



City of Norman, OK

Municipal Building
Council Chambers
201 West Gray
Norman, OK 73069

Master

File Number: GID-1920-76

File ID: GID-1920-76 **Type:** Development, Deferrals and Variances **Status:** Consent Item

Version: 1 **Reference:** Item 12 **In Control:** City Council

Department: Public Works Department **Cost:** \$19,073.50 **File Created:** 04/28/2020

File Name: Return of Cash Surety for Deferred Construction, Canaan Acres **Final Action:**

Title: CONSIDERATION OF RETURN OF CASH SURETY FOR DEFERRED CONSTRUCTION FOR PAVING IMPROVEMENTS IN CONNECTION WITH CANAAN ACRES ADDITION.

Notes: ACTION NEEDED: Motion to approve or reject the return of cash surety in the amount of \$19,073.50 for deferred construction of paving improvements in connection with Canaan Acres Addition.

ACTION TAKEN: _____

Agenda Date: 05/12/2020

Agenda Number: 12

Attachments: Certificate of Deposit Redacted, Location Map -Canaan Acres, Final Plat - Canaan Acres, Request for Return of Cash Surety, Canaan Acres Deferral Construction Cost Estimate, Memo Canaan Acres, Pertinent Excerpts PC Minutes, Master

Project Manager: Ken Danner, Subdivision Development Manager

Entered by: cydney.karstens@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 GID-1920-76

body

BACKGROUND: The City Council, at its meeting of May 11, 2010, approved deferred construction for paving improvements in connection with Canaan Acres Addition subject to receipt of payment in cash/certificate of deposit. Canaan Acres Addition includes one lot consisting of 3.28 acres. The deferred construction involved the future widening of Franklin Road to meet the City's arterial street width requirements. A certificate of deposit was submitted by the owners, Randy and Lisa Martin in the amount of \$19,073.50.

DISCUSSION: The widening of Franklin Road at this location has not been completed and cannot be effectively completed due to the lack of similar, continuous improvements in the area. It is staff's opinion that the widening of Franklin Road from Porter Avenue to east of 12th Avenue NW is best accomplished as a complete corridor project. However, a project to widen and improve Franklin Road is not in the City's current 5-year Capital Improvement Program.

Section 19-602(B)(7) of the Code of the City of Norman states that "If construction of the deferred facility has not commenced within ten (10) years from the date of deferment, then the cost paid or the certificate of deposit may be returned upon action of the Council upon written request of the payor." Because ten (10) years have passed since submittal of the deferred construction payment, the owner has now requested that the City release the obligation and return the cash surety.

Although most of the properties fronting Franklin Road are developed, this is the only platted property that has gone through the deferral process. The original Ordinance O-7677-15 was adopted by City Council on October 26, 1976.

RECOMMENDATION: City staff has concluded the following options are available to the City Council regarding this matter:

1. Release the cash surety.
2. Retain the cash surety indefinitely. This option places the burden on the owner by requiring a financial obligation beyond what was intended through the deferral process.
3. Require the construction of paving improvements for Franklin Road. However, there are no existing improvements to connect to which was the purpose of the deferral.

Considering all circumstances and available information, City staff recommends release of the cash surety.