Petition to Establish, Alter or Abandon a County Road or Right-of-Way

CASCADE COUNTY PLANNING & GIS DEPARTMENT
121 4TH ST NO, STE 2H/I, GREAT FALLS MT 59401
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$500.00 Non-Refundable Application Fee

FOR OFFICE USE ONLY
Date Application Received: _____ Application No:_____
Payment: ☐ Check (#) _____ ☐ Cash ☐ Electronic Payment

Applicant/Property Owner: _____ Phone: _____

Mailing Address: _____ Email: _____

This petition is to: ☐ Establish a County Road ☐ Alter a County Road ☐ Abandon/Vacate a County Road or Right-of-Way

INSTRUCTIONS: Fill out the attached petition and submit it to the Planning & GIS Department .

The Petition must contain the following:

a. Obtain the signature of at least ten (10), or majority, of the freeholders (property owners) of a road district taxable therein for road purposes;
b. Name of the road(s) to be opened, established, constructed, changed, abandoned, or discontinued;
c. The description of the general route of said road(s);
d. List all land and property owners affected;
e. List all property owners that cannot be found to consent;
f. Where consent is not given by a property owner, provide the probable cost of the right-of-way;
g. Explain the necessity for and advantage of the petition action; and
h. Include all necessary maps, plats, surveys, or other documents that will assist the Board in evaluating this Petition.

PROCEDURE:

1. Within thirty (30) days of receiving a petition containing all the required information, the Board of County Commissioners (Board) will initiate an investigation. One member of the Board, along with the county surveyor, shall conduct the investigation. After considering the petition and the results of the investigation, the Board will make an entry of its decision on the minutes of the meeting.
2. Within ten (10) days after entry of its decision, the Board will notice its decision, by certified mail, to all owners of land abutting the petitioned road. The owners shall be those listed on the last county assessment roll.
3. If the petition is for the **establishment of a county road**, and the Board grants the prayer ordering the road opened, it shall proceed at once to open it to the public and declare it to be a county road.
4. If the Board declares an order **establishing or changing a county road**, it must determine the amount of damages sustained by each owner or claimant of lands or improvements affected by the road. Damages will be determined by estimating the benefits and damages accruing. The sum estimated as benefits must be deducted from the sum estimated as damages, and the remainder, if any, must be the amount of damages awarded. Damages must be paid to the owner or claimant, if known, upon the owner or claimant showing or establishing the right or title to the lands or improvements and furnishing proper deeds and releases. If all awards are accepted, the Board must declare the road a county road and open it. If any award of damages is not accepted within 20 days after the date of the award, it shall be deemed rejected by the owner and the Board shall, by order, direct the proceedings to procure the right-of-way be instituted under Title 70, chapter 30 by the county attorney against all nonaccepting landowners. In such proceedings it shall be made to appear that the Board must have declared by resolution that the right-of-way was necessary and desirable. All awards of damages must be paid out of the county road fund on the order of the Board.
5. If the petition is for **abandoning or vacating a county road or right-of-way** , notice and public hearing are required. 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 uses as defined in MCA § 23-2-301 and as permitted in MCA § 23-2-302, unless another public road or right-of-way provides substantially the same access. 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. MCA § 7-14-2615.
6. The Board may order the county surveyor or, if the county surveyor is not a professional land surveyor, some other professional land surveyor to survey and plat the road. The surveyor shall file the surveyor's field notes with the County Clerk & Recorder. A certificate of survey may be required by a competent surveyor, covering the subject property, prior to the filing of a resolution abandoning the county road. If the certificate of survey is not filed within six (6) months of the date of the resolution, the county may take action to revoke the resolution.

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Date: _____

To The Honorable Board of County Commissioners of Cascade County:

We, The Undersigned, in compliance with Section 7-14-2601 through Sections 7-14-2617 M.C.A., and being residents and taxpayers of Cascade County, Montana, and being ten or more, or the majority, of the freeholders of a road district taxable therein for road purposes in Cascade County, Montana, do hereby petition the Honorable Board to (check a box):

☐ **Establish a County Road** ☐ **Alter a County Road** ☐ **Abandon /Vacate a County Road or Right-of-Way**

Name of county road/right-of-way: _____

Description of county road/right-of-way to be established, altered, or abandoned and associated costs:

_____

_____

_____

_____

Have all the affected property owners consented? ☐ **Yes** ☐ **No**

If no and not abandoning or vacating a county road or right-of-way , please state which affected property owner(s) have not consented and an estimate of their damages and benefits as a result of the establishment or alteration of the county road.

_____

_____

_____

_____

_____

_____

We consider this establishment, alteration, or abandonment necessary for and advantageous for the following reasons:

_____

_____

_____

_____

_____

_____

Petitioners (Freeholders)

Name	Address
1. _____	_____
Signature: _____	
2. _____	_____
Signature: _____	
3. _____	_____
Signature: _____	
4. _____	_____
Signature: _____	
5. _____	_____
Signature: _____	
6. _____	_____
Signature: _____	
7. _____	_____
Signature: _____	
8. _____	_____
Signature: _____	
9. _____	_____
Signature: _____	
10. _____	_____

Signature: _____	
11. _____	_____
Signature: _____	

Consent List

Property Owners Adjacent to County Road/Right-of-Way

Name	Address
1. _____	_____
Signature: _____	
2. _____	_____
Signature: _____	
3. _____	_____
Signature: _____	
4. _____	_____
Signature: _____	
5. _____	_____
Signature: _____	
6. _____	_____
Signature: _____	
7. _____	_____
Signature: _____	
8. _____	_____
Signature: _____	
9. _____	_____
Signature: _____	
10. _____	_____

Signature: _____	
11. _____	_____
Signature: _____	