

# YELLOWSTONE COUNTY BOARD OF COUNTY COMMISSIONERS

Resolution No. 26-83

## **Resolution to Set Hearing on Board of Viewers' Report for Abandonment of Certain Roads in Rockwell-Schauer Subdivision**

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, on September 25, 1961, Maizy Rockwell and Gertrude Schauer filed the Plat of the Rockwell-Schauer Subdivision that dedicated the roads in the subdivision to the public. The roads for the subdivision were not constructed when the plat was filed. Over the years only portions of the roads have been constructed. On September 4, 1973, the Yellowstone County Board of County Commissioners abandoned some of the roads in the subdivision. On March 2, 1984, the Board abandoned some of the roads in the subdivision.

WHEREAS, Steven Krum owns land in the Rockwell-Schauer Subdivision. On January 8, 2026, Krum submitted a petition to the Yellowstone County Board of County Commissioners, through the Yellowstone County Public Works Department, to abandon roads in the Rockwell-Schauer Subdivision. The petition indicates which roads he would like the Board to abandon, he would like the Board to abandon the roads because they have not been constructed and are not needed, who would receive the roads if the Board abandoned them and the affected landowners have consented to the abandonment. On May 12, 2026, the Board reviewed the petition and appointed a Board of Viewers to investigate the proposed abandonment. On July 07, 2026, the Board of Viewers submitted a report on the proposed abandonment. [Exhibit 1 – Report](#). The Board of Viewers' Report recommended the Board abandon the roads with conditions.

NOW THEREFORE, BE IT RESOLVED,

On July 28, 2026, at 9:00 a.m., in Room 309 of the John Ostlund Building at 2825 3<sup>rd</sup> Avenue North in Billings, Montana, the Yellowstone County Board of County Commissioners shall hold a public hearing on the petition to abandon certain roads in the Rockwell-Schauer Subdivision. 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 roads. If the Board believes that it is in the best interest of the public to abandon the roads, it shall pass a resolution of intent to abandon the roads with conditions. Once Krum has satisfied the conditions, the Board shall pass a resolution that abandons the roads. If the Board believes it is not in the best interest of the public to abandon the roads, it shall pass a resolution not to abandon the roads.

Passed and Adopted on the 7<sup>th</sup> day of July 2026.

BOARD OF COUNTY COMMISSIONERS  
YELLOWSTONE COUNTY, MONTANA

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

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

\_\_\_\_\_  
Chris White, Member

ATTEST:

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

**Attachment**

Exhibit 1 – Report.