



# City of Mobile

## Right of Way Usage Application

### Non-Utility Use Agreement

Application Date: \_\_\_\_\_

<b>Applicant Information</b>	Owner, Individual or Company Full Legal Name (if applicable)		Applicant Contact Type	
	Name of Representative (First, Middle Initial, Last)		Title of Representative	
	Business Phone Number	Cell Phone Number	Fax Number	
	Address	City	State	Zip Code
	Email Address			

**Project Street Name & Address** (please use a legal 911 address – verify address using City of Mobile [CityMap GIS Tool](#)):

**Project Name:** \_\_\_\_\_

**Type of Usage/Structure in the Right of Way** (please check all boxes which apply):

- ☐ Balcony    ☐ Neighborhood Monument Sign    ☐ Neighborhood Cameras/Poles    ☐ Fence/Gate  
☐ Parking    ☐ Commercial Business Sign    ☐ Bollards    ☐ Other (Detail in Description Below)

**Description of Proposed Structure/Usage of Right of Way:** \_\_\_\_\_

**Reason for Proposed Structure/Usage of Right of Way:** \_\_\_\_\_

**Materials for Proposed Structure/Usage of Right of Way:** \_\_\_\_\_

<b>Person Responsible for Maintenance</b>	Name of Representative (First, Middle Initial, Last)	Business Phone Number	Email Address	
	Address	City	State	Zip Code

**Signature of Responsible Party:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Please submit the following items along with the application:**

1. PDF file of the complete construction plans which relate to the ROW construction
2. Three (3) hard copies of the construction plans and any supporting documentation
3. Photographs of the ROW to be impacted, the proposed area should be marked with stakes, flags, or digitally
4. Payment to the City of Mobile: \$50 for balconies and canopies, \$250 for existing residential and non-profit entities, and \$250 for existing commercial use and new residential, commercial, or industrial subdivisions

**I hereby certify that:** I have the full authority to make the foregoing application as, or on behalf of, the applicant; the information in this application and the required submittals are complete and accurate to the best of my knowledge; the work and facilities to be installed will comply with all Federal, State, and local laws, ordinances, rules, regulations, policies, and procedures; more specifically, I will comply with the Manual on Uniform Traffic Control and Devices and will not cut roots, trim branches, or remove any trees in the right of way without explicit approval from the City of Mobile.

**Signature of Applicant:** \_\_\_\_\_ **Date:** \_\_\_\_\_



## Application Guidance

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### Applicability

This application is for a usage agreement in the City of Mobile, Alabama for the construction and maintenance of certain non-utility improvements in the City's rights of way. These improvements will be referred to as "secondary uses."

### Notices to Applicant

Please be aware of the following:

- The term of this agreement will not extend beyond 10 years; renewals must be requested beyond that period.
- As a requirement of the agreement, the **property owner or appropriate party** shall obtain and maintain at the Applicant's sole expense, with financially reputable insurers licensed to do business in Alabama, a policy of insurance for general liability, including coverage for contractual liability and products completed operations liability, with a limit of not less than one million dollars (\$1,000,000) combined single limit per occurrence for bodily injury, personal injury, and property damage liability, name the City as an additional insured. It should reference the item proposed to be constructed and/or the agreement.
- This agreement addresses usage; not construction. A Right of Way Permit must be applied for and obtained from the Engineering Permitting Department - Right of Way Section prior to constructing the improvements and/or making use of the City's rights of way. Additional fees may be added to the ROW permit depending on the work to be performed.

### Process Information

1. Applications are initially reviewed by assigned staff for completeness and appropriateness. If any additional information is needed, staff will contact the applicant to make revisions or additions. The application needs to be filled out completely and the plans should include information to clearly determine what is to be constructed, what the construction materials are, the area and depth of any excavation, the precise location of the improvement, dimensions of the improvement, and dimensions indicating the encroachment into the ROW. If applicable, include elevations and any additional information regarding other approvals required by the City.
2. The application is then put on a schedule to be reviewed by the Right of Way Secondary Use Committee which meets on an as needed basis, typically within a one-month timeframe. Upon application, a more specific review schedule can be provided. Committee review will either be approved as is, approved conceptually with required revisions to the submitted plans and/or additional documentation/information needed, or denied.
3. Upon approval, a Right of Way Secondary Use Agreement will be prepared by the City of Mobile to be executed by the appropriate parties. The **applicant** will be required to submit three (3) original copies of the agreement, single sided, and properly executed by the **property owner or appropriate party**: one copy for the applicant's records, one copy for the City's records, and one copy for recording in probate court. Proper execution requires the agreement to be signed by the **property owner or appropriate party** and notarization on the designated sheet. The applicant will also be required to submit proof of the required insurance policy as defined above. Please see the Submission Information section below for direction on the submitting the required documents.
4. Upon receiving the required documents from the applicant, staff will finalize execution of the agreement and return two (2) copies to the applicant: one copy for the applicant's records and one copy for recording in probate court. The applicant is required to provide proof of recording to the City (receipt or recorded copy).
5. Typically, staff will assist in the preparation of the Right of Way Permit for issuance on the applicant's behalf during the latter stages of this process and will let the applicant know any additional permit related information as needed.

### Submission Information

**Submit to:** **In Person** – 205 Government Street, Mobile, AL 36644 – Government Plaza, South Tower, 3<sup>rd</sup> Floor, Engineering Permitting Department Right of Way Section Counter (exit left out of elevators)

**By Mail** – Engineering Permitting Department Right of Way Section, City of Mobile, PO Box 1827, Mobile, AL 36633-1827

**Online Via CSS** – This application is not available to apply online via CSS

**Submit digital files (PDF) to** [jesse.yawn@cityofmobile.org](mailto:jesse.yawn@cityofmobile.org)

For additional information, please contact Jesse Yawn at 251-208-7145 or [jesse.yawn@cityofmobile.org](mailto:jesse.yawn@cityofmobile.org)