

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 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
76	November 5, 1935		
91	August 5, 1946		
94	July 21, 1947		
104	April 19, 1948		
115	January 23, 1950		
123	March 6, 1951		
144	October 1, 1953		
150	June 15, 1954		
151	June 15, 1954		
159	August 2, 1955		
161	September 20, 1955		
162A	May 20, 1958		
164	May 20, 1958		
165	May 20, 1958		
167	November 17, 1959		
168	November 17, 1959		
175	June 20, 1961		
186	October 5, 1964		
201	October 7, 1968		
202	December 16, 1968		
204	April 7, 1969		
213	June 21, 1971		
223	December 6, 1971		
255	April 19, 1976		
261	August 2, 1976		
267	March 21, 1977		
271	October 3, 1977		
274	December 19, 1977		
275	December 19, 1977		
276	December 19, 1977		
279	December 4, 1978		
288	November 19, 1979		
425	May 20, 2002		
502	January 15, 2007		
503	January 15, 2007		
509	August 6, 2007		
530	January 17, 2011		
531	March 22, 2011		
577	June 19, 2017		

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