



City of Norman, OK

Municipal Building
Council Chambers
201 West Gray
Norman, OK 73069

Master

File Number: K-1718-84

File ID: K-1718-84

Type: Contract

Status: Consent Item

Version: 1

Reference: Item 17

In Control: City Council

Department: Public Works
Department

Cost:

File Created: 11/06/2017

File Name: ODOT ROW & Utility Agreement for SH-9: From 72nd
Ave SE to 108th Ave SE

Final Action:

Title: CONTRACT K-1718-84: A RIGHT-OF-WAY, PUBLIC UTILITY AND ENCROACHMENT AGREEMENT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND THE OKLAHOMA DEPARTMENT OF TRANSPORTATION (ODOT) IN THE AMOUNT OF \$14,042.65 FOR THE CITY'S SHARE OF THE PROJECT FOR THE ROAD WIDENING PROJECT ON STATE HIGHWAY 9 FROM 72ND AVENUE S.E. TO 108TH AVENUE S.E., FEDERAL/STATE AID PROJECT J2-0266(11), JOB 20266(11) CONSTRUCTION, (12) R/W, (13) UTILITIES, ADOPTION OF RESOLUTION R-1718-54 AND BUDGET APPROPRIATION FROM THE CAPITAL FUND BALANCE.

Notes: ACTION NEEDED: Motion to approve or reject Contract K-1718-84 with ODOT; and, if approved, adopt Resolution R-1718-54, authorize the execution of the contract and resolution, appropriate \$14,042.65 from the Capital Fund Balance, (050-0000-253.20-00) to Project TR0118, I-35 SH-9: 72nd SE - 108th SE ,Utilities (050-9539-431.67-01); and direct payment in the amount of \$14,042.65 for the City's 20% share to ODOT.

ACTION TAKEN: _____

Agenda Date: 11/28/2017

Agenda Number: 17

Attachments: Location Map, Agreement and Resolution, Requisition

Project Manager: Tim Miles, Capital Projects Engineer

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:
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Text of Legislative File K-1718-84

Body

BACKGROUND: The Oklahoma Department of Transportation (ODOT) has a long-term plan to systematically

widen State Highway 9 throughout Norman east to the City of Tecumseh. The project most recently completed was the segment between 36th Avenue SE and 72nd Avenue SE. The remaining widening projects will be completed in phases over the next eight years. This project phase will widen three miles of State Highway 9 from east of 72nd Avenue SE to east of 108th Avenue SE and is scheduled for construction in Federal Fiscal Year 2022.

The road widening project is an ODOT-funded project using federal funds and the City of Norman is not participating in the funding of the construction. However, the City is required to participate in the funding of the utility relocation, based on Oklahoma State Statute - Title O.S. 2011 § 1205 - Acquisition Policy. The applicable section of the State Statute is stated below:

Paragraph (c): For all construction projects within the limits of municipalities, other than projects on the Interstate Highway System, as described in the Federal Aid Highway Act of 1956, the municipality or county involved and the Department shall equally share the cost of all necessary rights-of-way, clear of all obstructions, including structures of any kind or nature and utility lines, poles, pipelines, or other facilities above or below the surface of the ground. If federal aid funds are available for the project, the municipality and the Department shall equally share the local portion of the costs for acquiring and clearing the right-of-way, including the cost of removing and relocating utility facilities located on private owned rights-of-way.

According to the Statute, the City is only required to participate in the utility relocations that are located outside of the existing right-of-way or within a private easement that predates the existing State Highway 9 right-of-way. In this agreement, the City is not required to participate in the cost of relocating utilities owned and operated by the City such as water lines and sanitary sewer lines. The City's utilities located within the newly acquired right-of-way are being relocated under a separate agreement with ODOT. All utilities currently within the right-of-way are required to be relocated at the cost of the owner of the utility.

This project has 80% federal funding for the relocation of utilities. The remaining 20% will be split evenly between ODOT and the City of Norman as required in the State statute stated above. Participation in the relocation costs by the City of Norman is required for the project to be completed. City Capital Funds were allocated by Council in fiscal year 2012-2013 (FYE 2013) based on the relocation cost estimates provided by ODOT at that time or the previous highway widening project between 36th Avenue SE and 72nd Avenue SE. This project located between 72nd Avenue SE and 108th Avenue SE was not identified on the ODOT estimate so funds have not been budgeted for this utility relocation project.

DISCUSSION: Prior to right-of-way acquisition and utility relocation, ODOT requires the City of Norman to enter into a project agreement and to adopt it by Resolution. ODOT has requested the City approve the attached agreement that addresses the responsibilities of the City of Norman and ODOT. Staff has reviewed the project agreement and resolution.

In summary, the City's responsibilities are:

- Grant right-of-entry to and the use of all existing streets, alleys, and other City owned property
- Be financially responsible for 50% of the 20% relocation costs of utilities not funded by the Federal Highway Administration (FHWA).
- Remove all encroachments
- Prohibit parking in the project area
- Comply with the Department's standards for driveway entrances
- Determine and locate, with ODOT approval, a detour route over existing City streets, should it be necessary, during construction. The City will be responsible for all costs for operation and maintenance of roadways due to the detour
- Obtain a storm water permit from the ODEQ for City utility relocations if necessary
- Agree the construction shall be in conformance with the plans prepared by the City
- Maintain the roadway, traffic control signals, traffic control signs and right-of-way after construction
- Regulate traffic control including speed of vehicles, parking, stopping, and turns

In summary, ODOT's responsibilities are:

- Coordinate all necessary utility adjustments with the owner(s) having utilities within the project limits
- Be financially responsible for 50% of the 20% relocation costs of utilities not funded by the Federal Highway Administration (FHWA).
- Construct the project in accordance with the plans and specifications
- Advertise and let the construction contract for this project
- Provide competent supervision of the construction

The utility relocation will be funded 80% by FHWA, 10% by ODOT and 10% by local funds. ODOT has provided the attached estimate for the relocation of the utilities showing the total cost and the share the City is expected to contribute. These utilities include OEC, OG&E, Arrow Oil & Gas and AT&T facilities located on private right-of-way within the City Limits. Based on the ODOT estimate, the total utility relocation cost is \$140,426.50. FHWA's share is \$112,341.20, ODOT's share is \$14,042.65 and the City match is \$14,042.65. Since funds have not been budgeted for this utility relocation project, an appropriation of funds in the amount of \$14,042.65 is proposed to be transferred from Capital Fund Balance (account 050-0000-253.20-00) to Project TR0118 (account 050-9402-431.67-01) in order to fund this ODOT project.

RECOMMENDATION NO. 1: Staff recommends approval of Contract K-1718-84 with the Oklahoma Department of Transportation.

RECOMMENDATION NO. 2: Staff further recommends approval of Resolution R-1718-54 adopting Contract K-1718-84, and if approved, authorize the execution thereof.

RECOMMENDATION NO. 3: Staff also recommends an appropriation of funds in the amount of \$14,042.65 from Capital Fund Balance (account 050-0000-253.20-00) and allocated to Roadway Widening, Utilities (account 050-9402-431.67-01; project TR0118).