



## Legislation Details (With Text)

**File #:** E-1920-38    **Version:** 1    **Name:** Temporary Private Driveway Easement for 36th Avenue N.W. Widening Project  
**Type:** Easement    **Status:** Passed  
**File created:** 1/28/2020    **In control:** City Council  
**On agenda:** 2/11/2020    **Final action:** 2/11/2020  
**Title:** TEMPORARY EASEMENT E-1920-38: CONSIDERATION OF ACCEPTANCE OF A TEMPORARY PRIVATE DRIVEWAY EASEMENT DONATED BY KICKINGBIRD MEDICAL BUILDING, L.L.C. FOR THE 36TH AVENUE N.W. WIDENING PROJECT FROM TECUMSEH ROAD TO INDIAN HILLS ROAD BOND PROJECT.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. City Council Staff Report, 2. E-1920-38, 3. Easement Location Map, 4. Easement Table, 5. Project Location Map

Date	Ver.	Action By	Action	Result
2/11/2020	1	City Council		

TEMPORARY EASEMENT E-1920-38: CONSIDERATION OF ACCEPTANCE OF A TEMPORARY PRIVATE DRIVEWAY EASEMENT DONATED BY KICKINGBIRD MEDICAL BUILDING, L.L.C. FOR THE 36TH AVENUE N.W. WIDENING PROJECT FROM TECUMSEH ROAD TO INDIAN HILLS ROAD BOND PROJECT.

**BACKGROUND:** On August 28, 2012, the citizens of Norman voted in favor of a Bond Issue to finance the local share of eight transportation/stormwater improvement projects. One of the eight 2012 bond projects is the 36th Avenue NW Bond Project between Tecumseh Road and Indian Hills Road. Please see the attached location map showing the project boundaries.

On November 22, 2011, the Norman City Council approved Programming Resolution R-1112-64, requesting federal funds for the 36<sup>th</sup> Avenue NW Bond Project. 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 \$11,500,000, and administration of the construction with the matching share from the City of Norman.

On March 12, 2013, City Council approved engineering services Contract K-1213-170 with the engineering firm of CP&Y in the amount of \$703,878.50 to design 36<sup>th</sup> Avenue NW Bond project from Tecumseh Road to Indian Hills Road.

On August 24, 2018, City Council approved Resolution R-1819-12 declaring the 36th Avenue NW Project a recoupment project.

Proposed improvements for the 36<sup>th</sup> Avenue NW Bond Project include:

1. Widen two miles of roadway from two lanes to four lanes
2. New traffic signals at 36<sup>th</sup> Avenue NW and Franklin Road and 36<sup>th</sup> Avenue NW and Indian Hills Road
3. Interconnect signals between Tecumseh Road and Indian Hills Road
4. Dedicated left turn lanes at All Saints Catholic School
5. Fifth lane north of Indian Hills Road to Market Place
6. Storm water improvements
7. Continuous sidewalks along both sides of the roadway with the 10-foot-wide legacy trail from Tecumseh Road to Franklin Road on the east side
8. Bicycling facilities as listed in the Norman Bike Plan

On February 26, 2019, City Council approved Authorization for Expenditure No. One to Contract K-1314-102 with Smith-Roberts Land Services, Inc., for the 36<sup>th</sup> Avenue NW Bond Project - Phase 1, in the amount of \$54,324.00, for right of way acquisition services.

On May 28, 2019, City Council approved Amendment No. One to Contract K-1213-170 for engineering design of the 36<sup>th</sup> Avenue NW Widening Bond Project from Tecumseh Road to Market Place, with CP&Y, Inc., in the amount of \$193,895.

**DISCUSSION:** The City originally planned to acquire right-of-way and/or easements from ten (10) parcels along 36<sup>th</sup> Avenue NW from Tecumseh Road to just north of Franklin Road for the construction of Phase 1 of the 36<sup>th</sup> Avenue NW Widening Bond Project. These easements vary in size and type. All Easements for Parcels 1.0, 5.0, 7.0, 8.0, 9.0, And 10.0 were previously acquired and accepted by City Council. Changes to design of the project eliminated the necessity for additional right of way or easements for Parcel 8.0. Staff requested donations prior to making any offers of fair market value. This item addresses permanent and temporary easements for the remaining Parcels 2.0, 3.0, 4.0, and 6.0. The required land was donated by the owners, however, the city has agreed to pay damages identified in the property appraisals for parcels 3.0 and 4.0. The attached table provides the details of each easement. Also, a Right-of-Way Acquisition Sheet is attached providing the location of each easement necessary for the project. Funding for damages to be paid, for Parcels 3.0, and 4.0, totaling \$76,840.50 will come from the 36<sup>th</sup> Avenue NW Widening Bond Project Right of Way Account (Account Org 50595552, Object 46001; Project BP0197). These funds have been encumbered in Requisitions 20204063, 20204066, and 20204067.

**RECOMMENDATION:** Staff recommends the above described easements be accepted, and that payment be authorized, where appropriate, and the filing be directed thereof.