



# City of Norman, OK

Municipal Building  
Council Chambers  
201 West Gray  
Norman, OK 73069

## Master

**File Number: GID-1314-81**

**File ID:** GID-1314-81      **Type:** Development, Deferrals and Variances      **Status:** Consent Item

**Version:** 1      **Reference:** Item No. 17      **In Control:** City Council

**Department:** Public Works Department      **Cost:** \$11,175.30      **File Created:** 04/25/2014

**File Name:** Partial Release of Cash Surety for Calvary Free Will Baptist Church Addition      **Final Action:**

**Title:** PARTIAL RELEASE OF THE OWNER'S OBLIGATION AND THE RETURN OF CASH SURETY IN THE AMOUNT OF \$11,175.30 FOR DEFERRED CONSTRUCTION OF PAVING IMPROVEMENTS IN CONNECTION WITH CALVARY FREE WILL BAPTIST CHURCH ADDITION AND BUDGET APPROPRIATION FROM THE SITE IMPROVEMENT LIABILITY ACCOUNT.

**Notes:** ACTION NEEDED: Motion to approve or reject the a partial release of the owner's obligation for deferred construction of paving improvements; and, if approved, direct the partial return of the cash surety in the amount of \$11,175.30 to the owner and appropriate \$12,275.99 from Site Improvements Liability (010-0000-229.24-11) to Project No. TR0243, Porter Avenue Gap Paving, Rock Creek-Tecumseh, Construction (050-9366-431.61-01).

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

**Agenda Date:** 05/13/2014

**Agenda Number:** 17

**Attachments:** Attachment A Deferral Table, Location Map

**Project Manager:** Josh Malwick, Capital Projects Engineer

**Entered by:** mallory.scott@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 GID-1314-81

Body

**BACKGROUND:** On August 13, 2005, City Council approved the final plat of Calvary Free Will Baptist Church Addition. As a part of the approval, the church was required to pay deferral funds for roadway improvements to North Porter Avenue north of Tecumseh Road as required by Section 19-602(b) of the Code of the City of Norman. Calvary Free Will Baptist Church paid \$23,450.60 into a certificate of deposit with First Fidelity Bank.

On July 28, 2009, City Council approved Contract No. K-0910-35 with Apposite Engineering, LLC for the design of the North Porter Avenue Project. On January 26, 2010, City Council approved Amendment No. 1 for design services for additional surveying and roadway borings, and to redesign sections of the curb that did not meet City of Norman standards. On February 8, 2011 Council approved Amendment No. 2 to complete acquisition of right-of-way and to obtain temporary and permanent easements and to provide additional storm water and

waterline relocation design.

On December 5, 2011, City Council approved Contract No. K-1112-96 with the Oklahoma Department of Transportation (ODOT) for the construction of the Porter Avenue Gap Paving Project. The construction project was funded 80 percent by ODOT and 20 percent by local funds. The total construction cost was \$2,345,000. ODOT's share was \$1,870,640 and the local match was \$474,360.

In January 2014, ODOT's contractor, Markwell Paving Company of Oklahoma City, substantially completed the project. The final minor items remaining on the construction project will be complete by July 2014.

**DISCUSSION:** In accordance with Section 19-602 B2(b)(c) of the City Code, there is a mechanism to defer public improvements if certain conditions are met. Section 19-602 B2 states, "The City Council, after recommendation from the Director of Public Works and the Planning Commission, may accept a final plat and authorize the issuance of building permits prior to the construction of such deferred public improvements required by the Code of the City of Norman in the following situations: (a) where incompatible grades exist; (b) where there are inadequate or lack of connecting facilities; (c) where construction of the improvement would not immediately function for its intended use; or (d) where such improvement would be replaced by a planned future improvement."

Calvary Free Will Baptist Church elected to deposit deferral funds anticipating a future project along their frontage in the amount of \$23,450.60 and those funds were deposited as a certificate of deposit with First Fidelity Bank. The funds have been released to the City and are currently in the liability account Site Improvement/Cash (Account No. 010-0000-229.24-11) in the amount of \$23,451.29 which includes the interest gained. (Please see "Attachment A")

After the Porter Avenue Gap Paving Project was deemed substantially complete, staff was able to determine the total cost of the improvements along the church's frontage to be \$61,379.94 or 2.62 percent of the project cost. Since the project was funded with local and federal funds, the improvement cost Calvary Free Will Baptist Church is responsible for is only the local share. The City is responsible for only 20 percent of the project costs, therefore, the church's improvement cost is \$12,275.99.

The deferral fees from Calvary Free Will Baptist Church are the only pending fees currently on deposit with regard to the North Porter Avenue Project. All other adjacent developments chose to actually make the improvements to North Porter Avenue.

**RECOMMENDATION No. 1:** Staff recommends a partial release and refund of \$11,175.30 to Calvary Free Will Baptist Church be returned from the deferral fee amount of \$23,451.29.

**RECOMMENDATION No. 2:** Staff further recommends that \$12,275.99 be appropriated from Site Improvement/Cash (Account No. 010-0000-229-2411) to the North Porter Avenue Project Construction (Account No. 050-9366-431.61-01).