

ORDINANCE NO. 18-15

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF NORWALK, IOWA BY
ADDING AND ENACTING THERETO A NEW SECTION TO CHAPTER 104 TO ESTABLISH A
BENEFITED SEWER DISTRICT AND TO ADOPT CONNECTION FEES THEREIN**

WHEREAS, The City Council has adopted an Ordinance to amend the Code of Ordinances by adding Chapter 104 relating to the procedures to establish connection fee districts to recover the cost of constructing major sanitary sewer facilities; and,

WHEREAS, The City Council desires to consider an Ordinance to amend the Code of Ordinances by adding a new section to Chapter 104 to establish a benefited sewer district and to adopt connection fees therein; and,

WHEREAS, Upon due notice and hearing the City Council finds that the general health and welfare of the community will be benefited by the proposed changes to the Code of Ordinances.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NORWALK, IOWA:

Section 1. New Section to Chapter 104. Pursuant to the procedures established in Chapter 104, Code of Ordinances, Norwalk, Iowa, the Code of Ordinances of the City of Norwalk, Iowa, is hereby amended by adding a new section to Chapter 104, entitled DELAWARE STREET SERVICE AREA BENEFITED DISTRICT, to establish a benefited sewer district and to adopt connection fees therein to recover the cost of constructing major sanitary sewer facilities as follows:

CHAPTER 104

BENEFITED SEWER DISTRICTS

104.07 DELAWARE STREET SERVICE AREA BENEFITED DISTRICT.

1. District Established. The Delaware Street Service Area Sanitary Sewer Connection Fee District is hereby established consisting of a tract of land in Sections 14, 23 and 24, Township 77 North, Range 25 West of the 5th Principal Meridian, Warren County, Iowa, as graphically depicted on Exhibit A, attached to and made a part of hereof and more particularly described as follows:

Beginning at the Northeast corner of the Northeast 1/4 of the Northeast 1/4 of Section 23, Township 77 North, Range 25 West of the 5th P.M., Warren County, Iowa; thence South along the East line of said Northeast 1/4 of the Northeast 1/4 to the Northwest corner of the Southwest 1/4 of

the Northwest 1/4 of Section 24, Township 77 North, Range 25 West of the 5th P.M., Warren County, Iowa; thence East along the North line of said Southwest 1/4 of the Northwest 1/4 and the North line of the Southeast 1/4 of the Northwest 1/4 and the North line of the Southwest 1/4 of the Northeast 1/4 to the Northeast corner of said Southwest 1/4 of the Northeast 1/4, all in said Section 24; thence South along the East line of said Southwest 1/4 of the Northeast 1/4 and the East line of the North 1/2 of the Northwest 1/4 of the Southeast 1/4 of said Section 24 to the Southeast corner of said North 1/2 of the Northwest 1/4 of the Southeast 1/4; thence West along the South line of said North 1/2 of the Northwest 1/4 of the Southeast 1/4 and the South line of the North 1/2 of the Northeast 1/4 of the Southwest 1/4 and the South line of North 1/2 of the Northwest 1/4 of the Southwest 1/4 of said Section 24 to the Southwest corner of said North 1/2 of the Northwest 1/4 of the Southwest 1/4; thence North along the West line of said North 1/2 of the Northwest 1/4 of the Southwest 1/4 to the Southeast corner of the Southeast 1/4 of the Northeast 1/4 of Section 23, Township 77 North, Range 25 West of the 5th P.M., Warren County, Iowa; thence Northwesterly to the Southeast corner of the Northwest 1/4 of the Northeast 1/4 of said Section 23; thence Northwesterly to the Southeast corner of the East 1/2 of the Southwest 1/4 of Section 14, Township 77 North, Range 25 West of the 5th P.M., Warren County, Iowa; thence West along the South line of said East 1/2 of the Southwest 1/4 of Section 14 a distance of 374.96 feet to the Southeast corner of Parcel C of said East 1/2 of the Southwest 1/4 as shown on the Plat of Survey thereof recorded in Plat Book 1 on Page 1 of 77-25 in the Warren County Recorder's Office; thence North 937.00 feet along an East line of said Parcel C; thence West along a North line of said Parcel C and its Westerly extension 930.00 feet more or less to the West line of said East 1/2 of the Southwest 1/4 of Section 14; thence North along said West line of the East 1/2 of the Southwest 1/4 of Section 14 a distance of 1734.65 feet more or less to the Northwest corner thereof; thence East along the North line of said East 1/2 of the Southwest 1/4 and the North line of the West 1/2 of the Southeast 1/4 of said Section 14 to the Northeast corner of said West 1/2 of the Southeast 1/4; thence South along the East line of said West 1/2 of the Southeast 1/4 of said Section 14 to the Northwest corner of said Northeast 1/4 of the Northeast 1/4 of said Section 23; thence East along the Northline of said Northeast 1/4 of the Northeast 1/4 of Section 23 to the Point of Beginning.

2. District Connection Fees. Connection fees are hereby established and shall be imposed upon owners of properties within the Delaware Street Service Area Sanitary Sewer Connection Fee District at the time of application to connect properties to said sanitary sewer facilities as follows:

- A. From the effective date of this ordinance through June 30, 2019 a connection fee of \$3,800 per acre for property served by the major sanitary sewer facilities shall be imposed. Thereafter the per acre connection shall be annually adjusted as of July 1 of each year according to the following schedule:

| Effective Date Date Effective | Connection Fee (\$/Acre) |
|----------------------------------|-----------------------------|
| July 1, 2019 | \$3,900 |
| July 1, 2020 | \$4,000 |
| July 1, 2021 | \$4,100 |
| July 1, 2022 | \$4,200 |
| July 1, 2023 | \$4,300 |
| July 1, 2024 | \$4,400 |
| July 1, 2025 | \$4,500 |
| July 1, 2026 | \$4,600 |
| July 1, 2027 | \$4,700 |
| July 1, 2028 | \$4,800 |

On July 1, 2029, and every year thereafter, the connection fee per acre imposed shall be based on the prior year connection fee plus \$100.

- B. The above established connection fee schedule shall also apply to any properties outside of the Delaware Street Service Area Sanitary Sewer Connection Fee District which uses or derives benefit from any of the sanitary sewer facilities constructed to serve the Delaware Street 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 Delaware Street Service Area Sanitary Sewer Connection Fee District which do not use or derive any benefit from the sanitary sewer facilities constructed for the Delaware Street 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 this ordinance 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 this ordinance.
- G. Platted property, developed or undeveloped, subject to an approved economic development agreement with the City prior to the effective date of this ordinance, shall be exempt from and not subject to the connection fee.
- H. Undeveloped property, subject to a future economic development agreement approved by the City that provides a waiver of connection fee specific to this ordinance, shall be exempt from and not subject to the connection fee.
- I. The City shall be responsible for the design and construction of the primary trunk sewers to serve the Delaware Street 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 Delaware Street Service Area Sanitary Sewer Connection Fee District.

Section 2. Effect of Schedule. The above established connection fee schedule shall remain in full force and effect until such time that the City Council for the City of Norwalk adopts an ordinance to adjust the connection fees to be imposed within subsequent years for the Delaware Street Service Area Sanitary Sewer Connection Fee District. Nothing herein is intended to restrict the City Council from appropriate adjustment of the connection fee schedule to reflect future construction costs.

Section 3. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 4. 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 5. Effective Date. This Ordinance shall be in effect from and after its final passage, approval, and publication as provided by law.

Passed and approved this 21st day of June 2018.



Tom Phillips, Mayor

Attest:



Jean Furler, Interim City Clerk

Passed by the Council the 21 day of June, 2018, and approved this 21 day of June, 2018.


Tom Phillips, Mayor

Attest:



Jean Furler, Interim City Clerk

First Reading: June 21, 2018

Second Reading: June 21, 2018

Third Reading: June 21, 2018

I certify that the foregoing was published as Ordinance No. 18-15 on the 5th day of July, 2018.


City Clerk