

CHAPTER 137

VACATION AND DISPOSAL OF STREETS

137.01 Power to Vacate	137.04 Findings Required
137.02 Planning and Zoning Commission	137.05 Disposal of Vacated Streets or Alleys
137.03 Notice of Vacation Hearing	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.
(Code of Iowa, Sec. 364.12 [2a])

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.
(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 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>
132	November 13, 1925
136	November 13, 1925
137	November 13, 1925
172	November 13, 1925
231	May 24, 1944
239	July 5, 1946
243	May 20, 1947
256	March 22, 1949
259	December 15, 1949
274	January 13, 1954
296	May 13, 1958
303	April 7, 1959
304	April 7, 1959
317	November 14, 1960
345	November 9, 1965
346	December 14, 1965
348	September 13, 1966
349	February 14, 1967
358	December 19, 1968
375	November 10, 1970
388	May 8, 1973
396	October 22, 1974
406	July 22, 1975
446	July 8, 1980
447	July 22, 1980
448	August 12, 1980
485	July 10, 1984
565	November 8, 1994
591	December 12, 1995

Supp. Feb-96

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