



City of Norman, OK

Municipal Building
Council Chambers
201 West Gray
Norman, OK 73069

Master

File Number: E-1920-40

File ID: E-1920-40

Type: Easement

Status: Consent Item

Version: 1

Reference: Item 12

In Control: City Council

Department: Public Works
Department

Cost: \$663.85

File Created: 02/18/2020

File Name: Temporary Easement for Legacy Trail Multimodal Path

Final Action:

Title: TEMPORARY EASEMENT E-1920-40: CONSIDERATION OF A TEMPORARY CONSTRUCTION EASEMENT FROM THEO'S MARKETPLACE, INC., IN THE AMOUNT OF \$663.85 FOR THE LEGACY TRAIL MULTIMODAL PATH EXTENSION ALONG 24TH AVENUE N.W., AND 36TH AVENUE N.W., AND BUDGET APPROPRIATION FROM THE CAPITAL FUND BALANCE.

Notes: ACTION NEEDED: Motion to accept or reject Temporary Easement E-1920-40; and, if accepted, direct the filing thereof with the City Clerk and payment in the amount of \$663.85 to Theo's Marketplace, Inc., and appropriate \$21,690.01 from the Capital Fund Balance (50-29000) to Project TR0082, Legacy Trail Multimodal Path Extension, Right-of-Way (50596688-46001).

ACTION TAKEN: _____

Agenda Date: 02/25/2020

Agenda Number: 12

Attachments: E-1920-40-Easement, Project Location Map, List of Easements, Easement Location Map

Project Manager: Angelo Lombardo, Transportation Engineer

Entered by: michelle.rudder@NormanOK.gov

Effective Date:

History of Legislative File

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
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Text of Legislative File E-1920-40

Body

BACKGROUND: Growing concerns about air quality, open space, and traffic congestion led Congress to create several programs through legislation in the 1991 Intermodal Surface Transportation Efficiency Act (ISTEA). These programs broaden the federal focus on Transportation from building highways to funding projects tied to smarter planning requirements

that help ensure communities are more livable. At the center of new focus about transportation, growth, and quality of life is the Transportation Enhancement Program.

With the passage of the Transportation Equity Act for the 21st Century (TEA-21), and its successors, the Safe, Efficient, Flexible, Effective Transportation Equity Act: a Legacy for the User (SAFETEA-LU) and the current 2012 - Moving Ahead for Progress in the 21st Century (MAP-21), Congress continues to reaffirm its commitment to the original concepts established under ISTEA. Like its predecessors, the new legislation continues to provide a catalyst for stimulating activities that go beyond traditional transportation projects.

Transportation Enhancements (TE) activities offer communities funding opportunities to help expand transportation choices, such as safe bicycle and pedestrian facilities, scenic routes, beautification, and other investments that increase recreation opportunity and access. Communities may also use TE funds to contribute toward the revitalization of local and regional economies by restoring historic buildings, renovating streetscapes, or providing transportation museums and visitors centers.

Federal funds available under the Enhancement Program may be used for a maximum of eighty percent (80%) of the eligible project costs, capped at \$600,000 per project. Successful applicants must agree to provide a minimum of twenty percent (20%) of the total project costs. Federal and State Agencies, along with Tribal, County, and Local Governments, are eligible and can apply for the funds.

On September 28, 2010, City Council adopted Resolution R-1011-36 supporting the use of federal surface transportation enhancement program funds for the extension of the Legacy Trail along 24th Avenue NW and 36th Avenue NW. A formal application was prepared by staff and submitted to the Oklahoma Department Transportation (ODOT) on September 29, 2010 for consideration.

The project consists of filling in four gaps of ten-foot wide paved path for pedestrians and bicyclists that will ultimately connect the Downtown area and the University of Oklahoma Main Campus with the Ruby Grant Park in northwest Norman. Attachment No. 1 provides a map showing the location of the project.

On September 9, 2014, ODOT informed the City of Norman that the Legacy Trail Extension along 24th Avenue NW and 36th Avenue NW project was among the statewide projects selected for inclusion in the State Transportation Enhancement Program plan.

On October 13, 2015, City Council approved contract K-1516-22 with Cabbiness Engineering for design of the Legacy Trail Extension project.

DISCUSSION: In order to construct the project, the City will need to secure 27 easements from nine different property owners (fifteen parcels of permanent right-of-way, four temporary construction easements and eight temporary driveway easements). Staff requested donations prior to making any offers of fair market value and was able to initially secure nine of the easements. These easements were donated and City Council accepted them on June 25,

2019. The remaining eighteen easements are included in this agenda item for Council acceptance.

The original budget for the project was established under the premise that no funds would be needed for right-of-way acquisition of the parcels along 36th Avenue NW because the right-of-way falls over a large pipeline easement already owned by the City. However, the Legal Department determined later on that restrictive language on this utility easement does not grant the right to the City to construct a multimodal path on the surface. For this reason, City Council will need to authorize an appropriation from the Capital Fund balance to pay property owners wishing to be compensated for their surface rights-of-way.

To arrive at a fair market value, staff commissioned a property valuation study by Smith-Roberts Land Service to develop fair market valuations and make offers to owners where easements were needed on the surface of the pipeline easement. For ten of these 18 easements, the owners declined to donate and, instead, accepted fair market offers from the City. The compensation for these easements totaled \$21,690.01. Attachment No. 2 provides the details of each easement and Attachment No. 3 depicts their locations.

Construction of the new multimodal path is anticipated to begin in the fall of 2020 and be completed by the end of the calendar year. The new path will be fully accessible to disabled users.

RECOMMENDATION: Staff recommends acceptance of easements and financial compensation to property owners as follows:

Easement E-1920-39 - University of Oklahoma - Board of Regents Donated
Temporary Easement E-1920-40 - Theo's Marketplace, Inc. - \$663.85
Easement E-1920-41 - Fowler Holding Co. - \$4,941.98
Temporary Easement E-1920-42 - Fowler Holding Co. -Donated
Temporary Easement E-1920-43 - Fowler Holding Co. - \$487.80
Easement E-1920-44 - Fowler Holding Co. - \$3,599
Temporary Easement E-1920-45 - Fowler Holding Co. - \$109.07
Easement E-1920-46 - Fowler Holding Co. - \$4,185.82
Temporary Easement E-1920-47 - Fowler Holding Co. - \$299.24
Easement E-1920-48 - 36th North, LLC - \$1,152.22
Easement E-1920-49 - 36th Northwest, LLC - \$2,487.92
Easement E-1920-50 - 36th Northwest, LLC - \$3,763.11
Easement E-1920-51 - OG&E -Donated
Temporary Easement E-1920-52 - OG&E - Donated
Easement E-1920-53 - OG&E - Donated
Temporary Easement E-1920-54 - OG&E - Donated
Easement E-1920-55 - OG&E - Donated, and
Easement E-1920-56 - OG&E -Donated

If approved, the \$21,690.01 will be appropriated from the Capital Fund Balance (account 50-29000) to Legacy Trail Multimodal Path Extension, Right-of-Way (account

50596688-46001; project TR0082).