



City of Norman, OK

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

Master

File Number: O-1213-46

File ID: O-1213-46

Type: Ordinance

Status: Non-Consent Items

Version: 1

Reference: Item No. 33

In Control: City Council

Department: Public Works
Department

Cost:

File Created: 04/10/2013

File Name: Vaughn ROW Closure

Final Action:

Title: CONSIDERATION OF ORDINANCE NO. O-1213-46 UPON SECOND AND FINAL READING: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, CLOSING THE NORTH THIRTY-FIVE (35) FEET OF THE SEVENTY (70) FOOT RIGHT-OF-WAY KNOWN AS FRANKLIN COURT (PLATTED AS MAIN STREET) LOCATED IN FRANKLIN ADDITION TO NORMAN, CLEVELAND COUNTY, OKLAHOMA; AND PROVIDING FOR THE SEVERABILITY THEREOF.

Notes: ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1213-46 upon Second Reading section by section.

ACTION TAKEN: _____

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1213-46 upon Final Reading as a whole.

ACTION TAKEN: _____

Agenda Date: 09/10/2013

Agenda Number: 33

Attachments: Text File Franklin Court, O-1213-46, Location Map, Memo for Franklin Court, Franklin ROW Petition, Staff Report, Franklin Addition Plat, Franklin ROW Aerial Photo, Protest Map, Franklin Court Protest Letters, 8-8-13 PC Minutes - O-1213-46, 7-11-13 PC Minutes - O-1213-46

Project Manager: Ken Danner, Subdivision Manager

Entered by: rone.tromble@normanok.gov

Effective Date:

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Planning Commission	05/09/2013	Postponed				Pass
	Action Text: A motion was made by Commissioner Sherrer, seconded by Commissioner Pailles, that this Zoning Ordinance be Postponed . The motion carried by the following vote:						
1	Planning Commission	06/13/2013	Postponed				Pass
	Action Text: A motion was made by Commissioner Boeck, seconded by Commissioner Gordon, that this Zoning Ordinance be Postponed . The motion carried by the following vote:						

1	Planning Commission	07/11/2013	Postponed			Pass
	Action Text: A motion was made by Commissioner Gasaway, seconded by Commissioner Sherrer, that this Zoning Ordinance be Postponed . The motion carried by the following vote:					
1	Planning Commission	08/08/2013	Recommended for Adoption at a subsequent City Council Meeting	City Council	08/27/2013	Pass
	Action Text: A motion was made by Commissioner Sherrer, seconded by Commissioner Gasaway, that this Zoning Ordinance be Recommended for Adoption at a subsequent City Council Meeting to the City Council , due back on 8/27/2013. The motion carried by the following vote:					
1	City Council	08/27/2013	Introduced and adopted on First Reading by title only			Pass
	Action Text: That this Ordinance be Introduced and adopted on First Reading by title only. by consent roll call					

Text of Legislative File O-1213-46

body

BACKGROUND: Franklin Addition was filed of record in 1908 with twenty-foot (20') rights-of-way (alleys) and seventy-foot (70') rights-of-way (streets). It is interesting that this plat was originally designed as an urban small lot development in a rural area. It appears in the beginning of developing this area, there was a proposal to incorporate the property into a township. However, the proposal was never accomplished and the property was annexed and later zoned by the City with Ordinance No. 1322. The property is zoned A-2, Rural Agricultural District. The rights-of-way were extended to the east, north, and west giving the impression the town would eventually grow. Since that time, the streets have never been constructed in the north or the east. In fact, one north/south street, Blackburn Avenue, and several "alley" rights-of-way have been vacated.

Over the years the streets have been constructed by a few of the property owners. The portion of the street that will be discussed has never been constructed and it is apparent that it will never be constructed. It has been brought to staff's attention that the property owner to the east of Franklin Addition is opposed to the closing and vacation because they have in the past utilized the right-of-way to bring large vehicles onto their property. However, in doing so, they are not utilizing a paved street. Also, they have a direct access to their property from Franklin Road with a frontage of approximately 580 feet. At this time, the City does not propose to construct a paved public street within this right-of-way to the east property line. With the properties developed in the area, staff does not see the need of a public street.

Staff does have concerns regarding the property owner fencing the public right-of-way that is currently being utilized. Planning Commission, at its meeting of August 8, 2013, on a vote of 5-1, recommended to City Council the closure of the right-of-way be approved.

DISCUSSION: All franchised utilities were notified to assess the impact on their facilities if the right-of-way was closed; there were no objections. There are no utilities, including City owned utilities, located within the proposed closed right-of-way. The utility companies and City staff are not opposed to the closure of the right-of-way (street).

RECOMMENDATION: Staff recommends approval of the request to close the north thirty-five feet (35') of a seventy-foot (70') right-of-way (street) located adjacent to Lots 12, 13, 14, 15, 16, and 17, Block 4, to the east boundary of the plat of Franklin Addition.