



Legislation Text

File #: E-2021-69, **Version:** 1

EASEMENT E-2021-69: CONSIDERATION OF ACCEPTANCE OF A PERMANENT RIGHT OF WAY EASEMENT DONATED BY THE UNIVERSITY OF OKLAHOMA FOR THE CONSTITUTION STREET MULTIMODAL PATH PROJECT FROM JENKINS AVENUE TO CLASSEN BOULEVARD.

BACKGROUND: Growing concerns about air quality, open space, and traffic congestion led Congress to create several programs through legislation in the 1991 Intermodal Surface Transportation Efficiency Act (ISTEA). These programs broaden the federal focus on Transportation from building highways to funding projects tied to smarter planning requirements that help ensure communities are more livable. At the center of new focus about transportation, growth, and quality of life is the Transportation Enhancement Program.

The 2012 - Moving Ahead for Progress in the 21st Century (MAP-21) federal transportation funding bill allocates approximately \$21 Million in Federal funds per year for the implementation of eligible transportation improvements in the Oklahoma City metropolitan area. New sidewalks along federal functionally classified roads are eligible for 80% federal funding.

Recently the MAP-21 Act has been renamed the MAP-21/FAST Act, and the Transportation Enhancement Program is now called the Transportation Alternatives Program (TAP). For the Federal Fiscal Years 2015-2020, ACOG decided to have a single application period and invited eligible entities to submit projects for federal TAP funding. Requests could not exceed \$600,000 in federal funds for a single project, and the entities had to make a 20% minimum commitment of non-federal funds to the total project cost. The assessment of projects was based on how well the project met published criteria. The City of Norman sought five projects and received selections for three of them, including:

- Constitution Street Multimodal Path from Jenkins Avenue to Classen Boulevard (map of proposed path is attached).
- State Highway 9 Multimodal Path from 36th Avenue SE to 48th Avenue SE.
- Multimodal Path along Flood Avenue (west side) from Robinson Street to Tecumseh Road and along Tecumseh Road (south side) from Flood Avenue to 24th Avenue NW.

The State Highway 9 Path has already been constructed, and the Flood Avenue Path will need more local money to fund. The Constitution Street Multimodal Path is under design by Freese and Nichols, and is progressing toward a letting in April of this year.

DISCUSSION: The City staff and the University of Oklahoma had several discussions about the path alignment for the Constitution Street Multimodal Path project as it will be on the north side of Constitution Street adjacent to the OU Golf Course. OU consented to an alignment that would encroach on their property, and would require the City to secure two “permanent” easements from OU in order to accommodate a portion of the path. The City’s Legal staff and OU Legal agreed to the wording of the easement documents, and the OU Board of Regents executed the easements on

October 12, 2020. The legal description and drawing of the right-of-way easements are shown in Exhibit "A" and Exhibit "B" that are included with each easement. A map showing the easement locations is also attached.

RECOMMENDATION: Staff recommends acceptance of OU Easement E-2021-69 for the Constitution Street Multimodal Path by City Council. It is further recommended that staff be authorized to file the easements if appropriate.