

ORDINANCE NO. 13,729

AN ORDINANCE to amend the Municipal Code of Des Moines, 1991, adopted by Ordinance No. 11,651, passed April 15, 1991, and amended by Ordinance No. 13,561, passed January 5, 1998 by repealing Section 21-70.07 thereof and enacting a new Section 21-70.07, relating to establishing the Southeast Airport Trunk Sanitary Sewer Benefitted District and imposing a connection fee on all properties within said district whose owners hereafter apply to make connection to said sewer, as follows:

Be It Ordained by the City Council of the City of Des Moines, Iowa:

Section 1. That the Municipal Code of Des Moines, 1991, adopted by Ordinance No. 11,651, passed April 15, 1991, and amended by Ordinance No. 13,561, passed January 5, 1998 is hereby amended by repealing Section 21-70.07 thereof and enacting a new Section 21-70.07, relating to establishing the Southeast Airport Trunk Sanitary Sewer Benefitted District and imposing a connection fee on all properties within said district whose owners hereafter apply to make connection to said sewer, as follows:

**21-70.07. FEE FOR CONNECTION TO THE SOUTHEAST AIRPORT AREA TRUNK SANITARY SEWER.**

(a) Pursuant to section 21-70.01 of the Municipal Code of Des Moines, Iowa, the Southeast Airport Trunk Sanitary Sewer Benefitted District is hereby established for the purpose of collecting within said district a fee from those property owners who shall make application to connect their properties to said sewer.

(b) The boundaries of the Southeast Airport Trunk Sanitary Sewer Benefitted District shall be as follows:

Beginning at a point on the north line of the northwest quarter of Section 32, Township 78 North, Range 24 West of the Fifth Principal Meridian said point being 25.00 feet west of the north quarter corner of said Section 32 said north quarter corner being at the intersection of Army Post Road and Fleur Drive; thence southerly along a line 25.00 feet west of and parallel with

the west line of said northwest quarter of said Section 32 to the southeast corner of lot 13 Wakonda Heights, an official plat; thence westerly along the south line of lots 13 through 7 of said Wakonda Heights to the northwest corner of lot 6 of Airport Commerce Park Plat 1, an official plat; thence southerly along the west line of said lot 6 to the north right of way line of Rittenhouse Street; thence westerly along the north right of way line of Rittenhouse Street to a point on the northerly extension of the west line of lot 5 of Airport Commerce Park Plat 1, an official plat; thence southerly along the west line of said lot 5 and lot 4 of Airport Commerce Park Plat 1, an official plat to a point 110.00 feet south of the northwest corner of said lot 4; thence easterly 257.00 feet along a line 110.00 feet south of and parallel with the north line of said lot 4; thence southerly 358.00 feet along a line parallel with and 257.00 feet east of the west line of said lot 4; thence easterly along a line parallel with the south line of said lot 4 to the east line of said lot 4; thence southerly along the east line of said lot 4 to the southwest corner of said lot 4 and the easterly extension of lot 3 of Airport Commerce Park Plat 1, an official plat; thence easterly along the south line of said lot 3 to the southeast corner of said lot 3; thence continuing easterly along the extension of said lot 3 to a point on the west right of way line of Fleur Drive said point being 33.00 feet west of the east line of said southwest quarter of Section 32; thence south along the west right of way line of Fleur Drive parallel with and 33.00 feet west of the east line of said southwest quarter of Section 32 to a point of the north right of way line of county line road said point being 33.00 feet north of the south line of said southwest quarter of Section 32; thence along the north right of way line of county line road said line being 33.00 feet north of and parallel with the

south line of said southwest quarter of Section 32 to the west line of said southwest quarter of Section 32; thence northerly 180.00 feet along the west line of said southwest quarter of Section 32; thence northwesterly along a line to a point 250.00 feet west of the east line of the southeast quarter of Section 31, Township 78 North, Range 24 West of the Fifth Principal Meridian and 380.00 feet north of the south line of said southeast quarter of Section 31; thence northwesterly along a line to a point 1,180.00 feet west of the east line of said southeast quarter and 820.00 feet north of the south line of said southeast quarter of Section 31; thence northwesterly along a line to a point 660.00 feet east of the west line of said southeast quarter and 1,070.00 feet north of the south line of said southeast quarter of Section 31; thence northerly along a line 660.00 feet east of and parallel with the west line of said southeast quarter to the north line of said southeast quarter of Section 31; thence northerly 140.00 feet along a line 660.00 feet east of and parallel with the west line of the northeast quarter of said Section 31; thence westerly along a line 140.00 feet north of and parallel with the south line of said northeast quarter of Section 31 to the west line of said northeast quarter of Section 31; thence northerly along the west line of said northeast quarter of Section 31 to the north line of said northeast quarter of Section 31; thence easterly along the north line of said northeast quarter of Section 31 to the east line of said northeast quarter of Section 31; thence easterly along the north line of said northwest quarter of Section 32 to the point of beginning, all now included in and forming part of the city of Des Moines, Polk County, Iowa;

and

the northwest quarter of the northwest quarter of Section 5, Township 77 North, Range 24 West of the Fifth Principal Meridian, all now included in and forming part of Warren County, Iowa.

(c) A connection fee is hereby established and imposed upon the owners of properties within the Southeast Airport Trunk Sanitary Sewer Benefited District who shall hereafter make application to connect their properties to said sewer pursuant to section 21-70.01 on the Municipal Code of Des Moines. The connection fee for the Southeast Airport Trunk Sanitary Sewer Benefited District shall be \$3,416.31 for each acre of property for which application is hereafter made for connection to said trunk sewer; Provided, however, that upon completion of construction of said sewer, the said connection fee shall be subject to adjustment if the actual cost of constructing said sewer is less than the estimated cost thereof; And further provided that upon completion of the construction of said sewer, it is the City's intention to amend this provision to include a schedule of connection fees herein, pursuant to which there will be an annual adjustment of the connection fee as of July 1st of each year, increasing the connection fee in each subsequent year by applying simple interest thereto at the rate of 9% per annum.

(d) Single-family residences within the Southeast Airport Trunk Sanitary Sewer Benefited District, in existence or under construction upon the effective date of this ordinance, and located within the corporate limits of the City of Des Moines, are eligible for connection to the Southeast Airport Trunk Sanitary Sewer. Owners of such residences on parcels of less than one acre in size located within the City of Des Moines and within said benefited district may connect such residences to the Southeast Airport Trunk Sanitary Sewer upon approval of their application for connection, payment of the connection fee for the parcel, and construction of appropriate connection structures, as determined necessary by the city engineer. Owners of such residences on parcels in excess of one acre in size located within the City of Des Moines and within said benefited district may connect such residences to the Southeast Airport Trunk

Sanitary Sewer upon approval of their application for connection, subdivision of said parcel into a residence parcel and an outlot, payment of the connection fee for the residence parcel, and construction of appropriate connection structures, as determined necessary by the city engineer. All other property located within the corporate limits of the City of Des Moines and within the Southeast Airport Trunk Sanitary Sewer Benefited District shall be eligible for connection to the Southeast Airport Trunk Sanitary Sewer upon approval of an application for connection by the owner thereof and payment of the connection fee for such property, provided such property has been appropriately subdivided for development, and provided that all sanitary sewer improvements necessary to serve said property have been constructed and approved by the city.

Sec. 2. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

FORM APPROVED:

Terrence L. Timmins, City Solicitor

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Attest:

I, Donna Boetel-Baker, City Clerk of the City of Des Moines, Iowa, hereby certify that the above and foregoing is a true copy of an ordinance (Roll Call No. 99-2326), passed by the City Council of said City at a meeting held July 26, 1999, signed by the Mayor on July 26, 1999, and published as provided by law in the Business Record on August 9, 1999. Authorized by Publication Order No.6200.

Donna Boetel-Baker, CMC/AAE, City Clerk