

SUBMITTED BY COUNCILMEMBER NASH

~~RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, ACKNOWLEDGING THE OKLAHOMA TURNPIKE AUTHORITY'S ACCESS OKLAHOMA PROGRAM TO IMPROVE AND CONSTRUCT TURNPIKE FACILITIES IN THE CITY OF NORMAN AND TO PROTECT AND PRESERVE THE LAKE THUNDERBIRD WATERSHED, THE CANADIAN RIVER CORRIDOR, THE CITY'S, DEL CITY'S AND MIDWEST CITY'S DRINKING WATER SUPPLY, AND THE CITY'S FLOOD HAZARD AREAS AND ACKNOWLEDGING THE OKLAHOMA TURNPIKE AUTHORITY'S ACCESS OKLAHOMA PROGRAM TO CONSTRUCT TURNPIKE FACILITIES THROUGH THESE CRITICAL AREAS IN THE CITY OF NORMAN~~

§ 1. WHEREAS, the Oklahoma Turnpike Authority (OTA) was originally created by act of the Twenty-First Oklahoma Legislature on April 30, 1947, to provide for the construction of the Oklahoma City-to-Tulsa Turnpike (the Turner Turnpike); the Oklahoma Legislature passed House Bill 933 on May 7, 1953, thereby establishing the basis for a State system of Turnpikes (Oklahoma Turnpike System); and

~~§ 2. WHEREAS, the Oklahoma Supreme Court affirmed on August 1, 2023, that the OTA has statutory authority to build new turnpike alignments proposed in Oklahoma's long-range plan designed to connect communities and economies safely statewide; and~~

§ 3.2. WHEREAS, the OTA operates a turnpike system within Oklahoma that connects ~~seamlessly~~ with the state highway/interstate and local road system; and

§ 4.3. WHEREAS, improvements to Oklahoma's interconnected ~~transportation~~ ~~transportation~~ system of ~~turnpikes~~ ~~interstates~~, state highways and local roads must be coordinated to leverage resources, improve safety and ensure a seamless operation for the benefit of all Oklahomans; and

§ 5.4. WHEREAS, the OTA announced in ~~December 2021~~ ~~February 2022~~, a 15-year, long-range turnpike ~~improvement and~~ expansion program for projects defined in the Advancing and Connecting Communities and Economies Safely Statewide "ACCESS Program" that represents approximately \$5 billion in ~~tolled~~ transportation infrastructure ~~improvements~~ ~~projects~~ to Oklahoma's Turnpike System by expanding capacity and constructing new turnpike routes; and

§ 6.5. WHEREAS, the ACCESS Program includes the construction of a new turnpike route from the I-44 Tri-City area (Newcastle, Blanchard, Tuttle) at SH-37, crossing the South Canadian River, east to I-35, then continuing east along Indian Hills Road and then northeast to I-40, connecting to the new Kickapoo Turnpike (East-West Connector or "EWC" Project); and

~~§ 7. WHEREAS, the City of Norman requests that the East-West Connector include the construction of access points at I-44, S. Western Avenue (60th Avenue NW), Telephone Road (36th Avenue NW), I-35, S. Bryant Avenue (12th Avenue NW/Broadway), SH 77H (12th Avenue NE), S. Douglas Blvd (48th Avenue NE), South Extension Turnpike, S. Choctaw Road (120th Avenue NE), S. Peebly Road (156th Avenue NE), I-40 along with one-way service roads along the turnpike from S. Western Avenue (60th Avenue NW) to S. Douglas Blvd (48th Avenue NE); and~~

~~§ 8. WHEREAS, the City of Norman requests that 36th Avenue NW be reconstructed to 4-lane with 10-foot multimodal path per current design plans from East-West Connector north to City of Norman limits and from East-West Connector South to Franklin Road; and~~

§ 9.6. WHEREAS, damage to existing City of Norman infrastructure caused by heavy construction activity will be restored to existing or better conditions through a negotiated combination of repair, reimbursement or other methods ~~jointly~~ determined appropriate at the end of corridor construction; and

Commented [MN1]: Amendment 1: Remove indicated text; add Del City and Midwest City; add acknowledgement in the back

Commented [MN2]: Amendment 2: Remove. The supreme court did not truly consider the case in yet another shining example of the state's governmental circus making a joke of its people, ignoring precedent, ignoring implications, ignoring the state's constitution. But this is where we are, we have a supreme court that has walked backwards to 1965. It would be best if we just omit this paragraph. While the OTA considers it a shining medal, what it is, is an opinion that elevates the turnpike authority above the legislation and any and all regulations intended to honor our state constitution and protect our citizens.

Commented [MN3]: Amendment 3: strike word "seamlessly" for nonsense

Commented [MN4]: Spelling correction

Commented [MN5]: Amendment 4: Interstates are a transportational improvement. Tolled roads are a transportational impairment.

Commented [MN6]: Amendment 5: Correction of announcement date

Commented [MN7]: Amendment 6: "improvement" is subjective and does not accurately reflect the sentiments of the Council (this is a supposition that will be verified during the amendment vote)

Commented [MN8]: Amendment 7: addition for clarity

Commented [MN9]: Amendment 8: Update for accuracy

Commented [MN10]: Amendment 9: First off, these access points were already in the EWC plan, so to act like Norman has to request it is absurd. This paragraph is not only unnecessary, it's misleading. Second, if we were making requests, this isn't the place to do it because that's all we'd ever see [at most]. Third, why do the access roads stop at 60th when Indian Hills from 60th NW to 72nd NW is also going to be ripped up?

Commented [MN11]: Amendment 10: Where did the multimodal path come from, and is it worth the increased number of homes that would be demolished?

Commented [MN12]: Amendment 11: This should not rely on OTA's blessing, because they will just leave us with the bill when they've decided to stop. Ask OK County when they plan to get reimbursed the \$2.2 million for road repairs the OTA wouldn't pay for

§ 40 7. WHEREAS, The City of Norman requests that a 10-foot multimodal path be constructed on the south side of the EWC; and

Commented [MN13]: No amendment needed, but here's the multimodal path again.

§ 41 8. WHEREAS, the ACCESS Program includes the construction of a new turnpike route from I-35 (Norman and Purcell area), crossing the South Canadian River, Easterly to US-77, then north to EWC near Indian Hills Road (South Extension Turnpike or "SET" Project); and

§ 42 9. WHEREAS, the SET Project proposes to include the construction of access points at I-35, US-77, Etowah Road, SH-9, Alameda Drive, East-West Connector; and

§ 43 10. WHEREAS, the Oklahoma Department of Transportation (ODOT) presently owns and maintains I-44, I-35, I-40, SH-9, SH-37, SH-66, SH-77A, and US-77 where OTA's Turnpike ~~will~~ would intersect; and

Commented [MN14]: Amendment 12: Replacing "will" with "would" is grammatically correct.

§ 44 11. WHEREAS, the City of Norman, Oklahoma, is committed to ensuring the health, safety, and welfare of its residents, and recognizes the paramount importance of preserving and protecting its natural resources, particularly its water supply, Lake Thunderbird and the Garber-Wellington aquifer and the prevention of flood hazards to its residents; and

Commented [MN15]: Update: Superfluous comma

Commented [MN16]: Amendment 13: We must NOT overlook the flooding hazards that this would bring. See the flooding issues the Kickapoo is currently experiencing (you can find them by searching DEQ violations)

§ 45 12. WHEREAS, Lake Thunderbird serves as the primary source of drinking water for the residents of Norman, and the integrity of the watershed supplying this lake is critical to maintaining the quality and availability of this water supply; and

§ 46 13. WHEREAS, the Oklahoma Turnpike Authority has proposed the construction of toll roads that would traverse City Floodplains, including areas of the Lake Thunderbird Watershed and Aquatic Areas of Concern within a one-mile corridor along the Canadian River, posing further potential risks, including stormwater runoff pollution and flood hazards to the City, its citizens, and its water resources; and

Commented [MN17]: Amendment 14: This paragraph was omitted from my original resolution. Omitting this paragraph does not make this situation disappear.

§ 47 14. WHEREAS, Oklahoma law, including but not limited to 11 O.S. § 37-115, explicitly grants municipalities the authority to protect and preserve watersheds supplying drinking water, empowering the City of Norman to take necessary measures to safeguard its water resources for present and future generations; and

Commented [MN18]: Amendment 15: The Comprehensive Plan is not being developed around the turnpikes, it is including contingencies for their possibility. If we design a comp plan assuming turnpikes, with all the zoning/districts with that expectation, and we are wrong, then we have a critically erroneous comp plan. If we design a comp plan with what we *know* - that there are no turnpikes, but with a plan in the event that turnpikes go through, and we are wrong, then it's a simple matter of updating the comp plan when development occurs -naturally-. I can't stress enough how important this decision-making process is, and if we've failed at it then that's an entirely new situation to address. And I'm not afraid of addressing it by terminating Garver and bringing in a new consultant group to conclude the final stretch of the comp plan.

§ 48 15. WHEREAS, Municipal, State, and Federal Law, including the City's Flood Hazard Ordinance, Water Quality Protection Zone Ordinance, the Oklahoma Floodplain Management Act, and the National Pollutant Discharge System Stormwater Program, Phase II MS4 Compliance, empower and require the City of Norman to prevent and protect against flood hazards and water quality impairments resulting from polluted stormwater runoff; and

Commented [MN19]: Amendment 16: Tolloed roads are not an improvement to infrastructure; taxing residents to go to work and our transportation industry to deliver goods is not a recipe for a strong economy.

§ 16. WHEREAS, the Oklahoma Turnpike Authority has proposed the construction of toll roads that would traverse the watershed area supplying Lake Thunderbird, posing potential risks to the water quality and ecological balance of the watershed; and

Commented [MN20]: Amendment 17: I believe the Council would prefer not to take proactive steps leading to the construction of these turnpikes.

§ 49 17. WHEREAS, the City of Norman is currently undergoing Comprehensive Planning efforts that must account for the possibility of EWC and SET Projects; and

§ 20 18. WHEREAS, in the interest of furthering the goals of coordinating efforts on transportation infrastructure improvements and economic development, the City of Norman will collaborate with the OTA in the evaluation leading to the construction of future turnpike facilities in these areas; and

Commented [MN21]: Amendment 18: We acknowledge the existence of a proposed south extension. We do not have to recognize it as anything more than a poorly outlined concept. The OTA does not get a free ticket to pave any part of Norman they wish.

§ 21 19. WHEREAS, The City of Norman recognizes acknowledges the proposed SET project with the understanding that the OTA has yet to set the final alignment until receipt of required federal permissions and permits from the US Army Corps of Engineers and Bureau of Land Management which require full Environmental Impact Statements (EIS). Once the SET project alignment is determined, the City requests the

Commented [MN22]: Amendment 19: This is a pretty big uncertainty that should be acknowledged.

same input and discussions as those given for the EWC project to ensure the needs of the City are met. This includes input for the locations of future interchanges, frontage roads, and potential wetland mitigation efforts. The City of Norman also requests ongoing communication for any future needs or requests as the OTA continues to develop this transportation infrastructure **improvement** in the Norman area.

Commented [MN23]: Amendment 20: The OTA is designing this transportation infrastructure, period. It is not an improvement.

§ 20. WHEREAS, prior to acquiring any property through the eminent domain process, the OTA will provide the City of Norman several route alternatives specifying the number of properties required for the right-of-way and commit to finalizing a route that will not only impact the least number of Norman Citizens, but cause the least amount of damage to the Lake Thunderbird Watershed.

Commented [MN24]: Amendment 21: I believe we are committed to our people first and foremost. This amendment is for if this is the consensus among Council.

§ 21. WHEREAS, the OTA commits to utilizing the federally recognized Uniform Relocation Act (42 USC Ch. 61) throughout the eminent domain process to ensure that the Citizens of Norman are made completely whole, including providing moving and related expenses, finding similar replacement housing for homeowners taking into account the unique nature of each property, replacement housing for tenants, relocation planning, assistance coordination and advisory services.

Commented [MN25]: Amendment 22: This pressure is the least the City can do to help its residents if this happens.

§ 22. WHEREAS, the OTA recognizes that this will be the largest displacement of people for a road project in United States history as presently proposed, and the largest eminent domain taking in the state of Oklahoma, regardless of the path taken, and further agrees to work in good faith with banking institutions on behalf of the displaced property owners to transfer low-interest rate mortgages, when applicable, to new properties and provide adequate compensation to take into account the added future tax liabilities that long-term residents will incur when moving.

Commented [MN26]: Amendment 23: This paragraph continues the sentiment of the paragraph preceding it.

NOW, THEREFORE, BE IT RESOLVED: The City of Norman is **committed to participating in good faith with the OTA requested by the OTA to participate** in the development of the East-West Connector (EWC) and South Extension Turnpike (SET) projects thereafter to maintain the EWC Project service roads as city streets.

Commented [MN27]: Amendment 24: Let's not pretend that this is a paragraph included because we wish to it, it's because the OTA requested [demanded] it, as they have with every local government they steamroll, and city staff is rolling over.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Norman, Oklahoma:

1. Commitment to Protection: The City of Norman is committed to the protection and preservation of the watershed supplying Lake Thunderbird, along with the areas of concern along the Canadian River Corridor, recognizing these watersheds and bodies of water as essential to the health and wellbeing of its current and future residents.

Commented [MN28]: Amendment 25: This paragraph from my original resolution was omitted in this version of the resolution. However, I contend that it still holds true.

2. Opposition to the Toll Road: The City of Norman formally opposes the construction of the proposed toll roads by the Oklahoma Turnpike Authority through the Lake Thunderbird watershed area and Aquatic Areas of Concern along the Canadian River Corridor, due to the unresolved negative impacts on the city's water supply, stormwater runoff, and potential flood hazards.

Commented [MN29]: Amendment 26: This paragraph from my original resolution was omitted in this version also. I contend that it still holds true and is a necessary paragraph to accurately convey the situation.

3. The City of Norman is requesting that the Oklahoma Turnpike Authority commit the following:

• Environmental Studies: The Oklahoma Turnpike Authority is expected to conduct **comprehensive environmental studies including an emphasis on defining a comprehensive Environmental Impact Statement (EIS) with full pollution mitigation plans, with focus on** potential impacts to the Lake Thunderbird watershed and areas of concern along the Canadian River Corridor, including but not limited to water quality, biological, flood hazards, untreated stormwater runoff, and hydrological changes

Commented [MN30]: Amendment 27: Notwithstanding the expectation that the OTA will -continue to- ignore environmental impact studies and their results (we're still awaiting environmental impact studies from the 2022 resolution), we need to hold them to real standards where their effectiveness can be genuinely measured where results can guide design decisions. Post hoc impact studies are useless.

• Alternative Routes: The Oklahoma Turnpike Authority **is obligated to** explore and present alternative routes that would **reduce potential impacts to avoid** the Lake Thunderbird watershed, and the areas of concern along the Canadian River Corridor, to mitigate any potential environmental harm.

Commented [MN31]: Amendment 28: Maybe better if, "the OTA recognizes the obligation to explore and present alternative routes ... and must present these to the public"

Commented [MN32]: Amendment 29: We don't want to 'reduce' the destruction of our water supply. We want to 'avoid' it.

• Mitigation Measures: The Oklahoma Turnpike Authority must propose and implement robust green infrastructure mitigation measures to minimize any adverse effects of the construction and operation of the EWC and SET on the watershed and areas of concern for all roads traversing it traversing it through in coordination with the City of Norman and the Central Oklahoma Master Consevaney Conservancy District (COMCD)

• Stakeholder Consultation: The Oklahoma Turnpike Authority must engage in meaningful consultation with the City of Norman, environmental experts, and the public to ensure transparency and community involvement in decision-making processes.

2.4. Public Awareness and Involvement: The City of Norman will continue to engage and educate the community about the importance of protecting the watershed, the areas of concern along the Canadian River Corridor, and will encourage public participation and support in efforts to safeguard the city’s water resources.

3.5. Collaborative Efforts: The City of Norman commits to collaborating with local, state, and federal agencies, as well as non-governmental organizations, to enhance the protection of the watershed, the Canadian River Corridor, and to develop sustainable water management practices.

4.6. Legal Actions: The City Attorney and the City Manager are authorized and directed to take all necessary and appropriate legal, permitting, floodplain management, and stormwater management actions to protect and enforce the city’s legal rights and obligations, including but not limited to actions under Oklahoma 11 OK State § 37-115, the City’s Flood Hazard Ordinance, the City’s Stormwater Management Plan, and any other relevant municipal, state, and federal laws, to ensure the ongoing protection of the Lake Thunderbird Watershed and Canadian River Corridor, and city staff are directed to deny any and all permits prior to an approved Environmental Impact Statement following NEPA processes on the Canadian River Corridor, the I-35 crossing, and the Lake Thunderbird Watershed are completed and approved by U.S. Army Corps and the Bureau of Reclamation.

PASSED AND ADOPTED by the Council and SIGNED by the Mayor of The City Of Norman, Oklahoma, on this ___ day of _____, 2024.

Mayor

ATTEST:

City Clerk

BLUE AMENDMENTS: SPELLING CORRECTIONS

GREEN AMENDMENTS: UPDATING WATER PROTECTION LANGUAGE (OLD RESOLUTION USED)

RED AMENDMENTS: PROPOSED CONTENT AMENDMENTS; MAY BE MORE APPROPRIATE FOR FLOOR AMENDMENTS

Commented [MN33]: Amendment 30: If we have stronger language than this, then it needs to be here.

Commented [MN34]: Spelling correction

Commented [MN35]: Amendment 31: We should not suggest the OTA use the City or COMCD as their proxy.

Commented [MN36]: Spelling correction

Commented [MN37]: Amendment 32: Another situation where stranger language is needed, and, sad as it is to say, we need to at least imply an expectation that the consultation with the City be meaningful.

Commented [MN38]: Amendment 33: We *can* actually stand up and have teeth. Let’s not be totally reactive, let’s be proactive.