



CITY OF NORMAN, OK STAFF REPORT

MEETING DATE: 09/22/2026

REQUESTER: Paul D'Andrea, Capital Projects Engineer

PRESENTER: Scott Sturtz, Public Works Director

ITEM TITLE: CONSIDERATION OF APPROVAL, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF CONTRACT K-2627-50: BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND UPLANDS DEVELOPMENT CO., L.L.C., IN THE AMOUNT OF \$83,206 FOR THE PURCHASE OF ROADWAY RIGHT OF WAY PARCEL 2 FOR THE 36TH AVENUE NW (PHASE 3) WIDENING 2019 BOND PROJECT FROM INDIAN HILLS ROAD TO MOORE CITY LIMITS AND OF A WARRANTY DEED CONVEYING THE PROPERTY SUBJECT TO K-2627-50.

BACKGROUND:

On November 10, 2015, the Norman City Council approved programming Resolution No. R-1516-42 requesting federal funds to widen 36th Avenue NW (Phase 3), from Indian Hills Road to Moore City Limits. This Resolution states the City's commitment to adhere to the terms and conditions of a federally funded project. Through the Association of Central Oklahoma Governments (ACOG), the Oklahoma Department of Transportation (ODOT) agrees to provide 80% of the cost of construction with a 20% matching share from the City of Norman. The construction cost of this project is estimated to be \$3.4 million. In order to receive the federal funding, the City of Norman is required to enter in an agreement with ODOT to complete the design, acquire all rights-of-way and relocate existing utilities/encroachments at City's cost.

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. Please see the attached project list and map showing the approved projects.

On August 19, 2019, City staff advertised Request for Proposal RFP 1920-16 to solicit Consulting Engineering Services for the fourteen (14) bond projects still requiring design. This RFP was written to select a group of approximately five (5) consultants to complete the design on the remaining 2019 Transportation Bond Projects that will be completed over the next ten (10) years. Twenty-two (22) proposals were received by the 4:00 pm deadline on September 12, 2019. The selection committee consisting of three (3) City staff (Scott Sturtz- City Engineer, Tim Miles-Capital Projects Engineer and Paul D'Andrea- Capital Projects Engineer) and two (2) citizens (Luis Malave- ODOT Purcell Resident Engineer and Brent Everett- OU Assistant

Director of Architectural & Engineering Services) shortlisted nine (9) consultant teams for interviews held on October 2, 2019. The five (5) consultant teams selected after interviews to complete the design on these projects are:

- Cabbiness Engineering, Norman
- Cowan Group, Oklahoma City
- Freese and Nichols, Oklahoma City
- MacArthur Associated Consultants, Oklahoma City
- Olsson Associates, Oklahoma City

These consultants will be assigned the various projects by City staff based on capacity, performance on their current projects and capabilities of their firm to complete a specific project.

On September 28, 2021 City Council awarded contract K-2122-58 to Olsson for the design of the 36th Avenue NW (Phase 3 Widening 2019 Bond Project-Indian Hills Road to Moore City Limits.

On October 28, 2025 Council approved Work Order No. PW1 to On-call Contract No. K-2526-82 with Poe and Associates, for right of way acquisition services for the 36th Avenue NW (Phase 3) project.

DISCUSSION:

The 36th Avenue NW (Phase 3) Widening Project-Indian Hills to Moore City limits is the last segment of 36th Avenue NW that still requires right of way to begin construction. The City of Norman in conjunction with the City of Moore, was awarded a \$25,000,000 Safe Streets for All federal grant for construction of this project and the two 2012 Bond projects located immediately south of this project between Tecumseh Road and Indian Hills Road, as well as Telephone Road between the Moore city limits and 34th Street in Moore.

The design for 36th Avenue NW (Phase 3) requires two remaining parcels to be purchased to allow for the construction of the roadway and utility relocations for the project. Poe and Associates has provided appraisals for each parcel and has helped the City prepare offer letters to the owners.

The City acquired easements from this same owner, Uplands Development Co., L.L.C. ("Uplands") the southern portion of this same parcel during the acquisition stage for Phase II of the 36th Avenue Bond Project. That acquisition proceeded to formal eminent domain proceedings in Cleveland County District Court and was resolved through court filings as well as voluntary settlement documentation. With that history in mind, similar discussions were had with Uplands regarding the current acquisition and an amicable settlement and full resolution of all potential acquisition, recoupment, and property claims was reached and is now ready to be presented to City Council for consideration and potential approval.

The property subject to this acquisition is zoned PL- Parkland with Floodplain Hazard District overlay in part, RM-6 Multi-family Residential in part. For the portion zoned Parkland/Floodplain, 8866 SF total, the parties reached an agreed settlement amount of \$1/SF (\$8,866.00), which is in line with appraisals and applicable values. For the RM-6 portion, the parties reached a negotiated amount of \$74,340.00 (4956 SF total) based upon the parties' respective appraisals and known values. The agreement provides for a full release by both parties of all potential

claims and requires that the acquisitions be accomplished by Warranty Deed. The signed warranty deed is also presented to City Council jointly within this same item for review and approval. Both K-2627-50 and the Uplands Warranty Deed must be approved and accepted in order to fully implement the settlement negotiated between the parties. If both are accepted/approved, the approved amount of \$83,206.00 will be remitted to Uplands and the Warranty Deed will be filed of record in Cleveland County, State of Oklahoma.

This item is for acceptance of agreement K-2627-50, in the amount of \$83,206, with Uplands Development Co., L.L.C., for the purchase of Parcel 2, as well as the accompanying Warranty Deed from Uplands for the described property.

Funds are available within the project Land Account (BP0425, Acct. No. 50592019-46001).

RECOMMENDATION:

Staff recommends approval of Contract K-2627-50, between the City of Norman and Uplands Development Co., L.L.C., for the purchase of Parcel 2 for the 36th Avenue (Phase 3) Widening Project-Indian Hills Road to Moore City Limits in the amount of \$83,206.00 as well as acceptance of the Uplands Warranty Deed.

Reviewed by: Tim Miles, City Engineer
 Scott Sturtz, Director of Public Works
 Kim Coffman, Chief Accountant
 Clint Mercer, Director of Finance
 Jane Hudson, Dir. of Planning and Comm. Development
 Rick Knighton, City Attorney
 Darrel Pyle, City Manager