

ORDINANCE NO. 14,435

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 118-217, relating to and establishing the Clover Hill 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 118-217, relating to the establishment of the Clover Hill 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. 118-217. Fee for connection to the Clover Hill Area Trunk Sanitary Sewer System Benefited District.**

(a) Pursuant to section 118-208 of this division the Clover Hill 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 Clover Hill 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 Clover Hill 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 Clover Hill Benefited District shall be \$3,410.23 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 Clover Hill 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 Clover Hill 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 Clover Hill 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 Clover Hill Area Trunk Sanitary Sewer System Benefited District shall be eligible for connection to the Clover Hill 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 21-70.10 of Appendix G thereto, establishing the boundaries of the Clover Hill Area Trunk Sanitary Sewer System Benefited District, as follows:

Beginning at the North  $\frac{1}{4}$  corner of Section 4, Township 77 North, Range 24 West; thence East along the North line of said Section 4 to the Northeast corner of said Section 4; thence South along the East line of said Section 4 to the North Right-of-Way line of IA Highway 5; thence Westerly along said North Right-of-way line to the East Right-of-Way line of County Road R63; thence North 160 feet along said East Right-of-Way line to a point; thence West 55 feet to the Centerline of said County Road R63; thence South 18 feet along said Centerline to a point; thence West 270 feet to a point; thence North 100 feet to a point; thence West 395 feet to a point; thence South 240 feet to a point on said North Right-of-Way line of IA Highway 5; thence Westerly along said North Right-of-Way line to the West line of the Southwest  $\frac{1}{4}$  of said Section 4; thence North along said West line through the West  $\frac{1}{4}$  corner of said Section 4 to the Southwest corner of the Northwest  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of said Section 4; thence Northeasterly to the Northwest corner of the South  $\frac{1}{2}$  of the Northeast  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of said Section 4; thence East along the North line of said South  $\frac{1}{2}$  to said Centerline of County Road R63; thence North 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. 05-1009), passed by the City Council of said City at a meeting held April 25, 2005 signed by the Mayor on April 25, 2005 and published as provided by law in the Business Record on May 9, 2005 Authorized by Publication Order No.4593.

Diane Rauh, City Clerk