ORDINANCE NO. 17-25

AN ORDINANCE AMENDING CHAPTER 100A OF THE CODE OF ORDINANCES RELATING TO THE ESTABLISHMENT OF ACCESS FEES FOR THE TOWER TERRACE ROAD – PHASE V (10th STREET TO INDIAN CREEK ROAD).

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARION, IOWA:

Section 1. Chapter 100A of the Code of Ordinances is amended by adding the following subsection:

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 ¼ NW ¼ FRACTIONAL, SW ¼, SW ¼ FRACTIONAL, NW ¼ SW ¼ FRACTIONAL, EXCEPT THE SE DIAGONAL ¼ SOUTH 40 FEET, EAST 40 FEET, AND SOUTH 586.35 FEET LYING WESTERLY OF THE ROAD, SE ¼ SW ¼, EXCEPT THE ROAD, SECTION 30, TOWNSHIP 84, RANGE 6 AND THE NORTH 120 FEET W 718 FEET NW ¼ NW ¼ FRACTIONAL, EXCEPT THE ROAD, SECTION 31, TOWNSHIP 8 ¼, 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 7/8 OF THE NORTHEAST QUARTER OF THE SOUTHWEST FRACTIONAL QUARTER (NE ¼ SW ¼ 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 ¼ SW ¼ FRL.); THENCE SOUTH 01°03'51" EAST ALONG THE WEST LINE OF THE OF SAID NORTHEAST QUARTER OF THE SOUTHWEST FRACTIONAL QUARTER (NW ¼ SW ¼ 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°13′49″ EAST, 43.10 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
SOUTHWesterLY 34.72 FEET ALONG THE ARC OF SAID CURVE
WITH A CHORD THAT BEARS SOUTH 59°06′58″ WEST, 34.72 FEET
TO SAID WEST LINE; THENCE NORTH 01°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 ¼ SW ¼ FRL); 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 ¼ SW ¼ 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°28′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 ¼ SW
¼ 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 ¼ 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 ¼ SW FRL ¼ ) 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 ¼ SW FRL ¼ ) 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 ¼ SW FRL ¼) 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.

Section 2: That all ordinances and parts of ordinances in conflict with the same are hereby repealed.

Section 3. This ordinance shall be in full force and effect from and after its passage, approval and publication, as provided by law.

Passed and approved this 5th day of October, 2017

Nicolas AbouAssaly, Mayor

ATTEST:

I, Wesley A. Nelson, City Clerk of the City of Marion, Iowa hereby certify that at a meeting of the City Council of said City, held on the above date, among other proceedings the above was adopted.

Wesley A. Nelson, City Clerk

CERTIFICATE OF SERVICE

The undersigned City Clerk of Marion, Iowa certifies that the ordinance shown immediately above was published in the Marion Times on the 19 th day of October, 2017.

Wes Nelson
City Clerk