

To: Yellowstone County Board of County Commissioners

From: Board of Viewers

Date: October 18, 2024

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

Board of Viewers Inspection:

A field inspection to view this petition was conducted on different dates in September and early October 2024 by the Board of Viewers listed below. The following people were appointed by Resolution to the Board of Viewers for this petition:

John Ostlund	Yellowstone County Commissioners
Jeff Martin	Yellowstone County Clerk and Recorder
Lora Mattox	Transportation Planning Coordinator (City/County Planning)
Logan McIsaac	Yellowstone County Public Works Project Manager

Background:

Yellowstone County received a Road Abandonment Petition from a landowner of the Johnson Park Subdivision. The petitioner, Paul Fasching, operates a business on Lot 7, Block 3 of the subdivision. The length of public right-of-way wishing to be abandoned is approximately 300 feet from the eastern edge of the right-of-way of Sandy Lane to the western edge of right-of-way of Bonnie Lane. 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 Bone Avenue: The original plat of Johnson Park Subdivision had Bone Avenue as a through east-west street for potential future development on either side of the subdivision. The subdivision is now bordered to the east by businesses that use the property as a storage yard laydown area and to the west by undeveloped land and a truck repair company. The portion of Bone Avenue east of Bonnie Lane has been previously abandoned. The length of roadway proposed to be abandoned with this petition is approximately 300 feet of a cross street that connects a main subdivision street to a side street that's main use now is an access roadway. The constructed subject roadway has gravel surfacing.
2. Usage and Necessity: When considering abandonment petitions there needs to be careful consideration for connectivity and egress access for future development. Since most of the land directly east of the Johnson Park subdivision is developed and that adjacent portion of Bone Avenue is already abandoned, the likelihood of Bone needing to be a connection point to the east is highly unlikely. The property to the west and north that could potentially develop in the future is constrained by the Yellowstone River and its floodplain. If

development were to occur in these areas egress could be accomplished with carefully planned cul-de-sacs.

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 Bone 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 Certificate of Survey aggregating the desired abandonment into the adjacent lots (parcels). The Certificate of Survey shall depict all easements for any public and private utilities, etc.
2. Petitioner has one year to complete all conditions for the abandonment to be finalized.

Respectfully Submitted,

Board of Viewers

John Ostlund

Yellowstone County Commissioners


Date

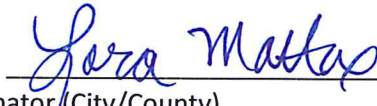
Jeff Martin

Yellowstone County Clerk and Recorder


Date

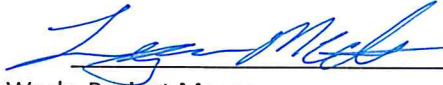
Lora Mattox

Transportation Planning Coordinator (City/County)


Date

Logan McIsaac

Yellowstone County Public Works Project Manager


Date