



**Vestavia Hills
City Council Agenda
May 18, 2026
2:00 PM**

1. Call to Order
2. Roll Call
3. Invocation - David Phillips, Vestavia Hills Chaplain
4. Pledge Of Allegiance
5. Approval Of The Agenda
6. Announcements, Candidates and Guest Recognition
7. Proclamation - National Public Works Week - May 17-23, 2026
8. Proclamation - Jewish American Heritage Month - May 2026
9. City Manager's Report
10. Councilors' Reports

Old Business (Public Hearing)

11. Public Hearing - Resolution Number 5628- A Resolution authorizing the installation of a new support structure for a small cell facility to be located in the right-of-way at 3134 Cahaba Heights Road; Smartlink, obo Verizon Wireless owners, Erin Garrad, Representative; Technical Controls, Inc, contractors
12. Public Hearing - Resolution Number 5630 - A Resolution vacating a lot line easement – 2355 Lime Rock Road; Lot 31 Vestahaven Sixth Sector Sixth Addition; Kip Sitzler, Owner

New Business

13. Resolution Number 5634 - A Resolution declaring certain personal property as surplus and authorizing the City Manager to sell/dispose of said surplus property
14. Resolution Number 5637 - A Resolution authorizing the Mayor and City Manager to execute any and all documents necessary to apply for the fiscal year 2026 Safe Streets and Roads For All grant program
15. Resolution 5638 - A Resolution adopting the division "G" Multi-Jurisdictional Hazard Mitigation Plan

New Business Requesting Unanimous Consent (Public Hearing)

First Reading (No Action To Be Taken At This Meeting)

16. Public Hearing - Resolution Number 5636 - A Resolution accepting the dedication of roadways and sidewalks for South Bend Lane and South Bend Circle
17. Citizens Comments
18. Executive Session - Matters of Commerce or Trade
19. Time Of Adjournment

PUBLIC HEARING PROCEDURES

The following procedures shall be followed for every public hearing of the City Council:

- All comments shall be limited to **3 minutes**. A countdown clock will be provided on the video screens.
- Do not duplicate comments made by previous speakers. For example, if traffic is mentioned as an issue, do not readdress that issue.
- All comments shall be directed to the Mayor and/or presiding officer. Do not address the audience or the applicant.

Each speaker shall identify himself, including full name and address

SPECIAL NOTICE CONCERNING CITY COUNCIL MEETINGS

If you prefer not to attend a City Council meeting or work session in person, you may participate remotely:

- **Videoconference:** To participate by videoconference, you may access the meeting via Zoom at <https://us02web.zoom.us/j/5539517181>. When the Zoom.us window opens in your browser, click "Allow" to be placed in a virtual "waiting room." The host will open the meeting and allow all participants to join the meeting at that time. All participants will be automatically muted upon entrance to the meeting. If you wish to speak during time(s) identified for public input, activate the "video" feature and unmute yourself by toggling the mute button. When the Mayor recognizes you and gives you the floor, state your name and address for the record and then you may address the Council. Some useful Zoom functions include: microphone Mute/Unmute; Start/Stop Video; and View Participants – opens a pop-out screen that includes the "Raise Hand" icon that you may use to raise a virtual hand.
- **Teleconference:** To participate by telephone, dial 312.626.6799 and enter the meeting ID: 5539517181. All participants will be automatically muted upon entrance to the meeting. If you wish to speak during time(s) identified for public input, unmute yourself by pressing *6 on your keypad. Then state your name and wait for the Mayor to recognize you. When the Mayor recognizes you and gives you the floor, state your name and address for the record and then address the Council.

Meetings may be recorded. By participating in the meeting, you are consenting to be recorded.

"Zoom-bombing." Zoom-bombing is a cyber-crime and is punishable by law. In the event of an attendee intruding into any City of Vestavia Hills Zoom meeting, the online broadcast will be terminated immediately. Council and/or board members may be readmitted but online attendees will not. Although Zoom-bombing is not a frequent occurrence, those wishing to make public comment should attend the meeting in person.

WHEREAS, public works professionals focus on infrastructure, facilities and services that are of vital importance to sustainable and resilient communities and to the public health, high quality of life and well-being of the people of Vestavia Hills, Alabama; and

WHEREAS, these infrastructure, facilities and services could not be provided without the dedicated efforts of public works professionals, who are engineers, managers and employees at all levels of government and the private sector, who are responsible for rebuilding, improving and protecting our nation’s transportation, water supply, water treatment and solid waste systems, public buildings, and other structures and facilities essential for our citizens; and

WHEREAS, it is in the public interest for the citizens, civic leaders and children in Vestavia Hills to gain knowledge of and to maintain an ongoing interest and understanding of the importance of public works and public works programs in their community; and

WHEREAS, “Rooted in Service, Powered by Community” is the theme for the 66th annual National Public Works Week sponsored by the American Public Works Association. The theme acknowledges that the roots of service run deep in public works and form the foundation of thriving communities reminding us that every project, seen or unseen, powers the connection between service and the people it supports.

NOW, THEREFORE, I, Ashley C. Curry, by virtue of the authority vested in me as Mayor of the City of Vestavia Hills in the State of Alabama, do hereby proclaim May 17 – 23, 2026 as

NATIONAL PUBLIC WORKS WEEK

in Vestavia Hills and urge all citizens to pay tribute to our public works professionals, engineers, managers and employees and to recognize the substantial contributions they make to protecting our national health, safety, and quality of life.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Vestavia Hills to be affixed this the 18th day of May 2026.

Ashley C. Curry
Mayor

WHEREAS, Jewish citizens have been part of Alabama’s history since its early years and have played an important role in the development of the state and local communities, contributing significantly to culture, history, economy and civic life; and

WHEREAS, Jewish American Heritage Month is an annual celebration of the history, culture and contributions of Jewish Americans, and an opportunity to recognize the enduring legacy of Jewish faith and tradition in the United States and in communities like Vestavia Hills; and

WHEREAS, the Jewish community has faced historical challenges, including discrimination and persecution, yet has demonstrated resilience and a deep commitment to justice, compassion and service; and

WHEREAS, the Jewish value of *tikkun olam*, meaning “repairing the work,” has inspired generations to pursue justice, charitable service and civic engagement; and

WHEREAS, at a time when antisemitism is rising across the nation, Jewish American Heritage Month provides an important opportunity to promote understanding, acceptance and respect among people of all faiths and backgrounds; and

WHEREAS, since 2006, the month of May has been proclaimed by the President of the United States as Jewish American Heritage Month pursuant to a bipartisan resolution of Congress.

NOW, THEREFORE, I, Ashley C. Curry, by virtue of the authority vested in me as Mayor of the City of Vestavia Hills in the State of Alabama, do hereby proclaim May 2026 as

JEWISH AMERICAN HERITAGE MONTH

in Vestavia Hills and urge all citizens to observe this month through education, engagement and recognition of the lasting contributions of Jewish Americans to this community, state and nation.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Vestavia Hills to be affixed this the 18th day of May 2026.

Ashley C. Curry
Mayor



**CITY OF VESTAVIA HILLS
CITY CLERK
INTER-DEPARTMENT MEMO**

May 18, 2026

To: Jeff Downes, City Manager

From:

Cc:

RE: Public Hearing - Resolution Number 5628- A Resolution authorizing the installation of a new support structure for a small cell facility to be located in the right-of-way at 3134 Cahaba Heights Road; Smartlink, obo Verizon Wireless owners, Erin Garrad, Representative; Technical Controls, Inc, contractors

Background:

Request is for a 45' wood utility pole at a location in the 3134 Cahaba Heights Road right-of-way as a support structure for a small cell facility. Location is shown in the attached documentation. The application was submitted by a contractor, and the named cellular company is Verizon Wireless.

Recommendation:

NA

Fiscal Impact:

NA

Attachments:

1. 2024 AG opinion concerning small cell facilities

2. 2023 Small Cell opinion
3. Resolution 5628



**STATE OF ALABAMA
OFFICE OF THE ATTORNEY GENERAL**

**STEVE MARSHALL
ATTORNEY GENERAL**

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December 27, 2023

Honorable Jeffrey D. Downes
City Manager, City of Vestavia Hills
Post Office Box 660854
Vestavia Hills, Alabama 35266-0854

**Municipalities – Right of Way –
Telecommunications – Jefferson County**

Section 37-17-2 of the Code of Alabama does not allow a city to deny a wireless provider the right to place Small Wireless Facilities in the city's rights-of-way if the wireless provider meets the city's permitting and fee requirements and any other requirements adopted by the city that are not in conflict with the state law or any final order of the FCC (Federal Communications Commission).

The City's requirements for small wireless facilities must also be in writing, generally applicable, and adopted in advance.

The City may not determine the exact location for the installation or placement of a new or replacement pole.

The wireless infrastructure provider, the wireless provider, or the wireless service provider is allowed to determine the exact location for the installation of a new or replacement pole.

Act 2021-5 allows the City to require a pole to be decorative to fit aesthetically within the neighborhood if the requirement is reasonable, in writing, and adopted in advance. The City may not require underground placement and thus preclude pole placement.

Dear Mr. Downes:

This opinion of the Attorney General is issued in response to your request on behalf of the City of Vestavia Hills ("City").

QUESTIONS ONE, TWO, & THREE

(1) Does Act 2021-5 allow the City to reject small cell facilities from being placed in the City rights-of-way and what conditions are valid reasons for such denial?

(2) Does the Act allow the City to determine the exact location for the installation of a new or replacement pole on a City right-of-way?

(3) Does the Act allow the wireless infrastructure provider, the wireless provider, or the wireless service provider to determine the exact location for the installation of a new or replacement pole on a City right-of-way?

FACTS AND ANALYSIS

Your request refers to section 220 of the Constitution of Alabama and section 11-49-1 of the Code of Alabama which provide that consent of a municipality is required before any public or private entity may the use of streets or public property. ALA. CONST. art. XII, § 220; ALA. CODE § 11-49-1(a) (Supp. 2022). Section 220 of the Constitution states as follows:

No person, firm, association, or corporation shall be authorized or permitted to use the streets, avenues, alleys, or public places of any city, town, or village for the construction or operation of any public utility or private enterprise, without first obtaining the consent of the proper authorities of such city, town, or village.

ALA. CONST. art. XII, § 220.

Section 11-49-1(a) of the Code states as follows:

(a) No person, firm, association, or corporation shall be authorized to use the streets, avenues, alleys, and other public places of cities or towns for the construction or operation of any public utility or private enterprise without first obtaining the consent of the proper authorities of the city or town.

ALA. CODE § 11-49-1(a) (Supp. 2022).

Your request also references section 11-43-62 of the Code that states as follows:

The council shall regulate the use of the streets for the erection of telegraph, telephone, electric, and all other systems of wires and conduits and may require the same to be placed underground if deemed necessary for the public convenience and safety and generally to control and regulate the use of the streets for any and all purposes.

The council may sell or lease in such manner as it may deem advisable any franchise which it has power to grant, and the moneys received therefor shall be paid into the city treasury.

ALA. CODE § 11-43-62 (2008).

The provisions cited above require consent of a municipality before any public or private entity may use the street or public property. Act 2021-5 was enacted to allow wireless service providers to install small wireless facilities on the right-of-way and to set forth the conditions for allowing the installation. 2021 Ala. Acts No. 2021-5. The stated purpose of the Act is as follows:

(1) establish a procedure to authorize wireless providers to collocate, mount, or install small wireless facilities on existing poles on the right-of-way of the state or any agency, county, or municipality thereof; (2) to exempt small wireless facilities from certain zoning review and approval procedures; (3) to establish a procedure for the permitting of the development of small wireless facilities and poles in the rights-of-way of the state; and (4) to establish rates and fees for all permits for small wireless facilities.

2021 Ala. Acts No. 2021-5.

The Act is codified in sections 37-17-1 through 37-17-12 of the Code. ALA. CODE §§ 37-17-1 through 37-17-12 (Supp. 2022). A “Small Wireless Facility” is specifically defined in section 37-17-1(14) of the Code, and it must meet several conditions set forth therein. ALA. CODE § 37-17-1(14) (Supp. 2022). Section 37-17-3 of the Code sets the fees that an authority may charge for a small wireless facility. ALA. CODE § 37-17-3 (Supp. 2022). An “Authority” is defined as “[t]he state or any agency, county, *municipality*, district, or instrumentality thereof.” ALA. CODE § 37-17-1(5) (Supp. 2022) (emphasis added).

Section 37-17-2(a) and (c) of the Code states as follows:

(a) An *authority may not deny* a wireless provider the right, as a permitted use *subject to Section 37-17-3 and the authority's requirements not in conflict with this chapter or a then-existing final order of the Federal Communications Commission (FCC)*, to do either of the following:

(1) Collocate, mount, or install small wireless facilities on or adjacent to existing, new, or replacement poles in the right-of-way.

(2) Install, modify, or replace its own poles, or, with the permission of the owner, a third party's poles, associated with a small wireless facility, along, across, upon, and under the right-of-way controlled by the authority.

* * *

(c) The small wireless facilities and associated poles ***shall be installed and maintained in accordance with the authority's requirements not in conflict with this chapter or a then-existing final order of the FCC*** and as not to obstruct or hinder the usual travel and public safety on the right-of-way and adjacent roads and bridges or obstruct the legal use of the right-of-way by utilities.

ALA. CODE § 37-17-2(a) & (c) (Supp. 2022) (emphasis added).

We note that legislative acts are presumed to be valid and constitutional. *McInnish v. Riley*, 925 So. 2d 174, 178 (Ala. 2005). When interpreting a statute, the words used in a statute must be given their natural, plain, ordinary, and commonly understood meaning, and where plain language is used, a court is bound to interpret that language to mean exactly what it says. *Ex parte Cove Properties, Inc.*, 796 So. 2d 331, 333-34 (Ala. 2000); *Ex parte T.B.*, 698 So. 2d 127, 130 (Ala. 1997).

The plain language of section 37-17-2 of the Code does not allow a City to deny a wireless provider the right to place Small Wireless Facilities in the City's rights-of-way if the wireless provider meets the City's permitting and fee requirements and any other requirements adopted by the City that are not in conflict with the state law or any final order of the FCC.

Based upon the language of the act, the City's permitting and fee requirements cannot conflict with the provisions set forth in section 37-17-3 of the Code or the final rulings of the FCC. The FCC issued a Declaratory Ruling and Third Report and Order on September 26, 2018, entitled "Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment," pursuant to the Telecommunications Act of 1966, codified at 47 U.S.C. §§151, *et seq.* The FCC ruling became effective January 14, 2019, and is codified at 83 Fed. Reg. 51867 (2018).

Section 37-17-3(a) and (d) of the Code states:

(a) Subject to the limitations established in this chapter, small wireless facilities and associated poles are ***not subject to zoning review or approval*** if they are located in the right-of-way under the control of an authority and otherwise comply with this chapter and a then-existing final order of the Federal Communications Commission.

(d) An authority ***shall approve*** an application ***if it complies with the authority's requirements*** for deploying small wireless facilities and associated poles in the right-of-way that are ***written, generally applicable, and adopted in advance.***

ALA. CODE § 37-17-3(a) & (d) (Supp. 2022) (emphasis added).

The plain language of section 37-17-3 of the Code provides that an authority shall approve an application that complies with the authority's requirements for small wireless facilities that are written, generally applicable, and adopted in advance. Thus, the City's requirements for small wireless facilities must be in writing, generally applicable, and adopted in advance.

Section 37-17-10(b) of the Code also states as follows:

(b) Except as it relates to small wireless facilities ***subject to the permit and fee requirements established pursuant to this chapter***, and except as it relates to any activities of an electric provider, and except as it relates to regulations or requirements on communications service specifically established by the constitution or by state law, local law enacted by the Legislature, or federal law, ***an authority may not otherwise adopt or enforce regulations or requirements on the placement, operation, or maintenance of communications facilities*** by a communications service provider authorized to be in the rights-of-way; or otherwise impose or collect any additional or separate tax, fee, or charge for any service existing on July 1, 2021, or for the provision of additional communications services provided by a communications service provider that is authorized to be in the rights-of-way.

ALA. CODE § 37-17-10(b) (Supp. 2022) (emphasis added).

Pursuant to section 37-17-10(b) of the Code an authority is allowed to enforce regulations or requirements set by the constitution, by state law, by local law enacted by the Legislature, or federal law. Section 37-17-10(b) of the Code, however, specifically prohibits an authority from adopting or enforcing regulations or requirements on the placement, operation, or maintenance of

communication facilities by a communications service provider authorized to be in the rights-of-way.

With respect to who has the authority to determine the exact location of a new or replacement pole, it is noted that section 37-17-10(b) of the Code prohibits an Authority from adopting regulations or requirements as to the placement of facilities; thus, the City may not determine the exact location for the installation or placement of a new or replacement pole. The wireless infrastructure provider, the wireless provider, or the wireless service provider (as defined in section 37-17-1 of the Code) is allowed to determine the exact location for the installation of a new or replacement pole.

CONCLUSION

Section 37-17-2 of the Code does not allow a city to deny a wireless provider the right to place Small Wireless Facilities in the city's rights-of-way if the wireless provider meets the city's permitting and fee requirements and any other requirements adopted by the city that are not in conflict with the state law or any final order of the FCC (Federal Communications Commission). The city's requirements for small wireless facilities must also be in writing, generally applicable, and adopted in advance.

The City may not determine the exact location for the installation or placement of a new or replacement pole. The wireless infrastructure provider, the wireless provider, or the wireless service provider is allowed to determine the exact location for the installation of a new or replacement pole.

QUESTION FOUR

(4) If a new pole is installed on the City right-of-way, does the Act allow the City to require that the pole be a decorative pole to fit aesthetically with the neighborhood? If so, does the Act further preclude pole placement if the neighborhood has underground utilities and the small cell facility cannot be placed underground due to technical limitations?

FACTS AND ANALYSIS

As stated above, section 37-17-3 of the Code provides that an Authority may require a wireless provider to meet requirements that are written, generally applicable, and adopted in advance. Section 37-17-10(b) of the Code also states that “an authority may not otherwise adopt or enforce regulations or requirements on the *placement, operation, or maintenance* of communications facilities.” ALA. CODE § 37-17-10(b) (Supp. 2022) (emphasis added). This language does not prohibit an authority from adopting and enforcing regulations on the *design* of communication facilities; it only prohibits regulations on the placement, operation, and maintenance. Thus, the City may require a pole to be decorative to fit aesthetically within the neighborhood if the requirement is in writing and adopted in advance. Furthermore, any requirements by the City for the design cannot be in conflict with the final rulings of the FCC.

The Attorney General does not interpret federal law and cannot determine whether local requirements are in conflict with federal law but offers the following for informational purposes. The FCC has issued a ruling with regard to underground requirements which states:

33. *Undergrounding requirements.* The Commission understands that some local jurisdictions have adopted undergrounding provisions that require infrastructure to be deployed below ground based, at least in some circumstances, on the locality's aesthetic concerns. A number of providers have complained that these types of requirements amount to an effective prohibition. In addressing this issue, the Commission first reiterates that while undergrounding requirements may well be permissible under state law as a general matter, any local authority to impose undergrounding requirements under state law does not remove the imposition of such undergrounding requirements from the provisions of Section 253. In this sense, the Commission notes that a requirement that *all* wireless facilities be deployed underground would amount to an effective prohibition given the propagation characteristics of wireless signals. Thus, undergrounding requirements can amount to effective prohibitions by materially inhibiting the deployment of wireless service.

83 Fed. Reg. 51867, at 51872 (2018). The federal courts have ruled that an ordinance requiring all facilities to be underground is preempted by the FCC's orders. *Crown Castle Fiber, L.L.C. v. City of Pasadena, Texas*, No. 22-20454, 2023 WL 4994300, at 8 (5th Cir. Aug. 4, 2023); *City of Portland v. United States*, 969 F.3d 1020 (9th Cir. 2020), *cert. denied sub nom. City of Portland, Or. v. FCC*, 141 S. Ct. 2855 (2021). Thus, based upon case law, the FCC ruling prohibits regulations that require that all facilities must be placed underground.

The FCC also issued a ruling with regard to aesthetics which states:

29. *Aesthetics*. The Commission sought comment on whether deployment restrictions based on aesthetic or similar factors are widespread and, if so, how Sections 253 and 332(c)(7) should be applied to them. The Commission provides guidance on whether and in what circumstances aesthetic requirements violate the Act. This will help localities develop and implement lawful rules, enable providers to comply with these requirements, and facilitate the resolution of disputes. The Commission concludes that aesthetics requirements are ***not preempted if*** they are (1) ***reasonable***, (2) no more burdensome than those applied to other types of infrastructure deployments, and (3) ***objective and published in advance***.

83 Fed. Reg. 51867, at 51871 (2018) (emphasis added).

The Ninth Circuit Court reviewed the FCC's aesthetic requirement conclusions as set forth above and held: (1) the requirement that aesthetics requirements be "reasonable" was not unduly vague, (2) the requirement that they be no more burdensome than those applied to other types of infrastructure deployments exceeded the scope of the FCC's authority, and (3) the requirement that aesthetic requirements be "objective" was unduly vague. *City of Portland v. United States*, 969 F.3d 1020 (9th Cir. 2020), *cert. denied sub nom. City of Portland, Or. v. FCC*, 141 S. Ct. 2855 (2021). Thus, based upon this decision, the FCC ruling provides that aesthetic requirements adopted by an Authority must be reasonable and published in advance.

Again, the Attorney General does not make determinations as to whether actions or requirements are reasonable or in compliance with federal law. It is the opinion of the Attorney General that the Act allows the City to require a pole to be decorative to fit aesthetically within the neighborhood if the requirement is reasonable, in writing, and adopted in advance. The Attorney General, however,

Honorable Jeffrey D. Downes
Page 10

does not make determinations as whether regulations are reasonable. Furthermore, the City may not require underground placement and thus preclude pole placement.

CONCLUSION

Act 2021-5 allows the City to require a pole to be decorative to fit aesthetically within the neighborhood if the requirement is reasonable, in writing, and adopted in advance. The City may not require underground placement and thus preclude pole placement.

I hope this opinion answers your questions. If this Office can be of further assistance, please contact me.

Sincerely,

STEVE MARSHALL
Attorney General
By:



BEN BAXLEY
Chief, Opinions Division

SM/BFS/as
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June 7, 2023

By Electronic Mail

Honorable Ashley C. Curry
Mayor of City of Vestavia Hills
Vestavia Hills Municipal Center
1032 Montgomery Highway
Vestavia Hills, Alabama 35216

In Re: Federal and State Law Regarding the Installation of Small Cell Wireless Facilities

Dear Mayor Curry:

On June 5, 2023, you requested that I provide you with my written legal opinion regarding whether or not the City of Vestavia Hills, Alabama ("City") may deny a small cell wireless provider the right to collocate, mount or install small cell wireless facilities on or adjacent to existing new or replacement poles in the right-of-way owned by the City. The purpose of this letter is to comply with you request.

I. DEFINITION OF STREET

A. CODE OF ALABAMA, 1975:

1. **Title 11-49-80(a)(2) and (4):** Title 11-49-80(a)(2) and (4), *Code of Alabama, 1975*, defines the terms "municipal streets" and "street" as follows:

"§11-49-80. Generally.

(a) For the purposes of this article, the following terms shall have the following meanings:

(2) **Municipal Street.** A public street, road, or bridge that the municipality has the authority or responsibility to control, manage, supervise, regulate, repair, maintain, or improve.

(4) **Street.** A public street, road, bridge, or portion thereof."

2. **Title 32-1-1.1(75):** Title 32-1-1.1(75), *Code of Alabama, 1975*, defines the term “street” as follows:

“(75) **Street.** The entire width between boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.”

B. **CITY OF VESTAVIA HILLS ZONING ORDINANCE NUMBER 3099:** The City of Vestavia Hills Zoning Ordinance Number 3099 defines the term “street” in Section 2.1.107 as follows:

“2.1.107. *Street.* Any vehicular way that is (1) an existing state, county, or municipal roadway; (2) shown upon a plat approved pursuant to law; (3) approved by other official action; (4) shown on a plat duly filed and recorded in the office of the applicable county tax assessor; (5) shown on the official map or adopted master plan. The term “street” includes the land between the street lines, but excludes alleyways that are 20’ or less in width, whether improved or not.”

II. **OWNERSHIP OF MUNICIPAL STREETS**

A. **CODE OF ALABAMA, 1975:** Title 35-2-51(b), *Code of Alabama, 1975*, provides that the recording in Probate Court of a properly prepared and approved subdivision plat or map, is deemed to convey title to the streets shown thereon in fee title to the municipality. That statute reads as follows:

“(b) The acknowledgment and recording of such plat or map shall be held to be a conveyance in fee simple of such portion of the premises platted as are marked or noted on such plat or map as donated or granted to the public, and the premises intended for any street, alleyway, common or other public use, as shown in such plat or map, shall be held in trust for the uses and purposes intended or set forth in such plat or map.”

B. **SUPREME COURT OF ALABAMA:** In 1913, the Supreme Court of Alabama decided the case of *Cloverdale Homes v. Town of Cloverdale*, 182 Ala. 419 (1913), and held that the “ultimate fee” to a dedicated street presumptively remains with the abutting landowners subject to the proposition that the town holds only a mere easement over the property on which the street was dedicated.

The Supreme Court decided the case of *City of Orange Beach v. Benjamin*, 821 So.2d 193, in 2001 and expressly overruled the *Cloverdale* case. Relying on the crystal clear language of Title 35-2-51, *Code of Alabama, 1975*, the court in the *Orange Beach* case held that the statutory dedication of a street is deemed to convey title in fee simple to the land underlying the dedicated street to the municipality.

III. CONSENT OF THE MUNICIPALITY IS A PREREQUISITE TO THE USE OF PUBLIC PROPERTY FOR PUBLIC UTILITY OR PRIVATE ENTERPRISE

A. **ARTICLE XII, SECTION 220 OF THE CONSTITUTION OF ALABAMA 1901:** Article II, Section 220 of the *Constitution of Alabama 1901* reads as follows:

“**Sec. 220. Public corporations—Consent of municipal corporation prerequisite to use of public property for public utility or private enterprise purposes.** No person, firm, association, or corporation shall be authorized or permitted to use the streets, avenues, alleys, or public places of any city, town, or village for the construction or operation of any public utility or private enterprise, without first obtaining the consent of the proper authorities of such city, town, or village.”

B. **CODE OF ALABAMA, 1975:** Title 11-49-1(a), *Code of Alabama, 1975*, reads as follows:

“**§11-49-1. Consent of municipality to certain uses of streets.**

(a) No person, firm, association, or corporation shall be authorized to use the streets, avenues, alleys, and other public places of cities or towns for the construction or operation of any public utility or private enterprise without first obtaining the consent of the proper authorities of the city or town.”

C. **SUPREME COURT OF ALABAMA:** The Supreme Court of Alabama decided the case of *Operation New Birmingham v. Flynn*, 621 So.2d 1316, in 1993 and wrote,

“This Court has since reaffirmed that it is wholly within the province of the municipal authorities to grant the municipality’s consent or to withhold it from a certain group or individual seeking to use public streets for private or public enterprise. *Bush v. City of Jasper*, 247 Ala. 359, 24 So.2d 543 (1945). In *Crabtree v. City of Birmingham*, 292 Ala. 684, 299 So.2d 282 (1974), the Court summarized the effect of §220:

‘It is well settled in this state that the right to use the public streets for hire is not a right of public or private enterprise but is a privilege—generally called a franchise—subject to the consent and regulation of the municipality.... In such use of the public streets, it is wholly within the province of the municipal authorities under §220, Alabama Constitution, to grant its consent or withhold it to any person or group. Thus, the municipality, in the exercise of this authority granted by §220, coupled with the police powers granted municipalities by the state, has the irrevocable discretion to determine whether, and to what extent, a service is needed, and to fix and determine the streets and to name the grantee of such right.... [T]he municipalities are only limited in the exercise of such discretion by §§22 and 228 of the Constitution which restricts the power to grant franchises to those that are not exclusive or perpetual.’

292 Ala. At 689, 299 So.2d at 287 (citations omitted).”

IV. MANNER OF USE OF PUBLIC STREETS

A. TITLE 11-49-3, CODE OF ALABAMA, 1975: This statute, in essence, grants to municipalities, the authority to require any public utility using the streets to prescribe the manner in which they will use them.

B. TITLE 11-43-62, CODE OF ALABAMA, 1975: This statute similarly authorizes the municipal council to regulate the use of streets for the erection of telegraph, telephone and electric and all other systems of wires and conduits, and authorizes the municipality to require the same to be placed underground if deemed necessary for the public convenience and safety, and generally to control and regulate the use of streets for any and all purposes.

V. FEDERAL LAW PREEMPTS STATE LAW

The doctrine that federal law preempts state law derives from the supremacy clause in Article VI of the *Constitution of the United States*, which reads in part:

“This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, any thing in the Constitution or laws of any state to the contrary notwithstanding.”

The supremacy clause requires that all conflicts between federal and state law be resolved in favor of federal rule. *Richards v. Michelin Tire Corp.*, 786 F.Supp. 959 (1992). The supremacy clause of the *Constitution of the United States* also prohibits the Alabama Supreme Court from rejecting those federal policies with which it may disagree. *Title Max of Birmingham, Inc. v. Edwards*, 973 So.2d 1050 (2007).

VI. FEDERAL LAW REGARDING SMALL CELL WIRELESS FACILITIES

A. FEDERAL AGENCY. The Federal Communications Commission (FCC) made a declaratory ruling and Third Report and Order regarding the installation of small cell wireless facilities on a right-of-way owned by a state, county or municipality.

B. TITLE. “Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment.”

C. AUTHORITY. Telecommunications Act of 1996.

D. PURPOSE. To preempt state and local requirements related to the deployment of fifth generation (5G) wireless infrastructure.

E. DATE ISSUED. September 26, 2018.

F. EFFECTIVE DATE. January 14, 2019.

G. BASIS OF FCC RULING. In very general terms, the ruling provides as follows:

1. Material Inhibitions: States cannot inhibit a mobile service provider’s ability to provide small cell wireless service to an area.

2. Zoning--Aesthetics: Jurisdictions cannot impose zoning regulations that prohibit the installation of small cell wireless facilities.

3. Fees: Jurisdictions cannot charge excessive fees to small cell wireless providers that would inhibit or prohibit the installation of facilities.

4. Shot Clock: Cities must decide an application within sixty or ninety days depending upon whether the installation will be on an existing pole or a new pole.

H. PREEMPTION OF STATE LAW. The federal ruling preempts state law, including the laws set forth in Section III-A, B and C of this legal opinion.

I. SUMMARY. The federal ruling, in substance, provides that states may not inhibit or prohibit a wireless service provider from installing small cell wireless facilities on a public right-of-way.

VII. ALABAMA STATUTES REGARDING SMALL CELL WIRELESS FACILITIES

In accordance with federal law, the Alabama Legislature enacted Act Number 2021-5 to allow wireless providers to collocate, mount or install small cell wireless facilities on or adjacent to existing, new or replacement poles in the City right-of-way. The Act became effective February 19, 2021 and is now codified as Title 37-17-1 through Title 37-17-12, *Code of Alabama, 1975*. Some of the important terms, provisions and conditions of Act Number 2021-5 (the “Act”) are set forth below.

A. DEFINITIONS (TITLE 37-17-1(5), CODE OF ALABAMA, 1975): The Act defines an “authority” as a municipality.

B. AUTHORIZATION OF WIRELESS PROVIDERS TO COLLOCATE, MOUNT OR INSTALL SMALL CELL WIRELESS FACILITIES (TITLE 37-17-2, CODE OF ALABAMA, 1975): The Act specifically provides,

“(a) An authority may not deny a wireless provider the right, as a permitted use subject to Section 37-17-3 and the authority’s requirements not in conflict with this chapter or a then-existing final order of the Federal Communications Commission (FCC), to do either of the following:

(1) Collocate, mount, or install small wireless facilities on or adjacent to existing, new, or replacement poles in the right-of-way.

(2) Install, modify, or replace its own poles, or, with the permission of the owner, a third party’s poles, associated with a small wireless facility, along, across, upon, and under the right-of-way controlled by the authority.

(b) For purposes of this section, any new or modified pole may not exceed the greater of either of the following:

(1) Ten feet in height above the tallest existing pole in place as of July 1, 2021, located within 500 feet of the new pole in the same right-of-way controlled by the authority.

(2) Fifty feet above ground level.

(c) The small wireless facilities and associated poles shall be installed and maintained in accordance with the authority’s requirements not in conflict with this chapter or a then-existing final order of the FCC and as not to obstruct or hinder the usual travel and public safety on the right-of-way by utilities.

(d) A wireless provider may collocate a small wireless facility and install, maintain, modify, operate, and replace a pole that exceeds these height limits along, across, upon, and under the right-of-way, subject to applicable zoning regulations or other applicable requirements of the authority.”

C. ZONING REVIEW, APPROVAL EXEMPTIONS AND PERMITTING; SMALL WIRELESS FACILITIES (TITLE 37-17-3, CODE OF ALABAMA, 1975: The Act also provides,

“(a) Subject to the limitations established in this chapter, small wireless facilities and associated poles are not subject to zoning review or approval if they are located in the right-of-way under the control of an authority and otherwise comply with this chapter and a then-existing final order of the Federal Communications Commission.”

“(d) An authority shall approve an application if it complies with the authority’s requirements for deploying small wireless facilities and associated poles in the right-of-way that are written, generally applicable, and adopted in advance.”

VIII. CITY ORDINANCES ENACTED REGARDING REGULATIONS FOR SMALL CELL TECHNOLOGY FACILITIES IN THE CITY OF VESTAVIA HILLS, ALABAMA

In compliance federal law, the City Council of the City of Vestavia Hills enacted the following ordinances regarding the regulation for small cell technology facilities in the City of Vestavia Hills, Alabama:

A. ORDINANCE NUMBER 2814. On December 17, 2018, Ordinance Number 2814 entitled “An Ordinance to Adopt Regulations for Small Cell Technology Facilities in the City of Vestavia Hills, Alabama.”

B. ORDINANCE NUMBER 2815. On December 17, 2018, Ordinance Number 2815 entitled “An Ordinance to Establish a Fee Structure for Small Cell Technology Facilities in the City of Vestavia Hills, Alabama as Established by Ordinance Number 2814.”

C. ORDINANCE NUMBER 2814-A. On December 17, 2018, Ordinance Number 2814-A entitled “An Ordinance to Amend Chapter 16.5 Entitled “Telecommunications,” Article III Entitled “Small Cell Technology,” of the City of Vestavia Hills Code of Ordinances and to Amend Ordinance Number 2814 to Adopt Regulations for Small Cell Technology Facilities in the City of Vestavia Hills, Alabama.”

D. ORDINANCE NUMBER 2815-A. On August 26, 2019, Ordinance Number 2815-A entitled "An Ordinance Amending Ordinance Number 2815 to Establish a Fee Structure for Small Cell Technology Facilities in the City of Vestavia Hills, Alabama as Established by Ordinance Number 2814."

IX. LEGAL OPINION

Based upon the legal authorities cited above, it is my legal opinion that the City cannot inhibit or prohibit a wireless service provider from installing small cell wireless facilities on a City right-of-way. Federal law regarding this subject preempts state law and must be complied with by all states, counties and municipalities.

Please call me if you have any questions regarding any of the matters set forth in this legal opinion.

Sincerely,



Patrick H. Boone
Vestavia Hills City Attorney

PHB:gp

cc: City Manager Jeffrey D. Downes (by e-mail)
City Clerk Rebecca Leavings (by e-mail)

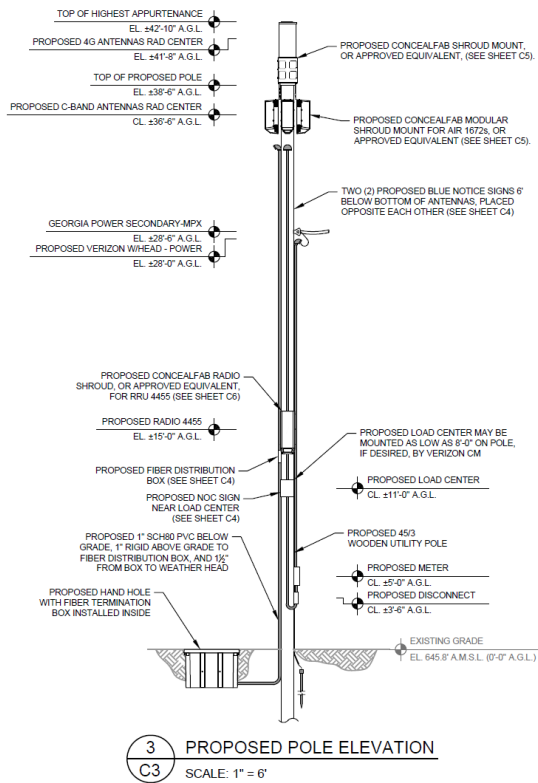
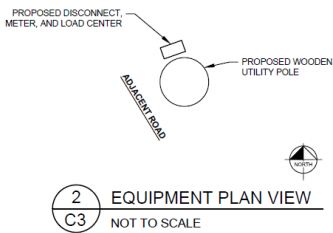
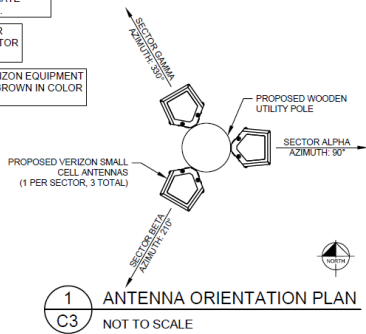


NOTE: WEATHERHEAD TO BE INSTALLED AT ELEVATION ABOVE GRADE AS SHOWN IN MAKE READY DOCUMENTS AND WITHIN THESE CONSTRUCTION DOCUMENTS EXCEPT WHEN SPECIFIED ELEVATION CONFLICTS WITH A LENGTH OF 9'-6" FROM APC SECONDARY ATTACHMENT. CONTRACTOR TO COMPLY WITH THIS LENGTH IN LIEU OF SPECIFIED ELEVATION ABOVE GRADE WHEN A CONFLICT EXISTS.

NOTE: SEE REGULATORY MITIGATION DOCUMENTS FOR APPROPRIATE MITIGATION REQUIREMENTS.

NOTE: SEE FINAL RFDS FOR FINAL AZIMUTHS, FINAL SECTOR COUNT, AND ANY TILTS.

AESTHETIC NOTE: ALL VERIZON EQUIPMENT ATTACHED TO POLE TO BE BROWN IN COLOR TO MATCH POLE.





**CITY OF VESTAVIA HILLS
CITY CLERK
INTER-DEPARTMENT MEMO**

May 18, 2026

To: Jeff Downes, City Manager

From: Umang Patel, City Clerk

Cc:

RE: Public Hearing - Resolution Number 5630 - A Resolution vacating a lot line easement – 2355 Lime Rock Road; Lot 31 Vestahaven Sixth Sector Sixth Addition; Kip Sitzler, Owner

Background:

The purpose is to build an addition to the house.

Recommendation:

This request was approved by the City of Vestavia Hills Engineering Department, Jefferson County, Central Alabama Water, AT&T, Spectrum and Alabama Power

Fiscal Impact:

NA

Attachments:

1. Resolution 5630

RESOLUTION NUMBER 5630

**A RESOLUTION APPROVING AND ASSENTING TO A
DECLARATION OF VACATION**

WITNESSETH THESE RECITALS

WHEREAS, a Declaration signed by the owners of all the lands abutting the following described lot-line easement situated in the City of Vestavia Hills, Jefferson County, Alabama, vacating said lot-line easement, has been duly presented to the City Council of the City of Vestavia Hills, Alabama, for assent and approval of said governing body; and

WHEREAS, a copy of said Declaration with map attached is marked as “Exhibit A”, attached hereto and incorporated into this Resolution by reference as though set out fully herein; and

WHEREAS, the above-referenced lot-line easement is commonly referred to as “lot-line easement” and is more particularly described as follows:

A Parcel of land situated in the South one-half of the Northwest one-quarter of Section 32, Township 18 South, Range 2 West, Jefferson County, Alabama, being more particularly described as follows:

Begin at the Northeast corner of the Southwest one-quarter of the Northwest one-quarter of said Section and run in a Southerly direction along the East boundary of said quarter-quarter line for a distance of 118.53 feet; thence turn a deflection angle left of 74 degrees 55 minutes 44 seconds and run in an Easterly direction for a distance of 59.80 feet; thence turn a deflection angle right of 93 degrees 33 minutes 34 seconds and run in a Southwesterly direction for a distance of 137.78 feet; thence turn a deflection angle right of 20 degrees 06 minutes 35 seconds and run in a Southwesterly direction for a distance of 268.02 feet; thence turn a deflection angle left of 39 degrees 27 minutes 01 seconds and run in a Southeasterly direction for a distance of 167.49 feet; thence turn a deflection angle right of 13 degrees 06 minutes 38 seconds and run in a Southwesterly direction for a distance of 69.61 feet; thence run along last described course for a distance of 259.37 feet to a point on the Northern right of way line of Morgan Drive (60 foot right of way) and to a point on a curve to the left; said curve having a radius of 603.63 feet, a central angle of 50 degrees 24 minutes 42 seconds, tangent distance of 284.12 feet. said tangent having an angle of 109 degrees 19 minutes 34 seconds; thence run along arc of said curve and along said right of way line a distance of 531.10 feet; thence leaving said right of way line, turn an interior angle to the left from tangent of said curve 7 degrees 02 minutes 59 seconds and run in a Northwesterly direction for a distance of 19.66 feet; thence

turn a deflection angle right of 52 degrees 57 minutes 53 seconds and run in a Northerly direction for a distance of 467.53 feet; thence run along last described course for a distance of 8.33 feet; thence turn a deflection angle left of 76 degrees 52 minutes 22 seconds and run in a Northerly direction for a distance of 118.89 feet; thence turn a deflection angle to the right of 89 degrees 58 minutes 45 seconds and run in an Easterly direction for a distance of 159.32 feet; thence turn a deflection angle right of 35 degrees 17 minutes 43 seconds and run in a Southeasterly direction for a distance of 208.09 feet; thence turn a deflection angle left of 38 degrees 02 minutes 55 seconds and run in an Easterly direction for a distance of 240.66 feet; thence turn a deflection angle right of 77 degrees 23 minutes 38 seconds and run in a Southeasterly direction for a distance of 157.99 feet; thence turn a deflection angle left of 55 degrees 41 minutes 5B seconds and run in a Southeasterly direction for a distance of 216.25 feet to a point on the North boundary of the said Southwest one-quarter of the Northwest one-quarter; thence turn a deflection angle right of 62 degrees 46 minutes 15 seconds and run in a Southeasterly direction along the North boundary of said quarter-quarter line for a distance of 325.39 feet to the POINT OF BEGINNING.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF VESTAVIA HILLS, ALABAMA, that the vacation of the hereinabove described lot-line easement is assented to and approved and the same is hereby vacated pursuant to the provision of Section 23-4-20 of the Code of Alabama, 1975.

RESOLVED, DONE AND ORDERED, on this the 18th day of May, 2026.

Ashley C. Curry
Mayor

ATTESTED BY:

Umang Patel
City Clerk

CERTIFICATION

I, the undersigned qualified Clerk of the City of Vestavia Hills, Alabama, do hereby certify that the above and foregoing is a true copy of a Resolution lawfully passed and adopted by the City Council of the City named therein, at a regular meeting of such Council held on the 18th day of May, 2026, and that such Resolution is of record in the Minute Book of the City at page _____ thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City on this the _____ day of _____, 2026.

Umang Patel
City Clerk



City of Vestavia Hills

CITY CLERK/PLANNING AND ZONING DEPARTMENT

1032 Montgomery Highway
Vestavia Hills, AL 35216



DECLARATION OF VACATION OF EASEMENT

STATE OF ALABAMA JEFFERSON COUNTY

We, the undersigned, constituting all of the owners of all property abutting entire utility easement that has not been used in 50 years as same appears on the Plat of Lot 31 Block 3 Vesthaven sixth sector sixth addition, which Plat is recorded in Plat Book 94, at Page 30, in the Probate Office of Jefferson County, Alabama, do hereby declare that each of said Plats embraced within the boundaries of said entire utility easement that has not been used in 50 years as the same appears of record on the Plat to be vacated, and said entire utility easement that has not been used in 50 years is hereby declared vacated. The undersigned do hereby respectfully represent and warrant as follows:

1. This Declaration of Vacation of entire utility easement that has not been used in 50 years 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 entire utility easement that has not been used in 50 years 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. Said entire utility easement that has not been used in 50 years is situated in the City of Vestavia Hills, Jefferson County, Alabama, and appears at 2355 Lime Rock Road. A copy of the map reflecting the location of entire utility easement that has not been used in 50 years 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 entire utility easement that has not been used in 50 years and the names and addresses of the owner of said abutting properties are as follows:

A. Owner's Name: Luke Burton

Street Address/Legal Description: 2351 Lime Rock Road; Lot 31-B Block 3 Vesthaven Section 32 Map Book 94 Page 30

B. Owner's Name: Cheri McCoy

Street Address/Legal Description: 2359 Lime Rock Road; Lot 30 Vesthaven Sixth Sector Sixth Addition

C. Owner's Name: Robin Morgan

Street Address/Legal Description: legal description-acreage; legal description- acreage

C. Owner's Name:

Street Address/Legal Description: ;

6. All of the undersigned do hereby declare entire utility easement that has not been used in 50 years to be vacated and respectfully request the assent of the City Council of the City of Vestavia Hills, Alabama, to said vacation of entire utility easement that has not been used in 50 years.

SIGNATURES ATTACHED.

**OWNER'S SIGNATURE AFFIDAVIT
VACATION OF EASEMENT PETITION**

IN WITNESS THEREOF, the undersigned have hereunto set my hand and seal on this the 16th day of February, 2026.

SIGNATURE OF ABUTTING PROPERTY OWNER:

Signed: Luke Burton (notary below)

Printed name of signer: Luke Burton
2351 Lime Rock Rd
Lot 31-B
Vesthaven 6th Sector 6 Addition Resurvey of Lot 31 Block 3

**STATE OF ALABAMA
JEFFERSON COUNTY**

GENERAL ACKNOWLEDGMENT

I, the undersigned authority, a Notary Public, in and for said County, in said State, hereby certify that Luke Burton 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 16th day of February, 2026.

Veon Branch Chandler
Notary Public



VEAS Number: _____ (administrative use only).

**My Commission Expires
October 9, 2026**

**OWNER'S SIGNATURE AFFIDAVIT
VACATION OF EASEMENT PETITION**

IN WITNESS THEREOF, the undersigned have hereunto set my hand and seal on this the 26th day of February, 2026.

SIGNATURE OF ABUTTING PROPERTY OWNER:

Signed: Cheryl Akers McCoy (notary below)

Printed name of signer: Cheryl Akers McCoy

2359 Lime Rock Rd.
Vestavia, AL. 35216

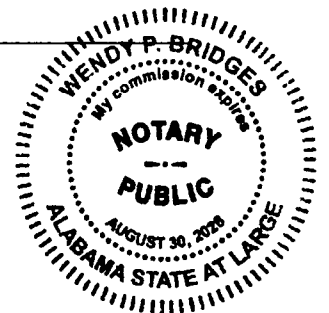
**STATE OF ALABAMA
JEFFERSON COUNTY**

GENERAL ACKNOWLEDGMENT

I, the undersigned authority, a Notary Public, in and for said County, in said State, hereby certify that Cheryl Akers McCoy 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 26th day of February, 2026.

Wendy P Bridges
Notary Public



VEAS Number: _____ (administrative use only).

**OWNER'S SIGNATURE AFFIDAVIT
VACATION OF EASEMENT PETITION**

IN WITNESS THEREOF, the undersigned have hereunto set my hand and seal on this the 4th day of March, 2020.

SIGNATURE OF ABUTTING PROPERTY OWNER:

Signed: R. B. Morgan, Jr. (notary below) - FOR SOUTH MONT DEVELOPMENT CO., INC.
Printed name of signer: R. B. MORGAN, JR.

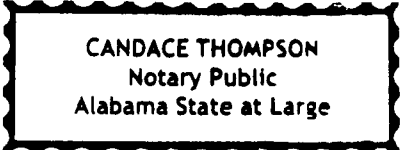
**STATE OF ALABAMA
JEFFERSON COUNTY**

GENERAL ACKNOWLEDGMENT

I, the undersigned authority, a Notary Public, in and for said County, in said State, hereby certify that R. B. Morgan Jr 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 4th day of March, 2020.

Candace Thompson
Notary Public



VEAS Number: _____ (administrative use only).

2 Industrial Park Drive | Pelham, AL 35124



December 22, 2025

Kip C Sitzler
2355 Lime Rock Rd
Vestavia Hills, AL 35216

RE: Proposed addition onto the back of the existing house at the above address and more particularly described as follows: Lot 31-A , according to a Resurvey of Lot 31, Block 3, Vesthaven Sixth Sector – sixth Addition as recorded in Map Book 94, Page 30 in the Probate Office of Jefferson County, Alabama.

Said property lies in the Southwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 32, Township 18 South, Range 2 West, City of Vestavia Hills, Alabama in Jefferson County, Alabama.

Mr. Sitzler,

Alabama Power Company presently has no facilities at the Southwest Corner of said house (and makes no claim of any being there) and has no objection to the addition onto the back of the existing house.

However, should the need arise in the future for any power line to be installed on the property described above, Alabama Power Company will acquire the necessary rights of way from the owner of record on that date.

Sincerely,

A handwritten signature in black ink, appearing to read "Dean Fritz".

Dean Fritz
Real Estate Specialist
Corporate Real Estate
Alabama Power Company
205-226-1754



AT&T Alabama
1876 Data Dr
Hoover, Al 35244

T: 205-260-3546
www.att.com

February 26th, 2026

Mr. Kip Sitzler
2355 Lime Rock Rd
Vestavia Hills, Al 35216

Dear Mr. Kip Sitzler,

We have examined the location of the easement in question and find no conflict with the vacation of the easement.

Sincerely,

Brandon Caterinichia

Brandon Caterinichia

SR SPECIALIST-OSP DESIGN ENGINEER



February 3, 2026

Kip Sitzler
2355 Lime Rock Road
Vestavia, Alabama 35216

To whom it may concern:

You may present this letter to interested parties as evidence that Central Alabama Water has no existing facilities within that portion of an easement proposed to be vacated by the City of Vestavia Hills, Said easement is described as the 10 feet wide easement along the Southeast lot line of Lot 31-A of the Resurvey of Lot 31, Block 3, Vesthaven Sixth Sector as recorded in Plat Book 94 Page 30 in the Office of Judge of Probate, Jefferson County, Alabama.

Therefore, Central Alabama Water has no objection to the vacation of said easement.

Should you have questions or need additional information, please feel free to contact me at 205-244-4189 or email david.nichols@caw-al.gov

A handwritten signature in blue ink, appearing to read "David G. Nichols", is written over a horizontal line.

David G Nichols PLS
Central Alabama Water
Land Administration
Sr Land Surveyor

PROPERTY LEGAL DESCRIPTION

Morgan Properties LLC

A Parcel of land situated in the South one-half of the Northwest one-quarter of Section 32, Township 18 South, Range 2 West, Jefferson County, Alabama, being more particularly described as follows:

Begin at the Northeast corner of the Southwest one-quarter of the Northwest one-quarter of said Section and run in a Southerly direction along the East boundary of said quarter-quarter line for a distance of 118.53 feet; thence turn a deflection angle left of 74 degrees 55 minutes 44 seconds and run in an Easterly direction for a distance of 59.80 feet; thence turn a deflection angle right of 93 degrees 33 minutes 34 seconds and run in a Southwesterly direction for a distance of 137.78 feet; thence turn a deflection angle right of 20 degrees 06 minutes 35 seconds and run in a Southwesterly direction for a distance of 268.02 feet; thence turn a deflection angle left of 39 degrees 27 minutes 01 seconds and run in a Southeasterly direction for a distance of 167.49 feet; thence turn a deflection angle right of 13 degrees 06 minutes 38 seconds and run in a Southwesterly direction for a distance of 69.61 feet; thence run along last described course for a distance of 259.37 feet to a point on the Northern right of way line of Morgan Drive (60 foot right of way) and to a point on a curve to the left; said curve having a radius of 603.63 feet, a central angle of 50 degrees 24 minutes 42 seconds, tangent distance of 284.12 feet, said tangent having an angle of 109 degrees 19 minutes 34 seconds; thence run along arc of said curve and along said right of way line a distance of 531.10 feet; thence leaving said right of way line, turn an interior angle to the left from tangent of said curve 87 degrees 02 minutes 59 seconds and run in a Northwesterly direction for a distance of 19.66 feet; thence turn a deflection angle right of 52 degrees 57 minutes 53 seconds and run in a Northerly direction for a distance of 467.53 feet; thence run along last described course for a distance of 8.33 feet; thence turn a deflection angle left of 76 degrees 52 minutes 22 seconds and run in a Northerly direction for a distance of 118.89 feet; thence turn a deflection angle to the right of 89 degrees 58 minutes 45 seconds and run in an Easterly direction for a distance of 159.32 feet; thence turn a deflection angle right of 35 degrees 17 minutes 43 seconds and run in a Southeasterly direction for a distance of 208.09 feet; thence turn a deflection angle left of 38 degrees 02 minutes 55 seconds and run in an Easterly direction for a distance of 240.66 feet; thence turn a deflection angle right of 77 degrees 23 minutes 38 seconds and run in a Southeasterly direction for a distance of 157.99 feet; thence turn a deflection angle left of 55 degrees 41 minutes 58 seconds and run in a Southeasterly direction for a distance of 216.25 feet to a point on the North boundary of the said Southwest one-quarter of the Northwest one-quarter; thence turn a deflection angle right of 62 degrees 46 minutes 15 seconds and run in a Southeasterly direction along the North boundary of said quarter-quarter line for a distance of 325.39 feet to the POINT OF BEGINNING.

JEFFERSON COUNTY COMMISSION



JAMES A. (JIMMIE) STEPHENS - PRESIDENT
JOE KNIGHT - PRESIDENT PRO TEMPORE
LASHUNDA SCALES
SHEILA TYSON
MICHAEL F. BOLIN

CAL MARKERT – CHIEF EXECUTIVE OFFICER

**Department of
ROADS AND TRANSPORTATION**

Chris Nicholson, P.E.
Director/County Engineer
A200 Courthouse
716 Richard Arrington, Jr. Blvd. N.
Birmingham, Alabama 35203

March 6, 2026

City of Vestavia Hills
1032 Montgomery Hwy
Vestavia Hills, Al 35216

RE: No Objection Letter: Proposed vacation of a 10-foot-
wide easement; 2355 Lime Rock Rd,
Vestavia Hills, AL 35216

To whom it may concern:

This letter is in response to the proposed vacation of a 10-foot-wide easement located adjacent to the southeast property line of 2355 Lime Rock Rd, Vestavia Hills, AL 35216, as depicted on the attached map. Research indicates there are no structures or appurtenances within the easement that are owned or maintained by Jefferson County. Therefore, the Jefferson County Roads & Transportation Department and the Jefferson County Environmental Services Department have no objection to the vacation of the easement.

Yours truly,

Kelly Watson, SR/WA
Chief Land Acquisition Agent

KW/hc
Attachments
CC: Emily Kemp
Ben Pate
File



Engineering Approval

Record No.VEAS-26-1

Status Completed

Became Active March 23, 2026

Type Approval

Due Date None

Assignee Ethan Fisher

Record No: VEAS-26-1

Vacation of Easement

Status: Active

Submitted On: 3/20/2026

Primary Location

2355 LIME ROCK RD
VESTAVIA HILLS, AL 35216

Owner

Karen C Sitzler
Lime Rock Road 2355 Lime Rock road Vestavia, Al 35216

Ethan Fisher Internal

April 14, 2026 at 8:42 am

We do not shown any public supplied drainage infrastructure in this easement. Additionally, the grades of the property and adjacent properties does not look to make this easement necessary to facilitate drainage from the adjacent properties.



**CITY OF VESTAVIA HILLS
FIRE DEPARTMENT
INTER-DEPARTMENT MEMO**

May 18, 2026

To: Jeff Downes, City Manager

From: Steven Michael, Captain

Cc: Marvin Green, Fire Chief

RE: Resolution Number 5634 - A Resolution declaring certain personal property as surplus and authorizing the City Manager to sell/dispose of said surplus property

Background:

We have maintained a robust capital vehicle replacement plan. Due to this, we are asking to declare the following vehicle surplus to be sold:

2012 Chevrolet Silverado - VIN 1GCNKPE09CZ235014

Recommendation:

It is my recommendation that the vehicle be sold or disposed of

Fiscal Impact:

All proceeds shall be credited to the Capital Fund.

Attachments:

1. Resolution 5634

RESOLUTION NUMBER 5634

A RESOLUTION DETERMINING THAT CERTAIN PERSONAL PROPERTY IS NOT NEEDED FOR PUBLIC OR MUNICIPAL PURPOSES AND DIRECTING THE SALE/DISPOSAL OF SAID SURPLUS PROPERTY

WITNESSETH THESE RECITALS

WHEREAS, the City of Vestavia Hills, Alabama, is the owner of personal property detailed in the attached “Exhibit A”; and

WHEREAS, the City has determined that it would be in the best public interest to sell or dispose of said property.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VESTAVIA HILLS, ALABAMA, AS FOLLOWS:

1. The City Manager is hereby authorized to sell or dispose of the above-referenced surplus personal property; and
2. This Resolution Number 5634 shall become effective immediately upon adoption and approval.

DONE, ORDERED, APPROVED and ADOPTED on this the 18th day of May, 2026.

Ashely Curry
Mayor

ATTESTED BY:

Umang Patel
City Clerk

Year	Make	Model	VIN
2012	Chevrolet	Silverado	1GCNKPE09CZ235014



**CITY OF VESTAVIA HILLS
PUBLIC SERVICES
INTER-DEPARTMENT MEMO**

May 18, 2026

To: Jeff Downes, City Manager

From: Lori Beth Kearley, Public Services Director

Cc:

RE: Resolution Number 5637 - A Resolution authorizing the Mayor and City Manager to execute any and all documents necessary to apply for the fiscal year 2026 Safe Streets and Roads For All grant program

Background:

The Regional Planning Commission of Greater Birmingham published the Heart of Alabama Safety Action Plan in April 2025 as a comprehensive regional transportation safety strategy for the six-county Birmingham metropolitan region under the federal Safe Streets and Roads for All (SS4A) program. The goal of the Plan is to reduce fatal and serious injury crashes on roadways throughout the region.

Adoption of the Plan enables and encourages municipalities within the Birmingham metropolitan region to pursue implementation and supplemental planning grant opportunities through the SS4A program. Accordingly, the City desires to submit a Supplemental Safety Planning Grant application to advance the City's roadway safety planning efforts and augment the Heart of Alabama Safety Action Plan. Specifically, the City proposes to use the grant

funds to identify and prioritize roadway safety projects as part of its ongoing commitment to improving transportation safety throughout the City.

Under the SS4A program, the federal share covers approximately 80% of the eligible project costs, with the City providing the remaining 20% local match. The anticipated cost of the supplemental safety planning effort is estimated at \$280,000, of which approximately \$224,000 would be federally funded and approximately \$56,000 would constitute the City's required local match.

Recommendation:

Engineering recommends submission of an application for the FY 2026 SS4A grant funding opportunity.

Fiscal Impact:

Should the grant be awarded, the City's required local match shall be presented to the City Council for separate consideration and approval through future Council action.

Attachments:

- 1. Resolution 5637

RESOLUTION NUMBER 5637

**A RESOLUTION AUTHORIZING THE MAYOR AND CITY
MANAGER TO EXECUTE ANY AND ALL DOCUMENTS
NECESSARY TO APPLY FOR THE FISCAL YEAR 2026 SAFE
STREETS AND ROADS FOR ALL GRANT PROGRAM**

WHEREAS, the Vestavia Hills City Council (City) is committed to improving transportation safety through reducing the risk of fatal and serious injury crashes on its roadways; and

WHEREAS, in April of 2025, the Regional Planning Commission of Greater Birmingham published a Safety Action Plan for the six-county Birmingham region known as the Heart of Alabama Safety Action Plan; and

WHEREAS, the City has identified supplemental safety planning activities that would further clarify actions to enhance road safety in the City; and

WHEREAS, the Safe Streets For All “SS4A” grant program allows and encourages grant applications to **supplement** current Safety Action Plans when applicable; and

WHEREAS, the City desires to submit a Supplemental Safety Planning Grant application for federal funds to advance the City’s road safety planning efforts and augment the Heart of Alabama Safety Action Plan to specifically identify and prioritize safety projects for the City, the City understands and agrees to the following:

- 1) The expected cost to conduct the Supplemental Safety Planning is \$280,000; and
- 2) That the federal share of a SS4A grant may not exceed eighty percent (80%) of total eligible activity costs (\$224,000); and
- 3) That the local match share of no less than twenty percent (20%) of eligible activity costs is estimated to be \$56,000. If awarded, the required local match shall be presented to the City Council for separate consideration and approval through future Council action.
- 4) That the application must be submitted by 5:00 pm EDT on May 26, 2026; and

5) That, if awarded, the City will serve as the administrator of the grant application and resulting grant funds; and

6) that, the United States Department of Transportation expects to obligate SS4A award funding via a signed agreement within twelve (12) months after awards have been announced; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Vestavia Hills, Alabama, as follows:

1. Authorizes the Mayor and City Manager to execute any and all documents necessary to apply for the fiscal year 2026 Safe Streets and Roads for all grant program; and
2. The City agrees to all terms and conditions as set out above, and desires to apply for a SS4A supplemental planning grant.

APPROVED and ADOPTED this the 18th day of May, 2026.

Ashley Curry
Mayor

ATTESTED BY:

Umang Patel
City Clerk



**CITY OF VESTAVIA HILLS
CITY CLERK
INTER-DEPARTMENT MEMO**

May 18, 2026

To: Jeff Downes, City Manager

From: Umang Patel, City Clerk

Cc:

RE: Resolution 5638 - A Resolution adopting the division "G" Multi-Jurisdictional Hazard Mitigation Plan

Background:

The proposed resolution adopts the Division "G" Multi-Jurisdictional Hazard Mitigation Plan as prepared in accordance with applicable federal requirements. The plan identifies natural hazards that may impact the City of Vestavia Hills and establishes mitigation goals, strategies, and actions intended to reduce long-term risks to life, property, infrastructure, and public services. Adoption of the plan demonstrates the City's continued commitment to hazard mitigation planning, emergency preparedness, and resiliency efforts, while also maintaining eligibility for certain state and federal mitigation funding opportunities.

Recommendation:

Fiscal Impact:

NA

Attachments:

1. Resolution 5638
2. Hazard Mitigation Plan Link

RESOLUTION NUMBER 5638

A RESOLUTION ADOPTING THE DIVISION “G” MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN.

WHEREAS, the City of Vestavia Hills (“the City”) recognizes the threat that natural hazards pose to people and property within (local government); and

WHEREAS, the City has prepared a multi-hazard mitigation plan, hereby known as Division “G” Multi-Jurisdictional Hazard Mitigation Plan in accordance with federal laws, including the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended; the National Flood Insurance Act of 1968, as amended; and the National Dam Safety Program Act, as amended; and

WHEREAS, Division “G” Multi-Jurisdictional Hazard Mitigation Plan identifies mitigation goals and actions to reduce or eliminate long-term risk to people and property in the City from the impacts of future hazards and disasters; and

WHEREAS, adoption by the City demonstrates its commitment to hazard mitigation and achieving the goals outlined in the Division “G” Multi-Jurisdictional Hazard Mitigation Plan

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Vestavia Hills, Alabama, as follows:

1. adopts the Division “G” Multi-Jurisdictional Hazard Mitigation Plan. While content related to the City may require revisions to meet the plan approval requirements, changes occurring after adoption will not require (local government) to re-adopt any further iterations of the plan. Subsequent plan updates following the approval period for this plan will require separate adoption resolutions. .

APPROVED and ADOPTED this the 18th day of May, 2026.

ATTESTED BY:

Ashley Curry
Mayor

Umang Patel
City Clerk

To view the hazard mitigation plan:

<https://portal.laserfiche.com/Portal/DocView.aspx?id=6568&repo=r-48d97458>

CITY OF VESTAVIA HILLS
DEPARTMENT OF PUBLIC SERVICES
OFFICE OF CITY ENGINEER
INTER-DEPARTMENT MEMO

May 12, 2026

To: Jeff Downes, City Manager

Cc: Lori Beth Kearley, Public Services Director
Ethan Fisher, City Engineer
Umang Patel, Director of Administration and Innovation

From: Christopher Brady, City Engineer

RE: Dedication of South Bend Parkway, South Bend Lane, and South Bend Circle

The Developer has formally requested dedication of South Bend Subdivision to the City of Vestavia Hills for all public improvements within the platted right-of-way. Upon final inspection, I have found all improvements to be complete and in compliance with City standards for public streets and support its dedication to the City for roadway and sidewalk maintenance.

The City does not accept maintenance of the entry walls, signage, and landscape in the median of the parkway. Likewise, the City does not accept maintenance of the stormwater management common areas. These areas will remain a part of HOA responsibilities.

A Final Wearing Surface Maintenance Bond is required to be kept on file with the City for a full year after the roadway improvements have been accepted by the City Council to ensure all improvements are kept in good repair.

Sincerely,

Christopher Brady

City of Vestavia Hills
1032 Montgomery Highway
Vestavia Hills, AL 35216

Attn: Christopher Brady

Re: Request for Acceptance of Infrastructure – Southbend Subdivision (Southbend Circle & Southbend Lane)

To Whom it May Concern,

As the developer of the Southbend subdivision, we respectfully request that the City of Vestavia Hills accept responsibility for the maintenance and infrastructure of Southbend Circle and Southbend Lane. Construction of the roadways and associated infrastructure has been completed, and the final surface course has been installed.

We appreciate your time and look forward to working with you to complete this process. Please feel free to contact us with any questions.

Sincerely,

Taylor Burton
205-396-4249



RESOLUTION NUMBER 5635

**A RESOLUTION ACCEPTING THE DEDICATION OF THE STREETS IN
THE SOUTH BEND SUBDIVISION KNOWN AS SOUTH BEND LANE
AND SOUTH BEND CIRCLE**

WHEREAS, Taylor Burton Company is the developer for the South Bend subdivision in Vestavia Hills, Alabama. This dedication consists of the streets named “South Bend Lane and South Bend Circle”; such dedication includes the roadways and sidewalks but does not include maintenance of the entry walls, signage, and landscape in the median of the parkway, stormwater management, or common areas.

WHEREAS, the streets were built according to the Vestavia Hills specifications and the development company is presenting them to the City of Vestavia Hills for acceptance, complete with a guarantee against any defects for a period of one (1) year from the date of dedication.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF VESTAVIA HILLS, ALABAMA, that the City hereby accepts the offer of dedication made by Harris Doyle Homes for Helen Ridge and said streets are hereby named public streets.

ADOPTED and APPROVED this the 1st day of June, 2026.

Ashley C. Curry
Mayor

ATTESTED BY:

Umang Patel
City Clerk



**CITY OF VESTAVIA HILLS
CITY CLERK
INTER-DEPARTMENT MEMO**

May 18, 2026

To: Jeff Downes, City Manager

From:

Cc:

RE: Executive Session - Matters of Commerce or Trade

Background:

Recommendation:

Fiscal Impact:

Attachments:

None