

1 HB148
2 154697-2
3 By Representative Johnson (R)
4 RFD: County and Municipal Government
5 First Read: 14-JAN-14
6 PFD: 01/10/2014

8 SYNOPSIS: Under existing law, the owner or owners of
9 property abutting a county road or city street may
10 petition the local governing body to vacate the
11 road or street. The law provides that the voting
12 procedures which apply before the local governing
13 body are the same voting procedures which apply
14 when the local governing body proposes to vacate a
15 road or street. This law also requires that, in the
16 case of a county road, the county commissioner in
17 whose district the road is located is required to
18 make the motion to vacate the road.

19 This bill would specify that when the
20 members of a family who own the abutting property
21 on both sides of a county road or portion of a
22 county road petition the county commission to
23 vacate the county road or portion of the county
24 road, any member of the county commission may make
25 the motion to approve the petition and vacate the
26 road or portion of the road.
27

1 A BILL
2 TO BE ENTITLED
3 AN ACT
4

5 Relating to county roads; to amend Section 23-4-20
6 of the Code of Alabama 1975, relating to a petition by the
7 owners of family-owned property abutting a county road to
8 vacate the county road or portion of the county road; to
9 specify that any member of the county commission may make a
10 motion to approve the petition when the owners of family-owned
11 property abutting both sides of the county road petitions the
12 county commission to vacate the county road or portion of the
13 county road.

14 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

15 Section 1. Section 23-4-20 of the Code of Alabama
16 1975, is amended to read as follows:

17 "§23-4-20.

18 "(a) Subject to subsection (c) and the conditions
19 set out in this subsection, any street or alley may be
20 vacated, in whole or in part, by the owner or owners of the
21 land abutting the street or alley or abutting that portion of
22 the street or alley desired to be vacated by following the
23 procedures set out herein. The owner or owners of the land
24 abutting the street or alley to be vacated shall join in a
25 written petition requesting that the street or alley be
26 vacated and shall file the petition with the governing body
27 with jurisdiction over the street or alley, or portion

1 thereof, requesting the governing body's approval of the
2 vacation. Following receipt of the written request for assent,
3 the governing body shall act upon the request applying the
4 same notice, hearing, voting, and appeal procedures as set
5 forth in Sections 23-4-2 and 23-4-5, and if the governing body
6 approves the vacation, it shall have the same effect as
7 provided therein, including that the vacation shall not
8 deprive other property owners of any right they may have to
9 convenient and reasonable means of ingress and egress to and
10 from their property, and if that right is not afforded by the
11 remaining streets and alleys, another street or alley
12 affording that right must be dedicated.

13 "(b) The provisions of this section shall not be
14 held to repeal any existing statute relating to the vacation
15 of roads, streets, or alleys, or parts thereof, and shall not
16 be held to limit or expand any civil causes of action
17 available under the law.

18 "(c) Notwithstanding any provision of subsection (a)
19 or Section 23-4-2, if the owners of family-owned property
20 abutting both sides of a county road or portion of a county
21 road petition the county commission to vacate the county road
22 or portion of the county road, any member of the county
23 commission may make a motion to approve the petition."

24 Section 2. This act shall become effective
25 immediately following its passage and approval by the
26 Governor, or its otherwise becoming law.