



Vacation of Easement Information Frequently Asked Questions

What does it mean to “vacate” an easement?

When an easement is vacated, the right of one party to use land owned by another is removed. The property owner would no longer be restricted from making improvements in an easement area. The City allows landowners to eliminate or “vacate” easements when it is determined that the easement is not being used, and there is no apparent public use for the easement in the future.

How long does the process take?

The vacation process takes approximately two 2 months after submittal of a complete application to the Department of Community Development.

How can I submit my request?

Please submit the request in writing to our office at: **Department of Community Development**
P.O. Box 400
Daphne, AL 36526

Or hand-deliver it to:

1705 Main Street
Daphne, AL 36526

What happens to my application after the Planning Commission makes a decision on the matter?

There will be a public hearing before the Planning Commission. Once a recommendation is made by the Planning Commission, it will be sent to the City Clerk’s Office as a resolution for the City Council’s approval.

Do I need to obtain permission from the utility companies in this process?

Yes, you are responsible for obtaining Easement Release Forms from: Daphne Utilities; Belforest Water or Park City Water or Daphne Utilities (whichever is applicable); City of Daphne Public Works Department; AT&T; Mediacom; Property owners association; and any other agency or authority with an interest in the easement.

What if I want to vacate part of a street or access easement?

You need to complete a vacation of right-of-way application. It is a separate application packet available on Daphneal.com/residents-community or in the Department of Community Development. The process is similar, however you need to have consent from each land owner that adjoins or uses that portion of the right-of-way or access easement.

Are there any fees associated with the vacation of easement application?

Yes, \$235 a USPS Certified mail fee per notice fee. The certified notices are mailed to each adjoining property owner.

Who can help me with this process?

If you have any questions regarding the process, please call and talk with someone in our office at (251) 621-3184.



Vacation of Easement Application

OFFICE USE ONLY	Application Number: VOE-	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.

Property Owner(s): _____

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 easement, including drainage ditches or pipes?

Check each item included with this submittal:

- _____ Petition
- _____ Recorded Plat or copy of the filed document that created the easement
- _____ Legal description of area to be vacated
- _____ Current Survey showing the easement(s) proposed to be vacated. Label this drawing, "Exhibit A"
- _____ Easement Release Form from:
 - City of Daphne Division of Public Works
 - Utilities Board of the City of Daphne (Daphne Utilities)
 - Utilities Board of the City of Foley (Riviera Utilities)
 - AT&T
 - Cable Company (Mediacom)
 - Other _____
 - Property Owners Association or similar body (if applicable)
- _____ List of adjacent property owners. Also attach mailing address labels-1 set
- _____ Fee

I hereby make application for vacation of certain easements on the above cited property. I understand that the City might not approve what I am applying for, or might 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: _____

PETITION FOR VACATION OF EASEMENT

**STATE OF ALABAMA)
COUNTY OF BALDWIN)
CITY OF DAPHNE)**

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

The undersigned _____ is/are the owner(s) of said property and this is a statement and petition seeking vacation of certain drainage and utility easement(s). Aforesaid plat and/or restrictive covenants to said subdivision provides for drainage and utility easement(s) along lot lines. Owner(s) hereby petition, by the attached copies to vacate a certain drainage and utility easement(s) described as follows:

The _____ foot drainage and utility easement on each side of the lot line dividing Lot(s) _____ and _____, Unit _____ of _____ Subdivision, as shown in Map Book _____, Page _____, Instrument# _____ in the Office of the Judge of Probate of Baldwin County, Alabama, said easements being located in Section _____, Township _____ South, Range _____ East.

All applicable utility providers in said subdivision, by instruments filed herewith, have consented to the vacation of said easement(s), and the hereinabove described portion of the said easement and the annulment of the dedication thereof as reflected on the said recorded plat and/or restrictive covenants.

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 easement.

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

OWNER(S) SIGNATURE: _____

**STATE OF ALABAMA)
COUNTY OF BALDWIN)**

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 the _____ day of _____, _____

Notary Public
My Commission Expires _____

EASEMENT RELEASE FORM

WHEREAS, we the undersigned, _____, do hereby give our permission/consent to vacate the drainage and utility easement lines between Lot_____ and Lot _____ of Unit _____ of _____Subdivision as setforth in the attached exhibit with the following comments:

Comments

- No objections to the vacation(s) described above.
- No objections to the vacation(s) described above, provided the following described easements are retained.

- Objects to the vacation(s) described above, reason described below.

AGENCY NAME: _____

By: _____

Its: _____

**STATE OF ALABAMA)
COUNTY OF BALDWIN)**

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 _____, ____

Notary Public
My Commission Expires _____

CERTIFICATION OF PROPERTY OWNER NOTIFICATION LIST

Public hearings vacation of easements 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 Baldwin County Revenue Office and/or Judge of Probate Office.

We, the owner of subject property and/or project engineer or surveyor, do hereby certify that the attached adjacent property owners' list was obtained from the Baldwin 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

SAMPLE

PROJECT NAME

HEADER:

ADJACENT PROPERTY OWNER'S LIST

Doe Sr., John
P O Box 123
Daphne, AL 36526

Doe, Jr., John
P O Box 456
Daphne, AL 36526

Claus, Santa
111 North Pole
North Pole, Ant. 00001

The Snowman, Frosty
112 North Pole
North Pole, Ant. 00001

Flintstone, Fred and Wilma
5 T-Rex Street
Bedrock, Bedrock 2007

Griffith, Andy
15 Pollard Road
Mayberry, AL

Mouse, Mickey and Minnie
1 Disney Way
Orlando, Florida 32811

Brown, Charlie
1 Knotts Berry Farms
Los Angeles, CA 90231

Format:	Last name, First name Mailing Address City, State Zip code
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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.