



# Board Agenda Item 17

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DATE: June 30, 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, Trustees)

RECOMMENDED ACTION(S):

**Conduct public hearing and adopt Resolution approving the vacation of public road right-of-way on E. Morton Avenue near the intersection of S. Cedar Avenue and making the required findings that:**

- 1. The road right-of-way is unnecessary for present or prospective public use pursuant to Streets and Highways Code (SHC) section 8324, except for easements retained for the benefit of Pacific Gas and Electric Company, California High Speed Rail Authority, Fresno Irrigation District and American Telephone & Telegraph Company;**
- 2. The road right-of-way is not useful as a non-motorized transportation facility, pursuant to SHC section 892; and**
- 3. The vacation is consistent with the County General Plan.**

This item comes before your Board pursuant to initial Board action taken on June 2, 2026. There is no Net County Cost associated with the recommended action. Adoption of the required findings will allow the vacation of a 60-foot wide, 0.21-mile-long segment of E. Morton Avenue public road right-of-way. Kirk and Kathy Yergat (Applicant) submitted the application to address an existing gate encroachments they installed to deter theft, vandalism, and illegal dumping on their property on both sides of this road segment. Approving the vacation would allow the gates to remain in place and resolve the existing encroachment. The vacation area contains approximately 1.40 acres. This item pertains to District 1.

ALTERNATIVE ACTION(S):

The Board may elect not to adopt the required findings 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 has requested the vacation of a portion of the public right-of-way on E. Morton Avenue to

address an existing gate encroachment they installed to deter theft, vandalism, and illegal dumping on their property on both sides of this road segment. Currently, two automatic metal gates extend across E. Morton Avenue within the public right-of-way. Approval of the proposed vacation would allow the gates to remain in place and resolve the existing encroachment.

On June 2, 2026, your Board adopted Resolution of Intention No. 26-0219 to vacate a portion of E. Morton Avenue. The Board of Supervisors, as the legislative body of the County, may vacate a public road right-of-way pursuant to SHC if the required findings are made. Comments were solicited from County departments, outside agencies, and neighboring property owners, and no opposition to the proposed vacation was received. Any conditions placed on the vacation by commenting agencies have been satisfied.

American Telephone & Telegraph Company (AT&T), Fresno Irrigation District (FID), California High-Speed Rail Authority (CHSR), and Pacific Gas and Electric Company (PG&E) have existing facilities within the area proposed for vacation. The Resolution reserves and excepts from the vacation an easement for AT&T, FID, CHSR, and PG&E.

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 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 have determined that the E. Morton Avenue Road 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 include CHSR, PG&E, Comcast, Fresno Metropolitan Flood Control District, AT&T, FID, Fresno County Fire, City of Fresno Fire Department, Westlands Water District, Fresno County Sheriff, and City of Fresno, Public Works. The Applicant satisfied all other agency conditions.

REFERENCE MATERIAL:

BAI #40, June 02, 2026

ATTACHMENTS INCLUDED AND/OR ON FILE:

Location Map  
On file with Clerk - Resolution

CAO ANALYST:

Maria Valencia