



CITY OF NORMAN, OK STAFF REPORT

MEETING DATE: 2/27/2024

REQUESTER: Tim Miles, Capital Projects Manager

PRESENTER: Beth Muckala, Assistant City Attorney

ITEM TITLE: CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF EASEMENTS E-2324-129, E-2324-130, and E-2324-131: EASEMENTS FOR PUBLIC ROADWAY, DRAINAGE & UTILITY RIGHT-OF-WAY AND TEMPORARY CONSTRUCTION DONATED BY THE JUDITH ANN FLOYD TRUST AND PARTIAL RELEASE OF RIGHT-OF-WAY EASEMENT FROM THE CITY OF NORMAN TO THE FLOYD TRUST, ALL FOR THE ROCK CREEK ROAD IMPROVEMENT PROJECT.

BACKGROUND:

The Rock Creek Road Improvement Project will improve the remaining unimproved ½ mile segment of Rock Creek Road from Grandview Avenue to 36th Avenue NW. There has been significant development in the area, which has generated the need for the roadway improvements. Rock Creek Road currently carries 3,800 vehicles per day and an abundance of pedestrians and bicycle traffic.

On May 27, 2014, City Council accepted \$246,009.99 in deferral funds from Brookhaven No. 41 Addition (\$158,289.50), The Falls at Brookhaven Addition (\$81,640.00) and C.P. Land Addition (\$6,080.49). City Council also appropriated these \$246,009.99 in deferral funds from the Site Improvement Cash (Account No. 10-22411) to the Rock Creek Road Widening Project Design (Account No. 50595552-46201, Project No. TR0094).

On May 27, 2014, City Council approved engineering services Contract K-1314-127 with Freese and Nichols, Inc. of Oklahoma City, Oklahoma in the amount of \$203,400.00 for the design of the Rock Creek Road Widening Project between Grandview Avenue and 36th Avenue NW.

On September 26, 2017, City Council approved Contract K-1718-62 and Resolution R-1718-42 with ODOT for the Right-of-Way and Utility Agreement on the Rock Creek Road Widening Project between Grandview Avenue and 36th Avenue NW.

On April 9, 2019, City Council approved engineering services Contract Amendment No. 1 to Contract K-1314-127 with Freese and Nichols, Inc. of Oklahoma City, Oklahoma in the amount of \$160,000.00 for the design of the east Interstate Drive Project from Main Street to Robinson Street.

On December 10, 2019, City Council approved proceeding with Eminent Domain on Parcels 5 and 8, while rejecting Eminent Domain on Parcel 3. City Council also directed staff to redesign the Grandview Avenue/36th Avenue NW intersection from the current roundabout design to a traditional T-intersection in an effort to minimize impacts to Parcel 3.

On March 20, 2020, City Council approved Amendment No. 2 to Contract K-1314-127 with Freese and Nichols, Inc. of Oklahoma City, Oklahoma in the amount of \$65,900.00 for the for the re-design of the Rock Creek Road/Grandview Avenue intersection.

Proposed improvements for the Rock Creek Road Widening Project include:

1. Widening Rock Creek Road from 2-lane to 3-lane between Grandview Avenue and 36th Avenue NW
2. Addition of 5-foot on-street bike lanes
3. ADA Compliant sidewalks on both sides of Rock Creek Road
4. Stormwater improvements

DISCUSSION:

Right-of-way acquisition is necessary for the Rock Creek Road Reconstruction Project. The affected property is located in the southwest corner of the Grandview Avenue/Rock Creek Road intersection. This item involves three related easement conveyances. First, the City requires the acquisition of two (2) easements for the Project. During the design of the project, the City discovered its right-of-way at the corner of Rock Creek went deeper into the affected parcel than necessary. Thus, a partial release of right-of-way was proposed to offset the current project needs for the City’s acquisition from the Judith Ann Floyd Trust. The below easement table summarizes describes the aquired easements. By E-2324-129, the City acquires right-of-way needed along Rock Creek Road to construct the proposed sidewalk and to meet intersection sight distance requirements. By E-2324-130, the City acquires temporary easement necessary primarily for final grading along the west side of Grandview Avenue.

Easement No.	Parcel No.	Grantors	Document	Cost
E-2324-129	1.0	Judith Ann Floyd Trust	Public Roadway, Drainage & Utility Right-of-Way- 64.66 sq.	Donated
E-2324-130	1.1	Judith Ann Floyd Trust	Temporary Construction Easement- 434.92 sq. ft.	Donated

Finally, the partial release of right-of-way via E-2324-131 reshapes the intersection right-of-way in conformance with the project, and enables the property owner to reconstruct the fence corner in a similar fashion on the new right-of-way line location. Due to the offset with the partial release, E-2324-129 and E-2324-130 are donated by the Floyd Trust. In addition to these conveyances, the Floyd Trust will be paid \$20,675.00, attributable to damages including removal and replacement of tree, fence, rock retaining wall, and rock mailbox. Funds to pay the damages are available in the Rock Creek Road Improvement Project Land (Account Org. 50595552, Object 46001, Project No. TR0094).

RECOMMENDATION 1:

Staff recommends payment of \$20,675.00 in damages to the Judith Ann Floyd Trust from the Rock Creek Road Improvement Project Land (Account Org. 50595552, Object 46001, Project No. TR0094).

RECOMMENDATION 2:

Staff further recommends the above described permanent easement, temporary easement and partial release of easement be accepted and filing, where applicable, directed thereof.