



City of Norman, OK

Municipal Building
Council Chambers
201 West Gray
Norman, OK 73069

Master

File Number: E-1516-13

File ID: E-1516-13

Type: Easement

Status: Consent Item

Version: 1

Reference: Item 18

In Control: City Council

Department: Public Works
Department

Cost:

File Created: 07/08/2015

File Name: Permanent Sidewalk Easement from Melot Real
Estate LLC for the West Lindsey Street Improvement
Project

Final Action:

Title: EASEMENT E-1516-13: CONSIDERATION OF ACCEPTANCE OF A PERMANENT
SIDEWALK EASEMENT FROM MELOT REAL ESTATE, L.L.C., IN THE AMOUNT OF
FOR THE WEST LINDSEY STREET IMPROVEMENT PROJECT FROM 24TH AVENUE
S.W. TO BERRY ROAD.

Notes: ACTION NEEDED: Motion to accept or reject Easement E-1516-13; and, if accepted, direct the
filing thereof with the Cleveland County Clerk.

ACTION TAKEN: _____

Agenda Date: 07/28/2015

Agenda Number: 18

Attachments: Text File E-1516-13, easement map, E-1516-13

Project Manager: John Clink, Capital Projects Manager

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:
1	City Council	07/14/2015	Withdrawn				
	Action Text: That this Easement be Accepted. by consent roll call						

Text of Legislative File E-1516-13

Body

BACKGROUND: On November 22, 2011, the Norman City Council approved Programming Resolution No. R-1112-63 requesting federal funds for the West Lindsey Street Improvements. This resolution states the City's commitment to adhere to the terms and conditions of a federally funded project. Through the Association of Central Oklahoma Governments (ACOG,) the Oklahoma Department of Transportation (ODOT) agrees to provide 80% of the cost, up to \$9.7 million, and administer the construction with the matching share from the City of Norman. In order to receive the federal funding, the City of Norman is required to enter into an agreement with ODOT to complete the design, acquire all necessary rights-of-way and relocate utilities and encroachments at 100% the City's cost.

On August 28, 2012, the citizens of Norman voted in favor of a Bond Election to finance the local share of eight transportation/storm water improvement projects. One of the eight projects is the West Lindsey Street Improvement Project.

The roadway portion of the project includes transportation and aesthetic improvements to West Lindsey Street. The West Lindsey Street corridor between Interstate 35 and Berry Road is the most congested corridor in the Oklahoma City metropolitan area. This section of West Lindsey Street has a traffic accident rate three (3) times the national average for similar urban arterial streets.

Proposed improvements for the roadway project include:

Widening West Lindsey Street from 3 lanes to 4 lanes with additional lanes at intersections
New bridge over Imhoff Creek
Continuous sidewalks on both sides of the street
Access management to adjacent properties
Multi-modal improvements including on-street bicycle lanes
Aesthetic enhancements including decorative pavement, landscaping and roadway lighting
Underground utilities
Accessibility to disabled individuals
Storm water improvements

The storm water portion of the project addresses the flooding problems along West Lindsey Street, most notably at the Lindsey Street and McGee Drive intersection. The design will include conveying storm water from a 3.4 square mile watershed to an underground pipeline which will discharge directly to the Canadian River.

On January 13, 2015 Council approved Contract K-1415-86 a Right of Way, Utility and Encroachment agreement with the Oklahoma Department of Transportation. This agreement stipulates that the City will acquire all right-of-way required for the project, grant ODOT access to and the use of the right-of-way for this project, relocate all utilities and encroachments from the construction area and to indemnify and hold ODOT harmless.

DISCUSSION: The City must acquire 60 easements along Lindsey Street between 24th Avenue SW and Pickard Avenue for the construction of the West Lindsey Street Improvement Project. These easements are limited in size and generally used for the purpose of utility systems. As promised, no permanent right-of-way is being acquired. Currently, staff has secured forty six (46) easements. Negotiations are currently under way for the remaining fourteen (14) easements from seven (7) property owners. Staff requested donations prior to making any offers of fair market value. Of the remaining property owners where fair market value is still being discussed, condemnation actions have been filed, commissioners appointed by the Court have valued the property, and the City is in the process of paying those valuations into Court to complete the acquisition process. Property owners may then ultimately have the fair market value of the property taken determined by a jury if continuing negotiations are unsuccessful. However, acquisition of the parcels will be completed once the Commissioner's valuation is paid into Court in order that the Lindsey Street widening project may continue progressing on schedule. The attached table provides the details involving this easement. Also a map is attached providing the location of each easement necessary for the project. Funds are available in Lindsey Widening: 24th-Berry, Right of Way (account 050-9552-431.60-01, project BP0189).

The City of Norman filed for condemnation for the subject parcel; however, for this parcel, prior to the Commissioners valuing the property, Staff and the property owner arrived at a settlement of \$19,703 for the easements on the property. This figure is \$7,485 above the City's original offer. The original offer (\$12,218) consisted of the following components:

- Roadway Easement (55.1) - \$3,634 (\$17/sq. ft x 95% damage)
- Sidewalk Easement (55.3) - \$5,782 (\$17/sq ft. x 95% damage)
- Temporary Construction Easement (55.5) - \$2,152 (\$17/sq ft x 20% damage)
- Cost to Cure - \$650

The basis for settlement recommendation above the original offer represents a reasonable estimate of litigation costs that was also offered to other property owners (\$5,000) and a projected savings of expert witness fees that would be paid by the City if the case were to proceed through the condemnation process and on to a jury trial.

RECOMMENDATION: Staff recommends the above described easements be accepted, and that payment be authorized, where appropriate, and the filing be directed thereof.