

YELLOWSTONE COUNTY BOARD OF COUNTY COMMISSIONERS

Resolution No. 25-131

Resolution to Abandon a Portion of Bone 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, Bone Avenue is a dedicated public road in Johnson Park Subdivision. Johnson Park Subdivision, Doc. No. 565995, filed on June 30, 1956. **Exhibit 1 – Plat.** 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 August 12, 2024, the Board received a petition to abandon a portion of the right-of-way for Bone Avenue approximately between Sandy Lane and Bonnie Lane from Paul Fasching who owns land that abuts the portion of road he would like to abandon. **Exhibit 2 – Petition.** All the landowners who own land that abut the portion of the road requested to be abandoned have agreed to the abandonment – Jerry and Julie Makeeff, Fasching, Dale and Judith Hanson and Bonnie Dune LLC. Fasching would like to abandon the road because it is not needed. On September 10, 2024, the Board reviewed the petition and appointed a Board of Viewers to investigate the proposed abandonment. On November 19, 2024, the Board of Viewers submitted a report on the proposed abandonment. **Exhibit 3 – Report.** The Board of Viewers' Report recommended that the Board abandon the road with conditions. On November 19, 2024, the Board set a public hearing on the proposed abandonment for December 3, 2024. On December 3, 2024, the Board held a public hearing on the proposed abandonment. The Board heard comments on the proposed abandonment and considered the Board of Viewer's recommendation. The Board determined that it would be in the best interest of the public to abandon the road. The road serves no purpose it does not provide access to anything. On the same date, the Board passed a resolution of intent to abandon the road if Fasching met several conditions. **Exhibit 4 – Resolution of Intent.** On July 16, 2025, Fasching advised the Board he had satisfied the conditions. The Yellowstone County Public Works Department verified Fasching satisfied the conditions.

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NOW THEREFORE, BE IT RESOLVED,

The Yellowstone County Board of County Commissioners abandons the portion of Bone Avenue indicated on the attached survey. **Exhibit 5 – Survey.** Paul Fasching satisfied the conditions to abandon the road. The Board did not abandon the alley across Bone Avenue. There is a gas line in the right-of-way of the alley.

The Board orders the Yellowstone County Public Works Director to modify the County Road Book to indicate the road has been abandoned and to send by certified mail a copy of this resolution to those landowners whose land abuts the abandonment.

Passed and Adopted on the 18th day of November 2025.

BOARD OF COUNTY COMMISSIONERS
YELLOWSTONE COUNTY, MONTANA

Mark Morse, Chair

Michael J. Waters, Member

ATTEST:

Chris White, Member

Jeff Martin, Clerk and Recorder

State of Montana }

ss.

County of Yellowstone }

On this 18th day of November, 2025 before me, a Notary Public in and for the State of Montana, personally appeared Mark Morse, Michael J. Waters and Chris White, known to me to be the Board of County Commissioners, respectively, and the Clerk and Recorder, Jeff Martin, of Yellowstone County, Montana, whose names are subscribed to the foregoing instrument in such capacity and acknowledged to me that they fully executed the same on behalf of Yellowstone County, Montana.

Attachments

- Exhibit 1 – Subdivision Plat.
- Exhibit 2 – Petition.
- Exhibit 3 – Report.
- Exhibit 4 – Resolution of Intent.
- Exhibit 5 – Amended Plat.