



City of Norman, OK

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

Master

File Number: GID-1314-31

File ID: GID-1314-31

Type: Development, Deferrals
and Variances

Status: Consent Item

Version: 1

Reference: Item No. 14

In Control: City Council

Department: Public Works
Department

Cost: \$2,470.57

File Created: 08/26/2013

File Name: Return Cash Surety-North Flood Avenue

Final Action:

Title: CONSIDERATION OF THE RELEASE OF CASH SURETY IN THE AMOUNT OF \$2,470.57 FOR DEFERRED CONSTRUCTION OF PAVING IMPROVEMENTS IN CONNECTION WITH NORTH FLOOD ADDITION LOCATED SOUTH OF ROBINSON STREET ON THE WEST SIDE OF NORTH FLOOD AVENUE.

Notes: ACTION NEEDED: Motion to approve or reject the release of the owner's obligation for deferred construction of paving improvements for North Flood Addition; and, if approved, direct the return of the certificate of deposit in the amount of \$2,470.57 to the developer.

ACTION TAKEN: _____

Agenda Date: 09/10/2013

Agenda Number: 14

Attachments: Request from Heiple, Location Map, Subdivision Map.pdf, Preliminary Plat North Flood Addition, Site Plan North Flood Addition, Advisory memorandum 1998, CON Deferral Request.pdf, City Council Minutes.pdf

Project Manager: Ken Danner, Subdivision Manager

Entered by: pam.jones@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 GID-1314-31

body

BACKGROUND: North Flood Addition is generally located 310 feet south of Robinson Street on the west side of North Flood Avenue. This subdivision contains 1.59 acres, 1 lot and remains undeveloped. City Council, at its meeting of April 28, 1998, approved deferral of street paving improvements for North Flood Avenue in the amount of \$2,470.57 as a condition of approval for the final plat of North Flood Addition. The deferred paving improvements consisted of four feet (4') of widening to bring North Flood Street to the required width of 34 feet.

Mr. Harold Heiple, attorney for the applicant, has made a request to City Council for the return of the cash surety based on the fact it has been on deposit with the City for over ten (10) years. In accordance with

Chapter 19-602 B7 of the City Code, the developer, after ten (10) years, can request the City Council release the obligation and return the cash surety. Chapter 19-602 B7 states City Council may return the cash surety after ten (10) years.

Before rendering a decision on the current request, staff suggests it is important to understand the history regarding the developments that have occurred in this vicinity of North Flood Avenue .

Prior to the early 1970's in Norman, commercial property was not required to be platted prior to issuance of development and building permits. With the adoption of the City's Subdivision Regulations on May 29, 1973, small businesses began platting property that fronted North Flood Avenue. The north 70.82 feet of Lot B, south 12.45 feet of Lot B and all of Lot C, Block 1 Woodslawn Industrial Tract Addition was approved by City Council November 27, 1973 and was one of the first plats submitted requiring street paving improvements. Initially, a Subdivision Bond was accepted as surety for street paving improvements. The City's current policy for deferral of paving improvements was not adopted until October 26, 1976. City Council, at its meeting of June 28, 1977, approved deferral of street improvements for the south 12.45 feet of Lot B and all of Lot C, Block 1, Woodslawn Industrial Tract Addition. City Council, on April 8, 1986, released the developer of that obligation and returned the cash surety.

Regarding the north 70.82 feet of Lot B, Block 1, Woodslawn Industrial Tract, a subdivision bond was originally accepted by City Council on November 27, 1973. City Council, at its meeting of November 7, 1978, approved deferral of street improvements. City Council, at its meeting of June 4, 1985, released the developer of that obligation and returned the cash surety.

City Council approved the return of cash surety in these previous cases because the obligation had exceeded the statutory ten (10) years and there were no capital projects planned for the widening of North Flood Avenue .

Thurman Morris Addition was platted in 1974. Once again, City Council accepted a subdivision bond as surety for street widening improvements on Flood Avenue. City Council approved deferred construction in 1978. City Council, at its meeting of October 30, 1984, released the developer of that obligation and directed the return of the cash surety.

Jacksonville No. 1 Addition was platted in 1974. City Council accepted a subdivision bond securing street paving improvements on Flood Avenue. City Council in 1978 approved deferred construction for street paving improvements. City Council, at its meeting of May 13, 1986, released the developer of that obligation and directed the return of the cash surety.

K-C No. 1 Addition was platted in 1975. City Council accepted a subdivision bond securing the street paving improvements on Flood Avenue. City Council in 1978 approved deferred construction for street paving improvements. City Council, at its meeting of May 26, 1987 released the developer of that obligation and directed the return of the cash surety.

Dawn No. 1 Addition was platted in 1976. Originally, a subdivision bond was accepted for street paving improvements on Flood Avenue. City Council, at its meeting of October 24, 1978, approved deferred construction for street paving improvements. City Council, at its meeting of April 8, 1986, released the developer of his obligation and directed the return of cash surety.

Louis C. Boyd Addition was platted in 1976 and City Council approved deferred construction of street paving improvements on Flood Avenue. City Council, at its meeting of June 23, 1987, released the developer of that obligation and directed the return of cash surety.

Powell Flood Street Addition was platted in 1977 and City Council approved deferred construction of street paving improvements on Flood Avenue. City Council, at its meeting of January 8, 1991, released the developer of that obligation and directed the return of the cash surety.

The above mentioned development deferrals were released after a total of ten (10) years had elapsed through bonding and deferral. However, the following development was released prior to the end of the ten (10) years. Lot C and the south 12.45 feet of Lot B, Woodslawn Industrial Tract Addition was platted in 1977 including

deferred construction for street paving improvements. City Council, at its meeting of April 8, 1986, released the developer of that obligation and directed the return of the cash surety to the developer.

DISCUSSION: City Council adopted the Norman COMPLAN March 10, 1981. The plan established development tiers within the City of Norman. Tier One was basically the developed area of Norman (Central Core Area). North Flood Avenue was located in Tier One.

In 1982, with the adoption of Ordinance No. O-8182-46 of the City Code, public improvements could be waived with the approval of City Council when certain conditions were met. If the property was located in Tier One and contained less than five (5) acres, (which has been the case for most of the developments fronting North Flood Avenue), or if the tracts are adjacent to a developed street and the improvements would not add an additional lane and would not serve for its intended use, City Council could waive the street paving improvements.

As a result, the above mentioned addition was released prior to the full ten (10) years. During this time, Artesian Properties Addition street improvements were waived by City Council at its meeting of May 11, 1982. Artesian Properties II Addition street improvements were waived by City Council at its meeting of August 2, 1983. Wadco Addition street improvements were waived by City Council at its meeting of July 26, 1994. With the adoption of NORMAN 2020 and 2025 Land Use and Transportation Plan, the option to waive street improvements was removed from the City's Subdivision Regulations. Currently, new developments must seek the deferral method and wait a minimum of ten (10) years before seeking release of any deferment funds paid.

Currently, the only subdivision development besides North Flood Addition with deferred construction for street paving improvements for North Flood Avenue is P.B. Addition which was approved by City Council at its meeting of April 9, 2013.

RECOMMENDATION: Based on the above information, staff recommends the release of the developer's obligation and the return of cash surety for street paving improvements (widening) on North Flood Avenue in the amount of \$2,470.57.