



# City of Norman, OK

Municipal Building  
Council Chambers  
201 West Gray  
Norman, OK 73069

## Master

**File Number: R-2021-16**

**File ID:** R-2021-16

**Type:** Resolution

**Status:** Non-Consent Items

**Version:** 1

**Reference:** Item 22

**In Control:** City Council

**Department:** Legal Department

**Cost:**

**File Created:** 07/07/2020

**File Name:** Final Costs - 12th Ave SE Recoupment

**Final Action:**

**Title:** RESOLUTION R-2021-16: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, ADOPTING AND CONFIRMING FINAL COSTS ASSOCIATED WITH IMPROVEMENTS ON 12TH AVENUE S.E., AN ARTERIAL ROAD, FROM 500 FEET NORTH OF CEDAR LANE ROAD TO OAK TREE AVENUE, AND AUTHORIZING THE DIRECTOR OF PUBLIC WORKS TO RELEASE PROPERTIES AS ASSESSMENTS ARE PAID.

**Notes:** ACTION NEEDED: Motion to adopt or reject Resolution R-2021-16.

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

**Agenda Date:** 08/11/2020

**Agenda Number:** 22

**Attachments:** Resolution Shell - Final Acceptance, ATTACHMENT A  
- Final List, ATTACHMENT B - Map

**Project Manager:** Beth Muckala, Assistant City Attorney

**Entered by:** beth.muckala@normanok.gov

**Effective Date:**

### History of Legislative File

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:

### Text of Legislative File R-2021-16

body

**BACKGROUND:** On February 14, 2017, Council adopted Resolution No. R-1617-67 declaring a Recoupment District for the 12th Avenue SE Widening Project. Then, on September 22, 2009, City Council adopted Resolution No. R-0910-51 and approved Contract No. K-0910-70 for the construction of the 12th Avenue SE Widening Project. Construction began on the 12th Ave SE Widening Project on March 5, 2018 and it was substantially completed on February 1, 2019.

Proposed improvements for the 12th Avenue SE Widening Project included:

1. Widening 12th Avenue SE from Cedar Lane Road to State Highway 9 from 2 lanes to 4 lanes
2. Addition of 5-foot on-street bike lanes
3. Intersection improvements at 12th Avenue SE/Campus Crest Drive and 12th Avenue SE/State Highway 9
4. Continuous sidewalks on both sides
5. Stormwater improvements

Section 16-603 of the Norman Code, adopted by Council on February 11, 1997, established a recoupment process to recover costs associated with the widening of arterial streets. Recoupment allows the City of Norman to recover funds used to purchase right-of-way where later development or redevelopment occurs. Where the cost of design, utility relocation, and construction exceeds bond and federal funding, recoupment also allows the City to recoup these costs. This recoupment ordinance applies to one unplatted parcel along and adjacent to 12th Avenue SE.

**DISCUSSION:** There is one (1) unplatted parcel along 12th Avenue SE; part of which was needed as right-of-way for the project. All other platted parcels along 12th Avenue SE dedicated additional street right-of-way for the project and have paid deferral fees and traffic impact fees for this project. According to the City's Recoupment Ordinance, if the one (1) parcel does not develop within 20 years, the recoupment fee is waived. If the parcel develops between years 15 and 20, then the Recoupment assessment will be reduced proportionately each year down to zero at the twentieth year. See Attachment A, the Parcel List; and Attachment B, the Parcel Map.

Since the actual cost cannot be known until the project has been completed, the process requires two (2) resolutions. The first resolution, R-0607-40, put the property owners and the title companies on notice that a recoupment against the property may be made. The second resolution establishes the beginning amount of the recoupment, which is the actual cost less any non-recoupable expenses plus a 2% administration fee. An inflation/deflation adjustment is also applied. The yearly inflation adjustment percentage will be calculated per Section 16-603 (d) (3) of the City Ordinance for this recoupment project at the time the obligation is paid back. The obligation will continue for twenty years. If the property is not developed after the 15th year, the obligation is reduced by 20%; reduced an additional 20% after the 16th year; reduced an additional 20% after the 17th year; reduced an additional 20% after the 18th year; and finally reduced an additional 20% after the 19th year.

The right-of-way acquisition and utility relocation activities are complete. The Oklahoma Department of Transportation (ODOT) has not yet performed a final audit or submitted a final construction invoice, but staff has reviewed the current construction change orders and determined that the City will not exceed the bond participation amount on this project. As a result, staff can move forward with this recoupment resolution knowing that the land cost amount of \$4,800 is all that can be recouped since bond and deferral funds paid the City's portion of this project. The recoupment time will begin to run upon the completion of filing the map and list by the City. The affected property owners are not required to pay their recoupment amount until

they proceed with the development of their property. Since the application of the inflation factor depends on when the property owner pays their recoupment cost, this cost is calculated when they plat their property. The cost specific to this parcel, which consists here only of the right-of-way costs, is shown in Attachment A.

**RECOMMENDATION:** Staff recommends approval of Resolution R-2021-16.