

## Procedures for Abandonment of an Alley or Street

Fees for Abandonments:           \$75.00 Base Fee  
  \$50.00 Mailing/Publication Costs  
  \$.58 per mile **round trip** from the street / alley to the  
  Courthouse at 800 South Main Street in Kalispell

- 1) Signatures of **ALL** owners of lots on the street or alley must be obtained on Petition along with a **MAP** of the outlining portion of the street or alley proposed to be abandoned and a **LEGAL DESCRIPTION of the boundaries of the roadway**. *(The petitioner is responsible for providing an accurate legal description of the boundaries and may need to hire a professional surveyor.)*
- 2) Once the petition is received and the fee is paid, the petition will be reviewed by the Plat Room to verify landowner signatures and obtain a list of abutters.
- 3) The petition will then be forwarded to the County Attorney's Office for viewing, and there will be a written report to the Commissioners with a recommendation of whether or not the alley or street should be abandoned.
- 4) The petition is then returned to the Commissioners' Office for viewing by the Commissioner whose district the alley or street is located in and the Examining Land Surveyor. These viewers have up to **30 days** to view the alley or street **once they have received the file** following the aforementioned steps. The viewers will then make a recommendation to the Board of Commissioner as to whether or not the alley or street should be abandoned.
- 5) A public hearing will be held and a copy of the Notice of Public Hearing will be published twice in the Daily Interlake. Copies are 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 or street at the Public Hearing, unless there are protests or property owners that can prove that this roadway would be the only legal access to their property.

Return the petition with the original signatures of **all owners of lots on the street or alley** along with a map of the roadway being considered for abandonment, an accurate legal description of the boundaries of the roadway, and the fee calculated with roundtrip mileage from the roadway to the County Courthouse at 800 South Main Street in Kalispell.

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

**Street / Alley Abandonment Petition Fees:**

\$75.00 Base Filing Fee  
+ \$50.00 Mailing / Publication Costs  
+ \$0.58 per mile at \_\_\_\_\_ miles  
(calculated roundtrip to and from the Courthouse)

TOTAL: \$ \_\_\_\_\_ Check No. \_\_\_\_\_

Make checks payable to the Flathead County Clerk & Recorder

**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 street or alley in Flathead County, Montana, named and legally described as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**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 an unincorporated town or town site;
- 4) **Check One:**

\_\_\_\_\_ The street / alley which this petition requests to be abandoned is located in the unincorporated town of \_\_\_\_\_, and, as required by M.C.A. Section 7-142616 (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 / alley which this petition requests to be abandoned is located in the unincorporated town of \_\_\_\_\_, and, as required by M.C.A. Section 7-142616 (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 the petition.

Wherefore, your Petitioners request 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 \_\_\_\_.

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

NAME OF STREET OR ALLEY TO BE ABANDONED / ALTERED: \_\_\_\_\_

PETITIONER'S SIGNATURE      PRINTED NAME OF LANDOWNER      STREET ADDRESS

- 1) \_\_\_\_\_
- 2) \_\_\_\_\_
- 3) \_\_\_\_\_
- 4) \_\_\_\_\_
- 5) \_\_\_\_\_
- 6) \_\_\_\_\_
- 7) \_\_\_\_\_
- 8) \_\_\_\_\_
- 9) \_\_\_\_\_
- 10) \_\_\_\_\_
- 11) \_\_\_\_\_
- 12) \_\_\_\_\_
- 13) \_\_\_\_\_
- 14) \_\_\_\_\_
- 15) \_\_\_\_\_

**NOTE: THIS PETITION MUST BE SIGNED BY ALL OWNERS OF LOTS ON THE STREET OR ALLEY BEING PROPOSED FOR ABANDONMENT OR ALTERATION IN ORDER TO MAKE IT VALID.**