

ORDINANCE NO. 18-22

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF NORWALK, IOWA BY AMENDING CHAPTER 104, SECTION 104.04 TO AMEND THE MIDDLE CREEK BENEFITED SEWER DISTRICT AND TO AMEND 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 has adopted an Ordinance to amend Chapter 104 by adding new Section 104.04 to establish the Middle Creek Benefited District; and,

WHEREAS, The City Council desires to consider an Ordinance to amend the Code of Ordinances by amending Middle Creek Benefited District to expand the service area of the district served by major sanitary sewer facilities and to amend the 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. AMENDMENT TO CHAPTER 104, SECTION 104.04. 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 determined that it is necessary and advisable to make the following amendments to Chapter 104, Section 104.04 of the Code of Ordinances of the City of Norwalk, Iowa:

- CHAPTER 104 BENEFITED SEWER DISTRICTS, SECTION 104.04 MIDDLE CREEK BENEFITED DISTRICT**, is amended by deleting paragraph 1. In its entirety and inserting in lieu thereof the following paragraph:

“1. District Established. The Middle Creek Sanitary Sewer Connection Fee District is hereby established consisting of a tract of land in Sections 1, 2, 3, 10, 11, 12, 14, and 15, Township 77 North, Range 25 West of the 5th Principal Meridian, Warren County, Iowa, and more particularly described as follows:

Beginning at the Northwest Corner of Section 3, Township 77 North, Range 25 West of the 5th Principal Meridian; thence east along the north line of said Section 3 to the Northeast Corner of said Section 3; thence east along the north line of Section 2, Township 77 North, Range 25 West to the Northeast Corner of said Section 2; thence east along the north line of Section 1, Township 77 North, Range 25 West to the

centerline of Iowa Highway 28; thence southeasterly and southerly along the centerline of Iowa Highway 28 to the center of Middle Creek; thence northwesterly and westerly along the center of Middle Creek to the north water line of Lake Colchester; thence westerly along the northerly water line of Lake Colchester to the west line of said Section 1; thence westerly along the northerly water line of Lake Colchester in Section 2, Township 77 North, Range 25 West to the east line of the Southwest Quarter of the Southwest Quarter (SW 1/4 SW 1/4) of said Section 2; thence south along the east line of the Southwest Quarter of the Southwest Quarter (SW 1/4 SW 1/4) of said Section 2 to the Southeast Corner of the Southwest Quarter of the Southwest Quarter (SW 1/4 SW 1/4) of said Section 2; thence east along the north line of Section 11, Township 77 North, Range 25 West to the Northeast Corner of said Section 11; thence east along the north line of Section 12, Township 77 North, Range 25 West to the Northeast Corner of the West One-half of the Northwest Quarter (W 1/2 NW 1/4) of said Section 12; thence south along the east line of the West One-half of the Northwest Quarter (W 1/2 NW 1/4) of said Section 12 to the Southeast Corner of the West One-half of the Northwest Quarter (W 1/2 NW 1/4) of said Section 12; thence west along the south line of the West One-half of the Northwest Quarter (W 1/2 NW 1/4) of said Section 12 to the West Quarter (W 1/4) Corner of said Section 12; thence west along the south line of the Northeast Quarter (NE 1/4) of Section 11, Township 77 North, Range 25 West to the Northeast corner of the West Half of the Southeast Quarter (W 1/2 SE 1/4) of said Section 11; thence south along the east line of said West Half of the Southeast Quarter (W 1/2 SE 1/4) of Section 11 to the Northwest corner of the East Half of the Northeast Quarter (E 1/2 NE 1/4) of Section 14, Township 77 North, Range 25 West; thence east along the north line of said East Half of the Northeast Quarter (E 1/2 NE 1/4) of Section 14 to the Northwest corner of the East 330.12 feet of said East Half of the Northeast Quarter (E 1/2 NE 1/4) of said Section 14; thence south along the west line of said East 330.12 feet of the East Half of the Northeast Quarter (E 1/2 NE 1/4) of Section 14 to the centerline of County Road G-14; thence west along the centerline of County Road G-14 to the intersection of said centerline of County Road G-14 and the centerline of 50th Avenue; thence southwest along said centerline of 50th Avenue to the West Quarter (W 1/4) Corner of said Section 14; thence west along the south line of the Northeast Quarter (NE 1/4) of Section 15, Township 77 North, Range 25 West to the center of said Section 15; thence west along the south line of the Northwest Quarter (NW 1/4) of said Section 15 to the West Quarter (W 1/4) Corner of said Section 15; thence north along the west line of the Northwest Quarter (NW 1/4) of said Section 15 to the Northwest Corner of said Section 15; thence north along the west line of Section 10, Township 77 North, Range 25 West to the Northwest Corner of said Section 10; thence north along the west line of Section 3, Township 77 North, Range 25 West to the Northwest Corner of said Section 3, said corner being the point of beginning.”

2. **CHAPTER 104 BENEFITED SEWER DISTRICTS, SECTION 104.04 MIDDLE CREEK BENEFITED DISTRICT**, is amended by deleting paragraph 2.A. in its entirety and inserting in lieu thereof the following paragraph:

“2. District Connection Fees. Connection fees are hereby established and shall be imposed upon owners of properties within the Middle Creek 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 \$160 per acre for property served by the major sanitary sewer facilities shall be imposed. Therefore the per acre connection fee 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	\$165
July 1, 2020	\$170
July 1, 2021	\$175
July 1, 2022	\$180
July 1, 2023	\$185
July 1, 2024	\$190
July 1, 2025	\$195
July 1, 2026	\$200
July 1, 2027	\$205
July 1, 2028	\$210

On July 1, 2029, and every year thereafter, the connection fee per acre imposed shall be based on the prior year connection fee plus \$5.”

Section 2. FULL FORCE AND EFFECT. All other provisions of CHAPTER 104 and SECTION 104.04 shall remain in full force and effect.

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. WHEN EFFECTIVE. This Ordinance shall be in effect from and after its final passage, approval, and publication as provided by law.

Passed and approved this 15th day of November, 2018.

Tom Phillips, Mayor

Attest:

Lindsey Offenburger, City Clerk

First Reading: November 15, 2018

Second Reading: November 15, 2018

Third Reading: November 15, 2018

I certify that the foregoing was published as Ordinance No. 18-22 on the 22nd day of November, 2018.

City Clerk