

The 1955 Lawsuit Settlement and the 13 Points

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In the District Court of the Fourth Judicial District of the State of Montana, in and for the County of Missoula.

Estelle Greenough Easton, Thomas Leo Greenough, John E. Greenough, Ruth G. Mosby, and Edith Greenough Boissevain, Plaintiffs,

-vs-

The City of Missoula, a municipal corporation, Defendant.

It is hereby stipulated and agreed by and between the parties hereto as follows:

That in the year 1902 the predecessors of the plaintiffs and others deeded to the City of Missoula certain lands which now comprise Greenough Park in Missoula County, Montana, and which are more particularly described in the complaint on file herein. At the time the deeds were given, certain conditions appeared in said deeds with respect to the use of the park. The plaintiffs herein have claimed that the City of Missoula has violated the terms of the deeds and have sought by this action to cause the title to the park to revert to the plaintiffs as the successors of Thomas L. Greenough and Jennie Greenough, who deeded a substantial portion of the land known as Greenough Park to the City of Missoula. The principal claim of the plaintiffs has been that the City has not kept the park in its natural state and has not protected the same from vandalism and has used heavy equipment in the park for the purpose of clearing and creating an artificial rather than a natural one. There have been numerous conferences between representatives of the plaintiffs and the Park Board of the City and the City Commission of the City, and for the purpose of settling this action and for the purpose of establishing a future policy for the operation of Greenough Park, the plaintiffs have agreed that if the City would adopt as a plan for the government of the park a series of 13 points which were recommended by the Park Board of the City of Missoula to the City many years ago and would hereafter refrain from destroying the natural beauty of the park and using heavy equipment for the purpose of clearing trees and shrubbery, that the plaintiffs herein would dismiss this action. The City has heretofore adopted by action of the Park Board and the City Commission the following 13 points for the future government of the park:

The 13 Points

1. Resurvey the park to (a) check and mark corners and boundaries; (b) to show current location of Rattlesnake Creek channel and other park features; and (c) to pick up any trespasses that have occurred and prevent and additional trespasses.
2. All roads except the periphery drive be blocked off and parking areas be established immediately adjacent to the drive at designated locations to (a) enable easy access to the park and at the same time enable rebuilding for park purposes those sections destroyed by random use of vehicles within the park, and (b) aid in policing, which has been a problem in the past years, and prevent use of the park by overnight campers.
3. A committee consisting of persons with technical knowledge of trees, shrubs and natural park areas be appointed by the city manager to (a) do long-range planning for the park along the following lines in conformance with and in the manner approved in the contract with the Greenough heirs, and (b) make annual plan for development work to be done during the ensuing year.
4. The present picnic area at the picnic shelter, the present wading pool area, and the southwest (exit) are of the park to be the only areas of artificial development. All other areas of the park to be improved in a natural manner. No fires to be permitted anywhere in the park except at the present picnic area.
5. Recheck park trees for safety. Those to be removed are to be clearly marked; likewise those which are to be limbed of dead branches. After being marked they are to be removed or limbed very promptly, the manner of removal to be defined by the committee. Trees are to be cut off at ground level.
6. All dead and down trees to be removed as soon as possible, with no burning that might endanger any live growth in the park.
7. The area beginning immediately north and northeast of the wading pool, except the area now in lawn around the wading pool, to be replanted with trees and shrubs natural to the park. Plan as soon as possible to put in benches around the wading pool for adults watching the children.
8. After the dangerous trees are removed and dangerous limbs cut from other trees, and after dead and down material is disposed of, then carefully trim out the remaining shrubbery. Do not clean out all the shrubbery, but take out only the unattractive plants, selecting the attractive ones to remain as individuals or clumps attractively distributed. Trim up those to remain so as to make them more attractive. A great deal of care should be applied on this job. The idea is not to remove all the shrubbery but to clean out only those

portions which make it look messy. Someone with an eye for what is needed should be on the job along with the workmen. The cannot be expected to do a satisfactory job under only general supervision.

9. Develop natural-seeming paths throughout the park, with small areas for picnic tables and benches. No fireplaces or fires to be permitted except at officially designated areas. Development of these paths and areas to be done section by section as money and manpower are available for original work and maintenance. At least two more footbridges be built across the Rattlesnake. Concrete culverts by fishpond and wading pool be removed and replaced by footbridges.
10. Toilet facilities should be improved and marked but well shielded from general view.
11. No more cutting or clearing around fish pond area other than that designated by the committee in its general park program. This area to be left as natural as possible.
12. Measures be taken to prevent erosion of the creek bank, channel changes and other high-water damage.
13. For the purpose of a permanent, sound record, every time a picnic table spot is selected or a spot for a new toilet is picked, in fact when the spot for any kind of installation is selected, it should be plainly marked on the park map on file in the engineer's office so that if the work is not immediately done, those doing it at a later time will be guided by a plan that fits in with what is done before.