

ORDINANCE NO. 14,394

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, relating to and establishing the Southeast Ridge 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, 2000, be and is hereby amended by adding and enacting thereto a new Section 118-215, relating to the establishment of the Southeast Ridge 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 Southeast Ridge Area Trunk Sanitary Sewer System Benefited District.**

- (a) Pursuant to section 118-208 of this division the Southeast Ridge 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 Southeast Ridge 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 Southeast Ridge Area Trunk Sanitary Sewer System Benefited District who shall hereafter make application to connect their properties to the sewer pursuant to Section 118-208 of this division. The connection fee for the Southeast Ridge Benefited District shall be \$3,297.71 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 1<sup>st</sup> 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 Ridge 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 Southeast Ridge 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 Southeast Ridge 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 Southeast Ridge Area Trunk Sanitary Sewer System Benefited District shall be eligible for connection to the Southeast Ridge 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.

Section 2. That the Des Moines City Code, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, be and is hereby amended by adding and enacting thereto a new Section 21-70.08 of Appendix G thereto, establishing the boundaries of the Southeast Ridge Area Trunk Sanitary Sewer System Benefited District, as follows:

Beginning as a point of reference at the North  $\frac{1}{4}$  corner of Section 2, Township 77 North, Range 24 West; thence East 150 feet along the North line of said Section 2 to a point; thence South 200 feet to the Point of Beginning; thence East 2,500 feet, parallel to said North line, to a point; thence North to a point on the West Right-of-way line of Highway 65/69; thence East to the center of median of said Highway 65/69; thence Northerly to a point to where the North line of Section 1 Township 77 North Range 24 West meets the East Right-of-way line of said Highway 65/69; thence East 4,200 feet along said North line of Section 1 to a point; thence North to a point on the South line of the Northeast  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of Section 36, Township 78 North, Range 24 West; thence Northeasterly 875 feet to a point in the said Northeast  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of Section 36; thence East 240 feet to a point on the West line of the Northwest  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of Section 31, Township 78 North, Range 23 West; thence continuing East to a point on the East line of the Northeast  $\frac{1}{4}$  of said Southwest  $\frac{1}{4}$  of said Section 31; thence North through the Center of said Section 31 to the Southwest corner of the Northwest  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  of said Section 31; thence Northeasterly 1,030 feet to the center of said Northwest  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  of Section 31; thence North 610 feet to a point on the South line of the Southwest  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of Section 30, Township 78 North Range 23 West; thence West 160 feet along said South line to a point; thence North 525 feet to a point; thence Northeasterly 1025 feet to the center of said Southeast  $\frac{1}{4}$  of Section 30; thence North 290 feet along the center of said Southeast  $\frac{1}{4}$  of Section 30 to a point; thence East 1,310 feet, parallel to the South line of the Northeast  $\frac{1}{4}$  of said Southeast  $\frac{1}{4}$  of Section 30, to a point on the East line of said Northeast  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of Section 30; thence North 160 feet along said East line of Section 30 to a point; thence East approximately 1050 feet to a point on the West property line of the Avon Cemetery that is in the Southwest  $\frac{1}{4}$  of Section 29 of Township 78 North Range 23 West; thence South 230 feet along said West property line of Avon Cemetery to the Southwest property corner of said Avon Cemetery;

thence East along the South property line of said Avon Cemetery to the Southeast property corner of said Avon Cemetery; thence North 215 feet along the East property line of said Avon Cemetery to a point; thence East 605 feet, parallel to SE 57<sup>th</sup> Avenue, to a point; thence North to the centerline of said SE 57<sup>th</sup> Avenue; thence East along said centerline of SE 57<sup>th</sup> Avenue to the West line of the Southeast ¼ of said Section 29; thence North to the Center of said Section 29; thence East along the North line of the Southeast ¼ of said Section to the West Right-of-way line of IA Highway 65; thence Southerly along said Right-of-way line to the North Right-of-way line of SE 64<sup>th</sup> Avenue/E. Army Post Road; thence Southerly across said SE 64<sup>th</sup> Avenue to a point on the South Right-of-way line of said SE 64<sup>th</sup> Avenue with said point also being on the said West Right-of-way line of IA Highway 65; thence continuing Southerly along said west Right-of-way line of IA Highway 65 to a point on the West line of the Southeast ¼ of the Southeast ¼ of Section 32 Township 78 North Range 23 West, with said point also being on the North Right-of-way line of the IA Highway 5 Westbound on-ramp; thence Westerly along said north Right-of-way line of IA Highway 5 to a point on the West line of the Southeast ¼ of the Southwest ¼ of said Section 32; thence South along said West line of the Southeast ¼ of the Southwest ¼ across IA Highway 5/65 to the South Right-of-way line of said IA Highway 5/65; thence East along said South Right-of-way line to the North quarter corner of Section 5 Township 77 North Range 23 West; thence South to the Northeast corner of the Southeast ¼ of the Northwest ¼ of said Section 5; thence Southwesterly to the Northeast corner of the Southeast ¼ of the Southwest ¼ of Section 6 Township 77 North Range 23 West; thence West to the Northwest corner of said Southeast ¼ of the Southwest ¼; thence Southwest to a point on the West line of said Southwest ¼ of Section 6; thence South along said West line to the Northeast corner of Section 12 Township 77 North Range 24 West; thence continuing South along the East line of said Section 12 to the Southeast corner of the Northeast ¼ of the Northeast ¼ of said Section 12; thence West along the South line of said Northeast ¼ to the Southwest corner of said Northeast ¼; thence continuing West along the South line of the Northwest ¼ of the said Northeast ¼ of Section 12 to a point; thence Southwesterly approximately 1445 feet to a point on the South line of the Southwest ¼ of the said Northeast ¼ of Section 12, with said point being 200 feet East of the East Right-of-way line of said IA Highway 65/69; thence South 745 feet parallel to said East Right-of-Way line to a point in the Northwest ¼ of the Southeast ¼ of said Section 12; thence Northeasterly to a point on the East line of said Northwest ¼ of the Southeast ¼, with said point being 455 feet South of the North line of said Northwest ¼ of the Southeast ¼; thence East parallel to the North line of the Northeast ¼ of the Southeast ¼ of said Section 12 to a point on the East line of said Northeast ¼ of the Southeast ¼; thence Northeasterly to the Northwest corner of the Northeast ¼ of the Southwest ¼ of Section 7, Township 77 North Range 23 West; thence East through the Center of said Section 7 to a point on the North line of the Southeast ¼ of said Section 7, with said point being 400 feet East of the Center of said Section 7; thence South parallel to the West line of said Southeast ¼ of Section 7 to a point on the North line of the Southwest ¼ of the Southeast ¼ of said Section 7; thence East 250 feet along said North line to a point; thence South parallel to the West line of said Southwest ¼ of the Southeast ¼ to a point on the South line of said Southeast ¼; thence continuing South parallel to the West line of the Northeast ¼ of Section 18 of said Township 77 North Range 23 West to a point on the North Right-of-Way line of Scotch Ridge Road; thence West along said North Right-of-Way line to the east Right-of-Way line of said IA Highway 65/69; thence North along said East Right-of-Way line to a point on said South line of the Northeast ¼ Section 12 Township 77 North Range 24 West; thence West 325 feet to a point on the South line of the Southeast ¼ of the Northwest ¼ of said Section 12; thence North to a point on the North line of said Northwest ¼; thence Northwesterly 870 feet to a point; thence Northwesterly 1490 feet to a point on the South line of the Northwest ¼ of the Southwest ¼ of Section 1, Township 77 North Range 24 West; thence Northwesterly 535 feet to a point on the West line of said Northwest ¼ of the Southwest ¼ of Section 1; thence Northwesterly 825 feet to a point; thence Northwesterly 595 feet to a point on the South Right-of-way line of said IA Highway 5; thence Easterly and Southerly along said South

Right-of-way line, past the Southbound Highway 65 to Eastbound Highway 5/65 on-ramp, to a point on the West Right-of-way line of said IA Highway 65/69; thence East across said Highway 65/69 to a point on the East Right-of-way line of said Highway 65/69; thence Northerly and Easterly along said East Right-of-way line, adjacent to the Northbound Highway 65/69 to Eastbound Highway 5/65 on-ramp, to a point on the South Right-of-way line of said IA Highway 5; thence Northwesterly across said Highway 65/69 to a point on the North Right-of-way line of said IA Highway 5; thence Westerly along the said North Right-of-way line, adjacent to the Westbound Highway 5/65 off-ramp, to a point on the East Right-of-way line of said Highway 65/69; thence Northerly 1,215 feet along said East Right-of-way line to a point; thence Westerly across said Highway 65/69 to a point on the West Right-of-way line of said Highway 65/69; thence Southwesterly 400 feet to a point; thence South 980 feet to a point on the North Right-of-way line of said IA Highway 5; thence Westerly 1,275 feet following said North Right-of-way to a point; thence Northerly 2,340 feet to the Point of Beginning.

Section 3. This Ordinance shall be in full force and effect from and after its passage and publication as by law provided.

FORM APPROVED:

Emily Gould Chafa, Assistant City Attorney

T. M. Franklin Cownie, 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. 04-2566), passed by the City Council of said City at a meeting held November 22, 2004 signed by the Mayor on November 22, 2004 and published as provided by law in the Business Record on December 6, 2004 Authorized by Publication Order No. 4552.

Diane Rauh, City Clerk