

CHAPTER 93

BENEFITED WATER DISTRICT

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93.01 PURPOSE. The Council, after public notice and hearing as prescribed by law, has determined the necessity of establishing the Woodlyn Acres Water Connection Fee District (“Connection Fee District”) and the imposition of a fee for connecting to the City Water Utility upon each person who owns property in said area and who desires to be connecting to the City Water Utility.

93.02 DEFINITIONS. The following terms are defined for use in this chapter:

1. “Benefited Service Area” means the designated area to which water service will be provided by a water utility of a given design and capacity.
2. “Connection” means any act that results, directly or indirectly, in receiving water from the City Water Utility, including but not limited to, the connection of a private water system to a water main. A total of forty-two (42) connections shall be allocated within the Connection Fee District, as follows:
 - A. Twenty-six (26) service connections shall be allocated on the east side of Holiday Drive, including Lots 12 through 40 of the Plat of Woodlyn Acres in Gov’t Lots 6 and 7, Section 32-99-36; some of the homes in this area occupy more than one lot; all lots in this area shall be allocated a single service connection except the lot combinations specified herein, which constitute a single home site and shall be allocated a single service connection: [a] Lot 17, and the N. 1/3 of Lot 18; [b] S. 2/3 of Lot 18, and Lot 19; [c] Lot 21 and Lot 22; [d] Lot 25 and Lot 26.
 - B. Two (2) service connections shall be allocated on the west side of Holiday Drive, one to each of the two houses on part of Gov’t Lot 6 at the south end of the Connection Fee District.
 - C. Three (3) service connections shall be allocated to Parcel “A” of Lot 7.

D. Two (2) service connections shall be allocated to Parcel “B” of Lot 7, one of which shall be allocated to the existing residence.

E. Six (6) service connections shall be allocated to Lot 16.

3. “Connection fee” means \$1,930.00, which is derived by dividing the original cost by 42, the number of service connections allocated within the Connection Fee District.

4. “Connection Fee District” means the area within the City limits described as follows:

**Legal Descriptions of Areas Benefited by
City of Arnolds Park, Iowa,**

2002 Woodlyn Acres Water Main Extension Project (E-01301)

ALL OF LOTS 12-40 OF THE PLAT OF WOODLYN ACRES IN GOV'T LOTS 6 AND 7, SECTION 32-99-36, DICKINSON COUNTY, IOWA.

ALL THAT PART OF HOLIDAY DRIVE BETWEEN THE PLATS OF WOODLYN ACRES AND WOODLYN ACRES SECOND ADDITION, IN GOV'T LOTS 6 AND 7, SECTION 32-99-36, DICKINSON COUNTY, IOWA, LYING SOUTHERLY OF THE SOUTHWESTERLY PROJECTION OF THE NORTHERLY LINE OF LOT 12 OF THE PLAT OF WOODLYN ACRES.

ALL OF LOTS 5, 6, 7, 8, 15, 16 AND PART OF LOT 14 OF THE PLAT OF WOODLYN ACRES SECOND ADDITION IN GOV'T LOTS 6 AND 7, SECTION 32-99-36, DICKINSON COUNTY, IOWA, PART OF LOT 14 DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF LOT 14 OF WOODLYN ACRES SECOND ADDITION; THENCE WESTERLY ALONG THE SOUTHERLY LINE OF SAID LOT 14 A DISTANCE OF 200 FEET; THENCE NORTHERLY PARALLEL WITH THE WEST LINE OF SAID LOT 14 A DISTANCE OF 133 FEET; THENCE EASTERLY PARALLEL WITH THE SOUTH LINE OF LOT 14 TO THE EASTERLY LINE OF LOT 14; THENCE SOUTHERLY ALONG THE EASTERLY LINE OF LOT 14 TO THE POINT OF BEGINNING.

THE ALLEYS AND/OR LAKE ACCESSES BETWEEN LOTS 22 AND 23 AND LOTS 31 AND 32 IN THE PLAT OF WOODLYN ACRES IN GOV'T LOT 6, SECTION 32-99-36, DICKINSON COUNTY, IOWA.

ALL OF GOV'T LOT 6, SECTION 32-99-36, LYING SOUTH OF THE SOUTH LINE OF WOODLYN ACRES SECOND ADDITION AND EAST OF THE SOUTHERLY EXTENSION OF THE WEST LINE OF WOODLYN ACRES SECOND ADDITION.

5. “Original cost” means \$81,068.00.

6. “Water Utility” means and includes the water mains, towers, wells, treatment facilities and all other portions of the system necessary to provide potable water to the City.

93.03 BENEFITED SERVICE AREA. The Lots within the Woodlyn Acres Water Connection Fee District constitute a Benefited Service Area to be served by connecting to the City Water Utility.

93.04 INTEREST ON CONNECTION FEE. Owners of property within the Connection Fee District may connect to City Water Utility and shall upon such connection be obliged to pay the connection fee specified above for the lot, lots or parts of lots involved. The unpaid connection fee associated with each of the forty-two (42) service connections specified above shall bear interest at the rate of seven and one-half percent (7½%) per annum, but not to exceed a maximum of \$3,000.00, commencing with the date of completion of construction of the main water line to which said service connections shall be made, to and including the date of payment. *(Ord. 13-05 – Dec. 13 Supp.)*

93.05 APPLICATION; PERMIT. Before any connection is made to the City Water Utility to serve a lot in the Woodlyn Acres Water Connection Fee District, the owner of the lot or lots to be served by the connection shall file an application, on a form provided by the City, with the Superintendent. Upon approval of the application, the Superintendent shall advise the applicant of the connection fee to be paid. Upon payment of the connection fee to the City Treasurer, or upon entry into an agreement to pay said fee in installments if so allowed by separate action of the Council, the City shall issue a connection permit. Upon completion of the connection, the owner of the lot or lots being connected shall notify the Superintendent and the Superintendent shall, at his or her discretion, inspect the connection.

93.06 CONTIGUOUS PARCELS. If the owner of two or more contiguous parcels with two or more service connections allocated by this chapter desires to make a connection to the City Water Utility that will serve only one such parcel, such owner need only pay the connection fee associated with the served parcel.

93.07 USE OF CONNECTION FEE. Connection fees collected by the City Treasurer shall be used only for the purposes of operating or paying debt of the City Water Utility.

93.08 OTHER CONNECTION FEES. The water connection fees established by this chapter are in addition to, and not in lieu of, any other

connection fees required under other provisions of this Code of Ordinances, or City policy. The property owner paying a connection fee will be responsible for the full cost of providing any necessary water line extensions or service lines from the private property improvements or buildings to the water main being constructed as part of the project.

93.09 DISCONNECTION. In the event a connection is made to the City Water Utility serving Woodlyn Acres Water Connection Fee District without the permit required by this chapter or without payment of the connection fee set forth in this chapter, or if any installment payment of such fee as provided by subsequent ordinance of the Council is not made, the City shall disconnect such service from the City Water Utility until such time as the property owner has received a permit for the connection and paid the required connection fee. In addition, the City may pursue any other remedy allowed by law.