

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 | |
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| The following ordinances and resolutions, 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/DESCRIPTION | ADOPTED |
| Tracy's Addition Lots 14 to 17 | August 14, 1890 |
| Clippinger's Addition Block 1 | September 5, 1899 |
| South Street | November 9, 1899 |
| West Street | November 9, 1899 |
| Ninth Street | October 9, 1903 |
| State Street | July 6, 1905 |
| Railroad Street | November 7, 1907 |
| McIntire's Addition Block 9 | September 3, 1923 |
| Clippinger's Addition, Block 2 | September 3, 1923 |
| Eighth Street | March 5, 1928 |
| McIntire's Addition, Block 10 | May 3, 1937 |
| Original Town, Block 36 | June 9, 1952 |
| Second Street | June 9, 1952 |
| Southwest Quarter Section 6-7-31 | June 9, 1952 |
| Original Town, Block 28 | December 3, 1952 |
| Alley in Block 15, Original Town (237) | August 28, 1978 |
| Part of Ninth Street in parcel B of the Northwest Quarter (250) | January 28, 1980 |
| 9 th Street between Grand and North Street (81-256) | July 27, 1981 |
| 14 th Street east of Lots 1 and 2 and west of Union Cemetery (84-266) | December 10, 1984 |
| 16 feet of street lying west of and adjacent to Lots 16-24 of Parrott's Addition (east of cemetery) (2005-01) | February 14, 2005 |
| 10 th street between Brown Street and Oak Street (Resolution 2006-08) | July 10, 2006 |
| Alleys (2016-01) Alley between 5 th Street and 4 th Street, 4 th Street and 3 rd Street | February 8, 2016 |
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