



CITY OF NORMAN, OK STAFF REPORT

MEETING DATE: 07/28/2026

REQUESTER: Joseph Taylor, Staff Engineer

PRESENTER: AshLynn Wilkerson, Assistant City Attorney

ITEM TITLE: CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF RESOLUTION R-2627-17: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AUTHORIZING THE ACQUISITION OF CERTAIN REAL PROPERTY, MORE PARTICULARLY HEREINAFTER DESCRIBED, ALL WITHIN THE CITY OF NORMAN, COUNTY OF CLEVELAND, STATE OF OKLAHOMA, FOR THE PURPOSE OF THE LINDSEY STREET SPECIAL CORRIDOR - PICKARD AVENUE TO ELM AVENUE 2019 BOND PROJECT IN THE CITY OF NORMAN; AND DECLARING THE NECESSITY FOR ACQUIRING SAID PROPERTY FOR ROADWAY, UTILITY AND DRAINAGE PURPOSES, AND AUTHORIZING INITIATION OF EMINENT DOMAIN PROCEEDINGS FOR THAT PURPOSE.

BACKGROUND:

On April 2, 2019, the citizens of Norman voted in favor of a \$72 million transportation bond issue, which includes nineteen (19) projects. With the anticipated \$67 million in federal dollars being leveraged for these projects, approximately \$139 million is budgeted for the nineteen (19) projects. One of the nineteen 2019 bond projects is the Lindsey Street Special Corridor Project from Pickard Avenue to Elm Avenue. The Lindsey Street Special Corridor Project located from Pickard Avenue to Elm Avenue is approximately 0.4 miles in length. The design of this project will improve this segment of Lindsey Street to include the following:

- Reconstruction of the 2-lane roadway
- Add left-turn lanes at intersections
- On-street bike lanes
- Reconstruct sidewalks on both sides of the street
- Add curb and gutter for improved drainage
- New storm sewer system
- Traffic signal replacements
- Adding side street center left-turn lanes for existing signalized intersections

The Lindsey Street Special Corridor Project - Pickard Avenue to Elm Avenue has been approved to receive federal funds to aid in the construction costs and is anticipated to be out

for bid in October of 2026, pending right of way and utility relocations and Oklahoma Department of Transportation (ODOT) environmental review.

On January 9, 2024, the Norman City Council approved contract No. K-2324-116 in the amount of \$313,775 with MacArthur Associated Consultants, LLC, for the design of the Lindsey Street Special Corridor Project - Pickard Avenue to Elm Avenue.

On November 25, 2025, the Norman City Council approved Work Order No. PW1 for Right-of-Way acquisition services on the Lindsey Street Special Corridor Project – Pickard Avenue to Elm Avenue to Pinnacle Consulting Group, Inc. (Pinnacle) of Oklahoma City in the amount of \$241,350.00.

On May 26, 2026, the Norman City Council accepted the first fourteen (14) easements from ten (10) properties on the project in the amount of \$11,785.

On July 14, 2026 the Norman City Council accepted another twenty-four (24) easements from twelve (12) properties on the project in the amount of \$19,900.

The City's current construction cost estimate for the project is \$6,448,000 plus 6% Construction Engineering (\$386,880) and 15% contingency (\$967,200) for a total of \$7,802,080. Based on this amount, City 2019 Bond Funds will pay \$3,623,501 or 46.4% and federal funds will pay \$4,178,579 (federal capped amount) or 53.6% of construction and construction management costs. Federal funds have been secured for FFY2026, which means ODOT can take bids for the project as soon as right-of-way acquisition, utility relocations and the NEPA environmental document are complete. City staff anticipate a Fall 2026 bid opening with construction starting in Spring of 2027.

DISCUSSION:

The Lindsey Street Special Corridor Project - Pickard Avenue to Elm Avenue requires the acquisition of easements and right-of-way from forty-two (42) different property owners. Per federal guidelines, if an individual property acquisition is estimated to be less than \$15,000, the offers can be based on values obtained from comparable sales. If any of the individual property acquisition is determined to be over \$15,000, appraisals are required for those properties. On this project, all individual property acquisitions were estimated to be less than \$15,000, so Pinnacle pulled recent, comparable sales to determine property values. These offers considered both the value of the land acquired, as well as any damages, such as fence replacement, landscaped tree replacement, and other items located within the acquired easement that may be affected or need to be replaced or relocated.

After the easement values are determined, the acquisition agent meets with the landowner to discuss the purchase of the easement(s). If the landowner agrees to the terms, then the documents are signed and the landowner is compensated for the easement, including any damages, upon City Council approval. If an agreement cannot be reached on fair value, the land may be acquired through a process called eminent domain, which allows a government to acquire private property for public use with fair compensation. In this process, a third party establishes an independent fair market value of the property being acquired, which becomes

the purchase price of the property regardless of whether it is more or less than the original appraised value.

The first offer letters for acquisition of the needed easements and right-of-way were sent in March of 2026. The City has acquired the needed easements from thirty-two (32) property owners: The first ten (10) property owners being approved by Council on May 26, 2026; another twelve (12) being approved by Council on July 14, 2026; six (6) property owners were secured by deletion; and a few property owners have recently reached settlements with the City but have not been formally accepted by Council to date. Therefore, the City only requires easements from the ten (10) remaining property owners.

The Fifth Amendment provides in part: "...nor shall private property be taken for public use without just compensation." Further, the Constitution of the State of Oklahoma provides: "Private property shall not be taken or damages for public use without just compensation. Just compensation means the value of the property taken ...". 11 O.S. § 22-104 provides that "every municipality shall have a right to: (3) exercise the right of eminent domain for any municipal purpose ..."

Section 22-105 of Title 11 provides:

Private property may be taken for public use, or for the purpose of giving a right-of-way or other privilege for any necessary purpose, in the manner provided by law; but in every case the municipality shall make adequate compensation to the person or persons whose property shall be taken or injured thereby as provided by law.

The appraisal process ensures the offer to the property owner is adequate. The Courts have viewed "just compensation" as "[t]he fair market value, which means the money which purchaser willing but not obligated to buy property would pay to the owner willing but not obligated to sell it." *Grand River Dam Auth. v. Bonford*, 111 P.2d 182 (Okla. 1941).

The City of Norman, directly and/or through its right-of-way agents, has been working with the property owners' agents to address any concerns they might have regarding the acquisitions. However, the City and its agents have not yet been able to complete acquisitions with respect to eleven parcels: 8, 9, 10, 14, 19, 22, 23, 25, 36, and 41.

Only four (4) of the ten (10) parcels (8, 22, 23, and 36) require acquisition of permanent easements, all other parcels are only acquisition of temporary construction easements and/or temporary driveway easements. Two (2) parcels (9 and 10) are stuck in the probate process; three (3) parcels are unresponsive to all attempts and methods of contact (14, 25, and 36); and the remaining five (5) parcels are in active negotiations but have reached an impasse in concluding equitably in a timely fashion without utilizing the eminent domain process.

Staff believe that pursuing eminent domain may serve to avoid significant cost increases and avoid devaluing funds already invested in this project. Although Staff desires to settle the acquisition process with the property owners, it is necessary to take the next step to file for eminent domain for this project to proceed timely to ensure the timeline to secure federal funding stays on track and to diligently proceed with the voter-approved bond project. Filing an

eminent domain action does not mean that efforts toward settlement will cease. It will ensure, rather, that the property is acquired in a timely fashion.

RECOMMENDATION:

Based upon the above and foregoing, it is the recommendation of Staff that proposed Resolution R-2627-17, concerning the necessity of acquiring the previously described parcels of property, and authorizing the filing of eminent domain proceedings for the acquisition thereof, be approved.