



Board Agenda Item 40

DATE: June 2, 2026

TO: Board of Supervisors

SUBMITTED BY: Steven E. White, Director
Department of Public Works and Planning

SUBJECT: Vacation of E. Morton Avenue Public Road Right-of-Way (Vacation Application No. V23-02) (Applicant: Kirk and Kathy Yergat)

RECOMMENDED ACTION(S):

Adopt a Resolution of Intention initiating a hearing under Public Streets, Highways, and Service Easements Vacation Law (Streets and Highways Code sections 8300 et seq. collectively called “Vacation Law”), setting 9:30 a.m., or as soon thereafter as possible, on June 30, 2026, in the Board of Supervisors’ chambers, as the time, date, and place to conduct a hearing for the proposed vacation of a portion of E. Morton Avenue public road right-of-way (Vacation Application No. V23-02), and directing the Clerk of the Board to cause the posting and publishing of notices and the Department of Public Works and Planning to post notices on site, as required by Vacation Law.

There is no Net County Cost associated with the recommended action. Approval of the recommended action will schedule a hearing for your Board to consider the proposed vacation of a 60-foot wide, 0.21-mile-long segment of E. Morton Avenue public road right-of-way near S. Cedar Avenue and direct the Clerk of the Board and the Department to post and provide notices as required by Vacation Law.

Kirk and Kathy Yergat (Applicant) submitted the application to address existing gates encroachments they installed to deter theft, vandalism, and illegal dumping on their property on both sides of this road segment. The Applicant has met all other agency requirements. This item pertains to District 1.

ALTERNATIVE ACTION(S):

The Board may elect not to approve the recommended action and allow the area to remain a public road right-of-way; however, public nuisance activities will continue to affect the Applicant and the gates installed to minimize these activities will need to be removed or continue to encroach in the road right-of-way.

FISCAL IMPACT:

There is no Net County Cost associated with the recommended action. The Applicant paid the required fees totaling \$3,279 for the costs to process the vacation per the Master Schedule of Fees, Charges, and Recovered Costs.

DISCUSSION:

The Applicant installed two automatic metal gates across E. Morton Avenue within the public road right-of-way to deter public nuisance activities. Approval of the proposed road right-of-way vacation would allow the gates to remain in place and resolve the existing encroachment.

The Board of Supervisors may vacate public road right-of-way pursuant to the Vacation Law upon finding that the road right-of-way is unnecessary for present or prospective public use, determining it is not useful as a nonmotorized transportation facility, and determining that it conforms to the Fresno County General Plan, based on consideration of the Director's report. These findings and determinations may be made following a public hearing, scheduled for June 30, 2026, at 9:30 a.m.

REPORT OF THE DIRECTOR:

Roadway classifications as listed in the Transportation and Circulation Element of the General Plan include freeways, expressways, super arterials, arterials, and local roads. E. Morton Avenue is designated as a local road. Local roads are defined as roads that provide direct access to abutting property and connect with other local roads, collectors, arterials, super arterials, and expressways. Local roads are typically developed as two-lane undivided roadways.

In this case, the request is to vacate an approximately 60 foot-wide, 0.21-mile-long segment of E. Morton Avenue with an approximately 12-foot wide county maintained pavement section within the right-of-way. This section of E. Morton Avenue only provides ingress/egress to the Applicant's residence and the property owned by the State of California to the east.

The proposed vacation would not result in impacts to area-wide circulation patterns or disrupt existing traffic patterns and is consistent and in conformance with the transportation goals and policies of the Fresno County General Plan.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA):

Department staff has determined that E. Morton Avenue public road right-of-way vacation is categorically exempt from the provisions of CEQA under Section 15061(b)(3) - Common Sense.

OTHER REVIEWING AGENCIES:

Agencies notified of the proposed vacation were California High Speed Rail, Pacific Gas & Electric Company, Comcast, Fresno Metropolitan Flood Control District, American Telephone & Telegraph Company, Fresno Irrigation District, Fresno County Fire, City of Fresno Fire Department, Westlands Water District, Fresno County Sheriff, and City of Fresno Public Works Department. The Applicant satisfied all other agency conditions.

ATTACHMENTS INCLUDED AND/OR ON FILE:

Location Map
On file with Clerk- Resolution of Intention and Notice of Hearing

CAO ANALYST:

Maria Valencia