



## Legislation Text

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**File #:** K-1819-130, **Version:** 1

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**CONTRACT K-1819-130:** 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 STP-214B(068)AG, STATE JOB 29300(04) FOR THE CONSTRUCTION OF THE 24TH AVENUE EAST WIDENING PROJECT: PHASE 1, FROM LINDSEY STREET TO ALAMEDA STREET AND ADOPTION OF RESOLUTION R-1819-95.

**BACKGROUND:** On November 22, 2011, the Norman City Council approved Programming Resolution R-1112-62, requesting federal funds for the 24<sup>th</sup> Avenue East 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 \$7,831,000, 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/stormwater improvement projects. One of the eight 2012 bond projects is the 24th Avenue East Widening Project (please see the attached location map showing the project boundaries). The total estimated project cost including design, utility relocations, right-of-way, construction and construction management is \$15,388,000. The City's share is estimated to be \$7,518,000.

Proposed improvements for the 24<sup>th</sup> Avenue East Bond Project include:

1. Widen two miles of roadway from two lanes to four lanes;
2. Intersection improvements at 24<sup>th</sup> Avenue East/Meadowood Boulevard and 24<sup>th</sup> Avenue East /Robinson Street;
3. Interconnect traffic signals on 24<sup>th</sup> Avenue East from Lindsey Street to Robinson Street;
4. Continuous sidewalks and accessibility;
5. Stormwater improvements;
6. On-street bike lanes

On March 12, 2013, City Council approved engineering services Contract K-1213-169 with Atkins North America, Inc., for the design of the 24<sup>th</sup> Avenue East Bond Project between Lindsey Street and Robinson Street in the amount of \$875,266.50.

On January 23, 2018, City Council approved Contract K-1718-63 in the amount of \$45,413 with Oklahoma Natural Gas (ONG) for Phase 1 (Lindsey to Alameda) utility relocations within private easements.

On January 23, 2018, City Council approved the allocation of \$74,200 for acquisition services under On-Call Contract K-1314-103 with Pinnacle Consulting Management Group.

On February 27, 2018, City Council approved Amendment No. 1 to Contract K-1213-169 with Atkins North America in the amount of \$133,455 for additional engineering design services.

On April 10, 2018, City Council approved Resolution R-1718-102 creating a Recoupment District for the 24<sup>th</sup> Avenue East Bond Project.

On June 26, 2018, City Council accepted eight (8) easements from six (6) parcels along the 24<sup>th</sup> Avenue East Project.

On August 28, 2018, City Council approved Contract K-1819-8 in the amount of \$1,583,150.50 for the 24th Avenue East Water Line Relocation Project: Phase 1 with W.E.B. Construction.

On September 11, 2018, City Council accepted one (1) easement from one (1) parcel along the 24th Avenue East Project.

On October 23, 2018, City Council accepted eight (8) easements and two (2) Warranty Deeds from four (4) parcels along the 24<sup>th</sup> Avenue East Project.

On November 13, 2018, City Council accepted ten (10) easements from three (3) parcels along the 24th Avenue East Project.

On February 12, 2019, City Council approved Contract K-1819-97 in the amount of \$2,330,500 for the 24th Avenue East Water Line Relocation Project: Phase 2 with H & H Plumbing and Utilities, Inc.

On February 26, 2019, City Council accepted three (3) easements from one (1) parcel along the 24th Avenue East Project.

In companion agenda items, City Council is being asked to consider the following items:

- 24<sup>th</sup> Avenue East Phase 1: ODOT Funding Agreement
- 24<sup>th</sup> Avenue East Phase 2: ODOT Funding Agreement
- 24<sup>th</sup> Avenue East Phase 2: ODOT Right-of-Way and Utility Agreement
- 24<sup>th</sup> Avenue East Deferral Fund Appropriations

The anticipated remaining project schedule is as follows:

- ODOT Bid opening for both phases of the Bond Project in June 2019
- Finish Phase 2 Water Line Utility Relocations in July 2019
- Construction on both phases of the Bond Project to begin September 2019

**DISCUSSION:** Prior to advertising the project for bids, ODOT requires the City of Norman to enter into a right-of-way and utility agreement. The agreement stipulates that the City will acquire all rights-of-way required for the project, grant ODOT access to and the use of the right-of-way for this project, remove all encroachments and to indemnify and hold ODOT harmless.

All land acquisitions for the Phase 1 portion of the project between Lindsey Street and Alameda Street were completed in November 2018. The Phase 2 acquisitions between Alameda Street and Robinson Street are complete with the exception of one (1) remaining parcel containing five (5) easements. This remaining parcel is state-owned and the acquisition is being negotiated with the State of Oklahoma Office of Management and Enterprise Services (OMES). Staff anticipates being able to bring these easements to City Council in the near future. Attached are Right-of-Way Acquisition Maps showing the eighteen (18) parcels containing thirty-eight (38) easements and two (2) warranty deeds for Phases 1 and 2 of the 24th Avenue East Widening Bond Project.

**RECOMMENDATION No. 1:** Staff recommends approval of Contract K-1819-130 with the Oklahoma Department of Transportation and associated resolution.