



PROCEDURE FOR THE ABANDONMENT OR ALTERATION OF A COUNTY ROAD

The procedure for the abandonment or alteration of a county road, public right-of-way, or street under the County's jurisdiction is set out in Montana statutes, MCA 7-14-2601 through 2617 (*abandonment means end of use or activity of the right-of-way easement with no intention to reclaim or use again; it is sometimes called vacation*) (*alteration means change, move, or relocate the right-of-way easement*). Missoula County offers the following steps to assist landowners in providing sufficient information to request the abandonment or alteration of a county road or street:

1. A blank petition form requesting the abandonment or alteration can be obtained from the Missoula County Survey Office. The petition requires signatures of any 10 (ten), or a majority, of the freeholders of a road district. If more than 1 (one) sheet is necessary to assure that all affected landowners' names and signatures are included with the petition, please make or request additional copies of the petition form. Since Missoula County is a single road district, the freeholders may own an interest in land anywhere in the county.
2. The petition must set forth:
 - (a) the particular road or roads to be abandoned or altered;
 - (b) the general route thereof (preferably shown on a map exhibit);
 - (c) the lands and owners affected;
 - (d) whether the owners who can be found consent thereto;
 - (e) where consent is not given, the probable cost of the right-of-way;
 - (f) the necessity for and advantage of the petitioned action.
3. Prior to obtaining the necessary signatures, it is recommended that the petitioner(s) have the Missoula County Survey Office review the petition for correctness of the road description and any map exhibit. This review is to assure that all parties understand which road and to where the road petitioned for will be altered to.
4. The County may not alter or 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 petition. The petition should include signatures of all owners of land accessed by the road, granting their consent to the alteration or abandonment.
5. When these requirements have been carried out, the completed petition needs to be delivered by the petitioner(s) along with a non-refundable **\$300.00 fee**, to the Missoula County Clerk and Records Office who will process and verify the contents of the petition. This required fee is for the carrying out of the necessary administration and notice costs associated with the processing of the petition.



6. A public hearing will be commenced before the Board of County Commissioners within 30 days of submission of the completed petition. Notice of the hearing is given by publishing it in the public notice section of the newspaper twice prior to the hearing, with at least six days separating each publication. Additionally, all owners of the land abutting the road or street, as listed on the last county assessment roll, are given notice of the public hearing by mail.

7. At the opening of the public hearing, the Board of County Commissioners will listen to comments regarding the petition. After hearing comments, the County Commissioners will arrange for an on site investigation be made concerning the petition. Road viewers are appointed, being one member of the Board of County Commissioners and a member of the Missoula County Department of Public Works, whom shall investigate the feasibility and desirability of the proposed action and determine the merits or demerits of the petition. A date and time will also be established for continuance of the public hearing after completion of the investigation.

8. At the second session of the public hearing, the road viewers will report their findings. After listening to the report and any further comments, the Board of County Commissioners will then make their decision.

9. Within 10 days of making their decision, the Board of County Commissioners shall cause notice of its decision to be sent by certified mail to all owners of land abutting on the road or street petitioned for.