

**VACATION PROCEDURE
FOR
PUBLIC RIGHT-OF-WAYS / EASEMENTS
(Section 35-2-54, 1975 Code of Alabama)**

It is recommended that the following items be prepared or reviewed by an Attorney at Law and submitted to the Planning Department of the City of Decatur (21) days prior to the review by the Planning Commission (next to the last Tuesday of each month):

Please submit all forms on CD or Email (sdletson@decatur-al.gov) compatible with Microsoft Word, Version XP.

1. A Declaration of Vacation signed by all of the property owners adjacent to the right-of-way and/or easement required to be vacated. (Original and 2 copies).
See attached example.
2. Map and/or other descriptive materials showing ingress and egress for all property owners affected, identifying their location, name, and address.
3. A Resolution to be adopted by the Decatur City Planning Commission recommending the approval of the Vacation to the City Council. (Original and 2 copies). **See attached example.**
4. A Resolution to be adopted by the Decatur City Council approving said Vacation with appropriate certificate to be executed by the City Clerk of the City of Decatur authenticating the resolution. (Original and 2 copies). **See attached example.**
5. Review Checklist: Upon submission of your application to the City of Decatur, the application will be reviewed and evaluated based upon the following criteria:
 - A. If a Right-of-way:
 - Should it be open?
 - How is it currently being used?
 - Will it need to be used in the future?
 - Will it create a “dead-end”
 - Are there utilities underneath or overhead for which an easement needs to be retained?
 - B. If a Utility Easement for drainage, telephone, electric or gas:
 - How it is currently being used?
 - Is it needed?
 - Will it need to be used in the future?
 - Will it create a “deadend”
 - Do certain utilities need to remain as an easement?

Vacation Procedure con't.

Pg. 2

6. The entire review and approval process may take one to two months. If there are no unusual circumstances, the Planning Commission hears and may grant the request on the next to the last Tuesday of each month (3:15 pm). Then, at the next City Council meeting (if all conditions are met) the City Council may grant approval. The City Council meets the first Monday of each month at 7:00 p.m. and on the third Monday of each month at 10:00 a.m.

7. Recording Fee: A check made payable to: Judge of Probate Morgan County, at a rate of \$3.00 per page plus \$6.00 for processing and given to the City Clerk for processing. Count the number of pages in the Declaration, City Council Resolution, and City Planning Commission Resolution. ***Monies will be requested after the vacation request has been approved by the City Council.***