



City of Norman, OK

Municipal Building Council
Chambers
201 West Gray Street
Norman, OK 73069

Text File

File Number: GID-1213-107

Agenda Date: 2/12/2013

Version: 1

Status: Consent Item

In Control: City Council

File Type: Acceptance of Dee

Agenda Number: 15

title

CONSIDERATION OF CONVEYANCE BY TITLE BY WARRANTY DEED TO THE OKLAHOMA DEPARTMENT OF TRANSPORTATION FOR PROPERTY KNOWN AS PARCEL 11 LOCATED ON THE SOUTH SIDE OF HIGHWAY NINE IN SAXON PARK TO BE ACQUIRED AS RIGHT-OF-WAY IN CONNECTION WITH CONTRACT NO. K-1213-38 FOR THE RELOCATION OF UTILITIES ON STATE HIGHWAY 9 FROM 24TH AVENUE S.E., TO 36TH AVENUE S.E., ACCEPTANCE OF \$1,000 FOR DAMAGES TO PROPERTY, AND BUDGET TRANSFER.

body

BACKGROUND: The Oklahoma Department of Transportation ("ODOT") is beginning a project to improve State Highway 9 from 24th Avenue East to 180th Avenue East in Norman. Currently, the section from approximately 24th Avenue East to 72nd Avenue East is funded in the amount of \$18,500,000, and ODOT has begun the property acquisition process along that section of the highway. The City of Norman owns three parcels that ODOT has made offers to purchase.

The remaining nine miles of State Highway 9 from 72nd Avenue East to 180th Avenue East are identified and included in ODOT's 8-year Construction Program with the exception of the section from 156th Avenue East to 180th Avenue East. The Mayor and City Council Members met recently with Norman's state legislative delegation and agreed to further promote and encourage ODOT to fulfill the original vision of the State Highway 9 program of improvements as soon as possible.

DISCUSSION: The first parcel labeled Parcel 8 by ODOT is along the north side of State Highway 9 near the Summit Valley Addition. It consists of approximately 0.03 acres. ODOT had an appraisal done and has offered the City of Norman \$6,300 for the property. Of that offer, \$5,010 is for damages. The second two parcels, labeled Parcels 11 and 11.1 by ODOT, are along the south side of Highway 9 and are part of the City-owned Saxon Park property. Parcel 11 consists of 0.87 acres, and Parcel 11.1 consists of 0.36 acres. The offer for these two parcels is \$42,200 and \$4,117 (Parcel 11 - \$3,117 and Parcel 11.1 - \$1,000) of that amount is damages.

The offer for Parcel 8 includes damages to replace the existing wood fence with wood cap and brick columns along the south and east borders of the parcel. ODOT does not have a standard for this type of fence and cannot include it in the upcoming Highway 9 construction project. However, the north and east borders of Parcel 11, which is outlined with a 5 wire barbed fence, will be replaced by ODOT during the Highway 9 construction and therefore, are not included in this offer. Parcels 8 and 11 are to be acquired for permanent ODOT right-of-way. Parcel 8 consists of 0.03 acres or 1290.22 square feet, more or less. Parcel 11.1 is a temporary channel easement. The attached aerial map illustrates the locations of all three parcels. Please see Attachment A for a summary of the current offers.

City of Norman Public Works, Utilities, Legal, and Parks and Recreation staff have reviewed the offers and the appraisals. The City of Norman has several options: (1) accept ODOT's offer, (2) donate the parcels, or (3) attempt to negotiate a different price. Attempting to negotiate a higher price may prove to be difficult as ODOT has offered a fair price, based on a third party appraisal, for very small parcels of land that, due to their size, make it difficult to justify a greater degree of loss or damage to the City of Norman by their acquisition. Regardless of the option chosen, ODOT will likely proceed to acquire the property via sale, donation, or condemnation.

Donation of the parcels will benefit the City and its citizens as the widening of State Highway 9 will greatly improve the traffic capacities and safety of a main thoroughfare through the city. In addition, the City will

be the beneficiary of over \$150,000,000 in state highway funding from ODOT over the next several years on Interstate 35 and State Highway 9. For those reasons, it seems prudent for the City to donate this minimal right-of-way in exchange for those extensive improvements and the good will of ODOT officials rather than accept ODOT's offer or attempt to negotiate a higher price.

However, while the donation of land is prudent, it is only reasonable that the City accept compensation for any damages to the property. If approved by Council, these funds will be used by the relevant City department to repair the damages after the highway project is complete.

RECOMMENDATION: In light of the benefit to the City of Norman and its residents with the widening of State Highway 9, and recognizing the importance of collaboration and cooperation with ODOT, it is the recommendation of City staff to donate the land parcels. If it is City Council's desire to donate the parcels, the warranty deed for Parcel 11 from ODOT is attached for approval and execution on the condition that the City receive compensation from ODOT in the amount of \$1,000 for damages to the Saxon Park trail system. Receive the funds into Account No. 050-0000-366.12-39 and transfer the funds to the Saxon Park Improvement Project Account No. 052-9674-452.61-01.