



# City of Norman, OK

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

## Text File

File Number: K-1213-154

Agenda Date: 4/9/2013

Version: 1

Status: Consent Item

In Control: City Council

File Type: Contract

title

CONTRACT K-1213-154: A RIGHT-OF-WAY, PUBLIC UTILITY, AND ENCROACHMENT AGREEMENT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND THE OKLAHOMA DEPARTMENT OF TRANSPORTATION (ODOT) FOR FEDERAL-AID PROJECT IM-NHIY-0035-2(289)109, STATE JOB NO. 09031(08) FOR THE INTERSTATE 35 AND MAIN STREET INTERCHANGE PROJECT AND ADOPTION OF RESOLUTION R-1213-92.

body

**BACKGROUND:** The Oklahoma Department of Transportation (ODOT) is moving forward with a project to widen Interstate 35 in Norman from four lanes to six lanes and to replace the existing Cloverleaf Interchange at I-35 and Main Street with a Single Point Urban Interchange (SPUI). The SPUI style of interchange was selected for this location by ODOT and the Federal Highway Administration (FHWA) following an extensive Environmental Assessment (EA) process that took place between 2007 and 2011. On June 26, 2012, Council approved two contracts with ODOT for the Main Street Interchange. The first contract, K-1112-135, is for the construction and maintenance of the betterments on the Main Street Interchange. The term "Betterments" refers to aesthetic enhancements on the bridge including landscaping, lighting and hardscape. The second contract, K-1112-136, requires the City to maintain the new landscaping features to be installed on the bridge deck. On October 18, 2012, ODOT opened bids for the construction of the Main Street Interchange and the low bidder was the joint venture of Manhattan Road and Bridge and Allen Contracting of Oklahoma City. The Oklahoma Transportation Commission awarded the bid on November 5, 2012. Construction began on January 7, 2013. The project is scheduled for completion in March 2014.

The interchange project is an ODOT-funded project using Federal aid money and the City of Norman is not participating in the funding of the roadway construction. However, the City is required to participate in the funding of the utility relocation based on Oklahoma State Statute - Title O.S. 2011 § 1205 - Acquisition Policy. The applicable section of the State Statute is stated below:

Paragraph (a): For all construction on the Interstate Highway System within the limits of municipalities having a population of five thousand (5,000) or more, federal aid funds, if available, may be used for the acquisition of rights-of-way, and shall, if available, be used to pay the cost of the removing or relocating of utility facilities located in either privately owned or public rights-of-way, and in such event the municipality in which such construction is to be performed shall furnish funds to the state necessary to match the federal funds.

According to the Statute, the City is required to participate in the utility relocations for franchisees that are located within the existing right-of-way or within a private easement that predates the existing I-35 right-of-way.

**DISCUSSION:** ODOT has requested approval of the attached agreement that addresses the responsibilities of the City of Norman and ODOT. In the case of this I-35 project, ODOT staff failed to request the City's approval of the agreement prior to the opening of bids. According to this agreement, this project has 90% Federal funding for the relocation of utilities. The remaining 10% is the responsibility of the City of Norman for relocation of franchised utilities as required in the State Statute stated above. ODOT has agreed to pay the remaining 10% for utility relocations of City facilities that may be in the right-of-way. At the present, there are no known utility relocation costs. Staff has reviewed the project agreement and resolution.

In summary, the City's responsibilities are:

- To grant right-of-entry to and the use of all existing streets, alleys, and other City owned property
- To pay 10% of franchised utility relocation costs (there are no known utility relocation costs associated with this project)
- To indemnify ODOT in all claims arising from the City's operation or maintenance of the City street system
- To obtain a storm water permit from the ODEQ for City utility relocations, if necessary
- Pay any additional cost to ODOT caused by a City ordinance, policy or directive that is more stringent than State or Federal Law, and that increases the cost for right-of-way

In summary, ODOT's responsibilities are:

- To construct the project in accordance with the plans and specifications
- To pay 10% of utility relocation costs for City-owned utilities (no utility relocations are expected for this project)

**RECOMMENDATION NO.1:** Staff recommends approval of Contract K-1213-154 with ODOT for the construction of the I-35/Main Street Interchange Project.

**RECOMMENDATION NO. 2:** Staff further recommends approval of Resolution R-1213-92 adopting Contract K-1213-154, and if approved, authorize the execution thereof.