

PROCEDURE FOR VACATION BY ABUTTING PROPERTY OWNERS OF PUBLIC
RIGHTS OF WAY, EASEMENTS, STREETS, AND ALLEYS,
UNDER §23-4-20, CODE OF ALABAMA (1975), AS AMENDED

Consent to the vacation of **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 consult your attorney through the entire process. Vacation is a complicated legal procedure, and it is suggested that you have your attorney prepare all the documents submitted.

1. Letter of application for vacation shall be filed with Glenda A. Morgan, City Clerk, P. O. Box 1827, Mobile, AL 36633. Letter should clearly describe the area to be vacated, e.g., easement, street right-of-way, service road right-of-way, etc., and contain the name, address, and telephone number of applicant. A scaled engineering drawing identifying the area to be vacated and any surveys, legal descriptions, etc., should be attached to the letter of application. A non-refundable application fee of \$100 shall be remitted at the time of the application.
2. The application 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. There is an appeal process available if the objection is from the Traffic Engineering, Urban Development, or Real Estate Department. However, if the Police, Fire, or Engineering Departments dissent to the vacation, it is assumed that the objections are on a basis that would not be arguable; therefore, the application would receive no further consideration.
3. 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, BellSouth, and Comcast Cable).
4. If consent of all utilities is received, the applicant should have a declaration of vacation prepared (preferably by an attorney because of legal consequences), with appropriate exceptions and reservations, if any, together with a petition addressed to the Mobile City Council requesting that the Council adopt a resolution giving its assent to the vacation. The petition must be 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. The petition must be accompanied by the written consent of all utilities and a resolution to be adopted by the City Council consenting to the vacation.
5. The City Clerk will then refer all the foregoing to the City Legal Department and the City Engineering Department for review prior to adoption by the City Council.
6. If approved by City Legal and Engineering Departments, the City Clerk shall schedule a public hearing and publish the notice of hearing once a week for four consecutive weeks in the newspaper. The applicant is responsible for legal advertising costs which will vary depending on the size of the legal description. The City Clerk will advise the applicant of the costs, and the fees must be paid before the hearing is scheduled.
7. After the public hearing is held and the vacation is approved by the City Council, 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. The applicant must also take the documentation to the Mobile County Revenue Commissioner's Office so that the property can be reassessed for taxation purposes into the owner's name.