



CITY OF NORMAN, OK STAFF REPORT

MEETING DATE: 7/11/2023

REQUESTER: Shawn O 'Leary, Director of Public Works

PRESENTER: Heather Poole, Assistant City Attorney

TITLE: CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF CROSS ACCESS EASEMENT E-2324-5: BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND CATHERINE H. PETERSEN AND LESTER E. R. DOTY TO PROVIDE ACCESS FOR BOTH PARTIES TO THE DRIVE LOCATED BETWEEN 320 EAST COMANCHE STREET AND 314 EAST COMANCHE STREET.

BACKGROUND:

The City has utilized the University of Oklahoma's on-campus Brooks Street Transfer Station since taking over the public transit operations from the University in July of 2019. During the development of the City's Go Norman Transit Plan, many sites were considered in the City downtown area for a new Transit Center. Ultimately, The Depot was identified as the preferred site for a City bus transit center; however, after the Plan was completed and approved, the City revived interest in purchasing real property at 320 East Comanche Street in Norman to be used as the City's transit center. After working with the seller, Council approved a purchase-sale agreement (PSA) for the property at 320 East Comanche Street on January 18, 2022. The City assumed ownership of the property on March 4, 2022.

On March 8, 2022, City Council approved the first amendment to Contract K-2021-18 with Nelson\Nygaard to amend the Go Norman Transit Plan to reflect the new location of the Transit Center and conduct additional analyses related to transit center operations. This work was completed and presented to the City Council Community Planning and Transportation Committee on June 23, 2022. Separate from this amendment, Nelson/Nygaard provided technical expertise to the architect for the transit center renovations.

On October 22, 2019, City Council approved numerous on-call professional services contracts after a qualitative-based selection (QBS) process was completed. Of those vendors, Council approved a contract with McKinney Architects to provide Architectural and Engineering services for the property on May 10, 2022.

On January 4, 2023, the City of Norman opened bids for the City Transit Center Remodel project. On February 14, 2023, the remodel project was awarded to Stronghold Construction, L.L.C. for \$875,334. Preliminary work began on the site in March, 2023.

DISCUSSION:

Shortly after taking possession of the property in 2022, the City reached out to Ms. Catherine Petersen, who was one of the owners of 314 East Comanche and had parking spaces facing the west side of 320 East Comanche. The property the City now owns has a 10 foot width of the drive located between the properties, which connects East Comanche Street to the alley behind the properties. The City indicated this to Ms. Petersen and offered to work with her on not blocking her access to the spaces located on her property, by providing access through an approved easement or some other method. No response was received until an attorney representing Ms. Petersen contacted the City and wanted assurances that no use of the drive would be made by the City as it was their opinion that the drive was part of the parcel that 314 East Comanche was located on.

Ms. Petersen and her husband filed Requests for Temporary Injunction and Restraining Order along with a Quiet Title Action. A hearing was held on March 10, 2023 in Cleveland County District Court. On March 20, 2023 District Judge Tupper issued an order denying the requests for a restraining order or a temporary injunction. The Order indicated one of the reasons those were not granted was due to the unlikelihood that Plaintiffs would prevail in their Quiet Title action against the City.

A cross access easement was drafted by the City and sent to the Plaintiffs' attorney, as a settlement of the Quiet Title Action against the City. The easement allows both parties to access all of the drive, but maintain only that portion which they own. The Plaintiffs have signed and returned the easement, which will be filed after Council approval.

RECOMMENDATION:

Staff recommends approval of Easement E-2324-5.