

CHAPTER 137

VACATION AND DISPOSAL OF STREETS

137.01 Power to Vacate
137.02 Planning and Zoning Commission
137.03 Notice of Vacation Hearing

137.04 Findings Required
137.05 Disposal of Vacated Streets or Alleys
137.06 Disposal by Gift Limited

137.01 POWER TO VACATE. When, in the judgment of the Council, it would be in the best interest of the City to vacate a street, alley, portion thereof or any public grounds, the Council may do so by ordinance in accordance with the provisions of this chapter.

(Code of Iowa, Sec. 364.12 [2a])

137.02 PLANNING AND ZONING COMMISSION. Any proposal to vacate a street, alley, portion thereof or any public grounds shall be referred by the Council to the Planning and Zoning Commission for its study and recommendation prior to further consideration by the Council. The Commission shall submit a written report including recommendations to the Council within thirty (30) days after the date the proposed vacation is referred to the Commission.

(Code of Iowa, Sec. 392.1)

137.03 NOTICE OF VACATION HEARING. The Council shall cause to be published a notice of public hearing of the time at which the proposal to vacate shall be considered.

137.04 FINDINGS REQUIRED. No street, alley, portion thereof or any public grounds shall be vacated unless the Council finds that:

1. **Public Use.** The street, alley, portion thereof or any public ground proposed to be vacated is not needed for the use of the public, and therefore, its maintenance at public expense is no longer justified.
2. **Abutting Property.** The proposed vacation will not deny owners of property abutting on the street or alley reasonable access to their property.

137.05 DISPOSAL OF VACATED STREETS OR ALLEYS. When in the judgment of the Council it would be in the best interest of the City to dispose of a vacated street or alley, portion thereof or public ground, the Council may do so in accordance with the provisions of Section 364.7, Code of Iowa.

(Code of Iowa, Sec. 364.7)

137.06 DISPOSAL BY GIFT LIMITED. The City may not dispose of real property by gift except to a governmental body for a public purpose.

(Code of Iowa, Sec. 364.7[3])

EDITOR'S NOTE			
The following ordinances, not codified herein and specifically saved from repeal, have been adopted vacating certain streets, alleys and/or public grounds and remain in full force and effect.			
ORDINANCE NO.	ADOPTED	ORDINANCE NO.	ADOPTED
389	July 10, 1962	813	April 5, 2004
400	May 14, 1963	818	June 1, 2004
404	August 13, 1963	828	November 1, 2004
416	February 9, 1965	829	November 15, 2004
417	February 9, 1965	830	November 15, 2004
421	June 22, 1965	831	February 7, 2005
432	January 10, 1967	838	July 18, 2005
456	December 28, 1970	852	September 9, 2006
457	June 21, 1971	860	July 2, 2007
466	December 4, 1972	877	December 15, 2008
470	May 21, 1973		
473	August 3, 1973		
485	June 9, 1975		
495	June 20, 1977		
515	June 29, 1981		
519	January 18, 1982		
532	May 16, 1983		
610	June 17, 1991		
691	January 2, 1996		
714	July 9, 1997		
718	September 8, 1997		
719	October 20, 1997		
739	November 15, 1999		
740	December 6, 1999		
741	December 6, 1999		
742	December 6, 1999		
755	May 15, 2000		
786	October 7, 2002		
800	November 3, 2003		
801	November 3, 2003		