



## CITY OF NORMAN, OK STAFF REPORT

---

**MEETING DATE:** 06/13/2023

**REQUESTER:** Tim Miles, Capital Projects Manager

**PRESENTER:** Shawn O'Leary, Public Works Director

**ITEM TITLE:** CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF EASEMENT E-2223-39: DEDICATION OF ADDITIONAL PUBLIC UTILITY EASEMENT BY THE CITY OF NORMAN FOR USE BY FRANCISEES AND THE CITY, AND AS A PART OF THE JENKINS AVENUE WIDENING 2019 BOND PROJECT.

---

### **BACKGROUND:**

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. The selection committee consisting of three (3) City staff and two (2) citizens 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:

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

These consultants are being 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 November 26, 2019, City Council awarded design contract K-1920-91, for the Jenkins Avenue Widening Project to Freese and Nichols of Oklahoma City in the amount of \$827,005.00.

On September 8, 2020, the Norman City Council approved Programming Resolution No. R-2021-46 requesting federal funds for the Jenkins Avenue Widening Project. This resolution states the City's commitment to adhere to the terms and conditions of a federally funded project including engineering design, acquisition of all necessary rights-of-way and relocation of utilities and encroachments at 100% the City's cost. In return, the Association of Central Oklahoma Governments (ACOG), through the Oklahoma Department of Transportation (ODOT), agrees to provide 80% of the construction cost, up to a project maximum of \$7,500,000 in federal funds, and administration of the construction with the matching share from the City of Norman.

The City's current construction cost estimate for the project is \$9,375,000. Based on this amount, City 2019 Bond Funds will pay \$1,875,000 or 20% and federal funds will pay \$7,500,000 or 80% of construction and construction management costs. Federal funds have been secured for FFY2024, which means ODOT will conduct a bid opening for the project as early as November 2023. City staff, University of Oklahoma and ODOT are all working toward the November 2023 bid date. Construction is anticipated to start in February or March 2024.

On June 14, 2022, City Council approved on-call consultant contract K-1314-103 with Pinnacle Consulting Group, Inc. of Oklahoma City for Right-of-Way acquisition services on the Jenkins Avenue Widening Project in the amount of \$74,500.00.

On January 24, 2023, City Council approved an ODOT Project Agreement for the Jenkins Avenue Widening Project.

Tonight's agenda item is a new ONG Private Utility Easement to replace one they recently vacated through Reaves Park. This agenda item is a companion agenda item to one (1) other agenda item that add a new Permanent Utility Easement for City and franchise utility use, also within Reaves Park.

## **DISCUSSION:**

When evaluating land needs and utility conflicts for the Jenkins Avenue Widening 2019 Bond Project, it was discovered that some existing utility easements need to be modified within Reaves Park. Two (2) companion agenda items on tonight's City Council agenda address these existing issues and are explained below.

ONG has a private utility easement in Reaves Park that generally parallels Jenkins Avenue outside of existing public street right-of-way. However, the ONG gas line through Reaves Park actually meanders outside the current private easement for the majority of the way through Reaves Park. ONG offered to either relocate their gas line within the easement or work with City staff to dedicate ONG a new easement and vacate the portion of their easement no longer needed. After review by City staff, it was determined that the existing location of the ONG gas line was currently in the best location for other utility companies to relocate their utilities around. As a result, City and ONG staff began the process of a partial vacation and dedication of replacement ONG private utility easement within Reaves Park. ONG has already executed and filed a partial release of the ONG private utility easement.

Tonight, City Council is being asked to approve a new dedicated ONG private utility easement (E-2223-40) and dedicate a new public utility easement (E-2223-39), located between the new dedicated ONG private utility easement and existing Jenkins Avenue right-of-way for the use of City and franchise utility owners. The City of Norman Utilities Department recently installed a

new water line in this area and has not secured the easement from Parks yet. Also, City staff is working with OG&E, AT&T, and COX Communications to relocate overhead electric lines and fiber communication lines underground per the request of several City councilmembers. This new utility easement encompasses the new City water line and is the proposed area for our franchise utility owners to relocate.

These easements are dedicated as a means of replacing existing easement or for the City's own benefit and thus involve no additional remuneration.

**RECOMMENDATION:**

Staff recommends that Easement E-2223-39, additional public utility easement dedicated by the City of Norman for use by the City and franchisees, be approved and the execution and filing be directed thereof.