

PETITION TO ESTABLISH, ALTER, OR ABANDON A COUNTY ROAD

PETITION PROCEDURE TO ESTABLISH, ALTER, OR ABANDON A COUNTY ROAD UNDER SECTION 7-14-2601 MCA

1. Obtain a petition from the Big Horn County Commissioners' Office (phone (406)665-9700) located in the County Courthouse. Read the petition procedure carefully. While the Big Horn County Commissioners' Office can give you this form and may be able to give some degree clarification about the petition procedures, the County Commissioners' Office is not allowed to obtain the documents you need to complete the petition, give you legal advice, answer questions that involve giving legal advice, complete research of laws or any factual matters regarding the petition. Incomplete or inaccurate petitions will cause delays in the petition process. If you have any questions, you are encouraged to seek advice of an attorney or other professional of your choice.
2. Type the complete and correct legal description for the roadway being petitioned in Section A of the petition. Petitions with incorrect or incomplete legal descriptions will be returned to the petitioner.
3. Attach a photocopy of the affected plat, Certificate of Survey, or Assessor Map to the petition. Mark and / or color the area described in the legal description. These copies do not have to be full plats but must detail the petitioned roadway and adjoining property. Copies of plats can be obtained from the Clerk and Recorder's Office in the County Courthouse.
4. Provide the reason for the petition in Section B of the petition.
5. Obtain at least TEN (10) signatures including addresses of landowners who wish to establish, alter, or abandon a county road (refer to Section C). It is recommended that more than ten signatures be on the petition so that the petition will not be voided if any signatures are invalid.
6. Consult the County Commissioners' Office to review the plat and area affected by the petitioned roadway. This will be needed to complete steps 7 and 8 of the procedure.
7. Attach an Ownership Report from a Title Company, paid for by the petitioner, to verify current ownership of property affected by the petitioned roadway.
8. Obtain signatures and consent for the petition from all property owners affected by the roadway being petitioned in Section D.
9. Submit the petition and any necessary attachments (ownership report, warranty deeds, quit claim deeds, etc.) to the Big Horn County Commissioners' Office.
10. Typically, within thirty (30) days of filing a correct and complete petition to establish, alter, or abandon a county road, the Commissioners will appoint a Board of Viewers to investigate

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the request.

11. The Board of Viewers will issue a report of its findings and recommendations to the Board of County Commissioners who will then schedule a public hearing. This hearing will be advertised in the newspaper and will be open to the public for comments from any persons who may speak in favor of, or in opposition to the petition.
12. Within ten (10) days after the public hearing, the Board of County Commissioners will issue a notice of decision by certified mail to all owners of land affected by the petitioned roadway. Notified owners will be those parties listed on the last county assessment roll.
13. If the petition is to abandon a subdivision or certificate of survey road, the following will be required if abandonment is granted by the County Commissioners:
 - The petitioner and / or benefiting property owners will be required to file an amended plat with the Clerk and Recorder.
 - The amended plat will reflect the adjusted lot lines affected by this abandonment.
 - This amended plat will need to be completed and filed with the Clerk and Recorder within a year of the approved petition.
 - Comply with any (and all) other specific conditions that are established by the Board of County Commissioners.

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TO: BIG HORN COUNTY BOARD OF COMMISSIONERS

This petition is respectfully submitted this _____ day of _____, 20____

Petitioner/Initiator (and/or) Contact

Person: NAME: _____

ADDRESS: _____

PHONE NO: _____

I swear that all of the above information is true and correct, and all the landowner's signatures are the original true and consenting landowners.

Petitioner's Signature

Date

List all attachments:

- Sections A, B, C, and D of the Petition
- Map of petitioned roadway and affected property
- Affected property Ownership Report

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SECTION A

Legal description of the petitioned roadway (attach additional sheets if needed)

