

★ **Roll Call Number**

Agenda Item Number

48A

Date October 22, 2018

An Ordinance entitled, "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 118-218, relating to and establishing the Little Four Mile 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; and by adding and enacting a new Section 21-70.11 of Appendix G thereto, establishing the boundaries of the Little Four Mile Trunk Sanitary Sewer System Benefited District",

presented.

Moved by _____ that this ordinance be considered and given first vote for passage.

FORM APPROVED:

(First of three required readings)

Kathleen Vanderpool
Deputy City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
COLEMAN				
GATTO				
GRAY				
MANDELBAUM				
WESTERGAARD				
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

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ORDINANCE NO. _____

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 118-218, relating to and establishing the Little Four Mile 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; and by adding and enacting a new Section 21-70.11 of Appendix G thereto, establishing the boundaries of the Little Four Mile Trunk Sanitary Sewer System 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 118-218, relating to and establishing the Little Four Mile 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; and by adding and enacting a new Section 21-70.11 of Appendix G thereto, establishing the boundaries of the Little Four Mile Trunk Sanitary Sewer System Benefited District, as follows:

Sec. 118-218. - Fee for connection to the Little Four Mile Trunk Sanitary Sewer System Benefited District.

- (a) Pursuant to section 118-208 of this division, the Little Four Mile 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 Little Four Mile Trunk Sanitary Sewer System 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 Little Four Mile 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 Little Four Mile Trunk Sanitary Sewer System Benefited District shall be \$4,234 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 1st 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 Little Four Mile 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 Little Four Mile Trunk Sanitary Sewer System 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 Little Four Mile Trunk Sanitary 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 Little Four Mile Trunk Sanitary Sewer System Benefited District shall be eligible for connection to the Little Four Mile 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. The city council may, pursuant to agreement with another governmental entity, authorize the connection of properties outside the corporate limits of Des Moines to the Little Four Mile Trunk Sanitary Sewer. Upon approval of such agreement, the properties outside the corporate limits of Des Moines shall be eligible to connect to the Four Mile East Trunk Sewer upon payment of the connection fee and compliance with all other requirements of this code.

21-70.11. Little Four Mile Trunk Sanitary Sewer System Benefited District.

The boundaries of the Little Four Mile Trunk Sanitary Sewer System Benefited District [as provided in Section 118-218 of the Code of Ordinances] shall be as follows:

Commencing at the point of intersection of the centerline of the right-of-way of NE 56th Street and the north right-of-way line of the Iowa Interstate Railroad right-of-way; thence easterly and northeasterly along the northwesterly right-of-way line on the Iowa Interstate Railroad to the point of intersection with the westerly right-of-way line of U.S. Highway 65; thence northerly along said westerly right-of-way line of U.S. 65 to the point of intersection with the north line of South ½ of the Northeast ¼ Section 22, Township 79 North, Range 23 West of the Fifth Principal Meridian; thence west along said north line of the south ½ of the Northeast ¼ of said Section 22 to the Northwest Corner of the South ½ of the Northeast ¼ of said section 22; thence south along the west line of the south ½ of the Northeast ¼ of said Section 22 to the center of said Section 22; thence south along the west line of the Southeast ¼ of said Section 22 to the South ¼ corner of said Section 22; thence east along the south line of the Southeast ¼ of said section to the northwest corner

of the property described as the West 10 rods of the North 16 rods of the Northeast ¼ of the Northeast ¼ of Section 27, Township 79 North, Range 23 West of the Fifth Principal Meridian; thence south along the west line of the West 10 rods of the North 16 rods of the Northeast ¼ of the Northeast ¼ of said Section 27 to the southwest corner of the property described as West 10 rods of the North 16 rods of the Northeast ¼ of the Northeast ¼ of Section 27, Township 79 North, Range 23 West; thence east along the south line of the west 20 rods of the north 16 rods of the Northeast ¼ of the Northeast ¼ of said Section 27 to the southeast corner of the west 20 rods of the North 16 rods of the Northeast ¼ of the Northeast ¼ of Said Section 27, said point being on the west line of Lot 1 of Fini Acres Plat 2, an official plat; thence south along the said west line of Lot 1 Fini Acres Plat 2 to the southwest corner of said Lot 1; thence east along the south line of said Lot 1 to the southeast corner of Lot 1 Fini Acres Plat 2; thence continuing east along a straight line to the northwest corner of Lot 54 Brook Landing Plat 1, an official plat, said corner being on the east right-of-way line of E 56th Court; thence southerly along said east right-of-way line to the north right-of-way line of Brook View Avenue; thence southeasterly to the intersection of the east right-of-way line of said E 56th Court and the north right-of-way line of said Brook View Avenue; thence southeasterly along said east right-of-way line, said east right-of-way line also being easterly line of Lot F in said Brook Landing Plat 1, to the southeast corner of said Lot F of said Brook Landing Plat 1; thence along a straight line across Outlot X of said Fini Acres Plat 2 and across Outlot X of Fini Acres Replat, an official plat, to the northwest corner Lot 1 Fini Acres Replat; thence south along the west line of Lots 1, 2 and 3 of said Fini Acres Replat to the southwest corner of said Lot 3 Fini Acres Replat; thence south across said Outlet X Fini Acres Replat to the northwest corner Lot 4 Fini Acres Replat; thence south along the west line of Lots 4, 5 and 6 of said Fini Acres Replat to the southwest corner of said Lot 6 Fini Acres Replat, said southwest corner being on the northerly line of Lot 1 Silverado, an official plat; thence westerly along said northerly line of Lot 1 Silverado Acres to the northwest corner of said Lot 1 Silverado Acres, said northwest corner also being the northeast corner of Lot 7 Josiah F. Oglevie Estate, an official plat; thence northwesterly along the northerly line of said Lot 7 Josiah F. Oglevie Estate to the northwest corner of said Lot 7 Josiah F. Oglevie Estate; thence south along the west line of said Lot 7 Josiah F. Oglevie Estate to the northwest corner of Parcel A of said Lot 7 Josiah F. Oglevie Estate, Parcel A recorded in Book 8356 pages 999-1000 at the Recorder's office of Polk County, Iowa; thence east along the north line of said Parcel A to the northeast corner of said Parcel A; thence south along the east line of said Parcel A to the southeast corner of said Parcel A; thence continuing south across the right-of-way of NE 23rd Avenue along the southerly extension of said east line of said Parcel A, to a point on the south right-of-way line of NE 23rd Avenue; thence west along said south right-of-way to the west line of Lot 5 Stephen F. Harvey Estate, an official plat; thence south along said west line of said Lot 5 Stephen F. Harvey Estate to the southwest corner of said Lot 5 Stephen F. Harvey Estate; thence east along the south line of said Lot 5 Stephen F. Harvey Estate to the southeast corner of said Lot 5 Stephen F. Harvey Estate; thence continuing east along the south line of Lot 6 in said Stephen F. Harvey Estate to the southeast corner of said Lot 6 Stephen F. Harvey Estate; thence continuing east along the easterly extension of said south line to the centerline of the right-of-way of NE 56th Street; thence south along said right-of-way centerline to the point of beginning.

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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