

- FOUNTAIN VIEW ADDITION, SECTION 1



Sean Paul Rieger  
Daniel L. Sadler  
Gunner B. Joyce



Keith A. Barrett  
Libby A. Smith  
Joe P. Krodel

5 December 2022

City of Norman  
City Council  
201 West Gray  
Norman, OK 73069

***Re: Request for the Return of Certificate of Deposit for Deferred Improvements***

We submit the following request for the return of a certificate of deposit, in the amount of Fifty-Two Thousand Six Hundred Forty Dollars (\$52,640.00) (the “**Deposit**”), on behalf of our client SKS1, L.L.C., an Oklahoma limited liability company (“**SKS1**”). During the final platting process for Fountain View Addition Section 1, SKS1 paid the Deposit to the City of Norman (the “**City**”) for deferred public improvement construction costs in accordance with City of Norman Code of Ordinances (the “**Code**”) Section 19-602B. As the Deposit has now been held by the City for more than ten (10) years, and construction on the planned public improvements has not commenced, SKS1 requests that the City Council release the Deposit back to SKS1.

Section 19-602 of the Code provides a procedure for the deferral of the construction of public improvements that are required by the Code at the time of acceptance of a final plat within a subdivision. On August 20, 2012, the City Council accepted the Deposit from SKS1 in order to later widen 48<sup>th</sup> Avenue NW. The amount of Fifty-Two Thousand Six Hundred Forty Dollars (\$52,640.00) was based on an engineer’s estimate of the cost to complete the project, which is attached hereto as **EXHIBIT A**. The City accepted the Final Plat for Fountain View Addition Section 1 on August 23, 2012, and the Plat was filed in the office of the Cleveland County Clerk on August 29, 2012. However, construction to widen 48<sup>th</sup> Avenue NW has never commenced.

Section 19-602B.7 of the Code provides that “[i]f construction of the deferred facility has not commenced within ten (10) years from the date of deferment, then the cost paid or the certificate of deposit may be returned upon action of the Council upon written request of the payor.” As ten (10) years have passed since the date of deferment and construction on 48<sup>th</sup> Avenue NW has not commenced, this letter serves as our client’s official request to the City Council for the return of the Deposit. Please feel free to reach out with any questions that you may have with this request.

Sincerely,  
**RIEGER LAW GROUP, PLLC**

A handwritten signature in black ink, appearing to read 'Sean Paul Rieger', written over a horizontal line.

Sean Paul Rieger  
*Attorney at Law – Architect - Broker*

Date

Opened: AUGUST 20, 2012

NORMAN 12 MONTH CD

Certificate Number: 55833

Account Number: 55833

SSN/TIN Number: 731-67-3945

# Certificate of Deposit

Amount of

Deposit: Fifty two thousand six hundred forty & no/100 \$ 52,640.00

This Certificate is Issued to:

Issuer:

SKS1 LLC  
AND CITY OF NORMAN  
ATTN: FINANCE DIRECTOR  
221 48TH AVE NW  
NORMAN OK 73072

First Bank & Trust Co.  
PO Box 721450  
Norman, OK 73070

By

  
DEBBIE C EDDY

~~Not Negotiable - Not Transferable.~~

This account is subject to all the terms and conditions stated in the Certificate of Deposit Disclosures, as they may be amended from time to time, and incorporates the Certificate of Deposit Disclosures by reference into this agreement.

This certificate may be redeemed on 08/20/13 only upon presentation of the certificate to the Financial Institution.

The interest rate of this certificate of deposit is .35 % with an annual percentage yield of .35 %.

The rate on this certificate is ☒ fixed ☐ variable. The interest will be:

☒ added to principal

☐ paid to \_\_\_\_\_ account (No. \_\_\_\_\_)

☐ mailed to the owner(s)

☒ Interest will be paid monthly

*Fountain View Addition, Section 1*

**Endorsements - Sign only when you request withdrawal.**

X \_\_\_\_\_

X Pat \_\_\_\_\_

Pat - owner

EXHIBIT A

**SMC**

Your Civil Engineering Solution

Consulting Engineers, P.C.  
815 West Main  
Oklahoma City, OK 73106  
405-232-7715  
FAX 405-232-7859  
www.smcok.com

Civil Engineering  
Land Development  
Storm Water Management

Tom L. McCaleb  
Terence L. Haynes  
Christopher D. Anderson  
Ole M. Marcussen

July 10, 2012

Mr. Todd McLellan, P.E.  
Development Engineer  
City of Norman  
P.O. Box 370  
Norman, OK 73070

Re: 48<sup>th</sup> Avenue NW deferred cost  
Fountain View Addition Section 1  
Norman, Oklahoma  
SMC No. 5133.00

Dear Mr. McLellan:

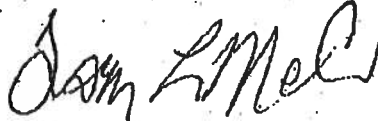
The deferred cost for 48<sup>th</sup> Avenue NW for Fountain View Addition Section 1 is as follows:

ITEM NO.	DESCRIPTION	UNIT	QUANTITY	COST/UNIT	COST
100	6" Curb and Gutter	L.F.	312.00	\$10.00	\$3,120.00
101	2" Type "S5" Asphaltic Concrete	S.Y.	925.00	\$12.50	\$11,562.50
102	4" Type "S3" Asphaltic Concrete	S.Y.	776.00	\$17.50	\$13,580.00
103	3" Type "S3" Asphaltic Concrete	S.Y.	933.00	\$15.00	\$13,995.00
104	6" Modified Subgrade (14% CKD)	S.Y.	933.00	\$5.00	\$4,665.00
105	Remove Existing Pavement	S.Y.	1147.00	\$5.00	\$5,735.00
				<b>Total</b>	<b>\$52,640.00</b>

If you have any questions, please call.

Sincerely,

SMC Consulting Engineers, P.C.



Tom L. McCaleb, P.E.

cc: Sassan Moghadam  
file

Item 33, being:

**CONSIDERATION OF A FINAL PLAT FOR FOUNTAIN VIEW ADDITION, SECTION 1, ACCEPTANCE OF PUBLIC DEDICATIONS CONTAINED THEREIN, AND DEFERRAL OF STREET IMPROVEMENTS FOR 48TH AVENUE N.W. (GENERALLY LOCATED ON THE EAST SIDE OF 48TH AVENUE N.W. SOUTH OF WEST TECUMSEH ROAD)**

Councilmember Griffith moved that the final plat for Fountain View Addition, Section 1, and the deferral of paving improvements for 48th Avenue N.W., be approved; the public dedications contained within the plat be accepted; the Mayor be authorized to sign the final plat and subdivision and maintenance bonds subject to the City Development Committee's acceptance of all required public improvements and receipt of a fee in the amount of \$62,640 for deferral of street improvements for 48th Avenue N.W., within ten 10 days after approval; and the filing of the final plat be directed, which motion was duly seconded by Councilmember Kovach;

**Items submitted for the record**

1. Text File No. FP-0910-16 dated June 1, 2012, by Ken Danner, Subdivision Manager
2. Location map
3. Staff Report dated September 9, 2010, recommending approval
4. Final plat approved by Planning Commission
5. Final plat submitted by the applicant
6. Preliminary plat
7. Aerial map
8. Letter dated June 20, 2012, from Tom L. McCaleb, P.E., SMC Consulting Engineers, P.C., to Mr. Shawn O'Leary, P.E., Director of Public Works
9. Letter dated June 26, 2012, from Roger Brown, Ed.D, Assistant Superintendent, Norman Public Schools, to Shawn O'Leary, P.E., CFM, Director of Public Works
10. Engineer's Estimate dated July 10, 2012, from Tom L. McCaleb, P.E., SMC Consulting Engineers, P.C., to Mr. Todd McLellan, P.E., Development Engineer
11. Pertinent excerpts from Planning Commission minutes of June 10 and September 9, 2010

**Participants in discussion**

1. Mr. Tom McCaleb, 815 West Main Street, Oklahoma City, engineer representing the applicant

and the question being upon approving the final plat for Fountain View Addition, Section 1, and the deferral of paving improvements for 48th Avenue N.W., and upon the subsequent acceptance, authorization, and directive, a vote was taken with the following result:

**YEAS:**

Councilmembers Castleberry, Gallagher, Griffith, Jungman, Kovach, Lockett, Spaulding, Williams, Mayor Rosenthal

**NAYES:**

None

The Mayor declared the motion carried and the final plat for Fountain View Addition, Section 1, and the deferral of paving improvements for 48th Avenue N.W., approved; the public dedications contained within the plat were accepted, the Mayor was authorized to sign the final plat and subdivision and maintenance bonds subject to the City Development Committee's acceptance of all required public improvements and receipt of a fee in the amount of \$62,640 for deferral of street improvements for 48th Avenue N.W., within ten 10 days after approval, and the filing of the final plat was directed.

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Item 34, being:

**CONSIDERATION OF APPROVAL OF A REVOCABLE LICENSE TO SASSAN MOGHADAM TO OCCUPY STREET RIGHT-OF-WAY FOR PLACEMENT OF ENTRANCE ARCHES INTO FOUNTAIN VIEW ADDITION LOCATED ON THE EAST SIDE OF 48TH AVENUE N.W. SOUTH OF WEST TECUMSEH ROAD.**

Councilmember Spaulding moved that a Revocable License to Sassan Moghadam to occupy street right-of-way for placement of entrance arches into Fountain View Addition for a fee of \$486 per year be approved, which motion was duly seconded by Councilmember Griffith;