

**ORDINANCE NO. 14-23**

**An Ordinance amending the Code of Ordinances of the City of Norwalk, Iowa, by adding a new district to Chapter 104 relating to the Southeast Service Area Benefited District**

BE IT ENACTED by the City Council of the City of Norwalk, Iowa:

SECTION 1. NEW DISTRICT. The Code of Ordinances of the City of Norwalk, Iowa is hereby amended by adding 104.06 SOUTHEAST SERVICE AREA BENEFITED DISTRICT as follows:

104.06 SOUTHEAST SERVICE AREA BENEFITED DISTRICT.

1. District Established. The Southeast Service Area Sanitary Sewer Connection Fee District is hereby established consisting of a tract of land in Sections 17, 18, 19 and 20, Township 77 North, Range 24 West of the 5th Principal Meridian, Warren County, Iowa, and more particularly described as follows:

*Beginning at the Northwest corner of Section 17, Township 77 North, Range 24 West of the 5<sup>th</sup> P.M., Warren County, Iowa; thence East, along the North line of the Northwest 1/4 to the West line of Parcel "E" of the Northeast 1/4 of said Northwest 1/4; thence South, 320 feet along said West line to the South line of said Parcel "E"; thence East, 315 feet along said South line to the East line of said Northwest 1/4; thence South, along the East line of said Northwest 1/4 to the North right-of-way line of Highway G14; thence West, along said North right-of-way line to a point 330 feet East of the Northwest corner of the Northeast 1/4 of the Southwest 1/4 of said Section 17 extended North to said North right-of-way line of Highway G14; thence South, to the South line of the North 528 feet of said Northeast 1/4 of the Southwest 1/4; thence West, 330 feet along said South line of the North 528 feet to the East line of the Northwest 1/4 of the Southwest 1/4; thence South, along the East line of said Northwest 1/4 of the Southwest 1/4 and the Southwest 1/4 of the Southwest 1/4 to the North line of the Northeast 1/4 of the Northwest 1/4 of Section 20, Township 77 North, Range 24 West of the 5<sup>th</sup> P.M., Warren*

County, Iowa; thence East, along said North line to the East line of said Northeast 1/4 of the Northwest 1/4; thence South, along said East line of the Northeast 1/4 of the Northwest 1/4 and the East line of the Southeast 1/4 of the Northwest 1/4 to the South line of the North 335 feet of said Southeast 1/4 of the Northwest 1/4; thence West, along said South line to the West line of said Southeast 1/4 of the Northwest 1/4; thence North, 335 feet to the Southeast corner of the Northwest 1/4 of the Northwest 1/4; thence West, along the South line of said Northwest 1/4 of the Northwest 1/4 to the East line of the West 580.8 feet of the South 150 feet of said Northwest 1/4 of the Northwest 1/4; thence North along said East line to the North line of said West 580.8 feet of the South 150 feet; thence West, along said North line to the East line of Parcel "C" of said Northwest 1/4 of the Northwest 1/4; thence North, along said East line of Parcel "C" to the North line of said Parcel "C"; thence West, along said North line of Parcel "C" to the East line of the Northeast 1/4 of the Northeast 1/4 of Section 19, Township 77 North, Range 24 West of the 5<sup>th</sup> P.M., Warren County, Iowa; thence North, along said East line to the Southeast corner of Parcel "J" of said Northeast 1/4 of the Northeast 1/4; thence West, along the South line of said Parcel "J" to the West line of said Parcel "J"; thence North, along said West line of Parcel "J" and the West line of Parcel "P" of said Northeast 1/4 of the Northeast 1/4 to the Southwest corner of Parcel "Q" of said Northeast 1/4 of the Northeast 1/4, said point being 424.26 feet South of the North line of said Northeast 1/4; thence West, 424.26 feet South of and parallel to said North line of the Northeast 1/4 to the West line of the Northwest 1/4 of the Northeast 1/4; thence North, 424.26 feet along said West line to the South line of the East 20 acres of the Southeast 1/4 of the Southwest 1/4 of Section 18, Township 77 North, Range 24 West of the 5<sup>th</sup> P.M., Warren County, Iowa; thence West, along said South line of the East 20 acres to the West line of the East 10 acres of said East 20 acres; thence North, along the West line of said East 10 acres of the East 20 acres to the North line of said East 20 acres; thence West, along said North line to the East line of the West 227.5 feet of the East 1,030.2 feet of the South 175.4 feet of the Northeast 1/4 of the Southwest 1/4; thence North along said East line to the South line of Parcel "J" of said Southwest 1/4; thence East, along the South line of said Parcel "J" to the West line of the East 32 acres of the Northeast 1/4 of the Southwest 1/4; thence North, along said West line to the North

*line of said East 20 acres of the Northeast 1/4 of the Southwest 1/4; thence East, along said North line of the East 32 acres of the Northeast 1/4 of the Southwest 1/4 and the North line of the Northwest 1/4 of the Southeast 1/4 and the Northeast 1/4 of the Southeast 1/4 to the East line of the West 713.64 feet of the Southeast 1/4 of the Northeast 1/4 of said Section 18; thence North, along said East line to the South line of Rolling Hills Plat 4; thence East, along the South line of said Rolling Hills Plat 4 and the South line of Rolling Hills Plat 1 to the East line of said Northeast 1/4 of Section 18; thence North, along said East line to the South line of the North 476.75 feet of the East 330.84 feet of the Northeast 1/4 of the Northeast 1/4; thence West, 330.84 feet along the South line of said North 476.75 feet of the East 330.84 feet to the West line of said North 476.75 feet of the East 330.84 feet; thence North, 476.75 feet along the West line of said North 476.75 feet of the East 330.84 feet to the North line of said Northeast 1/4 of the Northeast 1/4; thence East, 330.84 feet along said North line to the point of beginning.*

2. District Connection Fees. Connection fees are hereby established and shall be imposed upon owners of properties within the Southeast Service Area Sanitary Sewer Connection Fee District at the time of application to connect properties to said sanitary sewer facilities as follows:
  - A. The per-acre connection fee shall be annually adjusted as of July 1 of each year according to the schedule established in Chapter 177 of this Code of Ordinances.
  - B. The above established connection fee schedule shall also apply to any properties outside of the Southeast Service Area Sanitary Sewer Connection Fee District which uses or derives benefit from any of the sewer facilities constructed to serve the Southeast Service Area Sanitary Sewer Connection Fee District. The appropriate fee shall be imposed at the time of determination that a benefit is derived by the property.
  - C. The above established connection fee schedule shall not apply to any properties within the Southeast Service Area Sanitary Sewer Connection Fee District which does not use or derive any benefit from the sewer facilities constructed for the

Southeast Service Area Sanitary Sewer Connection Fee District.

- D. The determination that a property is to be connected to the sewer facilities shall occur, and the appropriate connection fee shall be paid, prior to the time of release of a final plat for recordation, issuance of a building permit or issuance of a plumbing permit, whichever occurs first.
- E. The per-acre connection fee shall be imposed on the gross area of any final plat and shall not exclude areas set aside for streets, public right-of-way or for any other purpose.
- F. Any single family residence existing or under construction upon the effective date of Ordinance No. 14-24 located upon a parcel in excess of one acre, may apply for connection upon payment of a single one-acre connection fee. Payment of a single one-acre connection fee shall be applicable only to the single residence. Any future development of said parcel shall necessitate a revised application for connection and payment of the appropriate connection fee. At the discretion of the City this provision may be extended to any single family residence constructed after the effective date of Ordinance No. 14-24.
- G. The City shall be responsible for the design and construction of the primary trunk sewers to serve the Southeast Service Area Sanitary Sewer Connection Fee District. Other sewers required to provide sewer service to individual properties within the connection fee district, including smaller trunk sewers, shall not be the responsibility of the City to design or construct under the provisions of the Southeast Service Area Sanitary Sewer Connection Fee District.

SECTION 2. REPEALER. Any ordinance or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. SEVERABILITY CLAUSE. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

SECTION 4. WHEN EFFECTIVE. This ordinance shall be in full force and effect upon final passage, approval and publication as provided by law.

Passed and approved this 18<sup>th</sup> day of December, 2014

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Tom Phillips, Mayor

ATTEST;

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Jeff Rosien, City Clerk

First Reading: November 20, 2014

Second Reading: December 4, 2014

Third Reading: December 18, 2014

I certify that the foregoing was published as Ordinance No. \_\_\_\_\_ on the  
\_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

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Jeff Rosien, City Clerk