



# City of Norman, OK

Municipal Building  
Council Chambers  
201 West Gray  
Norman, OK 73069

## Master

**File Number: K-2021-94**

**File ID:** K-2021-94

**Type:** Contract

**Status:** Consent Item

**Version:** 1

**Reference:** Item 23

**In Control:** City Council

**Department:** Legal Department

**Cost:**

**File Created:** 01/21/2021

**File Name:** Exchange Agreement

**Final Action:**

**Title:** CONTRACT K-2021-94: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND THE BOARD OF REGENTS OF THE UNIVERSITY OF OKLAHOMA (OU) PROVIDING FOR AN EXCHANGE OF CITY PROPERTY LOCATED ON THE WESTHEIMER RUNWAY FOR OU PROPERTY LOCATED ON THE NORTHEAST CORNER OF ROBINSON STREET AND FLOOD AVENUE FOR THE EXTENSION OF JAMES GARNER AVENUE.

**Notes:** ACTION NEEDED: Motion to approve or reject Contract K-2021-94 with the Board of Regents of the University of Oklahoma; and, if approved, authorize the execution thereof.

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

**Agenda Date:** 02/09/2021

**Agenda Number:** 23

**Attachments:** K-2021-94, James Garner Extension Design and Parcel Map

**Project Manager:** Kathryn Walker, City Attorney

**Entered by:** kathryn.walker@normanok.gov

**Effective Date:**

### History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:

### Text of Legislative File K-2021-94

Body

**BACKGROUND:** NORMAN FORWARD is a citizen-initiated proposal to renovate, expand, construct and fund projects, such as recreational facilities, libraries, parks, athletic venues, public art, trails, swim complexes and other quality of life projects throughout Norman. The initiative came to the City Council from community groups, stakeholders and Norman residents, who prepared an initial package using analysis and information from recreational planning professionals and research firms.

Beginning in spring 2015, the City Council began a series of Council conferences and public meetings to refine the project scope, financing and funding opportunities for the initiative, which included a number of high priority projects outlined in the 2014 Library Master Plan Update, the 2009 Norman Parks and Recreation Master Plan, and additional projects designed to provide recreational opportunities for residents.

NORMAN FORWARD includes the following projects:

- Library System Improvements - Central Branch and East Branch
- James Garner Avenue Extension
- Indoor Aquatic Facility and Multi-Sport Facility
- Westwood Pool & Westwood Tennis Center Improvements
- Reaves Park Baseball Complex Improvements
- New Softball and Football fields
- Griffin Park Soccer Complex Improvements
- Park Land Acquisition
- Community Park projects at Ruby Grant, Andrews and Saxon Parks
- Existing and New Neighborhood Park Renovations and Development
- New Trail Development and Canadian River Park
- Senior Center
- Public Art

On August 11, 2015, the City Council voted unanimously to approve the NORMAN FORWARD Ordinance O-1516-5 and Resolution R-1516-14 that called for an election to take place on the NORMAN FORWARD project package. On October 13, 2015, Norman citizens passed the Norman Forward Initiative funding a variety of projects through a ½% sales tax increase over 15 years with 72% approval. On January 1, 2016, the voter authorized sales tax went into effect and in March of 2016, the City of Norman began to receive the proceeds from the NORMAN FORWARD sales tax collections.

In the 5+ years since the citizens approved the NORMAN FORWARD sales tax, many implementation steps have been taken, including: constituting the Citizen Financial Oversight Board (CFOB); adoption of an implementation plan; employing Architectural Design Group (ADG) to assist in program management services; completion of the Westwood Family Aquatic Center, East Branch Library, Central Library, Westwood Tennis Facility improvements, improvements to the Griffin Soccer Complex, completion of Ruby Grant Park improvements, completion of the Blake Baldwin Skate Park, completion of the design of the Reaves Park Sports Complex and the Senior Center, construction of the Parks Maintenance Facility, intersection improvements at Acres Street and James Garner, as well as moving forward with Neighborhood Park Renovation Projects.

The extension of James Garner Avenue north of Acres and connecting with Flood has long been envisioned as an additional north-south route for traffic. In order for the project to move forward, the City needs to acquire land owned by OU. Council discussed Contract K-2021-94

at its Executive Session on January 12, 2021.

**DISCUSSION:**

*James Garner Extension.* OU has offered to exchange land it owns north of Robinson Street and east of Flood Avenue to the City. This triangular parcel is approximately 4.52 acres and has been previously identified by the City as land that would be needed for the James Garner Avenue extension across Robinson Street parallel to the BNSF overpass and then continuing north to a point intersecting with Flood Avenue. This property appraised for \$850,000 in 2018.

*Westheimer Runway Property.* The City owns approximately 31.36 acres of land within the path of one of the Max Westheimer Airport runways. The City has previously exchanged approximately 40 acres of land within the runway in the early 1990's for land also on North Base upon which the City's current vehicle maintenance facility is located off of DaVinci Street. Also included in that exchange was land the City owned on South Jenkins where a prior City sanitation vehicle maintenance facility was located. At that time, there was concern expressed that that City should retain a portion of the runway acreage to ensure a certain portion of City control over airport operations, to preclude closing of the airport, and to preclude runway configuration allowing larger planes to be serviced at the airport.

City Staff has been advised that in today's regulatory environment, airport operations are very heavily regulated by the Federal Aviation Administration (FAA) and the City has very little control, if any, over airport operations. Continued operation of the airport by OU is governed substantially by federal grant obligations that will prevent airport closure for years to come. In addition, the size of planes allowed to be serviced by the airport is restricted by the FAA required safety zones at the end of the current runway, whose length is dictated by the existence of Robinson Street as a major thoroughfare, and the location of a municipal recreational facility across Robinson Street. Runway reconfiguration or increasing plane size that can be regularly serviced at the airport is not practical or expected in this highly regulatory environment. As currently situated, the land does not have value for any use other than that of a runway.

The Exchange Agreement provides that each party deeds its property to the other at no cost, other than each party bearing its own costs related to the closing transaction. FAA regulations require that the FAA consent to the transfer of the City property to the University. As this property is currently utilized for the airport runway system and taxiway, it is anticipated that the FAA will consent to the transaction. OU's Executive Team has approved of the Agreement and intends to present it to the Board of Regents for approval at its next meeting on March 4-5, 2021.

**RECOMMENDATION:** Staff recommends approval of K-2021-94.