



CITY OF NORMAN, OK STAFF REPORT

MEETING DATE: 07/13/2021

REQUESTER: Beth Muckala, Assistant City Attorney

PRESENTER: Beth Muckala, Assistant City Attorney

ITEM TITLE: CONSIDERATION FOR APPROVAL, GRANTING, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF EASEMENT E-2122-2: TO WESTERN FARMERS ELECTRIC COOPERATIVE FOR THE PURPOSE OF ACCOMMODATING UTILITY LINE RELOCATION NECESSITATED BY THE 36TH AVENUE N.W. WIDENING FROM TECUMSEH ROAD TO INDIAN HILLS ROAD BOND PROJECT.

BACKGROUND:

On August 28, 2012, the citizens of Norman voted in favor of a Bond Issue to finance the local share of eight transportation/stormwater improvement projects. One of the eight 2012 bond projects is the 36th Avenue NW Bond Project between Tecumseh Road and Indian Hills Road (please see the attached location map showing the project boundaries).

On November 22, 2011, the Norman City Council approved Programming Resolution R-1112-64, requesting federal funds for the 36th Avenue NW Bond 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, estimated at \$11,500,000, and administration of the construction with the matching share from the City of Norman.

On April 9, 2013, City Council approved engineering services Contract K-1213-170 with the engineering firm of CP&Y in the amount of \$703,878.50 to design 36th Avenue NW Bond project from Tecumseh Road to Indian Hills Road.

On August 14, 2018, City Council approved Resolution R-1819-12 declaring the 36th Avenue NW Project a recoupment project.

Proposed improvements for the 36TH Avenue NW Bond Project include:

1. Widen two miles of roadway from two lanes to four lanes
2. New traffic signals at 36th Avenue NW and Franklin Road and 36th Avenue NW and Indian Hills Road
3. Interconnect signals between Tecumseh Road and Indian Hills Road
4. Dedicated left turn lanes at All Saints Catholic School
5. Fifth lane north of Indian Hills Road to Market Place
6. Storm water improvements
7. Continuous sidewalks along both sides of the roadway with the 10-foot-wide legacy trail from Tecumseh Road to Franklin Road on the east side
8. Bicycling facilities as listed in the Norman Bike Plan

On February 26, 2019, City Council approved Authorization for Expenditure No. One from Contract K-1314-102 with Smith-Roberts Land Services, Inc., for the 36th Avenue NW Bond Project - Phase 1, in the amount of \$54,324 for right-of-way acquisition services.

On May 28, 2019, City Council approved Amendment One to Contract K-1213-170 for engineering design of the 36th Avenue NW Widening Bond Project from Tecumseh Road to Market Place, with CP&Y, Inc., in the amount of \$193,895.

On August 13, 2019, City Council approved Authorization for Expenditure Three under contract K-1314-102 with Smith-Roberts Land Services, Inc., for right of way acquisition services for Phase Two of the 36th Avenue Northwest Widening Bond Project, from Franklin Road to Market Place, in the amount of \$130,116.

On November 12, 2019, City Council approved Authorization for Expenditure Four, under Contract K-1314-102, with Smith-Roberts Land Services, Inc., in the amount of \$20,180 for additional right-of-way acquisition services due to an increase in the number of parcels and appraisals included in Phase Two of the 36th Avenue Northwest Widening Bond Project.

Acquisition easements have been accepted for most parcels implicated by this project; and those that have not been acquired are subject to currently-pending eminent domain actions in Cleveland County District Court.

DISCUSSION:

WFEC owns easements for the placement of utility lines that are currently located along both 36th Ave. N.W. and Indian Hills Road, and which will be affected by the Bond Project. This easement relates to WFEC's needs for replacing lines adjacent City-owned properties along 36th Ave NW and Indian Hills Road. The responsibility for the cost of relocating the actual lines will be subject to a final determination and agreement of the parties, to be presented to City Council for consideration at a later date. The City Council previously approved a Memorandum of Understanding with WFEC, Contract No. K-2021-126, at its May 11th meeting, which MOU provided for the City's payment of a share of the cost to fabricate certain poles to be utilized in this utility relocation by WFEC.

The City took its ownership of the subject property already subject to WFEC's easements, granted by the previous owners of the property. This easement contains terms substantively the same as those easements and provides WFEC adequate space to place its new utility poles outside of the proposed right-of-way for the 36th Ave NW Bond Project.

RECOMMENDATION:

Staff recommends the above described Easement No. E-2122-2 be granted to Western Farmers Electric Cooperative.