

ORDINANCE NO. O-1415-32

ITEM NO. 6

STAFF REPORT

GENERAL INFORMATION

APPLICANTS

Louis Jean Lander Farm, L.L.C.
(a.k.a. Lander and Shelba Bethel)
Bird Ranch L.L.C., Arora Ranch
L.L.C., and Belle Rose, L.L.C.
(Sean Rieger Attorney)

REQUESTED ACTION

Closure of 60th Avenue N.W. statutory
rights-of-way running north and south
found on the east side of Section
Twenty-nine (29), Township Nine
(9) North, Range Three (3) West
more particularly in the East Half of
the Section;
and, found on the west side of
Section Twenty-eight (28), Township
Nine (9) North, Range Three (3)
West more particularly in the West
Half of the Section.

BACKGROUND: Statutory rights-of-way were established in Oklahoma with section line as a grid system. Within Cleveland County a total of sixty-six feet (66') of total statutory rights-of-way were assigned for section line roads with thirty-three feet (33') on each side of the Section. There are a few occasions that section line roads were never constructed within the rights-of-way. That is the case in this instance. The attorney for the owners wants to clear up the issue and protect the owners' property.

DISCUSSION: The rights-of-way being requested for closure are west of 60th Avenue N.W. between West Robinson Street and the Norman City Limits as shown on the attached map. The rights-of-way would have been for the north-south alignment of an extension of 60th Avenue N.W. This road section does not exist and there are no road connections that could be served by this road section. There are no plans to construct this road section.

All of the franchised utilities were notified to assess the impact on their facilities if the rights-of-way were closed. Staff has received an objection however the applicant should be able to work with the utility companies to provide easements for existing utilities or work with them to relocate them.

There are no City owned utilities located within the proposed closed rights-of-way. Also, City Council approved Resolution No. R-0405-64 at its meeting of January 25, 2005 declaring 60th Avenue West south of West Robinson Street to the City Limits as closed for the granting of building permits for properties fronting 60th Avenue N.W. based on the fact the road has never been constructed to a City standard or maintained by the City of Norman. In addition, a large percentage of the properties fronting 60th Avenue N.W. are located in the Flood Plain. City staff is not opposed to the closure of the statutory rights-of-way as long as the utility companies (if located in the rights-of-way) are satisfied before any vacation of the statutory rights-of-way commences.

RECOMMENDATION: Staff recommends approval of the request to close the statutory rights-of-way as requested subject to satisfying the utility companies that currently might have utilities within the rights-of-way.

ACTION NEEDED: Recommend approval or disapproval of the request to close the specific rights-of-way as described in Ordinance No. O-1415-32 to City Council.

ACTION TAKEN: _____