

# YELLOWSTONE COUNTY BOARD OF COUNTY COMMISSIONERS

Resolution No. 25-68

## Resolution to Set Hearing on Board of Viewers' Report for Abandonment of a Portion of Lucern Avenue

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, Lucern Avenue is a dedicated public road on the Plat of the Town of Shepherd. Plat of Town of Shepherd, Doc. No. 51663, filed on April 10, 1914. The road has not been constructed. The Yellowstone County Board of County Commissioners has the authority to manage the road, including the authority to abandon a portion of the road.

WHEREAS, on March 28, 2025, the Board received a petition to abandon a portion of the right-of-way for Lucern Avenue west of Wade Street from Barbara Pate who owns land that abuts the portion of the road she would like the Board to abandon. All the landowners who own land that abut the portion of the road Pate requested the Board abandon have agreed to the abandonment – Barbara Pate, Wesley Fisk, and Reed Snider. Pate would like the Board to abandon the road because it was never constructed and is not needed. The intent is to have the abandoned right-of-way aggregated into Lots 1 and 2 of Block 2 of the Town of Shepherd owned by Fisk and Lot 3 of Block 2 of the Town of Shepherd owned by Pate. Pate has access to her land from Lot 5 of Block 2 of the Town of Shepherd. On April 15, 2025, the Board reviewed the petition and appointed a Board of Viewers to investigate the proposed abandonment. On May 6, 2025, the Board of Viewers submitted a report on the proposed abandonment. **Exhibit 1 – Report.** The Board of Viewers' Report recommended that the Board abandon the road with conditions.

NOW THEREFORE, BE IT RESOLVED,

On May 20, 2025, at 9:00 a.m., in Room 3108 of the Stillwater Building located at 316 North 26<sup>th</sup> Street in Billings, Montana, the Yellowstone County Board of County Commissioners shall hold a public hearing on the petition to abandon a portion of Lucern Avenue. The Board orders the Yellowstone County Clerk and Recorder to provide notice of the hearing, to receive written comments on behalf of the Board and to provide the comments to the Board before the hearing.

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 Pate 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 6th day of May 2025.

BOARD OF COUNTY COMMISSIONERS  
YELLOWSTONE COUNTY, MONTANA

\_\_\_\_\_  
Mark Morse, Chair

\_\_\_\_\_  
Michael J. Waters, Member

\_\_\_\_\_  
John Ostlund, Member

ATTEST:

\_\_\_\_\_  
Jeff Martin, Clerk and Recorder

### Attachments

Exhibit 1 – Report.