

 <p style="text-align: center;">Council Communication Office of the City Manager</p>	Date: November 22, 2010
	<p>Agenda Item No. 21</p> <p>Roll Call No. <u>10-1935</u></p> <p>Communication No. <u>10-707</u></p> <p>Submitted by: Chris Johansen, Assistant City Manager</p>

AGENDA HEADING:

Communication from the City Manager recommending conditional approval of the request by the City of Pleasant Hill to allow a portion of Copper Creek Lake Park, owned by Pleasant Hill and located within the boundaries of the City of Des Moines, to be severed from Des Moines and annexed into Pleasant Hill.

SYNOPSIS:

On November 8, 2010, by Roll Call No. 10-1868, the City Council received a communication from Pleasant Hill requesting that Des Moines allow a portion of Copper Creek Lake Park, owned by Pleasant Hill and located within the boundaries of the City of Des Moines, to be severed from Des Moines and annexed into Pleasant Hill.

It is recommended that the City Council direct the City Manager negotiate with Pleasant Hill upon an agreement for further approval by the City Council, for the severance of the western portion of Copper Creek Lake Park from Des Moines for annexation into Pleasant Hill, subject to Pleasant Hill agreeing that no sound amplification equipment may be used in the western portion of the park.

FISCAL IMPACT:

Amount: Minimal. The property is tax exempt, and responsibility for City services would be shifted to Pleasant Hill.

Funding Source: N/A

ADDITIONAL INFORMATION:

Copper Creek Lake Park is located north of E. University Avenue at the boundary between Des Moines and Pleasant Hill. All the park land is owned by Pleasant Hill, but the western portion of the park is located within the Des Moines boundaries. The Pleasant Hill City Council has requested that the western portion of Cooper Creek Lake Park be severed from Des Moines and annexed into Pleasant Hill.

The western portion of Copper Creek Lake Park proposed to be severed from Des Moines is tax exempt and does not contribute to the Des Moines tax base. As long as the western portion of the Park remains within the City of Des Moines, the City is obligated to provide City services, including emergency response.

Severance of the western portion of Copper Creek Lake Park from Des Moines would cause Des Moines

to lose jurisdiction over the activities allowed in that portion of the park. This could be significant if the western portion of the park were used for activities that use amplified sound. This concern can be resolved by an agreement with Pleasant Hill that no sound amplification equipment would be allowed to be used in the western portion of the park.

PREVIOUS COUNCIL ACTION(S):

Date: November 8, 2010

Roll Call Number: 10-1868

Action: [Communication from](#) City of Pleasant Hill requesting boundary adjustment to allow a portion of Copper Creek Lake Park, owned by Pleasant Hill and located within the boundaries of the City of Des Moines, to be severed from Des Moines and annexed into Pleasant Hill. **Moved by Meyer to receive and file, and to refer to the City Manager for report and recommendation, and also to include a recommendation regarding the Sleepy Hollow area. Motion Carried 7-0.**

Date: October 25, 2010

Roll Call Number: 10-1773

Action: [Hearing on](#) proposed Annexation Moratorium Agreement and 28E Agreement with the City of Pleasant Hill. ([Council Communication No. 10-628](#)) **Moved by Mahaffey to adopt. Motion Carried 5-2. Absent: Coleman and Moore.**

BOARD/COMMISSION ACTION(S): NONE

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS:

If this recommendation is adopted, the City Manager will negotiate with Pleasant Hill upon the terms of an agreement whereby Des Moines would approve the severance of the western portion of Copper Creek Lake Park for annexation into Pleasant Hill, and Pleasant Hill would agree to annex the western portion of the park and to prohibit the use of sound amplification equipment on such land. The City Council will be asked to consider approval of that agreement and the severance of such land at a later date.

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