



Maritza H Reddington
Clerk & Recorder/Election Administrator/Surveyor

Petition Requirements for the Establishment, Alteration or Abandonment of a County Road

The following items are required in the Petition

- The names of all adjoining landowners and a line which illustrates the road shall be shown and marked clearly on a topographical map. Letter size also needs to be a part of the petition either in survey form or topographic form.
- A letter sized and full sized survey of the road for reference. This requirement may be waived by the Commission. If the survey requirement is waived a letter from the commission waiving the requirement must accompany the petition when it is submitted to the Clerk & Recorder.
- A legal description of the petitioned road.
- The common name of the road.
- Whether or not the adjoining landowners consent to the petition.
- Where consent is not given, the probable cost of the right-of-way.
- Necessity for and advantage of the petitioned action.
- A complete list of all adjoining landowners using or adjoining the road including their property tax identification number. (Tax ID Numbers are available from County Treasurer).
- Proof that all landowners and adjoining landowners have been notified of the petition.
- Signature page of the freeholder(s) requesting the, alteration or abandonment of the county road.
- Printed Name of the Freeholder. 10 free holders are required per state statute.
- Freeholders Tax ID number.
- Complete Mailing Address
- Signature Line.
- \$300.00 filing fee. It is the responsibility of the person submitting the petition that it meets the requirements set by the state of Montana and Park County prior to submitting the petition. Filing fee is not refundable. Filing fee may be waived by the board of commissioners. If fee is waived a letter from the commission waiving the fee must accompany the petition when it is submitted to the Clerk & Recorder.

Petition must be submitted with an affidavit by the person or persons who witnessed the signatures, (Affidavit sample is attached) unless all of the signatures have been notarized.

Road Petition Format

The undersigned freeholders of the road district of Park County, Montana, petition this Board pursuant to Section 7-14-2601, MCA to

- Establish
- Alter
- Abandon

A county road located in Park County, Montana and represent as follows:

The road to be abandoned or altered is particularly described as follows: (legal description of where the road is located):

The road is commonly known as:

The general route of the road is described as follows:

The lands and owners immediately adjacent to the road are as follows:

Whether the owners who can be found consent to the petition:

Where consent is not given, the probable cost of the right-of-way:

Necessity for and advantage of the petitioned action.

Landowner(s) name & Mailing Addresses

Petition Information – Sample Forms

AFFIDAVIT FOR PERSON CIRCULATION PETITION

I, _____, affirm, or being first sworn, depose and say that I circulated or assisted in circulating the petition to which this affidavit is attached and I believe the signatures thereon are genuine, are the signatures of the persons whose names they purport to be, are the signatures of landowners requesting this road petition and the signers knew the contents of the petition and legal description of the proposed road abandonment before signing the same.

Signature _____

Property Tax ID # _____
(From the Park County Treasurer)

Address: _____

Notary:

State of _____

County of _____

This instrument was signed before me on _____

by _____.
Print name of signer(s)

Notary Signature
Residing at _____
My Signature Expires _____

Affix seal/stamp as close to signature as possible.

Signatures of Freeholders

The undersigned petitioner respectfully requests the Board of County Commissioners of the County of Park, State of Montana, to hear this road abandonment petition:

Printed Name: _____

Address: _____

Property Tax Identification #: _____

Signature: _____

The undersigned petitioner respectfully requests the Board of County Commissioners of the County of Park, State of Montana, to hear this road abandonment petition:

Printed Name: _____

Address: _____

Property Tax Identification #: _____

Signature: _____

Duplicate as Necessary. Ten signatures are required per state statute

Establishment, Alteration, and Abandonment of County Roads – MCA

Petition To Establish, Alter, Or Abandon A County Road

7-14-2601. Petition to establish, alter, or abandon a county road. (1) Any 10, or a majority, of the freeholders of a road district taxable therein for road purposes may petition the board in writing to open, establish, construct, change, abandon, or discontinue any county road in the district.

(2) When the road petitioned for is on the dividing line between two counties, the same procedure must be followed except that a copy of the petition must be presented to each board. The two boards shall act jointly.

(3) As used in this part, unless the context requires otherwise:

(a) "board" means the board of county commissioners;

(b) "abandonment" means cessation of use of right-of-way (easement) or activity thereon with no intention to reclaim or use again and is sometimes called "vacation".

Contents Of Petition

7-14-2602. Contents of petition. The petition must set forth:

- (1) the particular road or roads to be opened, established, constructed, changed, abandoned, or discontinued;
- (2) the general route thereof;
- (3) the lands and owners affected;
- (4) whether the owners who can be found consent thereto;
- (5) where consent is not given, the probable cost of the right-of-way;
- (6) the necessity for and advantage of the petitioned action.

Investigation Of Request Concerning Road -- Decision

7-14-2603. Investigation of request concerning road -- decision. (1) At its next regular or special meeting or in any case at a date within 30 days after filing of any petition, the board shall cause an investigation to be made of the feasibility, desirability, and cost of granting the prayer of the petition. The investigation shall be sufficient to properly determine the merits or demerits of the petition.

(2) No more than one member of the board and the county surveyor shall make the investigation.

(3) After considering the petition and the results of the investigation, the board shall make an entry of its decision on the minutes.

Notice Of Decision On Petition

7-14-2604. Notice of decision on petition. Within 10 days thereafter, the board shall cause notice of its decision to be sent by certified mail to all owners of land abutting on the road petitioned for. The owners shall be those listed on the last county assessment roll.