



CITY OF NORMAN, OK STAFF REPORT

MEETING DATE: 03/26/2024

REQUESTER: City of Norman, Jerry's L.L.C., and the Linze Trust

PRESENTER: Elisabeth Muckala, Assistant City Attorney

ITEM TITLE: CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF ORDINANCE NO. O-2324-43 UPON FIRST READING: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, CLOSING A PORTION OF THE DAWS STREET RIGHT-OF-WAY, TO NORMAN, CLEVELAND COUNTY, OKLAHOMA; AND PROVIDING FOR THE SEVERABILITY THEREOF.

BACKGROUND:

In September 2020, the City Council approved an agreement with Jerry's, LLC (K-2021-56) to solidify the acquisition of property necessary for the Porter Corridor project. Van's Pig Stand is the business occupying the parcel from which the subject acquisition was sought. There were a number of components to the agreement, including language that committed the City to participate in closure of the public street portion of the then existing Daws Street that would no longer be needed north of the newly-constructed cul-de-sac terminating the remainder of Daws Street. The closure of this right-of-way completes the redesign plan for Daws Street that removes the portion connecting to Porter Avenue, which should discourage commercial traffic's use of residential streets to the south. The closure also benefits adjacent property owner, the Linze Trust (Don's Lock Shop is located on this property), and thus that entity has also joined in the request.

Part of the agreement required the retention by the City of certain public easements relating to installed sidewalk, drainage, and existing waterline and fiber. Upon closure, the private parties on either side may elect to seek vacation in District Court, at which time such easements would be reserved of record. This closure seeks to make a record of the parties' agreements regarding retained future easements for future use in any action for vacation. Thus, any closure approval is made subject to retention of necessary public easement.

DISCUSSION:

The Requesters desire to move forward with the planned closure so that the property can be utilized as currently designed. No changes to the current configuration of Daws Street and Porter Avenue are precipitated by this closure action. This will preserve necessary utility easement for existing City and other franchise utilities.

RECOMMENDATION:

Staff supports the request to close the Requested Closure demonstrated in the application, located at the former intersection of Daws Street and Porter Avenue, subject to the identified retained public utility easements, and recommends approval of Ordinance No. O-2324-43.