

CHAPTER 100A

OTHER CONNECTION OR ACCESS CHARGES

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100A.01 GENERAL PROVISIONS. The purpose of this chapter is to establish access or connection charges for certain properties within the City to recover the costs of designing and constructing various facilities, not covered by Chapter 100, from property owners who connect to such facilities subsequent to their construction. In the event the Council determines the necessity of constructing a major facility and determines that the utilization of an access or 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 an access or connection charge.

100A.02 DEFINITIONS. The following terms are defined for use in this chapter:

1. "Benefited district" means that area of the City established by agreement between the City and owner to which service can feasibly be provided by a major facility of a given design and capacity.
2. "Connection" means the act of connecting private property to public property by use of the platting process.
3. "Major 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, detention basins or streets.

100A.03 CONNECTION CHARGE REQUIRED. After the effective date of the ordinance establishing a benefited district and an access or connection charge, no owner of property within the district, whose property is eligible for connection to a major facility, shall make such connection until the required access or connection charge has been paid. The access or connection charge required by this chapter is in addition to, and not in lieu of, any other fees required under any other provisions of this Code of Ordinances. In the event a property owner makes a connection to a major facility without having paid the required access or connection charge, the City shall disconnect the connection until the required charge has been paid.

100A.04 CONNECTION AVENUE DISTRICT.

1. There is hereby established a benefited district to be known as the Connection Avenue District. Said district encompasses the property lying within the following boundaries:

Parcel B Plat of Survey #895, as recorded in Book 4581, page 157, in the records of the Linn County Recorders Office, which is a part of the Lots 15 and 17, of the Irregular Survey of the Southwest Fractional Quarter of Section 19, Township 84 North, Range 6 West of the Fifth Principal Meridian, Linn County, Iowa, and Turning Stone Addition to the City of Marion, Iowa, and to all property covered by the Norman Gunnison Family Trust Agreement approved September 12, 2008.

2. The schedule of fees for connecting property in said benefited district are as follows: \$169.60 per lineal frontage foot at the time of final platting.

(Ch. 100A - Ord. 12-18 – Aug. 12 Supp.)

100A.05 TOWER TERRACE ROAD DISTRICT.

1. There is hereby established a benefited district to be known as the Tower Terrace Phase II Road District. Said district encompasses the property lying within the following boundaries:

Stonefield 2nd Addition to the City of Marion, Linn County, Iowa.

Plat of Survey #1626

Plat of Survey #1476 except Stonefield 6th Addition to the City of Marion, Linn County, Iowa.

2. The schedule of fees for connecting property in said benefited district are as follows: \$89.53 per lineal foot.

(Ord. 13-03 – May 13 Supp.)

(Ord. 12-17 – Aug. 12 Supp.)

100A.06 29TH AVENUE ROAD DISTRICT.

1. There is hereby established a benefited district to be known as the 29th Avenue District. Said district encompasses the property lying within the following boundaries:

Parcel B of Amended Plat of Survey #998, Linn County, Iowa.

2. The schedule of fees for connecting property in said benefited district are as follows: \$131.59 per lineal foot with interest as provided in a Memorandum of Agreement dated 1-30-2012.

3. In addition, at such time as 75% of the real property served by this improvement has been final platted, the OWNER shall be responsible for paying to the CITY the outstanding balance. This agreement shall be a covenant running with the land and shall be binding upon the heirs, successors and assigns of the OWNER.

(Ord. 12-22 – Nov. 12 Supp.)

100A.07 31ST STREET DISTRICT.

1. There is hereby established a benefited district to be known as the 31st Street District. Said district encompasses the property lying within the following boundaries:

From 1st Avenue to Highway 100.

2. The schedule of fees for connecting property in said benefited district are as follows: \$41.30 per lineal foot with interest as provided in a Memorandum of Agreement dated October 1, 2009.

(Ord. 13-05 – May 13 Supp.)

100A.08 TOWER TERRACE ROAD DISTRICT - PHASE III.

1. There is hereby established a benefited district (parts A and B) to be known as the Tower Terrace Phase III Road District. Said district encompasses the properties listed below with the fee as shown:

- A. SE NW EX GILL'S 6TH & EX RD, and
NE SW LYG N OF GILLS' 4TH & 5TH-EX RD, and
SW NE-EX SHADY OAKS SUBDIV & EX SHADY OAKS 2ND.

The schedule of fees for connecting the above properties in said benefited district is \$127.51 per lineal foot.

- B. P.O.S. #1476 PARCEL EX STONEFIELD 6th.

The schedule of fees for connecting the above property in said benefited district is \$129.96 per lineal foot.

(Ord. 13-12 – Aug. 13 Supp.)

100A.09 WINSLOW ROAD DISTRICT – HUNTERS FIELD THIRD.

1. There is hereby established a benefited district to be known as the Winslow Road District – Hunters Field Third. Said district encompasses the properties listed below with the fee as shown:

All lots lying within Hunters Field Third Addition to the City of Marion, Linn County, Iowa.

2. The schedule of fees for connecting the above properties in said benefited district is \$112.33 per lineal foot.

(Ord. 13-23 – Nov. 13 Supp.)

100A.10 TOWER TERRACE ROAD DISTRICT - PHASE IV.

1. There is hereby established a benefited district to be known as the Tower Terrace Phase IV Road District. Said district encompasses the properties listed below with the fee as shown:

- A. Morris Wood Enterprises Property as described at Volume 8724, Page 561 in the records in the office of the Linn County, Iowa Recorder, and

B. Morris Wood Enterprises Property as described at Volume 8890, Page 204 in the records in the office of the Linn County, Iowa Recorder, and

C. Morris Wood Enterprises Property as described at Volume 8821, Page 659 in the records in the office of the Linn County, Iowa Recorder.

The schedule of fees for connecting the above properties in said benefited district is \$149.33 per lineal foot.

D. Vaughn Farms Co., Inc. Property as described at Volume 8890, Page 447 in the records in the office of the Linn County, Iowa Recorder.

The schedule of fees for connecting the above property in said benefited district is \$149.33 per lineal foot.

(Ord. 14-03 – May 14 Supp.)

100A.11 WINSLOW ROAD DISTRICT.

1. There is hereby established a benefited district to be known as the Winslow Road District. Said district encompasses the property lying within the following boundaries:

Adjacent to Hunters Ridge Golf Club 16th Addition.

2. The schedule of fees for connecting property in said benefited district are as follows: \$213.65 per lineal foot with interest as provided in a Memorandum of Agreement dated December 4, 2014.

(Ord. 15-07 – May 15 Supp.)

100A.12 29TH AVENUE DISTRICT.

1. There is hereby established a benefited district to be known as the 29th Avenue District. Said district encompasses the property lying within the following two boundaries:

A. The South 1025' E $\frac{1}{2}$ SE $\frac{1}{4}$ Section 29-84-6, Linn County, Iowa, except the East 682.5 feet, Subject to the Public Highway and

The Southwest Quarter of the Southeast Quarter of Section 29, Township 84 North, Range 6 West of the 5th PM, except Plat of Survey No. 1459, City of Marion, Linn County, Iowa, subject to easements, covenants, restrictions of record and all public roads and highways; and

Plat of Survey No. 1459 Parcel A, except Golden Gate Condo and except the Commons at English Glen 2nd Addition, City of Marion, Linn County, Iowa, subject to easements, covenants, restrictions of record and all public roads and highways.

B. The Southwest Quarter of the Southeast Quarter of Section 29, Township 84 North, Range 6 West of the 5th PM, except Plat of Survey No. 1459, City of Marion, Linn County, Iowa, subject to easements, covenants, restrictions of record and all public roads and highways; and

Plat of Survey No. 1459 Parcel A, except Golden Gate Condo and except the Commons at English Glen 2nd Addition, City of Marion, Linn County, Iowa, subject to easements, covenants, restrictions of record and all public roads and highways.

2. The schedule of fees for connecting property in said benefited district as described in paragraph 1A above are as follows: \$139.92 per lineal foot.

The schedule of fees for connecting property in said benefited district as described in paragraph 1B above are as follows: \$131.37 per lineal foot.

(Ord. 15-23 – Feb. 16 Supp.)

100A.13 IRISH DRIVE DISTRICT.

1. There is hereby established a benefited district to be known as the Irish Drive District. Said district encompasses the property lying within the following three boundaries:

A. The property covered by the development agreement approved by Resolution 23762 adopted by the Marion City Council on the 10th day of April, 2014.

B. The property covered by the development agreement approved by Resolution 23765 adopted by the Marion City Council on the 10th day of April, 2014.

C. The property covered by the development agreement approved by Resolution 23768 adopted by the Marion City Council on the 10th day of April, 2014.

2. The schedule of fees for connecting property in said benefited district as described in paragraph 1A above is: \$173,473.74 with an access fee of \$134.14 per lineal foot.

The schedule of fees for connecting property in said benefited district as described in paragraph 1B above is: \$189,696.44 with an access fee of \$146.69 per lineal foot.

The schedule of fees for connecting property in said benefited district as described in paragraph 1C above is: \$316,598.90 with an access fee of \$159.88 per lineal foot.

(Ord. 15-25 – Feb. 16 Supp.)