

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 or alley or portion thereof, the Council may do so by ordinance in accordance with the provisions of this chapter.

137.02 PLANNING AND ZONING COMMISSION. Any proposal to vacate a street or alley 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. However the Council shall not refer the proposal to the Planning and Zoning Commission until such time as all owners of the property abutting the street or alley have petitioned the Council to purchase their respective portions of the street or alley. The Council shall not refer a proposal to the Planning and Zoning Commission which would result in any part of a street or alley being left unsold. The Council shall only sell an interest in either a vacated street or alley to the person who owns the property that abuts the parcel.

(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 or alley, or portion thereof, shall be vacated unless the Council finds that:

1. Public Use. The street or alley 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

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property abutting on the street or alley reasonable access to their property.

(Code of Iowa, Sec. 364.15)

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, or portion thereof, 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 a vacated street or alley, or portion thereof, 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 and/or alleys and remain in full force and effect.

<u>ORDINANCE NO.</u>	<u>ADOPTED</u>	<u>ORDINANCE NO.</u>	<u>ADOPTED</u>
Title IV, Chapter 41 of the previous code			
64	1964	192	9-8-81
73	3-9-65	194	12-8-81
103	5-9-72	196	3-9-82
118	6-27-74	198	11-9-82
120	10-8-74	203	3-8-83
126	3-11-75	235	7-14-87
128	6-10-75	242	8-9-88
130	8-12-75	259	4-25-89
132	8-12-75	286	11-13-90
136	10-14-75	293	6-11-91
137	12-9-75	303	11-12-91
139	2-10-76	317	5-2-92
156	5-10-77	319	5-26-92
166	10-11-77	321	6-22-92

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172	9-12-78	323	8-24-92
173	10-10-78	328	11-2-92
179	7-10-79	345	7-13-93
180	10-9-79	346	8-10-93
181	12-10-79	(Repeals Ord. No. 321, Section	
182	2-12-80	3[a])	
183	4-8-80	353	1-25-94
187	6-10-80	356	2-8-94
188	6-10-80	363	8-9-94
