



## CITY OF NORMAN, OK STAFF REPORT

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**MEETING DATE:** 9/26/2023

**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-2324-19: A PUBLIC UTILITY EASEMENT DONATED BY TAMMY MCCOWN FOR THE JENKINS AVENUE WIDENING 2019 BOND PROJECT.

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### **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 the Jenkins Avenue Widening Project to Freese and Nichols of Oklahoma City in the amount of \$827,005.

On September 8, 2020, the Norman City Council approved Programming Resolution 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% City 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 (20%) from the City of Norman.

On June 14, 2022, City Council approved the on-call right-of-way acquisition services contract for the Jenkins Avenue Widening Project to Pinnacle Consulting Group, Inc. (Pinnacle) of Oklahoma City in the amount of \$74,500.

On May 23, 2023, City Council accepted the first four (4) easements from two (2) properties on the project in the amount of \$23,746.

On June 13, 2023, City Council accepted a private utility easement for ONG and a public utility easement, both within Reaves Park for the purpose of relocating existing overhead utilities underground.

On September 12, City Council accepted eight (8) easements from three (3) properties on the project in the amount of \$15,734.

The City's current construction cost estimate for the project is \$9,755,000 plus 12% Construction Engineering (\$1,170,600) for a total of \$10,925,600. Based on this amount, City 2019 Bond Funds will pay \$3,425,600 or 31% and federal funds will pay \$7,500,000 or 69% of construction and construction management costs. Federal funds have been secured for federal fiscal year 2023-2024 (FFY 2024). City staff anticipates a fall 2024 bid opening with construction starting in early of 2025.

## **DISCUSSION:**

Right-of-way acquisition necessary for the Jenkins Avenue Widening 2019 Bond Project, consists of one hundred two (102) separate easements on thirty (30) parcels, which includes eighty-six (86) easements on twenty-three (23) parcels owned by the University of Oklahoma. Pinnacle Consulting Management Group (Pinnacle) oversaw and reviewed the appraisal of each parcel, and assisted City staff in the preparation of offer letters to each property owner affected, based on the appraised values and damages. These easements vary in size and were designed as small as possible to minimize impacts to the adjacent property. Right-of-way acquisition areas have been minimized on this project by utilizing temporary construction easements where possible to complete grading activities outside of the street and sidewalk improvements.

Two (2) new easements from one (1) parcel for the Jenkins Avenue Widening Project are being brought to City Council for consideration of approval. Ms. McCown recently purchased this Parcel 11 as the City was in the process of acquiring easements for the Jenkins Avenue Project. Resolution of this item will also moot and resolve previous legal action concerning the easements to be acquired from this Parcel. Ms. McKown recently submitted a short-form plat and donated the easements that were necessary for both the Jenkins Avenue Widening project and what was required for plat acceptance. This includes a public roadway, drainage and utility easement along the Jenkins Avenue frontage and a public utility easement along the back of the property. With City Council's acceptance, all non-University of Oklahoma properties will have been acquired for the Jenkins Avenue Project. City staff continues to negotiate with OU for the

remaining needed parcels to construct the Jenkins Avenue Widening Project. The below easement table lists the easements being considered for acceptance tonight:

Easement No.	Parcel No.	Grantors	Document	Cost
E-2324-18	11	Tammy McCown	Public Roadway, Drainage & Utility Easement- 1,989 sq. ft.	Donated
E-2324-19	11	Tammy McCown	Public Utility Easement- 1,755 sq. ft.	Donated

**RECOMMENDATION 1:**

Staff recommends the above described easements be accepted, with filing directed thereof.