★ **Roll Call Number** 11-0782

Agenda Item Number 18

Date May 9, 2011

RESOLUTION APPROVING SEVERANCE OF THE WESTERN PORTION OF COPPER CREEK LAKE PARK FOR ANNEXATION INTO PLEASANT HILL

WHEREAS, the City of Pleasant Hill is the owner of the Property described below, and has requested that the Property be severed from the City of Des Moines for annexation into the City of Pleasant Hill:

A parcel in the Southeast Quarter of Section 33, Township 79 North, Range 23 West of the 5th P.M., in the City of Des Moines, Polk County, Iowa, described as Parcel E in the Corrected Plat of Survey filed on April 24, 2000, in Book 8478, at Page 618, containing 27.700 acres, more or less, and herein referred to as the "Property".

WHEREAS, 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 Property for annexation into Pleasant Hill, upon terms consistent with the recommendations set forth in Council Communication No. 10-707; and,

WHEREAS, consistent with the recommendations set forth in Council Communication No. 10-707, the City Manager has obtained a commitment from Pleasant Hill, memorialized in a Declaration of Covenants now on file with the City Clerk, to limit the sound levels that can be generated by any activity upon the Property if it becomes part of the City of Pleasant Hill; NOW THEREFORE,

BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, as follows:

1. The City Council hereby makes the following findings:
   a) The Property is located within the City of Des Moines and adjacent to the shared boundary between the cities of Des Moines and Pleasant Hill, as shown by the map attached hereto as Exhibit "A".
   b) The Property is tax exempt, owned by the City of Pleasant Hill, and devoted to public use as the western portion of Copper Creek Lake Park.
   c) The Property requires police and emergency services from the City of Des Moines, but does not contribute to the City of Des Moines tax base or revenues.
   d) The City of Pleasant Hill has agreed that if it is allowed to annex the Property, it will limit the sound levels that can be generated by any activity upon the Property to conform with the Declaration of Covenants described above.

2. The severance of the Property described above from the City of Des Moines is hereby approved, subject to, and to be effective upon, the annexation of the Property by the City of Pleasant Hill.

(continued)

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3. The City Clerk is hereby authorized and directed to cause the Declaration of Covenants from the City of Pleasant Hill to be recorded in the office of the Polk County Recorder.

4. The City Clerk is hereby further authorized and directed to forward a certified copy of this Resolution to the City Clerk of the City of Pleasant Hill, for recording with the record of the proceedings on the voluntarily annexation of the Property.

(Council Communication No. 11- 285)

MOVED by Hensley to adopt.

FORM APPROVED:

Roger K. Brown
Roger K. Brown
Assistant City Attorney
C:\Rog\Annex\28E Agr\Pleasant Hill\Swap - Park\RC Approve.doc

Attachments:
Pleasant Hill Resolution No. 102610-07
Map of the Property

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GRIESS	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MEYER	✓			
MOORE	✓			
TOTAL	7			

MOTION CARRIED APPROVED

T. M. Franklin Cownie Mayor

CERTIFICATE

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

Diane Rauh City Clerk