



## Legislation Text

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**File #:** E-1819-33, **Version:** 1

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**EASEMENT E-1819-33:** CONSIDERATION OF ACCEPTANCE OF A PERMANENT ROADWAY, DRAINAGE, AND UTILITY EASEMENT FROM M.A.R.H. PROPERTIES, L.L.C.; 4J, LTD; MEADOWOOD II LIMITED PARTNERSHIP; MASTERPIECE PROPERTIES LIMITED PARTNERSHIP; DEE ANNE HEATON (FORMERLY KNOWN AS DEE ANNE BARBOUR; AND MARGARET BARBOUR IN THE AMOUNT OF \$26,580 FOR THE 24TH AVENUE EAST BOND PROJECT.

**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 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 Bond 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 \$13,008,000. The City's share is estimated to be \$5,177,000.

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. New traffic signal at 24th Avenue East and Meadowood Boulevard
3. Intersection improvements at 24<sup>th</sup> Avenue East/Meadowood Boulevard and 24<sup>th</sup> Avenue East /Robinson Street
4. Interconnect traffic signals on 24<sup>th</sup> Avenue East from Lindsey Street to Robinson Street
5. Continuous sidewalks and accessibility
6. Stormwater improvements
7. 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 the same date, 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 September 11, 2018, City Council accepted one (1) easement from one (1) parcel along the 24<sup>th</sup> Avenue East Project.

On October 9, 2018, City Council passed Resolutions R-1819-33 (Bread of Life), R-1819-34 (Bread of Life), and R-1819-35 (Knoepfli), which authorized the filing of eminent domain civil actions to acquire the needed property in a manner sufficiently timely to pursue the process of securing matching federal funds for the project. Following initiation of eminent domain actions in Cleveland County Court, City staff and consultants continued to work with the property owners in achieving acquisitions by agreement. As a result, acquisition of all three subject parcels, including this parcel, have resolved by voluntary agreement of the parties, and a dismissal has been filed of the applicable civil suit(s).

On October 23, 2018 City Council accepted eight (10) easements and two (2) Warranty Deeds from four (4) parcels along the 24<sup>th</sup> Avenue East Project.

On October 23, 2018, City Council passed Resolution R-1819-39 (M.A.R.H.), which authorized the filing of eminent domain civil actions to acquire the needed property in a manner sufficiently timely to pursue the process of securing matching federal funds for the project. Following the approval of R-1819-39, City staff and consultants continued work with the property owners in order to achieve an acquisition by agreement, and preferably without the need to initiate the authorized eminent domain proceedings. As a result, the acquisition of the subject parcel resolved by voluntary agreement of the parties, with no civil suit being filed in Cleveland County Court.

The anticipated remaining project schedule is as follows:

- Continue Utility Relocations and Easement Acquisitions thru fall of 2018
- ODOT Bid opening for Phase 1 (Lindsey to Alameda) in February 2019
- Phase 1 Construction to begin May 2019
- ODOT Bid opening for Phase 2 (Alameda to Robinson) in May 2019
- Phase 2 Construction to begin July 2019

**DISCUSSION:** The City must acquire right-of-way (warranty deed) and/or easements from eighteen (18) parcels along 24<sup>th</sup> Avenue East between Lindsey Street and Robinson Street for the construction of the 24<sup>th</sup> Avenue East Bond Project. These easements vary in size and type. To date, thirteen (13) parcels with twenty (20) easements and two (2) Warranty Deeds have been accepted by City Council. Ten (10) new easements from three (3) parcels have been recently secured and are being brought to Council for acceptance. Staff requested donations prior to making any offers of fair market value. Two (2) of the easements were donated, two (2) easements accepted compensation for appraised value, and the other six (6) easements accepted compensation for a negotiated value. The attached table provides the details of these easements. Funds are available within the 24<sup>th</sup> Avenue East Bond Project BP0192, Account 050-9552-431.60-01, to pay for these easements. A Right-of-Way Acquisition Sheet is attached providing the location of each easement necessary for the project.

With the acceptance of these easements, all easements/warranty deeds will be acquired for the Phase 1 portion of this project between Lindsey Street and Alameda Street. Staff is currently working on acquiring the eight (8) easements from two (2) parcels needed for Phase 2 construction between Alameda Street and Robinson Street.

**RECOMMENDATION:** Staff recommends the above described easement be accepted, payment in the amount of \$26,580 be authorized, and the filing be directed thereof.