



# City of Norman, OK

Municipal Building  
Council Chambers  
201 West Gray  
Norman, OK 73069

## Master

**File Number: E-2021-3 AMD**

**File ID:** E-2021-3 AMD      **Type:** Easement      **Status:** Consent Item

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

**Department:** Utilities Department      **Cost:**      **File Created:** 10/16/2020

**File Name:** Revised Easement to Hildalgo Trading, LLC      **Final Action:**

**Title:** AMENDMENT TO EASEMENT E-2021-3: CONSIDERATION OF AMENDING EASEMENT E-2021-3 GRANTED TO HILDALGO TRADING, L.L.C., FOR USE OF A COMMUNICATIONS FACILITY/TOWER LOCATED AT 333 BRATCHER-MINER ROAD.

**Notes:** ACTION NEEDED: Motion to grant or deny Amended Easement E-2021-3; and, if granted, and a proper release received, authorize the execution thereof.

ACTION TAKEN: \_\_\_\_\_

**Agenda Date:** 10/27/2020

**Agenda Number:** 12

**Attachments:** Location Map, Amended Easement 2021-1A, Original Easement 2021-1A

**Project Manager:** Nathan Madenwald, PE - Utilities Engineer

**Entered by:** nathan.madenwald@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 E-2021-3 AMD

Body

**BACKGROUND:** The City owns the majority of the area along Bratcher-Miner Road, generally south of Highway 9 between Chautauqua Avenue and Jenkins Avenue for various City operations and functions. For the Utilities Department, operations and facilities in this area include:

- Water Reclamation Facility (WRF) - West of Jenkins and North of Bratcher-Miner Road;
- Transfer Station - East of Chautauqua and North of Bratcher-Miner Road; and
- Compost Facility - South of Bratcher-Miner Road between Chautauqua Avenue and

Jenkins Avenue.

On July 14, 2020, the City of Norman, the Norman Municipal Authority, and the Norman Utilities Authority approved Contract K-2021-15 with Hildalgo Trading, L.L.C. for the purchase of this property, which is approximately 20.62 acres of land at 333 Bratcher-Miner Road located adjacent to existing facilities. Additionally, the City Manager was authorized to complete the closing for the land which was subsequently completed on September 2, 2020, and the warranty deed was filed of record on September 2, 2020.

As a part of Contract K-2021-15 for this acquisition, an easement was granted to Hildalgo Trading, LLC to provide a small portion of land as an easement for their future use for a cell phone tower as long as all proposed improvements complied with City ordinances at the time of permitting. The purchase price of the acquisition was adjusted based on the value of the easement. The original easement, that was approved concurrently with K-2021-15, includes a reversionary clause back to the City/NMA/NUA after five years if a cell tower is not installed. The easement was also filed of record on September 2, 2020.

**DISCUSSION:** Hildalgo Trading, LLC has requested minor modifications to the proposed easement language, to add clarifications regarding facilities necessarily installed with the referenced tower, based upon post-acquisition reviews by their legal team. A revised easement was prepared and is attached to this item along with the originally-approved easement. Staff has reviewed the proposed changes and considers the changes to be in accordance with the spirit of the original agreement. However, because that agreement has been fully performed and completed according to its original terms, only this easement is being brought for current consideration. If approved, the easement will only be filed upon the City's receipt of a signed release of the original easement by Hildalgo Trading, L.L.C.

**RECOMMENDATION:** Staff recommends approval to grant amended Easement E-2021-3 to Hildalgo Trading, LLC for their use for a Communications Facility/Tower, and the related necessary facilities, for the Norman Utilities Authority property located at 333 Bratcher Miner Road, upon the City's receipt of a properly executed release of the original easement.