

RESOLUTION OF THE CITY OF NORMAN TO PROTECT AND PRESERVE THE LAKE THUNDERBIRD WATERSHED, THE CANADIAN RIVER CORRIDOR, THE CITY'S DRINKING WATER SUPPLY, AND THE CITY'S FLOOD HAZARD AREAS AND ACKNOWLEDGING THE OKLAHOMA TURNPIKE AUTHORITY'S ACCESS OKLAHOMA PROGRAM TO CONSTRUCT TURNPIKE FACILITIES IN THE CITY OF NORMAN THROUGH THESE CRITICAL AREAS IN THE CITY OF NORMAN

- § 1. **WHEREAS**, the Oklahoma Turnpike Authority (OTA) was originally created by act of the Twenty-First Oklahoma Legislature on April 30, 1947, to provide for the construction of the Oklahoma City-to-Tulsa Turnpike (the Turner Turnpike); the Oklahoma Legislature passed House Bill 933 on May 7, 1953, thereby establishing the basis for a State system of Turnpikes (Oklahoma Turnpike System); and
- § 2. **WHEREAS**, the City of Norman does not welcome or endorse the intrusion of the turnpikes built by the OTA into our community; and
- § 3. **WHEREAS**, the Oklahoma Supreme Court affirmed on August 1, 2023, that the OTA has statutory authority to build new turnpike alignments proposed in Oklahoma's long-range plan designed to connect communities and economies safely statewide; and
- § 4. **WHEREAS**, the OTA operates a turnpike system within Oklahoma that connects with the state highway/interstate and local road system; and
- § 5. **WHEREAS**, improvements to Oklahoma's interconnected transportation system of interstates, state highways and local roads must be coordinated to leverage resources, improve safety and ensure a seamless operation for the benefit of all Oklahomans; and
- § 6. **WHEREAS**, the OTA announced in December 2021, a 15-year, long-range turnpike improvement and expansion program for projects defined in the Advancing and Connecting Communities and Economies Safely Statewide "ACCESS Program" that represents approximately \$5 billion in tolled transportation infrastructure projects to Oklahoma's Turnpike System by expanding capacity and constructing new turnpike routes; and
- § 7. **WHEREAS**, the ACCESS Program includes the construction of a new turnpike route from the I-44 Tri-City area (Newcastle, Blanchard, Tuttle) at SH-37, crossing the South Canadian River, east to I-35, then continuing east along Indian Hills Road and then northeast to I-40, connecting to the new Kickapoo Turnpike (East-West Connector or "EWC" Project); and

- § 8. **WHEREAS**, the City of Norman requests that the East-West Connector include the construction of access points at I- 44, S. Western Avenue (60th Avenue NW), Telephone Road (36th Avenue NW), I-35, S. Bryant Avenue (12th Avenue NW/Broadway), SH-77H (12th Avenue NE), S. Douglas Blvd (48th Avenue NE), South Extension Turnpike, S. Choctaw Road (120th Avenue NE), S. Peebly Road (156th Avenue NE), I-40 along with one-way service roads along the turnpike from S. Western Avenue (60th Avenue NW) to S. Douglas Blvd (48th Avenue NE); and
- § 9. **WHEREAS**, the City of Norman requests that 36th Avenue NW be reconstructed to 4-lane with 10-foot multimodal path per current design plans from East-West Connector north to City of Norman limits and from East-West Connector South to Franklin Road; right of way needed for the 10-foot multimodal path is already owned by the City of Norman; and
- § 10. **WHEREAS**, damage to existing City of Norman infrastructure caused by heavy construction activity will be restored to existing or better conditions through a negotiated combination of repair, reimbursement or other methods determined appropriate at the end of corridor construction; and
- § 11. **WHEREAS**, the City of Norman request that a 10-foot multimodal path be constructed on the south side of the EWC, provided the 10-foot multimodal path does not require additional property acquisition for its construction; and
- § 12. **WHEREAS**, the ACCESS Program includes the construction of a new turnpike route from I-35 (Norman and Purcell area), crossing the South Canadian River, Easterly to US-77, then north to EWC near Indian Hills Road (South Extension Turnpike or “SET” Project); and
- § 13. **WHEREAS**, the SET Project proposes to include the construction of access points at I-35, US-77, Etowah Road, SH-9, Alameda Drive, East-West Connector; and
- § 14. **WHEREAS**, the Oklahoma Department of Transportation (ODOT) presently owns and maintains I-44, I-35, I-40, SH-9, SH-37, SH-66, SH-77A, and US-77 where OTA's Turnpike would intersect; and
- § 15. **WHEREAS**, the City of Norman, Oklahoma, is committed to ensuring the health, safety, and welfare of its residents, and recognizes the paramount importance of preserving and protecting its natural resources, particularly its water supply, Lake Thunderbird and the Garber-Wellington aquifer and the prevention of flood hazards to its residents; and
- § 16. **WHEREAS**, Lake Thunderbird serves as the primary source of drinking water for the residents of Norman, and the integrity of the watershed supplying this lake is critical to maintaining the quality and availability of this water supply; and

- § 17. **WHEREAS**, the Oklahoma Turnpike Authority has proposed the construction of toll roads that would traverse City Floodplains, including areas of the Lake Thunderbird Watershed and Aquatic Areas of Concern within a one-mile corridor along the Canadian River, posing further potential risks, including stormwater runoff pollution and flood hazards to the City, its citizens, and its water resources; and
- § 18. **WHEREAS**, Oklahoma law, including but not limited to 11 O.S. § 37-115, explicitly grants municipalities the authority to protect and preserve watersheds supplying drinking water, empowering the City of Norman to take necessary measures to safeguard its water resources for present and future generations; and
- § 19. **WHEREAS**, Municipal, State, and Federal Law, including the City's Flood Hazard Ordinance, Water Quality Protection Zone Ordinance, the Oklahoma Floodplain Management Act, and the National Pollutant Discharge System Stormwater Program, Phase II MS4 Compliance, empower and require the City of Norman to prevent and protect against flood hazards and water quality impairments resulting from polluted stormwater runoff; and
- § 20. **WHEREAS**, the Oklahoma Turnpike Authority has proposed the construction of toll roads that would traverse the watershed area supplying Lake Thunderbird, posing potential risks to the water quality and ecological balance of the watershed; and
- § 21. **WHEREAS**, the City of Norman is currently undergoing Comprehensive Planning efforts that must account for the possibility of the EWC and SET Projects; and
- § 22. **WHEREAS**, in the interest of furthering the goals of coordinating efforts on transportation infrastructure improvements, the City of Norman will collaborate with the OTA in the evaluation of future turnpike facilities in these areas; and
- § 23. **WHEREAS**, the City of Norman acknowledges the proposed SET project with the understanding that the OTA has yet to set the final alignment. Once the SET project alignment is determined, the City requests the same input and discussions as those given for the EWC project to ensure the needs of the City are met. This includes input for the locations of future interchanges, frontage roads, and potential wetland mitigation efforts. The City of Norman also requests ongoing communication for any future needs or requests as the OTA continues to develop this transportation infrastructure in the Norman area; and
- § 24. **WHEREAS**, prior to acquiring any property through the eminent domain process, the City of Norman implores the OTA provide several route alternatives, including a no-build alternative, specifying the number of properties required for the right-of-way and commit to finalizing a route that will not only impact the least number of Norman Citizens, but cause the least amount of damage to the Lake Thunderbird Watershed; and

- § 25. **WHEREAS**, the City of Norman requests the OTA exercise the discretion set forth in 63 O.S. §§ 1092.1 *et seq.* in favor of complying with the Federal Uniform Relocation Act, 42 U.S.C. §§ 4621 *et seq.*; and
- § 26. **WHEREAS**, the City of Norman requests the OTA to work in good faith with financial institutions on behalf of the displaced property owners to transfer low-interest rate mortgages, when applicable, to new properties and provide adequate compensation to take into account the added future tax liabilities that long-term residents will incur when moving; and
- § 27. **WHEREAS**, the City of Norman recognizes the importance of ensuring that property owners who lose their property thru eminent domain due to the Access Oklahoma Plan receive adequate compensation that reflects the true value and impact of the loss on their lives; and

NOW, THEREFORE, BE IT RESOLVED: The City of Norman is requested by the OTA to participate in the development of the East-West Connector (EWC) and South Extension Turnpike (SET) projects thereafter to maintain the EWC Project service roads as city streets.

1. **Commitment to Protection:** The City of Norman is committed to the protection and preservation of the watershed supplying Lake Thunderbird, along with the areas of concern along the Canadian River Corridor, recognizing these watersheds and bodies of water as essential to the health and wellbeing of its current and future residents.

2. **Opposition to the Toll Road:** The City of Norman formally opposes the construction of the proposed toll roads by the Oklahoma Turnpike Authority through the Lake Thunderbird watershed area and Aquatic Areas of Concern along the Canadian River Corridor, due to the unresolved negative impacts on the city's water supply, stormwater runoff, and potential flood hazards.

3. The City of Norman is requesting that the Oklahoma Turnpike Authority commit to the following:

- **Environmental Impact Assessment:** The Oklahoma Turnpike Authority conduct a comprehensive Environmental Impact Statement (EIS) with a focus on potential impacts to the Lake Thunderbird watershed and areas of concern along the Canadian River Corridor, including but not limited to water quality, biodiversity, flood hazards, untreated stormwater runoff, and hydrological changes.
- **Alternative Routes:** The Oklahoma Turnpike Authority explore and present alternative routes, including a no-build alternative, that would avoid the Lake Thunderbird watershed, and the areas of concern along the Canadian River Corridor, to mitigate any potential environmental harm.

- **Mitigation Measures:** The Oklahoma Turnpike Authority propose and implement robust green infrastructure mitigation measures to minimize any adverse effects of the construction and operation of the EWC and SET on the watershed and areas of concern for all roads traversing it through coordination with the City of Norman.
- **Stakeholder Consultation:** The Oklahoma Turnpike Authority engage in meaningful consultation with the City of Norman, environmental experts, and the public to ensure transparency and community involvement in decision-making processes.
- **Fair Market Value Determination:** The fair market value of the property should be determined through an independent appraisal conducted by a licensed appraiser mutually agreed upon by the property owner and the Oklahoma Turnpike Authority. The cost of the appraisal shall be borne by the Oklahoma Turnpike Authority.

4. **Public Awareness and Involvement:** The City of Norman will continue to engage and educate the community about the importance of protecting the watershed, the areas of concern along the Canadian River Corridor, and will encourage public participation and support in efforts to safeguard the city’s water resources.

5. **Collaborative Efforts:** The City of Norman commits to collaborating with local, state, and federal agencies, as well as non-governmental organizations, to enhance the protection of the watershed, the Canadian River Corridor, and to develop sustainable water management practices.

6. **Legal Actions:** The City Attorney and the City Manager are authorized and directed to take all necessary and appropriate legal, permitting, floodplain management, and stormwater management actions to protect and enforce the city’s legal rights and obligations, including but not limited to actions under Oklahoma 11 OK Stat § 37-115, the City’s Flood Hazard Ordinance, the City’s Stormwater Management Plan, and any other relevant municipal, state, and federal laws, to ensure the ongoing protection of the Lake Thunderbird Watershed and Canadian River Corridor.

ADOPTED by the Council and **SIGNED** by the Mayor of The City Of Norman, Oklahoma, on this ____ day of _____, 2024.

ATTEST:

Mayor

City Clerk