



City of Semmes Vacation of Right-of-Way Application

OFFICE USE ONLY	Application Number:	Date Submitted:
	Planning Commission Decision:	Date Presented:
	Date Submitted to City Clerk:	
	Council Resolution Approval Date:	RESOLUTION NUMBER#

Legibly print or type responses below. Indicate N/A where item is not applicable.

If owner is an LLC or LLP, list managing member: _____

Mailing Address: _____

Daytime Phone: _____

Alternate Phone: _____

Fax: _____

Location: _____

Subdivision: _____

Lot(s): _____

Unit or Phase: _____

Reason for request: _____

To the best of your knowledge, are any utilities in the right-of-way, including drainage ditches or pipes? _____

Check each item included:

- _____ Completed application form with non-refundable fee
- _____ Notarized **Declaration of Vacation of Right-of-Way** completed by the applicant(s)
- _____ Recorded subdivision plat or recording instrument by which such right-of-way or easement was dedicated
- _____ Metes and bounds description of the property to be vacated & calculations of the total area in square feet
- _____ 3 copies of a survey of the area proposed to be vacated prepared by an Alabama registered surveyor
- _____ **Right-of-Way Release Form** from City of Semmes Public Works
- _____ Completed **Right-of-Way Release Form** from applicable utility providers:
 - Utilities Board (South Alabama Utilities or MAWSS)
 - Alabama Power
 - Mobile Gas
 - AT&T
 - Cable Company (Mediacom, Comcast, etc.)
 - Property Owners Association or similar body (if applicable)
- _____ List of adjacent property owners. Also attach mailing address labels-3 sets
- _____ Completed **Consent to Vacate** forms from all owners abutting the right-of-way that is to be vacated

I hereby make application for vacation of certain right-of-way as cited above. I understand that the City may not approve what I am applying for, or may set conditions on approval. All statements contained in this application are true to the best of my knowledge and belief. I have attached all documents listed above.

Signature/Date: _____



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STATE OF ALABAMA)
COUNTY OF MOBILE)
CITY OF SEMMES)

PETITION FOR VACATION OF RIGHT-OF-WAY

TO THE HONORABLE MEMBERS OF THE CITY COUNCIL OF SEMMES, ALABAMA:

We, _____, hereinafter referred to as "The Petitioner", are owner(s) of property located at _____, hereby petition by the attached copies to vacate a certain right-of-way located in the City of Semmes, Alabama in Unit of _____ Subdivision, as shown in Map Book, Page, _____ Instrument# _____ in the Office of the Judge of Probate of Mobile County, Alabama described herein as follows:

Legal Description

"The Petitioner" presents unto the Honorable Council the following statements:

1. This vacation of _____ is prepared in accordance with the provisions of Section 23-4-20, Code of Alabama, 1975, as may be amended from time to time; and,
2. It is in the best public interest that the right-of-way as described hereinabove be vacated and closed; and,
3. Such vacation will not deprive other property owners of a convenient and reasonable means of ingress and egress to their property; and,
4. All applicable utility providers, by instruments filed herewith, have consented to the vacation of said right-of-way, and the hereinabove described portion of the said right-of-way and the annulment of the dedication thereof as reflected on said recorded plat; and,
5. A copy of the map illustrating the location of the right-of- way as described hereinabove is attached hereto and incorporated into this petition as a part hereof; and,



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7. All applicable adjacent property owners, by instruments filed herewith, have consented to the vacation of said right-of-way, and the hereinabove described portion of the said right-of-way and the annulment of the dedication thereof as reflected on said recorded plat.

"The Petitioner" further requests the Mayor and City Clerk be authorized and directed to execute a resolution which approves, ratifies, adopts, and confirms the vacation of the hereinabove described portion of the said right-of-way with the provisions of Section 35-2-54, Code of Alabama, 1975, as may be amended from time to time.

IN WITNESS WHEREOF, the Petitioner(s) have heretofore set their hand and seals on this the ____ day of _____, 20__.

OWNER(S) SIGNATURE:

STATE OF ALABAMA)
COUNTY OF MOBILE)

I, the undersigned, a Notary Public in and for said County in said State hereby certify that _____, whose name is signed to the foregoing instrument and who is known to me on this day that, being informed of the contents of said instrument they executed the same voluntarily on the day the same bears date.

Given under my hand and seal on this ____ day of _____, 20__.

Notary Public
My Commission Expires _____



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RIGHT-OF-WAY RELEASE FORM

WHEREAS, there currently exists a _____ foot right of way dedicated as a public street, but not in use, known as _____ located in the City of Semmes; and,

WHEREAS, a petition has been submitted to vacate a certain right-of-way as shown in "Exhibit A", we the undersigned, _____, do hereby give our permission/consent to vacate the drainage and utility easement within the right-of-way located in Unit ___ of _____ Subdivision, as shown in Map Book _____, Page _____, Instrument # _____ in the Office of the Judge of Probate of Mobile County, Alabama pursuant to the following terms and conditions:

- No objections, terms, or conditions to the vacation described above.
- No objections to the vacation described above, provided the following terms and conditions:

- Objects to the vacation described above, reason described below.

AGENCY NAME: _____
By: _____
Its: _____

STATE OF ALABAMA)
COUNTY OF MOBILE)

I, the undersigned, a Notary Public in and for said County and in said State hereby certify that _____, whose name is signed to the foregoing instrument and who is known to me on this day that, being informed of the contents of said instrument they executed the same voluntarily on the day the same bears date.

Given under my hand and seal on this the ____ day of _____, 20____.

Notary Public
My Commission Expires _____



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CONSENT TO VACATE RIGHT-OF-WAY ADJACENT PROPERTY OWNER

STATE OF ALABAMA)
COUNTY OF MOBILE)
CITY OF SEMMES)

TO THE HONORABLE MEMBERS OF THE CITY COUNCIL OF SEMMES, ALABAMA:

The undersigned _____ is/are the owner(s) of property adjacent to _____, a right-of-way proposed to be vacated by _____. The right-of-way is located in Unit _____ of _____ Subdivision, as shown in Map Book _____, Page _____, Instrument# _____ in the Office of the Judge of Probate of Mobile County, Alabama.

We, the undersigned, have consented to the vacation of said right-of- way. Such vacation will not deprive the undersigned of a convenient and reasonable means of ingress and or egress to our property located at _____.

OWNER(S) SIGNATURE: _____

STATE OF ALABAMA)
COUNTY OF MOBILE)

I, the undersigned, a Notary Public in and for said County and in said State hereby certify that _____, whose name is signed to the foregoing instrument and who is known to me on this day that, being informed of the contents of said instrument they executed the same voluntarily on the day the same bears date.

Given under my hand and seal on this the _____ day of _____, 20____.

Notary Public
My Commission Expires _____



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CERTIFICATION OF PROPERTY OWNER NOTIFICATION LIST

Public hearings vacation of right of way as provided for in the Code of Alabama, 1975, (as amended) requires notification to adjacent property owners. The list of names and addresses shall be a current listing obtained for the records available in the Mobile County Revenue Office and/or Judge of Probate Office.

We, the owner of subject property and project engineer or surveyor, do hereby certify that the attached adjacent property owners' list was obtained from the Mobile County Revenue Office and/or Judge of Probate Office and to the best of our knowledge is a current list of all real property owners adjacent to the subject property.

Project Engineer Name or Surveyor

Registration Number

Project Engineer Signature or Surveyor

Date

Owner or Authorized Agent Name

Owner or Authorized Agent Signature

Date

** It is the applicant's responsibility to assure that each adjoining property owner is listed and that the address is correct. Note: the notification fee is directly related to the number of adjoining property owners listed.