



# City of Norman, OK

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

## Master

**File Number: K-1314-44**

**File ID:** K-1314-44

**Type:** Contract

**Status:** Consent Item

**Version:** 1

**Reference:** Item No. 23

**In Control:** City Council

**Department:** Public Works  
Department

**Cost:** \$91,384.00

**File Created:** 08/15/2013

**File Name:** ODOT ROW Contract-I-35/SH9 Lindsey Project

**Final Action:**

**Title:** CONTRACT NO. K-1314-44: 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-NHI-35-2(176)107, STATE JOB NO. 09031(05), FOR THE CONSTRUCTION OF THE I-35/STATE HIGHWAY NINE, AND THE I-35/LINDSEY STREET INTERCHANGES; ADOPTION OF RESOLUTION NO. R-1314-24, AND BUDGET APPROPRIATION.

**Notes:** ACTION NEEDED: Motion to approve or reject Contract No. K-1314-44 with ODOT; and, if approved, adopt Resolution No. R-1314-24, authorize the execution of the contract and resolution, appropriate \$91,385 from the Capital Fund Balance, (050-0000-253.20-00) to Project No. TR0092, I-35 Utility Relocations Project (050-9539-431.67-01); and direct payment in the amount of \$91,384.75 for the City's 20% cost share to ODOT.

ACTION TAKEN: \_\_\_\_\_

**Agenda Date:** 08/27/2013

**Agenda Number:** 23

**Attachments:** K-1314-44.pdf, R-1314-24.pdf, Cost Breakdown I-35,  
PR ODOT

**Project Manager:** John Clink, Capital Projects Engineer

**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 K-1314-44

body

#### **BACKGROUND:**

The Oklahoma Department of Transportation (ODOT) is moving forward with a project to widen Interstate 35 (I-35) in Norman from four lanes to six lanes and to replace the existing interchanges at I-35/SH-9E and I-35/Lindsey Street. The interchange projects are ODOT funded projects using federal highway funds. 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 69 O.S. § 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, since this project has federal funding available for right of way acquisition and utility relocation, the City is required to participate in the cost of relocating utilities that are located in the City limits and 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. According to the agreement, this project has 80% federal funding for the relocation of utilities. The remaining 20% is the responsibility of the City of Norman for relocation of utilities as required in the State Statute stated above. However, ODOT has agreed to pay the remaining 20% for City owned utility relocations. The City's portion of the estimated utility relocation cost is \$91,384.75 which includes the relocation of utilities owned by ONG, OG&E, Cox Communications, AT&T and Williams Communications. Staff did not budget for this cost since utility relocation costs are not determined until after the first round of utility coordination meetings. ODOT then notifies the City of our share of the expenses. Staff has reviewed the project agreement and resolution.

In summary, the City's responsibilities are:

- Grant right-of-entry to and the use of all existing streets, alleys, and other City owned property.
- Financially responsible for 20% of the utility relocation costs, estimated at \$91,384.75.
- City shall indemnify ODOT in all claims arising from the City's operation or maintenance of the City Street System.
- Obtain a storm water permit from the ODEQ for City utility relocations, if necessary.
- If a City ordinance, policy or directive is more stringent than State or Federal Law, that increases the cost for right-of-way the City shall pay the additional cost.

In summary, ODOT's responsibilities are:

- Construct the project in accordance with the plans and specifications.
- Financially responsible for the City's 20% portion of the relocation costs for utilities.

**RECOMMENDATION NO.1:** Staff recommends approval of Contract No. K-1314-44 with ODOT for the construction of the I-35/Main Street Interchange Project.

**RECOMMENDATION NO. 2:** Staff further recommends approval of Resolution No. R-1314-24 adopting Contract No. K-1314-44, and if approved, authorize the execution thereof.

**RECOMMENDATION NO. 3:** Staff recommends appropriating \$91,384.75 from the Capital Fund Balance, (Account No. 050-0000-253.20-00) to the Capital Fund, I-35 Utility Relocations Project (Account No. 050-9539-431.67-01) Project No. TR0092.1