

ORDINANCE NO. 14,253

AN ORDINANCE to amend the Des Moines City Code, 2000, adopted by Ordinance No. 13,827 passed June 5, 2000, and amended by Ordinance No. 13,983, passed August 20, 2001, by amending Section 118-215 to decrease the per acre connection fee imposed upon all properties within the Northeast Four Mile Area Trunk Sanitary Sewer System Benefited District whose owners apply to make connection to said sewer, and by repealing Section 21-70.08 of Appendix G and enacting in lieu thereof a new Section 21-70.08 of Appendix G, providing for a slight reduction of lands included in the description of said District.

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, and amended by Ordinance No. 13,983, passed August 20, 2001, be and is hereby amended by amending Section 118-215 to decrease the per acre connection fee imposed upon all properties within the Northeast Four Mile Area Trunk Sanitary Sewer System Benefited District whose owners 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 118-215 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.
- a. 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 118-215 of this division. The connection fee for the Four Mile East Benefited District shall be \$2,241.47 for each acre of property connected to the trunk sewer during the period from July 1, 2003 to June 30, 2004. Thereafter, the per-acre connection fee for connections to the sewer shall be annually adjusted as of July 1 of each year by applying simple interest thereto at the rate of nine percent per annum, simple interest, as per the following schedule:

Connection Fee For the Period

From To

1	\$2,241.47 per acre	July 1, 2003	June 30, 2004
2	\$2,443.21 per acre	July 1, 2004	June 30, 2005
3	\$2,644.94 per acre	July 1, 2005	June 30, 2006
4	\$2,846.67 per acre	July 1, 2006	June 30, 2007
5	\$3,048.40 per acre	July 1, 2007	June 30, 2008
6	\$3,250.14 per acre	July 1, 2008	June 30, 2009
7	\$3,451.87 per acre	July 1, 2009	June 30, 2010
8	\$3,653.60 per acre	July 1, 2010	June 30, 2011
9	\$3,855.33 per acre	July 1, 2011	June 30, 2012
10	\$4,057.07 per acre	July 1, 2012	June 30, 2013
11	\$4,258.80 per acre	July 1, 2013	June 30, 2014
12	\$4,460.53 per acre	July 1, 2014	June 30, 2015
13	\$4,662.26 per acre	July 1, 2015	June 30, 2016
14	\$4,864.00 per acre	July 1, 2016	June 30, 2017
15	\$5,065.73 per acre	July 1, 2017	June 30, 2018
16	\$5,267.46 per acre	July 1, 2018	June 30, 2019
17	\$5,469.19 per acre	July 1, 2019	June 30, 2020
18	\$5,670.93 per acre	July 1, 2020	June 30, 2021
19	\$5,872.66 per acre	July 1, 2021	June 30, 2022
20	\$6,074.39 per acre	July 1, 2022	June 30, 2023

Final Cost Analysis for the Northeast Four Mile Trunk Sanitary Sewer Connection Fee:

The per-acre connection fee applicable to all subsequent connections to the Northeast Four Mile Trunk Sanitary Sewer shall be established by applying interest to the previous year's per acre connection fee at the rate of nine percent per annum, simple interest. The schedule of connection fees shall be administered and applied as provided in section 118-215 of this division.

(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 .

Section 2. That the Des Moines City Code, 2000, adopted by Ordinance No. 13,827 passed June 5, 2001, and amended by Ordinance No. 13,983, passed August 20, 2001, be and is hereby amended by repealing Section 21-70.08 of Appendix G and enacting in lieu thereof a new Section 21-70.08 of Appendix G, providing for a slight reduction of lands included in the description of said District, as follows:

21-70.08. Northeast Four Mile Trunk Sanitary Sewer; fee for connection.

The boundaries of the Northeast Four Mile 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 ¼ 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 ¼ of the Northeast ¼ of said Section 21, with said point also being the Southwest corner of the Southeast ¼ of the Southeast ¼ 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 1664.04 feet along a line parallel to the North line of the Southeast ¼ of said Section 16 to a point; thence North 1308 feet along a line that is parallel to the West line of said Southeast ¼ of Section 16 to a point on the north line of said Southeast ¼; thence West 999.08 feet along the North line of said Southeast ¼ to the Center of said Section 16; thence North along the West line of the Northeast ¼ 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 ¼ of the Northeast ¼ of Section 22, Township 79 North, Range 23 West; thence West along said South line to the Southeast corner of the Northwest ¼ of the Northeast ¼; thence South along the West line of the Southwest ¼ of Northeast ¼ of said Section 22, to the Center of said Section 22; thence West along the North line of the Southeast ¼ of said Section 22 to the Northwest corner of the Northeast ¼ of the Southwest ¼ 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 Capitol Heights Replat to the South line of the

Northeast ¼ of Section 21, Township 79 North Range 23 West; thence West along the South line of the Northeast ¼ and the Northwest ¼ of said Section 21 to the Point of Beginning

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Section 3. 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 A. Daniels, Mayor

Attest:

I, Diane Rauh, 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. 03-1771), passed by the City Council of said City at a meeting held July 28, 2003 signed by the Mayor on July 28, 2003 and published as provided by law in the Business Record on August 11, 2003 Authorized by Publication Order No. 3860.

Diane Rauh, City Clerk