

# TITLE VII SPECIAL ORDINANCES

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# TITLE VII SPECIAL ORDINANCES

## CHAPTER 68

### BENEFITED DISTRICTS - CONNECTION CHARGES

6-68-1	General Provisions
6-68-2	Definitions
6-68-3	Connection Charge Required
6-68-4	Quaas Road Sanitary Sewer and Water District

**SECTION 6-68-1 GENERAL PROVISIONS.** The purpose of this chapter is to establish water utility, storm sewer, and sanitary sewer connection charges for certain properties within the City to recover the costs of designing and constructing said facilities from property owners who connect to such facilities subsequent to their construction. In the event the Council determines the necessity of constructing a water, storm sewer, or sanitary sewer facility and determines that the utilization of a connection charge is the most equitable manner in which to recover the City's costs associated therewith, the Council shall first hold a public hearing on the proposed adoption of an ordinance to establish a benefited district and a connection charge.

**SECTION 6-68-2 DEFINITIONS.** The following terms are defined for use in this chapter:

(1) Benefited district - means that area of the City to which water, storm or sanitary sewer service can feasibly be provided by a water line, major storm or sanitary sewer facility of a given design and capacity.

(2) Connection - means the act of connecting a building storm or sanitary sewer to a lateral sewer or manhole constituting a part of a major storm or sanitary sewer facility, or the act of connecting a lateral sewer serving a subdivision to a trunk sewer or manhole constituting a part of a major storm or sanitary sewer facility or connecting to a city water line.

(3) Major storm or sanitary sewer facility or facilities - means and includes storm or sanitary sewer mains, storm or sanitary sewer trunk lines or storm or sanitary sewer interceptors eight (8) inches in diameter or larger, and storm or sanitary sewer force mains, pumping stations and detention basins.

**SECTION 6-68-3 CONNECTION CHARGE REQUIRED.** After the effective date of the ordinance establishing a benefited district and a connection charge, no owner of property within the district, whose property is eligible for connection to the storm or sanitary sewer facility, shall make such connection until the required connection charge has been paid. If land use is different than residential and the proposed development uses considerably less sanitary sewer than DNR design criteria the minimum acreage fee may by this chapter is in addition to, and not in lieu of, any other fees required under the plumbing code or other provisions of this Code of Ordinances. When the facility for which a connection charge has been established has been installed and paid for by a private party the fees collected hereunder shall be paid to that party following collection by the city. In the event a property owner makes a connection to the storm or sanitary sewer facility without having paid the

required connection charge, the City shall disconnect the building storm or sanitary sewer until the required charge has been paid.

**SECTION 6-68-4 QUAAS ROAD SANITARY SEWER AND WATER DISTRICT.** There is hereby established a sanitary sewer and water district, consisting of one section, to be known as the Quaas Road Sanitary Sewer and Water District. Said district encompasses 65 acres. The schedule of fees for connecting property in said benefited district to the City sewer(s) and water are as follows:

Acreage Method: (Residential R2, 75% Developed)

Capacity Rate Method - Based on DNR density specifications

Acreage Method (Residential, R-2) \$ 45,000/49 Ac. = \$918.37/ac.

1000 gal per acre per day

Medium Density (Multi-Family) 15 people/acre = \$1,377.55/ac.

1500 gal per acre per day

High Density (Multi-Family) above 30 people/acre = \$2,755.11/ac.

3000 gal per acre per day

Commercial, institutional or office use = \$4,491.85/ac.

5,000 gal per acre per day

Location of said sanitary sewer hook up fee shall be determined by the stationing established in the Old Quaas Road Sanitary Sewer Project. Fees collected under this section shall be remitted to the owner of the real property located at 2660 Old Quaas Road.

Note: If land use is different than residential and the proposed development uses considerably less sanitary sewer than DNR design criteria, the minimum acreage fee may be revised with the approval of the City Engineer.

## TITLE VII SPECIAL ORDINANCES

### CHAPTER 69

#### DIVISION OF TAXES LEVIED ON TAXABLE PROPERTY IN THE ALBURNETT URBAN RENEWAL AREA

6-69-1	Purpose
6-69-2	Definitions
6-69-3	Provisions for Division of Taxes Levied on Taxable Property in the Urban Renewal Area

**SECTION 6-69-1 PURPOSE.** The purpose of this ordinance is to provide for the division of taxes levied on the taxable property in the Alburnett Urban Renewal Area, each year by and for the benefit of the state, city, county, school districts or other taxing districts after the effective date of this ordinance in order to create a special fund to pay the principal of and interest on loans, moneys advanced to or indebtedness, including bonds proposed to be issued by the City of Alburnett to finance projects in such area.

**SECTION 6-69-2 DEFINITIONS.** For use within this ordinance the following terms shall have the following meanings:

- (1) City - shall mean the City of Alburnett, Iowa.
- (2) County - shall mean the County of Linn, Iowa.
- (3) Urban Renewal Area - shall mean the Alburnett Urban Renewal Area, the boundaries of which are set out below, such area having been identified in the Urban Renewal Plan approved by the City Council by resolution adopted on September 8, 2003:

Certain real property situated in the City of Alburnett, County of Linn, State of Iowa legally described as:

NW1/4 of the NE1/4 and part of the NE 1/4 of the NW 1/4 of Section 26; part of the SW1/4 of the SE1/4 and part of the SE1/4 of the SW1/4 of Section 23 all in 85-7, Linn County, Iowa being more particularly described as follows: beginning at the SE corner of the NW1/4 NE1/4 Section 26-85-7; thence north 150 rods; thence West 85 rods 8 1/3 links; thence South 150 rods; thence East to the point of beginning, excepting the East 130' South 274'.

AND

A part of the S1/2 of the N1/2 of the SW1/4 of Section 25-85-7, Linn County, Iowa described as follows: Commencing at the SW corner of the NW1/4 of the SW1/4 of said Section 25; thence due East along the South Line of the NW1/4 of

the SW1/4 of said Section 25, 1100.0 feet to the point of beginning; thence due North 540.0 feet; thence due East 664.0 feet; thence due South, 540.0 feet; thence due West, 664.0 feet to the point of beginning;

AND

Parcel A: Part of the South One-Half (S1/2) of the North One-Half (N 1/2) of the Southwest Quarter (SW1/4) of the Section Twenty-Five (25), Township Eighty- Five North (T85N), Range Seven West (R7W) of the Fifth Principal Meridian, City of Alburnett, Linn County, Iowa, as recorded in book 5079, Pages 363-364, on March 18, 2003.

The City's Sanitary Sewer Easement with a width of twenty (20) feet centered on the line described as follows:

Commencing at the Northeast Corner of the Southwest Quarter (SW1/4) of the Northeast Quarter (NE1/4) of Section Twenty-six (26), Township Eighty-five North (T85N), Range Seven West (R7W) of the Fifth Principal Meridian, Linn County, Iowa:

THENCE along the Northerly Line of the Southwest Quarter (SW1/4) of the Northeast Quarter (NE1/4) of said Section, South 89 degrees 53'41" West, 149.69 feet to the POINT OF BEGINNING:

THENCE South 00 degrees 01' 04" West 1183.75 feet:

THENCE South 54 degrees 16' 53" East to the easterly Line of the West Sixty feet of the Southeast Quarter (SE1/4) of the Northeast Quarter (NE1/4) of said Section, 251.33 feet, the POINT OF TERMINATION.

The Northerly Line of Southwest Quarter (SW1/4) of the Northeast Quarter (NE1/4) of said Section Twenty-six is assumed to bear South 89 degrees 53' 41" West.

AND

Commencing at the East Quarter Corner of Section Twenty-six (26), Township Eighty-five North, Range Seven West (R7W) of the Fifth Principal Meridian, Linn County, Iowa:

THENCE along the Easterly Line of the Southeast Quarter of said Section, South 00 degrees 39' 56" West, 770.14 feet, to the POINT OF BEGINNING:

THENCE North 89 degrees 20' 04" West 60.00 feet:

THENCE North 67 degrees 28' 21" West 1168.59 feet:

THENCE North 35 degrees 43' 07" East 192.98 feet:

THENCE North 54 degrees 16' 53" West 538.14 feet:

The Easterly Line of the Southeast Quarter of said Section Twenty-six (26) is assumed to bear South 00 degrees 39' 56" West.

AND

Commencing at the East Quarter Corner of Section Twenty-six (26), Township Eighty-five North, Range Seven West (R7W) of the Fifth Principal Meridian, Linn County, Iowa;

THENCE along the Easterly Line of the Southeast Quarter of said Section, South 00 degrees 39' 56" West, 770.14 feet;

THENCE North 89 degrees 20' 04" West 60.00 feet;

THENCE North 67 degrees 28' 21" West 1168.59 feet;

THENCE North 35 degrees 43' 07" East 192.98 feet;

THENCE North 54 degrees 16' 53" West to the Northwesternly Line of the Canadian National Illinois Central Railroad right of way, 140.00 feet, the POINT OF BEGINNING:

THENCE North 54 degrees 16' 53" West to the Northerly Line of the Northeast Quarter (NE1/4) of the Southeast Quarter (SE1/4), 144.29 feet, the POINT OF TERMINATION.

The Easterly Line of the Southeast Quarter of said Section Twenty-six (26) is assumed to bear South 00 degrees 39' 56" West.

AND

Commencing at the East Quarter Corner of Section Twenty-six (26), Township Eighty-five North, Range Seven West (R7W) of the Fifth Principal Meridian, Linn County, Iowa;

THENCE along the Easterly line of the Southeast Quarter of said Section, South 00 degrees 39' 56" West, 770.14 feet to the point of beginning.

THENCE North 89 degrees 20' 04" West 60.00 feet;

THENCE North 67 degrees 28' 21" West 12168.59 feet;

THENCE North 35 degrees 43' 07" East 192.98 feet;

THENCE North 54 degrees 16' 53" West to the Southeasterly line of the Canadian Nation/Illinois Central Railroad right of way, 40.00 feet, the point of termination.

The Easterly line of the Southeast Quarter of said Section Twenty-six (26) is assumed to bear South 00 degrees 39' 56" West.

**SECTION 6-69-3 PROVISIONS FOR DIVISION OF TAXES LEVIED ON TAXABLE PROPERTY IN THE URBAN RENEWAL AREA.**

(1) After the effective date of this ordinance, the taxes levied on the taxable property in the Urban Renewal Area each year by and for the benefit of the State of Iowa, the City, the County and any school district or other taxing district in which the Urban Renewal Area is located, shall be divided as follows:

(a) that portion of the taxes which would be produced by the rate at which the tax is levied each year by or for each of the taxing districts upon the total sum of the assessed value of the taxable property in the Urban Renewal Area, as shown on the assessment roll as of January 1 of the calendar year preceding the first calendar year in which the City certifies to the County Auditor the amount of loans, advances, indebtedness, or bonds payable from the special fund referred to in paragraph (b) below, shall be allocated to and when collected be paid into the fund for the respective taxing district as taxes by or for said taxing district into which all other property taxes are paid. For the purpose of allocating taxes levied by or for any taxing district which did not include the territory in the Urban Renewal Area on the effective date of this ordinance, but to which the territory has been annexed or otherwise included after the effective date, the assessment roll applicable to property in the annexed territory as of January 1 of the calendar year preceding the effective date of the ordinance which amends the plan for the Urban Renewal Area to include the annexed area, shall be used in determining the assessed valuation of the taxable property in the annexed area.

(b) that portion of the taxes each year in excess of such amounts shall be allocated to and when collected be paid into a special fund of the City to pay the principal of and interest on loans, moneys advanced to or indebtedness, whether funded, refunded, assumed or otherwise, including bonds issued under the authority of Section 403.9(1), of the Code of Iowa, incurred by the City to finance or refinance, in whole or in part, projects in the Urban Renewal Area, except that taxes for the payment of bonds and interest of each taxing district shall be collected against all taxable property within the taxing district without limitation by the provisions of this ordinance. Unless and until the total assessed valuation of the taxable property in the Urban Renewal Area exceeds the total assessed value of the taxable property in such area as shown by the assessment roll referred to in subsection (a) of this section, all of the taxes levied and collected upon the taxable property in the Urban Renewal Area shall be paid into the funds for the respective taxing districts as taxes by or for said taxing districts in the same manner as all other property taxes. When such loans, advances, indebtedness, and bonds, if any, and interest thereon, have been paid, all money thereafter received from taxes upon the taxable property in the Urban Renewal Area shall be paid into the funds for the respective taxing districts in the same manner as taxes on all other property.

(c) the portion of taxes mentioned in subsection (b) of this section and the special fund into which that portion shall be paid may be irrevocably pledged by the City for the payment of the principal and interest on loans, advances, bonds issued under the authority of Section 403.9(1) of the Code of Iowa, or indebtedness incurred by the City to finance or refinance in whole or in part projects in the Urban Renewal Area.

(d) as used in this section, the word "taxes" includes, but is not limited to, all levies on an ad valorem basis upon land or real property.

**TITLE VII SPECIAL ORDINANCES**

**CHAPTER 70**

**RESERVED**