



## CITY OF NORMAN, OK STAFF REPORT

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**MEETING DATE:** 4/23/2024

**REQUESTER:** Ken Danner, Subdivision Development Manager

**PRESENTER:** Scott Sturtz, Interim Director of Public Works

**TITLE:** CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF A REQUEST TO RETURN A CASH SURETY FOR DEFERRED CONSTRUCTION FOR PAVING IMPROVEMENTS IN CONNECTION WITH P.B. ADDITION (GENERALLY LOCATED 175 FEET NORTH OF HIGHLAND PARKWAY ON THE WEST SIDE OF NORTH FLOOD AVENUE).

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### **BACKGROUND:**

P. B. Addition is generally located 175 feet north of Highland Parkway on the west side of North Flood Avenue. This subdivision contains 2.16 acres and one lot. It has a frontage of 115-feet. City Council, at its meeting of April 9, 2013, approved deferral of street paving improvements for North Flood Avenue in the amount of \$8,095 as a condition of approval for the final plat. The deferred paving improvements consisted of four feet (4') of widening to bring North Flood Street to the required width of 34 feet. City Council, at its meeting of October 22, 2013, approved the Amended final plat for P. B. Addition and additional deferral of street improvements in the amount of \$550.

The applicant/developer has made a request to City Council for the return of the cash sureties based on the fact they have been on deposit with the City for over ten (10) years. In accordance with Chapter 30-602 B7 of the City Code, after ten (10) years, the applicant/devcloper can request the City Council release the obligation and return the cash surety. Chapter 30-602 B7 states City Council may return the cash surety after ten (10) years.

Before rendering a decision on the current request, staff suggests it is important to understand the history regarding the developments that have occurred in this vicinity of North Flood Avenue.

Prior to the early 1970's in Norman, commercial property was not normally platted prior to issuance of building permits. With the adoption of the City's Subdivision Regulations on May 29, 1973, small businesses began platting property that fronted North Flood Avenue. The north 70.82 feet of Lot B, south 12.45 feet of Lot B and all of Lot C, Block 1 Woodslawn Industrial Tract Addition was approved by City Council November 27, 1973 and was one of the first plats submitted requiring street paving improvements. Initially, a Subdivision Bond was accepted as surety for street paving improvements. The City's policy for deferral of paving improvements was adopted October 26, 1976 with the requirement of cash or irrevocable letter of credit. City

Council adopted Ordinance No. O-7778-51 at its meeting of March 21, 1978, changing the payment method to cash or certificate of deposit.

City Council approved the return of cash surety in the following developments because the obligation had exceeded the statutory ten (10) years and there were no capital projects planned for the widening of North Flood Avenue.

**Thurman Morris Addition** was platted in 1974. City Council accepted a subdivision bond as surety for street widening improvements on Flood Avenue. City Council, at its meeting of October 30, 1984, released the developer of that obligation and directed the return of the cash surety.

**Jacksonville No. 1 Addition** was platted in 1974. City Council accepted a subdivision bond securing street paving improvements on Flood Avenue. City Council, at its meeting of May 13, 1986, released the developer of that obligation and directed the return of the cash surety.

**K-C No. 1 Addition** was platted in 1975. City Council accepted a subdivision bond securing the street paving improvements on Flood Avenue. City Council, at its meeting of May 26, 1987 released the developer of that obligation and directed the return of the cash surety.

**Dawn No. 1 Addition** was platted in 1976. Originally, a subdivision bond was accepted for street paving improvements on Flood Avenue. City Council, at its meeting of April 8, 1986, released the developer of his obligation and directed the return of cash surety.

**Louis C. Boyd Addition** was platted in 1976 and City Council approved deferred construction of street paving improvements on Flood Avenue. City Council, at its meeting of June 23, 1987, released the developer of that obligation and directed the return of cash surety.

**Powell Flood Street Addition** was platted in 1977 and City Council approved deferred construction of street paving improvements for Flood Avenue. City Council, at its meeting of January 8, 1991, released the developer of that obligation and directed the return of the cash surety.

**North Flood Addition** was platted in 1998 and City Council approved deferred construction of street improvements for Flood Avenue. City Council, at its meeting of August 26, 2013, released the developer of the obligation and directed the return of the cash surety.

The above mentioned development deferrals were released after a total of ten (10) years had elapsed through bonding and/or deferral. However, the following development was released prior to the end of the ten (10) years. Lot C and the south 12.45 feet of Lot B, Woodslawn Industrial Tract Addition was platted in 1977 including deferred construction for street paving improvements. City Council, at its meeting of April 8, 1986, released the developer of that obligation and directed the return of the cash surety to the developer.

**DISCUSSION:**

City Council adopted the Norman COMPLAN March 10, 1981. The plan established development tiers within the City of Norman. Tier One was basically the developed area of Norman (Central Core Area). North Flood Avenue was located in Tier One.

In 1982, with the adoption of Ordinance No. O-8182-46 of the City Code, public improvements could be waived with the approval of City Council when certain conditions were met. If the property was located in Tier One and contained less than five (5) acres, (which has been the case for most of the developments fronting North Flood Avenue), or if the tracts are adjacent to a developed street and the improvements would not add an additional lane and would not serve for its intended use, City Council could waive the street paving improvements. As a result, the above mentioned addition was released prior to the full ten (10) years. During this time, Artesian Properties Addition street improvements were waived by City Council, at its meeting of May 11, 1982. Artesian Properties II Addition street improvements were waived by City Council, at its meeting of August 2, 1983. Wadco Addition street improvements were waived by City Council at its meeting of July 26, 1994. With the adoption of NORMAN 2020 and 2025 Land Use and Transportation Plans, the option to waive street improvements was removed from the City's Subdivision Regulations. Currently, new developments must seek the deferral method for a minimum of ten (10) years.

Currently, The Amended P.B. Addition which was approved by City Council at its meeting of October 22, 2013, is the remaining deferral for Flood Avenue. The applicant did install required sidewalks.

**RECOMMENDATION:**

Based on the above information, staff recommends the release of the developer's obligation and the return of cash sureties for street paving improvements (widening) on North Flood Avenue in the amounts of \$8,095 and \$550.