



## CITY OF NORMAN, OK STAFF REPORT

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**MEETING DATE:** 2/13/2023

**REQUESTER:** Jason Olsen, Director of Parks & Recreation

**PRESENTER:** Jason Olsen, Director of Parks & Recreation

**ITEM TITLE:** CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT AND/OR POSTPONEMENT OF RESOLUTION R-2324-113: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AND THE CITY OF NORMAN TRANSFERRING \$125,000 FROM THE PARKS ADMINISTRATION DIVISION MINOR EQUIPMENT AND TOOLS ACCOUNT TO THE NEET EASEMENT VEGETATION REPLACEMENT PROJECT TO BE USED FOR THE PLANTING OF TREES IN VARIOUS PARKS.

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### **BACKGROUND:**

On April 25, 2023, the City Council approved a Road Use Agreement, which established a two-step framework for setting agreements between Next Era Energy Transmission Southwest, LLC (NEET) and the City regarding the use, maintenance, and repair of roads affected by NEET's project. On July 7, 2023, the City Council approved three additional documents: a Transmission Line Easement granted to NEET by the City for the placement of a NEET transmission line on the northern boundary of City-owned property generally located at the northwest corner of Franklin Road & 12th Avenue NE; a Compensation Agreement setting forth the terms of the City's compensation for the easement; and a Laydown Yard Lease on the same property, to be utilized for equipment and materials storage by NEET before and during construction of its project. Finally, on December 12, 2023, the City Council approved a Revocable License and Utility/ROW Crossings Agreement with NextEra, allowing certain construction within city rights-of-way, Contract K-2324-110 ("ROW Agreement").

### **DISCUSSION:**

The ROW Agreement, among other items, addressed the removal of vegetation by NEET in the course of its use of this agreement. City Staff required an audit of the removed vegetation (by type, location, and number) and estimated the replacement cost. Through negotiations in this agreement, the City and NEET agreed that NEET would pay \$125,000 as damages to this vegetation, in addition to other applicable permit fees. Following approval of the ROW Agreement, these funds, along with the other permit fees, were remitted to the City. The tree damage fee in particular was to be placed in an account for the Director of Parks and Recreation to plant trees elsewhere within the City. Thus, the \$125,000 attributable to the damage to and

removal of trees and vegetation funds was allocated to the General Fund, Parks Department Administration Division, Minor Equipment and Tools Account (10770370-43699).

**RECOMMENDATION:**

City Staff recommends approval of R-2324-113 to transfer the \$125,000 for tree removal and vegetation damage remediation from the General Fund Parks Administration Division Minor Equipment and Tools Account (10770370-43699) to the Capital Fund, NEET Easement Vegetation Replacement Project, Construction account (50798813-46101; Project PR0174) to be used for the planting of trees in various parks to be accomplished by outside contractors.