

## **PETITION FOR VACATION OF RIGHT OF WAY**

How to file:

1. Fill out “Declaration of Vacation” in it’s entirety;
2. Include a full legal description of area to be vacated, including total square footage of area to be vacated;
3. Include a legible map 8 ½” X 11” clearly depicting area to be vacated;
4. Include names and addresses of all abutting property owners;
5. Include signatures (complete with notarization) of each abutting property owner;
6. Submit releases from all utility companies, including, but not limited to: Alabama Power, Alagasco, Birmingham Water Works, AT&T, any and all cable companies that service the area, Jefferson County Environmental Services.

Please note that vacation of right-of-way is regulated by the Code of the State of Alabama (23-4-20, *Code of Alabama, 1975*) and certain procedures must be followed. The State of Alabama (11-49-6, *Code of Alabama, 1975*) also requires that a public hearing be held to determine the price for payment of area, should the vacation be approved. **These procedures cannot be circumvented.**

**STATE OF ALABAMA  
JEFFERSON COUNTY**

**DECLARATION OF VACATION**

We, the undersigned, constituting all of the owners of all property abutting \_\_\_\_\_ as same appears on the Plat of \_\_\_\_\_ which Plat is recorded in Plat Book \_\_\_\_\_, at Page \_\_\_\_\_, in the Probate Office of Jefferson County, Alabama, do hereby declare that each of said Plats embraced within the boundaries of said \_\_\_\_\_ as the same appears of record on the Plat to be vacated, and said \_\_\_\_\_ is hereby declared vacated. The undersigned do hereby respectfully represent and warrant as follows:

1. This Declaration of Vacation of \_\_\_\_\_ is prepared, executed, delivered and recorded to and in accordance with the provisions of Section 23-4-20 and Section 35-2-54, Code of Alabama, 1975.

2. It is in the best public interest that \_\_\_\_\_ be closed and vacated.

3. Such vacation will not deprive other property owners of a convenient and reasonable means of ingress and egress to their property.

4. \_\_\_\_\_ is situated in the City of Vestavia Hills, Jefferson County, Alabama, \_\_\_\_\_ and \_\_\_\_\_ appears \_\_\_\_\_ at \_\_\_\_\_

\_\_\_\_\_. A copy of the map reflecting the location of \_\_\_\_\_ is attached hereto and incorporated into this Declaration of Vacation as a part hereof.

5. The street address and legal descriptions of all property abutting \_\_\_\_\_ and the names and addresses of the owner of said abutting properties are as follows:

A. Street Address: \_\_\_\_\_

Legal Description: \_\_\_\_\_

\_\_\_\_\_  
Owners' Name(s): \_\_\_\_\_

B. Street Address: \_\_\_\_\_

Legal Description: \_\_\_\_\_

\_\_\_\_\_  
Owners' Name(s): \_\_\_\_\_

C. Street Address: \_\_\_\_\_

Legal Description: \_\_\_\_\_

\_\_\_\_\_  
Owners' Name(s): \_\_\_\_\_

D. Street Address: \_\_\_\_\_

Legal Description: \_\_\_\_\_

\_\_\_\_\_  
Owners' Name(s): \_\_\_\_\_

E. Street Address: \_\_\_\_\_

Legal Description: \_\_\_\_\_

\_\_\_\_\_  
Owners' Name(s): \_\_\_\_\_

F. Street Address: \_\_\_\_\_

Legal Description: \_\_\_\_\_

\_\_\_\_\_  
Owners' Name(s): \_\_\_\_\_

6. All of the undersigned do hereby declare \_\_\_\_\_ to be vacated and respectfully request the assent of the City Council of the City of Vestavia Hills, Alabama, to said vacation of \_\_\_\_\_ and its approval of the same.

**IN WITNESS THEREOF**, the undersigned have hereunto set our hands and seals on this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

**SIGNATURES OF ABUTTING PROPERTY OWNERS:**

*(notary on following pages)*

---

---

---

---

---

---

---

---

---

---

**STATE OF ALABAMA**

**GENERAL ACKNOWLEDGMENT**

**JEFFERSON COUNTY**

I, the undersigned authority, a Notary Public, in and for said County, in said State, hereby certify that \_\_\_\_\_ and \_\_\_\_\_, whose names are signed to the foregoing Declaration of Vacation, and who are known to me, acknowledged before me on this day that being informed of the contents of the instrument, they executed the same voluntarily on the day the same bears date.

Given under my hand and official seal, this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

---

*Notary Public*

**STATE OF ALABAMA**

**GENERAL ACKNOWLEDGMENT**

**JEFFERSON COUNTY**

I, the undersigned authority, a Notary Public, in and for said County, in said State, hereby certify that \_\_\_\_\_ and \_\_\_\_\_, whose names are signed to the foregoing Declaration of Vacation, and who are known to me, acknowledged before me on this day that being informed of the contents of the instrument, they executed the same voluntarily on the day the same bears date.

Given under my hand and official seal, this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

---

*Notary Public*

**STATE OF ALABAMA**

**GENERAL ACKNOWLEDGMENT**

**JEFFERSON COUNTY**

I, the undersigned authority, a Notary Public, in and for said County, in said State, hereby certify that \_\_\_\_\_ and \_\_\_\_\_, whose names are signed to the foregoing Declaration of Vacation, and who are known to me, acknowledged before me on this day that being informed of the contents of the instrument, they executed the same voluntarily on the day the same bears date.

Given under my hand and official seal, this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

---

*Notary Public*

**STATE OF ALABAMA**

**GENERAL ACKNOWLEDGMENT**

**JEFFERSON COUNTY**

I, the undersigned authority, a Notary Public, in and for said County, in said State, hereby certify that \_\_\_\_\_ and \_\_\_\_\_, whose names are signed to the foregoing Declaration of Vacation, and who are known to me, acknowledged before me on this day that being informed of the contents of the instrument, they executed the same voluntarily on the day the same bears date.

Given under my hand and official seal, this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

---

*Notary Public*

**Completion & Approval Checklist**  
**(to be completed by City Staff)**

	All owners have signed application with notary acknowledgement
	Vacation application is completed in its entirety
	Legal description of Vacation is included with application
	Map clearly depicting area to be vacated is included with application
	Release from Alabama Power Company is included
	Release from Alagasco is included
	Release from Birmingham Water Works is included
	Release from AT&T is included
	Release from applicable cable companies are included
	Release from Jefferson County Environmental Services is included
	Review by City Engineer has been completed; memorandum of release has been submitted by Engineer and application is released to be process by Clerk's office
	Dates for 1 <sup>st</sup> and 2 <sup>nd</sup> reading of Resolution for Vacation has been scheduled (allow dates for publication and notification)
	Notice of vacation request has been posted at City Hall
	Notice of vacation request has been posted at County Courthouse
	Notice of vacation request has been sent to The Birmingham News for publication for 4 consecutive weeks
	Notice of vacation request has been sent to all utility companies
	Notice of vacation request has been sent to all abutting property owners
	Notice of public hearing to determine value of property has been sent to newspaper for publication for 5 consecutive days
	Resolution has been submitted for 1 <sup>st</sup> reading on City Council agenda
	Value of property has been calculated and submitted to City Council for approval

	Resolution has been posted for 2 <sup>nd</sup> reading on City Council agenda
	Resolution has been submitted to The Birmingham News for publishing following adoption
	Payment for property has been submitted by applicant
	Resolution has been recorded at Jefferson County Judge of Probate