

ORDINANCE NO. 16,439

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, as heretofore amended, by adding and enacting a new Section 118-219, relating to and establishing the East Army Post Road and Indianola Avenue Trunk Sanitary Sewer Benefited District and imposing a connection fee on all properties within said district whose owners hereafter apply to make connection to the East Army Post Road Trunk Sanitary Sewer from SE 14<sup>th</sup> Street to Three Lakes Estates serving said District; and by adding and enacting a new Section 21-70.12 of Appendix G thereto, establishing the boundaries of the East Army Post Road and Indianola Avenue Trunk Sanitary Sewer Benefited District.

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, as heretofore amended, is hereby amended by adding and enacting a new Section 11-219, relating to and establishing the East Army Post Road and Indianola Avenue Trunk Sanitary Sewer Benefited District and imposing a connection fee on all properties within said district whose owners hereafter apply to make connection to the East Army Post Road Trunk Sanitary Sewer from SE 14<sup>th</sup> Street to Three Lakes Estates serving said District; and by adding and enacting a new Section 21-70.12 of Appendix G thereto, establishing the boundaries of the East Army Post Road and Indianola Avenue Trunk Sanitary Sewer Benefited District, as follows:

**Sec. 118-219. Fee for connection to the East Army Post Road and Indianola Avenue Trunk Sanitary Sewer Benefited District.**

- (a) Pursuant to section 118-208 of this division, the East Army Post Road and Indianola Avenue Trunk Sanitary Sewer 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 East Army Post Road Trunk Sanitary Sewer from SE 14<sup>th</sup> Street to Three Lakes Estates.
- (b) The boundaries of the East Army Post Road and Indianola Avenue Trunk Sanitary Sewer Benefited District shall be 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 East Army Post Road and Indianola Avenue Trunk Sanitary Sewer Benefited District who shall hereafter make application to connect their properties to the East Army Post Road Trunk Sanitary Sewer from SE 14<sup>th</sup> Street to Three Lakes Estates pursuant to section 118-208 of this division. The connection fee for the East Army Post Road and Indianola Avenue Trunk Sanitary Sewer Benefited District shall be \$8,013.01 for each acre of property for which application is hereafter made for connection to the East Army Post Road Trunk Sanitary Sewer from SE 14<sup>th</sup> Street to Three Lakes Estates; provided, however, that upon completion of construction of said trunk sewer, the said connection fee shall be subject to adjustment if the actual cost of constructing said trunk sewer is less than the estimated cost thereof; and further provided that upon completion of the construction of said trunk 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 three and one-half percent per annum.

- (d) Single-family residences within the East Army Post Road and Indianola Avenue Trunk Sanitary Sewer 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 East Army Post Road Trunk Sanitary Sewer from SE 14<sup>th</sup> Street to Three Lakes Estates. 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 East Army Post Road Trunk Sanitary Sewer from SE 14<sup>th</sup> Street to Three Lakes Estates 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 said trunk sewer upon approval of their application of 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 East Army Post Road and Indianola Avenue Trunk Sanitary Sewer Benefited District shall be eligible for connection to the East Army Post Road Trunk Sanitary Sewer from SE 14<sup>th</sup> Street to Three Lakes Estates 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.

Secs. 118-218--118-240. Reserved.

**21-70.12. East Army Post Road and Indianola Avenue Trunk Sanitary Sewer Benefited District.**

The boundaries of the East Army Post Road and Indianola Avenue Trunk Sanitary Sewer Benefited District [as provided in Section 118-219 of the Code of Ordinances] shall be as follows:

BEGINNING AT THE SOUTH CORNER OF SECTION 26, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5<sup>TH</sup> PRINCIPLE MERIDIAN; THENCE WEST ALONG THE SOUTH LINE OF THE SOUTHWEST ¼ OF SAID SECTION 26 TO THE SOUTHWEST CORNER OF THE SOUTHWEST ¼ OF THE SOUTHWEST ¼ OF THE SOUTHWEST ¼ OF SAID SECTION 26; THENCE NORTH ALONG THE WEST LINE OF THE SOUTHWEST ¼ OF THE SOUTHWEST ¼ OF THE SOUTHWEST ¼ OF SAID SECTION 26 TO THE NORTH RIGHT-OF-WAY OF ARMY POST ROAD ALSO THE SOUTHWEST CORNER OF THE PARCEL SHOWN ON RETRACEMENT PLAT OF SURVEY AND RECORDED IN BOOK 19463 PAGE 601; THENCE CONTINUING NORTH ALONG SAID WEST LINE TO THE SOUTH LINE OF PARCEL 2023-48, RECORDED IN BOOK 19466 PAGE 512; THENCE EAST ALONG SAID SOUTH LINE OF SAID PARCEL 2023-48 TO THE NORTHEAST CORNER OF LOT 1 OF JEWETT ACRES, AN OFFICIAL PLAT; THENCE SOUTH ALONG THE EAST LINE OF

SAID LOT 1 TO THE NORTHEAST CORNER LOT 3 OF SAID JEWETT ACRES; THENCE WESTERLY ALONG THE NORTH LINES OF LOTS 3 AND 2 OF SAID JEWETT ACRES TO THE NORTHWEST CORNER OF SAID LOT 2; THENCE SOUTH ALONG THE WEST LINE OF SAID LOT 2 TO THE SOUTHWEST CORNER OF SAID LOT 2, SAID SOUTHWEST CORNER ALSO BEING ON THE NORTH RIGHT-OF-WAY OF EAST ARMY POST ROAD; THENCE EASTERLY ALONG SAID NORTH RIGHT-OF-WAY LINE TO THE WESTERLY LINE OF LOT 2 OF NEW HOPE, AN OFFICIAL PLAT; THENCE NORTH ALONG THE WEST LINE OF SAID LOT 2 TO THE NORTHWEST CORNER OF SAID LOT 2, ALSO SAID NORTHWEST CORNER BEING ON THE SOUTH LINE OF LOT 4 OF SAID NEW HOPE; THENCE WEST ALONG THE SOUTH LINE OF SAID LOT 4 TO THE SOUTHWEST CORNER OF SAID LOT 4; THENCE NORTH ALONG THE WEST LINE OF SAID NEW HOPE TO THE NORTH LINE OF THE SOUTH 75.0 FEET OF LOT 9 IN SAID NEW HOPE; THENCE EAST ALONG THE NORTH LINE OF THE SOUTH 75.0 FEET OF SAID LOT 9 TO THE NORTHEAST CORNER OF THE SOUTH 75.0 FEET OF SAID LOT 9, ALSO NORTHEAST CORNER BEING ON THE WEST RIGHT-OF-WAY LINE OF SOUTHEAST 16<sup>TH</sup> COURT; THENCE CONTINUING ALONG THE EASTERLY EXTENSION OF THE NORTH LINE OF THE SOUTH 75.0-FEET OF SAID LOT 9 TO THE CENTERLINE OF SOUTHEAST 16<sup>TH</sup> COURT RIGHT OF WAY; THENCE SOUTH ALONG SAID CENTERLINE OF SOUTHEAST 16<sup>TH</sup> COURT RIGHT OF WAY TO THE WESTERLY EXTENSION OF THE NORTH LINE OF LOT 33 OF SAID NEW HOPE; THENCE EASTERLY ALONG SAID WESTERLY EXTENSION OF THE NORTH LINE OF SAID LOT 33 TO THE WEST RIGHT-OF-WAY OF SOUTHEAST 16<sup>TH</sup> COURT, ALSO BEING THE NORTHWEST CORNER OF SAID LOT 33; THENCE EAST ALONG THE NORTH LINE OF SAID LOT 33 TO THE SOUTHWEST CORNER OF LOT 49 IN SAID NEW HOPE; THENCE NORTH ALONG THE WEST LINE OF SAID LOT 49 AND LOT 50 OF SAID NEW HOPE TO THE NORTHWEST CORNER OF SAID LOT 50; THENCE EAST ALONG THE NORTH LINE OF SAID LOT 50 TO THE NORTHEAST CORNER OF SAID LOT 50, ALSO SAID NORTHEAST CORNER BEING ON THE WEST RIGHT-OF-WAY OF SE 19<sup>TH</sup> STREET; THENCE CONTINUING EAST TO THE EAST RIGHT-OF-WAY OF SE 19<sup>TH</sup> STREET, ALSO BEING THE NORTHWEST CORNER OF LOT 66 OF SAID NEW HOPE; THENCE EAST ALONG THE NORTH LINE OF SAID LOT 66 TO THE NORTHEAST CORNER OF SAID LOT 66; THENCE SOUTHERLY ALONG THE EAST LINE OF SAID LOT 66 TO THE NORTHWEST CORNER OF LOT 100 OF NEW HOPE PLAT 2, AN OFFICIAL PLAT; THENCE EAST ALONG THE NORTH LINE OF SAID NEW HOPE PLAT 2 TO THE NORTHEAST CORNER LOT 112 IN SAID NEW HOPE PLAT 2, SAID NORTHEAST CORNER ALSO BEING ON THE WEST RIGHT-OF-WAY LINE OF INDIANOLA AVENUE; THENCE EASTERLY ALONG THE NORTH LINE OF THE SOUTHEAST ¼ OF THE SOUTHEAST ¼ OF SECTION 26, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE FIFTH PRINCIPAL MERIDIAN TO THE NORTHWEST CORNER OF THE SOUTHWEST ¼ OF THE SOUTHWEST ¼ OF SECTION 25, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE FIFTH PRINCIPAL MERIDIAN; THENCE EAST ALONG THE NORTH LINE OF THE SOUTH ½ OF SECTION 25, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE FIFTH PRINCIPAL MERIDIAN TO THE NORTHEAST CORNER OF THE SOUTH ½ OF SECTION 25, RANGE 78 NORTH, 24 WEST OF THE FIFTH PRINCIPAL MERIDIAN; THENCE SOUTH ALONG THE EAST LINE OF SAID SECTION 25 TO THE SOUTHEAST CORNER OF SECTION 25, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE FIFTH PRINCIPAL

MERIDIAN; THENCE WEST ALONG THE SOUTH LINE OF SAID SECTION 25 TO THE SOUTHWEST CORNER OF SECTION 25, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE FIFTH PRINCIPAL MERIDIAN, SAID SOUTHWEST CORNER ALSO BEING THE NORTHWEST CORNER OF SECTION 36, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE FIFTH PRINCIPAL MERIDIAN; THENCE SOUTH ALONG WEST LINE OF THE NORTHWEST ¼ OF SECTION 36, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE FIFTH PRINCIPAL MERIDIAN TO THE NORTHWEST CORNER OF LOT 3 OF THE OFFICIAL PLAT OF THE NORTHWEST ¼ OF THE NORTHWEST ¼ OF SECTION 36, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE FIFTH PRINCIPAL MERIDIAN; THENCE EAST ALONG THE NORTH LINE OF SAID LOT 3 TO A POINT THAT IS 8.0 FEET WEST OF THE NORTHEAST CORNER OF SAID LOT 3; THENCE SOUTH AND PARALLEL TO THE EAST LINE OF SAID LOT 3 TO A POINT THAT IS 4.5 FEET SOUTH OF THE NORTH LINE OF LOT 1 IN SAID OFFICIAL PLAT OF THE NORTHWEST ¼ OF THE NORTHWEST ¼ OF SECTION 36, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE FIFTH PRINCIPAL MERIDIAN; THENCE EAST AND PARALLEL TO THE NORTH LINE OF SAID LOT 1, A DISTANCE OF 222.5 FEET; THENCE NORTH AND PARALLEL THE EAST LINE OF SAID LOT 3, A DISTANCE OF 4.5 FEET AND TO THE NORTH LINE OF SAID LOT 1, SAID NORTH LINE ALSO BEING NORTH LINE OF SAID PARCEL K OF CORRECTED PLAT OF SURVEY RECORDED IN BOOK 10394, PAGE 736; THENCE EAST ALONG THE NORTH LINE OF SAID PARCEL K TO A POINT OF DEFLECTION; THENCE NORTH ALONG THE WEST LINE OF SAID PARCEL K TO A POINT OF DEFLECTION; THENCE EASTERLY ALONG THE NORTH LINE OF SAID PARCEL K TO THE NORTHEAST CORNER OF PARCEL K; THENCE SOUTH ALONG THE EAST LINE OF SAID PARCEL K TO THE SOUTHEAST CORNER OF PARCEL K; THENCE WEST ALONG THE SOUTH LINE OF PARCEL K TO THE NORTHEAST CORNER A PARCEL OF LAND AS DESCRIBED IN THE QUIT CLAIM DEED RECORDED IN BOOK 18349, PAGE 773; THENCE SOUTH ALONG THE EAST LINE OF SAID PARCEL TO THE SOUTHEAST CORNER OF SAID PARCEL DESCRIBED IN BOOK 18349, PAGE 773; THENCE WEST ALONG THE SOUTH LINE OF SAID PARCEL DESCRIBED IN BOOK 18349, PAGE 773 TO THE APPARENT INTERSECTION OF THE WEST LINE OF SECTION 36, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE FIFTH PRINCIPAL MERIDIAN; THENCE NORTHERLY ALONG THE WEST LINE OF SAID SECTION 36 TO THE SOUTHEAST CORNER OF THE NORTHEAST ¼ OF THE NORTHEAST ¼ OF SECTION 35, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE FIFTH PRINCIPAL MERIDIAN; THENCE WEST ALONG THE SOUTH LINE OF THE NORTH ½ OF THE NORTHEAST ¼ OF SAID SECTION 35 TO THE SOUTHWEST CORNER OF THE NORTH ½ OF THE NORTHEAST ¼ OF SECTION 35, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE FIFTH PRINCIPAL MERIDIAN; THENCE NORTH ALONG THE WEST LINE OF THE NORTHEAST ¼ OF SAID SECTION 35 TO THE NORTH CORNER OF SECTION 35, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE FIFTH PRINCIPAL MERIDIAN AND THE POINT OF BEGINNING.

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

FORM APPROVED: Kathleen Vanderpool, Deputy City Attorney

Connie Boesen, Mayor

Attest: I, Laura Baumgartner, 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. 25-0364), passed by the City Council of said City at the meeting held on March 10, 2025 and signed by the Mayor on March 10, 2025 and published and provided by law in the Business Record on March 28, 2025. Authorized by Publication Order No. 12951.

Laura Baumgartner, City Clerk