



Legislation Details (With Text)

File #: R-1819-97 **Version:** 1 **Name:** Cedar Lane Deferral Funds Acceptance
Type: Resolution **Status:** Passed
File created: 3/19/2019 **In control:** City Council
On agenda: 4/9/2019 **Final action:** 4/9/2019

Title: RESOLUTION R-1819-97: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, DEPOSITING DEFERRAL FUNDS TOTALING \$590,796.45 PAID BY THE DEVELOPERS OF CEDAR LANE, SECTION 1, AND THE LINKS AT NORMAN, PLANNED UNIT DEVELOPMENT (PUD); APPROPRIATING THOSE FUNDS TO THE CEDAR LANE WIDENING PROJECT FROM 12TH AVENUE S.E. TO EAST OF 24TH AVENUE S.E.; AND TRANSFERRING THE REMAINING CEDAR LANE ROAD PROJECT FUNDS IN THE AMOUNT OF \$596,327.45 TO THE 24TH AVENUE EAST PROJECT.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Text File, 2. R-1819-97

Date	Ver.	Action By	Action	Result
4/9/2019	1	City Council		

RESOLUTION R-1819-97: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, DEPOSITING DEFERRAL FUNDS TOTALING \$590,796.45 PAID BY THE DEVELOPERS OF CEDAR LANE, SECTION 1, AND THE LINKS AT NORMAN, PLANNED UNIT DEVELOPMENT (PUD); APPROPRIATING THOSE FUNDS TO THE CEDAR LANE WIDENING PROJECT FROM 12TH AVENUE S.E. TO EAST OF 24TH AVENUE S.E.; AND TRANSFERRING THE REMAINING CEDAR LANE ROAD PROJECT FUNDS IN THE AMOUNT OF \$596,327.45 TO THE 24TH AVENUE EAST PROJECT.

BACKGROUND: On February 8, 2011, City Council approved engineering services Contract K-1011-135 with Cardinal Engineering Inc. for the design of the Cedar Lane Road Widening Project for \$350,630 or 3.5% of the total estimated project cost. The Cedar Lane Road Widening Project involved the construction of a new four-lane roadway that included five foot bike lines on each side of the road. The project also included improvements to 12th Avenue SE and 24th Avenue SE as they approach Cedar Lane Road, an improved BNSF railroad crossing, resurfaced U.S. Highway 77 on the north and south sides of Cedar Lane Road and new traffic signals at 12th Avenue SE and U.S. Highway 77 where these streets intersect Cedar Lane Road.

On November 22, 2011, the Norman City Council approved programming Resolution R-1112-60 requesting federal funds to widen Cedar Lane Road. This resolution states the City's commitment to adhere to the terms and conditions of a federally funded project including engineering design, acquisition of all necessary rights-of-way and relocation of utilities and encroachments at 100% the City's cost. In return, the Association of Central Oklahoma Governments (ACOG), through the Oklahoma Department of Transportation (ODOT), agrees to provide 80% of the construction cost estimated at \$6,231,280, and administration of the construction with the matching share from the City of Norman.

On August 28, 2012, the citizens of Norman voted in favor of a General Obligation Bond Issue to finance the local share of eight transportation/storm water improvement projects. One of the eight 2012 bond projects is the Cedar Lane Road Widening Project.

On April 23, 2013, City Council approved Contract K-1213-183, a Right-of-Way and Utility Agreement with the Oklahoma Department of Transportation, for the construction of the Cedar Lane Road Widening Project. This agreement requires the City to acquire right-of-way and relocate utilities for this project. All right-of-way has been acquired and all utilities have been relocated.

On December 10, 2013, City Council approved Contract K-1314-101, a Construction Contract with Silver Star Construction Company for the improvements to the drainage channel related to the Cedar Lane Road Widening Project for \$49,944.54.

On January 28, 2014, City Council approved Contract K-1314-113, a funding agreement with ODOT, in the amount of \$2,021,600.

On March 20, 2014, ODOT let the project for bid. Three contractors submitted bids and on April 7, 2014, ODOT awarded the bid to Duit Construction Company for \$7,746,686.57. Construction of the roadway widening project began in June, 2014 with an expected completion date of May 29, 2015.

DISCUSSION: In accordance with Section 19-602 B2(b)(c) of the City Code, there is a mechanism to defer public improvements if certain conditions are met. Section 19-602 B entitled "Deferral of Public Improvements" states, "The City Council, after recommendation from the Director of Public Works and the Planning Commission, may accept a final plat and authorize the issuance of building permits prior to the construction of such deferred public improvements required by the Code of the City of Norman in the following situations: (a) where incompatible grades exist; (b) where there are inadequate or lack of connecting facilities; (c) where construction of the improvement would not immediately function for its intended use; or (d) where such improvement would be replaced by a planned future improvement." The following plats included Deferral Funds for the widening of Cedar Lane Road:

- Cedar Lane Addition Section 1 funds in the amount of \$155,456.95
- Links Addition funds in the amounts of \$414,466.50 and \$20,873, totaling \$435,339.50

If these above deferral funds in the amount of \$590,796.45 are approved by City Council, the funds will be deposited into the Cedar Lane Road Widening Project, Construction (account 050-9079-431.61-01; project BP0196) to reimburse the bond funds used to pay up-front for the deferral funds portion of this project.

Now that the Cedar Lane Road Project is complete, the remaining bond funds allocated to the Cedar Lane Project are needed to cover some of the shortfalls in the 24th Avenue East Widening Project. As a result, City Council is being asked to transfer the remaining funds allocated to the Cedar Lane Road Widening Project, Construction (account 050-9079-431.61-01; project BP0196), in the amount of \$596,327.45, to the 24th Avenue East Widening Project, Construction account (050-9552-431.61-01; project BP0192). These funds will be used toward the City's 20% construction participation costs to ODOT for the construction of the 24th Avenue East Widening Project.

RECOMMENDATION No. 1: Staff recommends authorizing the liquidation of the Certificate of Deposit (First National Bank of Chickasha, CD #10009541) posted by the developer of Cedar Lane Addition Section 1, and depositing \$155,456.95 into Reimbursement/Other City Expenses (revenue account 050-0000-366.12-29).

RECOMMENDATION No. 2: Staff further recommends authorizing the drawdown from the Letter of Credit posted by the developer of The Links of Norman Addition (Simmons Bank LOC Number 85290252) in the amounts of \$414,466.50 and \$20,873, totaling \$435,339.50 into Reimbursement/Other City Expenses (revenue account 050-0000-366.12-29).

RECOMMENDATION No. 3: Staff further recommends approval of Resolution R-1819-97 appropriating the \$590,796.45 from Capital Fund, Reimbursement/Other City Expenses (account 050-0000-366.12-29) to the Cedar Lane Road Bond Project, Construction account (050-9079-431.61-01; project BP0196) and transferring the remaining Cedar Lane Road Construction balance in the amount of \$596,327.45 to the 24th Avenue East Widening Bond Project, Construction Account (050-9552-431.61-01; project BP0192).