Procedures for Abandonment

"County Road"

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 road to be abandoned and a **LEGAL DESCRIPTION** of the road. **(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 road.

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 road should be abandoned.

4) The petition is returned to the Commissioner's Office for viewing by the Commissioner whose district the road is located in and the Flathead County Surveyor. The viewers have up to 30 days to view the road once they have received the file. The viewers will then make a recommendation as to whether or not the road 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 road 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 County Road 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:
(LEGAL DESCRIPTION)

_____

_____

A map showing the location of the road 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 County constitutes and comprises one road district.

2) Petitioners are resident freeholders of Flathead County, Montana, taxable therein for road purposes;

3) The public roadway sought to be abandoned and discontinued is within Flathead County and is not within a unincorporated town or town site;

4) **Check one:**

____ As required by M.C.A. Section 7-14-2615(3), the county road which this petition requests to be abandoned does not provide access to any public land or water.

____ As required by M.C.A. Section 7-14-2615(3), the county road which this petition requests to be abandoned does provides access to public land or water in the _____ area but the _____ Road, which is a public road, provides substantially the same access to that public land or water, because:

_____

5) **Check one:**

____ As required by M.C.A. Section 7-14-2615(4), the county road which this petition requests to be abandoned does not provide access to any private land.

____ As required by M.C.A. Section 7-14-2615(4), the county road which this petition requests to be abandoned provides access to two or more landowners and all of the landowners to whom the county road provides access have affirmatively agreed to the abandonment by either signing this petition or by signing a letter to the commissioners stating their agreement to the abandonment.

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 ____.

Signature	Printed Last Name	Address
1)_____	_____	_____
2)_____	_____	_____
3)_____	_____	_____
4)_____	_____	_____
5)_____	_____	_____
6)_____	_____	_____
7)_____	_____	_____
8)_____	_____	_____
9)_____	_____	_____
10)_____	_____	_____
11)_____	_____	_____
12)_____	_____	_____

TEN SIGNATURES OF PROPERTY OWNERS WITHIN THE COUNTY ARE REQUIRED TO MAKE THIS PETITION VALID

TITLE 7. LOCAL GOVERNMENT
CHAPTER 14. TRANSPORTATION
Part 26. Establishment, Alteration, and Abandonment of County Roads

Abandonment Or Vacation Of County Roads

7-14-2615. Abandonment or vacation of county roads. (1) All county roads once established must continue to be county roads until abandoned or vacated by:

(a) operation of law;

(b) judgment of a court of competent jurisdiction; or

(c) the order of the board.

(2) An order to abandon a county road is not valid unless preceded by notice and public hearing.

(3) The board may not abandon a county road or right-of-way used to provide existing legal access to public land or waters, including access for public recreational use as defined in **23-2-301** and as permitted in **23-2-302**, unless another public road or right-of-way provides substantially the same access.

(4) The board may not abandon a county road or right-of-way used to access private land if the access benefits two or more landowners unless all of the landowners agree to the abandonment.

History: En. Sec. 8-214, Ch. 197, L. 1965; R.C.M. 1947, 32-4014; amd. Sec. 3, Ch. 107, L. 1999; amd. Sec. 1, Ch. 168, L. 2005.