

★ Roll Call Number

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**SETTING PUBLIC HEARING ON  
PROPOSED CONNECTION FEE ORDINANCE FOR  
EAST ARMY POST ROAD AND INDIANOLA AVENUE TRUNK  
SANITARY SEWER SYSTEM BENEFITED DISTRICT**

**WHEREAS**, this City Council has determined the necessity and advisability of constructing the East Army Post Road Sanitary Sewer from SE 14<sup>th</sup> Street to Three Lakes Estates (“Project”), a public improvement project for the construction of a trunk sanitary sewer system to provide sanitary sewer service for the area lying generally south of E. Payton Avenue/E. Diehl Avenue, north of E. Pine Avenue/Bloomfield Road, west of SE 30<sup>th</sup> Street and east of SE 14<sup>th</sup> Street; and

**WHEREAS**, the Project will allow the area to be developed and provide for the projected growth that is anticipated along the East Army Post Road corridor; and

**WHEREAS**, the Project is a sanitary sewer designed to serve the East Army Post Road and Indianola Avenue Trunk Sanitary Sewer Benefited District described as follows:

The project consists of two separate reaches of sewer. The first reach is located along the north side of East Army Post Road near the west property line of lot 1500 East Army Post Road to near the middle of lot 1820 East Army Post Road approximately 2,100 Feet. The second reach of sewer is located along the north side of East Army Post Road from near the middle of lot 1890 East Army Post Road to near the west property line of lot 2100 East Army Post Road approximately 1,560 Feet, and along the south side of East Army Post Road approximately 3,025 Feet, and along the north side of East Army Post Road approximately 3,360 Feet.

**WHEREAS**, this City Council proposes that the costs of designing and constructing said Project are estimated to be \$3,164,528.00, and should be recovered by the imposition of a connection fee upon the owners of properties which will connect to and derive service from said sewer for a \$8,013.01 connection fee for each of the 394.924 acres; and

**WHEREAS**, the area that the Project is designed to serve, to be known as the East Army Post Road and Indianola Avenue Trunk Sanitary Sewer Benefited District, is described as follows:

This district is located in the area lying generally south of E. Payton Avenue/E. Diehl Avenue, north of E. Pine Avenue/Bloomfield Road, west of SE 30<sup>th</sup> Street and east of SE 14<sup>th</sup> Street.

**WHEREAS**, a proposed connection fee ordinance has been prepared for said purpose, which ordinance would establish a benefited district to be known as the East Army Post Road and Indianola

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Avenue Trunk Sanitary Sewer System Benefited District and would establish the boundaries of said district 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 SOUTHEAST ¼ OF THE SOUTHWEST ¼ OF THE SOUTHWEST ¼ OF SAID SECTION 26; THENCE NORTH ALONG THE WEST LINE OF THE SOUTHEAST 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;

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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.

**WHEREAS**, pursuant to said ordinance, property owners would be eligible to connect to said sewer upon application therefore and payment of a connection fee in the amount of \$8,013.01 per acre for each acre of land to be connected to and served by said sewer plus interest at a rate of 3.5 % per annum; and

**WHEREAS**, pursuant to Section 384.38(3) of the Iowa Code, the City is required to hold a public hearing upon the proposed connection fee ordinance following public notice thereof.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DES MOINES, IOWA:**

1. That the City Council shall hold a public hearing, at which the adoption of said connection fee ordinance is to be considered, on February 10, 2025 at 5:00 p.m., in the City Council Chambers, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa, for the purpose of hearing property owners within the proposed East Army Post Road and Indianola Avenue Trunk Sanitary Sewer System Benefited District and members of the public for or against the construction of said sewer improvement, its cost, the boundaries of the benefited district, or the proposed connection fee. Unless a property owner files objections in writing with the Clerk at the time of the hearing on the connection fee ordinance, the property owner shall be deemed to have waived all objections pertaining to the regularity of the proceedings and the legality of using the connection fee procedure.
2. That the Clerk is hereby instructed to work with the Public Works Department to mail notice to each person whose property is within the proposed East Army Post Road and Indianola

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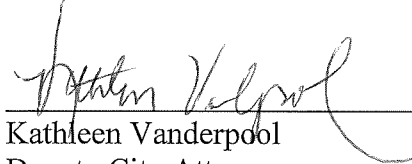
Avenue Trunk Sanitary Sewer System Benefited District as required by law, said Notice to be in substantially the form attached hereto.


3. That the Clerk is hereby further instructed to cause notice to be published as required by law concerning the proposal to adopt said connection fee ordinance and of the time and place of hearing objections thereto, said Notice to be in the form hereto attached, all in accordance with §384.38(3) and §384.50 of the Iowa Code and Municipal Code Section 118-208.
4. A copy of said proposed ordinance is on file and available for public inspection in the office of the City Clerk. **(Council Communication No. 25-001)**

Moved by Gatto to adopt.

Second by Mandelbaum.

APPROVED AS TO FORM:

  
 Kathleen Vanderpool  
 Deputy City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
BOESEN	✓			
SIMONSON	✓			
VOSS	✓			
COLEMAN	✓			
WESTERGAARD	✓			
MANDELBAUM	✓			
GATTO	✓			
TOTAL	7			
MOTION CARRIED	APPROVED			
 Mayor				

CERTIFICATE

I, LAURA BAUMGARTNER, 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