

ORDINANCE NO. 13,983

AN ORDINANCE to amend the Des Moines City code, 2000, adopted by Ordinance No. 13,827 passed June 5, 2000, by adding and enacting thereto a new Section 118-215 and adding and enacting a new Section 21-70.08 of Appendix G relating to and establishing the Northeast Four Mile Area Trunk Sanitary Sewer System Benefited District and imposing a connection fee on all properties within said district whose owners hereafter apply to make connection to said sewer"

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

Section 1. That the Des Moines City Code, 2000, adopted by Ordinance No. 13,827 passed June 5, 2001, be and is hereby amended by adding and enacting thereto a new Section 118-215 and adding and enacting a new Section 21-70.08 of Appendix G relating to the establishment of the Northeast Four Mile Area Trunk Sanitary Sewer System Benefited District and imposing a connection fee on all properties within said district whose owners hereafter apply to make connection to said sewer, as follows:

Sec. 118-215. Fee for connection to the Northeast Four Mile Area Trunk Sanitary Sewer System Benefited District.

(a) Pursuant to section 118-208 of this division the Northeast Four Mile Area Trunk Sanitary Sewer System Benefited District is established for the purpose of collecting within such district a fee from those property owners who shall make application to connect their properties to the sewer.

(b) The boundaries of the Northeast Four Mile Area Trunk Sanitary Sewer Benefited District

shall be as described in article I of appendix G to this Code.

(c) A connection fee is established and imposed upon the owners of properties within the Northeast Four Mile Area Trunk Sanitary Sewer System Benefited District who shall make application to connect their properties to the sewer pursuant to section 118-208 of this division. The connection fee for the Four Mile East Benefited District shall be \$2,642.36 for each acre of property for which application is made for connection to the trunk sewer; provided, however, that upon completion of construction of the sewer, the connection fee shall be subject to adjustment if the actual cost of constructing the sewer is less than the estimated cost thereof, and, further provided, that upon completion of the construction of the sewer, it is the city's intention to amend this section to include a schedule of connection fees in this section, pursuant to which there will be an annual adjustment of the connection fee as of July 1 of each year, increasing the

connection fee in each subsequent year by applying simple interest thereto at the rate of nine percent per annum.

(d) Single-family residences within the Northeast Four Mile Area Trunk Sanitary Sewer System Benefited District, in existence or under construction upon the effective date of the ordinance from which this section derives, and located within the corporate limits are eligible for connection to the major sanitary sewer facility. Owners of such residences on parcels of less than one acre in size located within the city and within the benefited district may connect such residences to the Northeast Four Mile Area 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, and owners of such residences on parcels in excess of one acre in size located within the city and within the benefited district may connect such residences

to the Northeast Four Mile Area Trunk Sanitary Sewer upon approval of their application for connection, subdivision of the 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 and within the Northeast Four Mile Area Trunk Sanitary Sewer System Benefited District shall be eligible for connection to the Northeast Four Mile Area 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 the property have been constructed and approved by the city. The city council may, pursuant to agreement with another governmental entity, authorize the connection of properties outside the corporate limits of

Des Moines to the
Northeast Four Mile Area
Trunk Sanitary Sewer.
Upon council approval of
such agreement, the
properties outside the
corporate limits of Des
Moines identified in
such agreement shall be
eligible to connect to
the Northeast Four Mile
Area Trunk Sanitary
Sewer .

21-70.08. Northeast Four Mile Area Trunk
Sanitary Sewer System Benefited District.

The boundaries of the Northeast Four Mile
Area Trunk Sanitary Sewer System Benefited
District [as provided in section 118-215 of
the Des Moines City code, 2000] shall be as
follows:

Beginning at the
Southeast corner of the
Northeast $\frac{1}{4}$ of Section
20, Township 79 North,
Range 23 West of the 5th
P.M., with said point
also being on the
Centerline of NE 38th
Street; thence West
along the South line of
said Northeast $\frac{1}{4}$ to the
Southeast corner of Lot
17, Watts Place, an
official plat; thence
West 310 feet along the
South line of said
Northeast $\frac{1}{4}$, with said
line also being the
South line of said Lot
17; thence North 438.5
feet along a line, with
said line being 310 feet
West of the East line of
said Lot 17, to a point

on the South line of Lot 16 of said Watts Place; thence East 310 feet along the South line of said Lot 16 extended easterly through the Southeast corner of said Lot 16 to the Centerline of said NE 38th Street; thence North along said Centerline to the Northwest corner of Lot A, Official Plat of the Northwest $\frac{1}{4}$ of Section 21, Township 79 North, Range 23 West; thence Northeast along the North line of said Lot A to its Northeast corner; thence South along the east line of said Lot A to its Southeast corner, with said Southeast corner being on the North line of Lot B of said Official Plat; thence Northeast 243.6 feet along the North line of said Lot B to the Southwest corner of Lot 3 of the said Official Plat of the Northwest $\frac{1}{4}$; thence North along the West line of said Lot 3 to a point that is 711 feet South of the North line of said Section 21, with said North line also being the Centerline of NE Broadway Avenue; thence East to the Northwest corner of Lot 6, Davis Place, an official plat; thence East along the North line of said Lot 6 to

its Northeast corner;
thence continuing East
along a line, with said
line being 711 feet
South of the North line
of said Section 21, to a
point on the West line
of Lot 4 of said Davis
Place; thence North
along the West line of
said Lot 4 to a point
that is 364 feet South
of said North line of
Section 21; thence East
893 feet along a line,
with said line being 364
feet South of the North
line of said Section 21,
to a point that is 567.5
feet east of the West
line of the Northeast $\frac{1}{4}$
of said Section 21 and
is also 364 feet south
of said North line of
Section 21; thence North
364 feet to the said
North line of Section
21; thence East along
said North line of said
Section 21 to the
Northwest corner of the
Northeast $\frac{1}{4}$ of the
Northeast $\frac{1}{4}$ of said
Section 21, with said
point also being the
Southwest corner of the
Southeast $\frac{1}{4}$ of the
Southeast $\frac{1}{4}$ of Section
16, Township 79 North,
Range 23 West; thence
North 545.5 feet along a
line, with said line
being parallel to the
East line of said
Section 16, to a point;
thence East 358.2 feet
along a line, with said

line being parallel to the South line of said Section 16, to a point; thence North 523 feet along a line, with said line being parallel to the East line of said Section 16, to a point; thence East 622.3 feet along a line, with said line being parallel to the South line of said Section 16, to a point; thence North 350 feet along a line, with said line being parallel to the East line of said Section 16, to a point; thence East 322 feet along a line, with said line being parallel to the South line of said Section 16, to a point on the East line of said Section 16, with said point also being on the Centerline of NE 46th Street; thence North 698 feet along the East line of said Section 16; thence West along a line parallel to the North line of the Southeast $\frac{1}{4}$ of said Section 16 to a point on the West line of said Southeast $\frac{1}{4}$ of Section 16; thence North along said West line of the Southeast $\frac{1}{4}$ to the Center of Section 16; thence continuing North along the West line of the Northeast $\frac{1}{4}$ of said Section 16 to a point on the South Right-of-way line of NE 54th Avenue; thence Northeast 1084

feet along the South Right-of-way line of NE 54th Avenue to a point; thence North 40 feet to a point on the South Right-of-way line of Interstate 80; thence East 1401 feet along said Interstate 80 Right-of-way line to where it meets the West Right-of-way line of IA Highway 65/69; thence Southeast along said West Right-of-way line to where said West Right-of-way line meets the North Right-of-way line of NE Hubbell Road; thence Southerly across said NE Hubbell Road to where the South Right-of-way line of said NE Hubbell Road meets the said West Right-of-way line of IA Highway 65/69; thence continuing along said West Right-of-way line to where said West Right-of-way line meets the North Right-of-way line of NE 46th Avenue; thence Southerly across said NE 46th Avenue to where the South Right-of-way line of said NE 46th Avenue meets the said West Right-of-way line of IA Highway 65/69; thence continuing along said West Right-of-way line to where said West Right-of-way line meets the South line of the Northwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section

22, Township 79 North,
Range 23 West; thence
West along said South
line to the Southeast
corner of the Northwest
 $\frac{1}{4}$ of the Northeast $\frac{1}{4}$;
thence South along the
West line of the
Southwest $\frac{1}{4}$ of Northeast
 $\frac{1}{4}$ of said Section 22, to
the Center of said
Section 22; thence West
along the North line of
the Southeast $\frac{1}{4}$ of said
Section 22 to the
Northwest corner of the
Northeast $\frac{1}{4}$ of the
Southwest $\frac{1}{4}$ of said
Section 22; thence West
along the North line of
Lot 193 and Lots 118
through 123 inclusive of
Capitol Heights No. 2,
an official plat; thence
North along the East
line of Lot 6, Finney
Acres, an official plat;
thence West along the
North line of Lots 5 and
6 of said Finney Acres;
thence South along the
West line of said Lot 5;
thence South along the
West line of Lot 81 of
said Capitol Heights No.
2; thence West along the
North line of Lot 79 of
said Capitol Heights
No.2; thence South along
the West line of said
Lot 79; thence West
along the North line of
Lot 58 of said Capitol
Heights No. 2; thence
West along the North
line of Lots 18 and 19
of said Capitol Heights

No. 2, and the North line of Lot 28, Capitol Heights Replat, an official plat; thence West along the North line of Lot 47 of said Capitol Heights Replat; thence North along the West line of Lot 48 of said Capitol Heights Replat; thence Northeast along the South line of Lot 20 of said Capitol Heights Replat; thence Northwesterly along the East line of said Lot 20; thence Southwesterly along the North line of said Lot 20; thence Northwesterly along the East line of Lot 8 of said Capitol Heights Replat to the Southeast corner of Lot 12 of said Capitol Heights Replat; thence Northwesterly 151.65 feet through said Lot 12, to a point on the North line of said Lot 12 that is 133.33 feet west of the Northeast corner of said Lot 12; thence West along the North line of said Lot 12; thence South along the West line of said Lot 12; thence South along the West line of Lot 10 of said Captiol Heights Replat to the South line of the Northeast $\frac{1}{4}$ of Section 21, Township 79 North Range 23 West; thence West along the South line of the Northeast $\frac{1}{4}$ and the

Northwest $\frac{1}{4}$ of said
Section 21 to the Point
of Beginning.

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

FORM APPROVED:

Terrence L. Timmins, Deputy City Attorney

Preston Daniels, Mayor

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. 01-2585), passed by the City
Council of said City at a meeting held August 20, 2001, signed
by the Mayor on August 20, 2001, and published as provided by
law in the Business Record on September 3, 2001. Authorized by
Publication Order No. 1873.

Donna Boetel-Baker, MMC City Clerk