



Legislation Text

File #: K-1617-125, **Version:** 1

CONTRACT K-1617-125: 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 J2-9289(004)AG, STATE JOB JP 29289(04), FOR THE WIDENING AND IMPROVEMENTS TO 12TH AVENUE SE BETWEEN CEDAR LANE ROAD AND OAK TREE AVENUE AND ADOPTION OF RESOLUTION R-1617-115.

BACKGROUND: 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 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% of 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 of the project, with the matching share (20%) from the City of Norman.

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

On March 11, 2014, City Council approved Amendment #1 to Contract K-1213-161 with Tetra Tech, to 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 14, 2015, City Council approved Amendment #2 to Contract K-1213-161 with Tetra Tech for additional engineering services to add water line relocation plans to the design scope of the project.

On December 13, 2016, City Council approved Contract K-1617-80 with Central Contracting in the amount of \$77,118 for the 12th Avenue SE Water Line Relocation and Contract K-1617-81 with Oklahoma Electric Cooperative (OEC) for the relocation of overhead power lines to underground in the vicinity of the SH-9 intersection.

On March 14, 2017, City Council approved Resolution R-1617-75 which authorized the filing of eminent domain proceedings for the acquisition of one (1) permanent roadway easement on Parcel 2.

On April 11, 2017, City Council accepted six (6) easements with payment authorized where appropriate, and the filing directed thereof.

A seventh project easement located on Parcel 2 has been actively negotiated between the City Attorney and Parcel 2's legal counsel while the eminent domain proceedings continue. This easement will be brought to Council for acceptance once it has been acquired.

Proposed improvements for the 12th Avenue SE Widening Project include:

1. Widening 12th Avenue S.E. from Cedar Lane Road to State Highway 9 from 2 lanes to 4 lanes;
2. Addition of 5-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 of the roadway; and
5. Stormwater drainage improvements;

This project is anticipated to open bids through the ODOT bidding process in August of 2017 with construction to begin approximately 60 days after the bid opening or by November 2017 and to be completed within one calendar year. The estimated construction cost of the project is \$2,728,000, of which \$2,182,400 or 80% will be paid with federal funds and \$545,600 from the City's Capital Fund (General Obligation Bond proceeds). The total estimated project cost including engineering design, utility relocation, right-of-way acquisition and construction is \$3,455,000, of which the City's share is \$1,272,600 or 36.8%.

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 right-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.

The seven (7) easements shown on the attached 12th Avenue SE parcel map are required from five parcels along 12th Avenue SE between Cedar Lane Road and SH-9 for the construction of roadways, sidewalks, driveways and drainage improvements for the proposed project. Right-of-way plans have been approved by ODOT and they have requested the City approve the attached agreement. The resolution and agreement have been prepared by ODOT and four (4) copies executed by the City are needed for their execution. Both the resolution and the agreement have been reviewed by staff.

Funds for this project are available from General Obligation Bond funds in 12th Ave SE Widening - HWY 9 to Cedar Lane (project BP 0191).

RECOMMENDATION NO.1: Staff recommends approval of Contract K-1617-125 with the Oklahoma Department of Transportation.

RECOMMENDATION NO. 2: Staff further recommends approval of Resolution R-1617-115 adopting Contract K-1617-125, and if approved, authorize the execution thereof.