



# City of Norman, OK

Municipal Building  
Council Chambers  
201 West Gray  
Norman, OK 73069

## Master

**File Number: K-1415-99**

**File ID:** K-1415-99

**Type:** Contract

**Status:** Consent Item

**Version:** 1

**Reference:** Item 18

**In Control:** City Council

**Department:** Utilities Department

**Cost:**

**File Created:** 01/13/2015

**File Name:** BNSF Railroad Permit for SS at Constitution

**Final Action:**

**Title:** CONTRACT K-1415-99: A PIPELINE LICENSE BY AND BETWEEN THE NORMAN UTILITIES AUTHORITY AND THE BURLINGTON NORTHERN SANTA FE (BNSF) RAILWAY COMPANY IN THE AMOUNT OF \$4,900 TO BE PAID BY THE DEVELOPER TO ALLOW CONSTRUCTION AND MAINTENANCE OF A SANITARY SEWER LINE LOCATED IN RAILROAD RIGHT-OF-WAY ADJACENT TO CONSTITUTION STREET TO SERVE THE CLASSEN CROSSING DEVELOPMENT.

**Notes:** ACTION NEEDED: Acting as the Norman Utilities Authority, motion to approve or reject Contract K-1415-99 with BNSF Railway Company in the amount of \$4,900 to be paid by the developer; and, if approved, authorize the execution thereof.

ACTION TAKEN: \_\_\_\_\_

**Agenda Date:** 01/27/2015

**Agenda Number:** 18

**Attachments:** BNSF Contract K-1415-99, Classen Crossing Check to BNSF

**Project Manager:** Mark Daniels, Utilities Engineer

**Entered by:** mark.daniels@normanok.gov

**Effective Date:**

### History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:

### Text of Legislative File K-1415-99

Body

**BACKGROUND:** The Burlington Northern Santa Fe (BNSF) Railway owns and operates the railway system through Norman. Whenever utility systems desire to construct improvements on or under the railway corridor a permit must be obtained from the BNSF. The Norman Utilities Authority (NUA), a trust authority of the City of Norman, operates the public sewer and water systems that commonly cross this corridor. Occasionally, private developers must cross the BNSF corridor to obtain services through the NUA.

This proposed Classen Crossings Apartments and Retail Addition, a Planned Unit Development, is generally located 220 feet south of Constitution Street on the west side of Classen Boulevard. As shown on the attached map, the BNSF Railway right-of way (ROW) parallels its western boundary. Approval of the preliminary plat for the development is dependent upon a viable sewer solution for the 3.93 acre parcel.

**DISCUSSION:** Sanitary sewer mains will be extended by the developer from the north into this property. Due to

the lack of cooperation from the property owners to the north, the developer has requested to use a portion of the BNSF Railroad ROW to construct a sewer line and connect to an existing sewer located adjacent to Constitution Street. Upon completion, the sewer will be dedicated to the NUA. Other gravity sewer solutions are not available to the developer.

Proposed Contract K-1415-99 with the BNSF Railway grants a license to the City of Norman allowing construction and continued operation of the sewer with the BNSF ROW. The developer will construct the sewer and pay all fees associated with the BNSF permit. The permit fees total \$4,900; the developer has provided a check in this amount and will be delivered to the BNSF with two originals of the executed contract. The BNSF will return one executed copy to the NUA for our records.

**RECOMMENDATION:** Staff recommends approval of Contract K-1415-99 with BNSF Railway conditioned on payment of all BNSF permit and insurance fees by the developer.