



City of Norman, OK

Municipal Building
Council Chambers
201 West Gray
Norman, OK 73069

Master

File Number: GID-1314-88

File ID: GID-1314-88 **Type:** Development, Deferrals and Variances **Status:** Consent Item

Version: 1 **Reference:** Item No. 14 **In Control:** City Council

Department: Public Works Department **Cost:** \$12,693.30 **File Created:** 05/12/2014

File Name: Return of cash surety Adkins Crossing Addition **Final Action:**

Title: CONSIDERATION OF THE RETURN OF CASH SURETY IN THE AMOUNT OF \$12,693.30 FOR PAVING IMPROVEMENTS IN CONNECTION WITH THE ADKINS CROSSING ADDITION.

Notes: ACTION NEEDED: Motion to approve or reject the return of cash surety for paving improvements in connection with Adkins Crossing Addition; and, if approved, direct the return of the certificate of deposit in the amount of \$12,693.30 to the developer.

ACTION TAKEN: _____

Agenda Date: 05/27/2014

Agenda Number: 14

Attachments: Text File Adkins Crossing.pdf, Location Map, Request for Release Letter, Preliminary Plat, Final Plat, City Council Memo 4/26/03, CC Minutes 4/26/03, Memo from Cardinal Engineering, Deferred Cost Estimate Table

Project Manager: Ken Danner, Subdivision Manager

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: |
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Text of Legislative File GID-1314-88

Body

BACKGROUND: The City Council, in its meeting of August 26, 2003, approved deferred construction for paving improvements in connection with Adkins Crossing Addition generally located approximately three-quarters mile south of State Highway No. 9 on the east side of 24th Avenue S.W. subject to receipt of payment in cash within 10 days. 24th Avenue S.W. is classified as a collector street and, thus, was anticipated to be a two-lane street. This developer was required to replace the existing street by one lane on the east side. A certificate of deposit was submitted to city staff in the amount of \$12,693.30. The owner/developer went through the platting process in order to develop thirteen (13) single family residential lots. Under Section 19-602 B5 deferred construction funds, except for drainage improvements, must be expended for no other purpose than in conjunction with the later construction of the deferred improvement.

DISCUSSION: The improvements to 24th Avenue S.W. have not been completed and are not currently planned to be completed due to the lack of development in the area. Section 19-602 B7 of the Code of the City of Norman states that “if such a deferred facility has not been commenced within 10 years from the date deferment then the cost paid or certificate of deposit may be returned upon action of the Council upon written request of the payor.” The owner has requested that the City release the obligation and return the cash surety for the deferred construction for paving improvements.

Because there is no public street improvement project planned within the near future, nor within the five year capital improvement plan, that would utilize these deferred paving improvement funds in conjunction with the construction of the deferred improvement, and based on the previous action taken by the City Council regarding similar circumstances, staff supports the request that the surety and obligation be released for Adkins Crossing Addition; however, return of the deferred construction funds is left to the discretion of the Council as stated in Section 19-602 B7 of the City Code.

RECOMMENDATION: Based upon the above information and due to the uncertainty of any paving project being undertaken in this vicinity in the near future, nor within the five year capital improvement plan, that would utilize these deferred paving improvement funds in conjunction with the construction of the deferred improvement, Staff recommends that the cash surety in the amount of \$12,693.30 be returned to the owner.