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LISA SMITH, COUNTY RECORDER
MADISON COUNTY IOWA

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Prepared by: D. Wittstock, City Engineer, PO Box 65320, W.D.M., IA 50265-0320, 515-222-3620
When Recorded, Return to: City Clerk, City of West Des Moines, PO Box 65320, West Des Moines, IA 50265-0320

ORDINANCE NO. 1895

AN ORDINANCE AMENDING THE CITY CODE OF THE CITY OF WEST DES MOINES, 2009 BY AMENDING TITLE 7, PUBLIC WAYS AND PROPERTY, CHAPTER 8, ARTICLE C, SANITARY SEWER SERVICE CHARGES

WHEREAS, on the 2nd day of November, 1998, this City Council passed Ordinance No. 1337, an ordinance to amend the Municipal Code of the city of West Des Moines, by adding and enacting thereto a new section relating to the procedure to be utilized in establishing connection fees to recover the cost of constructing major sanitary sewer facilities; and

WHEREAS, the City Council finds that certain amendments to Title 7, Public Ways and Property, Chapter 8, Article C, Sanitary Sewer Service Charges should be implemented relative to the administration of Connection Fee Districts, including modifications in the annual adjustment of connection fees, payment of fees for single family residential lots and the determination of property not subject to the payment of a connection fee;

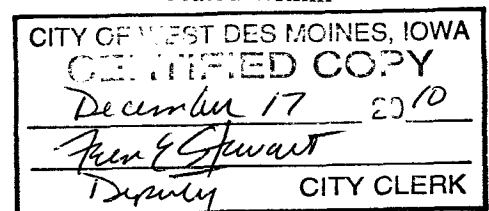
THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WEST DES MOINES, IOWA:

SECTION 1. AMENDMENT. Title 7, Public Ways and Property, Chapter 8, Article C, Sanitary Sewer Service Charges, Section 7-8C-14, Paragraph B is hereby amended to read as follows:

The Connection Fee Ordinance may provide, at the City Council's discretion, that single family residences within the benefitted district and located within the corporate limits of the City are eligible for connection to the major sanitary sewer facility. The applicable connection fee for a single family residence shall be:

1. That the Owners of residences on parcels of less than 1 acre in size located within



the City may connect such residences to the major sanitary sewer facility upon approval of their application for connection, payment of the connection fee for the parcel as determined by the per acre fee multiplied the area of the lot of record on which such residence is located and construction, at the Owner's expense, of appropriate connection structures, as determined necessary by the City Engineer.

2. That the Owners of residences on parcels in excess of 1 acre in size located within the City may connect such residences to the major sanitary sewer facility upon approval of their application for connection, designation in writing of a 1 acre single residence parcel and a remainder parcel, payment of the connection fee for the area of the 1 acre residence parcel, and construction at the Owner's expense, of appropriate connection structures, as determined necessary by the City Engineer. Any future development of said parcel shall necessitate a revised application for connection and payment of the appropriate connection fee.

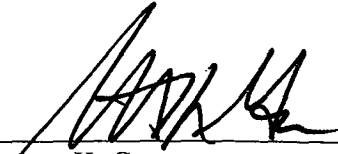
The connection fee ordinance may also provide, at the City Council's discretion, that sanitary sewer service can be provided to recreational and park facilities in the same manner and under the same procedures as set forth in this section for single family residences within the benefited district.

All other property located within the corporate limits of the City and within a benefitted district shall be eligible for connection to the major sanitary sewer facility upon approval of an application for connection by the Owner thereof as hereafter provided, and payment of the connection fee for such property, provided such property has been appropriately subdivided for development, and, where applicable, all sanitary sewer improvements necessary to serve said property have been constructed, at the Owner's expense, and accepted by the City. The area for payment of the connection fee shall be determined by the total area subdivided, less the area of any property to be conveyed to the City as a public park. For buildable lots of record within the subdivision with an area greater than 1 acre the fees shall be determined for 1 acre of each lot of record.

SECTION 2. AMENDMENT. Title 7, Public Ways and Property, Chapter 8, Article C, Sanitary Sewer Service Charges, Section 7-8C-14, Paragraph F is hereby amended to read as follows:

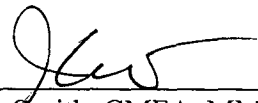
The sewer connection fee shall be in an amount equal to the maximum area of contiguous property or fraction thereof, within the benefitted district under common ownership which can be lawfully served through such proposed connection, multiplied by the per acre connection fee established in the connection fee ordinance for that benefitted district subject to the provisions of this section for determination of the applicable area for calculation of the connection fee. The connection fee shall be adjusted on July 1st of each calendar year based on the change in the ENR Construction Cost Index for the 1 year period ending in April of the calendar year in which the adjustment is made. The Finance Director shall determine the applicable connection fees for each established connection fee district and the Development Services Department shall maintain on file the connection fees in each connection fee district effective July 1 of each calendar year.

PASSED AND APPROVED this 13th day of December, 2010.

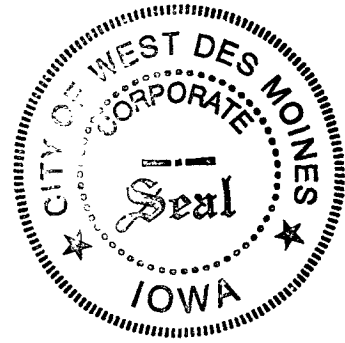


Steven K. Gaer
Mayor

ATTEST:



Jody E. Smith, CMFA, MMC
City Clerk



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