



Legislation Text

File #: R-1718-15, **Version:** 1

RESOLUTION R-1718-15: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, APPROPRIATING \$296,105.10 FROM THE DONATION/ORGANIZATION REVENUE ACCOUNT TO USE DEFERRAL FUNDS FROM NRH FOUNDATION, CAMPUS CREST AND PARK 7 GROUP FOR THE 12TH AVENUE S.E. WIDENING PROJECT FROM CEDAR LANE ROAD TO STATE HIGHWAY 9.

BACKGROUND: Under City of Norman development regulations, those platting property for the first time are required to install public improvements that include water, storm sewer, sanitary sewer, and roadway improvements that are made necessary due to the proposed development. Because not all adjoining property owners develop their parcels at the same time, the City's development regulations make provision for having road improvement costs paid over to the City at the time of platting to be held until a more comprehensive road project can be accomplished. This approach avoids gaps in the roadway that might occur if one developer of a parcel made roadway improvements associated with their development and an adjoining property owner has no immediate plans to develop their parcel. The 12th Ave SE roadway south of State Highway 9 is a good example of how these City Code provisions are applied.

On August 14, 2007, City Council approved amending the program of improvements of the NRH Foundation Addition Section 1 plat, which is approximately 600 feet south of State Highway 9 on the east side of 12th Avenue SE. As a part of the approval, the developer elected to pay deferral funds for the improvement of 12th Avenue SE in the amount of \$78,336.00 into a certificate of deposit with MidFirst Bank.

On May 8, 2012, City Council approved the final plat of Campus Crest, which is approximately 800 feet south of State Highway 9 on the east side of 12th Avenue SE. As a part of the approval, the developer elected to pay deferral funds for the improvement of 12th Avenue SE in the amount of \$90,132.60. Upon receipt, this payment was deposited into Account 010-0000-229.24-11 (Current Liabilities/Site Improvement/Cash).

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 12th Avenue SE Widening Project. Please see the attached location map showing the project boundaries.

On December 11, 2012, the Norman City Council approved Programming Resolution R-1213-78 requesting federal funds for the 12th Avenue S.E. Widening 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 cost for the administration and construction, with the matching share from the City of Norman.

On April 9, 2013, City Council approved engineering services in Contract K-1213-161 with Tetra Tech Inc. in the amount of \$249,646 for the design of the 12th Avenue SE Widening Project, which involves the construction of a new four-lane roadway that will include five-foot bike lanes on each side of the road. The project will also include improvements at the intersection of SH-9 and 12th Avenue SE, extension of bike lanes north to Oak Tree Avenue and the addition of a left turn lane into the Campus Crest Apartments.

On March 11, 2014, City Council approved Amendment No. 1 in the amount of \$24,420 for additional engineering services to Contract K-1213-161, with Tetra Tech Inc. This amendment provided additional intersection analysis and design at SH-9, to accommodate the added traffic generated by two new apartment complexes on 12th Avenue SE between SH-9 and Cedar Lane Road; as well as anticipated future development in the surrounding area.

On April 8, 2014, City Council approved the final plat of Park 7 Group, which is approximately 1400 feet south of State Highway 9 on the east side of 12th Avenue SE. As a part of the approval, the developer elected to pay deferral funds for the improvement of 12th Avenue SE in the amount of \$127,636.50. Upon receipt, this payment was deposited into

Account 010-0000-229.24-11 (Current Liabilities/Site Improvement/Cash). On April 14, 2015, City Council approved Amendment No. 2 in the amount of \$37,830 for additional engineering services to Contract K-1213-161 with Tetra Tech Inc., which added water line relocation plans to the design scope of the project.

On December 13, 2016, City Council awarded the Water Line Relocation Construction contract to the low bidder, Central Contracting of Norman, Oklahoma, in the amount of \$77,118.

On February 14, 2017, City Council approved Resolution R-1617-67 making the 12th Avenue SE Widening Project boundaries a Recoupment District.

On April 11, 2017, City Council accepted six of the seven project easements and payments authorized, where appropriate, and the filing directed thereof. The one remaining easement was going through the eminent domain process. On July 25, 2017, City Council authorized the final agreement with the property owner of the remaining easement.

On June 27, 2017, City Council approved Change Order No.1 in the amount of \$6,175.00 and Final Acceptance of the Water Line Reconstruction Project. Proposed improvements for the 12th Avenue S.E. Widening Project include:

1. Widening 12th Avenue S.E. from Cedar Lane Road to State Highway 9 from two lanes to four lanes
2. Addition of five-foot on-street bike lanes
3. Intersection improvements at 12th Avenue SE/Campus Crest Drive and 12th Avenue SE/State Highway 9
4. Continuous sidewalks on both sides
5. Stormwater improvements

DISCUSSION: As noted above, 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 12th Avenue SE:

- NRH Foundation Addition Section 1 plat paid deferral funds for the improvement of 12th Avenue SE in the amount of \$78,336.00 into a certificate of deposit with MidFirst Bank.
- Campus Crest paid deferral funds for the improvement of 12th Avenue SE in the amount of \$90,132.60. Upon receipt, this payment was deposited into Account 010-0000-229.24-11 (Current Liabilities/Site Improvement/Cash).
- Park 7 Group paid deferral funds for the improvement of 12th Avenue SE in the amount of \$127,636.50. Upon receipt, this payment was deposited into Account 010-0000-229.24-11 (Current Liabilities/Site Improvement/Cash).

If authorization to utilize these above deferral funds in the amount of \$296,105.10 are approved by City Council, they will be used toward the City's 20% Participation in the costs for the construction of the 12th Avenue SE Widening Project. The ODOT bid opening for this project is scheduled to occur on October 19, 2017. Construction is anticipated to begin in December, 2017.

The total estimated cost of the 12th Avenue SE Bond Project is \$3,300,000, of which the City's share is estimated to be \$1,110,000. The City's share of the project includes 100% of the engineering design, land acquisition and utility relocation; and 20% of construction.

RECOMMENDATION No. 1: Staff recommends authorizing the liquidation of the Certificate of Deposit from NRH Foundation and depositing \$78,336.00 into Revenue Account 010-0000-365.13-73 (Donation/Organization).

RECOMMENDATION No. 2: Staff further recommends transferring the Campus Crest Funds (\$90,132.60) and Park 7

Group Funds (\$127,636.50) for a total of \$217,769.10 from Account 010-0000-229.24-11 (Current Liabilities/Site Improvement/Cash) to Revenue Account 010-0000-365.13-73 (Donation/Organization).

RECOMMENDATION No. 3: Staff further recommends appropriating the \$296,105.10 previously recorded in Revenue Account 010-0000-365.13-73 (Donation/Organization) to the 12th Avenue SE Widening Project Construction Account 050-9552-431.61-01, Project TR0191.