

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 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 or to a fair.

(Code of Iowa, Sec. 174.15[2] & 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
16	December 2, 1880	1991-5	August 26, 1991
86	July 3, 1919	1991-6	August 26, 1991
28	September 7, 1920	1991-7	October 10, 1991
29	March 3, 1921	1993-2	April 8, 1993
30	July 7, 1921	1996-3	June 24, 1996
37	July 21, 1927	1996-4	November 14, 1996
109	January 5, 1939	1998-01-08	January 8, 1998
121	January 4, 1951	1998-07-09	July 9, 1998
123	October 4, 1951	1999-07-08(A)	July 8, 1999
126	September 11, 1952	1999-07-26	July 26, 1999
127	February 5, 1953	2005-11	July 25, 2005
128A	August 7, 1953	2005-12	July 25, 2005
130	October 8, 1953	2005-13	July 25, 2005
130A	May 6, 1954	2011-01	February 10, 2011
136	September 1, 1955	2013-06	September 12, 2013
137	July 5, 1956	2013-07	October 16, 2013
138	September 6, 1956	2014-01	January 9, 2014
139	April 4, 1957	2014-03	May 27, 2014
142	August 7, 1958		
144	September 6, 1962		
151	December 2, 1965		
154	April 7, 1966		
158	September 1, 1966		
162	April 16, 1967		
168	February 1, 1968		
176	July 3, 1968		
190	March 23, 1972		
191	May 18, 1972		
192-1	November 8, 1973		
196	November 27, 1974		
201	November 20, 1975		
203	January 26, 1976		
213	November 22, 1976		
218	January 12, 1978		
230	February 25, 1980		
1981-2	September 28, 1981		
1982-6	November 8, 1982		
1982-7	December 9, 1982		
1990-1	January 22, 1990		
1991-2	May 9, 1991		

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