

## CHAPTER 100

# SEWER CONNECTION FEES

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**100.01 CONNECTION FEES REQUIRED.** In addition to the sewer connection charge established and required under Section 96.02 of this Code of Ordinances, a sewer connection fee shall be collected in certain sanitary sewer districts in accordance with the provisions of this chapter at the time of the issuance of the permit for the connection to the public sanitary sewer by properties located within such district.

### 100.02 EAST SANITARY SEWER DISTRICT.

1. Description. The provisions of this section apply to the East Sanitary Sewer District, which consists of the following described real estate:

*Beginning at the S ¼ corner of Section 36, Township 81 North Range 25 West of the 5th P.M.; thence easterly along the south line of said Section 36 to the SW corner of the South 374 feet of the East 60 acres thereof; thence northerly to the NW corner of the South 374 feet of the East 60 acres thereof, thence easterly to the NE corner of the South 374 feet of the East 60 acres thereof; thence along the east line of said Section 36 to a point 476.78 feet north of the SW corner of Section 31, Township 81 North, Range 24 West; thence easterly parallel with the south line of said Section 31, 595.54 feet; thence southerly parallel with the west line of said Section 31, 476.78 feet; thence easterly along the south line of said Section 31, 60.0 feet; thence northerly parallel with the west line of said Section 31, 648.25 feet; thence right 44 degrees 01 minutes 03 seconds to the previous course, 908.24 feet; thence left 43 degrees 33 minutes 33 seconds to the previous course, 1343.85 feet to a point on the north line of the SW¼ of said Section 31; thence westerly along said north line, 1297.5 feet to the W ¼ corner of said Section 31; thence continuing westerly along the north line of the South ½ of Section 36, Township 81 North, Range 25 West to the W ¼ corner of said Section 36; thence continuing westerly to a point on the north line of the SE¼ of said Section 35, 300 feet west of said east line; thence northerly perpendicular to said south line, 525 feet; thence southwesterly to a point on the west line of the SE ¼ of the NE ¼, 150 feet north of the southwest corner thereof; thence south to the southeast corner of lot 5, Section 35, Township 81 North, Range 25 West of the 5th P.M.; according to the Official Plat thereof as recorded in Plat Book B, pages 476 and 477 of the Records of Polk County, Iowa; thence west along the south line of said lot 5, 330 feet; thence north, 280 feet; thence northwesterly to the northeast corner of Lot 8 of said Official Plat; thence north along the east line of Lot 7 of said Official Plat of Section 35, a distance of 720 feet; thence east along the south line of Lot 2 of the Official Plat of Section 35, a distance of 240 feet; thence north to a point on the north line of Lot 2 of the Official Plat of Section 35, 240 feet*

*east of the northwest corner of said Lot 2; thence east along the north line of said Lot 2, 120 feet; thence north perpendicular to the north line of said Lot 2, 160 feet; thence west parallel to the north line of said Lot 2, 360 feet; thence south perpendicular to the north line of said Lot 2, 160 feet; thence west along the north lot line of Lot 7 of said Official Plat of Section 35, to the northwest corner of said Lot 7; thence south along the west line of said Lot 7 to the northeast corner of Lot 10 of said Official Plat; thence west along the north line of Lots 10 and 12 of said Official Plat, to the northwest corner of lot 12; thence south along the west line of said Lot 12 to a point lying on the west line of said Lot 12, said point being the extension of the north line of Lot 14 of said Official Plat; thence west along the extension of the north line of said Lot 14, and along the north line of said Lot 14, to a point lying on the north line of said Lot 14, 280 feet east of the northwest corner of said Lot 14; thence south to a point lying on the north line of Lot 16 of said Official Plat, 280 feet east of the northwest corner of said Lot 16; thence southwesterly to a point lying 450 feet north and 225 feet east of the southwest corner of the SW  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of said Section 35; thence westerly, 225 feet to the west line of said Section 35; thence south along the west line of said Section 35, to a point lying 239 feet north of the north right-of-way line of Jester Park Drive (County Road V), said point also being on the north line of Chandler Heights an Official Plat; thence easterly along said north line and extension thereof to the centerline of Jester Park Drive (County Road V); thence northeasterly along said centerline to the centerline of NW Madrid Drive; thence southeasterly along said centerline to a point on the south line of said Section 35; thence continuing southeasterly along the centerline of NW Madrid Drive (Broadway) to the centerline of Forest Street; thence northeasterly along the extension of said centerline 247.5 feet; thence southeasterly 247.5 feet perpendicularly distant from and parallel to the centerline of Broadway to a point on the north line of Gemricher Acres, an Official Plat; thence easterly along said plat line to the SW corner of Outlot "X" of said Gemricher Acres; thence northerly along said plat line to the NW corner of Outlot "X" of said Gemricher Acres; thence southeasterly along said plat line and extension thereof along the northeasterly line of Blocks 3 and 4, Original Town to the centerline of Third Street; thence southwesterly to the extension of the centerline of the vacated Northwest-Southeast alley of Block 2, Original Town; thence southeasterly along said centerline to the centerline of the vacated Northeast-Southwest alley of Block 2, Original Town; thence southwesterly along said centerline to the centerline of Walnut Street; thence southeasterly along said centerline to the centerline of First Street; thence southwesterly along said centerline to a point 132 feet northeast of the northeasterly right-of-way line of Broadway; thence southeasterly parallel with and 132 feet perpendicularly distant from said northeasterly right-of-way line of Broadway to a point 500 feet perpendicularly distant from the east line of the NW  $\frac{1}{4}$  of Section 1, Township 80 North, Range 25 West; thence southerly parallel to and 500 feet perpendicularly distant from said east line of the NW  $\frac{1}{4}$  of Section 1 to a point on the south line of said NW  $\frac{1}{4}$ ; thence continuing southerly parallel to and 500 feet perpendicularly distant from the east*

*line of the SW<sup>1</sup>/<sub>4</sub> of said Section 1, 1000 feet; thence easterly parallel to the north line of said SW<sup>1</sup>/<sub>4</sub> of Section 1 to the east line thereof; thence northerly along said east line of the SW<sup>1</sup>/<sub>4</sub> of Section 1 to the center of said Section 1; thence continuing northerly along the east line of the NW<sup>1</sup>/<sub>4</sub> of said Section 1 to the point of beginning.*

2. Sewer Capacity. The trunk line sewer constructed in the East Sanitary Sewer District is designed to accommodate a future average density of seven dwelling units per acre. The maximum density permitted for any specific parcel of land shall be determined by multiplying the total acres owned by the applicant within the parcel by the number seven. When determined, this number shall constitute the maximum number of dwelling units which shall be permitted within such parcel. No connection permits shall be issued to serve a density in excess of that which is permitted under the provisions of this section.

3. Determination of Parcel Size. Any person making application for a sewer connection permit within the East Sanitary Sewer District shall provide the City with the following information:

- A. The legal description of the entire parcel owned by the applicant, hereafter referred to as the "original parcel;"
- B. The name of the titleholder;
- C. The number of acres in said parcel;
- D. The dimensions of said parcel; and
- E. The number of existing dwelling units within such parcel.

Upon receipt of such application, the Engineer shall determine the maximum number of dwelling units permissible within such original parcel, under the provisions of Subsection 2 of this section. Upon receipt of each subsequent application, the Engineer shall reduce the number of allowable connections by the number of connections previously permitted in such original parcel.

4. Integrity of Parcel Size. The size and average density per parcel of land as provided in Subsection 2 shall be fixed as of the date of the original application for a sewer permit. A copy of the original parcel description; size and dimension of such parcel, and the number of connections previously permitted shall be kept on file in the office of the City Clerk and Engineer and shall be made available for public inspection during regular business hours. No conveyance or assignment of any part of the original parcel shall serve to alter or increase the maximum number of connections which may be permitted within such original parcel. Provided, in the event such parcel is subdivided, the titleholder may, through agreement with the purchaser, reserve to himself or herself a greater or lesser density by restricting or increasing the allowable density of the property to be conveyed. No such agreement shall increase the average number of units allowed under Subsection 2 for such original parcel. Any such agreement must be in writing and recorded as a covenant running with the land. A copy of any such agreement, showing its recordation, shall be filed with the Clerk and Engineer and shall be kept on file in their respective offices. In the absence of such an agreement, the allowable sewer connections remaining for such original parcel shall be allocated to any owner of any part of such parcel who shall first request the same.

**100.03 ESTABLISHMENT OF SEWER DISTRICTS.**

1. Central Sanitary Sewer District. The Central Sanitary Sewer District consists of the following described real estate:

*Beginning at the South ¼ corner of Section 35, Township 81 North, Range 25 West of the 5th P.M., City of Polk City, Polk County, Iowa, said point also being the northwest corner of Forest Heights Plat No. 3, an Official Plat to the City of Polk City; thence west, along the south line of said Section 35, 291.64 feet; thence northeasterly along the westerly line of the North Polk Community School District Property, 750.99 feet to the centerline of N.W. Madrid Drive (Broadway); thence southeasterly along said centerline to a point on the south line of said Section 35; thence continuing southeasterly along the centerline of N.W. Madrid Drive to the centerline of Forest Street; thence northeasterly along the extension of said centerline 247.5 feet; thence southeasterly along a line being 247.5 feet perpendicularly distant from and parallel with the centerline of Broadway to a point on the north line of Gemricher Acres an Official Plat; thence easterly along said plat line to the southwest corner of Outlot "X" of said Gemricher Acres; thence northerly along said plat line to the northwest corner of Outlot "X" of said Gemricher Acres; thence southeasterly along said plat line and extension thereof and along the northeasterly line of Blocks 3 and 4, Original Town to the centerline of Third Street; thence southwesterly along said centerline to the extension of the centerline of the vacated northwest-southeast alley of Block 2, Original Town; thence southeasterly along said centerline to the centerline of the vacated northeast-southwest alley of Block 2, Original Town; thence southwesterly along said centerline to the centerline of Walnut Street; thence southeasterly along said centerline to the centerline of First Street; thence southwesterly along said centerline to a point 132 feet northeast of the northeasterly right-of-way line of Broadway; thence southeasterly along a line being parallel with and 132 feet perpendicularly distant from said northeasterly right-of-way line of Broadway to a point 500 feet perpendicularly distant from the east line of the NW¼ of Section 1, Township 80 North, Range 25 West; thence southerly along a line being parallel with and 500 feet perpendicularly distant from said east line of the NW¼ of Section 1 to a point on the south line of said NW¼; thence continuing southerly parallel with and 500 feet perpendicularly distant from the east line of the SW¼ of said Section 1, 1000 feet; thence northwesterly to the southerly corner of Des Moines' Addition to Polk City; thence northwesterly along the southwesterly line of said Des Moines Addition and extension thereof to the north line of the SW¼ of said Section 1; thence west along said north line to a point being 236.6 feet east of the west line of said Section 1; thence south parallel to and 236.6 feet perpendicularly distant from said west line of Section 1, 130.3 feet; thence west 27.6 feet; thence south 209 feet; thence west 209 feet to the west line of said Section 1, said point being 339.3 feet south of the West ¼ corner of said Section 1; thence north along said west line of Section 1, 70.6 feet; thence west 450 feet to a point being 268.7 feet south of the north line of the SE¼ of Section 2, Township 80 North, Range 25 West; thence north 78.7 feet to the*

*southeast corner of Lot 1, Southwest Gate Estates Plat 1, An Official Plat; thence west along the south line of said Southwest Gate Estates Plat 1, 751.2 feet to the west line of Tyler Street; thence north along said west line of Tyler Street, 130 feet to the south right-of-way of Davis Street; thence west to the west right-of-way of Roosevelt Street; thence north along the said west line of Roosevelt Street to the southeast corner of Lot 23, Lakeview Acres Plat 1, an Official Plat; thence northwesterly to the southwest corner of said Lot 23; thence north to the northwest corner of Lot 22 said Lakeview Acres Plat 1; thence west to the southwest corner of Lot 20 said Lakeview Acres Plat 1, thence northwesterly to the southwesterly corner of Lot 16 said Lakeview Acres Plat 1; thence northwesterly to the southwest corner of Lot 37 Lakeview Acres Plat 2, an Official Plat; thence west to the southwest corner of said Lakeview Acres Plat 2; thence north to the northwest corner of said Lakeview Acres Plat 2; thence east to the southwest corner of Forest Heights Plat 4, an Official Plat; thence north to the southeast corner of Lot 27 said Forest Heights Plat 4; thence west to the southwest corner of Lot 23 said Forest Heights Plat 4; thence north to the northwest corner of Lot 18, Forest Heights Plat 3, an Official Plat, said point being the point of beginning.*

2. Independent Sanitary Sewer District. The Independent Sanitary Sewer District consists of the following described real estate:

*Beginning at the SW corner of Section 35, Township 81 North, Range 25 West of the 5th P.M., City of Polk City, Polk County, Iowa; thence east along the south line of said Section 35, 1071.35 feet; thence north 972.19 feet to the southerly right-of-way of NW Jester Park Drive; thence westerly to a point on the west line of said Section 35, said point being 239 feet north of the northerly right-of-way line of said NW Jester Park Drive; thence westerly 108 feet; thence southwesterly, 292 feet; thence southerly to the northerly right-of-way line of said NW Jester Park Drive; thence northeasterly; 308 feet to said west line of Section 35; thence south along said west line of Section 35 to the point of beginning.*

#### **100.04 EAST SOUTHSIDE DRIVE SEWER CONNECTION DISTRICT.**

1. For the purposes of this section the following terms have the following meanings:
  - A. “East Southside Drive Sewer Project” means the sanitary sewer installed along East Southside Drive as shown on “Exhibit A”, said exhibit to be placed on file in the office of the City Clerk.
  - B. “East Southside Drive Sewer Connection District” means and includes only the following described real estate and as shown on “Exhibit B”, said exhibit to be placed on file in the office of the City Clerk.
2. Connections shall be made to the East Southside Drive Sewer Project for the purpose of providing sanitary sewer service to any property only on the conditions set forth in Subsection 3 below.



3. The right to make connections to the East Southside Drive Sewer Project shall be subject to the following conditions:
  - A. The proposed schedule of future connection fees, to be paid at the time of final platting in the case of new development or at the time of connection in the case of existing homes, is as follows:
    - (1) Lot 2, Red Cedar Prairie Plat 1 (existing home); connection fee = \$12,470.00
    - (2) Lot 3, Red Cedar Prairie Plat 1 (existing home); connection fee = \$12,470.00
    - (3) Lot 3 Red Cedar Prairie Plat 1 (new development); connection fee = \$99,760.00
  - B. Such connection fee is in lieu of, and not in addition to, the fee set forth in Section 96.02.
  - C. In addition to the fee set forth in Subsections 3A and 3B above, the owner of the parcel to be serviced by the connection that is not within the corporate limits at that time shall file with the City an Application for Annexation, said application to be in a form as provided by the City and subsequently acted upon by the City Council.
  - D. The owner of any parcel making a connection to the East Southside Drive Sewer Project, as authorized and permitted hereunder, shall be solely responsible for the cost of making such connection. Such connection shall be designed and installed in complete accordance with all applicable City ordinances, rules and regulations.
4. In the event any parcel within the East Southside Drive Connection District is developed for industrial or commercial use, or is subdivided and additional structures are permitted thereon, the owner or developer of the parcel shall be required to pay the fee for the right to make connections to the East Southside Drive Sewer or extensions of sewer mains connected to the East Southside Drive Sewer as necessary for their development. The fee will be paid prior to the connection, in the case of service connections to industrial or commercial buildings, or prior to City approval of construction contracts for a sewer main extension to serve a subdivision.
5. Nothing in this section is intended to preclude future further extensions, by the City or upon approval of the City, of the East Southside Drive Sewer or sewer mains connected to the East Southside Drive Sewer for the purpose of providing sanitary sewer service to property other than established parcels included in the East Southside Drive Sewer Connection District. It is the intent of this section that, whether or not the East Southside Drive Sewer is hereafter further extended, no connections shall be made to that East Southside Drive Sewer Project or extension except as provided for hereunder.
6. All owners who propose to connect such properties directly or indirectly to the East Southside Drive Sewer Project, shall make application to the City for such connection. The submittal of construction plans to the City for sanitary sewer improvements on property being subdivided for development shall constitute an application to the City for purposes of this section. The sewer connection fee shall be due and payable prior to the time such application is approved.

7. The sewer connection fee shall be in an amount equal to the maximum acre area of contiguous property, or fraction thereof, within the benefited district under common ownership which can be lawfully served through such proposed connection, multiplied by the per acre connection fee or such other fee basis as determined for the benefited district established in this chapter for the East Southside Drive Sewer Connection District. The connection fee shall be a graduated connection fee, with annual interest adjustments, such that property owners who connect in later years pay interest on the connection fee for their property. The rate of interest applicable to the connection fee established in this district shall be the rate not exceeding the rate of interest applicable to special assessments pursuant to the *Code of Iowa* in effect on the date this connection fee is established.

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