



City of Norman, OK

Municipal Building
Council Chambers
201 West Gray
Norman, OK 73069

Master

File Number: K-1415-100

File ID: K-1415-100

Type: Contract

Status: Consent Item

Version: 2

Reference: Item 19

In Control: City Council

Department: Public Works
Department

Cost:

File Created: 02/23/2015

File Name: Contract with Bellatona Development

Final Action:

Title: CONTRACT K-1415-100: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND BELLATONA DEVELOPMENT, L.L.C., TO ALLOW ALLEN CONTRACTING, INC., CONTRACTOR FOR THE OKLAHOMA DEPARTMENT OF TRANSPORTATION (ODOT), TO CONSTRUCT THE MEDIAN OPENING AND ENTRY FOR BELLATONA ADDITION AS PART OF THE HIGHWAY 9 EAST PROJECT AT A COST OF \$82,367.50 TO BE PAID BY BELLATONA DEVELOPMENT, L.L.C., AND FORWARDED TO ODOT;.

Notes: ACTION NEEDED: Motion to approve or reject Contract K-1415-100 with Bellatona Development, L.L.C.; and, if approved, authorize the execution thereof, accept payment from Bellatona Development, L.L.C., in the amount of \$82,367.50; increase Reimbursements/Other City Expense (050-0000-366.12-29) by \$82,367.50; appropriate \$82,367.50 from Reimbursements/Other City Expense (050-0000-366.12-29) to Project TC0023, Bellatona ODOT Pass-Thru, Construction (050-9998-431.61-01) and direct payment in the amount of \$82,367.50 to the Oklahoma Department of Transportation.

ACTION TAKEN: _____

Agenda Date: 03/10/2015

Agenda Number: 19

Attachments: Text File Bellatona, Att A - Plan View, Att B - Allen Contracting Invoice, Entry and Median Reference, Contract, Transportation Engineer Memo, Intersection Capacity Analysis, Traffic Impact Study, Bellatona Revised Preliminary Plat, Summit Valley Original Plat, Summit Valley Revised Plat

Project Manager: Josh Malwick, Capital Projects Engineer

Entered by: Cydney Karstens

Effective Date:

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:

Text of Legislative File K-1415-100

Body

BACKGROUND: The Oklahoma Department of Transportation (ODOT) has a long term plan to systematically widen over 13 miles of SH-9E from the end of the current 4-lane highway just west of 24th Avenue SE to the

east Norman City limits and beyond. The project will be completed in phases beginning at the west end and continuing to the east. The highway widening will take several years to complete due to funding limitations. The first phase of the widening is currently under construction and includes the area from just west of 24th Avenue SE to just east of 36th Avenue SE. The project is funded by ODOT.

On June 28, 2012, City Council approved Contract K-1213-38, a Project Agreement with ODOT for the Right-of-way, Public Utility and Encroachment Agreement for the Widening of SH-9E from just west of 24th Avenue Southeast to 36th Avenue Southeast. As a part of the agreement, the city was responsible for \$25,196.50, or 10% of the utility relocation cost in advance of the highway construction.

On August 27, 2013, City Council approved the revised preliminary plat for the Bellatona Addition. This addition is generally located on the north side of SH-9E and east of 36th Avenue SE. The plat includes 692 residential lots with open space and six commercial lots. The developer was required to complete a detailed traffic impact analysis (TIA) and to pay \$150,000 to cover 100% of the traffic improvements.

On Monday, July 7, 2014, construction began on the SH-9E Project from 24th Avenue SE to 36th Avenue SE. This is a \$9.5 million construction project awarded to Allen Contracting of Oklahoma City. The project includes widening from two lanes to four lanes with a center median from 1,300 feet west of 24th Avenue SE to 1,300 feet east of 36th Avenue SE, storm water improvements, replacement of traffic signals at the intersections of 24th Avenue SE, Technology Place and John Saxon Boulevard and a new traffic signal at the intersection of SH-9E and 36th Avenue SE. The project is scheduled to be completed by April 2015.

The Bellatona Addition will have access to 36th Avenue SE and to SH-9E. The developer was required to complete a traffic impact analysis (TIA) to evaluate the peak hour traffic conditions. Based on the TIA, the 692 residential lots and six (6) commercial lots are expected to generate 10,746 trips per day at full build-out. The TIA recommended signalization of the intersection at 36th Avenue SE and SH-9E as well as an opening in the center median of SH-9E into Bellatona.

On Tuesday, March 3, 2015, the City Council conducted a Study Session to discuss this matter. To address many of the requests from Council, staff prepared the attached memo dated March 5, 2015 which includes data and findings from the Developer's 2013 TIA. In addition, staff has worked closely with the Developer during the week of March 2, 2015 to address other concerns expressed by Council including, but not limited to:

- Limiting left turn movements from Bellatona Boulevard to eastbound SH-9E.
- Contribution by the Developer toward the cost of a traffic signal in the future at SH-9E and Bellatona Boulevard.
- Topography along SH-9E at Bellatona Boulevard which might negatively impact sight distance for drivers.
- Cut-through traffic on Bellatona Boulevard.

The Developer's representatives will be present at the March 10th meeting and will be prepared to address the points noted above.

DISCUSSION: As a part of the preliminary plat for Bellatona Addition approved by Council on August 27, 2013, the signalization of the intersection at 36th Avenue SE and SH-9E was required. In addition, an opening in the center median of SH-9E into Bellatona was recommended in the future. The traffic signal at 36th Avenue SE and SH-9E is being installed by ODOT as a part of the current SH-9E Project. Bellatona Development LLC was required to pay a traffic impact fee of \$150,000 toward the cost of the new traffic signal. However, since the City was not required to contribute funds toward the cost of the new traffic signal, the traffic impact fees will not be collected from Bellatona Development LLC.

ODOT had completed the design of the current phase of SH-9E before the TIA for Bellatona Addition was completed. Therefore, the median opening on SH-9E for Bellatona Addition was not included in the original project plans or the construction contract with Allen Contracting.

At the request of the developer for Bellatona Addition (Cies), City staff facilitated a discussion with ODOT officials during the summer of 2014 regarding the design and financing for a median opening on SH-9E into the Bellatona Addition. A drawing of the proposed median opening is attached. ODOT officials will allow the median opening if the City will enter into an agreement with ODOT for the change to the SH-9E Project and if the City pays the estimated \$82,367.50 in project costs. In turn, City staff has negotiated with the developer of Bellatona Addition to pay all project costs.

The attached Contract K-1415-100 was prepared by the City Legal Department. The contract establishes the roles and responsibilities of ODOT, the City of Norman and Bellatona Development LLC. If approved, the developer will deposit \$82,367.50 in the appropriate City of Norman account. Subsequently, the City will enter into an agreement with ODOT and transfer said funds to the Bellatona ODOT Pass-thru (account 050-9998-431.61-01; Project TC0023).

RECOMMENDATION NO. 1: If Council concurs with the appropriateness of the center median opening on SH-9E, Staff recommends approval of Contract K-1415-100 with Bellatona Development LLC, for improvements to SH-9E.

RECOMMENDATION NO. 2: Staff further recommends acceptance of \$82,367.50 from Bellatona Development LLC for the construction of the median opening on SH-9 East and the entry into Bellatona Addition into Account 050-0000-366.12-29 (Other City) and appropriation of same amount into 050-9998-431.61-01; Project TC0023.