

## Procedures for Abandonment

### “Alley”

Fees for Road Abandonments: \$75.00 Base Fee  
\$50.00 Mailing/Publication Costs  
\$ .31 per mile to and from the roadway with mileage  
from the Courthouse.

- 1) Signatures must be obtained on Petition. Petition must have a **MAP** attached outlining portion of alley to be considered for abandonment and a **LEGAL DESCRIPTION**. (The petitioner is responsible for providing the legal description and may need to hire a Surveyor) The County's Geographic Information Systems program is online at <https://flathead.mt.gov/gis>
- 2) Once the petition is received and the fee is paid, the petition will be reviewed by the Plat Room to verify signatures and obtain a list of abutters of that alley.
- 3) The petition will then be forwarded to the County Attorney's Office for viewing and a written report to the Commissioners with a recommendation of whether or not the alley should be abandoned.
- 4) The petition is returned to the Commissioner's Office for viewing by the Commissioner whose district the alley is located in and the Flathead County Surveyor. The viewers have up to 30 days to view the alley once they have received the file. The viewers will then make a recommendation as to whether or not the alley should be abandoned.
- 5) A public hearing will be held and a copy of the Notice of a Public Hearing will be published twice in the Daily Inter Lake. A copy is also sent to the petitioner and all other abutting property owners.
- 6) The Commissioners usually make a decision of whether or not to abandon the alley at the Public Hearing, unless there are protests or a property owner can prove that this roadway would be their only access to their property.

Return the petition, map, legal description and fee to the Office of the Flathead County Commissioners, located on the third floor of the old courthouse in the middle of Main Street in Kalispell, or mail to:

Flathead County Commissioners  
Attention: Clerk to the Board  
800 South Main Street  
Room 302  
Kalispell, Montana 59901  
(406) 758-5537

Base Fee \$75.00  
 Mail/Pub \$50.00  
 Mileage @ \$.31 per mile \_\_\_\_\_  
 Total \_\_\_\_\_

**Petition for Discontinuance of Street or Alley  
 to the Board of County Commissioners, Flathead County, Montana**

We, the undersigned, being residents and freeholders of Flathead County, Montana, taxable therein for road purposes, do hereby petition in writing, pursuant to M.C.A. Section 7-14-2601, et seq., the Board of County Commissioners of Flathead County, Montana, to discontinue and abandon that certain public roadway in Flathead County, Montana, named and described as follows:

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**A map showing the location of the Street or Alley proposed to be abandoned is attached.**

For such purposes, we do hereby respectfully state to the Board of County Commissioners as follows:

- 1) Flathead County, Montana, is not divided into road districts and the whole of Flathead County constitutes and comprises one road district.
- 2) Petitioners are resident freeholders of Flathead County, taxable therein for road purposes;
- 3) The street or alley sought to be abandoned and discontinued is within Flathead County and is within a unincorporated town or town site;
- 4) **Check One:**

\_\_\_\_\_ The street or alley which this petition requests to be abandoned is located in the unincorporated town of \_\_\_\_\_, and, as required by M.C.A. Section 7-14-2616 (1), all of the owners of lots on the street or alley have signed this petition, and the street or alley can be abandoned without detriment to the public interest.

\_\_\_\_\_ The street or alley which this petition requests to be abandoned is located in the unincorporated town of \_\_\_\_\_, and, as required by M.C.A. Section 7-14-2616 (2), the street or alley is to be abandoned for school purposes and seventy-five percent (75%) of the lot owners on the street or alley have signed this petition.

Wherefore, your Petitioners pray that this Petition be set for hearing as provided by law and that, upon hearing, the Board of County Commissioners make and enter into its Order vacating and discontinuing said portion of the public roadway above described.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

<b>Signature</b>	<b>Printed Last Name</b>	<b>Address</b>
1) _____	_____	_____
2) _____	_____	_____
3) _____	_____	_____
4) _____	_____	_____
5) _____	_____	_____
6) _____	_____	_____
7) _____	_____	_____
8) _____	_____	_____
9) _____	_____	_____
10) _____	_____	_____

**PETITION MUST BE SIGNED BY ALL OWNERS OF LOTS ON  
 THE STREET OR ALLEY TO MAKE IT VALID.**

TITLE 7. LOCAL GOVERNMENT

CHAPTER 14. TRANSPORTATION

Part 26. Establishment, Alteration, and Abandonment of County Roads

## Procedure To Discontinue Street

**7-14-2616. Procedure to discontinue street.** (1) The county commissioners may discontinue a street or alley or any part of a street or alley in an unincorporated town or townsite upon the petition in writing of all owners of lots on the street or alley if it can be done without detriment to the public interest.

(2) Where the street or alley is to be closed for school purposes, a petition signed by 75% of the lot owners on the whole street or alley to be closed is required.

(3) Before acting upon the petition, a notice must be published as provided in **7-1-2121**, stating when the petition will be acted on and what street or alley or part of a street or alley is asked to be vacated.