

## 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] and 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>     |
| 96-400  | August 12, 1996    | 2017-700             | November 13, 2017  |
| 96-800  | October 28, 1996   | 2017-1200            | November 13, 2017  |
| 97-700  | June 23, 1997      | 2018-900             | October 8, 2018    |
| 97-800  | July 14, 1997      | 2020-600             | May 26, 2020       |
| 97-1000   | July 14, 1997      | 2020-1300            | September 28, 2020 |
| 97-1100   | August 25, 1997    | 2021-1400            | May 10, 2021       |
| 97-1300   | October 13, 1997   | 2021-1500            | June 14, 2021      |
| 98-200  | January 12, 1998   | 2021-1800            | July 12, 2021      |
| 98-400  | March 9, 1998      | 2021-2500            | November 8, 2021   |
| 98-600  | December 28, 1998  | 2021-2600            | November 8, 2021   |
| 99-100  | July 26, 1999      |                      |                    |
| 2003-800  | October 13, 2003   |                      |                    |
| 2004-100  | March 8, 2004      |                      |                    |
| 2004-400  | November 22, 2004  |                      |                    |
| 2007-1100   | August 27, 2007    |                      |                    |
| 2008-200  | March 24, 2008     |                      |                    |
| 2008-500  | July 28, 2008      |                      |                    |
| 2009-1000   | January 11, 2010   |                      |                    |
| 2010-2100   | August 23, 2010    |                      |                    |
| 2009-1100   | October 10, 2011   |                      |                    |
| 2011-700  | June 13, 2011      |                      |                    |
| 2012-600  | September 24, 2012 |                      |                    |
| 2012-1000   | November 12, 2012  |                      |                    |
| 2013-1200   | October 28, 2013   |                      |                    |
| 2013-1300   | November 11, 2013  |                      |                    |
| 2014-600  | August 22, 2014    |                      |                    |
| 2015-700  | June 22, 2015      |                      |                    |
| 2015-800  | August 10, 2015    |                      |                    |
| 2016-1100   | January 25, 2016   |                      |                    |
| 2016-1200   | January 25, 2016   |                      |                    |

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