

South Panorama Sanitary District

Ordinance 2

An Ordinance Limiting the Effect of Platting, Re-Platting, or De-Platting Within the Territory of the South Panorama Sanitary District With Respect to Future Special Assessments Against District Property

Be it ordained and established by the South Panorama Sanitary District of Guthrie County, Iowa as follows:

Section 1 **Definitions**

“Plat” means a map or representation on paper of a piece of land subdivided into lots with road right of way, easements for utilities, and easements for the use and benefit of companies providing utilities and for the use of the lot owners.

“Re-platting” means the process whereby a pre-existing group of platted lots are revised with either the result of more new lots or less lots.

“De-platting” means the process whereby a pre-existing group of platted lots is re-platted with the results that less lots are shown or recorded to exist than that existing before the re-platting.

“Community areas” means those areas so designated in the Ordinance platting or subsequent platting by Mid-Iowa Lakes, Inc. of the Lake Panorama Subdivision and which are within the areas of the District.

Section 2 **Preamble**

The purpose of incorporating a District is to provide for construction, maintenance and operation of a trunk sewer system and plant or plants for treatment of sewage and maintenance of one or more outlets for drainage thereof, with the Trustees of the District provided the power to manage and control the affairs and property of the District. The Board of Trustees of the District is provided, further, authority by law to adopt necessary ordinances, resolutions, rules and regulations for the proper management and conduct of the business of the Board of Trustees and the corporation and for carrying out the purpose of which the District is formed. This Ordinance is adopted to help fulfill that stated purpose of incorporating a District.

Section 3 **Purpose**

That the Board of Trustees contemplate the development, as authorized by law, to provide for the disposal of sewage of the District, and in accordance with the authority of Chapter 358 of the Code of Iowa, (2007) to incur debt and to pay such debt in part by Special Assessment, all as authorized by Sections 358.21 and 358.22 of the Code of Iowa (2007). That some owners of property within the District have transferred, platted, re-platted, or de-platted lots as originally described in Plats of Lake Panorama, as originally platted by Mid-Iowa Lakes, Inc., as an attempt to re-classify one or more pieces of property into a larger potential-ly assessable entity, thus reducing a potential total assessment as against such property. That such platting, re-platting, or de-platting would have a deleterious effect upon the Special Assessment approach for the paying for sanitary sewer improvements. That the Board of Trustees, therefore, adopts this Ordinance to limit, prevent, and avoid the potential reduction of assessment property for the District.

Section 4 **Effect of Transfer**

That when this District hereafter adopts a special assessment plan pursuant to Section 358.22 of the Code of Iowa (2007) (or subsequently codified provisions of the Iowa law), it shall treat all lots as heretofore established within the Lake Panorama Subdivision to Guthrie County as separate and distinct entities as ori-

ginally described in platting made and filed by the Mid-Iowa Lakes Corporation and shall assess any lot as if it still exists (using its former description even if that description has technically been deleted from the official plats in Guthrie County and using the originally described footage of such lots as defined in the above described original platting) except for the following:

- A. That any platting, re-platting, or de-platting completed and filed prior to January 1, 1986 shall be honored as the proper record of platting for the District for the purpose of assessment. Provided, however, that should the foregoing sentence be held by any court to be invalid, then the beginning date shall be the date this Ordinance became fully enforceable which was December 11, 1986.
- B. That any platting, re-platting, or de-platting has ultimately resulted in more assessable lots, rather than fewer.
- C. Any individual house on which construction was begun prior to January 1, 1986 on two separately platted lots shall result in one lot for assessment purposes, provided the two lots have been combined as one existing lot. Provided, however, that if the foregoing date is determined as invalid for any reason, then the beginning date shall be on the date this Ordinance became fully enforceable which was December 11, 1986.
- D. Where an unattached garage exists on one lot and another structure is placed on an adjacent lot, which such structure is a house, the two lots shall nevertheless be treated as separate existing lots, unless combined as one lot as described in sub-paragraph C, above.
- E. See also sub-paragraph B of Section 5 following for permitted and accepted property re-platting.

Section 5 **Unassessed Property**

The District will not assess at the time of Special Assessment the following properties:

- A. Parcels of land platted as community areas and partly owned by all owners of property within this District, as members of the Lake Panorama Association.
- B. Land which has heretofore and hereafter been re-platted, de-platted or platted into larger parcels and thereby shown of record and used as agricultural lands. Provided that should any such land be hereafter used, re-platted, or converted to a use requiring a sanitary sewer, then it shall be subject to the provisions of Section 3 above.

Section 6 **Repealer**

All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed. These are: None.

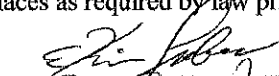
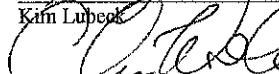
Section 7 **Severability Clause**

If any section, provision, or part of this Ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the Ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

Section 8 **When Effective**

This Ordinance shall be in effect after its final passage, approval, and publication as provided by law.

This Ordinance was passed by the vote of the Trustees of the District on the 9th day of April, 2008 and was properly posted at the five official public places as required by law prior to approval.

 _____ Kim Lubeck	_____ President
 _____ Chris Webner	_____ Clerk