

ORDINANCE NO. 13,964

AN ORDINANCE to amend the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, by repealing Sections 118-212 and 118-213, and Sections 21-70.05 and 21-70.06 of Appendix G thereof and enacting new Sections 118-212 and 118-213 and Sections 21-70.05 and 21-70.06 of Appendix G, providing for the amendment of the benefited district boundaries and connection fees for connection to the Southwest Airport Area Trunk Sanitary Sewer System and the Northwest Airport Area Trunk Sanitary Sewer System, and providing for the collection of interest on said connection fees upon deferred connection to said trunk sanitary sewers.

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

Section 1. That the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, is hereby amended by repealing Sections 118-212 and 118-213 and Sections 21-70.05 and 21-70.06 of Appendix G thereof and enacting new Sections 118-212 and 118-213 and Sections 21-70.05 and 21-70.06 of Appendix G, relating to fee for connection to Southwest Airport Area Trunk Sanitary Sewer System and the Northwest Airport Area Trunk Sanitary Sewer System, as follows:

**Sec. 118-212. Fee for connection to Southwest Airport Area Trunk Sanitary Sewer System.**

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

(b) The boundaries of the Southwest Airport Area Trunk Sanitary Sewer System 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 Southwest Airport 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 Southwest Airport Trunk Sanitary Sewer System Benefited District shall be \$1,840.51 for each acre of property connected to the trunk sewer during the period from initial enactment of the connection fee on July 16, 2001 to June 30, 2002. 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		<u>For the Period</u>	
		From	To
1.	\$1,840.51 per acre	July 16,	to June 30, 2002 2001
2.	\$2,006.15 per acre	July 1,	2002 to June 30, 2003
3.	\$2,171.80 per acre	July 1,	2003 to June 30, 2004
4.	\$2,337.44 per acre	July 1,	2004 to June 30, 2005
5.	\$2,503.09 per acre	July 1,	2005 to June 30, 2006
6.	\$2,668.73 per acre	July 1,	2006 to June 30, 2007
7.	\$2,834.38 per acre	July 1,	2007 to June 30, 2008
8.	\$3,000.03 per acre	July 1,	2008 to June 30, 2009
9.	\$3,165.67 per acre	July 1,	2009 to June 30, 2010
10.	\$3,331.32 per acre	July 1,	2010 to June 30, 2011
11.	\$3,496.96 per acre	July 1,	2011 to June 30, 2012
12.	\$3,662.61 per acre	July 1,	2012 to June 30, 2013
13.	\$3,828.25 per acre	July 1,	2013 to June 30, 2014
14.	\$3,993.90 per acre	July 1,	2014 to June 30, 2015
15.	\$4,159.54 per acre	July 1,	2015 to June 30, 2016
16.	\$4,325.19 per acre	July 1,	2016 to June 30, 2017
17.	\$4,490.84 per acre	July 1,	2017 to June 30, 2018
18.	\$4,656.48 per acre	July 1,	2018 to June 30, 2019
19.	\$4,822.13 per acre	July 1,	2019 to June 30, 2020
20.	\$4,987.77 per acre	July 1,	2020 to June 30, 2021

The per-acre connection fee applicable to all subsequent connections to the Southwest Airport Area Sanitary Trunk 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 118-208 of this division.

(d) Single-family residences within the Southwest Airport 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 Southwest Airport Trunk Sanitary Sewers. 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 Southwest Airport Area Trunk Sanitary Sewers 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 and within the benefited district may connect such residences to the Southwest Airport Area Trunk Sanitary Sewers 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 Southwest Airport Area Trunk Sanitary Sewer System Benefited District shall be eligible for connection to the Southwest Airport Area Trunk Sanitary Sewers 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.

**Sec. 118-213. Fee for connection to the Northwest Airport Area Trunk Sanitary Sewer System.**

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

(b) The boundaries of the Northwest Airport Area Trunk Sanitary Sewer System 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 Northwest Airport 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 Northwest Airport Area Trunk Sanitary Sewer System Benefited District shall be \$1,825.69 for each acre of property connected to the trunk sewer during the period from initial enactment of the connection fee on July 16, 2001 to June 30, 2002. 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.	\$1,825.69 per acre	July 16, 2001	to June 30, 2002
2.	\$1,990.00 per acre	July 1, 2002	to June 30, 2003
3.	\$2,154.32 per acre	July 1, 2003	to June 30, 2004
4.	\$2,318.63 per acre	July 1, 2004	to June 30, 2005
5.	\$2,482.94 per acre	July 1, 2005	to June 30, 2006
6.	\$2,647.25 per acre	July 1, 2006	to June 30, 2007
7.	\$2,811.57 per acre	July 1, 2007	to June 30, 2008
8.	\$2,975.88 per acre	July 1, 2008	to June 30, 2009
9.	\$3,140.19 per acre	July 1, 2009	to June 30, 2010
10.	\$3,304.50 per acre	July 1, 2010	to June 30, 2011
11.	\$3,468.82 per acre	July 1, 2011	to June 30, 2012
12.	\$3,633.13 per acre	July 1, 2012	to June 30, 2013
13.	\$3,797.44 per acre	July 1, 2013	to June 30, 2014
14.	\$3,961.75 per acre	July 1, 2014	to June 30, 2015
15.	\$4,126.06 per acre	July 1, 2015	to June 30, 2016
16.	\$4,290.38 per acre	July 1, 2016	to June 30, 2017
17.	\$4,454.69 per acre	July 1, 2017	to June 30, 2018
18.	\$4,619.00 per acre	July 1, 2018	to June 30, 2019
19.	\$4,783.31 per acre	July 1, 2019	to June 30, 2020
20.	\$4,947.63 per acre	July 1, 2020	to June 30, 2021

The per-acre connection fee applicable to all subsequent connections to the Northwest Airport Area Sanitary Trunk 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 118-208 of this division.

(d) Single-family residences within the Northwest Airport 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 Northwest Airport Area Trunk Sanitary Sewers. 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 Northwest Airport Area Trunk Sanitary Sewers 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 and within the benefited district may connect such residences to the Northwest Airport Area Trunk Sanitary Sewers 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 Northwest Airport Area Trunk Sanitary Sewer System Benefited District shall be eligible for connection to the Northwest Airport Area Trunk Sanitary Sewers 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.

**21-70.05. Southwest Airport Area Trunk Sanitary Sewer System.**

The boundaries of the Southwest Airport Trunk Sanitary Sewer System Benefited District [as provided in section 118-212 of the Code of Ordinances] shall be as follows:

Beginning at the Southwest corner of the East half of the Southeast quarter of Section 25, Township 78 North, Range 25 West of the Fifth Principal Meridian, said point being within the Right of Way of Army Post Road; thence northerly 1100 feet along the

West line of the East half of said Southeast quarter; thence northwesterly to the Southeast corner of Lot 11 Ranch Estates, an Official Plat, said point being on the West Right of Way line of Southwest 56th Street; thence northerly along the West Right of Way line of Southwest 56th Street to the South Right of Way line of McKinley Avenue; thence westerly along the South Right of Way line of McKinley Avenue to the Northwest Corner of Lot 3 Green Hill Plat 1, an Official Plat; thence southerly along the West line of said Lot 3 to the Southwest corner of said Lot 3; thence westerly along the South line of Lots 4, 5 and 6 of said Green Hill Plat 1 to the Northeast corner of Lot 8 of said Green Hill Plat 1; thence southerly along the East line of Lots 8, 9, and 10 of said Green Hill Plat 1 to the Southeast corner of said Lot 10; thence westerly along the South line of said Lot 10 to the Southwest corner of said Lot 10, said point being on the East Right of Way line of Southwest 63rd Street; thence southerly along the East Right of Way line of Southwest 63rd Street to North Right of Way line of Army Post Road; thence easterly along the North Right of Way line of Army Post Road to the northerly extension of the East Right of Way line of Southwest 60th Street; thence southerly along the East Right of Way line of Southwest 60th Street to a point 750 feet South of the North line of the Southeast quarter of Section 35, Township 78 North, Range 25 West of the Fifth Principal Meridian; thence easterly 650 feet along a straight line parallel with and 750 feet South of the North line of the Southeast quarter of said Section 35; thence northeasterly along a straight line to the point of beginning;

and

beginning at the Northeast corner of the Southeast quarter of the Northwest quarter of Section 31, Township 78 North, Range 24

West of the Fifth Principal Meridian, thence southerly along the East line of the Northwest quarter and the Southwest quarter of said section 31 to the North Right of Way line of County Line Road, thence along the North Right of Way line of County Line Road to the East Right of Way line of Southwest 42nd Street, thence northerly along the East Right of Way line of Southwest 42nd Street to the North line of the Southwest quarter of the Northwest quarter of said Section 31, thence easterly along the North line of the Southwest quarter of the Northwest quarter of said Section 31 to the point of beginning;

and

Commencing as a point of reference at the East 1/4 corner of Section 36, Township 78 North, Range 25 West of the Fifth Principal Meridian; thence North 89° (Degrees) 55' (Minutes) 33" (Seconds) West along the North line of the Southeast 1/4 of said Section 36, a distance of 115.00 feet; thence South 0° 03' 55" West, 33.00 feet to the Point of Beginning; thence South 0° 03' 55" West, 1342.60 feet; thence South 3° 24' 14" West, 254.91 feet; thence South 90° 00' 00" West, 511.54 feet; thence North 56° 30' 00" West, 805.35 feet; thence North 0° 17' 57" West, 1040.50 feet; thence Northeast along a 3926.81 foot radius curve concave Southeast with a central angle of 8° 16' 05", a chord distance of 566.16 feet, a chord bearing of North 78° 29' 45" East, for an arc distance of 566.65 feet; thence South 89° 55' 33" East, 650.42 feet; to the point of beginning.

**21-70.06. Northwest Airport Area Trunk Sanitary Sewer System.**

The boundaries of the Northwest Airport Trunk Sanitary Sewer System Benefited District [as provided in section 118-213 of the Code of Ordinances] shall be as follows:



Beginning at a point on the north line of the southeast quarter of Section 23, Township 78 North, Range 25 West of the Fifth Principal Meridian said point being 130 feet East of the northwest corner of the southeast quarter of said Section 23 and on the East right of way line of relocated Iowa Department of Transportation (IDOT) Highway #28; thence northerly along said East right of way line of said Highway #28 to the north line of the southwest quarter of the northeast quarter of said Section 23; thence easterly along the south line of the northwest quarter of the northeast quarter of said Section 23 to the southwest corner of lot 13 of Airport Commerce Park West Plat 2, an official plat; thence northerly along the west line of said lot 13; thence northeasterly along the north line of said lot 13 said line being the south right of way line of Thornton Avenue to a point said point being on the southeasterly extension of the southwest line of lot 12 of said Airport Commerce Park West Plat 2; thence northwesterly 60 feet along the southeasterly extension of the southwest line of said lot 12 to a point on the north right of way line of Thornton Avenue, said point being the southeast corner of said lot 12; thence northwesterly 205.76 feet along the southwest line of said lot 12; thence northerly along the west line of lot 12 to the northwest corner of said lot 12; thence easterly along the north line of lots 12, 11, 10, and 9 of said Airport Commerce Park West Plat 2 to a point on the west line of lot 8 of said Airport Commerce Park West Plat 2; thence northerly along the west line of said lot 8 to a point on the south right of way line of Park Avenue said point being the northwest corner of said lot 8; thence easterly along the south right of way line of Park Avenue to a point on the west line of the northeast quarter of the northwest quarter of Section 24, Township 78 North, Range 25 West of the Fifth Principal Meridian, said point being the northeast

corner of lot 16 of said Airport Commerce Park West Plat 2; thence southerly along the west line of the northeast quarter of the northwest quarter of said Section 24 to the south line of the northeast quarter of the northwest quarter of said Section 24; thence easterly along the south line of the northeast quarter of the northwest quarter and along the south line of the northwest quarter of the northeast quarter the of said Section 24 to the west line of the vacated Chicago and Northwestern Railroad Right of Way; thence southerly 350 feet along the west line of the vacated Chicago and Northwestern Railroad Right of Way (locally known as the Great Northwestern Trail); thence southwesterly to a point of the south line of the north half of the southwest quarter of said Section 24 said point being 1240 feet east of the west line of said Section 24; thence westerly to a point on the south line of the north half of the southwest quarter of said Section 24 said point being 360 feet east of the west line of said Section 24; thence northwesterly to a point 530 feet west of the east line of said Section 23 and 500 feet south of the north line of the southeast quarter of said Section 23; thence southwesterly to a point of the west line of the northeast quarter of the southeast quarter of said Section 23 said point being 1250 feet south of the north line of the southeast quarter of said Section 23; thence south along the west line of the northeast quarter and the southeast quarter of the southeast quarter of said Section 23 to the north right of way line of Southwest McKinley Avenue; thence west along the north right of way line of Southwest McKinley Avenue to the east right of way line of said Highway #28; thence Northwesterly along the east right of way line of said Highway #28 to the point of beginning.

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, 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. 01-2120 ), passed by the City Council of said City at a meeting held July 9, 2001, signed by the Mayor on July 9, 2001, and published as provided by law in the Business Record on July 23, 2001. Authorized by Publication Order No. 1820.

Donna Boetel-Baker, MMC City Clerk