



PROCEDURE FOR VACATION BY ABUTTING PROPERTY OWNERS OF PUBLIC RIGHTS OF WAY, EASEMENTS, STREETS, AND ALLEYS

Consent to the vacation by **all** abutting and affected property owners is required by state law. If the unanimous consent of the vacation of those abutting and affected property owners cannot be obtained, there is no need to make application. It is suggested that you have your attorney prepare all the necessary documents.

1. A written petition requesting the vacation of an easement or a public right-of-way shall be filed with Lisa C. Lambert, City Clerk, P. O. Box 1827, Mobile, AL, 36633. The petition should include: (a) the correct legal description of the area sought to be vacated; (b) a plat or survey that clearly shows in detail:
 - the area sought to be vacated
 - the location of all lots or tracts that abut the area sought to be vacated
 - the square footage of the area sought to be vacated,
 - the square footage of each subdivision lot or tract that abuts the area sought to be vacated; and(c) the current year assessed value as determined by the Mobile County Revenue Commissioner on all subdivision lots or tracts that abut the easement or right-of-way sought to be vacated.
2. A right-of-way fee will be charged in accordance with Section 11-49-6 of the Code of Alabama. The fee will be the current year assessed value as determined by the Mobile County Revenue Commissioner on all subdivision lots or tracts that abut the easement or right-of-way sought to be vacated. If the aggregate fee for all lots or tracts of abutting landowners who will directly benefit from the vacation is less than \$5,000.00, then no fee shall be required. The Council may, in its discretion, waive any fees as it determines to be justified or warranted.
3. The petition will be referred to the City Engineering, Traffic Engineering, Urban Development, Real Estate, Police and Fire Departments. If any of those departments object, the application will not proceed further.
4. After receiving tentative approval from those departments, the applicant must obtain the written consent of every utility company (Alabama Power Company, Mobile Gas Service Corporation, Board of Water and Sewer Commissioners, AT&T and Comcast Cable).
5. Once consent of all utilities is received, the applicant should have a declaration of vacation signed by all abutting property owners, plus any other non-abutting property owners who may be affected by the proposed vacation. It is suggested that an attorney be consulted to make this determination. A resolution assenting to the vacation by the Mobile City Council should also be prepared. The City Clerk will send the vacation documents to the City Legal Department and the City Engineering Department for review prior to adoption by the City Council.
6. After documentation is approved by the City Legal and Engineering Departments, a public hearing to consider the vacation request and to set the required right of way fee, if any, will be scheduled. The City Clerk will publish the notice of hearing once a week for four consecutive weeks in the newspaper, and the applicant is responsible for paying the advertising costs prior to the date of the scheduled hearing. After the vacation is approved, all conditions have been met, and all fees are paid, the City Clerk will send the applicant a certified copy of the resolution and the original executed declaration of vacation for filing for record in the Office of the Judge of Probate of Mobile County and the Mobile County Revenue Commissioner's Office.