

CHAPTER 137

VACATION AND DISPOSAL OF STREETS

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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] & 364.7[3])

137.07 VACATED STREETS, ALLEYS AND REAL ESTATE.

1. **Alley, Block Two, Younglove's Addition.** So much of the alley running west between Carver and Viola Streets in the town of Norway as is included in the limits of Block Two in Younglove's Addition to the town of Norway, or Florence, is hereby vacated.

2. Alley, Block One, Lehnen's Addition. So much of the alley running east and west between Main and Union Streets in the town of Norway, as is included in the limits of Block One in Lehnen's Addition to the town of Norway is hereby vacated.
3. Alley, Block Five, Tuttle's Addition. The alley lying between lots three and four on the one side and lots five and six) on the other side in Block Five, Tuttle's Addition to the incorporated town of Norway, Benton County, Iowa, is hereby vacated and conveyed to the Independent School District of Norway, Benton County, Iowa, and for the consideration of the sum of \$1.00 and the conveyance of the easement of a roadway across the easterly side of Lot Three of said block, from Johnson Street to said alley, not exceeding 20 feet in width, and across the easterly side of Lot Six, said block from Washington Street to said alley not exceeding 20 feet in width and the Mayor and City Recorder are hereby authorized to execute the town of Norway's deed therefor.
4. Roadway, Block Five, Tuttle's Addition. The west 12 feet of that part of the easement of roadway extending along the easterly side of Lot Six in Block Five, Tuttle's Addition to the incorporated town of Norway, Benton County, Iowa, is hereby vacated.
5. Roadway, Block Five, Tuttle's Addition. The portion of the above easement of roadway shall be converted to the use of the Volunteer Fire Department of the town of Norway for the purpose of placing a building thereon, not to exceed 12 feet north of the south line on Lot Six, Block Five, Tuttle's Addition, Norway, Iowa.
6. Alley, Block One, Lehnen's Addition. The alley lying between Lots One, Two, Three, and Four and Lots Five, Six, Seven, and Eight of Block One of Lehnen's Addition to the town of Norway, is hereby open for public use and all ordinances, or parts of ordinances, conflicting with this section are hereby repealed.
7. Roadway, Block Five, Tuttle's Addition. The easement of roadway from Washington Street to north side of alley not exceeding 20 feet in width across the easterly side of Lot Six, Block Five, Tuttle's Addition to the incorporated town of Norway, Benton County, Iowa, is hereby vacated and conveyed to the Norway Consolidated School District of Norway, Benton County, Iowa, and for the consideration of \$1.00 and other consideration. The Mayor and Town Recorder are hereby authorized to execute the town of Norway deed therefor.
8. Real Estate, Block One, Talcott's Addition. The town of Norway, Iowa, shall sell unto the Lenox Mutual Insurance Association the following described real estate and on behalf of said town, the Mayor shall deed unto said purchaser the following described real estate, to-wit: Lot Six, and the east two feet of Lot Five, Block One, Talcott's Addition to Norway, Iowa, for the sum of \$2,250.00. The town clerk shall co-sign said deed.
9. Real Estate, Block One, Talcott's Addition. The town of Norway, Iowa, shall reserve in the name of said town an easement for existing utilities now located on said real estate and shall further reserve the right of ingress and/or egress for the purpose of maintaining said utilities.
10. Springer Street, Springer's Addition. The easterly 10 feet of Springer Street in the City of Norway, Iowa, as said street is shown on the plat of Springer's Addition to Florence, filed for record in Vol. N, at page 515, of the records of Benton County, Iowa, from the northwesterly corner of Lot Four, Block Two, to the southwesterly corner of Lot Eight, Block Two, as said lots are shown on said plat, excepting therefrom the 16.5 feet abutting the alley in said block, measured at right angles from said lots, is forever vacated.
11. Alley in Springer's Addition. All that part of the alley lying southerly and adjacent to Lots 1 and 2, Block 3, Springer's Addition to Florence, now Norway, Iowa, described as: Beginning at the southeast corner of said Lot 1, thence southeasterly 16 feet to the southerly line

of the alley, thence southwesterly along the southerly line of the alley to a point 16 feet southeasterly of the southwest corner of said Lot 2; thence northwesterly 16 feet to the southwest corner of said Lot 2, thence easterly along the southerly lines of Lot 2 and Lot 1 to the point of beginning.

12. Alley in Springer's Addition. All that part of the alley lying southerly and adjacent to Lots 1, 2, 3, and 4, and northerly and adjacent to Lots 5 and 6, Block 2, Springer's Addition to Florence, now Norway, Iowa, described as: Beginning at the southeast corner of Lot 1, thence southerly 16 feet to the northeast corner of Lot 6, thence westerly along the northerly line of Lot 6 and 5 to the northwest corner of Lot 5; thence northerly 16 feet; thence easterly along the southerly lines of Lots 4, 3, 2 and 1 to the point of beginning.