

RESOLUTION NO. 113-25

RESOLUTION SETTING PUBLIC HEARING TO VACATE PART OF 16TH AVENUE SE
RIGHT-OF-WAY

WHEREAS, Chapter 137 of the Code of Ordinances of the City of Dyersville provides the City Council with the power to vacate a street, alley, portion thereof, or any public grounds by ordinance when the City Council determines that such vacation is in the best interest of the city, and;

WHEREAS, the City Council finds it is in the best interest of the city to vacate part of 16th Avenue SE that certain right-of-way described in Exhibit A attached hereto and incorporated herein by reference, and;

WHEREAS, at the City Council meeting held on October 6, 2025 the council submitted its proposal to vacate the above-described property to the Planning and Zoning Commission pursuant to Chapter 137.02 of the City of Dyersville Code of Ordinances, and;

WHEREAS, the Planning and Zoning Commission approved of the proposed vacation of right of way in a report dated October 13, 2025; and,

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DYERSVILLE, IOWA:

Section 1. The City Council shall meet, and a public hearing shall be held pursuant to Chapter 137.03 of the Dyersville Code of Ordinances on November 3, 2025, at 6:00 p.m., at the Memorial Building, 340 1st Avenue East to discuss the below-proposed Ordinance:

ORDINANCE NO. ____

AN ORDINANCE PROVIDING FOR THE VACATION OF RIGHT-OF-WAY
IN THE CITY OF DYERSVILLE, DUBUQUE COUNTY, IOWA

Be It Enacted by the Council of the City of Dyersville, Iowa:

SECTION 1. Purpose. The purpose of this ordinance is to vacate part of 16th Avenue SE right-of-way shown on the attached Exhibit A and thereby relieve the City of Dyersville, Iowa, of the responsibility for its maintenance and supervision.

SECTION 2. Facts Found. The council of the City of Dyersville, Iowa, hereby makes the following findings:

1. The described right-of-way is not needed for the use of the public, and, therefore, its maintenance at public expense is no longer justified.

2. The vacation will not deny owners of property abutting on the street reasonable access to their property.

3. Notice of the intended vacation, including the date on which the council will first consider the vacating ordinance, has been not more than twenty days nor less than four days prior to the date set for the hearing.

SECTION 3. Vacation. That certain real property legally described as: Lot 1A of Dyersville Mall in the City of Dyersville, Dubuque County, Iowa, is declared vacated. The vacated property remains subject to easements of record. All costs associated with this vacation of right of way and transfer of the above-described property, including surveying, platting, and transfer costs, if any, shall be borne by the party acquiring the property from the City of Dyersville.

SECTION 4. Severability Clause. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

Section 2. The City Administrator and/or the City Clerk are authorized and directed to record this Resolution with the Dubuque County Recorder.

Section 3. All resolutions or parts of resolutions in conflict herewith are hereby repealed.

Passed and approved this 20th day of October, 2025.

Jeff Jacque, Mayor

ATTEST:

Tricia L. Maiers, City Clerk