



City of Norman, OK

Municipal Building
Council Chambers
201 West Gray
Norman, OK 73069

Master

File Number: E-1516-11

File ID: E-1516-11

Type: Easement

Status: Consent Item

Version: 1

Reference: Item No. 21

In Control: City Council

Department: Public Works
Department

Cost: \$3,350.00

File Created: 07/07/2015

File Name: Permanent Sidewalk Easement from Realty Income
CK1, L.L.C. for the West Lindsey Street
Improvement Project

Final Action:

Title: EASEMENT E-1516-11: CONSIDERATION OF ACCEPTANCE OF A PERMANENT
SIDEWALK EASEMENT FROM REALTY INCOME CK1, L.L.C., IN THE AMOUNT OF
\$3,350 FOR THE WEST LINDSEY STREET IMPROVEMENT PROJECT FROM 24TH
AVENUE S.W. TO BERRY ROAD.

Notes: ACTION NEEDED: Motion to accept or reject Easement E-1516-11; and, if accepted, direct the
filing thereof with the Cleveland County Clerk and payment in the amount of \$3,350 to Realty
Income CK1, L.L.C.

ACTION TAKEN: _____

Agenda Date: 07/14/2015

Agenda Number: 21

Attachments: easement map 7-14-15, E-1516-11

Project Manager: John Clink, Capital Projects Manager

Entered by: rachel.warila@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 E-1516-11

Body

BACKGROUND:

On November 22, 2011, the Norman City Council approved Programming Resolution No. R-1112-63 requesting federal funds for the West Lindsey Street Improvements. This resolution states the City's commitment to adhere to the terms and conditions of a federally funded project. Through the Association of Central Oklahoma Governments (ACOG,) the Oklahoma Department of Transportation (ODOT) agrees to provide 80% of the cost, up to \$9.7 million, and administer the construction with the matching share from the City of Norman. In order to receive the federal funding, the City of Norman is required to enter into an agreement with ODOT to complete the design, acquire all necessary rights-of-way and relocate utilities and encroachments at 100% the City's cost.

On August 28, 2012, the citizens of Norman voted in favor of a Bond Election to finance the local share of eight

transportation/storm water improvement projects. One of the eight projects is the West Lindsey Street Improvement Project.

The roadway portion of the project includes transportation and aesthetic improvements to West Lindsey Street. The West Lindsey Street corridor between Interstate 35 and Berry Road is the most congested corridor in the Oklahoma City metropolitan area. This section of West Lindsey Street has a traffic accident rate three (3) times the national average for similar urban arterial streets.

Proposed improvements for the roadway project include:

1. Widening West Lindsey Street from 3 lanes to 4 lanes with additional lanes at intersections
2. New bridge over Imhoff Creek
3. Continuous sidewalks on both sides of the street
4. Access management to adjacent properties
5. Multi-modal improvements including on-street bicycle lanes
6. Aesthetic enhancements including decorative pavement, landscaping and roadway lighting
7. Underground utilities
8. Accessibility to disabled individuals
9. Storm water improvements

The storm water portion of the project addresses the flooding problems along West Lindsey Street, most notably at the Lindsey Street and McGee Drive intersection. The design will include conveying storm water from a 3.4 square mile watershed to an underground pipeline which will discharge directly to the Canadian River.

On January 13, 2015 Council approved Contract K-1415-86 a Right of Way, Utility and Encroachment agreement with the Oklahoma Department of Transportation. This agreement stipulates that the City will acquire all right-of-way required for the project, grant ODOT access to and the use of the right-of-way for this project, relocate all utilities and encroachments from the construction area and to indemnify and hold ODOT harmless.

DISCUSSION:

The City must acquire 60 easements along Lindsey Street between 24th Avenue SW and Pickard Avenue for the construction of the West Lindsey Street Improvement Project. These easements are limited in size and generally used for the purpose of utility systems. As promised, no permanent right-of-way is being acquired. Currently, staff has secured forty two (42) easements. Negotiations are currently under way for the remaining fourteen (14) easements from seven (7) property owners. Staff requested donations prior to making any offers of fair market value. Of the remaining property owners where fair market value is still being discussed, condemnation actions have been filed, commissioners appointed by the Court have valued the property, and the City is in the process of paying those valuations into Court to complete the acquisition process. Property owners may then ultimately have the fair market value of the property taken determined by a jury if continuing negotiations are unsuccessful. However, acquisition of the parcels will be completed once the Commissioner's valuation is paid into Court in order that the Lindsey Street widening project may continue progressing on schedule. The attached table provides the details of each easement. Also a map is attached providing the location involving this easement necessary for the project. Funds are available in Lindsey Widening: 24th-Berry, Right of Way (account 050-9552-431.60-01, project BP0189).

Realty Income, Inc. has settled for the original offer amount of \$3,350 - .003 acres - appraised value.

RECOMMENDATION:

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