



Legislation Text

File #: E-2021-71, **Version:** 1

EASEMENT E-2021-71: CONSIDERATION OF ACCEPTANCE OF A PERMANENT RIGHT-OF-WAY EASEMENT FROM JOHN M. NAIL AND DIANA R. HAMILTON IN THE AMOUNT OF \$40,200 FOR THE 36TH AVENUE N.W. WIDENING PROJECT FROM TECUMSEH ROAD TO INDIAN HILLS ROAD.

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 36th Avenue NW Bond Project between Tecumseh Road and Indian Hills Road (please see the attached location map showing the project boundaries).

On November 22, 2011, the Norman City Council approved Programming Resolution R-1112-64, requesting federal funds for the 36th Avenue NW 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 \$11,500,000, and administration of the construction with the matching share from the City of Norman.

On April 9, 2013, City Council approved engineering services Contract K-1213-170 with the engineering firm of CP&Y in the amount of \$703,878.50 to design 36th Avenue NW Bond project from Tecumseh Road to Indian Hills Road.

On August 14, 2018, City Council approved Resolution R-1819-12 declaring the 36th Avenue NW Project a recoupment project.

Proposed improvements for the 36th Avenue NW Bond Project include:

1. Widen two miles of roadway from two lanes to four lanes
2. New traffic signals at 36th Avenue NW and Franklin Road and 36th Avenue NW and Indian Hills Road
3. Interconnect signals between Tecumseh Road and Indian Hills Road
4. Dedicated left turn lanes at All Saints Catholic School
5. Fifth lane north of Indian Hills Road to Market Place
6. Storm water improvements
7. Continuous sidewalks along both sides of the roadway with the 10-foot-wide legacy trail from Tecumseh Road to Franklin Road on the east side
8. Bicycling facilities as listed in the Norman Bike Plan

On February 26, 2019, City Council approved Authorization for Expenditure No. One to Contract K-1314-102 with Smith-Roberts Land Services, Inc., for the 36th Avenue NW Bond Project - Phase 1, in

the amount of \$54,324 for right of way acquisition services.

On May 28, 2019, City Council approved Amendment No. One to Contract K-1213-170 for engineering design of the 36th Avenue NW Widening Bond Project from Tecumseh Road to Market Place, with CP&Y, Inc., in the amount of \$193,895.

On September 8, 2019, City Council approved Authorization for Expenditure No. Two, under Contract K-1314-102, with Smith-Roberts Land Services, Inc., in the amount of \$20,180 for additional right-of-way acquisition services due to an increase in the number of parcels and appraisals included in Phase Two of the 36th Avenue NW Widening Bond Project.

On November 12, 2019, City Council approved Authorization for Expenditure No. Four under Contract K-1314-102 with Smith-Roberts Land Services, Inc., for right of way acquisition services for Phase Two of the 36th Avenue NW Widening Bond Project from Franklin Road to Market Place in the amount of \$130,116.

On February 11, 2020, City Council accepted the last of the easements required for parcels one through eleven, completing the required right of way acquisition for Phase One of the 36th Avenue NW Widening Bond Project.

On October 27, 2020, City Council accepted easements for Parcels 17,18,19,20 and 30, for Phase 2 of the 36th Avenue NW Widening Bond Project.

On January 12, 2021, City Council accepted easements for Parcel 26 and 29 for Phase 2 of the 36th Avenue NW Widening Bond Project.

On January 26, 2021, City Council accepted an easement for Parcel 23 for Phase 2 of the 36th Avenue NW Widening Bond Project.

DISCUSSION: Right-of-way acquisition necessary for Phase Two of the 36th Avenue NW Widening Bond Project, consists of twenty-five (25) separate easements on twenty (20) parcels. Smith-Roberts Land Services (SRLS) oversaw and reviewed the appraisal of each parcel, and assisted the City of Norman staff in the preparation of offer letters to each property owner affected, based on the appraised values and damages.

The offer letters were sent on August 24, 2020 and contained information identifying the project as a recoupment project and encouraged each property owner to consider donation of the property. The City staff and SRLS have begun to meet with the affected property owners individually, to answer questions and aid them in understanding the right of way acquisition process, as well as the effect it will have on their properties.

The City has previously accepted 10 easements for parcels 17, 18, 19, 20, 23, 26, 29 and 30. The owners of parcel 21, have agreed to the offer made by the City, totaling \$40,200. Funds are available in the 36th Avenue NW Widening Bond Project, Land (Account 50595552-46001, Project BP0197).

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