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Date September 14, 2009

PUBLIC HEARING AND RESOLUTION OF NECESSITY ON PROPOSED FINAL
CONNECTION FEE ORDINANCE FOR THE CLOVER HILL TRUNK
SANITARY SEWER SYSTEM BENEFITED DISTRICT

WHEREAS, the City Council of the City of Des Moines determined the necessity and advisability of constructing the Clover Hill Trunk Sanitary Sewer System, and pursuant to Roll Call No. 05-1009, on April 25, 2005, the City Council adopted Ordinance No. 14,435 establishing a preliminary connection fee for the owners of properties which connect to and derive service from said sewer; and

WHEREAS, said Ordinance states that, upon completion of construction of said sewer, the established preliminary connection fee will be subject to adjustment and the City intends to amend said Ordinance to include a schedule of connection fees; and

WHEREAS, construction of said sewer is now complete, the actual costs of design and construction of said improvements have been identified, and a final connection fee ordinance has been prepared in accordance with the provisions of Ordinance No. 14,435, pursuant to which property owners within said district whose properties are located within the City of Des Moines are eligible to connect to said sewer upon application therefor and payment of final connection fee in the amount of \$2,771.05 per acre for each acre of land to be connected to and served by said sewer for the first year and increasing fees over the next 20 years to reflect adjustments for accrued reasonable interest costs as allowed by Iowa Code Section 384.38(3); and

WHEREAS, establishment of the final connection fee requires notice and public hearing for adoption of a resolution of necessity and approval of the ordinance in accordance with Iowa Code Sections 384.38 and 384.50 and Municipal Code Section 118-208; and

WHEREAS, the City Council of the City of Des Moines at its meeting of July 27, 2009, by Roll Call 09-1320, set the time and place for a public hearing on a proposed resolution of necessity and final connection fee ordinance revising the connection fee charged for the Clover Hill Trunk Sanitary Sewer System Benefited District, which ordinance was placed on file in the office of the City Clerk; and

WHEREAS, due notice of said proposed resolution and ordinance was given as provided by law, setting forth the time and place for public hearing on said proposal; and

WHEREAS, in accordance with City Council direction, those interested in this proposed conveyance, both for and against, have been given an opportunity to be heard with respect thereto and have presented their views to the City Council.

★ Roll Call Number

Agenda Item Number

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Date September 14, 2009

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, that all objections to the proposed ordinance, which have been fully reviewed and considered, be and they are hereby overruled, the public hearing on said matter is now concluded and closed, and it is further hereby resolved and determined necessary to establish and revise the schedule of final connection fees for connection to and service by the Clover Hill Trunk Sanitary Sewer System.

(Council Communication No. 09-649)

Moved by _____ to adopt.

FORM APPROVED: Glenna K. Frank
Glenna K. Frank
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
VLASSIS				
TOTAL				

MOTION CARRIED APPROVED

Mayor

CERTIFICATE

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

City Clerk