

CHAPTER 137

VACATION AND DISPOSAL OF STREETS

137.01 Power to Vacate
137.02 Notice of Vacation Hearing

137.03 Findings Required
137.04 Disposal of Vacated Streets or Alleys
137.05 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 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.

137.03 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.

137.04 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)

137.05 DISPOSAL BY GIFT LIMITED. The City may not dispose of real property 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, alleys and/or public grounds and remain in full force and effect.

ORDINANCE NO.	ADOPTED	ORDINANCE NO.	ADOPTED
205	November 14, 1955	1113	October 16, 2017
206	October 10, 1955		
278	June 8, 1964		
493	July 20, 1981		
621	November 16, 1987		
681	May 20, 1991		
701	January 20, 1992		
721	May 17, 1993		
722	June 21, 1993		
723	June 21, 1993		
727	August 23, 1993		
730	November 15, 1993		
731	November 15, 1993		
749	May 16, 1994		
750	May 16, 1994		
765	August 21, 1995		
774	May 20, 1996		
787	March 17, 1998		
788	April 20, 1998		
798	February 15, 1999		
808	June 21, 1999		
811	October 18, 1999		
836	July 16, 2001		
860	November 18, 2002		
861	November 18, 2002		
912	July 17, 2006		
932	February 5, 2007		
935	March 19, 2007		
944	March 17, 2008		
974	November 16, 2009		
978 (correcting Ord. 974)	February 16, 2010		
982	August 16, 2010		
1007	July 18, 2001		
1032	October 15, 2012		
1040	July 11, 2013		
1046	October 21, 2013		
1109	August 21, 2017		
1110	August 21, 2017		
1111	September 18, 2017		
1112	October 16, 2017		