

CHAPTER 94

WATER CONNECTION FEE DISTRICTS

94.01 District Establishment Policy

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94.03 Northwest Area Water Connection Fee District

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94.01 DISTRICT ESTABLISHMENT POLICY. The City Council, after public notice and hearing as prescribed by law, has determined the necessity of establishing water connection fee districts and the imposition of fees for connection to the water system upon each person who owns property in said areas and will be served by connection to the water system.

94.02 SOUTHWEST AREA WATER CONNECTION FEE DISTRICT.

1. The Southwest Area Water Connection Fee District is hereby established, consisting of a tract of land in Sections 3, 4, 9, 10, 15, and 16, Township 77 North, Range 23 West of the Fifth Principal Meridian, Warren County, Iowa, more particularly described as follows, and as graphically depicted on the map located in the Clerk's office, which by this reference is made a part hereof.

Beginning at the northwest corner of the Northeast Quarter of the Northwest Quarter of Section 10, T. 77, R. 23, west of 5th Principal Meridian; thence south, along eastern line of said Quarter/Quarter, to the northwest corner of the Northeast Quarter of the Southwest Quarter of Section 10, T. 77, R. 23, west of 5th Principal Meridian; thence east along northern line of said Quarter/Quarter 205 feet; thence turning north 42 feet; thence turning east 213 feet; thence turning northeast 223 feet north of 719 feet east of above stated Quarter/Quarter corner; thence turning south 88.5 feet south of previously described location; thence following the east edge of Outlot X to a point 550 feet south and 873 feet east of the northwest corner of the Northeast Quarter of the Southwest Quarter of Section 10, T. 77, R. 23, west of 5th Principal Meridian; thence turning west 125 feet west of previously described point; thence turning south to a point 187 feet east and 705 feet south of the southwest corner of the Northeast Quarter of the Southwest Quarter of Section 10, T. 77, R. 23, west of 5th Principal Meridian; thence turning west 43.5 feet from previously described point; thence turning south to a point 672 feet east from the southwest corner of the Northeast Quarter of the Southwest Quarter of Section 10, T. 77, R. 23, west of 5th Principal Meridian; thence turning west to the southwest corner of the Northeast Quarter of the Southwest Quarter of Section 10, T. 77, R. 23, west of 5th Principal Meridian; thence turning south 703 feet from the southwest corner of the Northeast Quarter of the Southwest Quarter of Section 10, T. 77, R. 23, west of 5th Principal Meridian; thence turning east to the right-of-way of 165th Place; thence following the right-of-way in a southerly direction until 165th Place crosses the southern line of the Northeast Quarter of the Northwest Quarter of Section 15, T. 77, R. 23, west of

the 5th Principal Meridian; thence turning west along the southern line of the Northeast Quarter of the Northwest Quarter of Section 15, T. 77, R. 23, west of the 5th Principal Meridian to a point that is 514 feet west of the southwest corner of the Northeast Quarter of the Northeast Quarter of Section 16, T. 77, R. 23, west of the 5th Principal Meridian; thence turning north to the northern line of the Northwest Quarter of the Southeast Quarter of Section 9, T. 77, R. 23 west of the 5th Principal Meridian; thence moving 300 feet west of South Ridge Road; thence moving northeast parallel with South Ridge Road to the point of the right-of-way of Iowa State Highway 5; thence turning southeast parallel with the right-of-way of Iowa State Highway 5 to the point on the eastern line of the Southwest Quarter of the Southwest Quarter of Section 3, T. 77, R. 23 west of the 5th Principal Meridian; to the point of beginning.

2. Water Connection Fee.

A. A water connection fee is established and shall be imposed on owners of properties within the Southwest Area Water Connection Fee District, pursuant to this section, at the time of application to connect their properties to said major water distribution facilities or to water distribution pipes, which, in turn, are connected to one or more major water distribution facilities, in the amount of \$2,645.00 per acre.

B. The water connection fee shall also apply to any properties outside the Southwest Area Water Connection Fee District, which use or derive benefit from any of the major water distribution facilities constructed for the Southwest Area Water Connection Fee District. The appropriate fee shall be imposed at the time of determination that a benefit is derived by the property.

C. The determination that a property is to be connected to the major water distribution facilities shall occur, and the water connection fee shall be paid, prior to the time of release of a final plat for recordation, or issuance of a building or plumbing permit, whichever occurs first.

D. The water connection fee shall be waived for those benefited properties that install the major water distribution facilities described in subsection 1 of this section within the property.

E. The owner of any single-family residence that is located on a parcel in excess of one acre and existing or under construction on the effective date of this section may apply for connection upon annexation to the City, subdivision of said parcel into a single residence parcel one acre in size and an outlot, and payment of a single-acre water connection fee. Any future development of said parcel shall require a revised application for connection and payment of the water connection fee as established above.

F. The owner of any parcel being used as a public or nonprofit recreational or park facility upon the effective date of this section may apply for connection upon annexation to the City and payment of a single-acre water connection fee. Any future development of said parcel shall require a revised application for connection and payment of the water connection fee as established herein.

G. The water connection fee for existing single-family residences on land that cannot be subdivided further, due to restrictions imposed by applicable zoning laws or regulations, is hereby set at the rates found in Section 94.02(2)(A).

H. Owners of properties within this district may receive water service and/or fire protection by constructing connections to facilities of other water suppliers. Property owners choosing to construct such connections shall do so to their cost and shall enter into a suitable agreement with the City Council to provide for understanding of the ways in which the connections to facilities of other water suppliers relate to the facilities constructed under the provisions of a water connection fee resolution and the costs thereof.

I. Issues pertaining to water service previously provided within the Water Connection Fee District by a rural water district will be settled in accordance with laws and regulations of the State of Iowa and the Federal government.

3. **Effective Rate.** The water connection fee herein shall remain in force and effect until such time that the City Council adopts a resolution to adjust the water connection fee applicable to the Southwest Area Water Connection Fee District. Nothing herein is intended to restrict the City Council from an adjustment of the water connection fee to reflect future construction costs.

94.03 NORTHWEST AREA WATER CONNECTION FEE DISTRICT.

1. The Northwest Area Water Connection Fee District is hereby established, consisting generally of the areas south of Highway 5 west of Scotch Ridge Road to the North River, north of Highway 5 west of the City limits to the North River, and the area bounded by Highway 5, US Highway 65, railroad right-of-way, Avon Lake, and the North River and consisting specifically of tracts of land in Section 4, Township 77 North, Range 23 West of the Fifth Principal Meridian, Warren County, Iowa, and in Sections 28 and 33, Township 78 north, Range 23 West of the Fifth Principal Meridian, more particularly described as follows, and as graphically depicted on Exhibit A attached to the ordinance codified in this section and made a part hereof:

Beginning at the southeast corner of Section 28, Township 78 North, Range 23 west of the 5th P.M. in Polk County; thence north along the east line of said Section 28 to the south right-of-way of the Union and Pacific Railroad; thence northwesterly along said south right-of-way in said Section 28 to the east right-of-way of United States Highway 65; thence southerly along said east right-of-way of United States Highway 65 to the south line of said Section 28 also the north line of Section 33, Township 78 North, Range 23 west of the 5th P.M. in Polk County; thence continuing southerly along said east right-of-way of United States Highway 65 in said Section 33 to the north right-of-way line of Iowa State Highway 5; thence southeasterly along said north right-of-way of Iowa State Highway 5 to the south line of said Section 33 also the north line of Section 4, Township 77 North, Range 23 west of the 5th P.M. in Warren County; thence continuing southeasterly along said north right-of-way of Iowa State Highway 5 to the east line of the Northwest Quarter of the Northwest Quarter of said Section 4; thence south along said east line of the Northwest Quarter of the

Northwest Quarter to the south right-of-way line of Iowa State Highway 5; thence southeasterly along said south right-of-way to the east line of the Northwest Quarter of said Section 4; thence south along said east line of the Northwest Quarter to the south line of the Northwest Quarter of the Southeast Quarter of said section 4; thence east along said south line of the Northwest Quarter of the Southeast Quarter to a point 428.40 feet west of the east line of said Section 4; thence north to the south right-of-way of Iowa State Highway 5, also the corporate limits of the City of Carlisle; thence continuing north along the corporate limits of the City of Carlisle to the north line of the Southeast Quarter of the Northeast Quarter of said Section 4; thence west along said north line of the Southeast Quarter of the Northeast Quarter and the north line of the Southwest Quarter of the Northeast Quarter to the north right-of-way line of Iowa State Highway 5; thence westerly along said north right-of-way line to the west line of the Northwest Quarter of the Northeast Quarter of said Section 4; thence north along said west line of the Northwest Quarter of the Northeast Quarter to a point 333.50 feet south of the north line of the Southwest Quarter of the Southeast Quarter of Section 33, Township 78 North, Range 23 west of the 5th P.M. in Polk County; thence east 251.50 feet; thence north 333.50 feet to the north line of the Southwest Quarter of the Southeast Quarter of said Section 33; thence east along said north line of the Southwest Quarter of the Southeast Quarter of Section 33 to the east line of said Section 33; thence north along said east line of Section 33 to the north line of the Southeast Quarter of the Northeast Quarter of said Section 33; thence west to the west line of the east 30 acres of the Northeast Quarter of the Northeast Quarter of said Section 33; thence north along said west line of the east 30 acres of said Northeast Quarter of the Northeast Quarter of said Section 33 to the north line of said Section 33, also the south line of Section 28, Township 78 North, Range 23 west of the 5th P.M. in Polk County; thence east along said south line of Section 28 to the southeast corner of said Section 28 and the point of beginning.

2. Water Connection Fee.

A. A water connection fee is established and shall be imposed on owners of properties within the Northwest Area Water Connection Fee District at the time of application to connect their properties to said major water distribution facilities or to water distribution pipes, which, in turn, are connected to one or more major water distribution facilities, in the amount of \$2,948.00 per acre.

B. The water connection fee herein shall also apply to any properties outside the Northwest Area Water Connection Fee District, which use or derive benefit from any of the major water distribution facilities constructed for the Northwest Area Water Connection Fee District. The fee shall be imposed at the time of determination that a benefit is derived by the property.

C. The determination that a property is to be connected to the major water distribution facilities shall occur, and the appropriate water connection fee shall be paid, prior to the time of release of a final plat for recordation, or issuance of a building or plumbing permit, whichever occurs first.

D. The water connection fee shall be waived for those benefited properties that install the major water distribution facilities described in subsection 1 of this section within the property.

E. The owner of any single-family residence that is located on a parcel in excess of one acre and existing or under construction on the effective date of this section may apply for connection upon annexation to the City, subdivision of said parcel into a single residence parcel one acre in size and an outlot, and payment of a single-acre water connection fee. Any future development of said parcel shall require a revised application for connection and payment of the water connection fee as established above.

F. The owner of any parcel being used as a public or nonprofit recreational or park facility upon the effective date of this section may apply for connection upon annexation to the City and payment of a single-acre water connection fee. Any future development of said parcel shall require a revised application for connection and payment of the water connection fee as established herein.

G. The water connection fee for existing single-family residences on land that cannot be subdivided further, due to restrictions imposed by applicable zoning laws or regulations, is hereby set at the rates found in Section 94.03(2)(A).

H. Owners of properties within this district may receive water service and/or fire protection by constructing connections to facilities of other water suppliers. Property owners choosing to construct such connections shall do so to their cost and shall enter into a suitable agreement with the City Council to provide for understanding of the ways in which the connections to facilities of other water suppliers relate to the facilities constructed under the provisions of a water connection fee ordinance and the costs thereof.

I. Issues pertaining to water service previously provided within the Water Connection Fee District by a rural water district will be settled in accordance with laws and regulations of the State of Iowa and the Federal government.

3. Effect of Schedule. The water connection fee herein shall remain in force and effect until such time that the City Council adopts a resolution to adjust the water connection fees applicable to the Northwest Area Water Connection Fee District. Nothing herein is intended to restrict the City Council from an adjustment of the water connection fee to reflect future construction costs.

94.04 VIOLATIONS AND PENALTIES. Any person who violates the provisions of this chapter shall subject his or her property to immediate discontinuance of water service until such violation has been corrected by payment of the appropriate amount.

94.05 OTHER REMEDIES. In addition to the provisions set out in Section 94.04 herein, the City Council may proceed in law or equity against any person, firm or corporation for violation of any of the provisions of this section.

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