

26-0498

Recording Requested By:

County of Fresno

No Fee-Gov/t. Code Sections 6103
and 27383

When Recorded Mail To: County

of Fresno, Department of Public

Works and Planning Design

Division (Real Property)

2220 Tulare Street, 6th Floor

Fresno, CA 93721

Resolution of General Vacation

E. Morton Avenue

(Document Title)

This page added to provide adequate space for the above information only.

(Government Code 27361.6)

(Additional recording fee applies)

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BEFORE THE BOARD OF SUPERVISORS
OF THE COUNTY OF FRESNO
STATE OF CALIFORNIA

IN THE MATTER OF THE VACATION OF) RESOLUTION
PUBLIC ROAD RIGHT-OF-WAY)
OF E. MORTON AVENUE)
VACATION APPLICATION NO. V23-02)

WHEREAS, the Board of Supervisors (Board) on June 02, 2026, adopted its Resolution of Intention to vacate public road right-of-way of E. Morton Avenue, consisting of the entire 60-foot wide, 0.21-mile-long segment beginning at the eastern right-of-way line of S. Cedar Avenue (Vacation Application No. V23-02); and

WHEREAS, the Board finds that the Resolution of Intention to vacate said public right-of-way was duly published and posted pursuant to Chapter 3 of Part 3 of Division 9 of the Streets and Highways Code; and

WHEREAS, American Telephone & Telegraph Company, Fresno Irrigation District, California High-Speed Rail Authority, and Pacific Gas and Electric Company are presently operating and maintaining utility facilities within the area proposed to be vacated, and all have requested that the Board reserve a permanent easement therefrom; and

WHEREAS, Streets and Highways Code section 8340, subdivision (a), provides, "A public entity may reserve and except from the vacation the easement and right at any time, or from time to time, to construct, maintain, operate, replace, remove, and renew sanitary sewers and storm drains and appurtenant structures in, upon, over, and across a street or highway proposed to be vacated and, pursuant to any existing franchise or renewals thereof, or otherwise, to construct, maintain, operate, replace, remove, renew, and enlarge lines of pipe, conduits, cables, wires, poles, and other convenient structures, equipment, and fixtures for the operation of gas pipelines, telegraphic and telephone lines, railroad lines, and for the transportation or distribution of electric energy, petroleum and its products, ammonia, and water, and for incidental purposes, including access to protect these works from all hazards in, upon, and over the street or highway proposed to be vacated"; and

1 WHEREAS, Streets and Highways Code section 8340, subdivision (c), provides, “If there
2 are in place public utility facilities that are in use, a public entity shall, unless the legislative body
3 determines the public convenience and necessity otherwise require, reserve, and except from
4 the vacation any easement and right necessary to maintain, operate, replace, remove, or renew
5 the public utility facilities.”

6 NOW, THEREFORE, BE IT RESOLVED by the Board that, after considering all evidence
7 submitted and providing the public with an opportunity to testify, this Board finds and orders as
8 follows:

9 (1) Pursuant to Streets and Highways Code section 8324 that the public road right-
10 of-way E. Morton Avenue, consisting of the entire 60-foot wide, 0.21-mile-long segment
11 beginning at the eastern right of way line of S. Cedar Avenue, is unnecessary for present or
12 prospective public use.

13 (2) That the proposed vacation is consistent with the General Plan adopted by the
14 County of Fresno.

15 (3) Pursuant to Streets and Highways Code section 892, that said portion of the
16 public road right-of-way is not useful as a non-motorized transportation facility.

17 (4) That the public road right-of-way of E Morton Avenue, consisting of the entire 60-
18 foot wide, 0.21-mile-long segment beginning at the eastern right of way line of S. Cedar Avenue
19 or as more particularly described in Exhibit A, and shown on Exhibit Map is hereby vacated,
20 subject to the order below.

21 (5) That public convenience and necessity require reservation and exceptions of
22 easement rights-of-way for American Telephone & Telegraph Company, Fresno Irrigation
23 District, California High-Speed Rail Authority and Pacific Gas and Electric Company. As a result,
24 and upon request of Pacific Gas and Electric Company, there is hereby reserved and excepted
25 from the vacation of E. Morton Avenue the following easement and rights-of-way as described
26 herein:

- 27 a. RESERVING therefrom pursuant to the provisions of section 8340 of the
28 Streets and Highways Code and for the benefit of Pacific Gas and Electric

1 THE FOREGOING, was passed and adopted by the following vote of the Board of
2 Supervisors of the County of Fresno this ____ day of _____, 2026.

3 AYES:

4 NOS:

5 ABSENT:

6 ABSTAINED:

7

Garry Bredefeld, Chairman of the Board of
Supervisors of the County of Fresno

8

9 ATTEST:
Bernice E. Seidel
10 Clerk of the Board of Supervisors
County of Fresno, State of California

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12 By _____
Deputy

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EXHIBIT "A"

Legal Description

E. Morton Ave. Road Vacation

A portion of the Northwest Quarter of Section 12, Township 15 South, Range 20 East, Mount Diablo Base and Meridian, County of Fresno, State of California, also being a portion of Lots 268 and 269 of Washington Irrigated Colony, according to the map thereof recorded March 13, 1878 in Book 2 of Plats, at Page 4, Fresno County Records, more particularly described as follows:

The North 30 feet of the West 1016.43 feet of said Lot 268 and the South 30 feet of the West 1016.43 feet of said Lot 269. The West line of said Lots taken to be 30 feet East of the West line of the Northwest Quarter of said Section 12.

Containing an area of 1.40 acres more or less.

End of Description

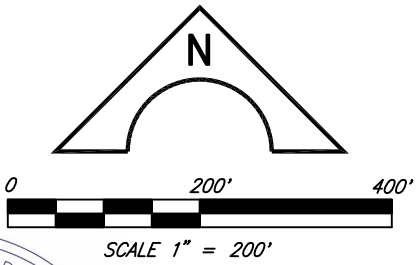
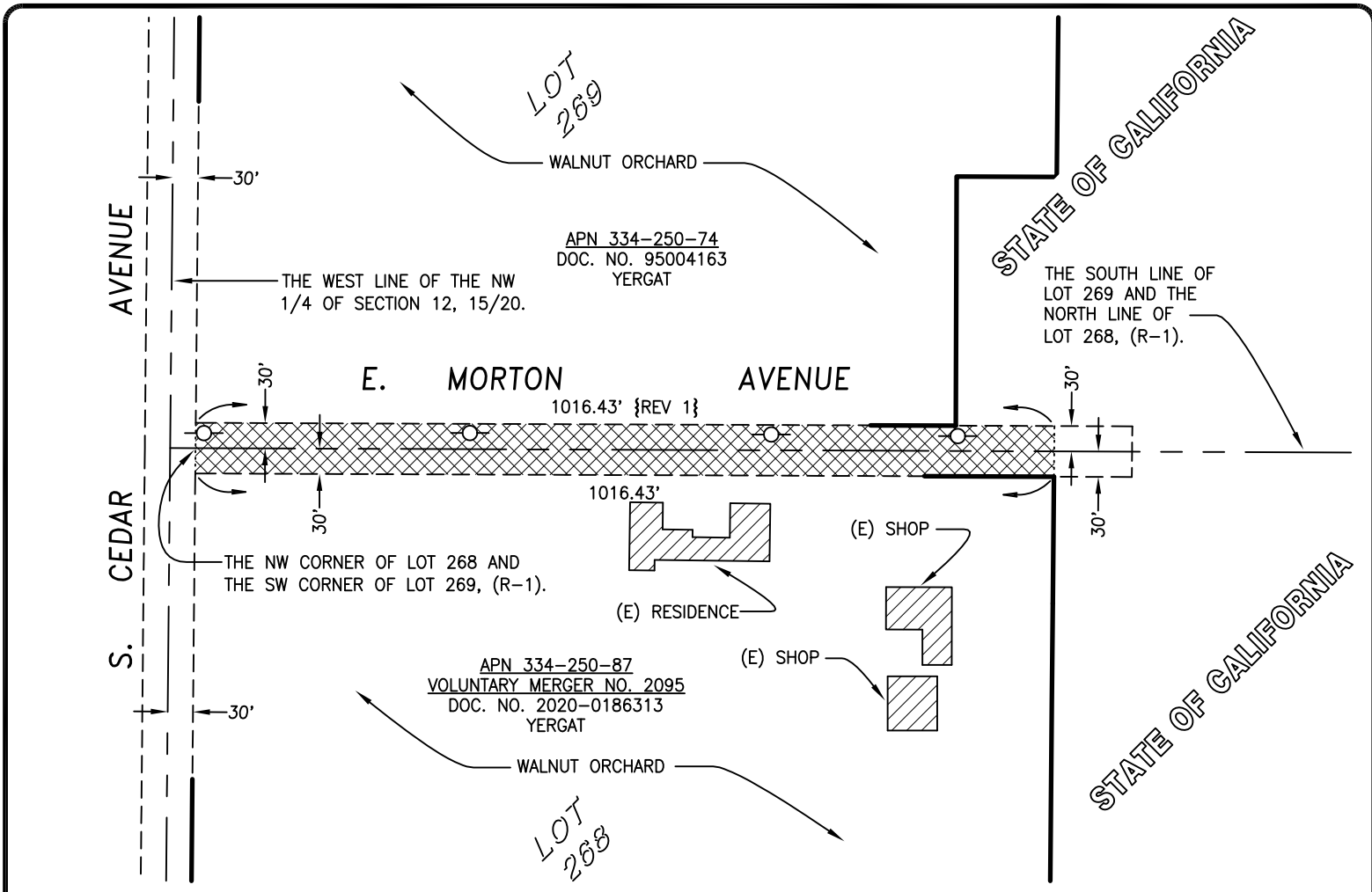
This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyors' Act.

Signature: Travis Davis

Travis Davis, PLS 7061

Date: March 6, 2023 {Rev 1}



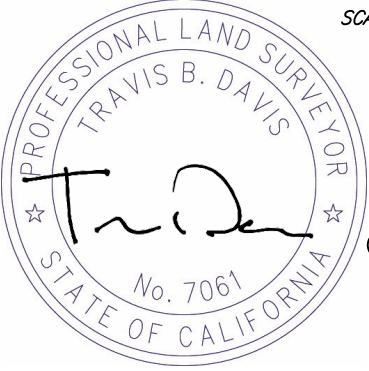


LEGEND:

- SECTION LINE.
- - - (E) RIGHT OF WAY.
- (E) PROPERTY LINE.
- (E) STRUCTURES
- (E) POWER POLE
- AREA TO BE VACATED. 1.40 ACRES +/-
- LOT 268 LOT NUMBER PER WASHINGTON IRRIGATED COLONY, (R-1).

VACATION APPLICANT:

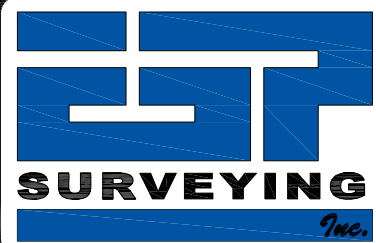
KIRK YERGAT AND KATHY YERGAT
2121 E. MORTON AVE.
FRESNO, CA 93725-9754



(R-1) RECORD DATA PER WASHINGTON IRRIGATED COLONY, ACCORDING TO THE MAP THEREOF RECORDED MARCH 13, 1878 IN BOOK 2 OF PLATS, AT PAGE 4, FRESNO COUNTY RECORDS.

EXHIBIT MAP FOR E. MORTON AVENUE VACATION

A PORTION OF THE NORTHWEST QUARTER OF SECTION 12 T.15S., R.20E., M.D.B.&M. COUNTY OF FRESNO STATE OF CALIFORNIA



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DATE OF SURVEY	N/A
ESP JOB No.	20078
DRAWN BY	6335
DRAWN DATE	02/03/2021
{REVISION 1}	11/18/2022