



City of Norman, OK

Municipal Building
Council Chambers
201 West Gray
Norman, OK 73069

Master

File Number: K-1415-39

File ID: K-1415-39 **Type:** Contract **Status:** Consent Item

Version: 1 **Reference:** **In Control:** City Council

Department: Legal Department **Cost:** **File Created:** 09/03/2014

File Name: Industrial Access Fund Agreement **Final Action:**

Title: CONTRACT NO. K-1415-39: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, THE NORMAN ECONOMIC DEVELOPMENT COALITION AND THE OKLAHOMA DEPARTMENT OF TRANSPORTATION FOR THE CONSTRUCTION OF INDUSTRIAL ACCESS PROJECT NO. SAP-214D(029).

Notes: ACTION NEEDED: Motion to approve or reject Contract No. K-1415-39 with the Norman Economic Development Coalition, Inc., and the Oklahoma Department of Transportation; and, if approved, authorize the execution thereof.

ACTION TAKEN: _____

Agenda Date: 09/09/2014

Agenda Number:

Attachments: K-1415-39, R-1213-77

Project Manager: Kathryn Walker, Assistant City Attorney

Entered by: kathryn.walker@normanok.gov

Effective Date:

History of Legislative File

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:

Text of Legislative File K-1415-39

Body

BACKGROUND: When the University North Park Tax Increment Finance District (UNPTIF) was created in 2006, one of the major components of the Project Plan was economic development. Specifically, the goal expressed in the Project Plan was for major economic development, office, and mixed-use development in the northern portion of the Project Area. Up to \$8.25 million in funds generated within the UNP TIF can be spent on economic development activities that will provide quality employment opportunities in Norman. When the Master Operating and Development Agreement was executed in August 2006, University North Park (a wholly owned subsidiary of the OU Foundation and the owner of the property in the northern portion of the Project Area) agreed to sell 60 contiguous acres (the "Economic Development Tract") to the Norman Economic Development Coalition ("NEDC") at a reduced rate for a specific period of time.

NEDC purchased the first thirty (30) acres of the economic development land from University North Park in December 2010 for construction of the UNP Corporate Center and the second thirty (30) acres in December 2013 for construction of the UNP Advanced Manufacturing Center. The entirety of the Economic Development Tract has been final platted and the two final plats were approved by the City Council on October 23, 2012

(UNP Corporate Center, Section I and Section II). NEDC has moved forward to install infrastructure for these tracts that includes public roadways.

To assist with infrastructure funding, NEDC applied for and received a grant in the amount of \$2.5 million from the United State Department of Commerce-Economic Development Administration (EDA). Additionally, NEDC applied for and has received a grant from the Oklahoma Department of Transportation (ODOT) Industrial Access Program. This item represents a necessary step to secure the ODOT grant to assist with construction of the public roadway associated with the NEDC project.

DISCUSSION: In order to access Industrial Access Road Program funds, the City is required joined in the request for the funds. The road in question (Corporate Center Drive on Attachment A) will be constructed in designated public right of way and will serve as a public road upon completion, meaning the City will assume maintenance and have jurisdiction over the road. The Contract presented specifies City maintenance of the roadway which is consistent with City Subdivision regulations that provide for City acceptance of maintenance of completed roadways that are dedicated for public use.

This process to request an ODOT contribution toward the construction of a roadway that would encourage industrial uses started in 2012. City Council adopted Resolution No. R-1213-77 in November 2012 joining NEDC in the request for reimbursement from ODOT for construction costs related to the access road serving the University North Park Corporate Center and Advanced Manufacturing Center. The Transportation Commission approved the allocation of \$360,000 for the purpose of participating with the City and the NEDC in the access road construction at its March 3, 2014 meeting. In order for NEDC to receive reimbursement from ODOT, the City and NEDC must join in the Project Agreement now before Council for consideration. NEDC must manage the construction in accordance with the terms of the Project Agreement. The City and/or NEDC must supervise the construction work to ensure such work is completed in accordance with the plans and specifications. In this agreement the City warrants that the needed rights of way are free and clear from obstructions and encumbrances. Finally, the City agrees to assume full maintenance responsibility for the public portion of the project. Work on the roadways began earlier in the year and are anticipated to be completed later this calendar year.

RECOMMENDATION: Staff recommends approval of Contract No. K-1415-39. Approval will authorize the Mayor to execute the agreement and formally join the City into the Project Agreement allowing NEDC to receive the \$360,000 of ODOT Industrial Access Road Program funds.