

YELLOWSTONE COUNTY BOARD OF COUNTY COMMISSIONERS

Resolution No. 24 - 79

Resolution to Appoint Board of Viewers for Abandonment of a Portion of Rosebud Lane

WHEREAS, pursuant to Sections 7-14-2101, 7-14-2102 and 7-14-2103 of the Montana Code Annotated, a board of county commissioners has the authority to manage county roads within the county. Pursuant to Section 7-14-2615 of the Montana Code Annotated, a board of county commissioners has the authority to abandon a county road after a public hearing.

WHEREAS, the portion of Rosebud Lane in Yellowstone County west of Coulson Road is a dedicated public road. **Exhibit 1 – Survey.** Certificate of Survey No. 3431, Doc. No. 3545012. It is constructed. It is a dead end. It does not lead to anywhere. There is a fire hydrant at the end of the road. The Yellowstone County Board of County Commissioners has the authority to manage the road, including the authority to abandon the road.

WHEREAS, on November 16, 2023, the Yellowstone County Board of County Commissioners received a petition to abandon a portion of Rosebud Lane from FRHP Lincolnshire, LLC, who owns Tract 1 of Certificate of Survey No. 3792, Doc. No. 3980284, **Exhibit 2 - Survey**, that abuts the portion of the road at the end of the road. **Exhibit 3 – Petition.** FRHP Lincolnshire, LLC would like the Board to abandon the portion of Rosebud Lane that abuts its land near the end of the road. It would like the Board to abandon the road because it does not serve any purpose. The road provides access to nothing. FRHP Lincolnshire, LLC is the only landowner affected by the abandonment. The Board reviewed the petition. The petition appears legally sufficient to appoint a Board of Viewers to investigate the proposed abandonment.

NOW THEREFORE, BE IT RESOLVED,

The Yellowstone County Board of County Commissioners creates a Board of Viewers to investigate the proposed abandonment. The Board appoints John Ostlund, a Yellowstone County Commissioner; Jeff Martin, the Yellowstone County Clerk and Recorder / Yellowstone County Surveyor; Lora Mattox, a Transportation Planner with the City of Billings / Yellowstone County Planning Department, and Monica Plecker, a Deputy Director with the Yellowstone County Public Works Department, to the Board of Viewers.

The Board of Viewers shall submit a report to the Board that makes a recommendation as to the proposed abandonment. After the Board of Viewers submits the report, the Board shall hold a public hearing on the proposed abandonment. At the hearing, the Board shall receive comments on the proposed abandonment and consider the Board of Viewers’ Report and any comments on the proposed abandonment. After the hearing, the Board may or may not abandon the road. If the Board believes that it is in the best interest of the public to abandon the road, it shall pass a resolution of intent to abandon the road with conditions. Once FRHP Lincolnshire, LLC has satisfied the conditions, the Board shall pass a resolution that abandons the road. If the Board believes it is not in the best interest of the public to abandon the road, it shall pass a resolution not to abandon the road.

Passed and Adopted on the 30th day of April 2024.

BOARD OF COUNTY COMMISSIONERS
YELLOWSTONE COUNTY, MONTANA

John Ostlund, Chair

Mark Morse, Member

Donald W. Jones Member

ATTEST:

Jeff Martin, Clerk and Recorder

Attachments

- Exhibit 1 – Survey
- Exhibit 2 – Survey
- Exhibit 3 – Petition

Chronology

Agenda
Resolution to Appoint Board of Viewers
Board of Viewers Submits Report
Resolution to Set Public Hearing on Board of Viewers Report
Notice of Public Hearing – Posting and Publication
Public Hearing – Resolution of Intent
Notice of Satisfaction of Conditions
Resolution
Letter to Landowners
Change to County Road Book

Documents

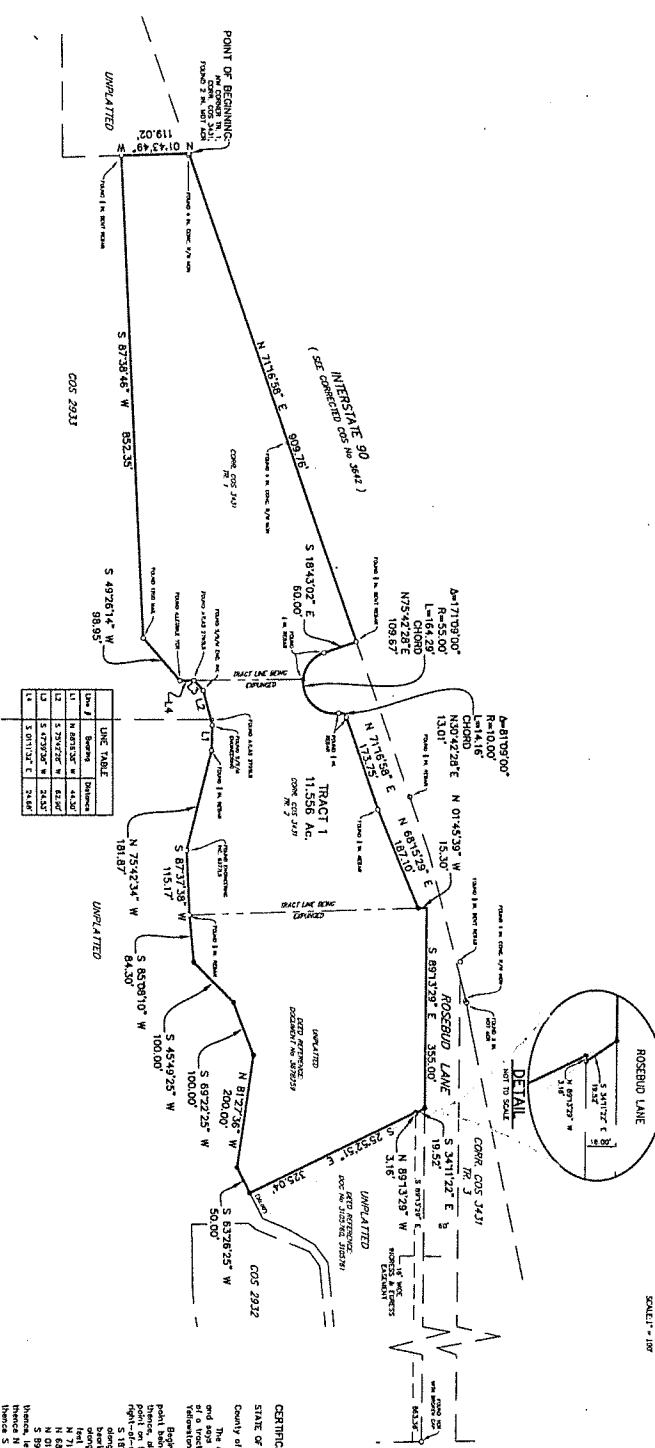
Survey
Survey
Petition
Resolution to Appoint Board of Viewers
 Meeting Minutes
 Meeting Recording
Board of Viewers Report
Resolution to Set Public Hearing on Board of Viewers Report
 Meeting Minutes
 Meeting Recording
Notice of Public Hearing
Affidavit of Notice of Public Hearing
Resolution of Intent
 Meeting Minutes
 Meeting Recording
 Comments
Notice of Satisfaction of Conditions
Resolution
 Meeting Minutes
 Meeting Recording

CERTIFICATE OF SURVEY NO. 3192

BEING TRACTS 1 & 2 OF CORRECTED CERTIFICATE OF SURVEY NO. 3431 AND UNPLATTED LAND SITUATED IN THE NW1/4 OF SECTION 35, T. 1 N., R. 26 E., P.M.M. YELLOWSTONE COUNTY, MONTANA

PREPARED FOR: SANDERSON STEWART

MAY 2021
BILLINGS, MONTANA



LINE	BEARING	DISTANCE
1	N 71°16'08" E	113.25'
2	S 87°26'46" W	852.25'
3	S 49°26'14" W	98.85'
4	S 87°37'35" W	115.17'
5	S 85°08'10" W	100.00'
6	S 45°49'05" W	100.00'
7	S 87°27'36" W	200.00'
8	S 69°22'25" W	100.00'
9	S 83°08'25" W	50.00'
10	S 87°26'46" W	852.25'
11	S 49°26'14" W	98.85'
12	S 87°37'35" W	115.17'
13	S 85°08'10" W	100.00'
14	S 45°49'05" W	100.00'
15	S 87°27'36" W	200.00'
16	S 69°22'25" W	100.00'
17	S 83°08'25" W	50.00'
18	S 87°26'46" W	852.25'
19	S 49°26'14" W	98.85'
20	S 87°37'35" W	115.17'
21	S 85°08'10" W	100.00'
22	S 45°49'05" W	100.00'
23	S 87°27'36" W	200.00'
24	S 69°22'25" W	100.00'
25	S 83°08'25" W	50.00'

CERTIFICATE OF COUNTY ATTORNEY
This document has been reviewed by the County Attorney's office and is acceptable as to form.
Date: 5/28/21
Reviewed by: [Signature]

CERTIFICATE OF REGISTERED HEALTH
The Certificate of Survey has been reviewed and approved by the Yellowstone Health Department.
[Signature]
Yellowstone Health Department
200 Yellowstone Health

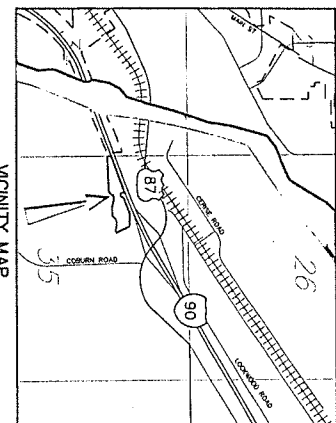
CERTIFICATE OF COUNTY TREASURER
I hereby certify that all real property taxes and special assessments have been paid for TRACTS 1 & 2 OF SECTION 35, T. 1 N., R. 26 E., P.M.M.
Date: 5/28/21
Yellowstone County Treasurer
By: [Signature]
Deputy

PURPOSE OF SURVEY - AGGREGATE EXISTING PARCELS

The undersigned hereby certify that the purpose of this survey is to aggregate and correct the boundaries of the parcels described in the attached plat and to plat the same as one parcel. This survey is being conducted under the authority of the Yellowstone County Health Department. The survey is being conducted under the authority of the Yellowstone County Health Department. The survey is being conducted under the authority of the Yellowstone County Health Department.

CERTIFICATE OF SURVEYOR
I, [Signature], a duly licensed and registered Professional Surveyor in the State of Montana, do hereby certify that I am the author of this survey and that I am a duly licensed and registered Professional Surveyor in the State of Montana. I am the author of this survey and that I am a duly licensed and registered Professional Surveyor in the State of Montana.

CERTIFICATE OF REGISTERED HEALTH
This Certificate of Survey has been reviewed and approved by the Yellowstone Health Department.
[Signature]
Yellowstone Health Department
200 Yellowstone Health



CERTIFICATE OF SURVEYOR
STATE OF MONTANA)
County of Yellowstone)
I, [Signature], a duly licensed and registered Professional Surveyor in the State of Montana, do hereby certify that I am the author of this survey and that I am a duly licensed and registered Professional Surveyor in the State of Montana. I am the author of this survey and that I am a duly licensed and registered Professional Surveyor in the State of Montana.

CERTIFICATE OF COUNTY TREASURER
I hereby certify that all real property taxes and special assessments have been paid for TRACTS 1 & 2 OF SECTION 35, T. 1 N., R. 26 E., P.M.M.
Date: 5/28/21
Yellowstone County Treasurer
By: [Signature]
Deputy



Exhibit 3

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

1. Obtain a petition from the Yellowstone County Public Works Department located in Room 312 of the County Courthouse. Read the petition procedure carefully. If you have any questions or need clarification about the petition procedures, please contact the Public Works Department at (406) 256-2735. Incomplete or inaccurate petitions will cause delays in the petition process.
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 Room 401 of 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 Public Works Department 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 along with a non-refundable \$25.00 fee and any necessary attachments (ownership report, warranty deeds, quit claim deeds, etc.) to the Yellowstone County Public Works Department.
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 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.

PETITION TO ESTABLISH, ALTER, OR ABANDON A COUNTY ROAD

TO: YELLOWSTONE COUNTY BOARD OF COMMISSIONERS

This petition is respectfully submitted this 9th day of November, 2023.

Petitioner/Initiator (and/or) Contact Person:

NAME: ~~Freedom Roads, LLC.~~ FRHP Lincolnshire, LLC

ADDRESS: 250 Parkway Drive, Suite 270

Lincolnshire, IL 60069

PHONE NO: 847-808-3000

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.

Lindsay J. Christen
Petitioner's Signature

November 16, 2023

Date

List all attachments:

- Sections A, B, C, and D of the Petition
- Map of petitioned roadway and affected property
- Affected property Ownership Report
- Check for \$25.00 made payable to Yellowstone County Public Works Department

PETITION TO ESTABLISH, ALTER, OR ABANDON A COUNTY ROAD

SECTION B

Reason for Petition

The portion of Rosebud Lane we are requesting to be abandoned would not be used
to provide access to any other property but Camping World.
Camping World purchased and aggregated the properties along Rosebud Lane.
Hencefore; the portion of Rosebud Lane and its Culdesac we are requesting to be
abandoned became useless to the public and provide a place for people to congregate
and loiter.
Camping World would grant appropriate easements for the utilities and fire hydrant as
well as maintain the property. This would result in a reduction on the County's
maintenance budget.

PETITION TO ESTABLISH, ALTER, OR ABANDON A COUNTY ROAD

SECTION C

Signatures and addresses of landowners in Yellowstone County
who wish to establish, alter, or abandon a county road
(minimum TEN (10) landowners)

PRINTED NAME	SIGNATURE	ADDRESS
Rob Pedigo	<i>Rob Pedigo</i>	1035 Rosebud
HARRY JOHNSON	<i>Harry Johnson</i>	204 Cottontail RD.
Cody Wojopich	<i>Cody Wojopich</i>	1326 Rosebud Ln
Karina Serrano	<i>Karina Serrano</i>	1332 Rosebud Ln
George Miles	<i>George Miles</i>	1320 Rosebud
Darcy McCarthy	<i>Darcy McCarthy</i>	1429 Rosebud Ln.
Ron Kunkel	<i>Ron Kunkel</i>	1509 Boulder Lane
LORINNA FATH	<i>LORINNA FATH</i>	1521 Rosebud Ln
Pat McOrall	<i>Pat McOrall</i>	1510 Rosebud Ln
Carl Peters	<i>Carl Peters</i>	1548 Rosebud Ln
TRISH Anderson	<i>Trish Anderson</i>	135 Maier Rd.

PETITION TO ESTABLISH, ALTER, OR ABANDON A COUNTY ROAD

SECTION D

Consent or non-consent of land owners in Yellowstone County
abutting and / or affected by the petitioned roadway

PRINTED NAME	SIGNATURE	ADDRESS	CONSENT	
			YES	NO
Rob. Pedra	<i>[Signature]</i>	1035 Rosebud	X	
Larry Johnson	<i>[Signature]</i>	204 Coburn RD	X	
Cody Udojich	<i>[Signature]</i>	1326 Rosebud LN	X	
Karina Servano	<i>[Signature]</i>	1332 Rosebud Ln	X	
George N. / or	<i>[Signature]</i>	1320 Rosebud Ln	X	
Darcy McCarthy	<i>[Signature]</i>	1429 Rosebud Ln	X	
Bob Kindy	<i>[Signature]</i>	1509 Spruce	X	
Louanna Beth	<i>[Signature]</i>	1521 Rosebud	X	
Pat McGrail	<i>[Signature]</i>	1510 Rosebud Ln	X	
Carl Peters	<i>[Signature]</i>	1548 Vaden	✓	
Trish Anderson	<i>[Signature]</i>	135 Myer	✓	

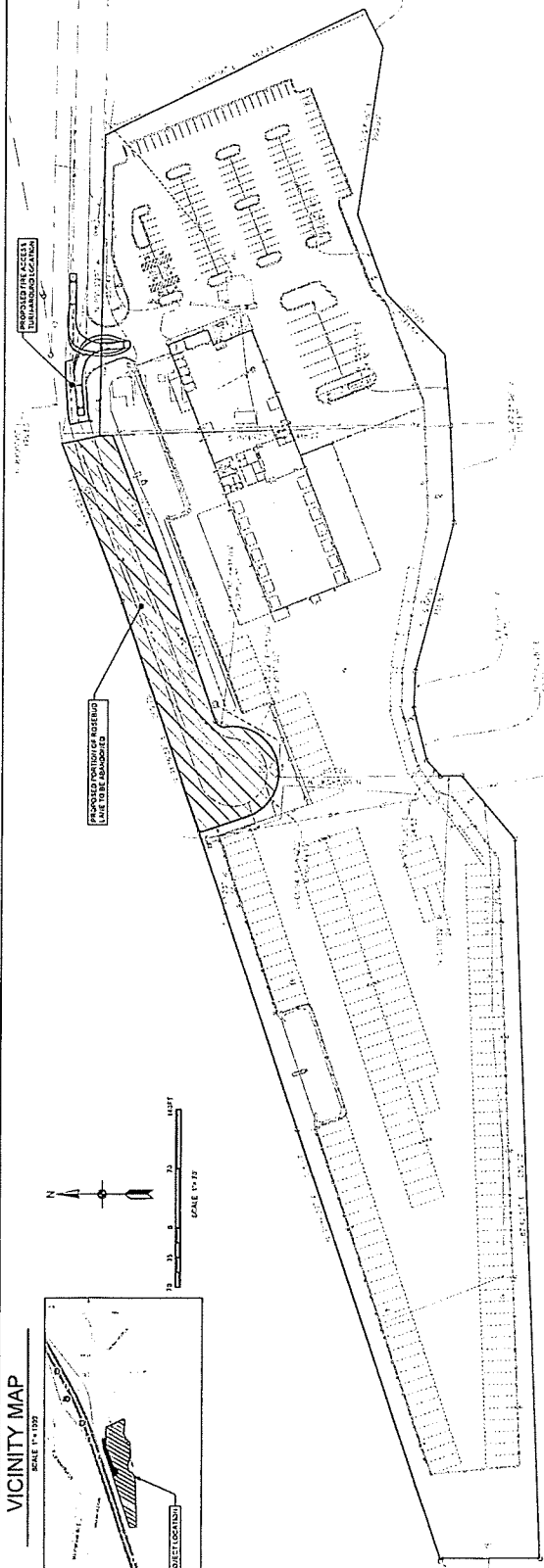
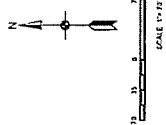
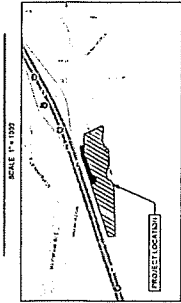
ROSEBUD LANE ABANDONMENT LEGAL DESCRIPTION

BEGINNING AT A FOUND 5/8" REBAR, BEING THE NORTH CORNER OF PARCEL A (DESCRIBED BELOW); THENCE N71°16'37"E 289.75 FEET ALONG THE NORTH RIGHT OF WAY OF ROSEBUD LANE; THENCE N68°27'29"E 200.26 FEET; THENCE S11°48'49"E 45.60 FEET; THENCE S01°45'39"E 16.05 FEET; THENCE S68°31'56"W 187.70' FEET ALONG THE SOUTH RIGHT OF WAY OF ROSEBUD LANE; THENCE S71°11'54"W 172.11 FEET; THENCE WITH A CURVE TO THE LEFT, HAVING A CHORD BEARING OF S28° 28'20"W 14.99 FEET, WITH AN ARC LENGTH OF 16.76 FEET, AND A RADIUS OF 11.03 FEET; THENCE WITH A CURVE TO THE RIGHT, HAVING A CHORD BEARING OF S43°35'41"W 86.44 FEET, WITH AN ARC LENGTH OF 95.32 FEET, AND A RADIUS OF 55.00 FEET; THENCE WITH A CURVE TO THE RIGHT, HAVING A CHORD BEARING OF N51°30'29"W 59.75 FEET, HAVING A ARC LENGTH OF 66.94 FEET, AND A RADIUS OF 55.00 FEET; THENCE N18°43'23"W 60.00 FEET, TO THE POINT OF BEGINNING, BEING 0.78 ACRES, MORE OR LESS.

PARCEL A:

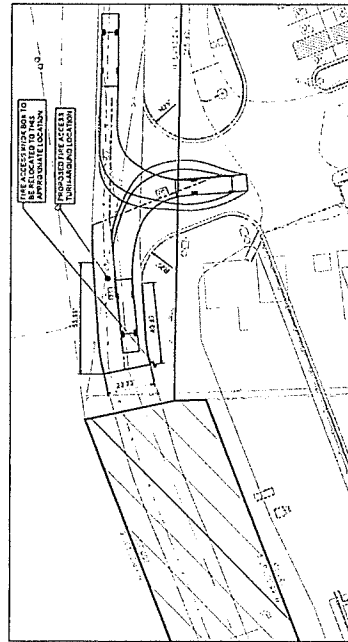
THAT PART OF NORTHWEST 1/4 OF SECTION 35, TOWNSHIP 1 NORTH, RANGE 26 EAST, OF THE PRINCIPAL MONTANA MERIDIAN, IN YELLOWSTONE COUNTY, MONTANA, DESCRIBED AS TRACTS 1 AND 2, OF CORRECTED CERTIFICATE OF SURVEY NO. 3431 ON FILE IN THE OFFICE OF THE CLERK AND RECORDER OF SAID COUNTY, UNDER DOCUMENT #3583467.

VICINITY MAP



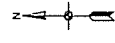
TURN AROUND OPTION

SCALE 1" = 25'



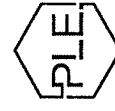
TURN AROUND OPTION (ENLARGED VIEW)

SCALE 1" = 25'



<p>T-TYPE</p>	<p>IRANGLI</p>
<p>CIRCULAR</p>	
<p>APPROXIMATE VALUE 1000.00 1000.00 1000.00</p>	<p>YELLOWSTONE COUNTY CUL-DE-SAC TURNAROUND STANDARDS</p>
<p>DATE 06/27/23</p>	<p>PROJECT NO. 130</p>

CAMPING WORLD
 BILLINGS
 Rosebud Lane
 Billings, Montana



Project Number: 21101
 Date: 27 JULY, 2023
 Revision:

ROAD
 ABANDONMENT
 & FIRE ACCESS

C1.0