in the plat thereof for streets and alleys and parks or playgrounds and dedicate the same to the public.

The said section provides that any person who desires to subdivide and sell any tract of land in small tracts, such as vineyard tracts, acreage tracts, suburban tracts, or community tracts, or small areas less than the United States legal subdivision of ten acres, must cause the same to be surveyed, platted, certified, and recorded "according to the provisions of this chapter" before any part or portion of the same is sold or transferred.

Sections 4980 and 4981 are a part of the same chapter and it is provided therein that the plat must show, among other things, all streets, alleys, avenues and highways and the width thereof, and that at least one-ninth of the platted area, exclusive of streets, alleys, avenues and highways, is dedicated to the public for parks and play grounds, etc. As section 4981 declares that the plat must show these things and as section 4993 requires the area to be platted in accordance with the chapter of which section 4981 is a part, and as said section 4981 is the only provision in the chapter relating to what the plat must show, it is my opinion that in the case mentioned by you it would be necessary to show on the plat and dedicate to the public the streets, alleys, avenues and highways within the area platted, and also one-ninth of the area for public parks and play grounds.

It was evidently the intention of the legislature to require this to be done in all cases where a person intended to lay out for sale and offer to the public for settlement a tract of land wherein the residents would reside on small tracts and thus form a community settlement which would reasonably require streets, alleys or highways for ingress and egress to their respective properties and parks and play grounds for the public comfort and welfare of the community.

Very truly yours,

L. A. FOOT,
Attorney General.