

CHAPTER 142

VACATION AND DISPOSAL OF STREETS

142.01 Power to Vacate

142.02 Planning and Zoning Commission

142.03 Notice of Vacation Hearing

142.04 Findings Required

142.05 Disposal of Vacated Streets or Alleys

142.06 Disposal by Gift Limited

142.01 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 or resolution in accordance with the provisions of this chapter.

(Code of Iowa, Sec. 354.23 & 364.12 [2a])

142.02 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)

142.03 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.

142.04 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.

142.05 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)

142.06 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])

142.07 PART OF AN OFFICIAL PLAT. The Council may vacate part of an official plat that had been conveyed to the City or dedicated to the public, which is deemed by the Council to be of no benefit to the public, by resolution following public hearing or by ordinance, and the vacating instrument shall be recorded. The Council may convey the vacated property by deed or through the vacation instrument in accordance with the provisions of Section 354.23 of the Code of Iowa.

(Code of Iowa, Sec. 354.23)

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
Those vacations listed in Title IV, Chapter 3 of the 1962 Code			
62-3	April 23, 1962	67-13	August 14, 1967
62-4	August 13, 1962	68-7	April 29, 1968
62-5	September 4, 1962	68-12	May 20, 1968
62-7	September 18, 1962	68-15	June 10, 1968
62-8	October 15, 1962	68-18	June 17, 1968
63-2	February 4, 1963	68-22	July 29, 1968
63-21	October 14, 1963	68-23	August 19, 1968
63-22	December 9, 1963	68-32	December 9, 1968
64-3	March 16, 1964	69-10	May 19, 1969
64-9	August 17, 1964	71-1	February 15, 1971
64-12	October 19, 1964	72-13	August 3, 1972
65-19	September 7, 1965	72-19	September 21, 1972
66-2	January 24, 1966	72-22	December 21, 1972
66-6	February 14, 1966	73-8	April 5, 1973
66-7	April 18, 1966	74-1	January 17, 1974
66-14	May 16, 1966	74-13	May 16, 1974
66-19	July 11, 1966	74-20	July 3, 1974
66-28	October 17, 1966	74-24	September 12, 1974
66-32	November 28, 1966	75-12	April 23, 1975
67-6	April 3, 1967	75-26	December 18, 1975

