

 <p style="text-align: center;"><b>Council Communication</b> Office of the City Manager</p>	<b>Date:</b> May 9, 2011
	<p><b>Agenda Item No.</b> 18</p> <p><b>Roll Call No.</b> <u>11-782</u></p> <p><b>Communication No.</b> <u>11-285</u></p> <p><b>Submitted by:</b> Phillip Delafield, Community Development Director</p>

**AGENDA HEADING:**

Resolution approving request by Pleasant Hill that Des Moines sever the portion of Copper Creek Lake Park owned by Pleasant Hill and located within the boundaries of Des Moines, to allow such portion to be annexed into Pleasant Hill.

**SYNOPSIS:**

It is recommended that the City Council approve the request by Pleasant Hill that Des Moines sever the western portion of Copper Creek Lake Park from Des Moines for annexation into Pleasant Hill, with such severance to be effective upon annexation of such portion into Pleasant Hill. Pleasant Hill has agreed that no activity shall be permitted upon the land severed from Des Moines that would emit sound levels greater than 75 dBA as measured at the shared boundary line between the cities or 50 feet from the source of the sound.

**FISCAL IMPACT:**

Amount: Minimal. The property is tax exempt, and responsibility for City services will be shifted to Pleasant Hill upon its annexation of the property.

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. Copper Creek Lake Park is tax exempt and does not contribute to the Des Moines tax base. As long as the western portion of the Park remains within 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 create unreasonable sound levels.

On November 22, 2010, by Roll Call No. 10-1935, the City Council authorized and directed the City Manager to proceed with negotiations with Pleasant Hill for the severance of the western portion of Copper Creek Lake Park from Des Moines for annexation into Pleasant Hill, upon terms consistent with the recommendations set forth in Council Communication No. 10-707. The City Manager recommended

that Pleasant Hill be required to prohibit the use of sound amplification equipment on the land severed from Des Moines.

Pleasant Hill has signed a Declaration of Covenants which will be recorded and enforceable against Pleasant Hill and any future owners of the western portion of Copper Creek Lake Park. The Declaration of Covenants prohibits any activities upon such land that would create sound levels in excess of 75 dBA when measured at the shared boundary line between the cities of Pleasant Hill and Des Moines or at a distance of 50 feet from the source of the sound. The purpose of the Declaration of Covenants is to assure that the western portion of Copper Creek Lake Park is not used for activities that subject the nearby Des Moines residents to unreasonable sound levels. It is also worth noting that Pleasant Hill has residents with homes that immediately adjoin Copper Creek Lake Park. Those residents would also be affected by any unreasonable sound levels in the Park.

#### **PREVIOUS COUNCIL ACTION(S):**

Date: November 22, 2010

Roll Call Number: 10-1935

Action: [Regarding](#) request from City of Pleasant Hill to allow a portion of Copper Creek Lake Park, owned by Pleasant Hill and within the boundaries of the City of Des Moines, to be severed from the City of Des Moines and annexed into Pleasant Hill. ([Council Communication No. 10-707](#)) **Moved by Hensley to receive and file, and to direct the City Manager to proceed with negotiations with Pleasant Hill upon the terms consistent with the recommendation set forth in the accompanying Council Communication. Motion Carried 6-1.**

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.**

#### **BOARD/COMMISSION ACTION(S): NONE**

#### **ANTICIPATED ACTIONS AND FUTURE COMMITMENTS:**

If this recommendation is adopted, the City Staff will coordinate with Pleasant Hill to cause the severance of the land from Des Moines to occur concurrently with the annexation of the land into Pleasant Hill.

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