

**YELLOWSTONE COUNTY BOARD OF COUNTY COMMISSIONERS**

Resolution No. 24-165

**Resolution Not to Abandon  
Carter Avenue and the Alley Between Carter Avenue and Sanford Avenue**

WHEREAS, the Yellowstone County Board of County Commissioners received a petition from Bronson Park to abandon the right-of-way for Carter Avenue and the alley between Carter Avenue and Sanford Avenue. The Board viewed the petition and appointed a Board of Viewers to make a recommendation on the petition. The Board of Viewers made a recommendation to the Board. The Board of Viewers recommended the Board grant the petition with conditions. On January 7, 2020, the Board held a public hearing on the petition. The Board passed a resolution of intent to grant the petition once Park satisfied certain conditions. Resolution No. 20-4. On January 4, 2022, based on a request from Park, the Board extended the deadline for Park to satisfy the conditions. On January 3, 2023, based on a request from Park, the Board extended the deadline for Park to satisfy the conditions. The Board contacted Park as to whether he had satisfied the conditions. Park indicated that it no longer wanted to abandon the right-of-way.

NOW THEREFORE, BE IT RESOLVED,

The Yellowstone County Board of County Commissioners does not intend to abandon the right-of-way for Carter Avenue or the alley between Carter Avenue and Sanford Avenue depicted on the Plat of Sanford Subdivision. Bronson Park, the person who requested the abandonment, no longer wants the abandonment. In the future, if someone would like to abandon the right-of-way, the person would have to submit a new petition and the entire process would have to be followed.

Passed and Adopted on the 17<sup>th</sup> day of December, 2024.

BOARD OF COUNTY COMMISSIONERS  
YELLOWSTONE COUNTY, MONTANA

\_\_\_\_\_  
John Ostlund, Chair

\_\_\_\_\_  
Mark Morse, Member

\_\_\_\_\_  
Donald W. Jones, Member

ATTEST:

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

State of Montana            }  
  ss.  
County of Yellowstone    }

On December 17, 224, before me personally appeared John Ostlund, Mark Morse and Donald W. Jones, members of the Board of County Commissioners of Yellowstone County, and Jeff Martin, the Yellowstone County Clerk and Recorder, and acknowledged to me that they executed this Resolution Not to Abandon Carter Avenue and the Alley Between Carter Avenue and Sanford Avenue on behalf of Yellowstone County in their official capacities as Board Members and the Clerk and Recorder.

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**Teri Reitz**

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**From:** Tim Miller  
**Sent:** Friday, December 30, 2022 10:04 AM  
**To:** Teri Reitz  
**Subject:** FW: Silver Fox Subdivision - Carter Ave. Abandonment Extension

Thanks Teri

*Tim Miller  
Yellowstone County Public Works Director / Floodplain Administrator  
Phone 406-256-2735  
e-mail [tmiller@yellowstonecountymt.gov](mailto:tmiller@yellowstonecountymt.gov)  
Po Box 35024  
Billings Mt 59107*

My e-mail has changed to [tmiller@yellowstonecountymt.gov](mailto:tmiller@yellowstonecountymt.gov)

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**From:** Scott Aspenlieder <[scott@performance-ec.com](mailto:scott@performance-ec.com)>  
**Sent:** Friday, December 30, 2022 10:00 AM  
**To:** Tim Miller <[tmiller@yellowstonecountymt.gov](mailto:tmiller@yellowstonecountymt.gov)>  
**Cc:** Kinslee Hage <[kinslee@performance-ec.com](mailto:kinslee@performance-ec.com)>  
**Subject:** Silver Fox Subdivision - Carter Ave. Abandonment Extension

Tim

We are respectfully requesting an extension of the Carter Ave. abandonment plat be place on the Commission's agenda for consideration and approval. I will circle with the Owner to finalize the submittal again in January to clear this up for all involved. I appreciate your assistance and please let me know if you have any questions or concerns. Thank you!

Scott Aspenlieder, PE  
Principal  
[scott@performance-ec.com](mailto:scott@performance-ec.com)  
Office: 406.384.0080  
Mobile: 406.461.8392



YELLOWSTONE COUNTY COMMISSIONERS	
<input checked="" type="checkbox"/> APPROVED	<input type="checkbox"/> DISAPPROVED
JAN 03 2023	
CHAIRPERSON	

Yellowstone County Commissioners  
Yellowstone County Public Works – Mike Black, PE


December 30, 2021

Abandonment of Carter Avenue in the Sanford Subdivision

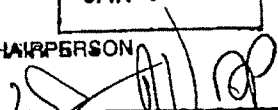
The purpose of this letter is to request an additional 1 year for the conditions of the board of viewers report to be completed. I am confident that the additional time will be sufficient to complete what is remaining on the conditions.

Thank you for your consideration.

Sincerely,

  
Boyce Smith

YELLOWSTONE COUNTY COMMISSIONERS	
<input checked="" type="checkbox"/> APPROVED	<input type="checkbox"/> DISAPPROVED
JAN 04 2022	
CHAIRPERSON	





## YELLOWSTONE COUNTY BOARD OF COUNTY COMMISSIONERS

Resolution No. 20-04

### Resolution of Intent to Abandon Carter 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, Carter Avenue is a dedicated, unconstructed public road within Yellowstone County. Sanford Subdivision, March 25, 1955, Doc. No. 937803. The Yellowstone County Board of County Commissioners has the authority to manage the road, including the authority to abandon the road.

WHEREAS, on September 11, 2019, the Board received a petition to abandon the road. Exhibit 1 – Petition. Bronson Park, submitted the petition. He owns land adjacent to the right-of-way to the road. He would like the Board to vacate the right-of-way for the road because no one constructed it and it does not provide access to any property. The right-of-way is not needed. He would like the right-of-way aggregated into his land. The property owners affected by the abandonment do not object to the abandonment. The Board reviewed the petition. The petition appeared legally sufficient to appoint a Board of Viewers to investigate the proposed abandonment. On 01 October 2019, the Board appointed a Board of Viewers.

WHEREAS, on November 22, 2019, the Board of Viewers submitted a report on the proposed abandonment. Exhibit 2 – Report. The Board of Viewers' Report recommended that the Board abandon the road with conditions. On 12 December 2019, the Board set a public hearing on the proposed abandonment for 07 January 2020. On 20 December 2019 and 27 December 2019, the Yellowstone County Clerk and Recorder published notice of the public hearings and the petition in the *Yellowstone County News*.

WHEREAS, on 07 January 2020, 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. No one has constructed the road. The road does not provide access to any property. The road is not needed.

NOW THEREFORE, BE IT RESOLVED,

The Yellowstone County Board of County Commissioners intends to abandon Carter Avenue depicted on the Plat of Sanford Subdivision on the condition that Park file an amended plat that indicates the abandonment. Additionally Park must submit and record a public easement from Silver Fox Court showing legal and physical access into this parcel. Once Park has filed an amended plat that indicates the abandonment and the aggregation of the right-of-way into his land, and recorded the access easement, the Board will file a resolution that abandons the road.

Resolution No. 20-04

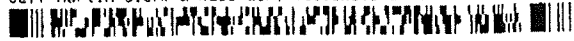
Resolution of Intent to Abandonment of Carter Avenue

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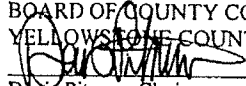
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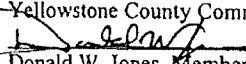
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Jeff Martin Clerk & Recorder, Yellowstone MT

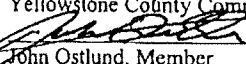


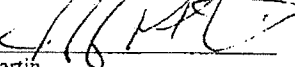
Passed and Adopted on the 7<sup>th</sup> day of January 2020.

BOARD OF COUNTY COMMISSIONERS  
YELLOWSTONE COUNTY, MONTANA

  
Denis Pitman, Chair  
Yellowstone County Commissioner

  
Donald W. Jones, Member  
Yellowstone County Commissioner

  
John Ostlund, Member  
Yellowstone County Commissioner

Attest:   
Jeff Martin  
Yellowstone County Clerk and Recorder

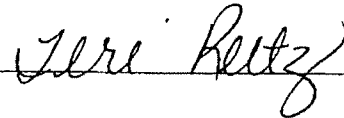
STATE OF MONTANA )

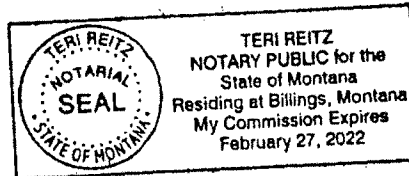
:SS

County of Yellowstone )

On this 7<sup>th</sup> day of January, 2020, before me, a Notary Public for the State of Montana personally appeared, Denis Pitman, Donald W. Jones and John Ostlund, members of the Board of County Commissioners, and Jeff Martin, County Clerk and Recorder, known to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notary seal the day and year first above written.

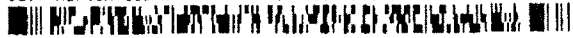
  
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PETITION PROCEDURE TO ESTABLISH, ALTER, OR ABANDON  
A COUNTY ROAD UNDER SECTION 7-14-2601 MCA

1. Obtain a petition from the Yellowstone County Public Works Department located in Room 312 of the County Courthouse. Read the petition procedure carefully. If you have any questions or need clarification about the petition procedures, please contact the Public Works Department at (406) 256-2735. Incomplete or inaccurate petitions will cause delays in the petition process.
2. Type the complete and correct legal description for the roadway being petitioned in Section A of the petition. Petitions with incorrect or incomplete legal descriptions will be returned to the petitioner.
3. Attach a photocopy of the affected plat, Certificate of Survey, or Assessor Map to the petition. Mark and / or color the area described in the legal description. These copies do not have to be full plats but must detail the petitioned roadway and adjoining property. Copies of plats can be obtained from the Clerk and Recorder's Office in Room 401 of the County Courthouse.
4. Provide the reason for the petition in Section B of the petition.
5. Obtain at least **TEN (10)** signatures including addresses of landowners who wish to establish, alter, or abandon a county road (refer to Section C). It is recommended that more than ten signatures be on the petition so that the petition will not be voided if any signatures are invalid.
6. Consult the Public Works Department to review the plat and area affected by the petitioned roadway. This will be needed to complete steps 7 and 8 of the procedure.
7. Attach an Ownership Report from a Title Company, paid for by the petitioner, to verify current ownership of property affected by the petitioned roadway.
8. Obtain signatures and consent for the petition from all property owners affected by the roadway being petitioned in Section D.
9. Submit the petition along with a non-refundable \$25.00 fee and any necessary attachments (ownership report, warranty deeds, quit claim deeds, etc.) to the Yellowstone County Public Works Department.
10. Typically, within thirty (30) days of filing a correct and complete petition to establish, alter, or abandon a county road, the Commissioners will appoint a Board of Viewers to investigate the request.



11. The Board of Viewers will issue a report of its findings and recommendations to the Board of County Commissioners who will then schedule a public hearing. This hearing will be advertised in the newspaper and will be open to the public for comments from any persons who may speak in favor of, or in opposition to the petition.
12. Within ten (10) days after the public hearing, the Board of County Commissioners will issue a notice of decision by certified mail to all owners of land affected by the petitioned roadway. Notified owners will be those parties listed on the last county assessment roll.
13. If the petition is to abandon a subdivision or certificate of survey road, the following will be required if abandonment is granted by the County Commissioners:
  - The petitioner and / or benefiting property owners will be required to file an amended plat with the Clerk and Recorder.
  - The amended plat will reflect the adjusted lot lines affected by this abandonment.
  - This amended plat will need to be completed and filed with the Clerk and Recorder within a year of the approved petition.
  - Comply with any (and all) other specific conditions that are established by the Board of County Commissioners.



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Jeff Martin Clerk & Recorder, Yellowstone MT



PETITION TO ESTABLISH, ALTER, OR ABANDON A COUNTY ROAD

TO: YELLOWSTONE COUNTY BOARD OF COMMISSIONERS

This petition is respectfully submitted this 11 day of Sept, 2019.

Petitioner/Initiator (and/or) Contact Person:

NAME: Bronson Park

ADDRESS: 486 Tabriz Dr.

PHONE NO: Billings MT 59105  
406 670 8673

*Boyle Smith  
697-3884*

I swear that all of the above information is true and correct, and all the landowner's signatures are the original true and consenting landowners.

*[Signature]*  
Petitioner's Signature

9/11/19  
Date

List all attachments:

- Sections A, B, C, and D of the Petition
- Map of petitioned roadway and affected property
- Affected property Ownership Report
- Check for \$25.00 made payable to Yellowstone County Public Works Department
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- \_\_\_\_\_
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Jeff Martin Clerk & Recorder, Yellowstone MT



PETITION TO ESTABLISH, ALTER, OR ABANDON A COUNTY ROAD

SECTION C

Signatures and addresses of landowners in Yellowstone County  
who wish to establish, alter, or abandon a county road  
(minimum TEN (10) landowners)

PRINTED NAME	SIGNATURE	ADDRESS
Shauna Morgan	<i>[Signature]</i>	1680 Lockwood Rd Billings, MT 59101
Joseph Brown	<i>[Signature]</i>	4555 RANGEVIEW DR. 59101 Billings, MT
<del>Clayton Jackson</del>	<del><i>[Signature]</i></del>	<del>478 Cash Ave 1910 Arch Stone St</del>
Jane Jensen	<i>[Signature]</i>	1235 Lynn Ave
<del>1 Landers Street</del>	<del><i>[Signature]</i></del>	<del>2455 Rawl Trail</del>
Rob Morgan	<i>[Signature]</i>	1114 Crist Dr Billings, MT 59105
Scott Aspendale	<i>[Signature]</i>	1146 Eile Ave Billings, MT
Blonson Park	<i>[Signature]</i>	482 Tabriz Billings, MT
Boyer Smith	<i>[Signature]</i>	PO Box 32128 425 High Trail Billings, MT 59107



Revised  
9-23-19

PETITION TO ESTABLISH, ALTER, OR ABANDON A COUNTY ROAD

SECTION D

Consent or non-consent of land owners in Yellowstone County  
abutting and / or affected by the petitioned roadway

PRINTED NAME	SIGNATURE	ADDRESS	CONSENT	
			YES	NO
RON STROSS	<i>[Signature]</i>	1760 Lockwood	X	
LARA STROSS	<i>[Signature]</i>	1760 Lockwood	X	
Phil Hair	<i>[Signature]</i>	1700 Lockwood	X	
Boyer Smith	<i>[Signature]</i>	1650 Lockwood	X	
Bronson Park OWNER of 4 Nido LLC	<i>[Signature]</i> President/CEO	486 Teb... Billings MT	X	
→ RICK HINMAN	<i>[Signature]</i>	1700 Lockwood	X	
→ KAREN HINMAN MEDICAL PRNSO!	<i>[Signature]</i>	1700 Lockwood	X	





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Jeff Martin Clerk & Recorder, Yellowstone MT



**BOARD OF VIEWERS REPORT**

**TO:** Yellowstone County Board of County Commissioners  
**FROM:** Board of Viewers  
**DATE:** November 22, 2019  
**SUBJECT:** *PETITION TO ABANDON CARTER AVENUE IN THE SANFORD  
SUBDIVISION LOCATED IN LOCKWOOD IN YELLOWSTONE COUNTY,  
MONTANA*

**BACKGROUND**

A field inspection to view this petition was conducted on November 15, 2019 by Mike Black-PE, Scott Walker, Jeff Martin and Denis Pitman.

The following people comprised the Board of Viewers:

Mike Black, PE,	Senior Yellowstone County Civil Engineer
Scott Walker,	Billings City / Yellowstone County Planning Department
Jeff Martin,	Yellowstone County Clerk and Recorder
Denis Pitman,	Yellowstone County Commissioner

**FINDINGS**

Yellowstone County has received a petition to abandon Carter Avenue, a road right of way that was never built and therefore never used as a road. Carter Avenue is a dedicated public road as part of Sanford Subdivision located in Lockwood, Yellowstone County.

The petition to abandon this road was received from Bronson Park on 11 September 2019, who owns land adjacent to the right-of-way to the road.

The petitioner desires to eliminate the public right-of-way of this road adjacent to their property as they desire to better use this portion of land for other uses. This portion of land has not been used for a road in the past and is not anticipated to be used for a road in the future.

Legal and physical access can be provided from either Reynolds Street on the east of the petitioners parcel or from the west from an easement to Silver Fox Court. The petitioner indicated that they prefer to use an easement from the west to Silver Fox Court as the physical access from the east off of Reynolds Street is limited due to steepness.





Yellowstone County is in agreement to this proposal, provided that the conditions stated below in the recommendations are met. Yellowstone County has no need or interest in the use of this portion of Carter Avenue for current or future roadway purposes.

From the review of this petition, it appears that legal access will continue to be provided to all abutting private lands. Based on the information above the abandonment of this portion of Carter Avenue appears logical.

**RECOMMENDATIONS**


The Board of Viewers recommends conditional approval of the abandonment of Carter Avenue in Yellowstone County, subject to the following conditions:

1. Petitioner shall submit and file an amended plat, aggregating Carter Avenue with the immediately adjacent parcel to the south,
2. Petitioner shall submit and record a public easement from Silver Fox Court showing legal and physical access into their parcel,
3. Petitioner shall submit to Yellowstone County Public Works Department a copy of the recorded easement (once it is recorded),
4. Petitioner shall submit a letter requesting the extension of any existing Rural Special Improvement District(s) (RSID) for the perpetual maintenance Silver Fox Court (if an RSID exists), identifying this parcel as a benefited parcel and as such agreeing to pay for a portion of the annual maintenance costs for Silver Fox Court as long as this parcel uses Silver Fox Court for access,
5. Petitioner has one year to complete all conditions for abandonment to be finalized.

Respectfully Submitted,

Board of Viewers

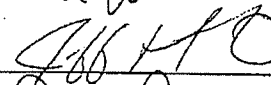
Mike Black, PE  
Senior Yellowstone County Civil Engineer

 12-2-19  
Date

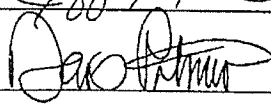
Scott Walker  
City / County Planning Department

 12-2-19  
Date

Jeff Martin  
Yellowstone County Clerk and Reorder

 12-2-19  
Date

Denis Pitman  
Yellowstone County Commissioner

 12-2-19  
Date