



CITY OF NORMAN, OK STAFF REPORT

MEETING DATE: 09/13/2022

REQUESTER: Elisabeth Muckala, Asst. City Attorney

PRESENTER: Elisabeth Muckala, Asst. City Attorney

ITEM TITLE: CONSIDERATION OF APPROVAL, REJECTION, AMENDMENT AND/OR POSTPONEMENT OF CONTRACT K-2223-50: A PERMIT AGREEMENT FOR PARKING SPACES IN THE RIGHT-OF-WAY BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND KATY RENTALS, L.L.C., FOR AN ANNUAL AMOUNT OF \$150 PER SPACE RELATING TO PROPERTIES ADDRESSED AS 207 AND 209 MCCULLOUGH STREET.

BACKGROUND:

Applicant, Katy Rentals, LLC, seeks a Permit Agreement for Parking Spaces in Right-of-Way with the City of Norman due to unique and unalterable conditions relating to real property owned by Applicant at 207 and 209 McCullough Street in Norman ("Property").

The Property was already improved with a structure (a house) at the time it was acquired by Applicant. Following purchase of the Property, Applicant improved the existing structure and became aware that the parcel's previous alleyway access had been conveyed of record to a separate owner, leaving the parcel with no rear access or parking off the existing alleyway. As developed, the Property also had no off-street parking access. As such, in 2006, Applicant obtained an Off-Site Permit in order to re-pave right-of-way located directly adjacent to this property in order to mark front-in parking spaces used at that time by the residents of the property. The Property appears to have continued in this use from that time through present day.

In Spring of 2022, the City of Norman's McCullough Street Improvement Project proceeded, which involved improvement of the streetscape and incorporated parallel parking along McCullough Street, including the portion immediately adjacent to, and previously improved by, Applicant and the Property. Applicant approached the City regarding the unique situation that resulted from third-party actions.

DISCUSSION:

Implicated City Departments evaluated the unique circumstances of Applicant's request as well as the location of the Property within the Center City Form Based Code zoning district, and determined that a carefully tailored solution could be offered to Applicant to alleviate the circumstances that resulted from actions beyond the Applicant's control.

The solution offered was this Agreement, which is modeled both off of existing Revocable Right-of-Way Permits as well as Parking Space Lease Agreements. The proposed per space annual permit fee rate is, likewise, based off of rates for similar spaces offered in other City Agreements of this nature.

City Staff, including Legal Staff, carefully drafted and reviewed these terms to ensure they not only were tailored to the very unique circumstances of Applicant's situation, but also honored the spirit of other City uses of public right-of-way, and implemented legally enforceable mechanisms. Due to the unique nature of the circumstances surrounding Applicant's request, City Staff does not believe it is likely another such agreement is likely to be required by similar circumstances or other properties located in the Center City Form Based Code zoning district area.

This Agreement grants Applicant, or Applicant's tenants, a permit for the use of six (6) parking spaces along McCullough Street, at an annual rental cost of \$150 per year per space (\$900 annually). The agreement requires resident registration, allows for termination in various circumstances including breach or a determination by the City that the continued existence of the Agreement no longer ensures the health, safety and general welfare of all of its residents. The Agreement may not be sublet and may not be assigned except to a subsequent owner and as approved and overseen by the City.

The Agreement calls for the installation of signs to note the affected parking spaces for the purposes of public notice and enforcement. The Agreement is also carefully crafted to transition into any future parking permit scheme later considered by the City, and ensures the parking spaces are used in compliance with other applicable laws, including City of Norman ordinances regarding traffic and parking.

RECOMMENDATION:

City Staff believes that this Agreement is a narrowly tailored solution to a unique situation particular to the Property and Applicant and that the Agreement is consistent with the City's other existing uses of its Right-of-Way. City Staff forwards this Permit Agreement for Parking Spaces in Right-of-Way, Contract K-2223-50, for City Council's consideration.