



## Legislation Text

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**File #:** E-1819-67, **Version:** 1

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**EASEMENT E-1819-67:** A TWENTY-YEAR PUBLIC ROADWAY, DRAINAGE, AND UTILITIES EASEMENT FROM THE STATE OF OKLAHOMA, ACTING BY AND THROUGH THE OFFICE OF MANAGEMENT AND ENTERPRISE SERVICES, ON BEHALF OF THE J.D. MCCARTY CENTER, IN THE AMOUNT OF \$11,230 FOR THE WIDENING OF 24TH AVENUE EAST FROM ALAMEDA STREET TO ROBINSON STREET (2 TO 4 LANES) WITH SIGNALS.

**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 \$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:

- Widen two miles of roadway from two lanes to four lanes
- Intersection improvements at 24<sup>th</sup> Avenue East/Meadowood Boulevard and 24<sup>th</sup> Avenue East /Robinson Street
- Interconnect traffic signals on 24<sup>th</sup> Avenue East from Lindsey Street to Robinson Street
- Continuous sidewalks and accessibility
- Stormwater improvements
- 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 (10) 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 24<sup>th</sup> 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 24<sup>th</sup> Avenue East Project.

In companion agenda items tonight, City Council is being asked to approve 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 1: ODOT Right-of-Way and Utility 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 no later than September 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, seventeen (17) parcels with thirty-three (33) easements and two (2) Warranty Deeds have been accepted by City Council. Five (5) new easements for the 24<sup>th</sup> Avenue East Project: Phase 2 from one (1) parcel have been recently secured and are being brought to Council tonight for acceptance. Staff requested donations prior to making any offers of fair market value. All five (5) easements accepted compensation for appraised value. The attached table provides the details of these easements. Funds are available within the 24th Avenue East Bond Project BP0192, Account 050-9552-431.60-01, to pay for these easements. Right-of-Way Acquisition Sheets are attached providing the location of each easement necessary for the project.

Acquisitions for the Phase 1 portion of the project between Lindsey Street and Alameda Street were completed in November 2018. With the acceptance of these easements, acquisition for the Phase 2 portion of the project between Alameda Street and Robinson Street will also be complete. The acquisition of these last five (5) parcels was administered by the State of Oklahoma Office of Management and Enterprise Services (OMES). OMES required all permanent easements be acquired utilizing a 20-year lease instead of forever and ever like the City's typical permanent easements utilize. Per the appraiser's valuation, the 20-year lease value was established to be 30% of the \$2.00 per square foot permanent easement land valuation or \$0.60 per square foot. Therefore, in April 2039 or before, City staff will need to enter into a new lease or purchase agreement to maintain these easements.

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