



CITY OF NORMAN, OK STAFF REPORT

MEETING DATE: 4/12/2022

REQUESTER: Paul D'Andrea, Capital Projects Engineer

PRESENTER: Shawn O'Leary, Public Works Director

ITEM TITLE: CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF TEMPORARY EASEMENT E-2122-58: A TEMPORARY CONSTRUCTION EASEMENT FROM RIEGER, L.L.C., IN THE AMOUNT OF \$70 FOR THE PORTER AVENUE STREETScape 2019 BOND PROJECT.

BACKGROUND:

The Porter Avenue Corridor from Robinson Street south to Alameda Street along with the intersection of Porter Avenue and Acres Street, has been the subject of much discussion and study over the years, due to concerns over traffic and pedestrian safety.

In 2010, Ochsner Hare & Hare, prepared a Porter Avenue Corridor Study which sought to analyze the area and provide a vision for future improvements to the corridor.

An evaluation of traffic control needs revealed that traffic volumes had reached levels that justify the installation of a new traffic signal at Porter Avenue and Acres Street. Approximately 20,000 vehicles pass through the intersection every day. An aerial photograph of the two 2019 Bond projects within the Porter Avenue Corridor is included in the exhibits to this agenda item.

On April 2, 2019, the citizens of Norman voted in favor of a Bond Issue to finance the local share of nineteen transportation improvement projects. Two of the nineteen 2019 bond projects are the Porter Avenue and Acres Street Intersection Bond Project and the Porter Avenue Streetscape Bond Project. The Porter Avenue Streetscape Bond Project consists of design and construction of streetscape elements along the Porter Avenue corridor between Robinson Avenue on the north and Alameda Street on the south. Proposed improvements include:

- New sidewalks
- Driveway consolidation or elimination (access management)
- Decorative roadway and pedestrian lighting
- Landscaping
- New curb and gutter
- Street furniture (e.g., benches, trash receptacles, ash urns, etc.)

The Porter Avenue and Acres Avenue Intersection Project began construction in November of 2020 and was completed in January of 2022. The Porter Avenue Streetscape project has been

approved to receive federal funds to aid in the construction costs and is anticipated to be out for bid in summer of 2022 pending right of way and utility relocations and ODOT environmental review.

On September 10, 2019, the Norman City Council approved Amendment No. 2 to Contract K-1213-165 with Garver Engineers, in the amount of \$185,500 for a total contract amount of \$400,800 for the design of the Porter Avenue Streetscape project including the portion of the project from Robinson Avenue to Hughbert Street, which coincides with the northern boundary of the Porter Avenue and Acres Street Intersection Project.

On April 28, 2020, the Norman City Council approved Amendment No. 3 to Contract K-1213-165 with Garver Engineers, in the amount of \$175,000 for a total contract amount of \$575,800 for the design of the Porter Avenue Streetscape project, which expands the design scope to encompass the full project, adding the section of Porter Avenue from the southern boundary of the Porter Avenue and Acres Street Intersection Bond Project to Alameda Street.

On July 13 2021, the Norman City Council approved Authorization for Expenditure No. Six under on-call Contract K-1314-102, with Smith-Roberts Land Services (SRLS), in the amount of \$89,055, for right-of-way acquisition services.

On October 26, 2021 City Council approved Authorization for Expenditure No. Seven, under Contract K-1314-102 between the City of Norman, OK and Smith-Roberts Land Services, Inc., in an amount not-to-exceed \$10,884 to provide acquisition services under an on-call contract utilizing funds from the Porter Avenue Streetscape Bond Project.

On March 8, 2022 City Council accepted easements for parcels 6, 9, 14, and 15, for the Porter Avenue Streetscape 2019 Bond Project, for a total cost of \$45,425.

On March 22, 2022 City Council accepted easements for parcels 1, 2, 3, 5, 10, 11 and 16, for the Porter Avenue Streetscape 2019 Bond Project, for a total cost of \$110,145.

DISCUSSION:

Right-of-way acquisition necessary for the Porter Avenue Streetscape 2019 Bond Project, consists of thirty-three (33) separate easements on twenty (20) parcels. Smith-Roberts Land Services (SRLS) oversaw and reviewed the appraisal of each parcel, and assisted the City staff in the preparation of offer letters to each property owner affected, based on the appraised values and damages. These easements are typically small in size and have minimal impact on the existing property. The easements are usually needed to properly construct public sidewalks and driveways.

The offer letters were sent on January 10, 2022, and contained information identifying the required easements and encouraged each property owner to consider donation of the property. City staff and SRLS have met with the affected property owners individually, to answer questions and aid them in understanding the right of way acquisition process, as well as the effect it will have on their properties.

This project has been approved for federal funding for FYE 2022. In order to meet the project schedule to secure the federal funds, the City needs to acquire all associated parcels by June 2022. In an effort to encourage prompt responses to the City's offers, a second and final letter was sent to each owner of unsecured parcels requesting that they contact the city and finalize any right of way negotiations to secure all parcels by March 8, to avoid the necessity of filing for eminent domain proceedings. Those letters were sent on February 9, 2022.

Previously, the owners of eleven (11) parcels, consisting of twenty (20) separate easements, have agreed to offers made from the City, totaling \$155,570. The secured easements were for parcels 1, 2, 3, 5, 6, 9, 10, 11, 14, 15, and 16.

This item is for the acceptance of two easements (Easement E-2122-57 and E-2122-58) from one parcel, Parcel 18, which also results in a resolution of the underlying eminent domain action filed in Cleveland County Court pursuant to R-2122-101 (approved by the City Council on March 8, 2022), for the acquisition of these two easements. This action is styled *City of Norman v. Rieger, LLC*, CJ-2022-252. These two easements are being acquired for a total amount of \$2,130.00 and acceptance of the easements by City Council is required for resolution of the underlying legal action and all claims between the parties to occur.

Additionally, easements for three (3) parcels consisting of three (3) easements, totaling \$7,700, are also being submitted for City Council's approval (Easement E-2122-53, E-2122-54, and E-2122-55). These secured easements are for parcels 7, 19, and 21. Funds for right-of-way acquisition of all five (5) of these easements are available in the Porter Avenue Streetscape 2019 Bond Project (BP0418).

RECOMMENDATION:

Staff recommends the above described easements be accepted, and that payment be authorized, where appropriate, and the filing be directed thereof.