



## CITY OF NORMAN, OK STAFF REPORT

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**MEETING DATE:** 8/22/2023

**REQUESTER:** Paul D'Andrea, Capital Projects Engineer

**PRESENTER:** Shawn O'Leary, Public Works Director

**ITEM TITLE:** CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF EASEMENT E-2324-8: A PERMANENT UTILITY EASEMENT GRANTED BY THE CITY OF NORMAN TO OKLAHOMA GAS AND ELECTRIC COMPANY FOR THE JAMES GARNER PHASE 2 NORMAN FORWARD PROJECT.

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### **BACKGROUND:**

On October 13, 2015, Norman Voters approved the \$150 million, 15-year, Norman Forward Sales Tax initiative. The program outlined various citywide projects to improve the quality of life for the citizens of Norman. One of these projects is the James Garner Avenue – Acres Street to Flood Avenue project. This project was to be allotted a budget from Norman Forward funds of \$6,000,000.

On November 8, 2016, the Norman City Council approved programming Resolution No. R-1617-49 requesting federal funds to extend James Garner Avenue from Acres Street to Flood Avenue. This Resolution states the City's commitment to adhere to the terms and conditions of a federally funded project. Through the Association of Central Oklahoma Governments (ACOG), the Oklahoma Department of Transportation (ODOT) agrees to provide 80% of the cost of construction with a 20% matching share from the City of Norman. In order to receive the federal funding, the City of Norman is required to enter in an agreement with ODOT to complete the design, acquire all rights-of-way and relocate existing utilities/encroachments at City's cost.

This Norman Forward Street Improvement Project will create a new entry into downtown and will help alleviate traffic on both Flood Avenue and Porter Avenue. The scope of this project includes:

- Construction of a new two-lane extension of James Garner Avenue from Acres Street to Flood Avenue
- New roadway bridge over Robinson Street
- New two-lane modern roundabout intersection at Flood Avenue
- Landscaping and Low Impact Development measures in roadway medians
- Reconstruction and extension of a portion of the Legacy Trail to accommodate the new roadway.
- New lighting along the street and Legacy Trail.

- Reconstruction of local residential streets as necessary.

In March of 2017, the Norman City Council approved the design contract (K-1617-105) with Cabbiness Engineering, in the amount of \$427,000.00, for the James Garner Avenue Project from Acres Street to Flood Avenue, and Cabbiness began preliminary design for the project.

On August 27, 2019, the Norman City Council approved Contract Amendment No. One for contract No. K-1617-105, between the City of Norman and Cabbiness Engineering, in the amount of \$2,275.00, for the design of the James Garner Avenue Project from Acres Street to Flood Avenue.

On March 23, 2021, the Norman City Council approved Contract Amendment No. Two for contract No. K-1617-105, between the City of Norman and Garver, LLC, in the amount of \$5,675.00, for the design of the James Garner Avenue Project from Acres Street to Flood Avenue.

On January 26, 2022, the City of Norman purchased property North of Robinson Street from the Judith E. Drabek Foundation Trust, in the amount of \$81,936.00, for the construction of the James Garner Avenue Phase II from Acres Street to Flood Avenue Norman Forward Project.

On February 28, 2022, the City of Norman obtained property North of Robinson Street, from the University of Oklahoma, for the construction of the James Garner Avenue Phase II from Acres Street to Flood Avenue Norman Forward Project.

On April 12, 2022, the Norman City Council approved Contract Amendment No. Three for contract No. K-1617-105, between the City of Norman and Garver, LLC, in the amount of \$34,400.00, for the design of the James Garner Avenue Project from Acres Street to Flood Avenue.

On May 24, 2022, the Norman City Council accepted easement E-2122-65, establishing a roadway, sidewalk, and utility easement across the lands purchased for construction of the James Garner Phase II-Acres Street to Flood Avenue Norman Forward Project.

On June 14, 2022, the City of Norman entered into funding agreement (K-2122-135 & R-2122-129) for the James Garner Avenue-Acres Street to Flood Avenue Norman Forward Project. The agreement split the project construction costs between City of Norman funds and federal funds administered by ODOT. The federal share was capped at \$4,825,733, leaving the City to pay \$1,664,597.00 based on the engineer's estimate at the time of the agreement.

On August 17, 2022, the City was invoiced by ODOT for its portion of the construction cost based on new estimates. The City's portion of construction at that time was estimated to be \$1,662,153.00. The City paid that amount, as invoiced, to ODOT per the project funding agreement.

On November 22, 2022, the Norman City Council appropriated additional funding, in the amount of \$2,281,034.00 from the Norman Forward Fund Balance account to the James Garner Phase 3 Project, to cover the construction cost based on the low-bid received by

ODOT on October 20, 2022, allowing for the award of the construction contract to Redlands Contracting, LLC for a total cost of \$7,820,546.33.

## **DISCUSSION:**

After construction began on the James Garner Phase 2 Norman Forward Project, the contractor brought up concerns regarding the proximity of an overhead electric line to the location of the new James Garner bridge over Robinson Street.

This electric line was reviewed during pre-construction utility meetings, but at that time it was determined that the line did not conflict with the roadway, so it was not necessary to relocate the line. However, after further coordination between the bridge contractor and OG&E, it was decided that due to the amount of power the line carries and for the safety of the bridge crews, the line would best be located to the west of its current location.

Although the relocation of the electric line will delay the start of the bridge construction, it is not anticipated to affect the overall construction schedule for the project. Furthermore, there is no cost to the City of Norman for the associated relocation.

Two portions of the line to be relocated fall within City owned property but outside of present roadway right-of-way. For this reason, it is necessary to grant easements to OG&E for these portions of the line. This agenda item is for the required easement located on the north side of Robinson Street just west of the new James Garner alignment.

## **RECOMMENDATION No. 1:**

Staff recommends acceptance of Permanent Utility Easement E-2324-8 granted to Oklahoma Gas and Electric Company for providing electric service to the James Garner Phase 2 Norman Forward Project.