



City of Norman, OK

Municipal Building
Council Chambers
201 West Gray
Norman, OK 73069

Master

File Number: RE-0405-57

File ID: RE-0405-57 **Type:** Release of Easement **Status:** Consent Item

Version: 1 **Reference:** Item 8 **In Control:** City Council

Department: Utilities Department **Cost:** \$5,000.00 **File Created:** 01/21/2015

File Name: Ingels Release of Easement **Final Action:**

Title: RELEASE OF EASEMENT RE-0405-57: CONSIDERATION OF RELEASE OF A PERMANENT ROADWAY EASEMENT ORIGINALLY GRANTED TO THE DOROTHY JANE INGELS TRUST D/B/A INGELS VINEYARD, L.L.C., FOR ACCESS TO PROPERTY LOCATED NORTH OF ROBINSON STREET BETWEEN 24TH AVENUE N.E. AND 36TH AVENUE N.E., APPROVAL OF PAYMENT IN THE AMOUNT OF \$5,000, AND APPROPRIATION FROM THE WASTEWATER FUND BALANCE.

Notes: ACTION NEEDED: Acting as the City Council and Norman Utilities Authority, motion to approve or reject Release of Easement RE-0405-57; and, if approved, direct the filing thereof with the Cleveland County Clerk and payment in the amount of \$5,000 to The Dorothy Jane Ingels Trust b/d/a Ingels Vineyard, L.L.C., and appropriate \$5,000 from the Wastewater Fund Balance to Miscellaenous Services/Refunds and Reimbursements (032-5541-432.47006).

ACTION TAKEN: _____

Agenda Date: 02/10/2015

Agenda Number: 8

Attachments: RE-0405-57, Letter of Request Ingels.pdf

Project Manager: Chris Mattingly, Water Treatment Plant Supt

Entered by: chris.mattingly@normanok.gov

Effective Date:

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
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Text of Legislative File RE-0405-57

Body

BACKGROUND: On April 22, 2003 the Norman Utilities Authority (NUA) approved Contract K-0203-135 with Cardinal Engineering, Inc. to design the lift station and force main associated with the Hall Park Wastewater Improvements. On February 4, 2004, staff received approval for final closure of the lagoons from the Oklahoma Department of Environmental Quality. Closure began in October 2004 and was complete during the summer of 2005.

On May 10th, 2005, the Mayor and Council approved a permanent road and access easement E-0405-57 for The Dorothy Jane Ingels Trust dba Ingels Vineyard, LLC. The Ingels Vineyard, LLC paid \$5,000 for the easement to access their 10 acre tract of land that was located at the northeast edge of the City owned property formerly known as the Hall Park Lagoons. Ingels Vineyard, LLC never farmed the site and instead traded it with Dr. Andy Frost for another tract located 1/2 mile north fronting Rock Creek Road in which they

established their vineyard.

Since the City land is now used for storm debris and final disposal of lake residuals from the water treatment process, the road has been relocated more to the west to prevent dust from blowing onto Frost Creek neighborhood that is located adjacent to the east.

DISCUSSION: On December 19th, 2014, staff received a letter requesting the road be placed back within the original easement or a refund be given back to Ingels Vineyard, LLC and the easement be vacated.

Staff has met with our legal department and considered the options. It is recommended that the best path forward is to refund Ingels Vineyard, LLC the money they paid the City and then file a Release of Easement signed by Ingels Vineyard LLC. The filing of the release of easement will remove the easement granted by the City to the private entity. This will lift the land restriction from the City's property. In addition, the 10-acre tract of land it served is now owned by Dr. Frost and can be accessed via his land from either Robinson or 24th Avenue NE so the road access easement should not be needed in the future.

Staff recommends refunding the \$5,000 originally paid by The Dorothy Jane Ingels Trust dba Ingels Vineyard, LLC and in exchange for the execution of the release of easement in order to remove Easement E-0405-57 from City owned property.

In May 2005, the funds originally paid to the City by the Dorothy Jane Ingles Trust were placed into a Wastewater revenue account 032-0000-392-1159 (Other Revenue/Sale of Other Property). Therefore our accounting staff recommends an appropriation of funds from the Water Reclamation Fund balance (032-0000-253.00-00) to Water Reclamation Admin. Refunds & Reimbursements (032-5541-432.47-06). The reimbursement will be made out of this account.

RECOMMENDATION: Staff recommends appropriating funds in the amount \$5,000 from the Water Reclamation Fund balance (032-0000-253.00-00) to Water Reclamation Admin. Refunds & Reimbursements (032-5541-432.47-06). Staff recommends payment in the amount of \$5,000 to The Dorothy Jane Ingels Trust dba Ingels Vineyard, LLC and execution of the agreement to Release the easement E-0405-57.