

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: \$56.55 per lineal foot.

(Ord. 18-23 – Nov. 18 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.)

100A.14 2015 WINSLOW ROAD REALIGNMENT DISTRICT.

1. There is hereby established a benefited district (parts A, B and C) to be known as the Winslow Road Realignment District. Said district encompasses the properties listed below with the fee as shown:

A. THE SOUTH 36 ACRES SW $\frac{1}{4}$ NW $\frac{1}{4}$ FRACTIONAL, SW $\frac{1}{4}$, SW $\frac{1}{4}$ FRACTIONAL, NW $\frac{1}{4}$ SW $\frac{1}{4}$ FRACTIONAL, EXCEPT THE SE DIAGONAL $\frac{1}{2}$ SOUTH 40 FEET, EAST 40 FEET, AND SOUTH 586.35 FEET LYING WESTERLY OF THE ROAD, SE $\frac{1}{4}$ SW $\frac{1}{4}$, EXCEPT THE ROAD, SECTION 30, TOWNSHIP 84, RANGE 6 AND THE NORTH 120 FEET W 718 FEET NW $\frac{1}{4}$ NW $\frac{1}{4}$ FRACTIONAL, EXCEPT THE ROAD, SECTION 31, TOWNSHIP 84, RANGE 6 (the Linn Mar Community School District Campus)

The schedule of fees for connecting the portion of the above property in said benefited district locally known as 3555 N 10th St, Marion, Linn County, Iowa (Excelsior Middle School) is \$285,331.16, due at the time of connection.

(Ord. 18-01 – May 18 Supp.)

B. BRIDGE CREEK FOURTH ADDITION IN THE CITY OF MARION, LINN COUNTY, IOWA

AND

THAT PART OF THE NE $\frac{1}{4}$ NW $\frac{1}{4}$ LYING SOUTHLY OF BRIDGE CREEK 3RD ADDITION, EXCEPTING BRIDGE CREEK 4TH ADDITION AND EXCEPTING THE ROAD

AND

THAT PART OF THE SE $\frac{1}{4}$ NW $\frac{1}{4}$ LYING NORTHERLY OF THE ROAD, EXCEPT BRIDGE CREEK 4TH AND EXCEPTING PLAT OF SURVEY #2038, SECTION 30, TOWNSHIP 84, RANGE 6, LINN COUNTY, IOWA

The schedule of fees for connecting the above property in said benefited district is \$74.83 per lineal foot at the time of final platting.

C. THAT PART OF THE SE $\frac{1}{4}$ NW $\frac{1}{4}$ LYING SOUTHERLY OF THE ROAD, EXCEPTING PLAT OF SURVEY #2037 SECTION 30, TOWNSHIP 84, RANGE 6, LINN COUNTY, IOWA

The schedule of fees for connecting the above property in said benefited district is \$54.10 per lineal foot at the time of final platting.

(Ord. 17-24 – Nov. 17 Supp.)

100A.15 TOWER TERRACE ROAD DISTRICT - PHASE V.

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

A. THE SOUTH 36 ACRES SW $\frac{1}{4}$ NW $\frac{1}{4}$ FRACTIONAL, SW $\frac{1}{4}$, SW $\frac{1}{4}$ FRACTIONAL, NW $\frac{1}{4}$ SW $\frac{1}{4}$ FRACTIONAL, EXCEPT THE SE DIAGONAL $\frac{1}{2}$ SOUTH 40 FEET, EAST 40 FEET, AND SOUTH 586.35 FEET LYING

WESTERLY OF THE ROAD, SE $\frac{1}{4}$ SW $\frac{1}{4}$, EXCEPT THE ROAD, SECTION 30, TOWNSHIP 84, RANGE 6 AND THE NORTH 120 FEET W 718 FEET NW $\frac{1}{4}$ NW $\frac{1}{4}$ FRACTIONAL, EXCEPT THE ROAD, SECTION 31, TOWNSHIP 84, RANGE 6 (the Linn Mar Community School District Campus)

(1) The schedule of fees for connecting the portion of the above property in said benefitted district locally known as 3555 N 10th St, Marion, Linn County, Iowa (Excelsior Middle School) is \$341,186.68, due at the time of connection.

(2) The schedule of fees for connecting the portion of the above property in said benefitted district locally known as 3111 N 10th St, Marion, Linn County, Iowa (Linn Mar High School) is \$330,651.64, due at the time of connection.

B. TRACTS OF LAND WITHIN THE WEST $\frac{7}{8}$ OF THE NORTHEAST QUARTER OF THE SOUTHWEST FRACTIONAL QUARTER (NE $\frac{1}{4}$ SW $\frac{1}{4}$ FRL.) OF SECTION THIRTY (30), TOWNSHIP EIGHTY-FOUR (84) NORTH, RANGE SIX (6) WEST OF THE 5TH PRINCIPAL MERIDIAN, CITY OF MARION, LINN COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TRACT "A"

COMMENCING AT THE NORTHWEST CORNER OF SAID NORTHEAST QUARTER OF THE SOUTHWEST FRACTIONAL QUARTER (NE $\frac{1}{4}$ SW $\frac{1}{4}$ FRL.); THENCE SOUTH $01^{\circ}03'51''$ EAST ALONG THE WEST LINE OF THE OF SAID NORTHEAST QUARTER OF THE SOUTHWEST FRACTIONAL QUARTER (NW $\frac{1}{4}$ SW $\frac{1}{4}$ FRL.) A DISTANCE OF 38.10 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED TRACT "A" AND ALSO THE BEGINNING OF A 453.00 FOOT RADIUS NON-TANGENT CURVE, CONCAVE NORTHEASTERLY; THENCE SOUTHEASTERLY 43.12 FEET ALONG THE ARC OF SAID CURVE WITH CHORD THAT BEARS SOUTH $24^{\circ}13'49''$ EAST, 43.10 FEET; THENCE SOUTH $26^{\circ}57'26''$ EAST, 30.14 FEET TO THE BEGINNING OF A 735.00 FOOT RADIUS NON-TANGENT CURVE, CONCAVE SOUTHERLY; THENCE SOUTHWESTERLY 34.72 FEET ALONG THE ARC OF SAID CURVE WITH A CHORD THAT BEARS SOUTH $59^{\circ}06'58''$ WEST, 34.72 FEET TO SAID WEST LINE; THENCE NORTH $01^{\circ}03'51''$ WEST ALONG SAID WEST LINE A DISTANCE OF 84.01 FEET TO THE POINT OF BEGINNING, CONTAINING 1,215 SQUARE FEET, MORE OR LESS.

AND

TRACT "B"

COMMENCING AT THE NORTHWEST CORNER OF SAID NORTHEAST QUARTER OF THE SOUTHWEST FRACTIONAL QUARTER (NE $\frac{1}{4}$ SW $\frac{1}{4}$ FRL.); THENCE SOUTH $89^{\circ}27'55''$ EAST (SOUTH $89^{\circ}28'35''$ EAST-RECORD) ALONG THE NORTH LINE OF SAID NORTHEAST QUARTER OF THE SOUTHWEST FRACTIONAL QUARTER (NE $\frac{1}{4}$ SW $\frac{1}{4}$ FRL.); A DISTANCE OF 57.13 FEET TO THE POINT OF BEGINNING OF THE HEREIN

DESCRIBED TRACT "B" THENCE CONTINUING SOUTH 89° 27'55" EAST (SOUTH 89°35' EAST-RECORD) ALONG SAID NORTH LINE 884.47 FEET; THENCE NORTH 90°00'00" WEST, 547.22 FEET TO THE BEGINNING OF A 735.00 FOOT RADIUS TANGENT CURVE, CONCAVE SOUTHERLY; THENCE SOUTHWESTERLY 312.80 FEET ALONG THE ARC OF SAID CURVE WITH A CHORD THAT BEARS SOUTH 77°48'29" WEST, 310.45 FEET; THENCE NORTH 26°57'26" WEST, 30.14 FEET TO THE BEGINNING OF A 387.00 FOOT RADIUS TANGENT CURVE, CONCAVE NORTHEASTERLY; THENCE NORTHWESTERLY 51.11 FEET ALONG THE ARC OF SAID CURVE WITH A CHORD THAT BEARS NORTH 23°10'27" WEST, 51.07 FEET TO THE POINT OF BEGINNING, CONTAINING 11,205 SQUARE FEET, MORE OR LESS.

CONTAINING 12,420 SQUARE FEET, MORE OR LESS, TOAL

BASIS OF BEARING: THE NORTH LINE OF THE NORTHEAST QUARTER OF THE SOUTHWEST FRACTIONAL QUARTER (NE 1/4 SW 1/4 FRL.) OF SAID SECTION 30 IS ASSUMED TO BEAR SOUTH 89° 27'55" EAST.

AND

A TRACT OF LAND WITHIN THE WEST 7/8 OF THE NORTHEAST QUARTER OF THE SOUTHWEST FRACTIONAL QUARTER (NE 1/4 SW FRL. 1/4) OF SECTION THIRTY (30), TOWNSHIP EIGHTY-FOUR (84) NORTH, RANGE SIX (6) WEST OF THE 5TH PRINCIPAL MERIDIAN, CITY OF MARION, LINN COUNTY, IOWA, WITH SAID TRACT BEING SHOWN ON ACQUISITION PLAT EXHIBIT "A" (SHEETS 1 OF 2 AND 2 OF 2) ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID NORTHEAST QUARTER OF THE SOUTHWEST FRACTIONAL QUARTER (NE 1/4 SW FRL. 1/4) THENCE SOUTH 89°27'55" EAST (SOUTH 89°28'35" EAST-RECORD) ALONG THE NORTH LINE OF SAID NORTHEAST QUARTER OF THE SOUTHWEST FRACTIONAL QUARTER (NE 1/4 SW FRL. 1/4) A DISTANCE OF 57.13 FEET TO THE BEGINNING OF A 387.00 FOOT RADIUS NON-TANGENT CURVE, CONCAVE NORTHEASTERLY; THENCE SOUTHEASTERLY 51.11 FEET ALONG THE ARC OF SAID CURVE WITH A CHORD THAT BEARS SOUTH 23°10'27" EAST, 51.07 FEET; THENCE SOUTH 26°57'26" EAST, 30.14 FEET TO THE BEGINNING OF A 735.00 FOOT RADIUS NON-TANGENT CURVE, CONCAVE SOUTHERLY; THENCE NORTHEASTERLY 312.80 FEET ALONG THE ARC OF SAID CURVE WITH A CHORD THAT BEARS NORTH 77°48'29" EAST, 310.45 FEET; THENCE NORTH 90°00'00" EAST, 547.22 FEET TO SAID NORTH LINE; THENCE SOUTH 89°27'55" EAST (SOUTH 89°28'35" EAST-RECORD) ALONG SAID NORTH LINE 213.85 FEET TO THE WEST LINE OF LOT 2 OF IRREGULAR SURVEY OF THE SOUTHWEST FRACTIONAL QUARTER (SW FRL. 1/4) OF SAID SECTION THIRTY (30); THENCE SOUTH 01°03'20" EAST ALONG SAID WEST LINE 118.02 FEET; THENCE NORTH 90°00'00" WEST, 763.26

FEET TO THE BEGINNING OF A 615.00 FOOT RADIUS TANGENT CURVE, CONCAVE SOUTHERLY; THENCE SOUTHWESTERLY 421.62 FEET ALONG THE ARC OF SAID CURVE WITH A CHORD THAT BEARS SOUTH 70°21'36" WEST, 413.41 FEET TO THE WEST LINE OF SAID NORTHEAST QUARTER OF THE SOUTHWEST FRACTIONAL QUARTER (NE 1/4 SW FRL.1/4); THENCE NORTH 01°03'51" WEST ALONG SAID WEST LINE 145.67 FEET TO THE BEGINNING OF A 735.00 FOOT RADIUS NON-TANGENT CURVE, CONCAVE SOUTHERLY; THENCE NORTHEASTERLY 34.72 FEET ALONG THE ARC OF SAID CURVE WITH A CHORD THAT BEARS NORTH 59°06'58" EAST, 34.72 FEET; THENCE NORTH 26°57'26" WEST, 30.14 FEET TO THE BEGINNING OF A 453.00 FOOT RADIUS TANGENT CURVE, CONCAVE NORTHEASTERLY; THENCE NORTHWESTERLY 43.12 FEET ALONG THE ARC OF SAID CURVE WITH A CHORD THAT BEARS NORTH 24°13'49" WEST, 43.10 FEET TO SAID WEST LINE; THENCE NORTH 01°03'51" WEST ALONG SAID WEST LINE 38.10 FEET TO THE POINT OF BEGINNING, CONTAINING 3.38 ACRES, MORE OR LESS.

BASIS OF BEARING: THE NORTH LINE OF THE NORTHEAST QUARTER OF THE SOUTHWEST FRACTIONAL QUARTER (NE 1/4 SW FRL. 1/4) OF SAID SECTION 30 IS ASSUMED TO BEAR SOUTH 89°27'55" EAST.

The schedule of fees for connecting the above property in said benefited district is \$50,694.98 at the time of final plat or building permit, whichever occurs first.

(Ord. 17-25 – Nov. 17 Supp.)

100A.16 2184 ECHO HILL ROAD DISTRICT.

1. There is hereby established a benefited district to be known as the 2184 Echo Hill Road District. Said district encompasses the properties listed below with the fee as shown:

THAT PART OF THE NE 1/4 NE 1/4 SECTION 23-84-7, LINN COUNTY, IOWA, DESCRIBED AS FOLLOWS: COMMENCING AS A POINT OF REFERENCE AT THE NORTHEAST CORNER OF SAID SECTION 23-84-7; THENCE S 0°00'00" W, 1295.8 FEET ALONG THE EAST LINE OF NE 1/4 23-84-7 TO THE CENTER LINE OF EAST-WEST ROAD; THENCE S 89°53'20" W, 428.17 FEET ALONG SAID CENTER LINE TO THE PLACE OF BEGINNING; THENCE CONTINUING S 89°53'20" W, 436.4 FEET ALONG SAID CENTER LINE; THENCE N 0°23'20" E, 454.3 FEET; THENCE N 89°53'20" E, 432.4 FEET; THENCE S 0°06'40" E, 454.3 FEET TO THE PLACE OF BEGINNING. TRACT IS SUBJECT TO ROAD CENTERED ON THE SOUTH LINE AND CONTAINS 3.93 ACRES EXCLUSIVE OF SAID ROAD.

2. The schedule of fees for connecting the above described property, locally known as 2184 Echo Hill Road, Marion, Linn County, Iowa is as follows: \$72.74 per lineal foot due at the time of final platting.

(Ord. 18-26 – Nov. 18 Supp.)

100A.17 35TH AVENUE DISTRICT- BRIARGATE.

1. There is hereby established a benefited district to be known as the 35th Avenue District-Briargate. Said district encompasses the properties listed below with the fee as shown:

LOTS 1 AND 2 RJ CARLSON 1ST ADDITION TO LINN COUNTY, IOWA.

2. The schedule of fees for connecting property in the above described district is as follows: \$140.40 per lineal foot at the time of final platting.

(Ord. 18-27 – Nov. 18 Supp.)