

## 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])*

<b>EDITOR'S NOTE</b>			
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.			
<b>ORDINANCE NO.</b>	<b>ADOPTED</b>	<b>ORDINANCE NO.</b>	<b>ADOPTED</b>
20	August 4, 1882	201	June 11, 1979
28	August 1, 1884	206	May 12, 1980
36	June 3, 1887	214	December 16, 1981
39	February 3, 1888	222	September 10, 1984
43	May 4, 1894	223	November 12, 1984
58	July 7, 1899	920, Sec. 30	June 23, 1986
76	March 19, 1909	920, Sec. 31	August 10, 1987
77	March 19, 1909	920, Sec. 32	September 11, 1990
84	June 24, 1912	920, Sec. 40	May 23, 1994
88	May 21, 1915	920, Sec. 41	August 21, 1995
91	May 21, 1915	920, Sec. 42	August 21, 1995
99	January 5, 1934	920, Sec. 43	September 11, 1995
110	March 24, 1944	920, Sec. 42	September 11, 1995
112	October 24, 1945	920, Sec. 41	September 11, 1995
116	February 27, 1948	920, Sec. 44	November 13, 1995
117	February 27, 1948		
119	July 9, 1948		
138	May 11, 1959		
143	July 24, 1961		
147	February 24, 1964		
149	October 11, 1965		
174	October 8, 1970		
179	November 16, 1971		
189	June 24, 1974		
198	February 4, 1975		
199	April 10, 1978		