

To: Yellowstone County Board of County Commissioners

From: Board of Viewers

Date: April 25, 2025

Subject: Board of Viewers Report - Request for Abandonment of Lucern Avenue

Board of Viewers Inspection:

A field inspection to view this petition was conducted on different dates in April 2025 by the Board of Viewers. The following people were appointed by Resolution to the Board of Viewers for this petition:

Mark Morse	Yellowstone County Commissioner, Chairman (District 1)
Jeff Martin	Yellowstone County Clerk and Recorder
Lora Mattox	Transportation Planning Coordinator (City/County Planning)
Jay Anderson	Yellowstone County Deputy Public Works Director

Background:

Yellowstone County received a Road Abandonment Petition for the abandonment of a portion of Lucern Avenue from a landowner within the plat of the Town of Shepherd (formerly plat of the Town of Holland). The length of the petitioned road is approximately 70-feet and extends from the west edge of Wade Street right-of-way to a point of termination at the east edge of Tract 1 of CS 2773. The petitioner, Barabara Pate, owns Tract 1 of CS 2773, Lot 3 (aggregated Lots 3 and 4) and Lot 5 of Block 2. Lots 1 and 2 of Block 2 are owned by Wesley Fisk, deceased, who's personal representative is Barabara Pate. There was not opposition to the abandonment by any of the abutting landowners and the petitioner collected more than the minimum required signatures of Yellowstone County property owners in support of the petition.

Findings:

1. Observations of Lucern Avenue: The original plat of the Town of Shepherd (formerly the Town of Holland) had Lucern Avenue running east and west of Wade Street. Lucern Avenue was not platted as a through street. The portion of Lucern Avenue, east of Wade Street, was previously abandoned. The subject roadway was never constructed to county standards.
2. Usage and Necessity: This portion of Lucern Avenue does not serve any other landowners, create thru connections, or appear to provide opportunity for future connections. The continuation of Lucern Avenue is constrained by the petitioner to the west and was previously abandoned east of Wade Street.

Recommendations and Conditions of Approval:

After review and input from the Board of Viewers it is their recommendation to proceed with the proposed abandonment of a portion of Lucern Avenue. Based on the input and consideration of this

Board and no opposition from the affected stakeholders this would be the appropriate action to take. The abandonment should only be approved and finalized with the following listed conditions:

1. Submit and record an amended plat or survey aggregating the desired abandonment into a Lot or Tract. All lots or tracts will need to have legal access.
2. The owner (Ms. Pate) will need to record a personal representative's deed removing Wesley Fisk from title. Ms. Pate will be responsible for having the deed properly prepared and recorded.
3. Petitioner has one year to complete all conditions for the abandonment to be finalized.

Respectfully Submitted,

Board of Viewers

Mark Morse		05.01.2025
Yellowstone County Commissioners		Date

Jeff Martin		5/1/25
Yellowstone County Clerk and Recorder		Date

Lora Mattox		4/28/25
Transportation Planning Coordinator (City/County)		Date

Jay Anderson		4/25/2025
Yellowstone County Public Works Deputy Director		Date