

CHAPTER 138

VACATION AND DISPOSAL OF STREETS

138.01 Power to Vacate

138.02 Planning and Zoning Commission

138.03 Notice of Vacation Hearing

138.04 Findings Required

138.05 Disposal of Vacated Streets or Alleys

138.06 Disposal by Gift Limited

138.01 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])

138.02 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 thirty (30) days after the date the proposed vacation is referred to the Commission.

(Code of Iowa, Sec. 392.1)

138.03 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.

138.04 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.

138.05 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)

138.06 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

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
28	January 7, 1924	2017-04	October 16, 2017
30	August 15, 1924		
33	September 7, 1925		
34	October 5, 1925		
37	April 7, 1927		
44	April 4, 1932		
51	July 7, 1937		
57	June 1, 1942		
59	November 2, 1942		
63	May 17, 1945		
64	July 12, 1945		
65	July 1, 1946		
66	October 22, 1946		
68	June 2, 1947		
70	March 1, 1948		
74	October 23, 1950		
87	August 1, 1955		
88	August 1, 1955		
96	August 5, 1957		
112	July 6, 1964		
205	September 6, 1994		
208	November 21, 1994		
230	May 1, 2000		
244	November 3, 2003		
245	November 3, 2003		
275	May 5, 2008		
2011-6	November 14, 2011		
2012-1	March 19, 2012		
2013-7	December 16, 2013		