



City of Norman, OK

Municipal Building
Council Chambers
201 West Gray
Norman, OK 73069

Master

File Number: E-1415-90

File ID: E-1415-90

Type: Easement

Status: Consent Item

Version: 1

Reference: Item No. 11

In Control: City Council

Department: Public Works
Department

Cost: \$25,457.00

File Created: 06/09/2015

File Name: Permanent Easement from Hubert Baker for West
Lindsey Street Improvement Project

Final Action:

Title: EASEMENT E-1415-90: CONSIDERATION OF ACCEPTANCE OF A PERMANENT DRAINAGE EASEMENT FROM HUBERT F. BAKER IN THE AMOUNT OF \$25,457 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-1415-90; and, if accepted, direct the filing thereof with the Cleveland County Clerk and payment in the amount of \$25,457 to Hubert F. Baker.

ACTION TAKEN: _____

Agenda Date: 06/23/2015

Agenda Number: 11

Attachments: Text File, Easement Table, E-1415-90, easement
map 6-23-15

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:
1	City Council	06/23/2015					

Text of Legislative File E-1415-90

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:

- Widening West Lindsey Street from 3 lanes to 4 lanes with additional lanes at intersections
- New bridge over Imhoff Creek
- Continuous sidewalks on both sides of the street
- Access management to adjacent properties
- Multi-modal improvements including on-street bicycle lanes
- Aesthetic enhancements including decorative pavement, landscaping and roadway lighting
- Underground utilities
- Accessibility to disabled individuals
- 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. Staff requested donations prior to making any offers of fair market value. Currently, staff has secured forty one (41) easements. Negotiations are currently under way for the remaining nineteen (19) easements from nine (9) property owners.

Staff filed condemnation litigation to acquire this property. However, subsequent to that filing, Staff and the property owner have arrived at the proposed settlement. Upon Council acceptance of the easement, Staff will move to dismiss the litigation. The settlement includes a \$1,500 payment for damage to the property owner's sprinkler system. The settlement also includes an additional \$5,000 over the original offer price. Staff believes that, were the case to proceed through litigation, costs would easily exceed that figure and therefore recommends the settlement of \$25,547.

The attached table provides the details of each easement. Also a map is attached providing the location of each easement necessary for the project. Funds are available in Lindsey Widening: 24th-Berry, Right of Way (account 050-9552-431.60-01, project BP0189).

RECOMMENDATION: Staff recommends that Easement E-1415-90 be accepted, and that payment in the amount of \$25,457 be authorized to Mr. Hubert F. Baker and the filing be directed thereof.