CITY COUNCIL AGENDA
NORMAN UTILITIES AUTHORITY AGENDA
NORMAN MUNICIPAL AUTHORITY AGENDA
NORMAN TAX INCREMENT FINANCE AUTHORITY AGENDA

Municipal Building Council Chambers
201 West Gray

May 25, 2010
6:30 p.m.

1. Roll Call

2. Pledge of Allegiance

3. ITEM: CONSENT DOCKET

INFORMATION: This item is placed on the agenda so that the City Council, by unanimous consent, can designate those routine agenda items that they wish to be approved or acknowledged by one motion. If any item proposed does not meet with approval of all Councilmembers, that item will be heard in regular order. Staff recommends that Item 5 through Item 30 be placed on the consent docket.

ACTION NEEDED: 1. Motion to place Item ____ through Item ____ on the Consent Docket by unanimous vote.

ACTION TAKEN: _____

ACTION NEEDED: 2. Acting as the City Council, Norman Utilities Authority, Norman Municipal Authority, and Norman Tax Increment Finance Authority, motion to approve or acknowledge all items on the Consent Docket subject to any conditions included in the individual action needed by item.

ACTION TAKEN: _____

4. ITEM: APPROVAL OF THE MINUTES AS FOLLOWS:

CITY COUNCIL STUDY SESSION MINUTES OF MAY 4, 2010
CITY COUNCIL FINANCE COMMITTEE MEETING OF MAY 5, 2010
CITY COUNCIL MINUTES OF MAY 11, 2010
NORMAN UTILITIES AUTHORITY MINUTES OF MAY 11, 2010
NORMAN MUNICIPAL AUTHORITY MINUTES OF MAY 11, 2010
NORMAN TAX INCREMENT FINANCE AUTHORITY MINUTES OF MAY 11, 2010
CITY COUNCIL PLANNING AND COMMUNITY DEVELOPMENT COMMITTEE MINUTES OF MAY 14, 2010

ACTION NEEDED: Acting as the City Council, Norman Utilities Authority, Norman Municipal Authority, and Norman Tax Increment Finance Authority, motion to approve the minutes; and, if approved, direct the filing thereof.

ACTION TAKEN: _____

5. ITEM: CONSIDERATION OF ORDINANCE NO. O-0910-17 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 460 OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO PLACE A TRACT OF LAND LYING WITHIN THE SOUTHEAST QUARTER OF SECTION 12, TOWNSHIP 9 NORTH, RANGE 3 WEST OF THE INDIAN MERIDIAN, CLEVELAND COUNTY, OKLAHOMA, IN THE PUD, PLANNED UNIT DEVELOPMENT DISTRICT, AND REMOVE THE SAME FROM THE A-2, RURAL AGRICULTURAL DISTRICT, OF SAID CITY; AND PROVIDING FOR THE SEVERABILITY THEREOF. (NORTHWEST CORNER OF 12TH AVENUE N.W. AND TECUMSEH ROAD)

INFORMATION: The above-described ordinance is submitted for Introduction and adoption upon First Reading by title, and subsequent thereto, for submission for City Council's final consideration in its meeting of June 8, 2010. Copies of an advisory memorandum; ordinance; site development plan; location map; Staff Report; PUD narrative; predevelopment summary; protest and support area map; letters of protest; letters of support; and pertinent excerpts from Planning Commission minutes are included in the Agenda Book.

ACTION NEEDED: Motion to Introduce and the ordinance upon First Reading by title.

ACTION TAKEN: _____

6. ITEM: CONSIDERATION OF ORDINANCE NO. O-0910-21 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 460 OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO PLACE A TRACT OF LAND LYING WITHIN THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 8 NORTH, RANGE 3 WEST OF THE INDIAN MERIDIAN, CLEVELAND COUNTY, OKLAHOMA, IN THE CO, SUBURBAN OFFICE COMMERCIAL DISTRICT, AND REMOVE THE SAME FROM THE RM-2, LOW DENSITY APARTMENT DISTRICT, AND R-1, SINGLE FAMILY DWELLING DISTRICT, OF SAID CITY; AND PROVIDING FOR THE SEVERABILITY THEREOF. (INTERSECTION OF BERRY ROAD AND STATE HIGHWAY NO. 9)

INFORMATION: The above-described ordinance is submitted for Introduction and adoption upon First Reading by title, and subsequent thereto, for submission for City Council's final consideration in its meeting of June 8, 2010. Copies of an advisory memorandum; ordinance; site development plan; location map; Staff Report; Predevelopment Summary; Protest Area map; letters of protest; and pertinent excerpts from Planning Commission minutes are included in the Agenda Book.

ACTION NEEDED: Motion to Introduce and adopt the ordinance upon First Reading by title.

ACTION TAKEN: _____

7. ITEM: CONSIDERATION OF ORDINANCE NO. O-0910-27 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 460 OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO GRANT SPECIAL USE FOR A MIXED USE BUILDING IN THE C-3, INTENSIVE COMMERCIAL DISTRICT, FOR A TRACT OF LAND LYING WITHIN LOT TWO (2), BLOCK SIX (6), OF THE ORIGINAL TOWN OF NORMAN, CLEVELAND COUNTY, OKLAHOMA; AND PROVIDING FOR THE SEVERABILITY THEREOF. (104 EAST MAIN STREET)

INFORMATION: The above-described ordinance is submitted for Introduction and adoption upon First Reading by title, and subsequent thereto, for submission for City Council's final consideration in its meeting of June 8, 2010. Copies of an advisory memorandum; ordinance; site development plans; location map; Staff Report; Predevelopment Summary; Support Area map; letter of support; and pertinent excerpts from Planning Commission minutes are included in the Agenda Book.

ACTION NEEDED: Motion to Introduce and the ordinance upon First Reading by title.

ACTION TAKEN: _____

8. ITEM: CONSIDERATION OF ORDINANCE NO. O-0910-29 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 460 OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO AMEND THE SITE PLAN WHICH WAS APPROVED WITH ORDINANCE NO. O-9697-33; AND PROVIDING FOR THE SEVERABILITY THEREOF. (1205 EAST ROBINSON STREET)

INFORMATION: The above-described ordinance is submitted for Introduction and adoption upon First Reading by title, and subsequent thereto, for submission for City Council's final consideration in its meeting of June 8, 2010. Copies of an advisory memorandum; ordinance; site development plan; location map; Staff Report; photographs of similar structure with description; photographs of site location; and pertinent excerpts from Planning Commission minutes are included in the Agenda Book.

ACTION NEEDED: Motion to Introduce and adopt the ordinance upon First Reading by title.

ACTION TAKEN: _____

9. ITEM: CONSIDERATION OF ORDINANCE NO. O-0910-30 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 460 OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO AMEND THE SITE PLAN WHICH WAS APPROVED WITH ORDINANCE NO. O-7576-44; AND PROVIDING FOR THE SEVERABILITY THEREOF. (COLONIAL ESTATES SHOPPING CENTER)

INFORMATION: The above-described ordinance is submitted for Introduction and adoption upon First Reading by title, and subsequent thereto, for submission for City Council's final consideration in its meeting of June 8, 2010. Copies of an advisory memorandum; ordinance; site development plan; location map; Staff Report; description of project; photographs of similar structure; photographs of site location; and pertinent excerpts from Planning Commission minutes are included in the Agenda Book.

ACTION NEEDED: Motion to Introduce and adopt the ordinance upon First Reading by title.

ACTION TAKEN: _____

10. ITEM: CONSIDERATION OF ORDINANCE NO. O-0910-32 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, CLOSING A PORTION OF A SANITARY SEWER EASEMENT WITHIN LOT 6, BLOCK 1, REPLAT OF LAKEWOOD PARK ADDITION, TO THE CITY OF NORMAN, CLEVELAND COUNTY, OKLAHOMA; AND PROVIDING FOR THE SEVERABILITY THEREOF. (2701 SOUTH BERRY ROAD)

INFORMATION: The above-described ordinance is submitted for Introduction and adoption upon First Reading by title, and subsequent thereto, for submission for City Council's final consideration in its meeting of June 8, 2010. Copies of an advisory memorandum; ordinance; letter of request; location maps; Staff Report; Protest Area map; letters of protest; and pertinent excerpts from Planning Commission minutes are included in the Agenda Book.

ACTION NEEDED: Motion to Introduce and adopt the ordinance upon First Reading by title.

ACTION TAKEN: _____

11. ITEM: SUBMISSION AND ACKNOWLEDGING RECEIPT OF THE FINANCE DIRECTOR'S INVESTMENT REPORT AS OF APRIL 30, 2010, AND DIRECTING THE FILING THEREOF.

INFORMATION: The above-described item appears on City Council's agenda in order that acknowledgment of the receipt of the report may be noted in the minutes as a matter of permanent record. A copy of the report is included in the Agenda Book.

ACTION NEEDED: Motion to acknowledge receipt of the report and direct the filing thereof.

ACTION TAKEN: _____

12. ITEM: SUBMISSION AND ACKNOWLEDGING RECEIPT OF THE MONTHLY DEPARTMENTAL REPORTS FOR THE MONTH OF APRIL, 2010, AND DIRECTING THE FILING THEREOF.

INFORMATION: The above-described item appears on City Council's agenda in order that acknowledgment of the receipt of the reports may be noted in the minutes as a matter of permanent record. Copies of the reports are included in the Agenda Packet or transmitted electronically.

ACTION NEEDED: Motion to acknowledge receipt of the reports and direct the filing thereof.

ACTION TAKEN: _____

13. ITEM: SUBMISSION OF THE NORMAN REGIONAL HOSPITAL 2011 BUDGET.

INFORMATION: In accordance with Article IX, Section 5, of the Charter of the City of Norman, the above-described item is submitted for City Council's consideration in order that acknowledgment of the receipt of the budget may be noted in the minutes as a matter of permanent record. A copy of the budget is included in the Agenda Packet.

ACTION NEEDED: Motion to acknowledge receipt of the Norman Regional Hospital 2011 Budget and direct the filing thereof.

ACTION TAKEN: _____

14. ITEM: CONSIDERATION OF BID NO. 0910-54 AND CONTRACT NO. K-0910-144 WITH ASSOCIATED ENVIRONMENTAL INDUSTRIES CORPORATION IN THE AMOUNT OF $925,848.50, PERFORMANCE BOND NO. B-0910-53, STATUTORY BOND NO. B-0910-54, AND MAINTENANCE BOND NO. B-0910-56 FOR THE CONSTRUCTION OF TEN WATER WELL HOUSES IN CONNECTION WITH PHASE 2 OF THE WELL FIELD DEVELOPMENT PROJECT.

INFORMATION: Staff has examined the bids and found them to be in order and proper as to form. Staff recommends acceptance of the bids, the subsequent awarding of the bid as indicated below; and Staff be authorized to make payment for purchases of equipment and supplies directly to the vendors. Copies of an advisory memorandum; letter of recommendation from the engineer; bid tabulation; photographs; location map; contract with Associated Environmental Industries Corporation in the amount of $925,848.50; the performance, statutory, and maintenance bonds; and purchase requisition are included in the Agenda Book.

ACTION NEEDED: Acting as the Norman Utilities Authority, motion to accept or reject all bids meeting specifications; and, if accepted, award the bid in the amount of. $925,848.50 to Associated Environmental Industries Corporation as the lowest and best bidder meeting specifications; approve Contract No. K-0910-144 and performance, statutory, and maintenance bonds; and authorize execution of the contract and the Norman Utilities Authority as part of the contract to pay subcontractors for equipment and supplies in an approximate amount of $925,848.50 for the construction of ten water well houses in connection with Phase 2 of the Well Field Development Project.

ACTION TAKEN: _____

15. ITEM: CONSIDERATION AND AWARDING OF BID NO. 0910-59 FOR AUTOMOTIVE BODY REPAIR OF CITY VEHICLES FOR THE FLEET MAINTENANCE DIVISION.

INFORMATION: Staff has examined the bid and found it to be in order and proper as to form. Staff recommends acceptance of the bid and the subsequent awarding of the bid as indicated below. Copies of an advisory memorandum and bid tabulation are included in the Agenda Book.

ACTION NEEDED: Motion to accept or reject the bid as meeting specifications; and, if accepted, award the bid to Worlund Collision, Inc., as the lowest and best bidder meeting specifications

ACTION TAKEN: _____

16. ITEM: CONSIDERATION OF ACCEPTANCE OF PERMANENT EASEMENT NOS. E-0910-72, E-0910-73, E-0910-76, E-0910-77, AND E-0910-74 AND TEMPORARY EASEMENT NO. E-0910-75 DONATED BY THE BOARD OF REGENTS OF THE UNIVERSITY OF OKLAHOMA; PERMANENT EASEMENT NO. E-0910-79 AND TEMPORARY EASEMENT NO. E-0910-78 FROM LIGHTHOUSE INVESTMENTS, L.L.C., IN THE AMOUNT OF $5,390; PERMANENT EASEMENT NOS. E-0910-80, AND E-0910-82 AND TEMPORARY EASEMENT NO. E-0910-81 FROM ERNEST G. AND JOYCE N. SHADID IN THE AMOUNT OF $13,700; AND EASEMENT NO. E-0910-86 AND TEMPORARY EASEMENT NO. E-0910-87 FROM NORTH AMERICAN ISLAMIC TRUST, INC., IN THE AMOUNT OF $34,225 AND APPROVAL OF THE RELEASE OF A PERMANENT SANITARY EASEMENT FILED IN 1938 AND A PERMANENT SANITARY SEWER EASEMENT NO. E-0607-64 FILED IN 2007 IN CONNECTION WITH THE LINDSEY STREET WIDENING PROJECT BETWEEN LINCOLN AVENUE AND THE BURLINGTON NORTHERN AND SANTA FE (BNSF) RAILROAD TRACKS.

INFORMATION: City Council, in its meeting of December 8, 2009, approved Contract No. K-0910-117 with Oklahoma Department of Transportation for State-Aid Project No. STP-114B(142)AG, State Job No. 22140(04) for the Lindsey Street Widening Project between Lincoln Avenue and the BNSF Railroad tracks. The project requires obtaining several easements to make the necessary improvements. Donations were requested prior to determining appraisal values. The easements were appraised and offers of fair market value were made. The University of Oklahoma donated six easements and one easement is a utility easement that runs south of Lindsey Street across University property. The existing sewer line that crosses Lindsey Street was too shallow and was required to be lowered in order to obtain the necessary federal funds for the project. In order to gain enough grade to lower the sewer line, the existing sewer lines need to be rerouted and the old lines abandoned. As a condition to the donation of the easements, the University has requested that the easements for the abandoned lines on their property be released. The Assistant City Attorney and Public Works Staff have examined the easements and found them to be in order and proper as to form. Based upon the fact the easements have been dedicated to the City of Norman for roadway improvements in the above-mentioned project, Staff recommends acceptance of the easements and approval of the release of easements. Copies of an advisory memorandum; easements; release of easements; and location maps are included in the Agenda Book.

Item 16, continued:

ACTION NEEDED: Motion to accept or reject the easements; and, if accepted, direct the filing of the permanent easements with the Cleveland County Clerk and the temporary easements with the City Clerk, authorize payment for the easements where applicable, and release a permanent sanitary sewer easement filed in Book No. 85, Pages 136, 137, and 138 in 1938 and Easement No. E-0607-64.

ACTION TAKEN: _____

17. ITEM: CONSIDERATION OF GRANTING PUBLIC UTILITY EASEMENT NO. E-0910-79 TO OKLAHOMA GAS AND ELECTRIC COMPANY TO SUPPLY POWER TO FIRE STATION NO. EIGHT LOCATED ON THE EAST SIDE OF 36TH AVENUE N.W., 1/4 MILE NORTH OF TECUMSEH ROAD.

INFORMATION: The above-described easement is for Oklahoma Gas and Electric Company electric lines to serve Fire Station No. Eight. Staff has examined the easement and found it to be in order and proper as to form. Staff recommends the easement be granted. Copies of an advisory memorandum; letter of request; Easement No. E-0910-79; and location map are included in the Agenda Book.

ACTION NEEDED: Motion to grant or deny the easement; and, if granted, direct the execution thereof.

ACTION TAKEN: _____

18. ITEM: CONSIDERATION OF DEFERRED CONSTRUCTION OF SIDEWALK IMPROVEMENTS AND ACCEPTANCE OF IRREVOCABLE LETTER OF CREDIT AS SURETY IN CONNECTION WITH HOLY ASCENSION ANTIOCHIAN ORTHODOX CHURCH ADDITION.

INFORMATION: City Council, in its meeting of June 10, 2008, approved the final plat and accepted the public dedications contained therein for Holy Ascension Antiochian Orthodox Church Addition located at 3350 12th Avenue N.E. The final plat was filed of record on November 14, 2008. In order to file the final plat, the church submitted a subdivision bond and cash surety for the installation of sidewalks. The church is in the process of constructing a building and to obtain occupancy, a sidewalk is required to be installed. A representative of the church has requested that the sidewalk be deferred until development occurs adjacent to the property and that a long-term Irrevocable Letter of Credit rather than the required Certificate of Deposit be accepted. Staff recommends approval of deferred construction of sidewalk improvements with the condition that when the City of Norman requires construction of sidewalks, the property owner will construct the sidewalks within sixty (60) days. Staff further recommends acceptance of the long-term Irrevocable Letter of Credit in lieu of the required Certificate of Deposit. Copies of an advisory memorandum; location map; Staff report; letter of request from the owner; and letter from bank guaranteeing the letter of credit are included in the Agenda Book.

Item 18, continued:

ACTION NEEDED: Motion to approve or reject the deferred construction of sidewalk improvements for Holy Ascension Antiochian Orthodox Church Addition with the condition that when the City of Norman requires construction of sidewalks, the property owner will construct the sidewalks within sixty (60) days; if approved, accept the Irrevocable Letter of Credit in lieu of a Certificate of Deposit and direct the owner to submit the letter of credit within ten (10) days.

ACTION TAKEN: _____

19. ITEM: CONSIDERATION OF CONSENT TO ENCROACHMENT NO. 0910-7 FOR LOTS 30, 31, 32, 33, 34, AND 36, BLOCK 1, CASCADE ESTATES ADDITION, SECTION 4. (3000, 3002, 3004, 3006, 3008, AND 3012 CARNOUSTIE DRIVE)

INFORMATION: Staff has considered the request and encroachment delineated in the above-described consent and recommends Consent to Encroachment No. 0910-7 be approved. Copies of an advisory memorandum; Consent to Encroachment; letter of request; location maps; Staff memoranda; and supplemental material are included in the Agenda Book.

ACTION NEEDED: Motion to approve or reject Consent to Encroachment No. 0910-7; and, if approved, direct the filing thereof with the Cleveland County Clerk.

ACTION TAKEN: _____

20. ITEM: CONSIDERATION OF CONSENT TO ENCROACHMENT NO. 0910-8 FOR FOR LOTS 11 AND 12, BLOCK 1, HIGHLAND VILLAGE ADDITION, SECTION 5. (3301 AND 3305 NESS CIRCLE)

INFORMATION: Staff has considered the request and encroachment delineated in the above-described consent and recommends Consent to Encroachment No. 0910-8 be approved. Copies of an advisory memorandum; Consent to Encroachment; location maps; letter of request; Staff memoranda; and supplemental material are included in the Agenda Book.

ACTION NEEDED: Motion to approve or reject Consent to Encroachment No. 0910-8; and, if approved, direct the filing thereof with the Cleveland County Clerk.

ACTION TAKEN: _____

21. ITEM: CONSIDERATION OF CONSENT TO ENCROACHMENT NO. 0910-10 FOR LOT 5, BLOCK 1, BROOKHAVEN NO. 27 ADDITION. (4700 ABERDEEN COURT)

INFORMATION: Staff has considered the request and encroachment delineated in the above-described consent and recommends Consent to Encroachment No. 0910-10 be approved. Copies of an advisory memorandum; Consent to Encroachment; location maps; letter of request; Staff memoranda; and supplemental material are included in the Agenda Book.

ACTION NEEDED: Motion to approve or reject Consent to Encroachment No. 0910-10; and, if approved, direct the filing thereof with the Cleveland County Clerk.

ACTION TAKEN: _____

22. ITEM: SUBMISSION OF WATER LINE PERMIT NO. WL000014100203 AND SEWER LINE PERMIT NO. SL000014100204 SUBMITTED BY THE STATE OF OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY (ODEQ) FOR SANITARY SEWER AND WATER MAIN RELOCATION IMPROVEMENTS IN CONNECTION WITH THE LINDSEY STREET WIDENING PROJECT BETWEEN LINCOLN AVENUE AND THE BURLINGTON, NORTHERN, SANTA FE (BNSF) RAILROAD TRACKS.

INFORMATION: The above-described permits appear on City Council's agenda in order that acknowledgment of the permits may be noted in the minutes as a matter of permanent record. Copies of an advisory memorandum, letters of transmittal, and permits are included in the Agenda Book.

ACTION NEEDED: Motion to acknowledge receipt of the permits and direct the filing thereof.

ACTION TAKEN: _____

23. ITEM: LIMITED LICENSE NO. 0910-12: LIMITED LICENSE TO PLACE FIVE (5) GROUND BANNERS WITHIN THE PUBLIC RIGHTS-OF-WAY PURSUANT TO A REQUEST FROM JAZZ IN JUNE FOR THE JAZZ IN JUNE FESTIVAL TO BE HELD JUNE 24 THROUGH 26, 2010.

INFORMATION: City Council, in its meeting of August 8, 1995, adopted Ordinance No. O-9596-6 providing a limited license for placement of festival and public event banners which would be granted by the City Council. Jazz in June has requested to place five (5) ground banners at various locations in the City of Norman for a thirty-four day period. In accordance therewith, the above-described item is submitted for City Council's consideration. Copies of an advisory memorandum, application, and limited license are included in the Agenda Book.

ACTION NEEDED: Motion to approve or reject Limited License No. 0910-12 to place five (5) ground banners within the public rights-of-way pursuant to a request from Jazz in June; and, if approved, authorize the issuance thereof.

ACTION TAKEN: _____

24. ITEM: LIMITED LICENSE NO. 0910-13: LIMITED LICENSE TO PLACE FOUR (4) GROUND BANNERS WITHIN THE PUBLIC RIGHTS-OF-WAY PURSUANT TO A REQUEST FROM THE FIREHOUSE ART CENTER FOR THE MIDSUMMER NIGHT'S FAIR TO BE HELD JULY 9 AND 10, 2010, AT LION'S PARK.

INFORMATION: City Council, in its meeting of August 8, 1995, adopted Ordinance No. O-9596-6 providing a limited license for placement of festival and public event banners which would be granted by the City Council. The Firehouse Art Center has requested to place four (4) ground banners at various locations in the City of Norman for a forty-day period. In accordance therewith, the above-described item is submitted for City Council's consideration. Copies of an advisory memorandum, application, and limited license are included in the Agenda Book.

ACTION NEEDED: Motion to approve or reject Limited License No. 0910-13 to place four (4) ground banners within the public rights-of-way pursuant to a request from the Firehouse Art Center; and, if approved, authorize the issuance thereof.

ACTION TAKEN: _____

25. ITEM: CONSIDERATION OF FINAL ACCEPTANCE OF CONTRACT NO. K-0910-25 BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND CENTRAL CONTRACTING SERVICES, INC., FOR THE ROBINSON STREET GRADE SEPARATION WATER/SEWER LINE RELOCATION PROJECT.

INFORMATION: City Council, in its meeting of July 14, 2009, approved Contract No. K-0910-25 with Central Contracting Services, Inc., in the amount of $486,095 for the above described project. The Utilities Department requested adding a project to scope of service and Change Order No. One was approved by City Council on December 9, 2009, increasing the contract amount by $103,896 to add the relocation of a 10-inch sewer line located east of Fay Avenue extending under Robinson Street at a relatively shallow depth. The sewer line was extended further east along the north side of Robinson Street and connected at Peters Avenue at a steeper slope and the existing 10-inch sewer line was abandoned. The project is completed and all work meets or exceeds specifications. Based upon the above information, it is recommended that the project be accepted. A copy of an advisory memorandum is included in the Agenda Book.

ACTION NEEDED: Motion to accept or reject the project.

ACTION TAKEN: _____

26. ITEM: CONSIDERATION OF THE ACCEPTANCE OF A PUBLIC FLEET CONVERSION GRANT IN THE AMOUNT OF $200,000 FROM THE ASSOCIATION OF CENTRAL OKLAHOMA (ACOG) IN THE AMOUNT OF $200,000 TO BE USED TO PROVIDE A COMPRESSED NATURAL GAS (CNG) SLOW FILL COMPRESSOR STATION FOR THE FLEET MANAGEMENT DIVISION AND APPROVAL OF CONTRACT NO. K-0910-179.

INFORMATION: In November, 2009, ACOG announced a new ACOG-administered Public Fleet Conversion Grant Program utilizing Federal FY 2009 Congestion Mitigation and Air Quality (CMAQ) funds. These funds support transportation projects that reduce mobile source emissions and allow public sector fleets to access CMAQ funds for fleet conversions to clean fuel technologies to include alternative fuel vehicles, hybrid vehicles, and alternative fuel vehicle refueling infrastructure. The grants will be funded on a 50/50 basis with a maximum award of $400,000 per entity. City Staff, in conjunction with Adrianus Resources, Inc., prepared the grant application requesting assistance with a CNG Slow Fill Compressor Station with a 14-vehicle slow fill manifold. City Council approved ratification of approval to submit the grant application on January 12, 2010 and the grant was submitted requesting $200,000 which was 45.9% of the federal funding portion and City's estimated 54.1% share totaling $223,471 is included in the Capital Budget. Section 8-111 of the City Code states that all donations valued above $250 to be received by the City of Norman, whether in the form of monies or any other thing of value, shall be required to be accepted by the Council of the City of Norman prior to any use or disbursement of such monies or thing of value by or to any City operation or cause. Contract No. K-0910-179 has been examined by the Assistant City Attorney and found to be in order and proper as to form. Staff recommends approval of the contract. A copy of an advisory memorandum is included in the Agenda Book.

Item 26, continued:

ACTION NEEDED: Motion to accept or reject a Public Fleet Conversion Grant in the amount of $200,000 from ACOG to be used by the Police Department to host a Drug Recognition Expert training class; and, if accepted, approve Contract No. K-0607-100; authorize the execution of the contract, increase Special Revenue Fund (022-0000-101.01-00) by $200,000 and appropriate $200,000 to Operational Supplies, Construction (022-9503-435.61-01).

ACTION TAKEN: _____

27. ITEM: RESOLUTION NO. R-0910-119: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, TRANSFERRING $55,135 FROM THE PRISONER CARE/RECOVERY ACCOUNT TO COVER PRISONER CARE EXPENSES THROUGH THE END OF FYE 2010.

INFORMATION: The above-described resolution has been drawn and is submitted for City Council's consideration. Copies of an advisory memorandum and resolution are included in the Agenda Book.

ACTION NEEDED: Motion to adopt or reject Resolution No. R-0910-119.

ACTION TAKEN: _____

28. ITEM: RESOLUTION NO. R-0910-121: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, TRANSFERRING $138,000 FROM THE BOYD/PICKARD INTERSECTION/BRIDGE CAPITAL PROJECT TO THE WEST MAIN BRIDGE REPLACEMENT PROJECT AND $1,595 FROM THE RHODES GRAIN COMPANY PROPERTY PROJECT ACCOUNT TO THE EASTSIDE MUNICIPAL FACILITY PROJECT.

INFORMATION: The above-described resolution has been drawn and is submitted for City Council's consideration. Copies of an advisory memorandum and resolution are included in the Agenda Book.

ACTION NEEDED: Motion to adopt or reject Resolution No. R-0910-121.

ACTION TAKEN: _____

29. ITEM: RESOLUTION NO. R-0910-122: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, TRANSFERRING $588,669 FROM VARIOUS CAPITAL PROJECTS TO ADDRESS SERIOUS NEEDS FOR MAINTENANCE OF EXISTING CITY OF NORMAN FACILITIES.

INFORMATION: The above-described resolution has been drawn and is submitted for City Council's consideration. Copies of an advisory memorandum and resolution are included in the Agenda Book.

ACTION NEEDED: Motion to adopt or reject Resolution No. R-0910-122.

ACTION TAKEN: _____

30. ITEM: PROCLAMATION NO. P-0910-29: A PROCLAMATION OF THE MAYOR OF THE CITY OF NORMAN, OKLAHOMA, PROCLAIMING THE MONTH OF MAY, 2010, AS COMMUNITY ACTION MONTH IN THE CITY OF NORMAN.

INFORMATION: Ms. Clara Lewis, Central Oklahoma Community Action Agency Development Officer, has requested a proclamation proclaiming the month of May, 2010, as Community Action Month in the City of Norman. The above-described proclamation has been drawn and is submitted for City Council's consideration. A copy of the proclamation is included in the Agenda Book.

ACTION NEEDED: Motion to acknowledge receipt of Proclamation No. P-0910-29 proclaiming the month of May, 2010, as Community Action Month in the City of Norman and direct the filing thereof.

ACTION TAKEN: _____

31. ITEM: PUBLIC HEARING REGARDING THE FYE 2011 CITY OF NORMAN PROPOSED OPERATING AND CAPITAL BUDGETS AND THE NORMAN CONVENTION AND VISITORS BUREAU, INC., BUDGET WITH DETAILED ANNUAL PLAN OF WORK.

INFORMATION: The above-described item appears on City Council's agenda in order that the citizens of Norman might be afforded the opportunity for input concerning the proposed Fiscal Year Ending June 30, 2011, (FYE 2011) Budget. City Council held five study sessions, one conference, and two budget retreats on the FYE 2011 budget documents. Copies of the public notice of the budget summary for FYE 2011, the Norman Convention and Visitors Bureau Budget, and detailed annual plan of work/Norman Convention and Visitors Bureau FYE 2011 Marketing Plan are included in the Agenda Book and a copy of the budget has been previously distributed.

ACTION NEEDED: 1. Motion to conduct a public hearing.

ACTION TAKEN: _____

ACTION NEEDED: 2. Motion to close the public hearing.

ACTION TAKEN: _____

ACTION NEEDED: 3. Motion to schedule an agenda item on June 8, 2010, to adopt the FYE 2011 City of Norman Budget and the Norman Convention and Visitors Bureau, Inc., Budget with Detailed Annual Plan of Work.

ACTION TAKEN: _____

32. ITEM: CONSIDERATION OF A PRELIMINARY PLAT FOR FOUNTAIN VIEW ADDITION (FORMERLY WINDSTONE FARMS ADDITION).

LOCATION: Generally located on the east side of 48th Avenue N.W. approximately 1,500 feet south of West Tecumseh Road.

INFORMATION:

1. Owner. SKS1, L.L.C., and Southwest Capital Group, L.L.C.

2. Developer. SKS1, L.L.C., and Southwest Capital Group, L.L.C.

3. Engineer. SMC Consulting Engineers, P.C.

HISTORY:

1. Refer to the Planning Commission Staff Report, April 8, 2010.

2. August 5, 2004. The Norman Board of Parks Commissioners, by a vote of 7-0, recommended a fee in lieu of parkland dedication requirements.

3. September 28, 2004. City Council, by a vote of 7-2, adopted a revised preliminary plat for Windstone Farms Addition, which was amended to require no building permits to be issued in the flood plain area without Federal Emergency Management Agency (FEMA) approval of the Ten Mile Flat Creek Flood Plain Study and the applicant would accept existing drainage from Cascade Estates Addition and hold harmless any damages that would occur.

4. November 20, 2009. The approval of the preliminary plat became null and void.

5. April 8, 2010. Planning Commission, by a vote of 8-0, recommended to City Council that the preliminary plat for Fountain View Addition be approved. (Re-approval)

6. May 11, 2010. City Council, by a vote of 7-0, postponed the preliminary plat for Fountain View Addition until May 25, 2010.

IMPROVEMENT PROGRAM:

1. Refer to the Planning Commission Staff Report, April 8, 2010.

PUBLIC DEDICATIONS:

1. Refer to the Planning Commission Staff Report, April 8, 2010.

SUPPLEMENTAL MATERIAL: Copies of an advisory memorandum; location map; preliminary plat; Staff Report recommending approval; Traffic Impact Analysis; and pertinent excerpts from Norman Board of Parks Commissioners and Planning Commission minutes are included in the Agenda Book.

ACTION NEEDED: Motion to approve or reject the preliminary plat for Fountain View Addition (formerly Windstone Farms Addition) subject to receipt of the Traffic Impact Fee in the amount of $4,177.47.

ACTION TAKEN: _____

33. ITEM: ORDINANCE NO. O-0910-34: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTIONS 14-411(D) AND 14-507 TO CHAPTER 14 OF THE CODE OF THE CITY OF NORMAN TO INCREASE MUNICIPAL COURT COSTS; AND PROVIDING FOR THE SEVERABILITY THEREOF.

INFORMATION: City Council, in its meeting of May 11, 2010, Introduced and adopted Ordinance No. O-0910-34 upon First Reading by title. Copies of an advisory memorandum, Ordinance No. O-0910-34, and legislatively notated copy of Ordinance No. O-0910-34 are included in the Agenda Book.

ACTION NEEDED: 1. Motion to adopt or reject Ordinance No. O-0910-34 upon Second Reading section by section.

ACTION TAKEN: _____

ACTION NEEDED: 2. Motion to adopt or reject Ordinance No. O-0910-34 upon Final Reading as a whole.

ACTION TAKEN: _____

34. Miscellaneous Discussion: This is an opportunity for citizens to address City Council. Remarks should be directed to the Council as a whole and limited up to five minutes or less.

35. Adjournment.

5. ITEM: CONSIDERATION OF ORDINANCE NO. O-0910-17 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 460 OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO PLACE A TRACT OF LAND LYING WITHIN THE SOUTHEAST QUARTER OF SECTION 12, TOWNSHIP 9 NORTH, RANGE 3 WEST OF THE INDIAN MERIDIAN, CLEVELAND COUNTY, OKLAHOMA, IN THE PUD, PLANNED UNIT DEVELOPMENT DISTRICT, AND REMOVE THE SAME FROM THE A-2, RURAL AGRICULTURAL DISTRICT, OF SAID CITY; AND PROVIDING FOR THE SEVERABILITY THEREOF. (NORTHWEST CORNER OF 12TH AVENUE N.W. AND TECUMSEH ROAD)

INFORMATION: The above-described ordinance is submitted for Introduction and adoption upon First Reading by title, and subsequent thereto, for submission for City Council's final consideration in its meeting of June 8, 2010. Copies of an advisory memorandum; ordinance; site development plan; location map; Staff Report; PUD narrative; predevelopment summary; protest and support area map; letters of protest; letters of support; and pertinent excerpts from Planning Commission minutes are included in the Agenda Book.

ACTION NEEDED: Motion to Introduce and the ordinance upon First Reading by title.

ACTION TAKEN: _____

office memorandum

DATE: May 10, 2010

TO: Honorable Mayor and Councilmembers

FROM: Doug Koscinski, AICP DJK
Manager, Current Planning Division

SUBJECT: First Reading: May 25, 2010
Second Reading: June 8, 2010
Agenda Item: Resolution No. R-0910-82: Kent Connally requests amendment of the NORMAN 2025 Land Use and Transportation Plan from Future Urban Service Area to Current Urban Service Area and from Industrial Designation to Low Density Residential Designation, Medium Density Residential Designation, Commercial Designation, Office Designation, Industrial Designation, and Open Space Designation on portions of the property located at the Northwest Corner of 12th Avenue N.W. and Tecumseh Road.
Ordinance No. O-0910-17: Kent Connally requests rezoning from A-2, Rural Agricultural District, to PUD, Planned Unit Development District, for property generally located at the Northwest Corner of 12th Avenue N.W. and Tecumseh Road.

BACKGROUND. The applicant has submitted a request to amend the 2025 Land Use Plan to allow a mixture of several uses within this quarter-section. The land is currently designated for industrial development, although a large portion of the tract lies within the 100 year floodplain. The request to amend the plan would also shift the entire tract from Future Urban Service Area to Current Urban Service Area. The accompanying request would rezone the entire tract from Agricultural zoning to a Planned Unit Development.

DISCUSSION. Both the 2020 Land Use Plan and the 2025 Land Use Plan called for large areas of land to be reserved for future industrial development. Preserving such land is always problematic, as the owners of such land realize that industrial property can be one of the slowest categories to be absorbed, and other uses can often be readily developed and yield higher profits. In response to this request, staff asked that this item be postponed for sixty days in order to prepare a study that highlighted past policies and practices, and to evaluate all of the parcels that are currently programmed for industrial use. The study found that larger parcels with good access to major highways are considered highly desirable, especially when they are in the northern portion of the community, have access to infrastructure, and are near existing industrial development. Further, such sites should be protected from incompatible uses, such as single-family development, as such uses ultimately lead to pressures against industrial expansions. The 2025 Plan called for a large amount of land to be designated so that multiple opportunities for all types of industrial activities could be accommodated in a wide variety of locations. This location lies across the street from the Sysco plant, which is surrounded by smaller industrial uses. The 2025 Plan granted residential designation to

properties to the east of 12th Avenue, but maintained that arterial as a dividing line between these very incompatible uses. This proposal would retain only twelve percent of this quarter-section (18.18 acres) for industrial or office use, with most of the tract devoted to non-industrial and residential uses. The applicant has worked with the Utilities Department to provide the needed easements for the alignment of the "industrial interceptor" that is part of the new north-side sewer service. The planned installation of that sewer line is justification to change the designation of this entire tract from "future" to "current" urban service area. However, the availability of sewer service becomes yet another reason that this tract should be considered "prime" industrial property.

STAFF RECOMMENDATION: As the construction of the Industrial Interceptor is imminent, staff would concur with the request to move this tract from Future to Current Urban Service area. Because this tract is in an area already under development as an industrial corridor with excellent access to utilities and Interstate 35, allowing additional residential development to encroach into the area would signal an end to industrial expansion in the area, and would remove a large prime industrial opportunity. Staff received letters of support totaling 12.6%, and protest from the abutting Sysco owners representing 12.3%. At their meeting of April 8, 2010, the Planning Commission, by a vote of 4-3-1, supported this request and recommended adoption of the Land Use Plan amendment and Ordinance No. O-0910-17. Staff does not support this request based on the reasons stated above, and submits this First Reading item for City Council's consideration and action.

DJK:rnt

Reviewed by: Susan Connors, Director of Planning & Community Development
Jeff Bryant, City Attorney
Steve Lewis, City Manager

Attachments: Resolution No. R-0910-82
Staff Report
Location Map
Ordinance No. O-0910-17
Staff Report
Location Map
PUD Narrative
Site Development Plan
Pre-Development Summary
Planning Commission Minutes
Protest and Support Letters and Map

O-0910-17

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 460 OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO PLACE A TRACT OF LAND LYING WITHIN THE SOUTHEAST QUARTER OF SECTION 12, TOWNSHIP 9 NORTH, RANGE 3 WEST OF THE INDIAN MERIDIAN, CLEVELAND COUNTY, OKLAHOMA, IN THE PUD, PLANNED UNIT DEVELOPMENT DISTRICT, AND REMOVE THE SAME FROM THE A-2, RURAL AGRICULTURAL DISTRICT, OF SAID CITY; AND PROVIDING FOR THE SEVERABILITY THEREOF. (NORTHWEST CORNER OF 12th AVENUE N.W. AND TECUMSEH ROAD)

§ 1. WHEREAS, Kent Connally, the owner of the hereinafter described property, has made application to have the same placed in the PUD, Planned Unit Development District, and to have the same removed from the A-2, Rural Agricultural District; and

§ 2. WHEREAS, said application has been referred to the Planning Commission of said City and said body has, after conducting a public hearing as required by law, considered the same and recommended that the same should be granted and an ordinance adopted to effect and accomplish such rezoning; and

§ 3. WHEREAS, the City Council of the City of Norman, Oklahoma, has thereafter considered said application and has determined that said application should be granted and an ordinance adopted to effect and accomplish such rezoning.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA:

§ 4. That Section 460 of Chapter 22 of the Code of the City of Norman, Oklahoma, is hereby amended so as to place the following described property in the PUD, Planned Unit Development District, and to remove the same from the A-2, Rural Agricultural District, to wit:

A tract of land lying in the Southeast Quarter (S.E. ¼) of Section 12, Township 9 North (T9N), Range 3 West (R3W), of the Indian Meridian (I.M.), and being more particularly described as follows:
Beginning at the S.E. Corner of said S.E. ¼; thence North 89°48'53" West along the South line of said S.E. ¼ a distance of 2638.25 feet to the Southwest Corner of said S.E. ¼; thence North 00°14'42" West along the West line of said S.E. ¼ a distance of 2614.63 feet to the Northwest Corner of said S.E. ¼; thence South 89°51'31" East along the North line of said S.E. ¼ a distance of 2626.47 feet to the Northeast Corner of said S.E. ¼; thence South 00°30'10" East along the East line of said S.E. ¼ a distance of 2616.75 feet to the Southeast Corner of said S.E. ¼ and the Point of Beginning, less and except existing rights-of-way. Said tract contains 158.06 gross acres, more or less.

§ 5. Further, pursuant to the provisions of Section 22:434.1 of the Code of the City of Norman, as amended, the following condition is hereby attached to the zoning of the tract:

a. The site shall be developed in accordance with the Site Development Plan (Exhibit A), approved April 8, 2010, and supporting documentation submitted by the applicant and approved by the Planning Commission.

§ 6. Severability. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

ADOPTED this _____ day of

_____, 2010.

_____
(Mayor)

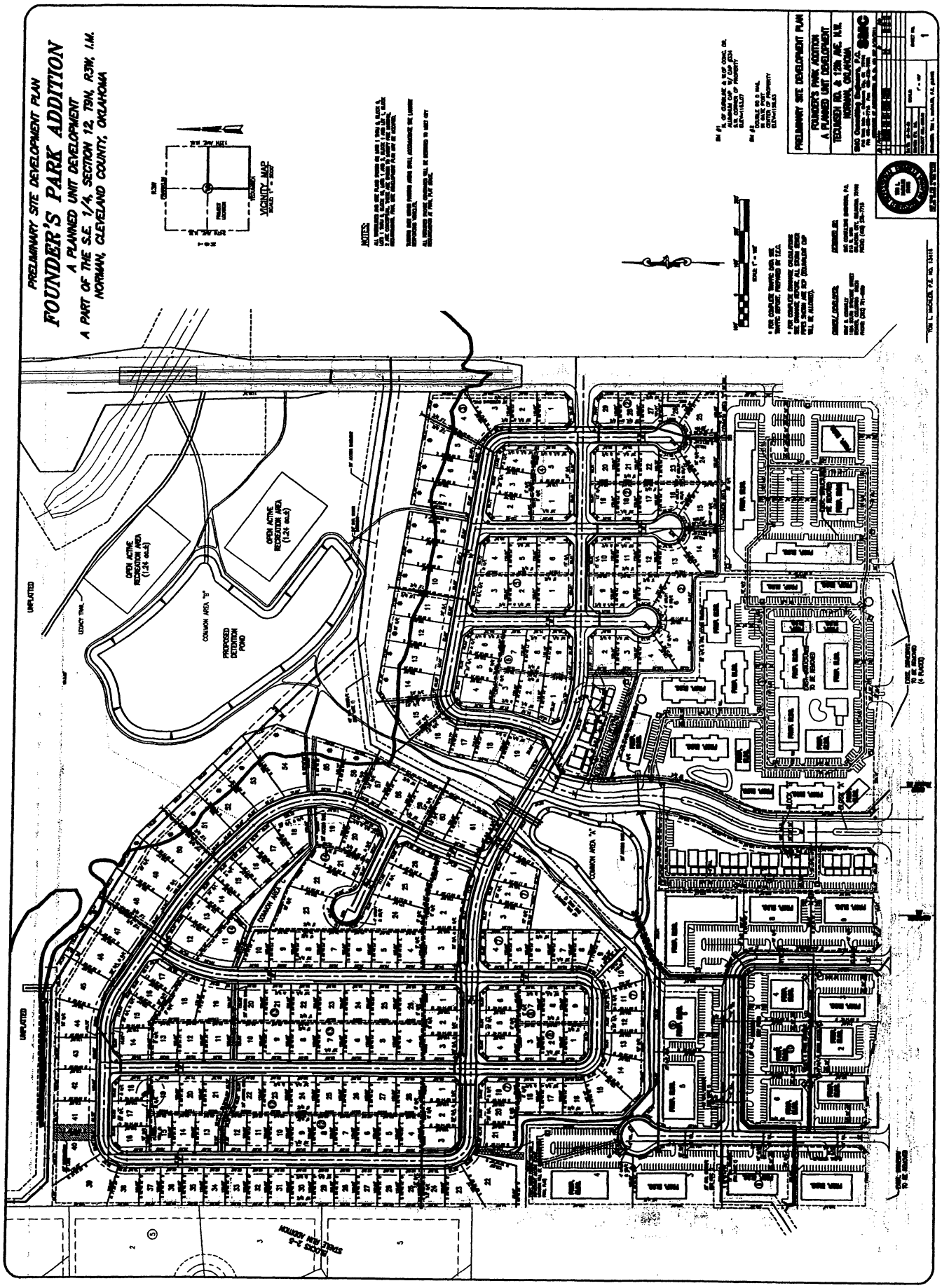
NOT ADOPTED this _____day of

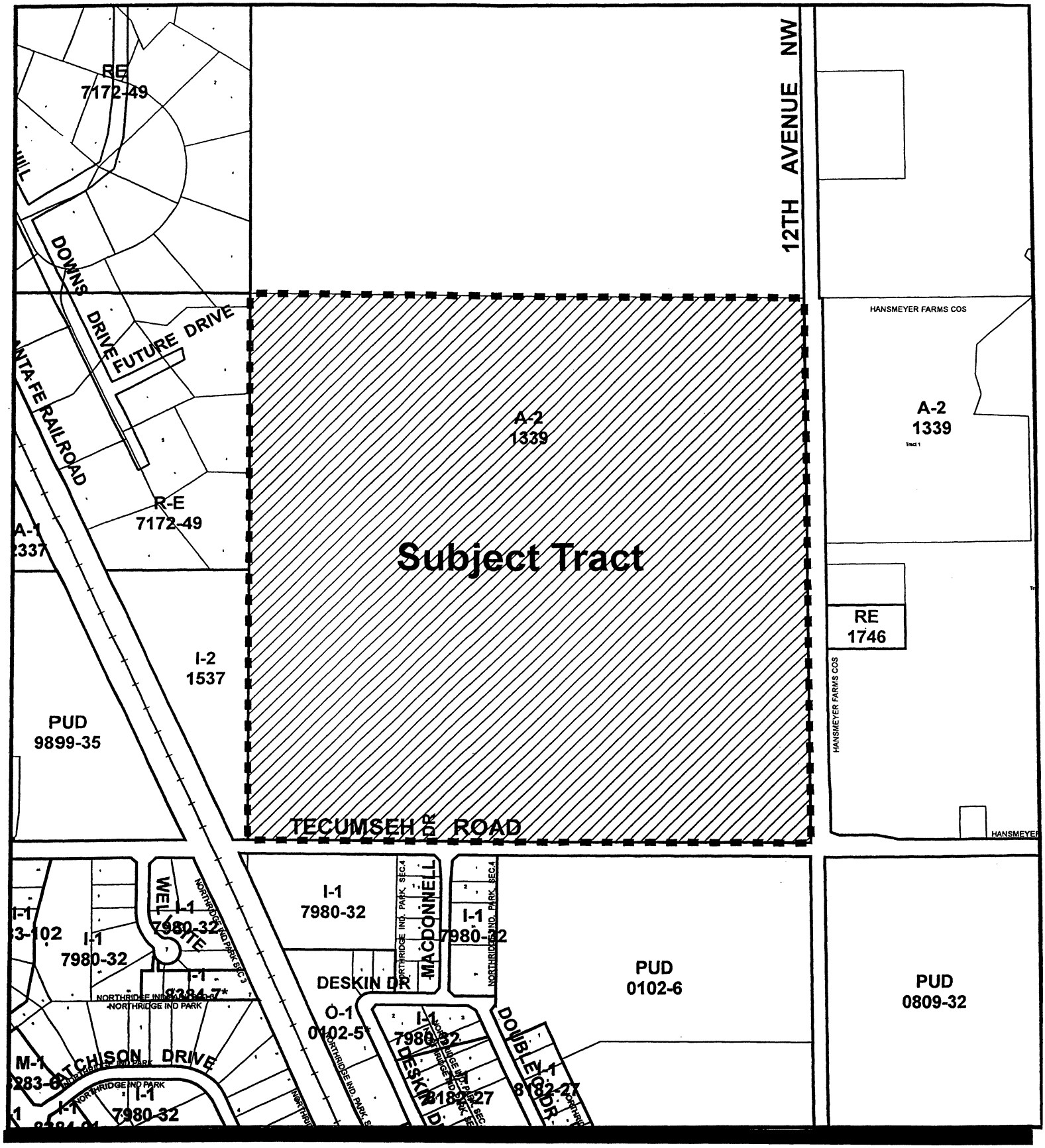
_____, 2010.

_____
(Mayor)

ATTEST:

_____
(City Clerk)


PRELIMINARY SITE DEVELOPMENT PLAN
FOUNDER'S PARK ADDITION
A PLANNED UNIT DEVELOPMENT
A PART OF THE S.E. 1/4, SECTION 12, T9N, R3W, I.M.
NORMAN, CLEVELAND COUNTY, OKLAHOMA
VICINITY MAP
NOTES:
OPEN ACTIVE RECREATION AREA (1.24 ac.±)
OPEN ACTIVE RECREATION AREA (1.24 ac.±)
COMMON AREA "B"
PROPOSED DETENTION POND
COMMON AREA "A"
UNPLATTED
UNPLATTED
PRELIMINARY SITE DEVELOPMENT PLAN
FOUNDER'S PARK ADDITION
A PLANNED UNIT DEVELOPMENT
TECUMSEH RD. & 12th AVE. N.W.
NORMAN, OKLAHOMA
SMC



PROPOSED REDISTRICTING – ORDINANCE NO. O-0910-17

APPLICANT: Kent Connally
REQUEST: Rezoning from A-2, Rural Agricultural District, to PUD, Planned Unit Development

ORDINANCE NO. O-0910-17 ITEM NO. 7b

STAFF REPORT

GENERAL INFORMATION

APPLICANT	Kent Connally
REQUESTED ACTION	Rezoning to PUD, Planned Unit Development District
EXISTING ZONING	A-2, Rural Agricultural District
SURROUNDING ZONING	North: A-2 East: A-2 and RE South: I-1 and PUD West: I-2 and RE
LOCATION	Northwest corner of Tecumseh Road and 12th Avenue N.W.
SIZE	158.06 acres, more or less
PURPOSE	Industrial, Commercial, Multi-Family, Single-Family, and Open Space
EXISTING LAND USE	Vacant
SURROUNDING LAND USE	North: Agriculture East: Agriculture South: Industrial, Correction Facility West: Concrete Batch Plant

SYNOPSIS: The applicant wishes to develop a subdivision with a mix of residential uses, including single-family, townhomes, and multi-story apartments. Industrial/Office and Commercial uses are proposed along the Tecumseh Road frontage. The tract is currently vacant, and would be developed sequentially in multiple phases. Forty-five acres of flood plain would be preserved as open space, abutting the rear of many of the proposed single-family lots. The specific uses would include:

Tract 1 - single family	47.70 acres
Tract 2 - industrial	14.33
Tract 3 - industrial/offices	3.85
Tract 4 - townhomes	3.49
Tract 5 - apartments	13.06
Tract 6 - townhomes	1.56
Tract 7 - commercial	6.86
Tract 8 - single-family	22.66
Tract 9 & 10 - open space	44.55

ANALYSIS: The particulars of this PUD include:

1. USE As conceived, the project is a mixture of residential uses, abutting an open space /flood plain area over one quarter of the tract. The open space area penetrates to the center of the subdivision, and provides alternative pedestrian pathways to major portions of the development. Industrial and office uses buffer the single-family homes from Tecumseh Road and other nearby industrial uses. Apartments and a small commercial corner complete the buffer along Tecumseh Road. Pedestrian pathways provide alternative access into the commercial, office, and industrial areas to increase the opportunity for connectivity.

2. DESIGN One major entrance to the subdivision is proposed along both Tecumseh Road and 12th Avenue NW, with a separate vehicular entrance into the industrial and office areas. Streets are generally looped, but cul-de-sacs are used for three short streets. A potential street connection has been preserved at the northwest corner of this tract, which will allow an access point to a small area on the abutting property that should be used residentially if this proposal if approved.

3. OPEN SPACE More than one-quarter of this tract is flood plain, which will be protected as an open space that will be maintained by a mandatory Property Owners Association (POA). Two detention ponds are located within these areas to mitigate stormwater impacts. The Flood Plain Committee has met and approved the detention concept and construction. Open play areas are identified within these areas, which offer no conflict with the flood plain, and were approved by the Park Board. Open

space within this PUD comprises 28 percent of the subdivision, far in excess of the 10-15 percent required by ordinance. Preserving this open space will allow an opportunity for the future construction of a portion of Legacy Trail when funding is found, and the POA can assist in maintaining the land around the trail.

4. PARKING Parking will be provided on each lot in conformance with current ordinance requirements, in amounts that meet or exceed city requirements. Lighting within the non-residential areas will be controlled, with shielded "shoebox" fixtures mounted on low poles.

5. SIGNAGE Ground signs within the commercial and industrial areas will observe a fifteen foot setback requirement.

6. PHASING Multiple phases are proposed. At this point the phasing plan does not agree with the Traffic Impact Analysis. As originally conceived, the first phase was to occur onto 12th Avenue, but will be deferred to allow for a joint project to improve 12th Avenue. This issue needs to be addressed before this item can proceed onto the City Council docket.

STAFF RECOMMENDATION: While the proposed development integrates several varied uses and provides good pedestrian connectivity, insufficient land is retained for industrial use and too much land is dedicated to incompatible residential uses in this industrial corridor. Based on comments in the associated Land Use Plan amendment, staff is unable to support this request in this location, and recommends that this PUD request be denied.

FOUNDERS PARK PUD DEVELOPMENT NARRATIVE

December 11, 2009

KENT CONNALLY, hereinafter referred to as "**Applicant**", respectfully submits this proposed Development Plan for approximately 158.06 acres, as a Planned Unit Development ("**PUD**"), located on the North side of Tecumseh Road, West of 12th Avenue NW, all as more particularly described on the accompanying Preliminary Plat (hereinafter referred to as "the **Property**"). A PUD rezoning Application is submitted concurrently with this Development Plan, along with an Application to amend the Norman 2025 Plan. The Preliminary Plat and related engineering documents will be submitted directly to the City by the engineering firm of SMC Consulting Engineers, P.C.

BACKGROUND: The Property consists of an undeveloped quarter section, which has been owned by the same family since the Land Run of 1889. The family has steadfastly resisted efforts to purchase small increments of the property. The desire to create a quality development, as a tribute to his great-grandfather who homesteaded the land, caused the current owner to engage planner Bob Goins to design this plan. No person is more dedicated to the heritage of Norman than Bob Goins. A substantial part of the Property is within the 100 Year Flood Plain, according to FEMA maps currently adopted by the City of Norman ("**City**"). The engineering expertise of Tom McCaleb has resulted in utilization of the flood-prone area which best protects the surrounding land, as well as the Little River watershed and Lake Thunderbird. This Application will meet the letter and spirit of the PUD ordinance which encourages development of unique uses with specific conditions that would not be possible through strict application of other District regulations.

The following Exhibits, to be submitted by SMC Consulting Engineers, PC, are made a part of this Application:

Exhibit A - Preliminary Plat;

Exhibit B - Preliminary Site Development Plan;

Exhibit C - Conceptual Landscape Plan;

Exhibit D - Drainage/Detention Report, and

Exhibit E – Traffic Impact Analysis ("**TIA**")

USE and PLATS: Applicant intends to develop a multitude of uses on the Property, as more specifically shown on the Preliminary Site Development Plan. Fronting on Tecumseh, Applicant proposes Townhomes, Apartments, Offices, Commercial and Industrial uses. Throughout the central and northwest portions of the Property, Applicant proposes single-family detached homes, and townhomes. The northeast part of the Property is in the Flood Plain, and here the Applicant proposes a large green open space, with trails, while providing detention and filtration of storm water from the Property. Included in that Open Space is a potential connection for Legacy Trail. If that comes to fruition, the connection to Legacy Trail would be for public use, maintenance and security.

City ordinances require provisions for parks. Applicant elects to earmark double the amount of land required for a public park, and set it aside as a private park which will include an open active recreation area. The control and maintenance of the private park will be under the Residential Property Owners Association.

The Preliminary Plat shows a large 50' easement for a sanitary sewer interceptor line which enters the Property at 12th Avenue and runs westerly for approximately 800 feet, then angles northwesterly to the northwest corner of the Property. The City already owns that easement. The Preliminary Plat shows another route (*40' wide*) which could be purchased for the interceptor line. It branches off from the 50' easement and runs southwesterly to the southwest corner of the Property. That 40' route is apparently preferred by City officials for the interceptor line which is being built. So, the Applicant has left that 40' wide alternate route available for purchase by the City, if this PUD and Preliminary Plat is approved.

Upon approval of the requested rezoning and new Preliminary Plat, Applicant will present Final Plats in stages.

The Preliminary Plat shows lots for sale for Residential and Townhomes and Office/Industrial and Industrial and Apartments and Commercial uses, in addition to the six common areas and the large interceptor sewer easements.

The Final Plats and building permits will be subject to then-applicable ordinances and regulations of the City of Norman and to fees connected therewith.

POSSIBLE WATER WELLS: Should Applicant desire to use groundwater for irrigation, landscaping, or other non-potable purposes, Applicant will be required to first apply for an appropriate City water well permit. Issuance of any such permit will depend upon compliance by the Applicant with all then-applicable laws, ordinances and regulations.

LANDSCAPING/GREENWAY: More than thirty-seven (37) acres, which is more than twenty-three percent (23%) of the net area of the Property, will be available as open space. The project will fully comply with

all Norman ordinances and regulations relating to landscaping and drainage. Landscaping will be shown on a Conceptual Landscape Plan. Actual construction of landscaping on the Property can be deferred to the time a building permit is issued for the building to be constructed on the Property.

PARKING AND OFF-STREET LOADING: All uses within the PUD shall comply with the off-street parking and loading requirements, and related landscaping provisions, provided by applicable Norman ordinances. Where necessary, garages will be set back a sufficient distance so that parked cars will not block sidewalks.

BUILDING LIMITATIONS: The setbacks and coverages for each building shall be shown on, and governed by, the Preliminary Plat and Preliminary Site Development Plan, Exhibits A and B.

DRAINAGE/DETENTION: Drainage/Detention for the PUD is covered by Exhibit D.

PROPERTY OWNERS ASSOCIATION and RESTRICTIONS: One mandatory Property Owners Association ("**POA**") will be required for the Residential lots, and another POA will be required for the Office and Industrial lots. Since Commercial will be only one ownership, and likewise Apartments, no POAs are required for either Commercial or Apartments. Any Restrictive Covenants that may be required under City ordinances will be prepared and filed with the Cleveland County Clerk.

BUILDING DESIGN AND MATERIALS: Buildings on the Property throughout the PUD are to be compatible in design, and in color, with each other. Buildings along Tecumseh in the PUD must have pitched roofs or

other designs compatible with existing Residential uses to the North. Buildings with metal exterior walls are prohibited in the PUD, except for ancillary storage buildings which satisfy Norman ordinances. No garish colors shall be utilized on exterior walls and/or exterior fixtures.

Shielded parking lot lights will be required throughout the Commercial, Apartment, Office and Industrial uses, to prevent light intrusion onto neighboring properties.

STREET IMPROVEMENTS: No street improvements are required along Tecumseh. Applicant will build a thirteen-foot (13') wide additional lane on the west side of 12th Avenue NW which will connect the north end of the City's Tecumseh/12th Avenue intersection project to meet and match the south end of the City's bridge project (*which is 1,330 feet north of the centerline of Tecumseh*). Further, if needed, the Applicant will refurbish the existing South-bound lane of 12th Avenue NW to meet and match the additional lane described in the preceding sentence.

The one street entrance to the Property from 12th Avenue NW is depicted on the Preliminary Plat

SIGNS: Wall signs and ground signs may be installed, if they adhere to requirements in the Norman Sign Code (Chapter 18). Each and every sign must comply fully with the Norman Sign Ordinance and other applicable regulations, with the following exception:

1. The setback for each of any ground signs will be a minimum of fifteen feet (15').

H. L. Heiple, Attorney/Agent
P O Box 847, Norman, OK 73070
405-321-0090 FAX 405-321-9763

Applicant	Kent B. Connally
Location	NW Corner of Tecumseh Rd and 12th Ave NW
Case Number	PD 09-20
Time	5:30-6:00 PM

Attendee	Stakeholder	Address	Phone
Kent Connally	applicant	1624 S. Syracuse St. Denver, CO 80231	303-751-8069
Tom McCaleb	Applicant's engineer	SMC 815 W. Main OKC	232-7715
Lyntha Wesner	Interested citizen	616 Tulsa	321-2204
Gail Armstrong	Interested citizen	1418 Aspen	321-8442
Cindy and Chris Teitsort	neighbor	4750 12th Avenue NW	447-4448
S. Theck Laird	Neighbor	4409 Balmoral Court	364-7760
Sean Rieger	Neighboring land owner	136 Thompson Drive	329-6070
Bill Yost	Interested citizen	167 Charles	364-0922
Walt Handy	Interested citizen	1727 Cliffside Court	364-2428
Susan Atkinson	City facilitator		366-5392
Leah Bunney	City Attorney's office		366-7748
Wayne Stenis	City advisor		366-5441

Application Summary.
Applicant is seeking an amendment to the *Norman 2025 Land Use Plan*, a rezoning request to a Planned Unit Development, and a Preliminary Plat, on approximately a 154-acre parcel. This parcel is currently zoned A-2. The applicant is seeking to rezone it to PUD with a mixture of uses including commercial, industrial, and residential. The current *Norman 2025 Land Use Plan* designation is Industrial/Future Urban Service Area.

Applicant's Opportunity.
This quarter-section of land has been in the applicant's family since the Land Run of 1889. Applicant has been waiting to develop it until a sewer solution reached this area. He is seeking to create a mixed use district that includes ¼ of the land held in open space, a combination of single-family and multi-family residential uses, office uses, and light industrial land uses. A large portion of the area is designated flood plain and therefore cannot be developed. He has given sewer easements and intends to use the easements and flood plain area to allow the continuation of Legacy Trail.

Though the applicant does not plan to be the developer for this area, he imagines that the single-family housing will be developed on 1/5-1/2 acre parcels, or a density of around 3 units per acre. Larger single-family lots would front on the greenbelt. As for the multi-family use, he anticipates a critical mass of 240 apartment units, as well as 36 units that may be in the form of town homes or other attached dwellings. At present the City of Norman has plans to install a sewer interceptor, the alignment of which is predicated on the approval of this plat.

Neighbors' Comments.

Appearance of Industrial Uses
Neighbors were curious as to the physical form that industrial buildings would take.

> **Answer.** Per City of Norman Zoning Ordinance, any industrial parcel fronting onto Tecumseh Road would be required to have 80% masonry fronts. The industrial uses would be sited across the street from the Norman Youth Correctional facility on Tecumseh Road.

Drainage
Neighboring owners expressed concerns about water flowing off the applicant's property at present, flooding 12th Avenue SE.

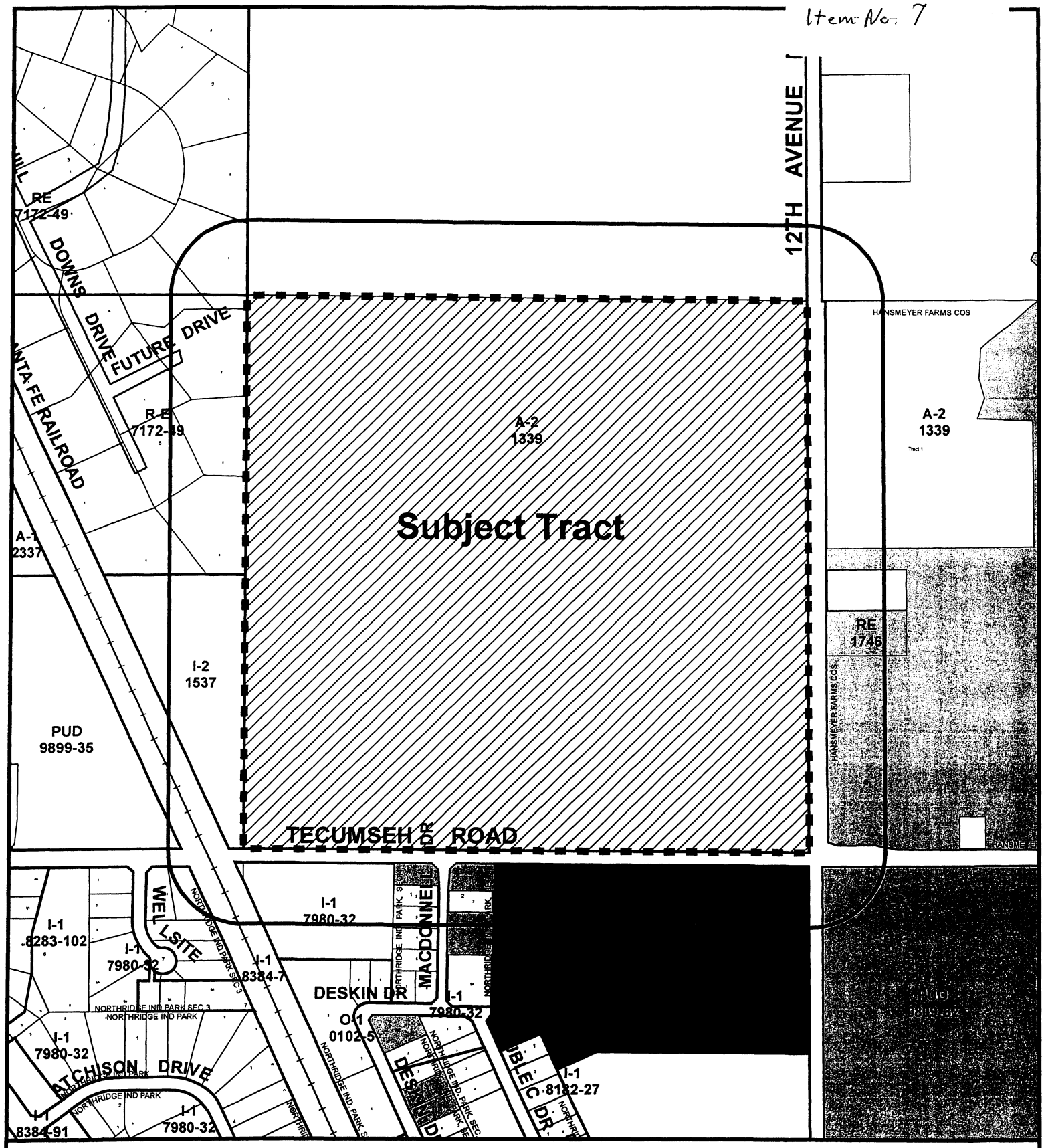
> **Answer.** Development will include two retention ponds that are intended to mitigate current and future flooding impacts

Road Access for Multi-Family
Neighboring owners expressed curiosity about how multi-family development would be accessed.

> **Answer.** Road alignments are not known yet.

Schedule
Answer. This development would not break ground any faster than 12 months. Tecumseh Road parcels would be first developed.

Item No. 7



Protest & Support Map

12.6% Support Within Notification Area
12.3% Protest Within Notification Area

Map Produced by the City of Norman
Geographic Information System.
(405) 366-5436
The City of Norman assumes no responsibility for errors or omissions in the information presented.

N
W E
S

Scale: 1" = 600'
February 10, 2010

Subject Tract
Protest
Support
Notification Area
Pro's Outside Notification Area

Sysco Oklahoma, LLC
1350 W. Tecumseh Road
Norman,, OK 73069

Good things come from Sysco

February 8, 2010

City of Norman Planning Commission
201 West Grey, Bldg. A
Norman, OK 73069

Re: Notice of Request for Norman 2025 Land Use and Transportation Plan Amendment and Rezoning

Ladies and Gentlemen:

Sysco Oklahoma, LLC, the owner of the property at 1350 W. Tecumseh Road, Norman, Oklahoma, protests the referenced request. The request should not be approved because the proposed amendment and rezoning would allow uses of the subject property that are inconsistent with the industrial use of surrounding properties. The existing land use and transportation plan are sufficient to provide for the appropriate uses of the subject property.

Sincerely,

Paul Randles

Paul Randles
Senior Vice-President
Sysco Oklahoma, LLC
405-717-2350

This agenda was posted in prominent public view at the Municipal Building, 201 West Gray, in Norman, Oklahoma, on:

DATE: 2-08-10
TIME: 2:30 PM
SIGNATURE M. Le Flore
City Clerk's Office

RECEIVED
FEB 0 3 2010
Development Services Division

Doc1.doc

Good things come from Sysco

Sysco Oklahoma
1350 W. Tecumseh Rd.
Norman, OK 73069

T 405.717.2700
F 405.717.2667

sysco.com

April 5, 2010

City of Norman Planning Commission
201 West Grey, Bldg. A
Norman, OK 73069

Re: Notice of Request for Norman 2025 Land Use and Transportation Plan Amendment and Rezoning

Ladies and Gentlemen:

Sysco Oklahoma, LLC, the owner of the property at 1350 W. Tecumseh Road, Norman, Oklahoma, protests the referenced request. The request should not be approved because:

1. The existing master plan showing the site as future industrial was well conceived and allows for appropriate growth and economic development for Norman.

2. This area is predominately industrial and should remain so.

3. Sysco moved to its current site and invested significant capital based on assurances that the area would remain industrial without allowed uses that interfere with Sysco's industrial operations.

4. Sysco is a high volume distribution facility that operates 24 hours per day.

5. Sysco receives up to 50 inbound common carrier trucks (tractors with 50+ foot trailers) per day that enter and exit the main entrance on W. Tecumseh Road between the hours of 5:00 a.m. and 2:00 p.m.

6. Sysco dispatches up to 50 routes (tractors with one to three trailers) per day between midnight and 5:00 a.m. through this same gate. This equipment returns to the Norman facility between noon and 10:00 p.m.

7. Sysco loads up to 50 refrigerated trailers between 8:00 p.m. and 5:00 a.m. This equipment includes a diesel-powered refrigeration unit which runs from the time the unit is being loaded until it is dispatched.

8. Sysco runs a 1750 kwh diesel-powered generator at least weekly on a test basis and as requested by OG&E at peak demand times.

9. Tecumseh Road has been completed and widened to the East and is now designated as U.S. Highway 77. This has significantly increased the traffic volume and average speed on this road. Adding more local traffic would adversely affect the entire area.

10. The proposed site plan puts multi-family housing and the related traffic near Sysco's main entrance that services all truck traffic.

11. The proposed site plan puts retail development on the corner of NW 12th and Tecumseh, which will overburden the existing traffic control.

12. Noise and traffic mitigation efforts, which are not necessary with the current zoning, would materially impair Sysco's lawful operations.

13. Norman does not need more residential development, and certainly not in this area.

14. The economic health and growth of Norman will be determined by the availability of industrial sites, which create high-paying jobs. Removing future industrial sites is not in the city's best interest.

Sincerely,

Chris K. Davis
President
Sysco Oklahoma, LLC
405-717-2603

STATEMENT OF SUPPORT

TO: Norman City Council
TO: City of Norman Planning Commission
TO: City of Norman Planning Department

I am familiar with the proposed 2025 change, rezoning, and plat request by the Connally family for the roughly 158 acre development that is planned to be generally at the northwest corner of Teceumseh Road and NW 12th Ave. I understand that the proposal is for a development that will include a variety of proposed uses, such as high quality single family homes, multifamily, a commercial corner at the intersection, light industrial on the SW area of the site, and extensive open spaces that will include trails around a lake feature and recreation to the Little River area. As owner of nearby property that is within the notification radius, I hereby sign below in full support of the proposed Planned Unit Development request, and respectfully request of you to adopt the proposal. Thank you very much for your consideration.

Signature: William H Mattoon

Printed Name: The Huntington Investment Corpororation
By: William H. Mattoon, President
Dated this 28th day of January, 2010

Address of all the Property(s) we own near the proposed development:

3561 MACDONNELL DR NORMAN OK 73071
3557 NATIONAL DR NORMAN OK 73069

This agenda was posted in prominent public view at the Municipal Building, 201 West Gray, in Norman, Oklahoma, on:

DATE: 2-8-10
TIME: 4:00 PM
SIGNATURE M Le Flore
City Clerk's Office

STATEMENT OF SUPPORT

TO: Norman City Council
TO: City of Norman Planning Commission
TO: City of Norman Planning Department

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Signature: _____

Printed Name: Sean Rieger, on behalf of the Rieger, L.L.C.

Date: 1-28, 2010

Address of all the Property(s) we own near the proposed development:

1. the unimproved parcel of land at the SE corner of 12th Ave NW and Tecumseh Road

This agenda was posted in prominent public view at the Municipal Building, 201 West Gray, in Norman, Oklahoma, on:

DATE: 2-8-10
TIME: 4:00 PM
SIGNATURE: [illegible]
City Clerk's Office

STATEMENT OF SUPPORT

TO: Norman City Council
TO: City of Norman Planning Commission
TO: City of Norman Planning Department

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Signature: _____

Printed Name: D. Chris Strait V.P. Antce Building Systems, Inc.

Date: 2/1, 2010

Address of all the Property(s) we own near the proposed development:

3501 MACDONNELL DR NORMAN OK 73071
out ~~3151 TECUMSEH RD NORMAN OK 73071~~
out ~~3401 DESKIN DR NORMAN OK 73071~~
out ~~3333 DESKIN DR 3339 NORMAN OK 73071~~
out 3343 DESKIN DR 3359 NORMAN OK 73071

This agenda was posted in prominent public view at the Municipal Building, 201 West Gray, in Norman, Oklahoma, on:

DATE: 2-8-10
TIME: 4:00 PM
SIGNATURE M. Lee Floren
City Clerk's Office

STATEMENT OF SUPPORT

TO: Norman City Council
TO: City of Norman Planning Commission
TO: City of Norman Planning Department

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Signature: Doyle Green, Eloise Green

Printed Name: **Doyle & Eloise Green**

Date: 2-5-10, 2010

Address of all the Property(s) we own near the proposed development:

3803 12TH AVE NW NORMAN OK 73069

3603 12TH AVE NW NORMAN OK 73069

This agenda was posted in prominent public view at the Municipal Building, 201 West Gray, in Norman, Oklahoma, on:

DATE: 2-8-10
TIME: 4:00 PM
SIGNATURE M. LeFlore
City Clerk's Office

Item No. 7, being:
CONSIDERATION OF A REQUEST SUBMITTED BY KENT CONNALLY FOR A TRACT OF LAND GENERALLY LOCATED AT THE NORTHWEST CORNER OF 12TH AVENUE N.W. AND TECUMSEH ROAD.

7A. RESOLUTION NO. R-0910-82 – KENT CONNALLY REQUESTS AMENDMENT OF THE NORMAN 2025 LAND USE AND TRANSPORTATION PLAN (LUP-0910-5) FROM FUTURE URBAN SERVICE AREA TO CURRENT URBAN SERVICE AREA AND FROM INDUSTRIAL DESIGNATION TO LOW DENSITY RESIDENTIAL DESIGNATION, MEDIUM DENSITY RESIDENTIAL DESIGNATION, COMMERCIAL DESIGNATION, OFFICE DESIGNATION, INDUSTRIAL DESIGNATION, AND OPEN SPACE DESIGNATION ON PORTIONS OF THE PROPERTY LOCATED AT THE NORTHWEST CORNER OF 12TH AVENUE N.W. AND TECUMSEH ROAD.

ITEMS SUBMITTED FOR THE RECORD:
1. Location Map
2. Staff Report

7B. ORDINANCE NO. O-0910-17 – KENT CONNALLY REQUESTS REZONING FROM A-2, RURAL AGRICULTURAL DISTRICT, TO PUD, PLANNED UNIT DEVELOPMENT, FOR PROPERTY GENERALLY LOCATED AT THE NORTHWEST CORNER OF 12TH AVENUE N.W. AND TECUMSEH ROAD.

ITEMS SUBMITTED FOR THE RECORD:
1. Location Map
2. Staff Report
3. PUD Narrative
4. Preliminary Site Development Plan
5. Pre-Development Meeting Summary

7C. CONSIDERATION OF A PRELIMINARY PLAT SUBMITTED BY KENT CONNALLY (SMC CONSULTING ENGINEERS, P.C.) FOR FOUNDERS PARK ADDITION, A PLANNED UNIT DEVELOPMENT, WITH AN ALLEY WAIVER FOR THE COMMERCIAL AND INDUSTRIAL AREAS, GENERALLY LOCATED AT THE NORTHWEST CORNER OF 12TH AVENUE N.W. AND TECUMSEH ROAD.

ITEMS SUBMITTED FOR THE RECORD:
1. Location Map
2. Preliminary Plat
3. Staff Report
4. Transportation Impacts
5. Preliminary Site Development Plan
6. Request for Alley Waiver in the commercial, industrial & office areas

PRESENTATION BY STAFF:

1. Doug Koscinski pointed out that the land designated as floodplain on the 2025 Plan is what is shown on our maps, but it has subsequently been amended by more current flood maps and the applicant has used the updated maps in determining their open space line. There is less floodplain on the property than shown on the 2025 Plan, but it is still almost one-quarter of the tract. This is a complicated rezoning and Plan change, in that the current designation is floodplain and industrial, and the applicant is asking for a variety of uses. There will be two large tracts of residential, the open space, and a variety of commercial, apartment, townhome, office and industrial uses along Tecumseh Road. There is a companion rezoning item that will deal with it as a PUD, rather than separate zonings, which is a better way to approach it. The tract is essentially vacant. There is a large lake on it. There is an older house which is visible from Tecumseh Road. The City has been installing the sewer interceptor line that will allow this tract to develop. The tract is ripe to be moved from Future to Current Urban Service Area because of the installation of the sewer line. To the east there are several scattered residential uses, primarily on fairly large tracts of two acres or larger. The southeast corner of Tecumseh Road and 12th Avenue N.W. is currently vacant, but Greenleaf Trails Addition has preliminary approval in that area. Immediately south is Sysco, who has filed a protest on this application. There are other smaller industrial users on the south side of Tecumseh Road. There is also a juvenile detention center to the south; no one wants to live near this type of use. There is a batch plant immediately to the west of the subject site. Staff was not able to support this request. It is not a bad development and the applicants have spent a great deal of time working on it. Staff believes it is in the wrong location and the mix of uses is not going to be compatible with the industrial uses along Tecumseh Road. The 2025 Plan established 12th Avenue as the dividing line. Staff believes the land west of that dividing line is still in a large enough configuration, with primary access to Tecumseh Road and I-35, that this tract should be preserved for industrial use. We did receive a protest on this application. Staff opposes both the Plan amendment and the rezoning.

2. Chairman Trachtenberg noted that there was 12.6% support for the project within the notification area, and 12.3% protest within the notification area.

3. Tom Knotts commented that the property at the north seems to fall off fairly rapidly into the floodplain. He asked if that configuration is conducive to industrial development. Doug Koscinski responded that prime industrial land is flat without floodplains. The floodplain was not included in the industrial designation on the Plan, but that is a potential problem; industrial will not take care of the floodplain as well as residential would. Even factoring out the floodplain, there is roughly 120 acres of industrially designated land.

There being no further questions for staff, Chairman Trachtenberg asked for a presentation from the applicant.

PRESENTATION BY THE APPLICANT:

1. Sean Rieger, 136 Thompson Drive, representing the applicant – I want to go back first and focus on a few things that Ms. Connors talked about, if I may and let me just go back to a few of those slides. It's important for you to understand, before we talk at length about this tonight, that, as Ms. Connors told you, there is roughly 2,000 acres of industrial land planned in our community. The absorption rate, Commissioner McCarty, was said in the report to be 10 acres per year. That's 200 years of industrial land. We have 200 years of industrial land planned on 2025. But I don't know anybody that plans out 200 years ahead. I wish I could. I wish I was here 200 years from now, but I won't be and you won't be and nobody else will, not from this room. And anybody that is making their business decisions on the plan that we're looking at tonight. That is how much industrial land we have planned in this community. This is not about a shortage of industrial land. You will see soon, through the night, this is about the City of Norman targeting a specific piece of property and saying that property should be used as a recruitment piece for employment. As we're going to talk about later, that may be fine if the City wants to do that, but it is not proper to target one piece of land and say that land should be used for employment and, as Ms. Connors said, we're going to set it aside, was the wording, and make it sit there until we can find an employer for it. It is not about a shortage of industrial; it is about one targeted piece of land. Also you heard Ms. Connors say that the 2025 said that you had to go through a critical analysis whenever you're faced with a Plan change for industrial. This is the first time I know of ever that you have done that for an industrial plan change. You heard Ms. Connors say that industrial plan changes have happened often in front of you. Never before, until this piece of land came forward, has the critical analysis been done. Never before. But it has been tonight and then precipitated a recommendation for denial. It's curious. It's odd. We've never seen it happen. And so I hope you'll understand that this applicant, this property owner, comes forward under those circumstances in a very difficult manner. No problem with the quantity of industrial land; we have ample. This particular site is the question, and whether it should be set aside for employment opportunities, and whether this property owner should be set aside with all of his investment possibilities sitting there dormant.

I will take you through it. There's several of us here tonight to talk about it. I'll take you through the item itself. Mr. Bob Goins, who planned the development and was very integral in the design of it, will talk through that. And then the applicant himself, Mr. Connelly, wishes to speak to you tonight and he's going to do that. So let's go through and talk about this particular property.

As Mr. Koscinski said, this is right at the intersection of 12th Avenue and Tecumseh Road. The existing 2025, you see the large area of green is the floodplain basically. As you saw and Mr. Koscinski pointed out earlier, you see the little blue line – that is the actual floodplain. So the actual floodplain is not carrying down as you see right here. As you see to the east is planned residential. To the southeast is planned residential. To the north is residential – that is the Moore/Norman Technology Center. And then to the south and the west is industrial. So if you basically look at this, we are at the dividing line. We are indeed at the transition point from industrial to the west and south to residential to the east and north. We're not in the middle of industrial; we

are not proposing an island right in the middle of an industrial world. We are at the transition point and we have responsibly and properly transitioned that site from the southwest to the northeast.

This is the current zoning. Basically the land is A-2 agricultural. It's currently farm land. To the east, also, is A-2 agricultural. To the southeast is the PUD. Then to the north is the floodplain. This is an aerial of the site, basically farmed land. This is basically a large flat area of farmed land out in the floodplain. This area, as Commissioner Knotts noted, dives off fairly rapidly and, indeed, would be a problem for large site industrial. I'm not sure how you would do it on that property.

This is the actual plan. We're going to talk a lot tonight about industrial planning and industrial zoning, so I'm not going to spend a great deal of time on this. Mr. Goins will talk through it as well. This is 12th Avenue N.W. along the right. This is Tecumseh Road across the bottom. What you see right here is the commercial corner. Catty corner to the southeast is a commercial corner. On section line intersections all over our town are commercial corners. We're simply proposing to do what is very common. This is multi-family residential. This is offices. And this is industrial. We're not leaving entirely void of industrial. We're using industrial at the proper location to buffer from the heavy industrial to the west of the concrete plant, from the detention facility to the south, and also along Tecumseh Road where there is significant industrial. The only thing across from Sysco is the commercial corner and the high-density multi-family. You see the site coming up from Tecumseh Road right through the middle, coming into what really becomes a beautiful community, but tucked back away from Tecumseh Road. And as I talked about, you can see the buffering and the transition starting to happen here. We have industrial along the southwest, where the industrial is, and we have residential on the northeast, where the residential is.

But what I really want you to look at in this slide is the floodplain, right up at the upper right. That blue line is the Little River. That's your water. That is the Little River channel itself crossing this site. Right there in the red is Legacy Trail, which this community has invested so much time, effort, and expense in trying to create. Those two amenities are right there on that site. They're a significant driver of this design. And I want you to think about something as we talk through this. If this site becomes large tract industrial, and only large tract industrial, what is a large tract industrial user going to do with Legacy Trail and the Little River channel? Are they going to protect it? Are they going to have a large parking lot that flows off to it? Are they going to have a large gravel storage yard that flows off into it? I don't know. But I very much doubt that they're going to have a property owners association that is going to invest a great deal of time, effort, emotion, and energy in protecting it. What this property would do is have a POA with the residential owners being all the members of it, with these back yards looking out into it, and protecting and endearing that amenity. That's what this plan does - it tries to transition from an industrial area of Norman out to the Little River and take care of the Little River. Again, Mr. Goins is going to talk more about this as we go through the night.

This is the actual proposed site plan that is submitted before you. Open space is about 37% up on the upper right side. One of the things I would point out is you see these large ball fields. So often we come before you with developments the Parks

Commission raises the question about whether we've really shown large play fields. Well, those two play fields are quite large. Those are actually college size soccer field and college size football field - so very large play areas for athletics and kids' sports. If we were to do private parkland, the space would only be about 2.57 acres required. Here we have 37 acres, and all in a very flat area of the site; very usable area of the site. This is actually that area up on the northeast right side, and this is really the jewel of the development. Again, Mr. Goins is going to talk a little more about it. But basically you have a large detention pond set up above the Legacy Trail and above the Little River channel. This is really an area that this community would cherish and take care of. The POA would be responsible for all the upkeep of that. You see all the trails coming down into it as they come down from the homes. The homes would look out into it from their back yards. It would become really an incredible piece. And, as some of us were talking about earlier, it could be a piece that carries on to the east, right down the Little River watershed as it moves toward Lake Thunderbird.

Let's talk a little bit about this general area and get more into the zoning discussion. There you see on 2025 the Little River. And you see it's really right at this location that it turns and goes toward Lake Thunderbird and the waterway there becomes quite wide at this point. We are right at that apex. This site is right at the point where it turns and starts heading toward Lake Thunderbird. Do you want large tract industrial to be right next to that Little River point? Is that really what you want? That's what the City is advocating. Isn't it more important, as we've heard from the Greenbelt Commission, as we've heard from ECAB, as we've heard from so many of your boards and commissions, and I think from you as well, that we want Little River protected? That we want that waterway and that basin cared for. Large tract industrial is not, frankly, likely to do that.

We have commercial corners. I want you to look very closely, if you will, at every section line corner on that map - right there - right there - right there - right there - right there - every one of them is dotted red. That is how Norman has been planned for many, many, many decades. We take the section line corners and we make them commercial. Very common. That's what we're proposing here.

Now you heard staff a few minutes ago tell you that this was a good design. Well, they've said much more than that. Back on February 11 they wrote the staff report. I want to take a few minutes and read from it. And this is staff's words; this is not our words. This was back when we were first confronted with the idea that there would be some kind of a critical analysis of industrial - something we had never faced before and never heard of before. This is what staff wrote. They said, "The submitted site plan is a well-designed plan and incorporates good land use principles of land use arrangement and separation of uses. The more intense uses are located along the arterial street and the residential use is buffered by those uses and closer to the floodplain area of the Little River where the recreational uses are placed. The site does still contain some industrial uses and adds commercial uses. ... By itself, the tract is well designed with pedestrian connections provided to the open space elements and the commercial area. The question is not whether the development itself has been correctly designed, but whether this is the appropriate location for a mixed residential area with commercial and industrial uses given the 2025 Plan designation of Industrial." Further

from that report: "The actual demand for industrial land, as stated in the 2025 Plan, is estimated at 198 acres over the twenty-year time frame, roughly ten acres per year." We have 2,000 acres planned - 200 years of industrial planned. Now is it worth giving up the protection of Lake Thunderbird and the Little River watershed to make this site industrial? I don't think so. Staff went on: "We know that we have a surplus; therefore, it must not be a concern to lose some of the industrial land designated in the Plan. Changing the land use plan in this location will not create a deficit of industrial land in the City. The amount of land designated for industrial land use in . . . 2025 . . . was six times what was indicated as the absorption rate."

I want you to understand what wasn't said tonight: that the land capacities for the other uses in 2025 were not six times. In fact, I'll read them to you. For commercial and retail the demand was 621 acres through 2025; the capacity was only 600. We don't have enough of commercial and retail. We have six times of industrial, but the Plan itself said we don't have enough commercial and retail. Underplanned. The Plan itself said residential demand will be 21,000; the capacity is 25 - close, but we certainly don't have six times like industrial. Office - listen closely to this one. Office, the demand is 221 acres; 2025 only planned 150. We're 32% short on office, but we have 200 years of industrial. Staff goes on. They say, "industrial land is one of the slowest to be absorbed, and usually sells for less value than uses which have more immediate needs, such as housing or the needed shopping areas that may serve them." Well, that makes sense. It makes sense because, as you just heard, the 2025 Plan says itself we don't have enough of those uses. We have too much of industrial, so it obviously absorbs very slowly.

So is this particular site an industrial site that has been held back for many decades and years as the site that we must protect? Well, let's look. We saw some of this earlier, but if you look at this one, 1981 comp plan - there's our site; it's not shown as industrial. This site is, though, and that's the Norman Hospital Authority, a wholly owned subsidiary of the City of Norman. It was shown industrial. So, too, was part of the University North Park area. Here's the 1996 North Gateway Plan. There's our site. Not shown industrial. You see in blue - over here we see the hospital site and the north part of the North Park area shown as industrial. Here's 2020 - there's our site right up there in blue; again, only part of it shown as industrial, not all of it, but look down here we see the entire University North Park tract industrial - single ownership large tract next to I-35. We see this site largely industrial - Norman hospital. When you look at the land study that Ms. Connors just took you through, it talks at great length about large tracts - large sites. One of the statements it says is that approximately 175 acres in the University North Park TIF area is still available for industrial purposes. That's a striking statement to see that and then think about what you're being told tonight and that this land must be set aside for large tract industrial uses. This community subsidized the infrastructure for the University North Park TIF - is paying for it with a purpose that it is to recruit quality jobs. But you've just been told tonight, despite the public investment, the land may be too expensive. So apparently staff's recommendation is to set aside Mr. Connally's private land and put it into dormancy so that it can be used, because the publicly subsidized land has become too expensive. Commissioners, Mr. Connally will not get a public dime to build his streets or his roads

or his detention or anything else. But if he's put into dormancy and forced to compete with the TIF area and other publicly subsidized projects, he has no chance. Basically this study says this site is too important as a large tract single ownership site, and you heard Ms. Connors mention useful employment opportunities. And we are certainly as interested as you are in useful employment opportunities, but this is the wrong way to go about it. If the City is interested in that, and the City believes that this site is the one to do it, then the City must buy the site. Let the City invest in the site and set it aside. As Ms. Connors said, it's time to get in the game. That was the quote. Mr. Fruth said it was time for the City of Norman to get into the game. He did not say it was time for Mr. Connally to get into the game. He said it was time for the City to invest those dollars. He did not say it was time for Mr. Connally to set aside his interest while the City invested his dollars. If you go down the path of what's being suggested to you, then you are putting people like Mr. Connally into the position where they basically have very few choices. Now they can develop their land, apparently, into large tract industrial, looking for the next, as was mentioned, Astellas, Hitachi, Johnson Controls. But you must recognize that so, too, is a very good organization in this town - NEDC. They, too, are looking for those users. So, too, is the University of Oklahoma, the City, the County, the Oklahoma State Department of Commerce. They are all looking for those users, and they're looking for those users on publicly subsidized lands, where the public has helped build the improvements. If Mr. Connally's option is that choice, to go ahead and come back and plat it in large site industrial tracts, but he has to build his own roads, he has to build his own sewers, he has to build his own water lines, he has no chance to make that project viable. I guess the second choice is he could sell the land to the City of Norman. If the City has limited his zoning to only one minor choice of large tract industrial development, and he has already decided, let's say, that he cannot compete with NEDC, well the City can, they can buy it. But if they zone it so specifically and so concisely with critical analysis that it will only ever be used for one option and nobody else can compete with that option, the price is drastically reduced - almost nothing. I guess he has a third option. He could do nothing; leave it as it is. That's not an option either. There's a sewer line being built through that property right now by the City. It's ready to be developed. It's ready to be put into production. The question is: how? So as you go through this tonight, I want you to think about that very closely. A good project. A well-designed plan. It's not a concern to lose the industrial land; it will not create a deficit. We simply ask you to recommend approval of this project over condemnation of this project because, make no mistake, that is your choice tonight. That is what you're being asked to decide. Does Mr. Connally have any future with this property with a project that is well-designed, or does he not? I think those are significant legal questions for you to think about.

At this point, I want to ask Mr. Goins to come up and talk about the actual plan that he put so much time into. And Mr. Goins, I know, many of you know him. He's really quite a historical figure in Norman, his knowledge of planning and everything he's done for this community. I know we're very proud to have him on the team and he wants to talk through this, and then Mr. Connally will talk to you.

2. Bob Goins - Good evening. Been listening to a lot of numbers tonight up 'til now, and I don't have too many numbers. I have two sets of numbers. It sort of came to mind as I was listening to the presentations that we've heard up 'til this time. I might add, there were numbers that sound - start off with saying what I learned when I was in college. And there are two things that I recalled very clearly as I listened this evening that I think help explain this plan, at least how the planning was put together to put this plan before you. And I might add, of course, there's a lot of very complicated engineering in this plan and Mr. Tom McCaleb was the engineer on this. But the first point that I'd like to make -- and I think there's relevance to this - as a student I was really chastised by a professor of mine when I presented a plan as the plan. He reminded me that there might be other choices - that perhaps we could say a plan. That chastising has really stayed with me and been very useful, I think, to me as a planner. And all planners know this, that you look at alternatives. And so I think tonight what I hope that you see the spirit of this. At least I'm not at war with the comp plan of 2025. I see what we are presenting to you as an alternative. And when I was approached by Mr. Connally to act as his planner on this project, I was very well aware of the challenges to this kind of request. So I see this and offer it to you as an alternative.

Then the other lesson I learned being trained as a planner is that you cannot escape what I'm going to call an expanding view of what you're trying to plan. You start out looking at something pretty small and if you start trying to reflect on all of the implications that might some way come to play with that particular site that you're looking at, you find your concept and your mind and your search for consequences beginning to expand. That was true in looking at this approximately 160 acres. All of a sudden I found myself wanting to look at that whole northeast quadrant of the 2025 Plan. Some things came a little bit more in focus in helping me, I think, look at the propriety, you might say, of this kind of proposal that has been presented to you tonight.

And that brings me to another set of numbers, which are four. And they're basically points that I think are very important - at least they were important to me in arriving at this design. Certainly, the first one would be looking at the implications of the residential property to the east that is proposed in the long range plan of 2025. That is falling in place. In the southeast corner away from this property, you have approved, it's my understanding, Greenleaf Trails Addition that has 541 single-family lots in it. In the process of approving it - I don't know whether the final plat has been approved on that or not. Has it, Tom? Approximately 20 acres that would be in the southwest portion of that 160 acres that make up Greenleaf Trails is actually on the plan to be industrial. And that, obviously, was removed and residential property was allowed as part of this Greenleaf Trails Addition. Eventually across to the east from this 160 acres of Mr. Connally there is land proposed on the 2025 Plan for single-family residential property. To the north, of course, is an important physical feature - Little River and the Little River valley. And then to the north of that is a really important institution to this county, and to the City of Norman and the City of Moore, and we all know that is the VoTech center - a really nice expanding campus representing a pretty substantial investment on the part of the taxpayers and a campus-like setting. So, again, as part of this expanding view that I mention as part of my first set of numbers you begin to

think, industrialization, as we use that word - and I don't know what comes up in your mind. I don't think we're talking about smokestacks, but we may be talking about a different kind and pattern of traffic. Again, if we're looking at this quadrant, is this the kind of thing we want, even though it's in the Plan, it's been through review. Is this the kind of thing - if you have an alternative. Now we're back to my second point, and that's the idea of an alternative concept. Are there other ways that we might begin to look at this northeast quadrant that, in the long run, over many years, is really going to be more beneficial than our plan of 2025 tends to offer us? So protecting the votech seems to me to have some merit. I don't know that anybody else has really talked about that. So we're now about half a mile away from the actual site, and here I am thinking about that. Then if we look at the Little River and look at the plan, much of it's in the floodplain and we're working on this as a community. I don't know that I'll get to see it happen, but I think it will happen because it's just so naturally out there to happen, and that is some type of lineal park down the Little River. I don't know how many of you have had occasion to get up close to Little River in this area. I know it's all on private property. But if you stop at the section line roads and look down that river where it cross the road, you can get a glimpse. There's some marvelous trees down through there. And I've had occasion to be invited to come back into some private property and I'm just blown away by the incredible variety of trees. Now my thought is, again, as we use this expanding concept idea, that we could have a lineal park down through here someday and all of the good benefits that we know comes from that. The third point that's related to the Little River, and that has to do with the idea of facilitating Legacy Trail, which we all in the community know about, and the idea that a major piece of that could be easily made happen and is proposed as part of this plan. And then I'm going to just close with this, which is item 4, and that's the fact that we offer you a really nice prize tonight - give you, the City of Norman, 45 acres of open space that's going to be taken care of, as far as we know, forever - as far as anything is forever. Forty-five acres of land that's in the floodplain that's going to be tied by planning and covenant and by association dues to be cared for, taken care of - it's almost a quarter of a mile exposure to a section line road that people, as they drive down the road, can enjoy. It would be available for people to walk through. It would allow Legacy Trail to be constructed. It's a heck of a prize and a heck of a deal and it's yours. Right here.

I don't know if you want me to go into details about this plan. I think it's pretty self-evident about the relationships that border along Tecumseh that in actually making the placements we've tried to respect what's across to the south. We know what's there. And we've tried to, in a sense, assimilate as well as we can - there's very little residential exposure, except some apartments and some row houses, and what I would ask of you to challenge me with - or the actual developer - is what kind of edge would you put along there? There needs to be a wall along there out of masonry. There needs to be good landscaping. You don't have that on the other side if you go south where Greenleaf Trails runs through, but you could have it here. It would begin to soften the sound. It deals with any kind of visual relationships that might not seem to be what you would like. But we minimize that kind of exposure. We have kept industrial proposal which would be a very high-quality industrial development that is on the west side. On the corner we've placed commercial. We have respected what is to the south

of this 160 acres. I'll be very happy to respond to any questions you have about the land use planning. As I said, it's a really nice deal here.

3. Roberta Pailes asked why apartments were proposed along on Tecumseh, rather than including that area in an industrial designation, since it is across from Sysco. Bob Goins responded that at one time we considered that. I think this is a response to a prospective market. If you go to the west, where the University North Park is emerging and also where our new hospital is, there's more employment possibilities that have already happened and will probably continue to happen. Part of our thought was that these units could possibly serve that workforce.

4. Paul Minnis asked why they didn't have the industrial along the frontage and then have the apartments and the townhouses as a buffer between the single-family and the industrial; the proportions would stay roughly the same, but Sysco wouldn't be faced with residential properties right across from their main entrance. Bob Goins responded that it largely had to do with having reasonably quick access to Tecumseh and to have as high visibility as you could to some extent to the general public and the market.

5. Roberta Pailes questioned whether the residential areas are adequately buffered from the offices, because normally you kind of expect apartments between commercial and single family rather than, specifically, the U street on the west of the site. The back yards along that - would that not be better, perhaps, if there were apartments there rather than single family? Bob Goins said they didn't want to bring too much traffic in here. There's an open space walkway system down through here we see as offering a visual as well as a physical barrier. This would all be fenced along here. There is a proposed walkway that would let people from up in this area of the neighborhood have access by sidewalk down into the trail system and other parts of the neighborhood. This area right in here was seen as a - some type of buffer or transition between single family housing and the industrial park area.

6. Tom Knotts commented that Mr. Goins had outlined a number of other housing additions in close proximity to this. It seems like we're overbuilding for that single-family at this intersection. Bob Goins responded that he doesn't have any numbers and doesn't know what enough is. If my numbers are correct, the Greenleaf Trails Addition, which is southeast, has 541 lots. To the north is still in large tracts, but I think one could expect that that may not stay that way given time.

7. Tom Knotts commented, with regard to Mr. Rieger's statement that this development would be protecting the Little River watershed, that the evidence really is that non-point pollution is a major problem and, if this was developed into an industrial site or multiple industrial sites, the City would have a much easier method of dealing with any kind of pollution, as opposed to the non-point pollution that could be generated by this kind of runoff.

8. Tom McCaleb, SMC Consulting Engineers - The staff report said that the TIA and the sequence were inconsistent. The reason it's not consistent is we don't know what phase 1 is, because phase 1 could be a derivative of several different sequences. Sequence 1 could be the commercial. Sequence 1a could be the multi-family. Sequence 3 could be the industrial. And sequence 4 could be single-family. What we wanted to do was try to create the boulevard entry off of Tecumseh Road which is a wide entry. We think it is an appealing accent. It's appealing to come in our neighborhood. It will be buffered and landscaped accordingly. It's not required to be that wide, but we made it that wide. What I had written in my sequence was 1a, 1b, 1c, 1d, but the key word being one. I don't know which would be first, because the market will tell us what it's going to be. If we come in for single-family options, we can come in off Tecumseh Road. What we'd like to do is get the pond built as well - a live pond. We have also the option to come in off of 12th Street with the road creating the single family atmosphere. Phase 1 has a derivative of four different possibilities. All of them will work. All of them have different infrastructure requirements that would go with them. But each one has its own peculiarity and it's going to be site demand. I think all four of them will work. We don't know which one will be first.

9. Tom Knotts expressed concern about the ability to protect the watershed from non-point pollution, because with the streets and the roofs, you're going to have a lot of zero penetration. Are we going to do this without pipes? Tom McCaleb responded that there will be some pipes. We've also got a chunk of land that's going to stay green. As was discussed previously, when we first looked at this property, we had different FEMA maps. The lines have been changing. It got bigger and then there's other drawings that it got bigger, and now they've gotten littler. So now we're back to the black line; that is the adopted FEMA line, and that is what we're all sticking to. Now, the City right now is trying to do an extension of the FEMA study that would go from this point north to Moore; that has not been done. But today, that is the FEMA line. So we have adjusted this plan accordingly, and about five acres that wasn't floodplain is now. To that extent, with that area being done, we have looked at this area and we want to make a lake and make it an area that's useable by everyone. We want it to be a large park. To do that, we had to deal with the floodplain issues and it was suggested by staff that we go in and get a floodplain permit before we advanced this to you. We did that. So we have this picture approved. That's a little bit less than five acres. The maximum we can put in the floodplain is a five acre pond, so that is the source of that design. And you see the little notch right there - that follows a contour, which is magic upon this floodplain line. Mr. Goins would have preferred that thing to come up yonder and be very picturesque, but I couldn't move that contour. So that's why we've got the notch in there. It is five acres and has been approved by the Floodplain Permit Committee. We were going to have all this area which has been talked about being a fourth or a third of the property as green, and it is. It will be preserved. We've taken this to the Park Commission for their review to see how they would want this to be used for park. Their concern was that you've got a park in the floodplain. Yes, you do. But if you saw the aerial a while ago, that's a fertile field being farmed. It doesn't rain

every day, so that's a very useable piece of land for soccer fields, baseball fields, and it could be manicured in grass and be left that way.

10. Tom Knotts asked if there is a retention time in the detention pond, or any kind of bioswales, so there is some opportunity to better the water quality before it hits the Little River. Tom McCaleb indicated that's why we've got a double cell. We're collecting water coming from that cement plant and that area, so that comes from that direction through a pipe system that would discharge into Pond A. And then Pond A will act as two things, as a detention pond, a retention pond, and as a settlement basin. We can make that pretty deep to make sure we can get some clarity in the water. After that fills up, we have a structure that will act as a weir, so that will convey that water through that box and then from there it will go in grass and get to this pond. We're trying to get all that done so this water is as good as we can do before it gets to Little River. We've tried to account for exactly what you're talking about.

11. Roberta Pailes said she admits to being torn. It's a nice plan and it seems to respect the floodplain. And Mr. Goins carries a lot of weight. On the other hand, in terms of the environment, were it industrial you could control that, whereas homeowners can dump pesticides and all kinds of stuff and there's no control as to non-point pollution. Whereas some industrial people, such as Shaklee, have been very responsible. So when you look at the industrial thing, you look at the environmental issues, and you think resident and industrial - the devil is in the details. And there's absolutely no way to say that residential is better. Often residential is the worst neighbor for a watershed because of non-point source pollution that you can't control - you can't legislate. You simply can't say that residential is better. There was an issue about the amount of land that we have in reserve for industrial development. Well, if you use them up at 75 acres a jump, such as for York, 2,000 acres goes pretty fast. The ten acre thing is not really central to that. The issue is do we have any large areas remaining? So, again, in trying to balance whether this is a good thing or not, I think maybe the loss of the industrial land weighs heavier. In lots of ways, the issue is does a town have the right to plan for structuring its community? I think the answer is yes. And the issue is do we have enough industrial land left if we remove this? And, of course, we'd be subtracting an area that could possibly generate revenue and taxes, and adding another residential area where people naturally use up resources. There are roads, schools, whatever. So you're taking it away from the income-generating and putting it in an income-absorbing category. That issue wasn't really addressed. It's a nice plan. I feel like perhaps the 2025 Plan takes precedence.

12. Sean Rieger responded to Commissioner Pailes. The absorption rate of 75 acres clips it off pretty fast. No question it does. But Norman has never done that. It would be great if we got a York in every year. The average absorption rate has been about 10-12 acres. So if you take that as the average, factoring in all the large sites we've had before, that's the actual rate. And what has become relevant in this debate is it's clear that staff is not interested in the small industrial parcels. I think we've kind of heard that tonight. They're really only interested in large tract industrial parcels. And that's

the terrible tragedy for Mr. Connally is, as a private property owner, he's out of that market. There's really no possibility for a private property owner to enter into that realm. That's why we formed the NEDC. That's why OU has its Research Park. That's why we have the TIF area. Because they're public/private partnerships. There's no public/private partnership offered here tonight that I've ever heard. This is a public setting aside of somebody's private land. If there was a public/private partnership here - a TIF - NEDC and these other entities that could do this in large tract parcels we may have a different matter. But we've never heard that. Realize what's happened here in this project that you've never seen before is an extraordinary, without public input, report that was produced to criticize this one project, in effect, to say that it doesn't provide us large tract employment opportunities. We've never seen that happen before. How do we know that when the TIF area was done, how do we know when the Norman Hospital Authority took their tract, that those weren't choice opportunities? They were right by I-35. They were single tract owners. They were large tracts. It wasn't done. Why at this point, when the one that came forward has no public/private partnership, no public subsidiary of funding, no opportunity for the public to pay for the road and the sewers, why is it now that we've said this parcel is untouchable? I want to address that point. POAs - I think we've really seen a change in that landscape, Commissioner Pailes. I really think we have. Cambridge - we started that more than anybody - started to really take dominant control of their POAs and point source pollution. One thing that POAs will do - I can understand your concern of the pollution, but I think you would hopefully agree with me that POAs most certainly will put a lot more money into their common areas and producing enjoyable experiences in those common areas than I think a large tract industrial user would. As good as they are for employment opportunities and other features to our community, I think it highly unlikely that they're going to invest great amounts of money into the back yards of these spaces. I think that was mainly the two points I wanted to address.

I wanted to give Mr. Connally a chance. This has been a very long journey for him. I want you to understand that. He's been working on this for two and a half years. A long, long journey. He wants to talk to you tonight and I want to give him that opportunity.

13. Kent Connally, 1624 S. Syracuse Street, Denver, Colorado, the applicant - I came tonight hopefully not to bore you with reiterations of what you've already heard. I came to tell you who I am and how we got here and what the equities are in this. And I hope you can put aside the bickering about the numbers and understand what's really going on here. My great grandfather, Lawrence Heitz - my roots go back way, way back - staked this out April 22, 1889. Started down near Ada, they shot the cannon off. I'm a founding family here. 122 years my family has owned, worked, lived this land. It has provided for us. It's a heritage and a legacy in my family. And it comes down to me. I'm a Sooner. Sooner born and Sooner bred. When I die, I'll be Sooner dead. My other grandfather was named Edmund Perry, a full-blooded Choctaw Indian. I'm a quarter blood. So my roots go back before the land rush. My family came here in the Trail of Tears. We named Oklahoma "Oklahoma." It means "red man" in Choctaw. Didn't name it after us - named it after all the red men we found living here on the land

the government gave us. My grandfather Edmund Perry's grandfather was Green McCurtain and probably a bunch of you haven't had a chance to delve deep into Oklahoma history, but Green McCurtain was the last principal chief of the Choctaw tribe. That makes me a prince of a guy. McCurtain County is named after him even though he never lived there, because a lot of our people lived there. So I want to tell you I didn't just show up here from 1624 South Syracuse Street, Denver. I walked this land as a boy with a 22 and a dog. I fished the ponds and I baled the hay. I shoveled the oats. My grandmother lived to be 100 years old, died in 1989. And she knew I would never live on this land. I came back here - I followed my father around; he was a military officer. And when I turned 18 I graduated from a boarding school in England because that's where he was a base commander, I came back here to OU because here is where my roots are. My grandmother was living out on this property. I went to OU, graduated from OU, and went into the military and it was during the Vietnam War. I didn't wait for the draft; I volunteered. After four years, I came back here and went to law school and graduated the law school. I was Law Review, Dean's list. Put myself through - worked my own self.

When my grandmother was getting old she was planning on leaving this property to me and she told me - she'd lived on it mostly all of her life. And she told me, "Take care of the land; it took care of us." That was 1989 and I sat on it for about 25 years. See, there were never any City services. It took them 50 - no, more than that - 70 years to pave Tecumseh Road. We had to live in the hot by closing the windows because the dust was so bad when the cars and trucks went by. We begged the City just to oil the roads and they wouldn't do it. They never picked up trash. There was never water; never sewer. There were no City services. All we did was pay City taxes. Then the County sited the juvenile detention center right across the road from us in the middle of the night when they were all leaving their jobs as County Commissioners. That was a real trick. Gene McKown built the small industrial site across the road because it was in the hands of a bank, I think, at the time and it took him 20 years to sell out probably 20 acres. He vowed he'd never do another industrial development. This City just doesn't absorb it. You'll see the figures here when you look at this. It's not gonna happen. I have a net 120 some odd acres. If I got every single sale - and that's not counting all the stuff that's already platted and available to sell - if I got every single acre of sale it would still take me 15 years. You can't get anyone to come invest money in infrastructure on a 15-year payout. You can't do it. You just cannot do it. It will fail. You can't bet that far ahead in real estate. I happen to be a real estate lawyer. And, by the way, I spent many years as an Environmental Protection Agency prosecuting attorney and I can answer your questions on non-point source pollution. I did Clean Water Act work. There are some issues and there are some solutions, and some of them are incorporated into this.

I will tell you that when I decided to do this, I thought about this for decades before I ever employed these gentlemen to help me. Decades this went through my mind. I didn't just come out and say I think I'm going to make some money. I mulled it over as an environmental attorney. I sat on this property. I rented it out for $3,000 a year. Nothing - no income. Paid almost that much in taxes to the City. About break even for 25 years. And I investigated demand. I investigated availability. I'm a real

estate lawyer. I'm crazy if I didn't apply my abilities. I talked to the people in this town that do commercial development - commercial real estate - Judy Hatfield, Gene McKown. He and I sat and talked a long time about the failures of that. You know, I looked at absorption rates. I looked at available properties. I did a lot of research before I made the decision to do a PUD. I long - in the beginning, long ago gave up the idea of trying to pack 500 houses on 120 acres. That's not my market, not my style, not what my grandmother would want. So these are all larger lots. There are no tiny city lots here. Some of them down along the open space are well in excess of a half an acre. We're talking big homes - people who care about their property, who will take care of the open space, who will become the stewards of this property when I pass it.

A quarter of this property is open space. This won't be possible if you force me into industrial, because I can't do it. I will fail. I know Don Wood; he's sitting here. He and I have known each other for years and I've shown him all these plats - we've gone to lunch; we've talked it over. I like him. He's a friend. A good guy. And he knows I can't compete with him. He's got the power of the City and the money from the City to pay his overhead. Nobody pays mine. I've invested most of my life savings in this and a lot of it I've done in reliance on the Planning Department. All of this was before Susan came here. She was hired out of my back yard into my back yard. Can't seem to get away from her. I didn't even know I needed to. This was all - two and a half years I dealt with the City. I changed the plan. Someone asked about the multi-family - the apartment houses. That wasn't even my idea. After several iterations of the plan in a meeting - I've got to take my shoes off to count the number of times I've traveled here to meet with the City. We would rather you restructure your entries so you have one off Tecumseh Road. I said I'd do that. Okay. I said if that's an entry to residential tracts, what should I tell them to drive through industrial parks to get to the residential? That's just not going to work. And I don't want to put him on the spot, I think it was Mr. Koscinski who said put some apartment houses there. High density is actually what they said. And I said you want me to put high density on my place? Okay. I'll do it, and we did it. Let me show you something. This is years' worth of work and $200,000. There are studies, upon studies, upon studies. There are studies done over and reviews and changes. It was the Planning Department. I came in with a plat. I would have been fine and let's go with the first one. It's somewhere in there, not even close to the top. Hundreds of thousands of dollars. Because I have been the cooperative part. I've done everything the City has asked of me. I think if you ask the staffers, I got along with all of them. Past heads of the department. Richard Massie came to me after one of the meetings and said, "We really like this. We're behind you 110%." That's dropped to zero after I spent $200,000 doing it. And I'm literal about that.

Let me go back for a minute and tell you how I started this. When I went to Bob Goins and I told him - and Bob's a pretty progressive liberal fellow - ivory tower. I'm very much more a conservative lawyer type. I went to Bob and we talked at his home. If you had to choose a grandfather, he's sitting over here. Just the most pleasant kind of marshmallow you could ever meet. Those of you that know him know what I'm talking about. He said I don't need it. I work with Ada. I work with the City. I have credibility. All those people down there in the Planning Department, they took my

planning courses. I have lunch with them. I don't need to do this. I'm a professor emeritus. I don't need to do this work. I don't take outside work like this. Said the only way I'd do this is I think I'm doing something worthwhile. It has to pass his snoot test. And we talked about it. I told him what I wanted to do. Open space. Feng shui, I think is one of the terms. You do it because it's a debt. My blood runs in this land. My son wants to go to the University of Oklahoma; ten year old boy, straight A's. He'll get there. I'm a single father. When he goes there, one of these streets is going to be named after him and he'll tell his friends about his great great great grandfather. That's – I can't walk away from this as a bunch of industrial parks that's designed to bring the City money. I just can't do that. I can't disappoint him. Can't disappoint my grandmother. I just can't give up my ideals. So I did the best job I thought I could. I put together all the best techniques.

If you'll look at this, you'll see that Tecumseh Road, which is the arterial, all along it's buffered by non-residential uses. Now you'll look at that high density and you can say that's residential, but it's apartment people. It's folks living in apartments; they don't have a voice; they didn't buy property; if they don't like the apartment here they can move somewhere else; they're transient by nature. They don't have a footing to object. If some of the issues are that it's obstructive to residential, those people aren't the people who can object. Who would object? Well, maybe residential owners. But then they've come to a known situation. It's called assumption of the risk in legal terms. They sit back from the road hundreds of yards. The only industrial user – the only neighbor that objected is sitting over here, the head of Sysco. He didn't object when the 300 and some odd acres catty corner across 12th and Tecumseh was put into residential. By the way, that's only been a couple of years ago as you all know. This Planning Department did it without their mandate to review. In fact, for fourteen years, the City has done everything without a mandate that Ms. Connors says they have to review. But now the mandate falls on me – not on a bunch of people – not on an area of town – on me. And it falls on me for one specific reason: because my family kept this land together for 122 years. It's all in one ownership and that makes me a victim. That makes me the patsy. Because, suddenly, the land grab only affects one person, and it's a land grab. Because if you run the numbers on this, it's not some faint little difference in returns. This PUD that I'm proposing would probably make ten or twelve million dollars for me – net after the infrastructure. Don Wood sits over here and he's tried to buy my place several times and I keep telling him he just doesn't have the money, and he doesn't have the money. He's talking ten million dollars less. The difference between this well-thought-out plan and ten or twelve large industrial sites is ten million dollars to me. That's no small amount of money. That's not the chicken feed I used to put out for our chickens. It's not hog slop that I used to put in front of the hogs. It's some real money. And where is it going? It's coming out of my pocket so that the City can put it in theirs. That's the absolute truth of it. Look in the back of their report and that is exactly what they say. They want this to make City revenues. Has nothing to do with jobs in Norman. It's not Norman people that are going to work in these facilities. Don Wood told them he wants facilities on the north side of town because the employment reserves are north of town. It's Oklahoma City. Those people are coming down here to work. And they take their paychecks back to Oklahoma City.

The thing that has made Norman steady economically over recession after recession has been that it's a bedroom community. People who live here work in Oklahoma City and they bring their paycheck here. They spend it in the grocery store here. They spend it in the department store in Norman. They go to the movie theaters in Norman with their money from Oklahoma City. You're going to reverse that. You're going to use up Norman and send the money back up north.

This plan has a function for Norman. It includes some single family residential - more bedroom community. That's going to bring money in. It includes much more dense use than ten industrial sites, therefore much higher tax base. The money per acre is going to be higher here than it will be for some warehouse operation or something. The people will bring the money into Norman. The apartments services the already - a need - there are hardly any newer apartments in north Norman. Hardly any planned, and I don't think there are even any in existence. There's some old apartments down along Robinson. But if the service people who are going to work in North Park want a place to live, they can either wait until the University gets around to platting out the north part of it - maybe there'll be some apartments there - or they can come live on my place. There's space for about 250 apartments; it's just not a big deal.

Talk about traffic - it's not a big deal. Sysco objects because they say it will increase traffic. Well, they should look to the east of them then, because there's a couple of miles of residential planned out there. You know. The report says, oh, well, there'll be complaints and people won't want it to be industrial any more. Well, I'm going to ask you if any of you has ever heard of complaints against an existing industrial user that resulted in the City changing their use away from industrial and booting them out. It never has happened. Never has happened. What's the point of objecting? Why does it even matter if they do? Nothing is going to change. Sysco has been there for years. And, by the way, let me address Sysco. There's been one objector of all of the people around this. We sent out notices, of course, at the City's behest. There's another expense that's going to be down the tubes. Out of all those people, one objector and he's sitting over here - Sysco. He thinks that Tecumseh Road is his, I guess. Most of the traffic here will dump out between Sysco and the highway, not going in front of Sysco. If he wants to look at residential traffic that might object to his trucks coming out on the road, you better look to the east. Better look across 12th. Those are the people that are going to hear his compressors go up, not people that are living hundreds of yards away.

And, by the way, let me say another thing about Sysco. This really irks me. I tried to be a good neighbor. Years ago Sysco was having a strike. I don't know if you all remember that. It was pretty bitter. People were out on my property with signs. The managers called me in Denver. They weren't calling me to say, "Hi, how are you?" They were calling me to get me to throw the union off of my property for his economic benefit. Well, the union hadn't called me and asked permission and I didn't have a dog in the fight, and Sysco was a neighbor. So I did what neighbors do and I called up the union and I said you guys never asked me - I don't have a dog in the fight - move. I did that for Sysco. He's here to do the same for me - move.

So I tell you what's going to happen here if you all vote and push me into an industrial park. First of all, I'm likely to go broke. Don, here, he's got a charter on his organization and he's not going to make a profit. He gets his overhead paid with tax

dollars. And he gets the University helping him along. They all have the authority of government, all the connections. You know, you can't fight the University. You can fight City Hall, but you can't fight the University here. David Bjorn, I think, when he was inaugurated as president made a statement that I framed. He said it funny - you probably all remember it. But I find it very insightful. He said, "I hope I can make the University an institution the football team can be proud of." The University rules. They're part of Don's group. The City rules; they're part of Don's group. The Chamber of Commerce rules; they've got the connections; they're part of Don's group. He sells at cost. He and I talked about it. I can't compete with that. I'm going into bankruptcy if I'm forced to that. The very best I could try to do is maximize the return here - give up all the ideals. Mark this out - no open space. Open space means you've got to have a property owners' association. Nobody likes property owners' associations. Any of you live in one? Anything you like about it? I live in one. And I'm a real estate lawyer. I should like them. I do work for them. Nobody likes them. No property owner association.

How about that floodplain down there? Well, I'm a real estate attorney and an environmental attorney and I'll tell you what can be done in that floodplain. Parking lots. As long as it doesn't impede the flow of flood waters, it's legal. No 404 permit. I'll sell you five acres; you can make a parking lot out of it. Don't need a permit. There's no parking lot permits here. Pave it over. So let's say I did that. I ring ten light industrial or ten industrial sites around that floodplain and each one of them I sell a separate five-acre parcel for parking. That just used up the floodplain. It's asphalt. You think we've got an environmental problem with the runoff of yard fertilizer? The runoff from industrial site parking lots makes that pale. I don't want to be pressed into these things. I don't want to go to bankruptcy. I don't want to fail for my son. I don't want to do a lousy job. I'm not used to that.

And I guess what I'm asking you for here - I'm going to quit here because my lawyer said we're over time and so be brief, and I haven't been. But then I usually get paid for talking, so forgive me. I just finish by repeating one thing. And that is that I'm being set aside here - identified - targeted - for one reason. It's because my family has kept this land together. Because we have taken care of it and we haven't split it up and sold it off in little pieces. We've been caretakers of the land that's been caretakers of my family. And now, because of that, I'm targeted and it's going to be ripped from me and it's going to be turned into something which is purely money generating for ad valorem taxes. Any employment money is going out of town. It's just a land grab for ad valorem taxes. Thanks for listening to me. And, by the way, I'm an environmental attorney so if anybody has got any questions about that, or any of the original design concept - it floated around in my head for decades so I know where they came from. I'd take any questions. Environmental questions. Point source pollution. Non-point source pollution. Clean Water Act. 404 permits. Corps of Engineers. I can do it all. Tap dance. Nobody wants to see tap dance? Can't sing. So I guess I'll quit. Thanks for listening.

Chairman Trachtenberg asked if there were any questions for the applicant. There being none, he asked if anyone in the audience wished to speak on this item.

PARTICIPATION FROM THE AUDIENCE:

1. Chris Davis, President of Sysco in Oklahoma, 1350 West Tecumseh Road - I filed a protest. Well, first of all, I don't have a colorful story for you. I don't have a lot of passion for this. I haven't really even been here. I wasn't here when we went on strike. When the development to the east of us went up, I filed a letter of protest and it was recommended by a number of people, because of the people involved, that we withdraw that - so we did. And now I'm going to have a whole bunch of houses next to us to the east. And when this came up, I filed a protest, probably because nobody wants to do that kind of stuff. I really don't have a lot of passion for this.

We're a subsidiary of the nation's largest food service distributor. In Oklahoma, my company employs about 285 people. We also have two other companies in Oklahoma. One is called Fresh Point Thomas Brothers - they're a produce company. Another one is called Sigma - they're in Pryor. And I have employees all across the state - marketing and sales people and delivery personnel. We actually do have jobs. I have about 100 employees who live in Cleveland County, about 50 employees who live in the City of Norman. We have good jobs. Our average weekly paycheck is about $1,200. That's better than Johnson Controls. I don't know about the people at Astellas. I don't know about the other folks around here. Plus we provide health insurance and pension - not everybody has a pension. Profit sharing. Our company started looking for a new site about eight years ago and the City of Norman didn't seem that interested in us even really hanging out here. And if you put our customers on a map in Oklahoma, you would not build your facility in Norman. You would build it where my competitors are, which is just north of Oklahoma City so you can get on that turnpike and go to the other half of the state easily. But we're in Norman. We were convinced to stay. I think a number of people - Gene McKown and Don Wood, amongst others - convinced the City that they ought to help us find a spot, and they did, and it's called industrial. And it looked like a good spot for us. And so then people started to encroach. And Sysco spent about $30 million on a facility. We're a distribution company. We operate pretty much 24 hours a day. If you come out there at 2:00 in the morning, you'll hear us. If you come out at 5:00 in the morning, you'll hear us. You'll hear us all day long. We have about 50 trucks every day that come that are common carriers that come in through our gate. They come, drop off food or supplies that we distribute to our customers. And then they leave. So that's 50 ins and outs. And then we have our equipment that goes in and out that gate every day, and that's about 50 trucks. Some of them are doubles or triples. And we get right there on I-35 and take off. So that's kind of what we do. We have a big generator in the front of our building. We run that when OG&E says turn off your power, because we have a very large refrigeration system. We have ammonia coolant system.

Like I said, I don't have great objection or a passionate story and I'm actually from Oklahoma and I can recount all my generations, too. But the reality is Norman needs good jobs. I've got really good jobs, and if we continue to surround businesses like me with residential, like you did on the east side, people don't want to come here. I need to do an expansion. I need to do about a $10 million expansion, and I'm not sure I would do that in Norman. I think I would probably pick up and move to north Oklahoma City right by that turnpike, and I would take those jobs and that tax base.

That's probably what I would do if this is the direction Norman wants to be. But I'm not sure it is. I withdrew the other protest because I was told it would happen anyway. If this happens, that's fine. I'm a corporate manager; I'll get over it. We'll deal with it. But that's my two cents. I live in Norman. We pay a lot in taxes. Thanks for your time.

2. Paul Minnis asked if the specific objection is the traffic or neighbors complaining about industrial noises. Chris Davis responded that it is both of them. The road is pretty heavily traveled now because it's Highway 77. I'm concerned about that. I'm concerned about the noise we put off and any attempts by our neighbors to have us try to mitigate that noise. I'm also concerned about our ability to come in and out of our facility. Paul Minnis commented, in terms of the noise, we've had this before with the Dolese concrete and they were there first. So if people move in, they've got to deal with it. But in terms of the traffic, I don't know how that deals with traffic engineers and what an issue it is. So it sounds like you have about a truck every half hour or every 15 minutes - something like that. I don't know if that can be handled or not. But the sound, in the past, when we've had an industrial use like the Dolese plant on south 77 - they were there first and if a housing development goes in, then they're just going to have to deal with it. Chris Davis said he can tell a story of a Sysco company in Norton, Massachusetts who is now, after 20 years, finally moving after spending $10 million on noise mitigation due to residential neighbors who popped up around them. So, yes, you can say that today, Mr. Minnis. You can say that today. The dude who is sitting in your chair 10 years from now might not say that.

3. Curtis McCarty asked what is different today about this protest than the one you withdrew from the neighborhood to the east. Chris Davis said there's really no difference. That was a mistake to withdraw that, from my point of view. The guys that are developing that live down the street from me, actually. It wasn't really personal, but I was told the McKowns are going to get what they want anyway. Ideal Homes has the stroke. So why do I want to get up here and get insulted for trying to take care of my company's business? It would get a little personal, and I really don't care about this that much. But it's my job to do this.

4. Sean Rieger - I just wanted to comment on that. I talked to Mr. Davis when the protest was filed and I want to highlight some things that have been done in the past. This is not insurmountable. We accomplished this same issue with The Cottages project on Imhoff with Hitachi across the street. Same problem - large industrial user across the street and residential going in across the street - multi-family, in fact. The same problem. We worked together. I was on that zoning. We went to Hitachi, just as I went to Mr. Davis a few weeks ago. We said what do you need from us? What's the solution we can come to to make this work? And there we came to solutions. We came to solutions at the Hitachi location that the residents will be put on notice that they are coming to the nuisance. That's the legal term. They will know they are there. It's their choice if they want to live there. We came to solutions that we would have landscaping and setbacks. We suggested berming and trees and you heard Mr. Goins talk about a

wall or other issues we can easily do here. We can accomplish that problem. That is not insurmountable. But we need a business that will work with us to do it.

Chairman Trachtenberg asked if anyone else in the audience wished to speak on this item. There being none, he turned to the Planning Commission for discussion.

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

1. Curtis McCarty commented that it has been a very long three or four months that we've been reviewing the industrial use and a good presentation by the City tonight that I think helps us understand where we are. However, I will say I think the project has been very well thought out. It's not strictly stripping industrial into residential. There's 28 acres of industrial, 69 acres of single-family, 18.5 acres approximately of multi-family, and 6.5 acres of commercial. And with the topography of the land, the open space, the floodplain - I think it's a great project. I think they've spent a lot of time reviewing what the needs are in the area. They did leave in some of what is important. It's a great, great project and I'd just say I'm in support of this.

2. Andy Sherrer said he thinks we can all agree that it's important to have industrial areas set aside. I don't think there's any doubt about that. I think the question really is how do you go about setting aside those things? I think I would encourage the City to really look at opportunities and ways to offset the costs, because I think that any time you look at a supply and demand type of a structure, there's always going to be a difference in price, and I think it's unfair to really take that onto a single property owner and look at them and say, you know, I'm sorry. You don't get to have the value in your land. I know there's disagreement, and that's always been something that's a fight, but I think when you look at neighbors around Norman, even to our north, and for commercial development recently, but the City really stood in and said there's a price difference and we think this is something that's important for us to move forward as a community. I think if industrially designated areas are important for Norman, as it seems we all agree, then the City really needs to look at that in the future. So when I look at this particular project, and I say how do we make this the example or the precedent or whatever, I have a difficult time really stepping forward and saying that's something we should do. I think that, until the City is ready to step forward and say I have an alternative way to stand up and say we can help in this designation, it's hard to penalize a single property owner.

3. Chris Lewis -- Mr. Connally, I appreciate you coming from Colorado to visit with us today. Mr. Rieger, Mr. Goins, Mr. McCaleb, it's obvious to me that this project wasn't something that happened overnight. I'm going to step a bit further and say it somewhat irritates me that I see a monumental amount of red tape and hoops that you, as an individual, have had to go through in order to get to this point tonight. I looked at a plan that was put together by some of the most outstanding people in the City of Norman when it comes to planning and development, and I see the Little River basin that is protected better than anything possibly can. I will have a point of contention with you in regard to property owners' associations. I do think they're outstanding

entities that have been incorporated, because they will be what protects the Little River basin. That is, coming from an environmental standpoint, a huge concern to me. So I applaud you for bringing this to the Planning Commission. I understand getting rid of land that has been in your family since before statehood – it's not going to be something that is easy, and I see that tonight. I will strongly support moving ahead with this plan. I think it's excellent.

4. Jim Gasaway said he agreed with several comments made earlier by Commissioner Pailes, and it looks like I may be in the minority tonight, so I want to state where I'm coming from a little bit. I'm a very strong believer that any city has the right and responsibility to coordinate the future plans of that city. I think in the area that we're talking about tonight over a number of years in some areas that's been done very poorly. It's been done on a hodge-podge basis and that's why you find a little patch of residential here, a little patch of commercial there, a big patch of industrial here. Now we're talking about putting a whole variety of more inconsistent uses in that area. And, yes, it has been inconsistent for years and years and the City is making an attempt to start at 12th going west and making that residential. We've given away the west as commercial. We've given away the east as residential. You know, at some point, we've got to come to a stopping place with some of this. We can't just take all these inconsistent uses and let them go forever. I can't take my property in a residential neighborhood and stick a quick shop there because it's my property and that's what I want to do with it. I think it's the City's responsibility to control the development within the City, and that's why I'll be voting against this proposal tonight.

5. Zev Trachtenberg stated that he is not going to be able to support this proposal, and his reasons are related to Mr. Gasaway's, but a little bit different. I think that our responsibility as Commissioners is to the City, and our responsibility as Commissioners is to act from the policies that our City has put in place. The 2025 Land Use Plan is the relevant policy statement here. Part of that policy statement includes some guidance as to how that land use plan should be amended, and I'll take this opportunity to read it. It's page 33 from the 2025 Plan, and it says: "Land Use Designation Changes. The following criteria must be met in order to approve requested land use designation changes from the adopted NORMAN 2025 Plan: 1) There has been a change in circumstances resulting from development of properties in the general vicinity which suggest that the proposed change will not be contrary to the public interest; and 2) There is a determination that the proposed change would not result in adverse land use or adverse traffic impacts to surrounding properties or the vicinity." Now, many of the things that the applicant has said bear on those two considerations, but I don't believe they've addressed those directly. I think, if we're going to take our responsibility as Commissioners, at least as I understand it, seriously, we have to follow these criteria as we deliberate about this. So I don't think this is a no-brainer. This is a difficult situation, and it's made more difficult by the quality of the applicant's proposed development. I don't think that is in question. What's in question here, for me, is whether this application is going to be contrary to the public interest or not. That's what's difficult. I think the applicant has made a very compelling argument that they

will further the public's interests in the environmental benefits associated with the Little River corridor. I think it could be explored in a little bit more depth if we were going to follow out the kinds of questions that both Tom and Roberta asked about non-point pollution. But that's a plausible claim. However, there's a contrary claim, which I think is the burden of the report that the Planning Staff gave us, and that is what will the long-term implications be for the City's industrial policy - or the City's prospect to attract more industry for all the manifest benefits that would have? It seems to me that the argument that the staff presented in their report has not been rebutted tonight. Now, I think there was a claim that this property owner is being singled out. I think he's obviously not being singled out for any personal reason; it just happens to be the location of this piece of land. That is, obviously, part of what makes this difficult. However, I don't believe that the applicant has addressed the question, which seems to me to be quite important, once a big piece of land goes in this vicinity, the chances for attracting substantial industrial development in this vicinity are going to be substantially compromised. In other words, there is an enormous opportunity cost that we're putting at risk here. Is that guaranteed? No, it's not guaranteed. Maybe it won't happen. Maybe Norman won't attract industry, despite the best efforts of some of the people in this room and other people who aren't. Maybe, if industry did come, all our workers would be in Moore and Oklahoma City and the City wouldn't gain the benefit. Maybe. So there's a risk. But that's what's at risk. I think we have to consider the opportunity cost that we're putting at risk if we were to allow this. So that's my response to criterion number 1. I think criterion number 2, we do have some pretty strong evidence, given in Mr. Davis' statement that there will be an adverse affect on a surrounding property owner which is not inconsiderable. Incumbancy, after all, does, and should, carry some weight.

Let me just close my remarks with a more general comment. What we're being asked to do here is make a very substantial change in the City's policy regarding land use. I would submit that this is not the forum in which to do that. Now, obviously, we are entitled to make recommendations to the City Council on Land Use Plan amendments. However, because of the opportunity costs that are put at risk here, this is not a small, relatively routine kind of decision. This is a big decision. My sense, speaking personally, is that this is not the forum in which to do that. We have a well-developed planning process in this City. These plans do not come out of nowhere. These plans are not handed out by City staff arbitrarily. They are the result of a very intensive, highly democratic, I might say, process that includes lots and lots of public participation. They're well-noticed - that is to say everybody knows about them. They're covered in the newspaper and so on. So, in other words, these plans don't come out of nowhere and we have, I believe, a responsibility - not to the plan as ink on paper, but we have a responsibility to the people who invested their time and goodwill to produce the plan. So maybe Mr. Rieger is right and that little bend in the elbow ought not to be an industrial area. That's not an unreasonable claim. That's not an unreasonable claim. But I feel highly uncomfortable making that decision here. That's a decision, I think, that should be part of the general planning process which is ongoing and, as we all know, 2025 will soon become 2030. So I'm not able to support this application, as good as I think Mr. Goins' work and the applicant's work has been in

conceptualizing it, because, frankly, in my interpretation of my responsibilities as a Commissioner, I do not think I have the authority to make that kind of decision. So I'm afraid to say I will not be supporting this.

6. Chris Lewis commented that, if I were an applicant, as Mr. Connally is, and I came to the City and the City continued to tell me this is an excellent idea, we support this idea, and Mr. Connally continued to invest thousands and thousands of dollars in a project thinking the City was in complete support, and then we, as a City, decided to do a complete 360 and say, hold on, we need a 60-day extension to do a study, and we completely change our support altogether. From an integrity standpoint, I cannot support a city going in one direction, completely turning around, and coming back an entire different direction when Mr. Connally and his associates have relied on a direction and have been moving in that direction. So, again, as a rebuttal, I understand that the 2025 Plan certainly is something, as regards to industrial land, we want to set aside, and that's something that should be, as an idea, followed. However, in this case, and certainly it's a very unique case, when an applicant is being told we have support - if he had been told a long time ago, no, Mr. Connally, no - then probably $200,000, as you have stated, would not have been spent in anticipation of completing a $12 million plus net project, as Mr. Connally has stated. So I just wanted to add that for the record.

7. Curtis McCarty commented that he feels we're being inconsistent. The land to the east had part of industrial zoning on it and there was absolutely no problem with that, but now the piece to the north does have a problem, and it's on the same intersection. I understand the line, but it also a 2025 Plan.

8. Roberta Pailes noted that the 2025 Plan has been very public for a number of years, so every land owner is well apprised of what category their land falls into and it's been readily amended. And if it stopped being readily amended, that would indeed be a change.

9. Paul Minnis stated that he is not going to vote. We are advisory to the City Council. All the points that have been made have been fair. The applicants may have been jerked around by the City historically; I don't know - I've only heard one side of it, but it's a plausible thing and I can't expect consistency when you're dealing with multiple organizations. If he's a victim, then he should get some recompense. Zev makes a good point that the process is important; and we are part of the process. So the first time since 2004, I'm not going to vote, because we are advisory and it's a wash as far as I'm concerned. The people who legally have to make the decision - the City Council make the decision. I think it's incredibly close and there are lots of good issues on both sides that everybody has raised.

10. Chris Lewis asked for clarification on the result of a vote either for or against this application. Zev Trachtenberg explained that the matter will move forward to the City Council under any circumstances. What we are adding here is the public record and our considered judgment, backed by the reasons that we've stated.

11. Paul Minnis commented that we focus on votes, but what's really important is what we have said to the City Council. The vote, they're going to see it and it's probably going to be split and they're going to then pay attention to the split vote. I think all of the Commissioners and the people involved have made compelling arguments, and that's what's really important - what's written down and what they can read. The vote is important, but what's really important is getting the narratives out.

Chris Lewis moved to recommend adoption of Resolution No. R-0910-82, Ordinance No. O-0910-17, the Site Development Plan and accompanying documentation, and recommend approval of the Preliminary Plat for FOUNDERS PARK ADDITION, A Planned Unit Development, with an alley waiver for the commercial and industrial areas, to the City Council. Andy Sherrer seconded the motion.

There being no further discussion, a vote on the motion was taken with the following result:

YEAS	Tom Knotts, Chris Lewis, Curtis McCarty, Andy Sherrer
NAYES	Jim Gasaway, Roberta Pailes, Zev Trachtenberg
ABSTAIN	Paul Minnis
MEMBERS ABSENT	Diana Hartley

Recording Secretary Roné Tromble announced that the motion, to recommend adoption of Resolution No. R-0910-82, Ordinance No. O-0910-17, the Site Development Plan and accompanying documentation, and recommend approval of the Preliminary Plat for FOUNDERS PARK ADDITION, A Planned Unit Development, with an alley waiver for the commercial and industrial areas, to the City Council, passed by a vote of 4-3-1.

* * *

The meeting recessed from 9:03 to 9:12 p.m.

* * *

6. ITEM: CONSIDERATION OF ORDINANCE NO. O-0910-21 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 460 OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO PLACE A TRACT OF LAND LYING WITHIN THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 8 NORTH, RANGE 3 WEST OF THE INDIAN MERIDIAN, CLEVELAND COUNTY, OKLAHOMA, IN THE CO, SUBURBAN OFFICE COMMERCIAL DISTRICT, AND REMOVE THE SAME FROM THE RM-2, LOW DENSITY APARTMENT DISTRICT, AND R-1, SINGLE FAMILY DWELLING DISTRICT, OF SAID CITY; AND PROVIDING FOR THE SEVERABILITY THEREOF. (INTERSECTION OF BERRY ROAD AND STATE HIGHWAY NO. 9)

INFORMATION: The above-described ordinance is submitted for Introduction and adoption upon First Reading by title, and subsequent thereto, for submission for City Council's final consideration in its meeting of June 8, 2010. Copies of an advisory memorandum; ordinance; site development plan; location map; Staff Report; Predevelopment Summary; Protest Area map; letters of protest; and pertinent excerpts from Planning Commission minutes are included in the Agenda Book.

ACTION NEEDED: Motion to Introduce and adopt the ordinance upon First Reading by title.

ACTION TAKEN: _____

office memorandum

DATE: May 10, 2010

TO: Honorable Mayor and Councilmembers

FROM: Doug Koscinski, AICP DJK
Manager, Current Planning Division

SUBJECT: First Reading: May 25, 2010
Second Reading: June 8, 2010
Agenda Item: Resolution No. R-0910-87: Cerebral Professional Systems, Inc. requests amendment of the NORMAN 2025 Land Use and Transportation Plan from Medium Density Residential Designation to Office Designation on property located north of Highway 9 at the Intersection of Berry Road and Highway 9.
Ordinance No. O-0910-21: Cerebral Professional Systems, Inc. requests rezoning from RM-2, Low Density Apartment District, and R-1, Single Family Dwelling District, to CO, Suburban Office Commercial District, for property located north of Highway 9 at the Intersection of Berry Road and Highway 9.

BACKGROUND. The applicant's intention is to develop an office park area that will be accessed from Highway 9, and will include a small commercial building in an area already zoned for retail use. Prior to 1977, this parcel was designated for low-density residential development, except for a small four acre tract of commercial designation where Berry Road was stubbed into this property. A rezoning request was approved which increased the amount of C-1 zoning at the intersection of Highway 9 and Berry Road, with RM-6 to the east adjacent to Imhoff Creek, and RM-2 as a buffer between the commercial area and the single-family development proposed at the top of the hill near Imhoff Road. At that time, the City hoped that Berry Road would be extended south from Imhoff Road to make a connection with Highway 9. That requirement was eliminated with the approval of the 2020 Plan, which recognized the extreme difficulty of accomplishing that extension (due to severe topography and a major flood plain/channelization project). The request submitted by this developer would change the land use designation of that "buffer area" from Medium Density Residential to Office Designation, and grant rezoning to CO, Commercial Office District

DISCUSSION. Since 1977, newer, more detailed analysis of the Imhoff Creek floodplain shows a severe impact on any development in this area. The land to the east of the Berry Road intersection (which is not part of this application) is entirely within the floodplain of Imhoff Creek, and includes the main channel. That floodplain extends into the applicant's property and severely impacts that portion which is zoned for commercial use. When this application was heard at a pre-development meeting in December, the developer's hope was to convert the residential tract to retail and office uses to compensate for the loss of land resulting from the flood plain. After discussion with the neighbors, the current request does not involve any retail uses within the buffer area, and

the request is to convert that area to office use only. The change in topography will allow the office to be integrated into the hill, with minimal impact on the existing residential subdivision at the top of the hill. Some commercial use will still occur within the area that is presently zoned C-1, which is not within any flood plain area.

STAFF RECOMMENDATION: At their meeting of April 8, 2010, the Planning Commission, by a vote of 8-0, supported this request and recommended adoption of Resolution No. R-0910-87 and Ordinance No. O-0910-21. Staff recommends approval of this Ordinance, and submits this First Reading item for City Council's consideration and action.

DJK:rnt

Reviewed by: Susan Connors, Director of Planning & Community Development
Jeff Bryant, City Attorney
Steve Lewis, City Manager

Attachments: Resolution No. R-0910-87
Staff Report
Location Map
Ordinance No. O-0910-21
Staff Report
Location Map
Preliminary Site Plan
Pre-Development Summary
Planning Commission Minutes
Protest Letters and Protest Map

O-0910-21

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 460 OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO PLACE A TRACT OF LAND LYING WITHIN THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 8 NORTH, RANGE 3 WEST OF THE INDIAN MERIDIAN, CLEVELAND COUNTY, OKLAHOMA, IN THE CO, SUBURBAN OFFICE COMMERCIAL DISTRICT, AND REMOVE THE SAME FROM THE RM-2, LOW DENSITY APARTMENT DISTRICT, AND R-1, SINGLE FAMILY DWELLING DISTRICT, OF SAID CITY; AND PROVIDING FOR THE SEVERABILITY THEREOF. (INTERSECTION OF BERRY ROAD AND STATE HIGHWAY NO. 9)

§ 1. WHEREAS, Cerebral Professional Systems, Inc. and John M. Campbell, the owners of the hereinafter described property, have made application to have the same placed in the CO, Suburban Office Commercial District, and to have the same removed from the RM-2, Low Density Apartment District, and R-1, Single Family Dwelling District; and

§ 2. WHEREAS, said application has been referred to the Planning Commission of said City and said body has, after conducting a public hearing as required by law, considered the same and recommended that the same should be granted and an ordinance adopted to effect and accomplish such rezoning; and

§ 3. WHEREAS, the City Council of the City of Norman, Oklahoma, has thereafter considered said application and has determined that said application should be granted and an ordinance adopted to effect and accomplish such rezoning.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA:

§ 4. That Section 460 of Chapter 22 of the Code of the City of Norman, Oklahoma, is hereby amended so as to place the following described property in the CO, Suburban Office Commercial District, and to remove the same from the RM-2, Low Density Apartment District, and R-1, Single Family Dwelling District, to wit:

A tract of land lying in the Northeast Quarter of Section 12, Township 8 North (T8N), Range 3 West (R3W), of the Indian Meridian (I.M.), and being more particularly described as follows:

Beginning at the Northeast Corner of the Northeast Quarter; thence South 89° West on the North line of the Northeast Quarter a distance of 867.94 feet; thence South 03° East a distance of 485.21 feet to the Point of Beginning; thence South 03° East a distance of 78.07 feet; thence South 86° West a distance of 104.95 feet. Said tract contains 4.41 acres, more or less.

AND
Beginning 420 feet South and 51.41 feet West of the Northeast Corner of the Northeast Quarter; thence West 202.99 feet; thence South 118.41 feet; thence East 168.17 feet; thence in a Northeasterly direction 123 feet to the Point of Beginning. Said tract contains 0.52 acres, more or less.

§ 5. Further, pursuant to the provisions of Section 22:434.1 of the Code of the City of Norman, as amended, the following condition is hereby attached to the zoning of the tract:

a. The site shall be developed in accordance with the Site Development Plan (Exhibit A), approved April 8, 2010, and supporting documentation submitted by the applicant and approved by the Planning Commission.

§ 6. Severability. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

ADOPTED this _____ day of

_____, 2010.

_____
(Mayor)

NOT ADOPTED this _____day of

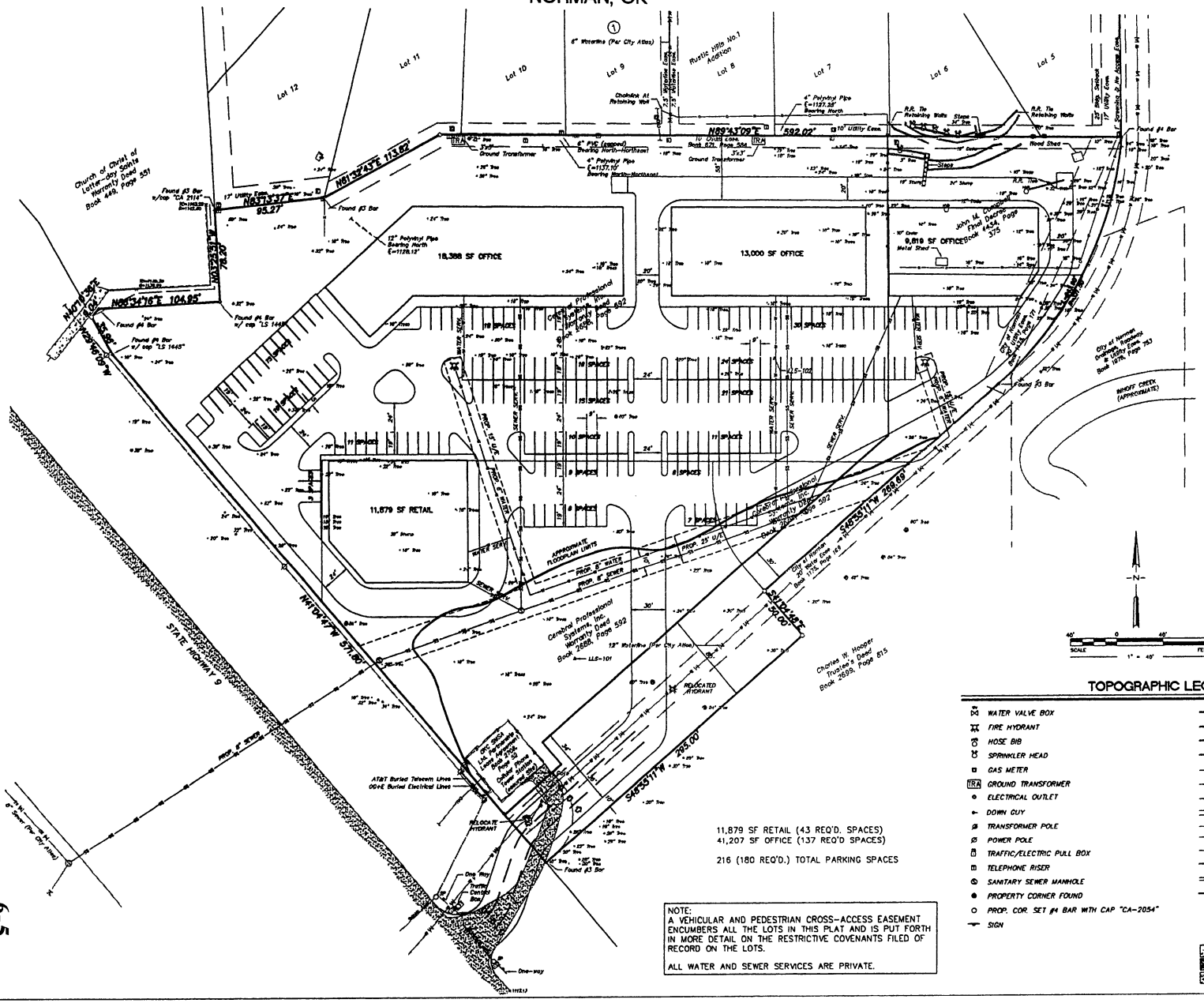
_____, 2010.

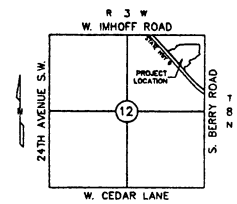
_____
(Mayor)

ATTEST:

_____
(City Clerk)

PRELIMINARY SITE PLAN OF
CAMPBELL PARK
1299 HIGHWAY 9
NORMAN, OK





LOCATION MAP

11,879 SF RETAIL (43 REQ'D. SPACES)
41,207 SF OFFICE (137 REQ'D SPACES)

216 (180 REQ'D.) TOTAL PARKING SPACES

NOTE:
A VEHICULAR AND PEDESTRIAN CROSS-ACCESS EASEMENT ENCUMBERS ALL THE LOTS IN THIS PLAT AND IS PUT FORTH IN MORE DETAIL ON THE RESTRICTIVE COVENANTS FILED OF RECORD ON THE LOTS.

ALL WATER AND SEWER SERVICES ARE PRIVATE.

TOPOGRAPHIC LEGEND

- WATER VALVE BOX
- FIRE HYDRANT
- HOSE BIB
- SPRINKLER HEAD
- GAS METER
- GROUND TRANSFORMER
- ELECTRICAL OUTLET
- DOWN GUY
- TRANSFORMER POLE
- POWER POLE
- TRAFFIC/ELECTRIC PULL BOX
- TELEPHONE RISER
- SANITARY SEWER MANHOLE
- PROPERTY CORNER FOUND
- PROP. COR. SET #4 BAR WITH CAP "CA-2054"
- SIGN
- BARBED WIRE FENCE
- CHAINLINK FENCE
- STOCKADE FENCE
- SECURITY FENCE
- ELECTRIC UNDERGROUND LINE
- OVERHEAD ELECTRIC LINE
- SANITARY SEWER LINE (PER ATLAS)
- STORM DRAIN LINE
- UNDERGROUND TELEPHONE LINE
- WATER LINE (PER ATLAS)
- WATER LINE
- GROUND SURFACE CONTOUR
- CURB AND GUTTER
- SURFACE DRAINAGE FLOWLINE
- TOP OF CURB SPOT ELEVATION
- GUTTER SPOT ELEVATION
- SPOT ELEVATION
- CONCRETE
- ASPHALT
- GRAVEL

REVISIONS

No.	Description	Date

KEY PLAN

SCHEMATIC/SEAL

PROJECT
CAMPBELL PARK

LOCATION
1299 HWY 9
NORMAN, OK

PREPARED FOR
CAMPBELL INVESTMENTS, LLC
NORMAN, OK

DRAWING TITLE
PRELIMINARY SITE PLAN

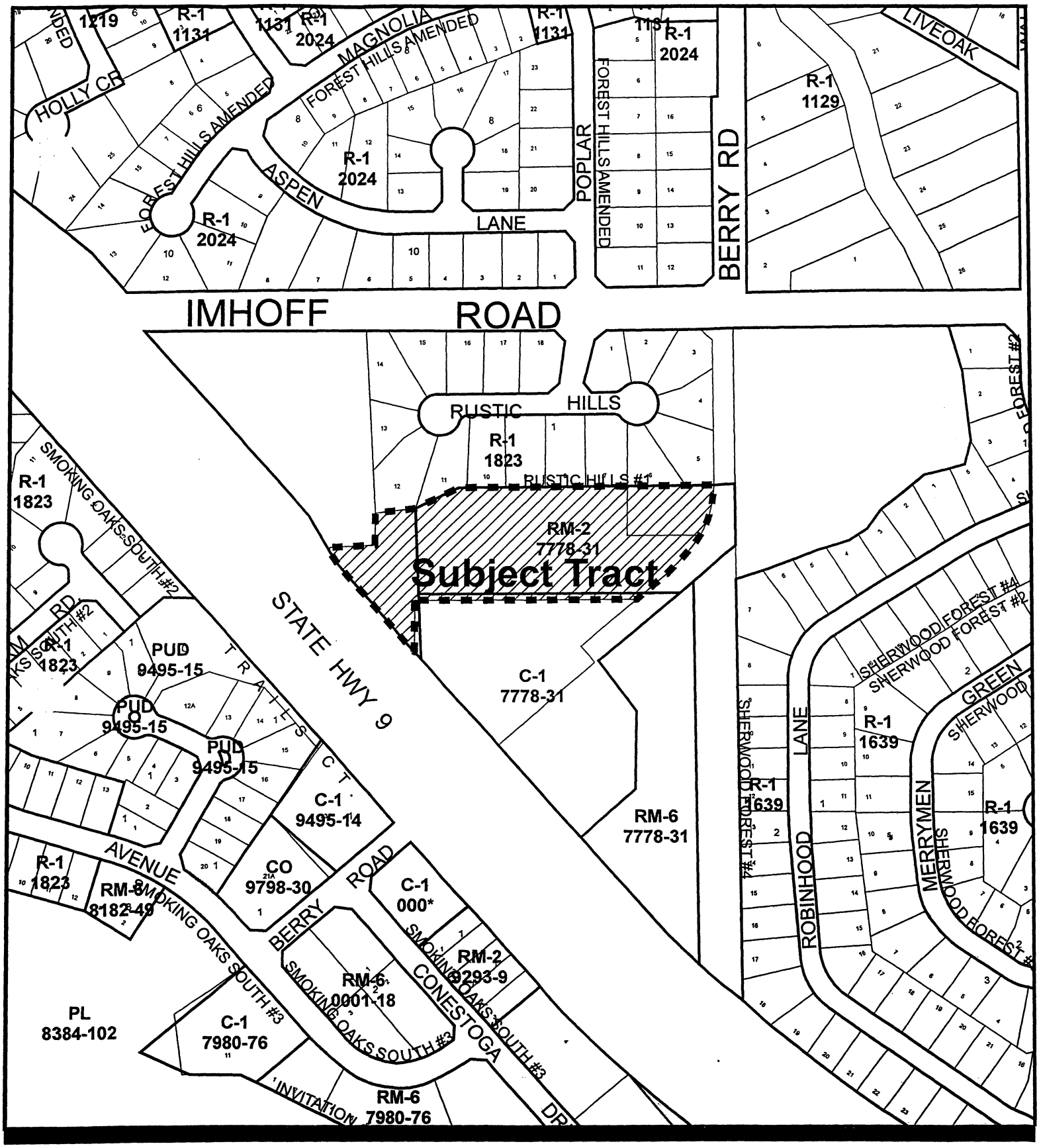
Project No.	09070
Drawn By	BNH
Checked By	WRS
Date	3/26/10
Scale	1"=40'
Issued By	REVIEW
Drawing No.	

PRELIMINARY

CARDINAL ENGINEERING
1018 N. Broadway Ave., Suite 300
Oklahoma City, OK 73102
Phone 405.842.1066
Fax 405.843.4687

3226 Bart Conner Drive
Norman, OK 73072
Phone 405.579.0655
Fax 405.366.8540
http://www.cardinalengineers.com

CA# 2054, expiration date 06.30.2010



PROPOSED REDISTRICTING – ORDINANCE NO. O-0910-21

APPLICANT: Cerebral Professional Systems, Inc. and John M. Campbell

REQUEST: Rezoning from RM-2, Low Density Apartment District, and R-1, Single Family Dwelling District, to CO, Suburban Office Commercial District

ORDINANCE NO. O-0910-21 ITEM NO. 9b

STAFF REPORT

GENERAL INFORMATION

APPLICANT	Cerebral Professional Systems, Inc. and John M. Campbell
REQUESTED ACTION	Rezoning to CO, Suburban Office Commercial District
EXISTING ZONING	RM-2 and R-1
SURROUNDING ZONING	North: R-1 East: R-1 South: C-1 West: R-1
LOCATION	North of Highway 9 at the intersection of Berry Road and Highway 9
SIZE	4.63 acres, more or less
PURPOSE	Office Development
EXISTING LAND USE	Vacant
SURROUNDING LAND USE	North: Single-family dwellings East: Vacant South: Highway 9 West: Church

SYNOPSIS: The applicants hope to develop a professional office park, with shared parking that connects to the Berry Road/Highway 9 intersection. The only access to this site is at the Berry Road intersection, as Highway 9 is a limited access facility. Berry Road cannot be extended to the north to provide a connection to Imhoff Road as the topography is too severe. As originally conceived, this project was a mixture of office and retail uses, but has been modified based on comments received at a Pre-Development meeting. The only retail use will occur within that area currently zoned C-1. The exact nature of the offices and retail has not been determined.

ANALYSIS: The Site Plan which accompanies this rezoning request shows several individual office buildings with shared parking in front of those structures. The Imhoff Creek floodplain impacts this property, and requires that most of the structures be moved away from the southern edge of the property. The land slopes dramatically towards the north, and a retaining wall will be constructed to mitigate the steep slope.

ALTERNATIVES/ISSUES:

- **ACCESS** The only access to this entire site is via the intersection of Berry Road with Highway 9. Berry Road would not be extended into this tract as a public road, but simply be a driveway that will access this site and any future land that remains in this area.

- **BUILDING HEIGHT** The proposed CO zoning allows buildings up to three and a half stories in height. In order to address neighbor's concerns, the site plan shows single-story buildings only. Even with steep-pitched roofs, there should be minimal impacts on the up-hill residents. Commercial buildings are required to have at least eighty percent of their walls constructed with masonry products.

- **LIGHTING** No detailed lighting plans have been submitted. Staff would recommend that any building lighting on the rear or sides of these structures be wall-mounted full cut-off fixtures only, and that parking lot lights be limited to twenty-five feet in height with full cut-off fixtures, with no site lighting along the rear of the office buildings.

- **SITE PLAN** There is a pre-existing cell tower located on this site adjacent to Highway 9. It will remain although it cannot be relocated or expanded. The site plan shows adequate parking for the proposed uses, and the parking will be shared by covenant.

OTHER AGENCY COMMENTS:

- **PARK BOARD** Parkland dedication is not required with commercial development.

- **PUBLIC WORKS** A flood plain permit will be required for the construction of the driveway connecting Highway 9 to this parking area. An alley waiver has been submitted.

STAFF RECOMMENDATION A substantial buffer has been maintained between the rear of the proposed office buildings and the abutting single-family homes. The existing topography and vegetation, along with the recommended height limitation and lighting restrictions, will minimize any negative impacts on the abutting properties. With those restrictions, staff is able to support this rezoning request.

Applicant	Cerebral Professional Systems, Inc.
Location	North of Highway 9 at intersection of Berry Road and Hwy 9
Case Number	PD 09-26
Time	6:30—7:30 PM

Attendee	Stakeholder	Address	Phone
Robert Campbell	Applicant	3812 Stoneleigh Pl	360-2784
Sean Rieger	Applicant's attorney	136 Thompson Drive	701-0200
Jan Stratton	Neighbor	1137 Robin Hood Lane	329-1761
Kathleen and Martin Hallren	Neighbors	1 Rustic Hills	321-6015
Dwight Birdwell	Neighbor	2 Rustic Hills	321-6559
Darward George	Neighbor	4 Rustic Hills	360-0784
Jo A. Knapp	Neighbor	9 Rustic Hills	360-8146
Anvita Baier	Neighbor	10 Rustic Hills	701-2801
Ed and Sumya Adwon	Neighbors	11 Rustic Hills	360-0887
Kim Baier	Neighbor	15 Rustic Hills	701-2801
John Fagan	Neighbor	18 Rustic Hills	364-1982
Susan Atkinson	City facilitator		366-5392
Drew Norlin	City Engineering		366-3459
Leah Bunney	City Attorney's office		366-7748
Doug Koscinski	City advisor		366-5441

Application Summary.
Applicant is seeking to rezone a 4.9-acre parcel fromR-1 and RM-2 to C-1 Commercial. The *Norman 2025 Land Use Plan* designation is Medium Density Residential.

Applicant's Opportunity.
Applicant is seeking to develop a roughly 5-acre parcel of vacant land owned by his father, who lives adjacent in the Rustic Hills Addition. He anticipates an office park type use, consistent with land uses along the Oklahoma Tech Corridor, as this segment of Highway 9 is sometimes known. Even though he hopes to develop a mixed office campus, he is seeking C-1 Commercial zoning to enable the possibility of small restaurant or other convenience uses that would operate to serve the office workers. Applicant said he believed this office campus was the "highest and best use for the property but also the best possible neighbor" to adjacent residential areas.

The site is accessed from Highway 9. There is also a cell tower that will remain in place at southeast corner of the site. Applicant's attorney stated that the plan was to retain the ridgeline and trees on the northern edge of this site as a natural buffer and to provide separation between the residential subdivision and this office land use.

Neighbors Comments.

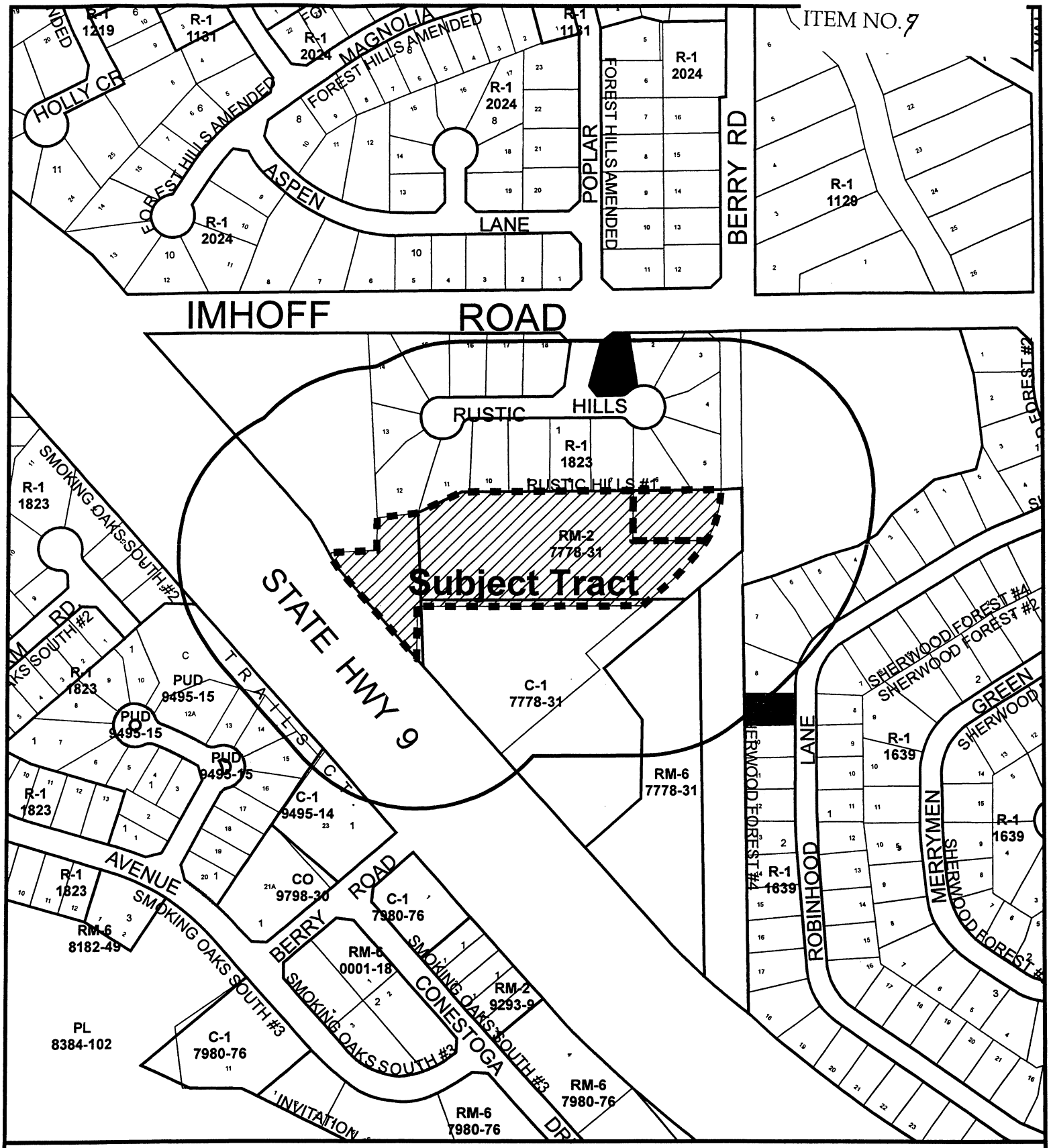
Land Use.
Neighbors were concerned about any land use changes to the vacant parcels but after some discussion the developer's attorney asked if they generally supported the idea of office use on this parcel. Neighbors answered "yes, generally that would be better than anything else."

Zoning.
Neighbors were unanimous in their concern that C-1 zoning for office use is too permissive for this site. They recommended the applicant consider a PUD that limits future use to offices only, or another Office category that would allow this type of development. "C-1 is way too broad and opens the door to anything" was a comment heard over and over.

Drainage and Erosion.
Neighbors on the east side of the creek (along Robin Hood Lane) were very concerned about the paving for this site exacerbating already steady erosion of the creek bank.

> Applicant's response. Applicant's attorney stated that his client would not foresee grading the ridge above the site and would remove as little of the tree cover as possible, not only to preserve the environment but also to prevent erosion.

ITEM NO. 9



Protest Map

1.6% Protest Within Notification Area

Map Produced by the City of Norman
Geographic Information System.
(405) 366-5436
The City of Norman assumes no
responsibility for errors or omissions
in the information presented.

N
W E
S

Scale: 1" = 300'
February 10, 2010

Subject Tract
Protest
Notification Area
Protest Outside Notification Area

JAN STRATTON
1137 ROBINHOOD LANE
NORMAN, OK 73069
405.329-1761

April 5, 2010

Norman Planning Commission
201-A West Gray Street
Norman, OK 73070

Dear Commissioners

This letter is to again protest the requested amendment of the NORMAN 2025 Land Use and Transportation Plan to move the property located north of Highway 9 at Berry Road and owned by Cerebral Professional Systems, Inc. and John M. Campbell from Medium Density Residential Designation to Office Designation.

As a homeowner within 350 feet of the property I am concerned that this change in designation will have a negative impact on the drainage of the creek between our properties. Presently the creek comes south at the edge of my neighborhood of Sherwood Forest between Walnut and Berry Road. Immediately south of the Rustic Hills neighborhood it makes a curve to the west and during high water events directly impacts the subject tract, which in turn, directly impacts my property as well.

If this property is rezoned and developed as an office complex, logically the developers will create a plan that will address two issues related to the creek:

1. Some sort of barrier will be created to prevent further erosion of that property on the east side, which will funnel the water full speed toward the next bend in the creek at the back of my property; and
2. To eliminate flooding on the property it will likely be developed in a way to funnel rainwater toward the creek, which will increase the volume of water downstream during heavy rains.

Both of these things will increase erosion downstream and negatively impact property values of everyone who has a backyard along the creek, even beyond the 350 foot radius of this property.

Here is a link to a video of the creek I shot from my backyard.
http://www.youtube.com/watch?v=_AII9ie1Is0

The first scene is from a couple of years ago. It is a little strip I call Turtle Beach which is across the creek to the south of my property. The next scene opens with an established tree falling from the bank of the creek in April 2008. From what I can tell, it is part of the bank that would be included in this rezoning request. The following few scenes were shot last spring (2009) and are from inside the creek bed during low water. The bank erosion on all sides is evident by the exposed roots of established trees and the multitude of fallen trees in the creek.

FILED IN THE OFFICE
OF THE CITY CLERK
ON 4-5-6-13 SML

The flow of the creek brings it south of Imhoff where it makes a hard turn to the right and collides with the bank of the property under discussion. This is the outside of a meander which causes greater erosion, a deeper channel, and steep bank resulting from that erosion. The opposite side of the creek—the inside of the meander—will have a shallow bank with slower flowing water and less erosion.

The next meander, or curve, in the creek is at a point behind my house, just below the utility boxes near my property line on the south. At this point a small tributary, fed by the storm sewer which feeds into the creek on my north property line, joins the main creek. An eddy is created here—the size is determined by the speed of the flowing water—which further erodes this location. Just south of this location is again the shallow bank of the slip-off slope which I call Turtle Beach.

I've lived here since 1998 and when I first moved in I was able to make a couple of passes with the lawn mower behind my chain link fence. The bank beyond that, while steep, was easily hiked to get down into the creek bed. Now, however, I use a weed eater behind the chain link fence, and the bank beyond is so steep I can slide down it, but I can't walk down it. To get into the creek bed I climb down the concrete blocks that surround the area of the storm drain.

Here is a link to a simple explanation of how rivers meander.
http://geobytesgcse.blogspot.com/2006/11/middle-course-of-river-meanders-ox-bow.html

Please consider the ecological impact this change will have on the neighborhood, most immediately to my property and the dozen or so houses south of mine. I'm asking you to reject any change to the zoning of this property.

There is no need for commercial development on this parcel. It will, of course, increase the selling price for the current property owners while certainly decreasing property values in the neighborhood when the property is developed commercially.

Thank you.

Sincerely,

Jan Stratton

Enc. Map

Jan Stratton 1137 Robin Hood Lane

4/5/2010

Norman Map

Map produced using the City of Norman Geographic Information System Website. The data presented is intended for general reference. The City of Norman assumes no liability for errors or omissions in the information presented. GIS@ci.norman.ok.us

1. Tree w/ exposed roots
2. 3 > Trees already fallen
4. Tributary to creek creates peninsula
5. Cottonwood wrapped in screen

ITEM NO. 9

This agenda was posted in prominent public view at the Municipal Building, 201 West Gray, in Norman, Oklahoma, on:

DATE: 2-8-10
TIME: 2:00 pm
SIGNATURE M. Le Blanc
City Clerk's Office

JAN STRATTON
1137 ROBIN HOOD LANE
NORMAN, OK 73069

February 8, 2010

Norman Planning Commission
201-A West Gray Street
Norman, OK 73070

Dear Commissioners

This letter is to formally protest the requested amendment of the NORMAN 2025 Land Use and Transportation Plan to move the property located north of Highway 9 at Berry Road and owned by Cerebral Professional Systems, Inc. and John M. Campbell from Medium Density Residential Designation to Office Designation.

As a homeowner within 350 feet of the property I am concerned that this change in designation will have a negative impact on the drainage of the creek between our properties. Presently the creek comes south at the edge of my neighborhood of Sherwood Forest between Walnut and Berry Road. Immediately south of the Rustic Hills neighborhood it makes a curve to the west and during high water events directly impacts the subject tract. As evidence, I have video tape of a tree, probably 18–24" in diameter, formerly located on the banks of the subject tract crashing into the creek during heavy rains last year.

If this property is rezoned and developed as an office complex, logically the developers will create a plan that will address two issues related to the creek:

1. Some sort of barrier will be created to prevent further erosion of the property on the east side, which will funnel the water full speed toward the next bend in the creek at the back of my property; and
2. To eliminate flooding on the property it will likely be designed to encourage rainwater to drain into the creek, which will increase the volume of water downstream during heavy rains.

Both of these things will increase erosion downstream and negatively impact property values of everyone who has a backyard along the creek, even beyond the 350 foot radius of this property.

On a more pastoral note, the undeveloped section between the creek and Highway 9 is full of wildlife, some I enjoy more than others. It's a haven for squirrels, raccoons, opossums, foxes, armadillos and I'm told there are beaver, but that's one critter I haven't actually seen. There are dozens of varieties of birds including owls, hawks, falcons, all manner of songbirds, with occasional visits from Bald Eagles and Whooping Cranes. The creek itself is home to countless turtles—with a couple of 12–15" snappers that must be

ancient—snakes, toads and frogs of all sorts. I don't know about my neighbors, but living on the banks of this creek adds to my quality of life and I would hate to see all this wildlife displaced.

Please consider the ecological impact this change would have on the neighborhood before recommending any change to the City Council. There is no need for commercial development on this parcel except to increase the selling price for the owners while certainly decreasing property values for at least a dozen homeowners who live downstream.

Thank you for your consideration.

Sincerely,

Jan Stratton

MARTIN & KATHLEEN HALLREN
2318 Wildwood Dr.
Woodward, OK 73801
580-254-5861
580-254-7562 cell
mhallren@yahoo.com
kliesh@sbcglobal.net

ITEM NO. 9

February 5, 2010

City Clerk, Norman, Oklahoma
P.O. Box 370
Norman, OK 73069

Re: Cerbral Professional Systems, Inc. and John M. Campbell Request for Norman 2025 Land Use and Transportation Plan Amendment

Dear Sir or Madam:

We hereby protest the requested amendment to the plan. The amendment is requested to revise a residential buffer between commercial and R-1. General planning goals encourage the maintenance of such buffers. The stated reason for the request was the change in Flood Zone designations, however much of the adjoining commercial property was so designated before the recent survey. This change would result in substantial change to the traffic pattern on State Highway 9 and noise and light pollution to the adjoining residential neighborhood. The increase concrete coverage would be detrimental to the existing drainage to the creek.

FILED IN THE OFFICE
OF THE CITY CLERK
ON 2-8-10

Sincerely,

Martin & Kathleen Hallren

Item No. 9, being:
CONSIDERATION OF A REQUEST SUBMITTED BY CEREBRAL PROFESSIONAL SYSTEMS, INC. AND JOHN M. CAMPBELL FOR A TRACT OF LAND GENERALLY LOCATED NORTH OF HIGHWAY 9 AT THE INTERSECTION OF BERRY ROAD AND HIGHWAY 9.

9A. RESOLUTION NO. R-0910-87 - CEREBRAL PROFESSIONAL SYSTEMS, INC. AND JOHN M. CAMPBELL REQUEST AMENDMENT OF THE NORMAN 2025 LAND USE AND TRANSPORTATION PLAN (LUP-0910-6) FROM MEDIUM DENSITY RESIDENTIAL DESIGNATION TO OFFICE DESIGNATION ON PROPERTY LOCATED NORTH OF HIGHWAY 9 AT THE INTERSECTION OF BERRY ROAD AND HIGHWAY 9.

ITEMS SUBMITTED FOR THE RECORD:
1. Location Map
2. Staff Report

9b. ORDINANCE NO. O-0910-21 - CEREBRAL PROFESSIONAL SYSTEMS, INC. AND JOHN M. CAMPBELL REQUEST REZONING FROM RM-2, LOW DENSITY APARTMENT DISTRICT, AND R-1, SINGLE FAMILY DWELLING DISTRICT, TO CO, SUBURBAN OFFICE COMMERCIAL DISTRICT, FOR PROPERTY LOCATED NORTH OF HIGHWAY 9 AT THE INTERSECTION OF BERRY ROAD AND HIGHWAY 9.

ITEMS SUBMITTED FOR THE RECORD:
1. Location Map
2. Staff Report
3. Preliminary Site Plan
4. Pre-Development Meeting Summary

9C. CONSIDERATION OF A PRELIMINARY PLAT SUBMITTED BY CEREBRAL PROFESSIONAL SYSTEMS, INC. AND JOHN M. CAMPBELL (CARDINAL ENGINEERING) FOR CAMPBELL PARK ADDITION, LOCATED NORTH OF HIGHWAY 9 AT THE INTERSECTION OF BERRY ROAD AND HIGHWAY 9.

ITEMS SUBMITTED FOR THE RECORD:
1. Location Map
2. Preliminary Plat
3. Staff Report
4. Transportation Impacts
5. Preliminary Site Plan
6. Request for Alley Waiver

PRESENTATION BY STAFF:
1. Doug Koscinski explained that the subject tract is currently designated for residential use, essentially low density apartments. The applicant is asking for that to be changed to office designation. The southern part of the property is commercial; that's not being changed. The issue that came up earlier in the Pre-Development

meeting was the residential interface immediately to the north. It would become an office designation under this request, obviously, and the specific zoning would be CO, Suburban Office Commercial District. There's actually a small piece of residential zoning that's a carry-over from when this area first had residential zoning, and that would be cleaned up as part of this request. The subject rezoning and the subject Plan change are not the same, as you see from the plat. The plat is larger and includes about half of that commercial area. This is a floodplain on the east, and then it rises again considerably when it gets back to the residential area. The site is heavily wooded. Across Highway 9, other offices have recently been built. To the west is a church use. Staff supported the rezoning change, as well as the Plan change, for a couple of reasons. Essentially, we've got what we feel is similar use in density - office to multi-family - and a site plan that I think addresses some of the concerns that the residents first expressed at a Pre-Development meeting. When this was first discussed, it was a commercial request and the neighbors had major objections to that. The applicants have modified that to simply an office request, which is what I believe was their real intention and the site plan shows single story buildings. The site plan shows a good separation from the back of those buildings to the single-family homes up the hill. There will still be some retail use allowed under the current zoning. A major floodplain heavily impacts the site. We did have a small protest.

2. Zev Trachtenberg asked for clarification on what CO zoning allows. Doug Koscinksi responded that it's an office designation. It does allow two and a half story buildings. The site plan indicates, based on the parking and the square footage of those buildings, single story buildings.

3. Curtis McCarty asked what can be built in RM-2. Doug Koscinski explained that RM-2 allows duplexes, triplexes, four-plexes, and townhouses. It is not really high-rise multi-family, like you would see near OU, but it a lower density apartment district. He believes it would allow three stories, but typically we see townhomes, duplexes, and things like that.

4. Roberta Pailes asked about the access to the property. Doug Koscinski indicated there is a traffic light there already. There are no other access points allowed on State Highway 9, including the other commercial area to the southeast that this applicant doesn't own.

There being no further questions for staff, Chairman Trachtenberg asked for a presentation from the applicant.

PRESENTATION BY THE APPLICANT:

1. Sean Rieger, 136 Thompson Avenue, for the applicant - This is on Berry Road and Highway 9. You see the blue floodplain area. Basically what we have is the red C-1 Commercial; there's no proposed change on that. The situation we have, though, is that long ago there used to be plans for Berry Road to come straight down and connect in. Those plans are long abandoned. Staff has clearly said that will never happen. So

we have only one access point to this site and it's right there. Of course, the State is never going to let us have any different access point. That's it. So we know what this site will do. It's going to have an entry point right there, right through commercial, and then we have this small area that is planned and zoned medium density residential, which allows for duplexes, triplexes, and four-plexes up to three stories in height. That's what this currently is planned for. We think that's quite odd, actually, now. With Berry Road being taken out as a possibility, and for other reasons of topography I'm going to show you, it works much better if that can go to a professional office park, which is what is basically being proposed tonight. I'll show you quite a bit more on that in brief detail.

This is the existing zoning, RM-2 again - duplexes, triplexes - it's basically low-density apartments. I want you to realize, though, that we are only about a half mile from OU, so you can understand probably those apartments would be college students and significant university locations on that point.

One of the things that came up in Pre-Development was there were a couple of neighbors, of course, that we hear from many times that say they like trees, they like the field. I want you to understand this is not a parcel of land that is zoned A-2, Agricultural. This is already zoned RM-2, so as a matter of right this applicant right now could go in with a development of duplexes, triplexes, and four-plexes. Your choice tonight is the proposed professional office park or duplexes, four-plexes, and so forth; it is not a choice between a professional office park and trees and natural landscaping. That's a very important point that we want to be clear on.

This is an aerial of the site. A big chunk of this area over to the right is not part of this proposal and is not planned to be changed. It's only this little area right in here. It's raw land. Duplexes, four-plexes, triplexes. This is kind of looking into the heart of the site that is proposed to be developed. Below the bluff - this is the topography. You see those contour lines -- very tightly focused. It's a bluff, basically. We worked very hard with staff on this one. Staff had us quite a few times change our site plan to peel away from those contours. We were originally showing up into those contours. It was noted that would take a significant retaining wall. We peeled back. The site plan we've come forward with tonight does not go into those contours. Likewise, the site plan we brought forth tonight does not go into the floodplain down here. So we've used this area right in here, the heart of it, the relatively flat site, for this small professional office park. That's the site plan again. Like I said, we've left that whole sloped area back at the back and all of the trees in it, the whole area of the contours is not built upon - it's left alone. We're not going to disturb that. That way the neighborhood that sits above it - quite a long ways above it - can then look over this professional office park. Mr. Koscinski showed this to you as well. This is the Trails Office Park, immediately across the street. So we, in essence, are emulating that. We're emulating a few other things on Highway 9. This is Marshall Avenue with, again, one-story professional office park. This is the McKown development over off 24th Avenue. This is the High Point building on McGee Drive. All of these little facilities dot Highway 9 right in this area. We simply are proposing to do virtually the same thing. Staff, in essence, supports this. "The change in topography will allow the offices to be integrated into the hill, with minimal impact on the existing residential subdivision at the top of the hill." And "the

site plan shows single-story buildings only. Even with steep-pitched roofs, there should be minimal impacts on the up-hill residents." And staff recommends approval.

2. Tom Knotts noted the one protest that is talking about the creek that goes through there. He asked about any measures to slow the run-off, redirect or detain it. Sean Rieger asked their engineer, Mr. Swain, to address that.

3. Bill Swain, Cardinal Engineering, 3226 Bart Conner Drive - This area is not an area that staff has recommended a requirement for stormwater retention. It's really low in the City's drainage basin, and the way the hydraulics work for that is that water that's low in the basin they like to let go ahead and get out of the City so there's room for the drainage coming from the upper basin to stack up in that area. So, from an official stormwater detention standpoint, it's actually preferred to let this water that's closer to the river get on to the river. So, from just that regional perspective, that's how that will be handled. Then, of course, the area that actually is the floodplain - we do have to get the driveway across it at the single point of access. The rest of it will be maintained in a fairly flat, low-grade condition so it slows it down and maintains vegetation.

4. Roberta Pailes asked whether the parking lot drains straight into the creek so the oily, slimy stuff is going straight into the creek, or whether it is filtered. Bill Swain pointed out that the actual creek channel is quite a ways away. This area is kind of some backwaters for the floodplain, which is really like a 100 year flood. 50 year flood is where the water actually only comes up there, so this is really kind of the flat, low area is where the water flows down before it works its way actually to the creek. The water that comes in on the west side of the drive will enter a basin area and will have to pass through some culverts, so there will be a slowing effect on the west side drainage and we can route that water through that area and slow it down, and then it can come under the drive toward the creek.

5. Tom Knotts asked if there will be any stabilization of the bluff. Bill Swain responded that they will look at the slopes and stabilities and vegetate that as necessary. We really don't intend to cut into that significantly. We're placing the finished floor elevations and moving those away from that. There were several iterations in the site plan to try to move that away and avoid cutting it to the degree that would require retaining walls and things like that. We would address it in the actual detailed engineering before we ever allowed it to get to that point. We would make sure that it is a stable condition.

Chairman Trachtenberg asked if there were other questions for the applicant. There being none, he opened the floor for participation from the audience.

PARTICIPATION FROM THE AUDIENCE:

1. Tim Thompson, 1135 Robin Hood Lane - My property backs right up to the corner of this proposed development. I'm not real happy about my back yard being

changed from what I had always anticipated to be residential property at some point in time to commercial or office park. We've got a real safe environment in our back yard. There's a lot of kids in houses up and down that creek and one of my concerns would be the security from office and commercial versus residential. Another concern I've got is we're already backing up to Highway 9. About half of Robin Hood Lane has a pretty good buffer with trees. As you get farther into the neighborhood, they've lost that buffer. I feel like we'll lose part of that noise buffer off of Highway 9. We've looked around at housing over time. We moved here, I think, in. There's very little residential land in central Norman to build residential on, also, which I think there's a need for and will feed into real strong feeder schools. That would be another point for maintaining residential.

One of the big problems that I see is the absorption rate of the water runoff of that creek. Imhoff Creek, with the master plan that they've got, is a big, big problem to be addressed over time. In the time that we've lived I'm going to estimate we've lost at least 15 feet on the lower terrace. Our property actually is in the edge of the floodplain. Control of water coming into that creek over - especially was really accelerated when we had the ice storm a couple of years ago with the trees that have fallen in there. What's determined as the 100 year floodplain is one thing, but the way the debris is piled up in there the water cuts and erodes a lot worse than it ever did. I'm kind of concerned about my back yard, too. I know my neighbor on the other side has got a much, much worse problem than I do on his corner where the creek comes around the corner. He's lost substantial land off of his cut bank. And it's a pretty good little cut bank there. So those are the concerns that I've got concerning this property.

2. Edward Adwon, 11 Rustic Hills - My property backs up to this area. At the Pre-Development meeting, we had some real problems with the idea of commercial and, since they have come in with the office designation, and so long as it is limited to one story, then our objections are satisfied. The only other problem is that my property's natural drain-off is into this, but they assure me that the runoff will go into their retention pond. With that, I actually am supporting this development, which is strange since it's in my back yard.

3. Jan Stratton, 1137 Robin Hood Lane - I submitted the letter of protest because my back yard - I'm next door to Tim. I've watched that creek rise every time it rains for any period of time. It rises high, fast, and then it drops fast. So that's like urban runoff. So far it hasn't gotten into my back yard, but it's within a few feet of the upper edge of the back part of my yard. My back yard is getting cut into more significantly. I have a chain-link fence at the back of my property and there's some land behind that. When I first moved in about 11 years ago, I was able to mow behind that chain-link fence and make about two or three strips with the lawn mower. Now I can't do that, so I just weed-eat that property, because the erosion. My main concern is the creek comes south and, if you're facing south, it makes a hard right into the edge of this property. In fact, in my letter I mention a U-Tube video that I put up and I show a big tree that's falling down. I just happened to turn the camera on and a good-size tree fell. The water wasn't even that high yet, but it had cut out underneath it. Then the creek makes kind

of an angle straight past Tim's property and my property and then all the houses south of us are just like in a straight line. I don't have a problem with this kind of development. I think it's appropriate for Highway 9. I think it's appropriate for what's going on up and down the corridor there. That's not my problem. My problem is that I'm going to lose my back yard if anything increases any runoff in that area. I know the residential is already a possibility when someone decides to do that, but I think this mostly concrete will flow straight into the creek - I mean, I know it will - right at that point, flow very quickly like the City wants it to past my back yard, taking my back yard with it on the way to South Canadian River. So my concern is my property - I've lived there for a long time and my back yard is fairly shallow and I don't want to lose my back yard.

4. Sean Rieger - I just wanted to show a few things that might help explain that a little bit. Again the contours you can see actually go south, so the water is going to flow south down into this area. And then we have to build the road in right here that comes up through here. So, as Mr. Swain said to you, we're down way low in the basin of Norman, so they want the water to move on out. They don't want it held. But there is some likelihood that the water will somewhat pool before it goes under this entry drive. We have to build the entry drive up above the floodplain, so it's going to create a natural dam that's going to have culverts under it. So, while we're not calling that detention, because it's not really that, it will actually act as that and slow down a significant part of the water. If you look on the far right side of this, Robin Hood Lane is pretty far off the screen. We are not changing anything at all on the adjacent property to us to the east - untouched. And that property is virtually all in the floodplain. So we don't envision anybody changing that property anytime soon. It's loaded with trees and vegetation - all in the floodplain - and you can see a significant distance between our properties and the creek that is on the other side of it. I think that, too, will significantly slow down of any water that would go that way.

A couple other things, too. It was mentioned residential. Again, I want to make sure that the choice is clear. It is a professional office park, which typically becomes empty and quiet at night and on the weekends, versus duplexes, triplexes and four-plexes within a half mile of OU that I would just simply say typically are not very quiet on Friday nights and Saturday nights and other evenings of the week. So that really is the difference and we believe, as many of the other neighbors around the Highway 9 area have learned, that the little professional office parks are really quite good neighbors, as compared to that other choice.

5. Tom Knotts asked if there will be some kind of channelization that takes that water down past this little oxbow that's going to happen there in the corner. Bill Swain explained that the road will be elevated so, as water comes in, it will kind of slow the velocities down and settle. We will have to have culverts under the road and it will slow that down with some energy dissipating devices, such as riprap, on our property and release that into the natural conveyances as it would normally leave that part of the property. It's not going to be piped. We're going to take it under the driveway with over-sized pipes so that the velocities don't really increase dramatically, and slow it

down through some energy-dissipaters and direct those toward the natural conveyances. The point of impact of the water is moving closer to the right-of-way of Highway 9.

6. Zev Trachtenberg asked if there is any way to break down what percentage of water is due to the subject property and what percentage is due to upstream influences. Doug Koscinski did not have that answer. My general answer would be that's at the bottom of a basin. There's a whole bunch of water already coming. This is five acres, and that's carrying everything up through the middle of town, so I would say it's a relatively minor percentage. Zev Trachtenberg asked if the contribution of the subject tract would go up measurably once the site is developed and paved. Doug Koscinski said it would probably go up measurably, but what the engineer is telling us is the drainage from this site is exiting at the south of the property into Highway 9 essentially. The problem that was discussed was along the east side of the subdivision, which is kind of east and north of this a little bit.

7. Jan Stratton - I was curious about that, too, last night and I found a website that gave me some information on it. It's a website from the State of Georgia for their school curriculum or something. This was pretending as if you put a piece of plastic over a piece of property and all the water hits that and there is no seepage or anything whatsoever. So this is not quite that bad. It said for a five-acre plot, one inch of rain would put 18,151 cubic feet of water wherever it drains to - whether it's down by Highway 9 or close to my house. So, depending on how much rain we have, that's that much more water coming into the creek at that point. I can give you that website if you want to do some computations.

Chairman Trachtenberg asked if anyone else in the audience wished to speak on this item. There being none, he turned to the Planning Commission for discussion.

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:
Paul Minnis moved to recommend adoption of Resolution No. R-0910-87, Ordinance No. O-0910-21, the Site Development Plan and accompanying documentation, and recommend approval or disapproval of the Preliminary Plat for CAMPBELL PARK ADDITION, with an alley waiver, to the City Council. Jim Gasaway seconded the motion.

There being no further discussion, a vote was taken with the following result:

YEAS	Jim Gasaway, Tom Knotts, Chris Lewis, Curtis McCarty, Paul Minnis, Roberta Pailes, Andy Sherrer, Zev Trachtenberg
NAYES	None
MEMBERS ABSENT	Diana Hartley

Recording Secretary Roné Tromble announced that the motion, to recommend adoption of Resolution No. R-0910-87, Ordinance No. O-0910-21, the Site Development Plan and accompanying documentation, and recommend approval or disapproval of the Preliminary Plat for CAMPBELL PARK ADDITION, with an alley waiver, to the City Council, passed by a vote of 8-0.

* * *

7. ITEM: CONSIDERATION OF ORDINANCE NO. O-0910-27 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 460 OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO GRANT SPECIAL USE FOR A MIXED USE BUILDING IN THE C-3, INTENSIVE COMMERCIAL DISTRICT, FOR A TRACT OF LAND LYING WITHIN LOT TWO (2), BLOCK SIX (6), OF THE ORIGINAL TOWN OF NORMAN, CLEVELAND COUNTY, OKLAHOMA; AND PROVIDING FOR THE SEVERABILITY THEREOF. (104 EAST MAIN STREET)

INFORMATION: The above-described ordinance is submitted for Introduction and adoption upon First Reading by title, and subsequent thereto, for submission for City Council's final consideration in its meeting of June 8, 2010. Copies of an advisory memorandum; ordinance; site development plans; location map; Staff Report; Predevelopment Summary; Support Area map; letter of support; and pertinent excerpts from Planning Commission minutes are included in the Agenda Book.

ACTION NEEDED: Motion to Introduce and the ordinance upon First Reading by title.

ACTION TAKEN: _____

office memorandum

DATE: May 10, 2010

TO: Honorable Mayor and Councilmembers

FROM: Doug Koscinski, AICP DJK
Manager, Current Planning Division

SUBJECT: First Reading: May 25, 2010
Second Reading: June 8, 2010
Agenda Item: Ordinance No. O-0910-27: Brent Swift requests Special Use for a Mixed Use Building for property currently zoned C-3, Intensive Commercial District, for property located at 104 E. Main Street.

BACKGROUND. The applicant has purchased an older two-story building near the intersection of Jones Avenue and Main Street, and is seeking a Special Use to convert the upstairs area into one apartment. The main floor will continue to be used for retail or office spaces. While the C-3 district does not require the provision of on-site parking, that issue is one of the principal concerns for all such conversions. In this case, there is a paved area that extends across the entire width of the rear of this lot that will be enhanced to allow two parking spaces. A two-car garage will be incorporated into the remodel, allowing up to four on-site parking spots. On-street parking is available on both Main Street and Jones Avenue, enhancing the amount of available parking. The building has been in extremely bad condition, and interior renovations have begun to stabilize and remodel the building.

DISCUSSION. The 2025 Plan specifically encourages additional residential use in most of the commercial zoning districts as a method of providing alternative living options. As this request simply involves the addition of a single apartment unit, any impacts should be minimal on nearby properties.

STAFF RECOMMENDATION: At their meeting of April 8, 2010, the Planning Commission, by a vote of 8-0, supported this request and recommended adoption of Ordinance No. O-0910-27. One letter of support, representing 1.6%, was received. Staff recommends approval of this Special Use, and submits this First Reading item for City Council's consideration and action.

DJK:rnt

Reviewed by: Susan Connors, Director of Planning & Community Development SFC
Jeff Bryant, City Attorney
Steve Lewis, City Manager

O-0910-27

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 460 OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO GRANT SPECIAL USE FOR A MIXED USE BUILDING IN THE C-3, INTENSIVE COMMERCIAL DISTRICT, FOR A TRACT OF LAND LYING WITHIN LOT TWO (2), BLOCK SIX (6), OF THE ORIGINAL TOWN OF NORMAN, CLEVELAND COUNTY, OKLAHOMA; AND PROVIDING FOR THE SEVERABILITY THEREOF.
(104 EAST MAIN STREET)

§ 1. WHEREAS, Brent Swift, the owner of the hereinafter described property, has made application for Special Use for a Mixed Use Building in the C-3, Intensive Commercial District; and

§ 2. WHEREAS, said application has been referred to the Planning Commission of said City and said body has, after conducting a public hearing as required by law, considered the same and recommended that the same should be granted and an ordinance adopted to effect and accomplish such special use; and

§ 3. WHEREAS, the City Council of the City of Norman, Oklahoma, has thereafter considered said application and has determined that said application should be granted and an ordinance adopted to effect and accomplish such special use.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA:

§ 4. That Section 460 of Chapter 22 of the Code of the City of Norman, Oklahoma, is hereby amended so as to grant Special Use for a Mixed Use Building in the C-3, Intensive Commercial District, to wit:

Lot Two (2), Block Six (6), of the ORGINIAL TOWN of Norman, Cleveland County, Oklahoma.

§ 5. Further, pursuant to the provisions of Section 22:434.1 of the Code of the City of Norman, as amended, the following conditions are hereby attached to the zoning of the tract:

a. The site shall be developed in accordance with the Site Plan (Exhibit A), approved April 8, 2010, and supporting documentation submitted by the applicant and approved by the Planning Commission.

§ 6. Severability. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

ADOPTED this _____ day of

_____, 2010.

_____
(Mayor)

NOT ADOPTED this _____day of

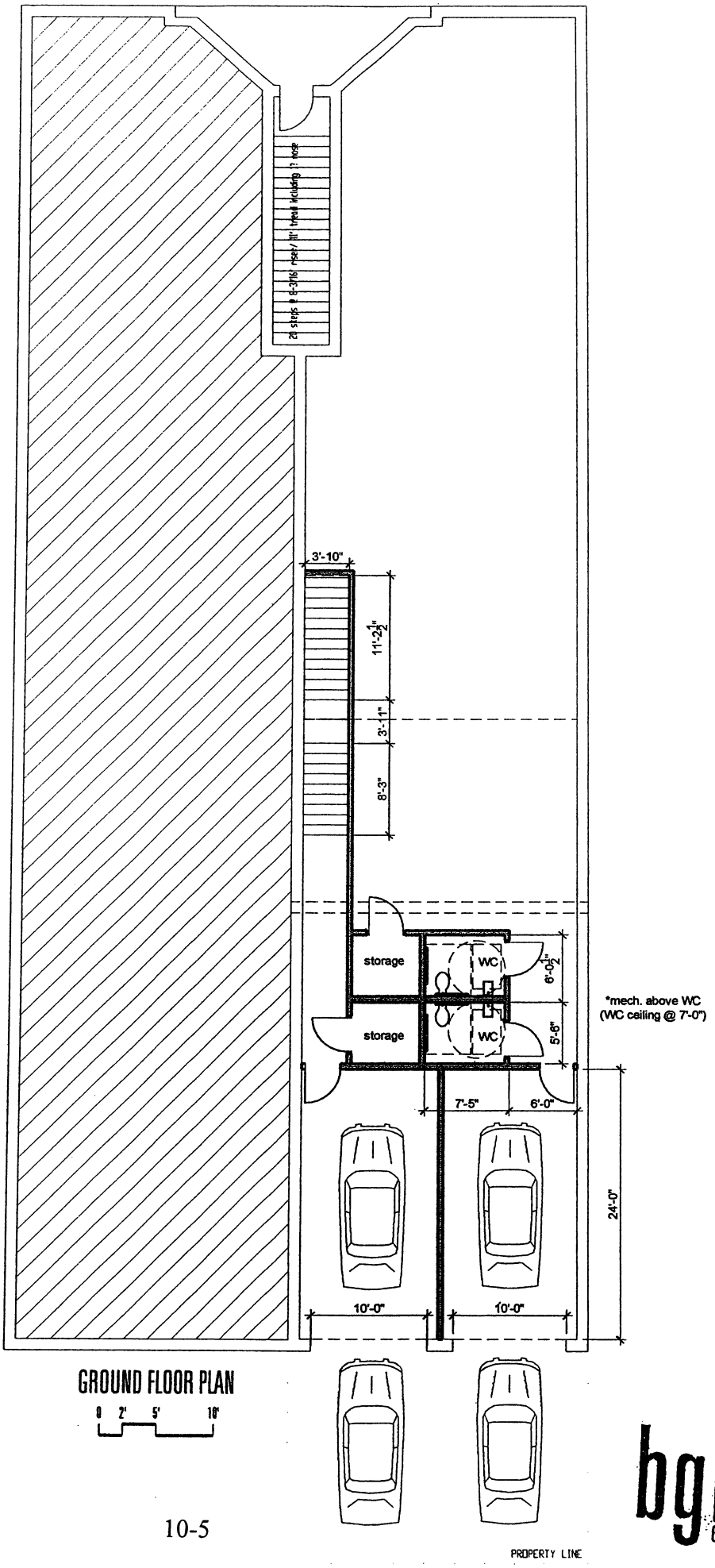
_____, 2010.

_____
(Mayor)

ATTEST:

_____
(City Clerk)

104 E MAIN STREET

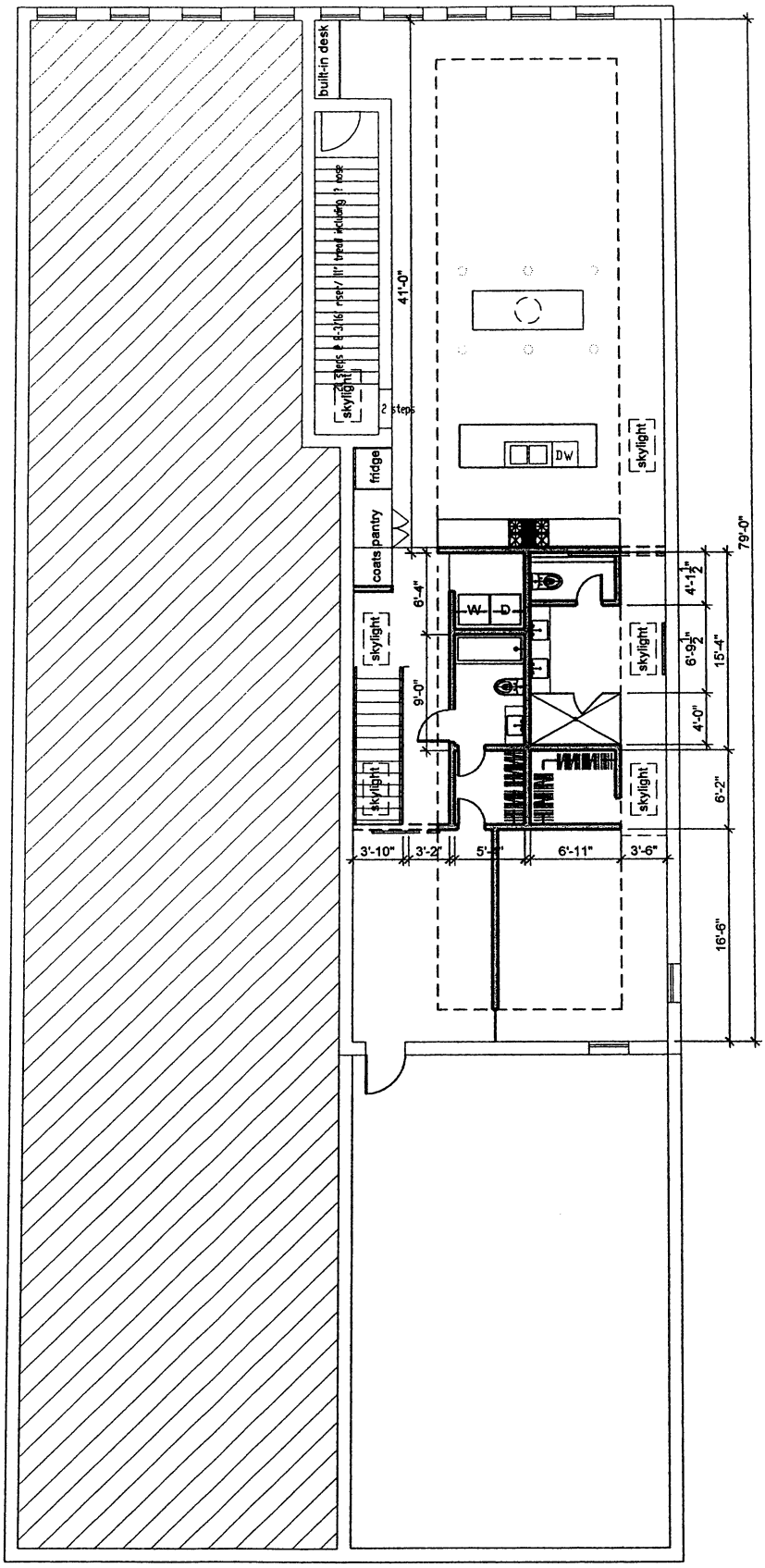


GROUND FLOOR PLAN

0 2' 5' 10'

bgDESIGN
628 W Sherid7-4)KC, OK 73102

104 E MAIN STREET

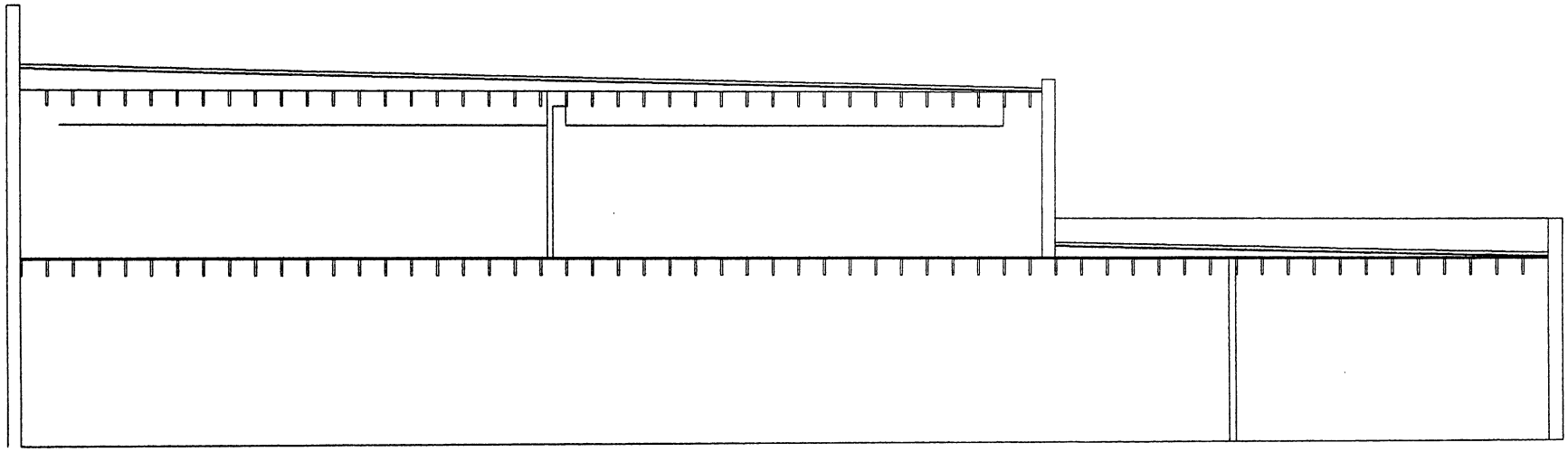


SECOND FLOOR PLAN

0 2' 5' 10'

PROPERTY LINE

bgDESIGN
628 W Sheridan OKC, OK 73102



104 E MAIN STREET

BUILDING SECTION

0 2' 5' 10'

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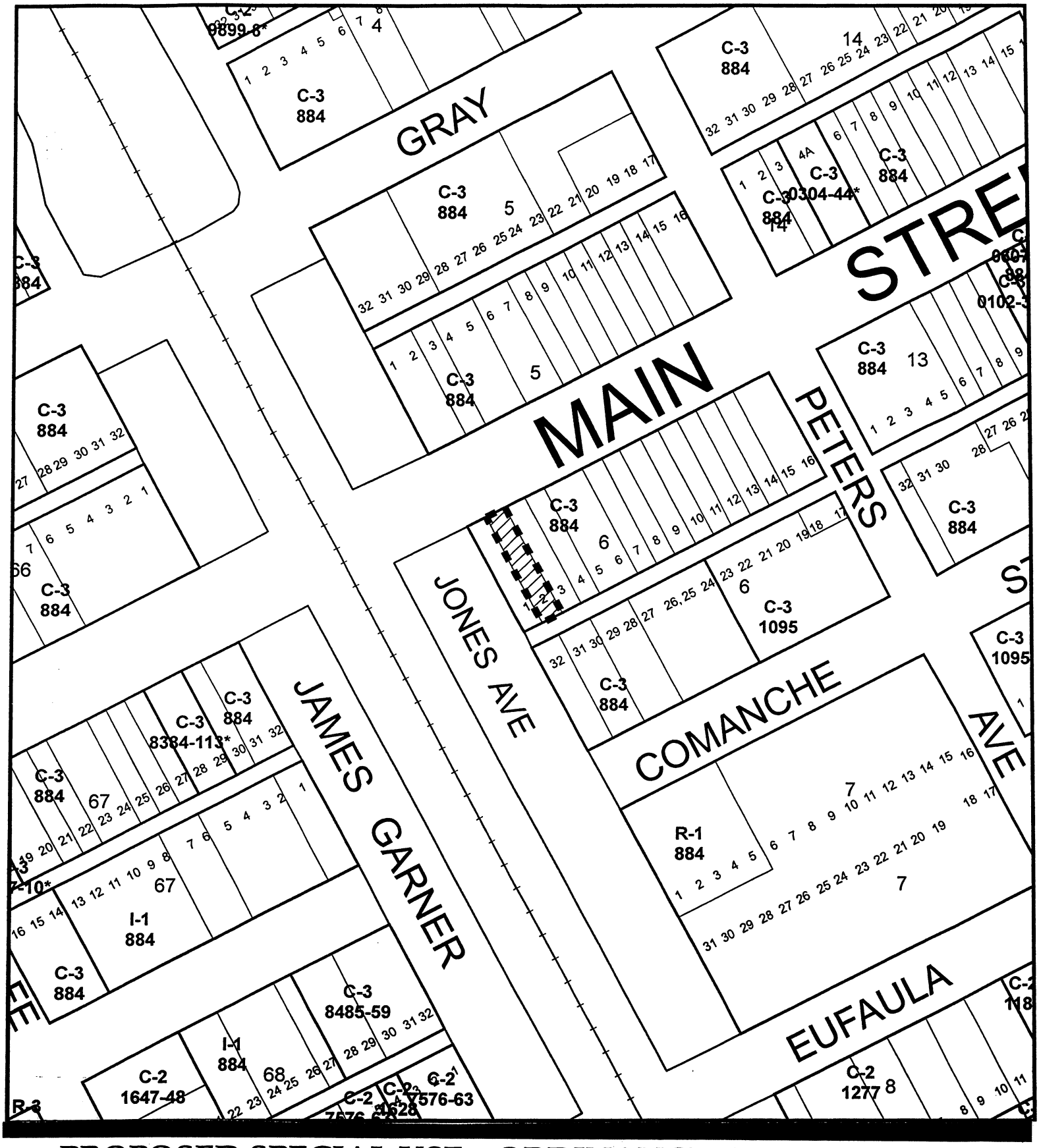
628 W Sheridan OKC, OK 73102



PROPOSED SPECIAL USE – ORDINANCE NO. O-0910-27

APPLICANT: Brent Swift

REQUEST: Special Use for a Mixed Use Building for property currently zoned C-3, Intensive Commercial District

ORDINANCE NO. O-0910-27 ITEM NO. 10

STAFF REPORT

GENERAL INFORMATION

APPLICANT	Brent Swift
REQUESTED ACTION	Special Use for a Mixed Use Building
EXISTING ZONING	C-3, Intensive Commercial District
SURROUNDING ZONING	North: C-3 East: C-3 South: C-3 West: C-3
LOCATION	104 E. Main Street
SIZE	3500 square feet
PURPOSE	Second floor apartment
EXISTING LAND USE	Under Renovation
SURROUNDING LAND USE	North: Sooner Theatre East: Retail uses South: Abstract Company West: Office
LAND USE PLAN DESIGNATION	Commercial Designation
GROWTH AREA DESIGNATION	Current Urban Service Area

SYNOPSIS: The applicant has purchased an older two-story building near the intersection of Jones Avenue and Main Street, and is seeking a Special Use to convert the upstairs area into one apartment. The main floor will continue to be used for retail or office spaces. The building has been in extremely bad condition, and interior renovations have begun to remodel and stabilize the building.

ANALYSIS: While the C-3 district does not require the provision of on-site parking, that issue is one of the principal concerns for all such conversions. In this case, there is a paved area that extends across the entire width of the rear of this lot that will be enhanced to allow two parking spaces. A two-car garage will be incorporated into the remodel, allowing up to four on-site parking spots. On-street parking is available on both Main Street and Jones Avenue, enhancing the amount of available parking.

ALTERNATIVES/ISSUES:

- **IMPACTS** Many of the nearby uses have some on-site parking at the rear of the businesses that is devoted to their use, thus reducing the demand for on-street parking. The parking at the rear of this lot will allow some on-site parking to be devoted to the resident's use, with joint use by the retail establishments during the day.

OTHER AGENCY COMMENTS:

- **PARK BOARD** Because this property will retain its commercial designation and has been platted, no parkland dedication is required.

- **PUBLIC WORKS** These lots are included within the Original Townsite Plat of Norman. No additional improvements are required.

STAFF RECOMMENDATION: The 2025 Plan specifically encourages additional residential use in the downtown area as a method of providing alternative living options. As this request simply involves the addition of one apartment unit, any impacts should be minimal on nearby properties. Staff recommends approval of this Special Use request.

Applicant	Brent Swift
Location	104 E. Main
Case Number	PD 10-01
Time	5:30-6:00 PM

Attendee	Stakeholder	Address	Phone
Brent Swift	applicant	PO Box 305 Norman, OK 73070	831-8222
Doug Koscinski	City facilitator		366-5437
Blaine Nice	City Attorney's office		366-5427
Leah Messner	City Attorney's office		366-7748

Application Summary.
Applicant is seeking a Special Use Permit to adapt an existing building as mixed use. The current zoning is C-3 and the *Norman 2025 Land Use Plan* designation is Commercial.

Applicant's Opportunity.
The owner is rehabilitating a long-vacant and derelict storefront at 104 E Main Street, across the street from the Sooner Theatre. Proposed use for the ground floor is commercial. The proposed use for the second floor is one single family residence.

Neighbors' Comments.
Adjacent use to the west is a law office. Adjacent use to the east is commercial. Uses across the street are a theatre and commercial. Though no neighbors attended the meeting, staff received an enthusiastic letter of support for the project from Kurt Pfenning, an attorney who offices at 108 E Main.

Item No. 10, being:
ORDINANCE NO. O-0910-27 – BRENT SWIFT REQUESTS SPECIAL USE FOR A MIXED USE BUILDING FOR PROPERTY CURRENTLY ZONED C-3, INTENSIVE COMMERCIAL DISTRICT, FOR PROPERTY LOCATED AT 104 E. MAIN STREET.

ITEMS SUBMITTED FOR THE RECORD:
1. Location Map
2. Staff Report
3. Ground Floor Plan
4. Second Floor Plan
5. Building Section
6. Pre-Development Meeting Summary

PRESENTATION BY STAFF:
1. Doug Koscinski reported that the property is already platted. There is no Plan change. This is a very simple request in one sense. It's a special use for a mixed building. That's the building – it's actually half of the building that we're dealing with. This half is an existing office building and has another office upstairs. This actually has been a real problem to the City. There is black mold, leaky roofs, it's been an issue for the City for years while it has festered. The applicant has stepped up and already started renovating the building. What he has decided to ask for is the possibility of adding one residential unit upstairs. It's across the street from Sooner Theater. It's right on Main Street. There's the rest of Main Street – two story. You've seen other examples downtown recently where applicants have done upstairs apartments. Seem to be very successful, very popular. It backs up to an alley and American First Abstract. The rear of the building will have two parking places outside and two in garages. The main issue that we have always subliminally worried about is too much extra parking, but the applicant in this case will be addressing it. That will be the residential unit on the second floor. No protests. In fact, we received a letter of support from I think it's the abutting property. The applicant can go through the design and what he's working on and what he's hoping to achieve there. Staff does wholeheartedly recommend in favor of this.

2. Roberta Pailes noted that work on this is well underway, and asked if it is a recent idea to add an apartment. Doug Koscinski explained that the downstairs renovation is commercial. I believe he has thought of this before. Our process takes about two or three months and the building had structural issues, and so he wanted to commence construction on the commercial and that's what he's done and he has legal permits for that.

There being no further questions for staff, Chairman Trachtenberg asked for a presentation from the applicant.

PRESENTATION BY THE APPLICANT:

1. Brent Swift, P.O. Box 305, Norman - We purchased this building. The ceiling was actually falling in in three different places. We applied with the City for basically a secure and frame permit. What we were able to do was salvage some of the building by going in and building the floor assembly between the first and second floor and getting a roof on it, which took about 60 or 70 days to get to that point. We had engineers go in and make sure that we were working in a safe environment and got that achieved. Obviously, there are several units around there that have apartments above that have commercial space down below and that's kind of what our idea is to do as well. By putting a single unit upstairs, rather than what I did down the street at another building where we put in four units, we didn't feel like we had adequate parking for that, so we just went with one.

PARTICIPATION FROM THE AUDIENCE:

Chairman Trachtenberg asked if anyone in the audience wished to speak on this item. There being none, he turned to the Planning Commission for discussion.

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

Paul Minnis moved to recommend adoption of Ordinance No. O-0910-27 to the City Council. Andy Sherrer seconded the motion.

There being no further discussion, a vote was taken with the following result:

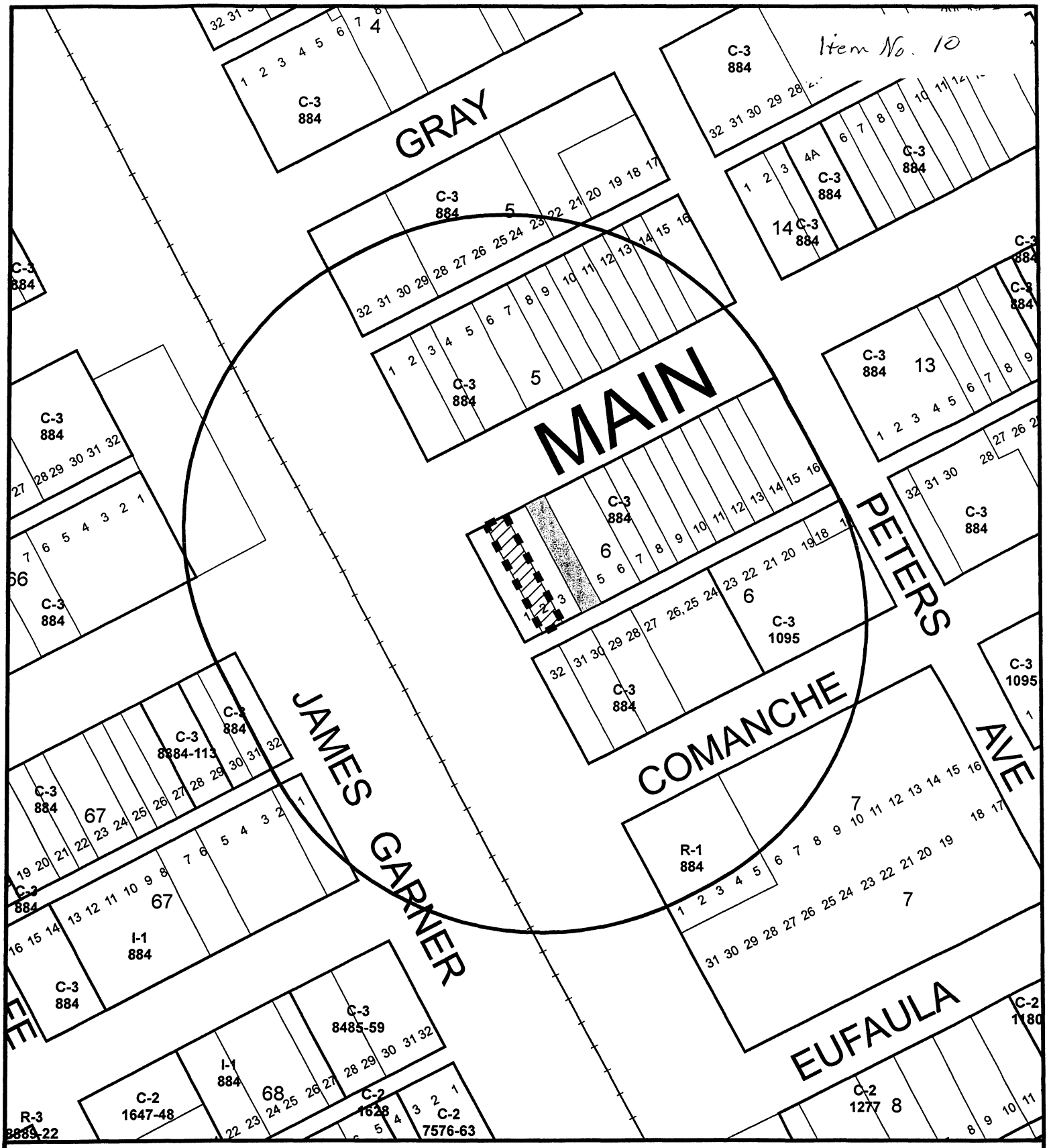
YEAS	Jim Gasaway, Tom Knotts, Chris Lewis, Curtis McCarty, Paul Minnis, Roberta Pailes, Andy Sherrer, Zev Trachtenberg
NAYES	None
MEMBERS ABSENT	Diana Hartley

Recording Secretary Roné Tromble announced that the motion, to recommend adoption of Ordinance No. O-0910-27 to the City Council, passed by a vote of 8-0.

* * *

Chairman Trachtenberg excused himself from the remainder of the meeting and turned over control to Vice Chairman Jim Gasaway.

* * *



Support Map

1.6% Support Within Notification Area

Map Produced by the City of Norman
Geographic Information System.
(405) 366-5436
The City of Norman assumes no
responsibility for errors or omissions
in the information presented.

N
W E
S

Scale: 1" = 150'

Subject Tract

Support

Notification Area

Protest Outside
Notification Area

Kurt Booth Pfenning
Attorney at Law
108 East Main Street
Norman, Oklahoma 73069

Phone: (405) 292-1200
Fax: (405) 292-2205

January 15, 2010

RE: City of Norman, Case No PD10-01

To whom it may concern,

I categorically approve the construction project at 104 East Main presently being undertaken by Mr Brent Swift. I have no reservations regarding the proposal including whatever zoning changes he is presently requesting on a property that the City of Norman has regarded acceptable for use as a feral cat farm and pigeon guano storage facility for the last decade.

Kurt Pfenning

Revitalized Owner of 108 East Main

8. ITEM: CONSIDERATION OF ORDINANCE NO. O-0910-29 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 460 OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO AMEND THE SITE PLAN WHICH WAS APPROVED WITH ORDINANCE NO. O-9697-33; AND PROVIDING FOR THE SEVERABILITY THEREOF. (1205 EAST ROBINSON STREET)

INFORMATION: The above-described ordinance is submitted for Introduction and adoption upon First Reading by title, and subsequent thereto, for submission for City Council's final consideration in its meeting of June 8, 2010. Copies of an advisory memorandum; ordinance; site development plan; location map; Staff Report; photographs of similar structure with description; photographs of site location; and pertinent excerpts from Planning Commission minutes are included in the Agenda Book.

ACTION NEEDED: Motion to Introduce and adopt the ordinance upon First Reading by title.

ACTION TAKEN: _____

office memorandum

DATE: May 10, 2010

TO: Honorable Mayor and Councilmembers

FROM: Doug Koscinski, AICP DJK
Manager, Current Planning Division

SUBJECT: First Reading: May 25, 2010
Second Reading: June 8, 2010
Agenda Item: Ordinance No. O-0910-29: Landon Webb requests amendment of the approved site plan at 1205 E. Robinson Street to allow installation of an Ice House

BACKGROUND. This is a proposal to install a free-standing small kiosk that dispenses purified water and ice. The kiosk is un-manned and self-contained. The structure is relatively small, and does not generally impact parking areas. This site is along the east edge of a car wash facility. The kiosk will connect to city water and sewer, and is considered a permanent structure.

DISCUSSION. While the subdivision regulations allow some modification to existing buildings to occur with only administrative review, when new free-standing structures are proposed that will be located in visually prominent areas, staff has taken the position that an official amendment to the approved Site Plan must be reviewed to assess the visual and site impacts of the proposal. The proposed building is approximately 8' by 25' in size, approximately 10' tall. The structure is not overly large or imposing, but will be visible from Robinson Street. As a permanent building, the exterior must be comprised of some sort of masonry product. The structures will be built with a simulated stone, brick, and stucco exterior and should not prove intrusive or objectionable. This structure will be located approximately eighty feet from the sidewalk, with the narrow side facing the street. The unit is located along the eastern edge of the parking lot, and would not eliminate any parking spaces. Parking is adequate on the site. This request does not impact the existing commercial facility, and should not result in any negative impacts on abutting commercial uses.

STAFF RECOMMENDATION: At their meeting of April 8, 2010, the Planning Commission, by a vote of 7-0, supported this request and recommended adoption of Ordinance No. O-0910-29. Staff recommends approval of this Ordinance, and submits this First Reading item for City Council's consideration and action.

DJK:rnt

Reviewed by: Susan Connors, Director of Planning & Community Development
Jeff Bryant, City Attorney
Steve Lewis, City Manager

O-0910-29

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 460 OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO AMEND THE SITE PLAN WHICH WAS APPROVED WITH ORDINANCE NO. O-9697-33; AND PROVIDING FOR THE SEVERABILITY THEREOF. (1205 EAST ROBINSON STREET)

§ 1. WHEREAS, Brandon Webb, as representative for the owner of the hereinafter described property, has requested amendment of the Site Plan approved with Ordinance No. O-9697-33; and

§ 2. WHEREAS, said application has been referred to the Planning Commission of said City and said body has, after conducting a public hearing as required by law, considered the same and recommended that the same should be granted and an ordinance adopted to effect and accomplish such rezoning; and

§ 3. WHEREAS, the City Council of the City of Norman, Oklahoma, has thereafter considered said application and has determined that said application should be granted and an ordinance adopted to effect and accomplish such rezoning.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA:

§ 4. That Section 460 of Chapter 22 of the Code of the City of Norman, Oklahoma, is hereby amended so as to amend the site plan approved with Ordinance No. O-9697-33, to wit:

> A part of the Southwest Quarter of Section 21, Township 9 North, Range 2 West of the Indian Meridian, Norman, Cleveland County, Oklahoma, said tract being more particularly described as follows:
> Beginning at a point on the South line of said Southwest Quarter 215.00 feet East of the Southwest Corner of said Southwest Quarter; thence N00°51'32"W a distance of 378.94 feet; thence East a distance of 280.68 feet; thence South a distance of 378.90 feet; thence West a distance of 275.00 feet to the point of beginning, said tract containing 1.69 acres more or less. (Formerly a part of Block B, LAKECREST ESTATES ADDITION to the City of Norman, Cleveland County, Oklahoma)

§ 5. Further, pursuant to the provisions of Section 22:442.1(7) of the Code of the City of Norman, as amended, the following condition is hereby attached to the zoning of the tract:

a. The site shall be developed in accordance with the Site Development Plan (Exhibit A), approved April 8, 2010, and supporting documentation submitted by the applicant and approved by the Planning Commission.

§ 6. Severability. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

ADOPTED this _____ day of

_____, 2010.

_____
(Mayor)

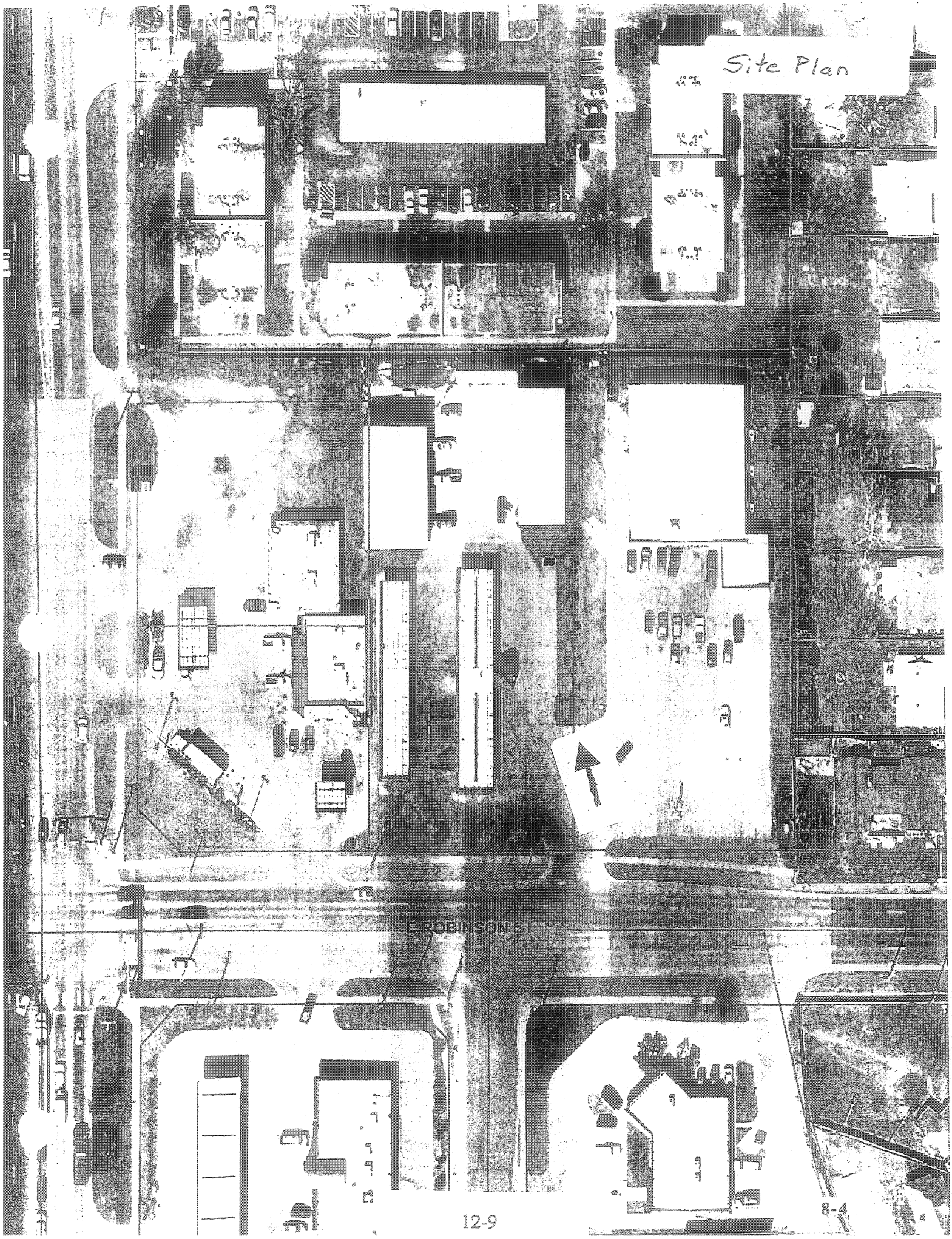
NOT ADOPTED this _____day of

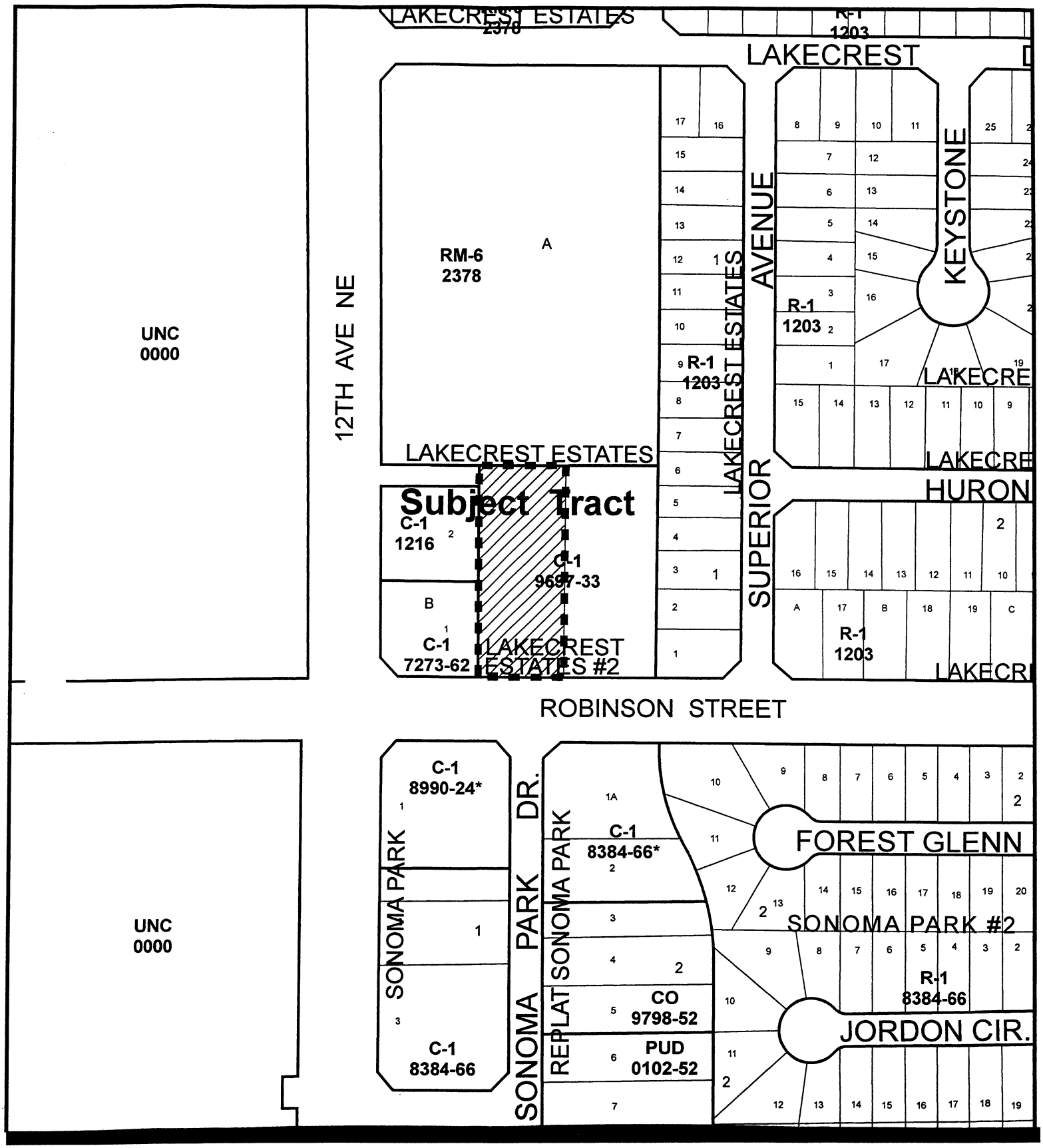
_____, 2010.

_____
(Mayor)

ATTEST:

_____
(City Clerk)


Site Plan
E ROBINSON ST



PROPOSED SITE PLAN AMENDMENT – ORDINANCE NO. O-0910-29

APPLICANT: Landon Webb
REQUEST: Amendment of the approved site plan at 1205 E. Robinson Street

ORDINANCE NO. O-0910-29 ITEM NO. 12

STAFF REPORT

GENERAL INFORMATION

APPLICANT	Landon Webb
REQUESTED ACTION	Amendment of the approved Site Plan to allow installation of an Ice House
EXISTING ZONING	C-1, Local Commercial District
SURROUNDING ZONING	North: RM-6 East: C-1 South: C-1 West: C-1
LOCATION	1205 E. Robinson street
PURPOSE	Install Ice House
EXISTING LAND USE	Car Wash
SURROUNDING LAND USE	North: Apartments East: Retail South: Retail West: Retail
2025 LAND USE PLAN DESIGNATION	Commercial
GROWTH AREA DESIGNATION	Current Urban Service Area

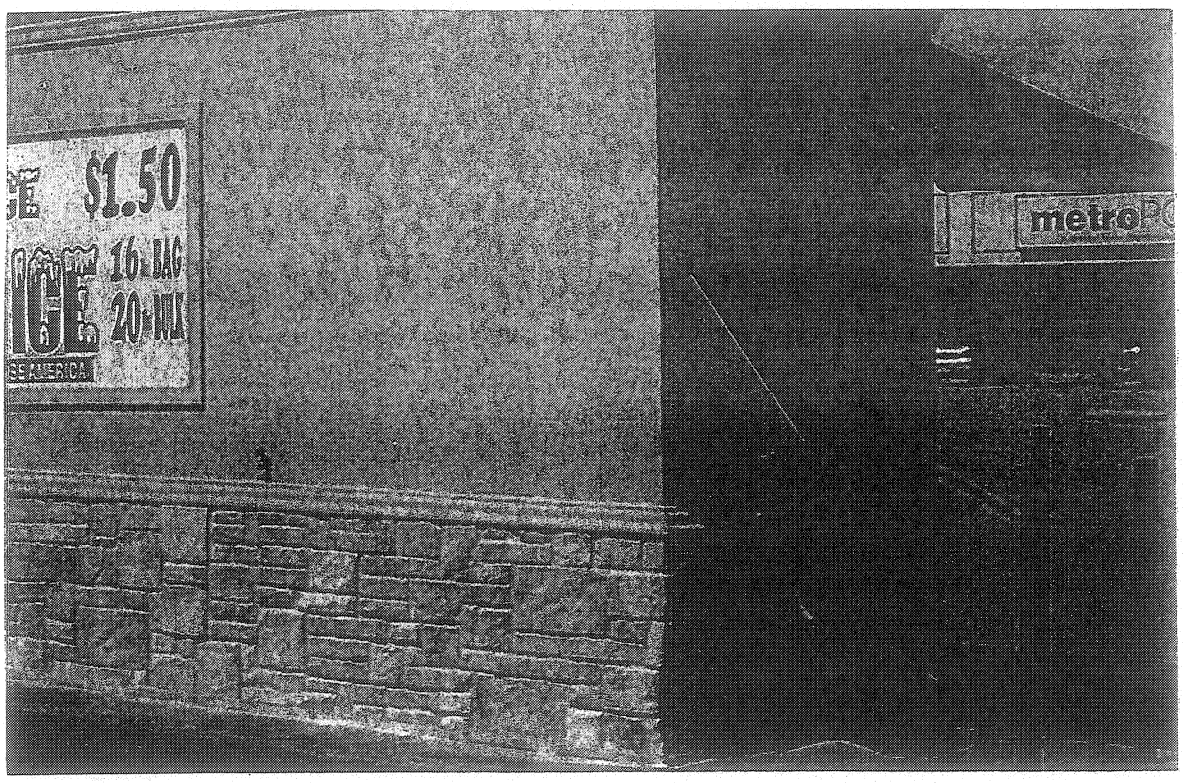
SYNOPSIS: This request and the next two represent a proposal to install free-standing small kiosks that dispense purified water and ice. The kiosks are un-manned and self contained. The structures are relatively small, and do not generally impact parking areas. The first location is along the east edge of a car wash facility located at 1205 East Robinson Street. The kiosk will connect to city water and sewer, and is considered a permanent structure.

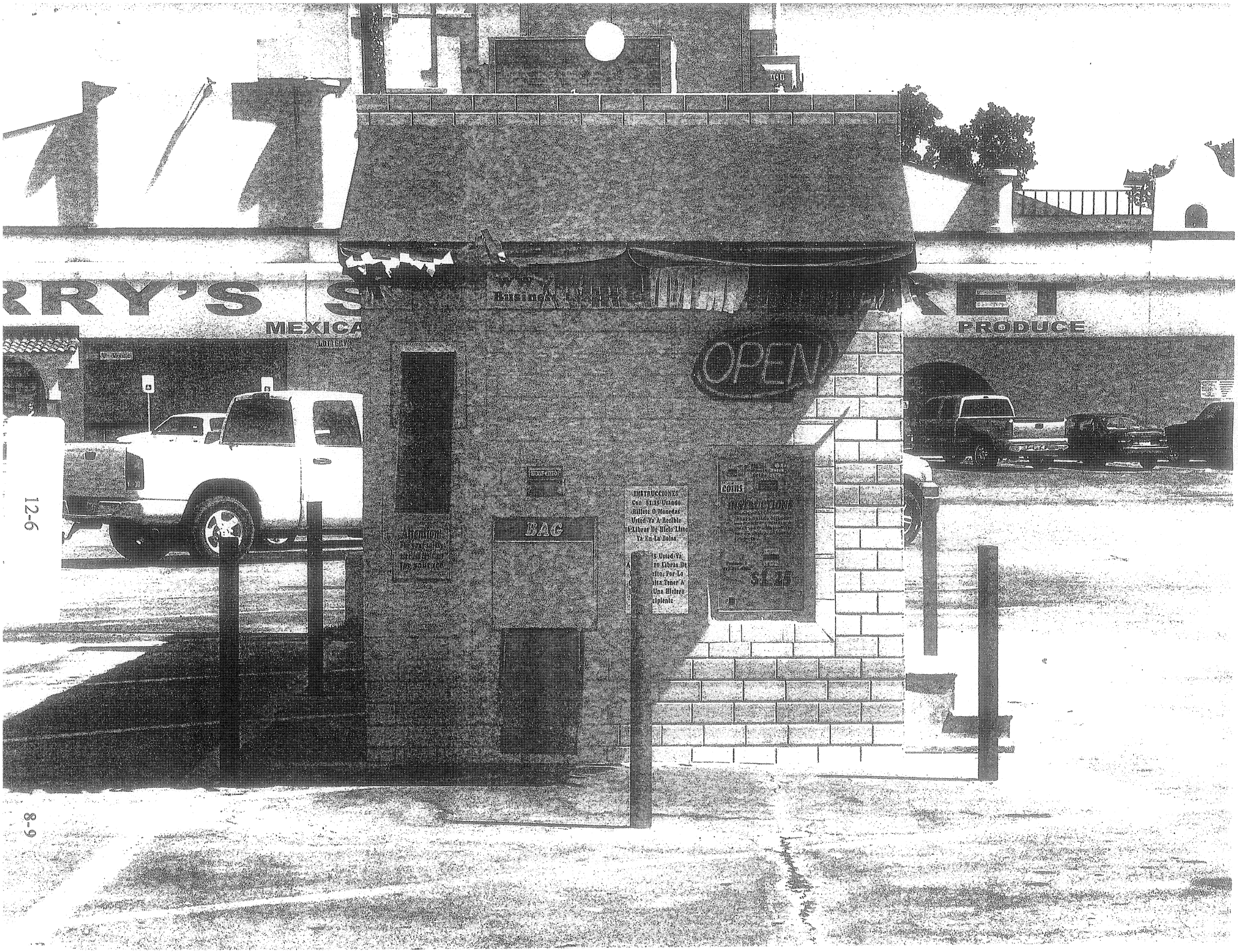
ANALYSIS: While the subdivision regulations allow some modification to existing buildings to occur with only administrative review, when new free-standing structures are proposed that will be located in visually prominent areas, staff has taken the position that an official amendment to the approved Site Plan must be reviewed to asses the visual and site impacts of the proposal.

- In this case the building/kiosk is approximately 8′ by 25′ in size, approximately 10′ tall. The structure is not overly large or imposing.
- As a permanent building, the exterior must be comprised of some sort of masonry product. The structures will be built with a simulated stone, brick, and stucco exterior and should not prove intrusive or objectionable.
- This structure will be located approximately eighty feet from the sidewalk, with the smaller side facing the street.
- The unit will be connected to both city water and sewer.
- The unit is not located within the parking lot, and does not eliminate any required parking.

STAFF RECOMMENDATION: This request does not impact the existing commercial facility, and should not result in any negative impacts on abutting commercial uses. Staff supports this amendment to the Site Plan, and approves of this location.

We are proposing the placement of a second Ice House. An Ice House is a vending machine that distributes 20lbs bulk ice and 16lbs bagged ice. It also has a water vending machine where you can purchase a gallon of purified water for 25 cents or 5 gallons for a dollar. This machine is the most sanitary way to distribute ice and water. Human hands never touch the ice or water, and the state health department regulates us. We want to put the Ice House at 1205 E Robinson as shown on the map and drawing. We are going to hook up to the city water and sewer at this place .

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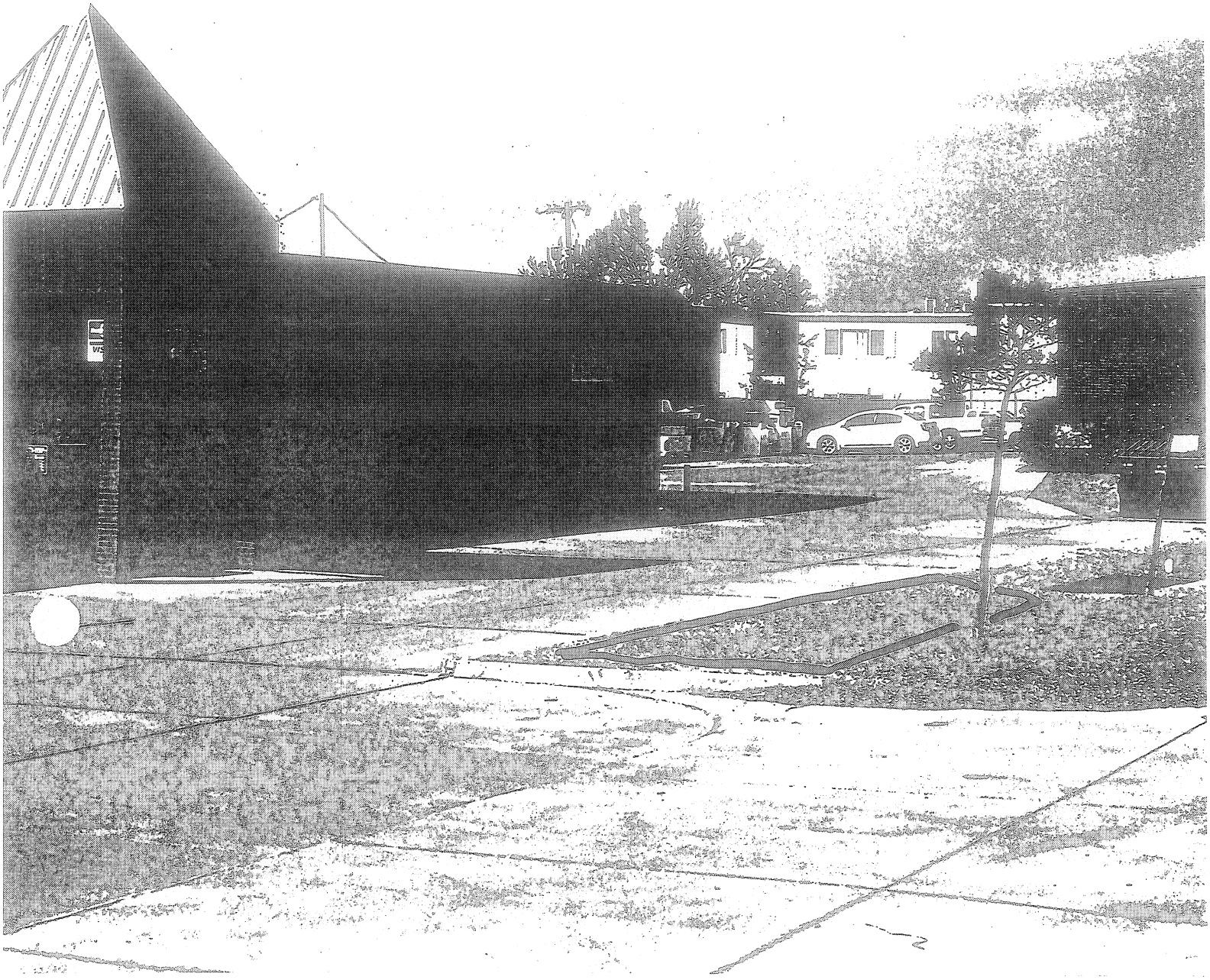


Item No. 12, being:
ORDINANCE NO. O-0910-29 – LANDON WEBB REQUESTS AMENDMENT OF THE APPROVED SITE PLAN AT 1205 E. ROBINSON STREET TO ALLOW INSTALLATION OF AN ICE HOUSE.

ITEMS SUBMITTED FOR THE RECORD:
1. Location Map
2. Staff Report
3. Applicant's Project Description
4. Photo of Similar Structure
5. Photos showing site location
6. Aerial Photo indicating proposed site

and Item No. 13, being:
ORDINANCE NO. O-0910-30 – LANDON WEBB REQUESTS AMENDMENT OF THE APPROVED SITE PLAN AT COLONIAL ESTATES TO ALLOW INSTALLATION OF AN ICE HOUSE.

ITEMS SUBMITTED FOR THE RECORD:
1. Location Map
2. Staff Report
3. Applicant's Project Description
4. Photos of Similar Structure
5. Aerial Photo of proposed site
6. Photos of proposed site

PRESENTATION BY STAFF:
1. Doug Koscinski reported that these items are related and have the same applicant and the exact same proposed building. The procedure that we have used in the past, which we're using again tonight – site plans come with commercial zonings, as you know. They are more or less strictly followed. There is some administrative latitude, but when someone is proposing a separate building that may be somewhat prominent or that may have visual aspects that could impact people, we prefer to run them through this process, which is an amendment of the approved site plan. In two cases this works; in one it did not.

This is the first application. It's at East Robinson, very near the one we just talked about. It's a commercial building; it's actually a car wash. The site they've proposed is in the grass, so they're not really eliminating any parking. It's a drive-up facility, but it's not like a bank where you do business. You just walk up and get water and/or ice or block ice. They purify the water so apparently they have a product that they think is very marketable and extremely popular in some other communities, they tell me. North of here is another commercial building. Further north is some residential. This is surrounded by other commercial uses. In staff's assessment, this one is going to have minimal visual impact and minimal operational impact on everything that's there. So I had no problem recommending in favor of this one. That's what the building will more or less look like. Because it's a permanent building, it has to follow

our masonry standards. It's large enough where that's a requirement of the ordinance so they're proposing a stone or synthetic stone, probably, base with like a stucco finish above it. There are a couple different examples of what they've done in other communities. I don't think we'll be getting the "open" sign in this case, but that's what they look like. Staff did support this request. The building will be unmanned. Someone comes by to service them periodically, but they're provided with water and sewer. The water goes through some sort of filtration mechanism, freezes, comes out either as purified water or block ice or chunk ice, is my understanding, for a certain price. That's the first location. Staff had no problem with it.

The next one is in Colonial Estates Mall. Again, a platted piece of property, zoned commercial. If you're familiar with it, this is where the City used to have its recycling center, which had a much larger footprint. Now it will be about two or maybe three spaces that it takes up. That's looking north from the site. That's looking back toward the grocery store, which is at the end of a strip mall there. Further south, a fast food restaurant. You've got other commercial uses. You'll see minimal impact on the parking. The parking here is unused. It does abut the two residential uses across the street and to the north, but it shouldn't have any worse impact than what the City had there when we had our recycling facility. There are no obnoxious lights or noise with these things, so I don't really foresee any negative impacts for permitting this one. Staff was able to support this request as well.

2. Paul Minnis commented that a lot of people pull in this parking lot to miss the intersection, and so there's actually quite a bit of traffic in and out of that. He suggested moving this 15 or 20 feet further south. As cars are coming out, there's sidewalk and pedestrians and bikes and they aren't necessarily going to be able to see well the heavy traffic on 12th coming from that intersection. Doug Koscinski indicated that could be a condition on the approval. Paul Minnis said he would like them to consider it, but he didn't want to make that an amendment.

3. Chris Lewis pointed out the trees and the bush on the other side of the alley would be much more hazardous. Paul Minnis countered that the traffic is coming the other way. Because the other entrance to this Colonial Estates Mall is right near the intersection of 12th and Lindsey, which is very busy, a lot of people use that to get in and out of Colonial Estates Mall. You can't see to the left. On the other hand, most people are making a right-hand turn so they have to look to the left and see what's coming. I'm just wondering with a permanent structure there if that's going to block it some, and if you just move it a little bit you've solved the line of sight problem.

There being no further questions for staff, Vice Chairman Gasaway asked for a presentation from the applicant.

PRESENTATION BY THE APPLICANT:
The applicant was not present.

PARTICIPATION FROM THE AUDIENCE:
Vice Chairman Gasaway asked if anyone in the audience wished to speak on this item. There being none, he turned to the Planning Commission for discussion.

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:
Chris Lewis moved to recommend adoption of Ordinance No. O-0910-29 to the City Council. Andy Sherrer seconded the motion.

There being no further discussion, a vote was taken with the following result:

YEAS	Tom Knotts, Chris Lewis, Curtis McCarty, Paul Minnis, Roberta Pailes, Andy Sherrer, Jim Gasaway
NAYES	None
MEMBERS ABSENT	Diana Hartley, Zev Trachtenberg

Recording Secretary Roné Tromble announced that the motion, to recommend adoption of Ordinance No. O-0910-29 to the City Council, passed by a vote of 7-0.

Paul Minnis moved to recommend adoption of Ordinance No. O-0910-30 to the City Council. Chris Lewis seconded the motion.

There being no further discussion, a vote was taken with the following result:

YEAS	Tom Knotts, Chris Lewis, Curtis McCarty, Paul Minnis, Roberta Pailes, Andy Sherrer, Jim Gasaway
NAYES	None
MEMBERS ABSENT	Diana Hartley, Zev Trachtenberg

Recording Secretary Roné Tromble announced that the motion, to recommend adoption of Ordinance No. O-0910-30 to the City Council, passed by a vote of 7-0.

* * *

9. ITEM: CONSIDERATION OF ORDINANCE NO. O-0910-30 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 460 OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO AMEND THE SITE PLAN WHICH WAS APPROVED WITH ORDINANCE NO. O-7576-44; AND PROVIDING FOR THE SEVERABILITY THEREOF. (COLONIAL ESTATES SHOPPING CENTER)

INFORMATION: The above-described ordinance is submitted for Introduction and adoption upon First Reading by title, and subsequent thereto, for submission for City Council's final consideration in its meeting of June 8, 2010. Copies of an advisory memorandum; ordinance; site development plan; location map; Staff Report; description of project; photographs of similar structure; photographs of site location; and pertinent excerpts from Planning Commission minutes are included in the Agenda Book.

ACTION NEEDED: Motion to Introduce and adopt the ordinance upon First Reading by title.

ACTION TAKEN: _____

office memorandum

DATE: May 10, 2010

TO: Honorable Mayor and Councilmembers

FROM: Doug Koscinski, AICP DJK
Manager, Current Planning Division

SUBJECT: First Reading: May 25, 2010
Second Reading: June 8, 2010
Agenda Item: Ordinance No. O-0910-30: Landon Webb requests amendment of the approved site plan at Colonial Estates to allow installation of an Ice House

BACKGROUND. This is a proposal to install a free-standing small kiosk that dispenses purified water and ice. The kiosk is un-manned and self-contained. The structure is relatively small, and does not generally impact parking areas. This site is at the eastern edge of the Colonial Estates Shopping Center, and was formerly used by the City of Norman to house recycling facilities. The kiosk will connect to city water and sewer, and is considered a permanent structure.

DISCUSSION. While the subdivision regulations allow some modification to existing buildings to occur with only administrative review, when new free-standing structures are proposed that will be located in visually prominent areas, staff has taken the position that an official amendment to the approved Site Plan must be reviewed to assess the visual and site impacts of the proposal. The proposed building is approximately 8' by 25' in size, approximately 10' tall. The structure is not overly large or imposing, but will be prominently visible from 12th Avenue. As a permanent building, the exterior must be comprised of some sort of masonry product. The structures will be built with a simulated stone, brick, and stucco exterior and should not prove intrusive or objectionable. This structure will be located approximately ten feet from the sidewalk, with the longer side facing the street. Single family dwellings lie to the north (across the alley) and to the west (across 12th Avenue). The unit is located along the western edge of the parking lot, and would eliminate three parking spaces. Parking is adequate on the site. This request does not impact the existing commercial facility, and is less objectionable than the recycling facility that previously occupied the site.

STAFF RECOMMENDATION: At their meeting of April 8, 2010, the Planning Commission, by a vote of 7-0, supported this request and recommended adoption of Ordinance No. O-0910-30. Staff recommends approval of this Ordinance, and submits this First Reading item for City Council's consideration and action.

DJK:rnt

Reviewed by: Susan Connors, Director of Planning & Community Development SFC
Jeff Bryant, City Attorney
Steve Lewis, City Manager

O-0910-30

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 460 OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO AMEND THE SITE PLAN WHICH WAS APPROVED WITH ORDINANCE NO. O-7576-44; AND PROVIDING FOR THE SEVERABILITY THEREOF. (COLONIAL ESTATES SHOPPING CENTER)

§ 1. WHEREAS, Brandon Webb, as representative for the owner of the hereinafter described property, has requested amendment of the Site Plan approved with Ordinance No. O-7576-44; and

§ 2. WHEREAS, said application has been referred to the Planning Commission of said City and said body has, after conducting a public hearing as required by law, considered the same and recommended that the same should be granted and an ordinance adopted to effect and accomplish such rezoning; and

§ 3. WHEREAS, the City Council of the City of Norman, Oklahoma, has thereafter considered said application and has determined that said application should be granted and an ordinance adopted to effect and accomplish such rezoning.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA:

§ 4. That Section 460 of Chapter 22 of the Code of the City of Norman, Oklahoma, is hereby amended so as to amend the site plan approved with Ordinance No. O-7576-44, to wit:

> Lot 1, Tract A, COLONIAL ESTATES ADDITION to the City of Norman, Cleveland County, Oklahoma. Said tract contains 359,146.63 square feet, more or less.

§ 5. Further, pursuant to the provisions of Section 22:442.1(7) of the Code of the City of Norman, as amended, the following condition is hereby attached to the zoning of the tract:

a. The site shall be developed in accordance with the Site Development Plan (Exhibit A), approved April 8, 2010, and supporting documentation submitted by the applicant and approved by the Planning Commission.

§ 6. Severability. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

ADOPTED this _____ day of

_____, 2010.

_____
(Mayor)

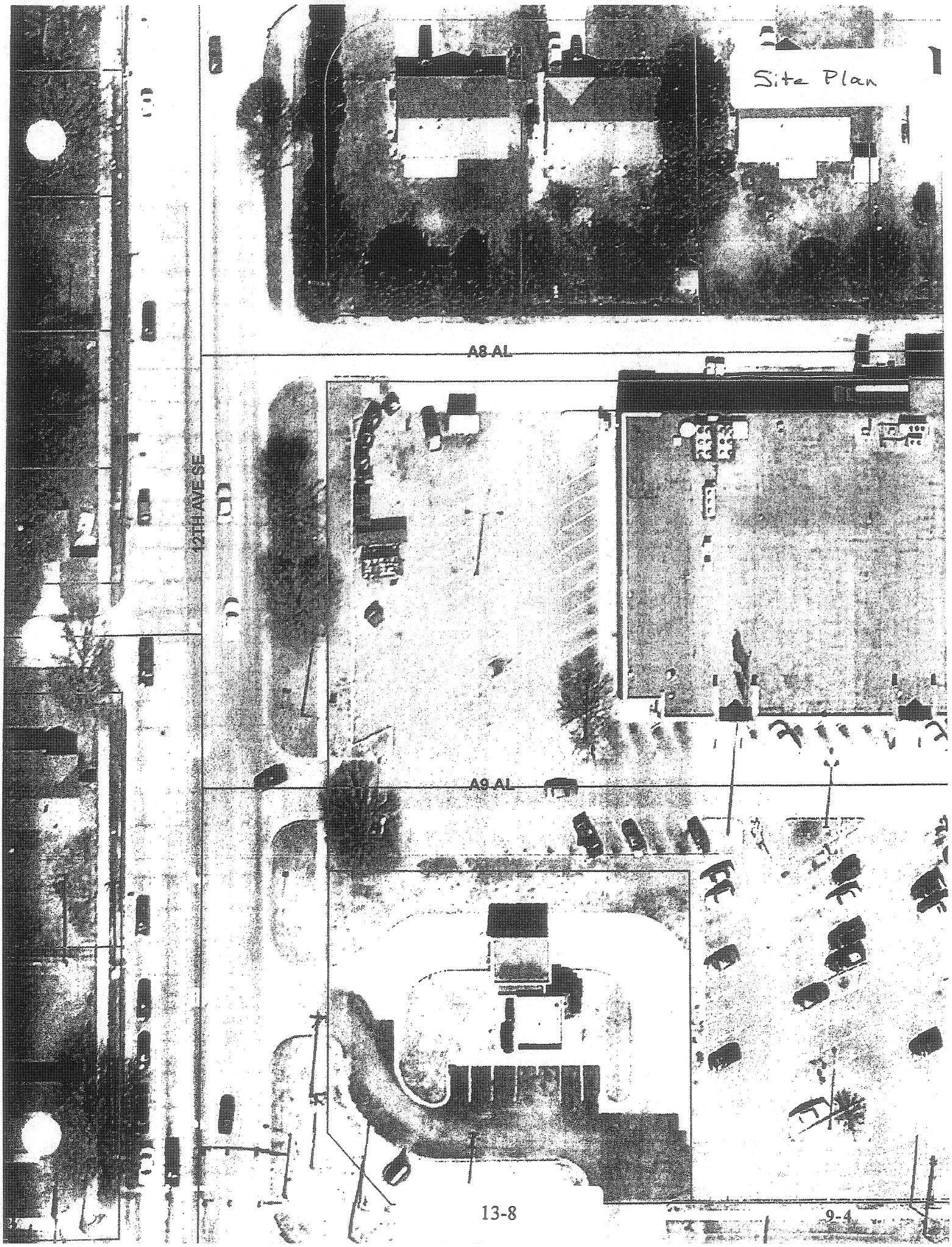
NOT ADOPTED this _____day of

_____, 2010.

_____
(Mayor)

ATTEST:

_____
(City Clerk)


Site Plan
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12TH AVE SE
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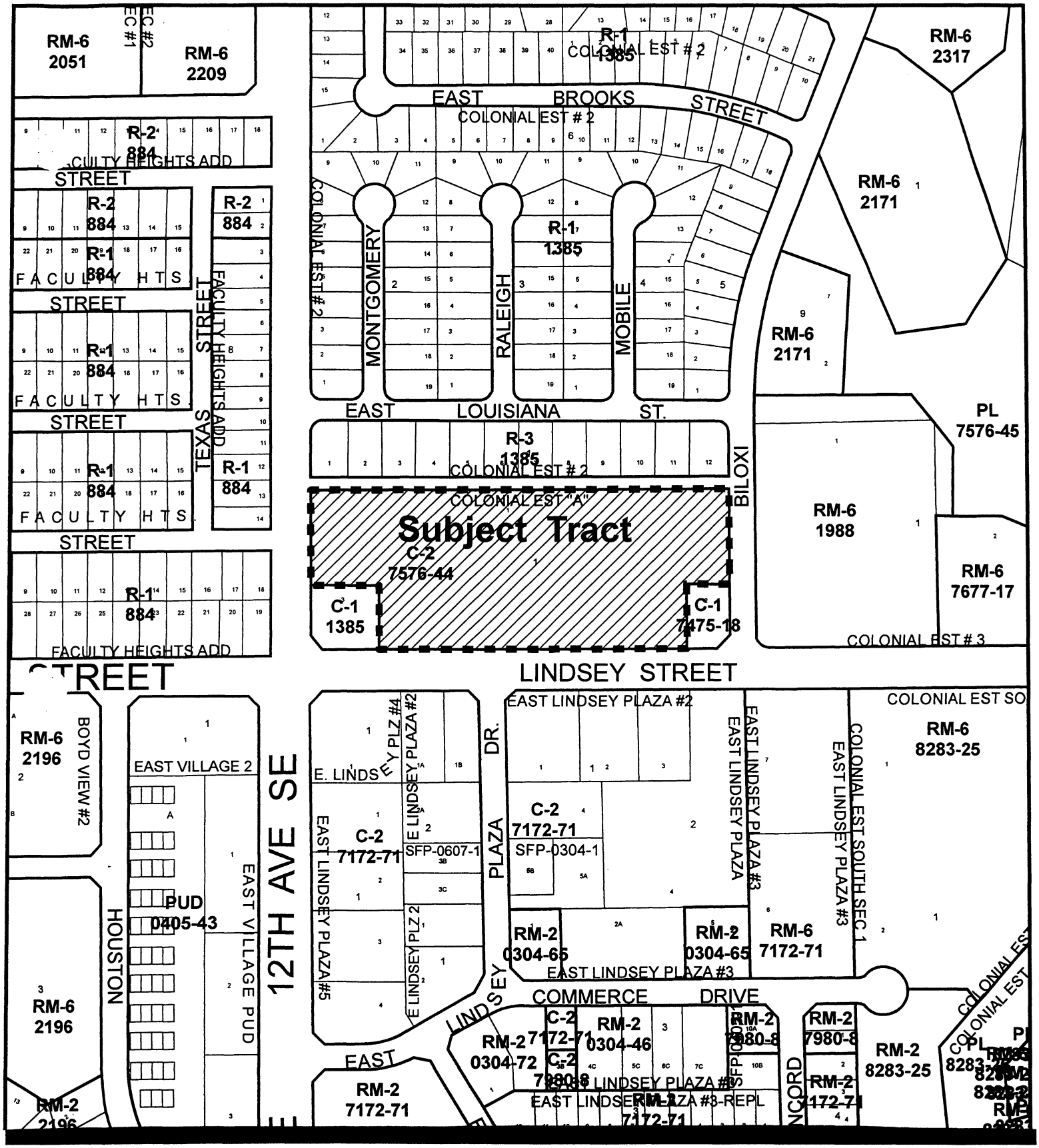


PROPOSED SITE PLAN AMENDMENT – ORDINANCE NO. O-0910-30

APPLICANT: Landon Webb
REQUEST: Amendment of the approved site plan at Colonial Estates

ORDINANCE NO. O-0910-30 ITEM NO. 13

STAFF REPORT

GENERAL INFORMATION

APPLICANT	Landon Webb
REQUESTED ACTION	Amendment of the approved Site Plan
EXISTING ZONING	C-2, General Commercial District
SURROUNDING ZONING	North: R-3, Multi-Family District East: C-2, General Commercial District South: C-2, General Commercial District West: R-1, Single Family District
LOCATION	1300 block of East Lindsey Street (Colonial Estates Mall)
PURPOSE	Installation of an Ice House
EXISTING LAND USE	Shopping Center
SURROUNDING LAND USE	North: Single Family Dwellings East: Shopping Mall South: Fast food restaurant West: Single Family Dwellings
2025 LAND USE PLAN DESIGNATION	Commercial
GROWTH AREA DESIGNATION	Current Urban Service Area

SYNOPSIS: Like the previous item, this applicant would like to install a free-standing self-operated kiosk that dispenses purified water, and uses that water to create ice that is also for sale. The location is at the eastern edge of the Colonial Estates Shopping Center, and was formerly used by the City of Norman to house recycling facilities. The kiosk will connect to city water and sewer, and is considered a permanent structure.

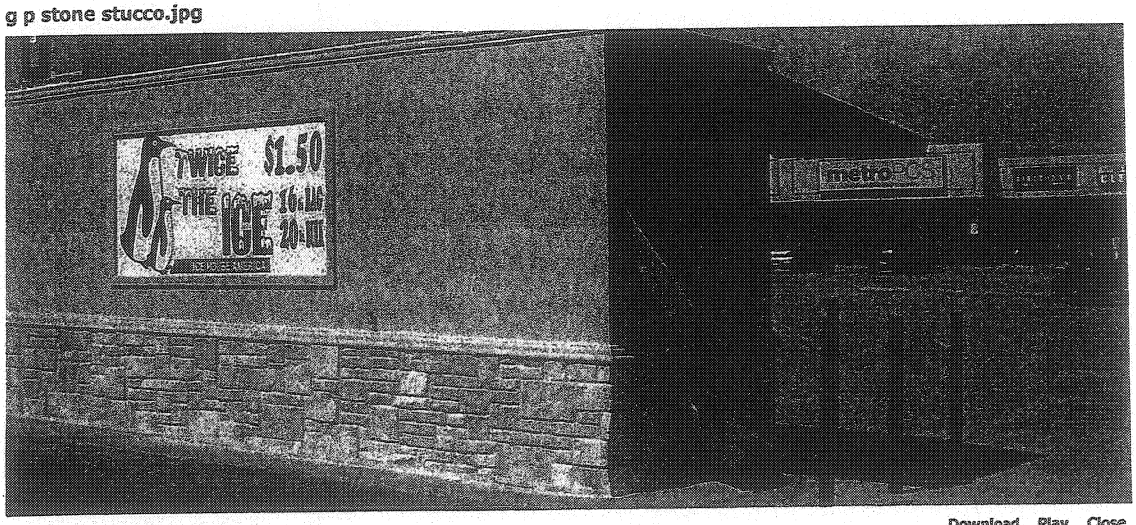
ANALYSIS: While the subdivision regulations allow some modification to existing buildings to occur with only administrative review, when new free-standing structures are proposed that will be located in visually prominent areas, staff has taken the position that an official amendment to the approved Site Plan must be reviewed to asses the visual and site impacts of the proposal.

- In this case the building/kiosk is approximately 8′ by 25′ in size, approximately 10′ tall. The structure is not overly large or imposing, but will be prominently visible from 12th Avenue.
- As a permanent building, the exterior must be comprised of some sort of masonry product. The structures will be built with a simulated stone, brick, and stucco exterior and should not prove intrusive or objectionable.
- This structure will be located approximately ten feet from the sidewalk, with the larger side facing the street. Single family dwellings lie to the north (across the alley) and to the west (across 12th Avenue).
- The unit will be connected to both city water and sewer.
- The unit is located along the western edge of the parking lot, and would eliminate three parking spaces. Parking is adequate on the site.

STAFF RECOMMENDATION: This request does not impact the existing commercial facility, and is less objectionable than the recycling facility that previously occupied the site. Staff supports this amendment to the Site Plan, and approves of this location.

We are proposing the placement of an Ice House. An Ice House is a vending machine that distributes 20lbs bulk ice and 16lbs bagged ice. It also has a water vending machine where you can purchase a gallon of purified water for 25 cents or 5 gallons for a dollar. This machine is the most sanitary way to distribute ice and water. Human hands never touch the ice or water, and the state health department regulates us. We want to put the Ice House in the Colonial Estates Shopping Center parking lot as shown on the map. We are Hooking up to city sewer and water.

g p stone stucco.jpg



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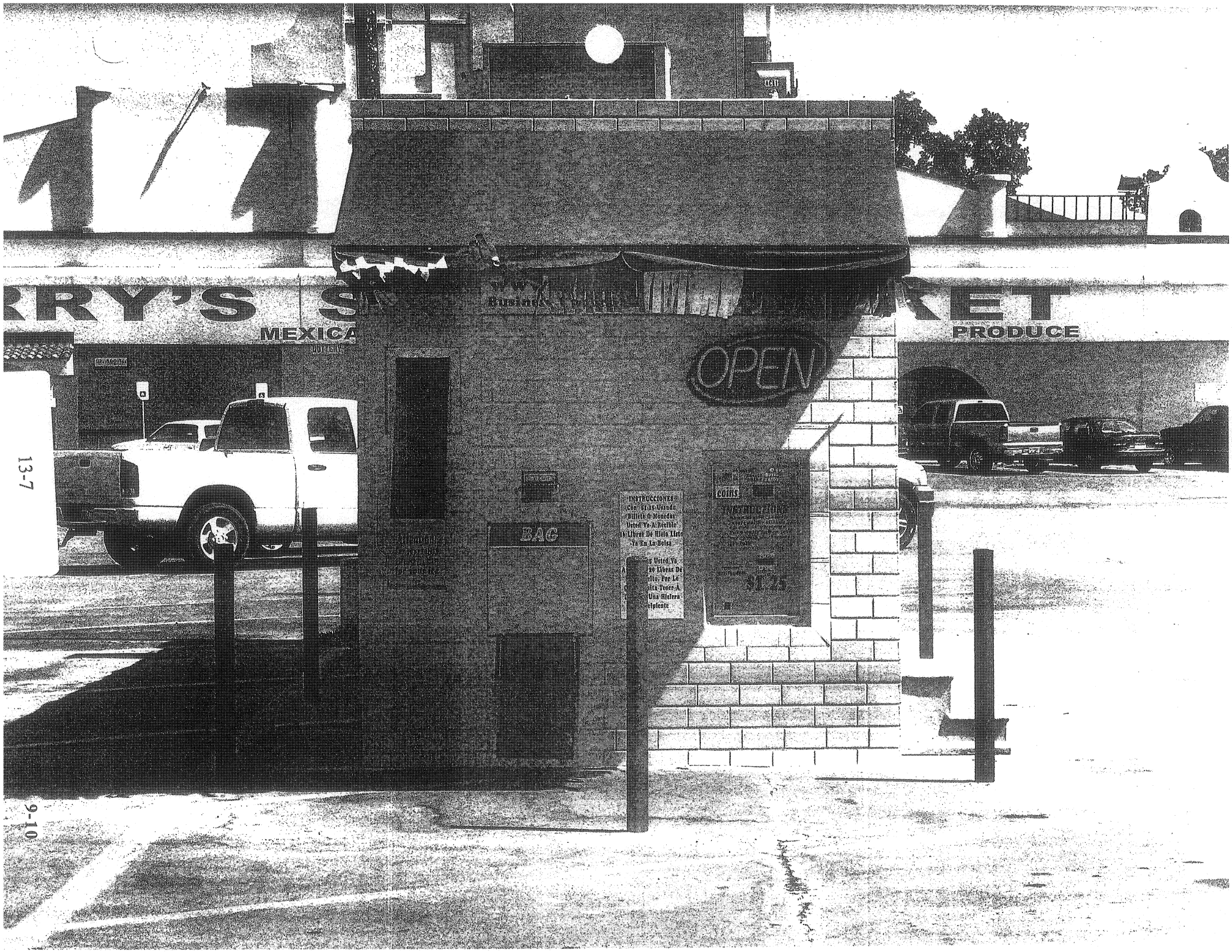

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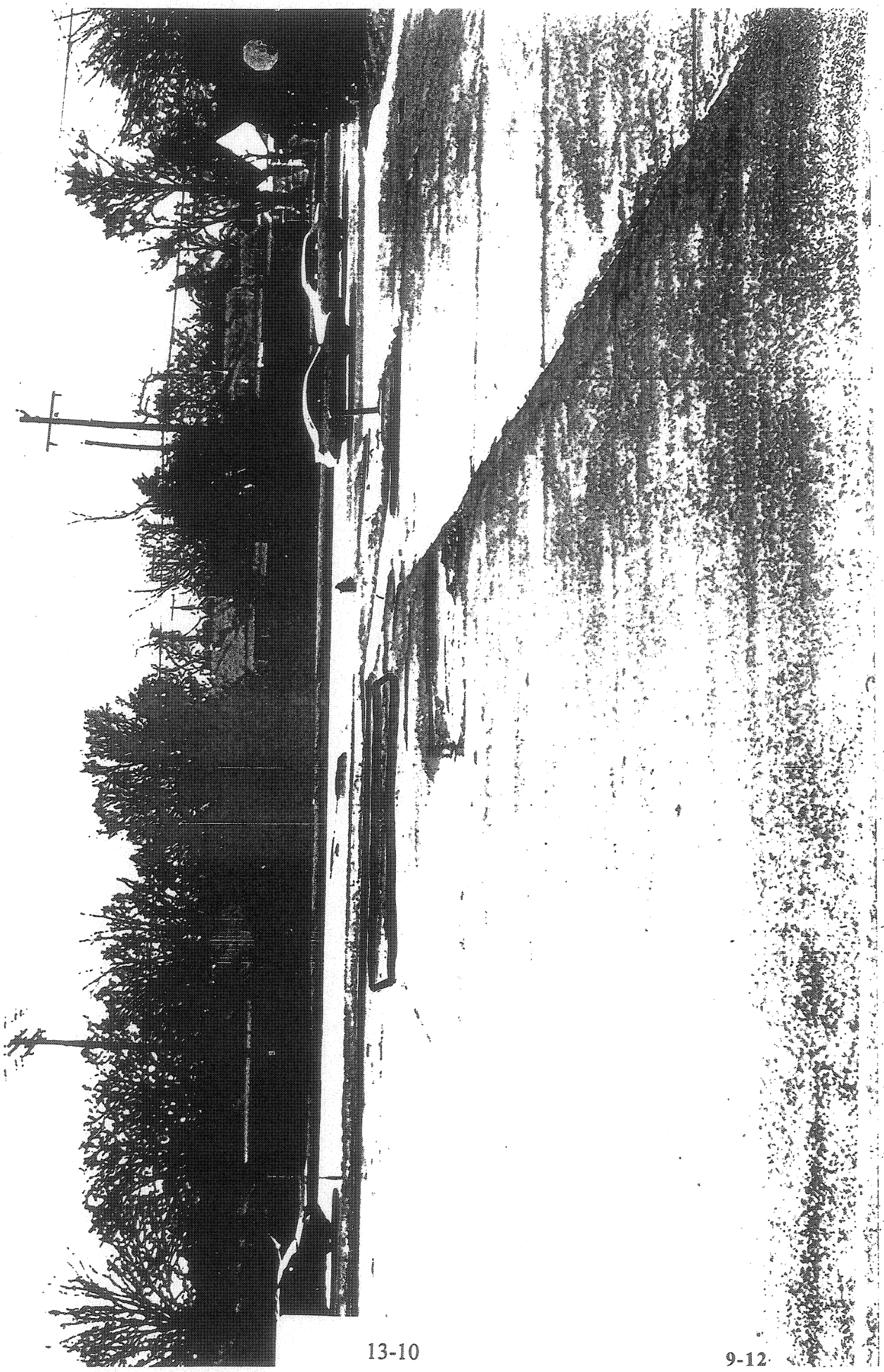


Item No. 12, being:
ORDINANCE NO. O-0910-29 – LANDON WEBB REQUESTS AMENDMENT OF THE APPROVED SITE PLAN AT 1205 E. ROBINSON STREET TO ALLOW INSTALLATION OF AN ICE HOUSE.

ITEMS SUBMITTED FOR THE RECORD:
1. Location Map
2. Staff Report
3. Applicant's Project Description
4. Photo of Similar Structure
5. Photos showing site location
6. Aerial Photo indicating proposed site

and Item No. 13, being:
ORDINANCE NO. O-0910-30 – LANDON WEBB REQUESTS AMENDMENT OF THE APPROVED SITE PLAN AT COLONIAL ESTATES TO ALLOW INSTALLATION OF AN ICE HOUSE.

ITEMS SUBMITTED FOR THE RECORD:
1. Location Map
2. Staff Report
3. Applicant's Project Description
4. Photos of Similar Structure
5. Aerial Photo of proposed site
6. Photos of proposed site

PRESENTATION BY STAFF:
1. Doug Koscinski reported that these items are related and have the same applicant and the exact same proposed building. The procedure that we have used in the past, which we're using again tonight – site plans come with commercial zonings, as you know. They are more or less strictly followed. There is some administrative latitude, but when someone is proposing a separate building that may be somewhat prominent or that may have visual aspects that could impact people, we prefer to run them through this process, which is an amendment of the approved site plan. In two cases this works; in one it did not.

This is the first application. It's at East Robinson, very near the one we just talked about. It's a commercial building; it's actually a car wash. The site they've proposed is in the grass, so they're not really eliminating any parking. It's a drive-up facility, but it's not like a bank where you do business. You just walk up and get water and/or ice or block ice. They purify the water so apparently they have a product that they think is very marketable and extremely popular in some other communities, they tell me. North of here is another commercial building. Further north is some residential. This is surrounded by other commercial uses. In staff's assessment, this one is going to have minimal visual impact and minimal operational impact on everything that's there. So I had no problem recommending in favor of this one. That's what the building will more or less look like. Because it's a permanent building, it has to follow

our masonry standards. It's large enough where that's a requirement of the ordinance so they're proposing a stone or synthetic stone, probably, base with like a stucco finish above it. There are a couple different examples of what they've done in other communities. I don't think we'll be getting the "open" sign in this case, but that's what they look like. Staff did support this request. The building will be unmanned. Someone comes by to service them periodically, but they're provided with water and sewer. The water goes through some sort of filtration mechanism, freezes, comes out either as purified water or block ice or chunk ice, is my understanding, for a certain price. That's the first location. Staff had no problem with it.

The next one is in Colonial Estates Mall. Again, a platted piece of property, zoned commercial. If you're familiar with it, this is where the City used to have its recycling center, which had a much larger footprint. Now it will be about two or maybe three spaces that it takes up. That's looking north from the site. That's looking back toward the grocery store, which is at the end of a strip mall there. Further south, a fast food restaurant. You've got other commercial uses. You'll see minimal impact on the parking. The parking here is unused. It does abut the two residential uses across the street and to the north, but it shouldn't have any worse impact than what the City had there when we had our recycling facility. There are no obnoxious lights or noise with these things, so I don't really foresee any negative impacts for permitting this one. Staff was able to support this request as well.

2. Paul Minnis commented that a lot of people pull in this parking lot to miss the intersection, and so there's actually quite a bit of traffic in and out of that. He suggested moving this 15 or 20 feet further south. As cars are coming out, there's sidewalk and pedestrians and bikes and they aren't necessarily going to be able to see well the heavy traffic on 12th coming from that intersection. Doug Koscinski indicated that could be a condition on the approval. Paul Minnis said he would like them to consider it, but he didn't want to make that an amendment.

3. Chris Lewis pointed out the trees and the bush on the other side of the alley would be much more hazardous. Paul Minnis countered that the traffic is coming the other way. Because the other entrance to this Colonial Estates Mall is right near the intersection of 12th and Lindsey, which is very busy, a lot of people use that to get in and out of Colonial Estates Mall. You can't see to the left. On the other hand, most people are making a right-hand turn so they have to look to the left and see what's coming. I'm just wondering with a permanent structure there if that's going to block it some, and if you just move it a little bit you've solved the line of sight problem.

There being no further questions for staff, Vice Chairman Gasaway asked for a presentation from the applicant.

PRESENTATION BY THE APPLICANT:
The applicant was not present.

PARTICIPATION FROM THE AUDIENCE:
Vice Chairman Gasaway asked if anyone in the audience wished to speak on this item. There being none, he turned to the Planning Commission for discussion.

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:
Chris Lewis moved to recommend adoption of Ordinance No. O-0910-29 to the City Council. Andy Sherrer seconded the motion.

There being no further discussion, a vote was taken with the following result:

YEAS	Tom Knotts, Chris Lewis, Curtis McCarty, Paul Minnis, Roberta Pailes, Andy Sherrer, Jim Gasaway
NAYES	None
MEMBERS ABSENT	Diana Hartley, Zev Trachtenberg

Recording Secretary Roné Tromble announced that the motion, to recommend adoption of Ordinance No. O-0910-29 to the City Council, passed by a vote of 7-0.

Paul Minnis moved to recommend adoption of Ordinance No. O-0910-30 to the City Council. Chris Lewis seconded the motion.

There being no further discussion, a vote was taken with the following result:

YEAS	Tom Knotts, Chris Lewis, Curtis McCarty, Paul Minnis, Roberta Pailes, Andy Sherrer, Jim Gasaway
NAYES	None
MEMBERS ABSENT	Diana Hartley, Zev Trachtenberg

Recording Secretary Roné Tromble announced that the motion, to recommend adoption of Ordinance No. O-0910-30 to the City Council, passed by a vote of 7-0.

* * *

Item No. 15, being:
ORDINANCE NO. O-0910-32 – LYNN AND GAYE ANN ROGERS REQUEST CLOSURE OF THE NORTH 60′ OF A SANITARY SEWER EASEMENT IN LOT 6, BLOCK 1, LAKEWOOD PARK ADDITION (2701 SOUTH BERRY ROAD).

ITEMS SUBMITTED FOR THE RECORD:
1. Location Map
2. Staff Report
3. Letter from the Applicant
4. Plat of easement
5. Map of easements and existing sewer lines

PRESENTATION BY STAFF:
1. Doug Koscinski reported that when the home immediately north of the subject property was constructed, they discovered that there was a sewer line in the way, so the City rerouted the sewer around that lot so that gentleman could build his house. The easements were apparently never closed and vacated, which is what we're doing tonight. This applicant to the south has asked that this piece, which is what he controls, be closed and ultimately vacated through District Court. The rest of this has never been touched. You can see there's no sewer line in that easement going north, but it was never removed or vacated 15 years ago, for whatever reason. This applicant is asking that this piece be closed and vacated. The City has no need for that easement; there is no sewer line in it at this point. The sewer line has been rerouted and a new easement was or will be granted for that piece of the line on his property. The utility companies had no negative comments. We did receive several letters expressing concerns about what may, in the future, be built there. Staff is still supporting the request to close the easement as it is not needed.

There being no further questions for staff, Vice Chairman Gasaway asked for a presentation from the applicant.

PRESENTATION BY THE APPLICANT:
1. Lynn Rogers, 2701 S. Berry Road – It's late and I'll be very brief. As staff told you, we're asking to vacate the north 60′, approximately, of a sanitary sewer easement on the north portion of our property at 2701 South Berry. When this Lakewood Park Addition was platted in 1956, there were some rather odd-shaped sewer easements laid out and dedicated to the public, some of which sanitary sewer lines were actually placed in and some were not. I don't know if the part that we're wanting to vacate was ever actually utilized or not. In any event, as Doug told you, about 15 years ago my neighbor to the north built his house squarely on top of this platted sewer easement, and so either it was never in use or after the rerouting of the sewer line it was certainly not in use then. As far as the proposed use, I wish I could tell you exactly what I'm going to do with it. I can tell you what I am not going to do with it. If I construct any kind of a structure, it's going to be a residential detached garage of very modest size. It will not be retail; it will not be commercial; it will not violate any City code

requirements; it will not violate any residential covenants for that housing addition. And so if any of the opponents of this project think that they know exactly what's going to be placed there, their crystal ball is better than mine. But I appreciate your consideration.

PARTICIPATION FROM THE AUDIENCE:

1. Victor Aktansel, 2633 S. Berry Road - The owner of this property wants to build a large shop on the north corner of that property and he needs the easement vacated. And many people oppose that. I collected 21 protests from homeowners and you have that. In this neighborhood many houses valued at $200,000 or maybe some more, and if there's a shop there, it's going to affect the property values eventually because of the traffic of the trailers and trucks and material and a separate building by itself in the driveway is going to look bad. So I protest that and that's why I want you to reconsider whatever you decide.

Vice Chairman Gasaway asked if anyone else in the audience wished to speak on this item. There being none, he turned to the Planning Commission for discussion.

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

1. Curtis McCarty asked if a shop can be built in R-1 zoning. Doug Koscinski replied that "shop" is a generic term. You can have a shop in your garage. Legally, you can put up a metal building. There probably are covenants that would restrict that, but the ordinance would allow a metal building. We do not require masonry in our R-1 zoning. You could have a personal shop. I could go out in my garage and polish my car or whatever. It doesn't mean it's a commercial business. I have no idea what the applicant actually intends to do or build and, again, the issue in front of us is whether the City needs this easement, and our answer is no.

Andy Sherrer moved to recommend adoption of Ordinance No. O-0910-32 to the City Council. Chris Lewis seconded the motion.

There being no further discussion, a vote was taken with the following result:

YEAS	Tom Knotts, Chris Lewis, Curtis McCarty, Paul Minnis, Roberta Pailes, Andy Sherrer, Jim Gasaway
NAYES	None
MEMBERS ABSENT	Diana Hartley, Zev Trachtenberg

Recording Secretary Roné Tromble announced that the motion, to recommend adoption of Ordinance No. O-0910-32 to the City Council, passed by a vote of 7-0.

* * *

10. ITEM: CONSIDERATION OF ORDINANCE NO. O-0910-32 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, CLOSING A PORTION OF A SANITARY SEWER EASEMENT WITHIN LOT 6, BLOCK 1, REPLAT OF LAKEWOOD PARK ADDITION, TO THE CITY OF NORMAN, CLEVELAND COUNTY, OKLAHOMA; AND PROVIDING FOR THE SEVERABILITY THEREOF. (2701 SOUTH BERRY ROAD)

INFORMATION: The above-described ordinance is submitted for Introduction and adoption upon First Reading by title, and subsequent thereto, for submission for City Council's final consideration in its meeting of June 8, 2010. Copies of an advisory memorandum; ordinance; letter of request; location maps; Staff Report; Protest Area map; letters of protest; and pertinent excerpts from Planning Commission minutes are included in the Agenda Book.

ACTION NEEDED: Motion to Introduce and adopt the ordinance upon First Reading by title.

ACTION TAKEN: _____

office memorandum

DATE: May 10, 2010

TO: Honorable Mayor and Councilmembers

FROM: Doug Koscinski, AICP DJK
Manager, Current Planning Division

SUBJECT: First Reading: May 25, 2010
Second Reading: June 8, 2010
Agenda Item: Ordinance No. O-0910-32: Lynn and Gaye Ann Rogers request closure of the north 60' of a sanitary sewer easement in Lot 6, Block 1, LAKEWOOD PARK ADDITION. (2701 South Berry Road)

BACKGROUND. When the home to the north of the subject lot was built (1994-95), the owner of that lot discovered that an existing sewer line would have been underneath the proposed house. In order to address the impact of that sewer line on his proposed home, the city built a replacement sewer line that was routed around that house and connected to an existing easement on Lot 6 (the subject tract). The rerouted line is indicated on page 15-6, along with the pre-existing easement. City records are silent on whether any existing easements were closed or vacated at that time.

The applicants own Lot 6 (the subject of this request), which lies immediately south of 2633 South Berry Road, and would like to eliminate that portion of the old easement which lies across the northern part of their lot. The relocated sewer line still connects to the old line and the southern portion of the easement will remain. The request for "closure" is the first step to removing the easement from the plat, and is followed by an appeal to the District Court to vacate the easement. The applicants are willing to dedicate a new easement (if needed) for that portion of the line that was relocated in 1994.

DISCUSSION. Staff concurs in this closure, which should have been accomplished when the sewer line was relocated in 1995. The city has no need for that portion of the original easement, as the sewer line has already been relocated. The owner of the abutting property appears to be concerned with what this property owner might build if the easement is vacated, and circulated a petition representing 48.8% of the notification area opposing the closure. The abutting owner was the only protestor who attended and spoke at the Planning Commission meeting.

STAFF RECOMMENDATION: At their meeting of April 8, 2010, the Planning Commission, by a vote of 7-0, supported this request and recommended adoption of Ordinance No. O-0910-32. Staff recommends approval of this Ordinance, and submits this First Reading item for City Council's consideration and action.

DJK:rnt

Reviewed by: Susan Connors, Director of Planning & Community Development SFC
Jeff Bryant, City Attorney
Steve Lewis, City Manager

O-0910-32

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, CLOSING A PORTION OF A SANITARY SEWER EASEMENT WITHIN LOT 6, BLOCK 1, REPLAT OF LAKEWOOD PARK ADDITION, TO THE CITY OF NORMAN, CLEVELAND COUNTY, OKLAHOMA; AND PROVIDING FOR THE SEVERABILITY THEREOF.
(2701 SOUTH BERRY ROAD)

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA:

§ 1. That, pursuant to Resolution Number R-8182-66, Lynn C. and Gaye Ann Rogers, owners of the subject property, have petitioned the City to have the north sixty feet (60') of the sanitary sewer easement within Lot 6, Block 1, REPLAT OF LAKEWOOD PARK ADDITION closed; and,

§ 2. That, also pursuant to Resolution Number R-8182-66, the proper notice has been given, and the maps, memorandums and other items required by said Resolution have been presented to this Council; and

§ 3. That, also pursuant to Resolution Number R-8182-66, a public hearing has been held regarding said closing; and

§ 4. That, the sanitary sewer easement within Lot 6, Block 1, REPLAT OF LAKEWOOD PARK ADDITION, herein after described, to wit:

> The north sixty (60) feet of the sanitary sewer easement as to Lot Six (6), Block One (1) shown in the Replat of LAKEWOOD PARK ADDITION to the City of Norman, Cleveland County, Oklahoma dated December 7, 1956 in the Records of the Cleveland County Clerk, according to the recorded plat.

is hereby closed.

§ 5. Severability. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

ADOPTED this _____ day of

_____, 2010.

_____
(Mayor)

ATTEST:

_____
(City Clerk)

NOT ADOPTED this _____day of

_____, 2010.

_____
(Mayor)

LYNN C. and GAYE ANN ROGERS
4220 Briarcrest Drive
Norman, Oklahoma 73072
(405) 366-8276
October 23, 2009

City of Norman
c/o Ken Danner, Engineering
201 West Gray, Bldg. A
P.O. Box 370
Norman, Oklahoma 73070

Re: 2701 South Berry Road
Partial Release of Easement

Ladies and Gentlemen:

We respectfully request the City of Norman to grant a partial release of an easement for sanitary sewer at the above address (Lot 6, Block 1, Lakewood Park Addition). Specifically, we request a release of the north sixty (60) feet of the sewer easement shown in the recorded replat for the addition dated December 7, 1956, in the records of the Cleveland County Clerk.

My wife and I are purchasing the property, with a planned closing date of November 17, 2009. We have employed Pollard & Whited Surveyors to prepare an exact legal description of the easement as needed by the City, and you are authorized to work with that firm to obtain any further information.

It is our understanding that in 1994 or 1995 the sanitary sewer line was re-routed by the City, and any line shown in the north approximately sixty feet of the old easement is no longer in use. The owners of the adjoining property to the north granted a new sanitary sewer easement to the City recorded at Book 2646, Page 183. However, I am unable to find a new recorded easement for the subject property. We will be glad to execute a new easement for the relocated line if necessary.

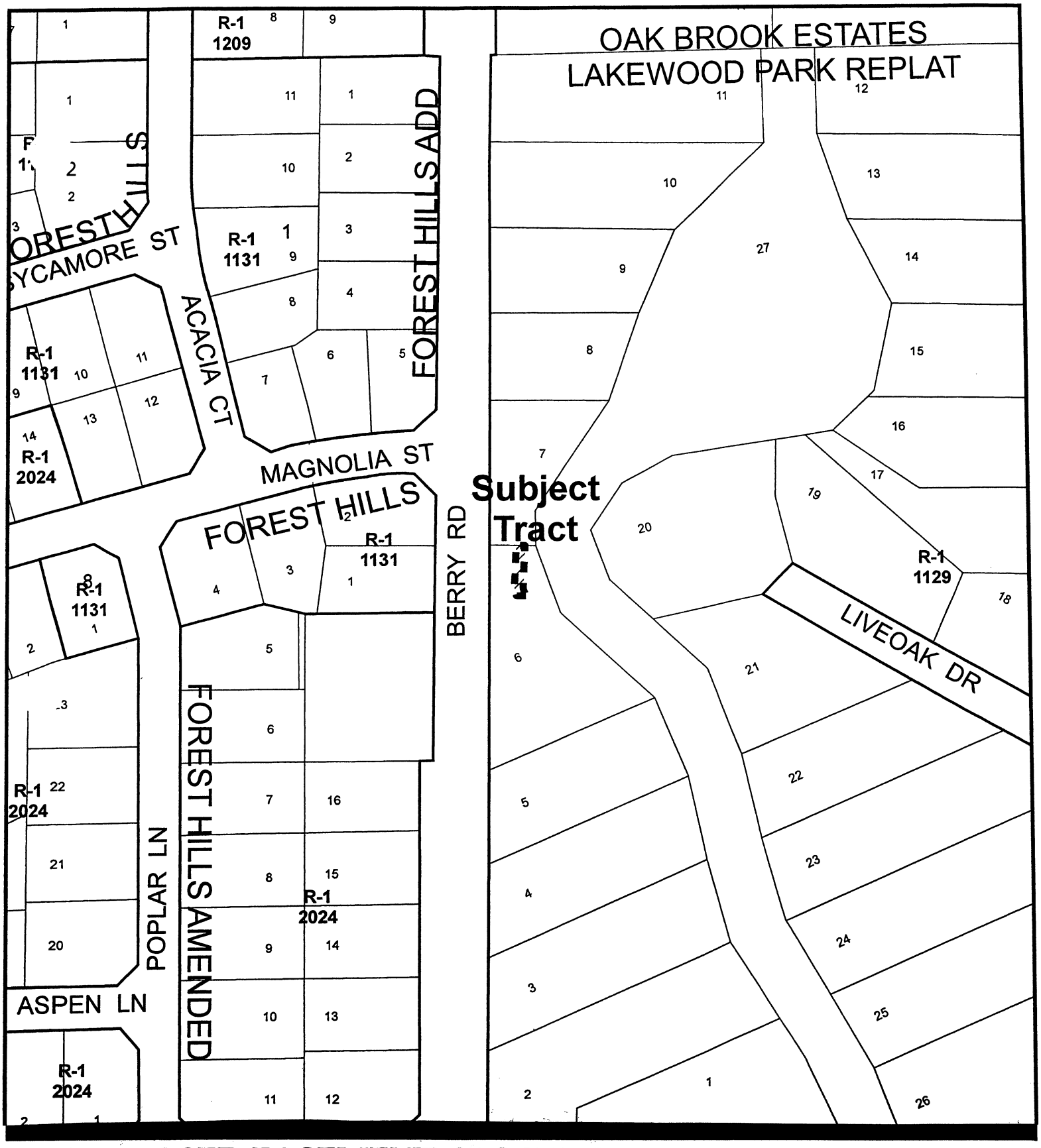
The assistance of the City in this matter will be appreciated.

Sincerely,

Lynn C. Rogers

Cc: Pollard & Whited

FILED IN THE OFFICE
OF THE CITY CLERK
ON 2/11/10

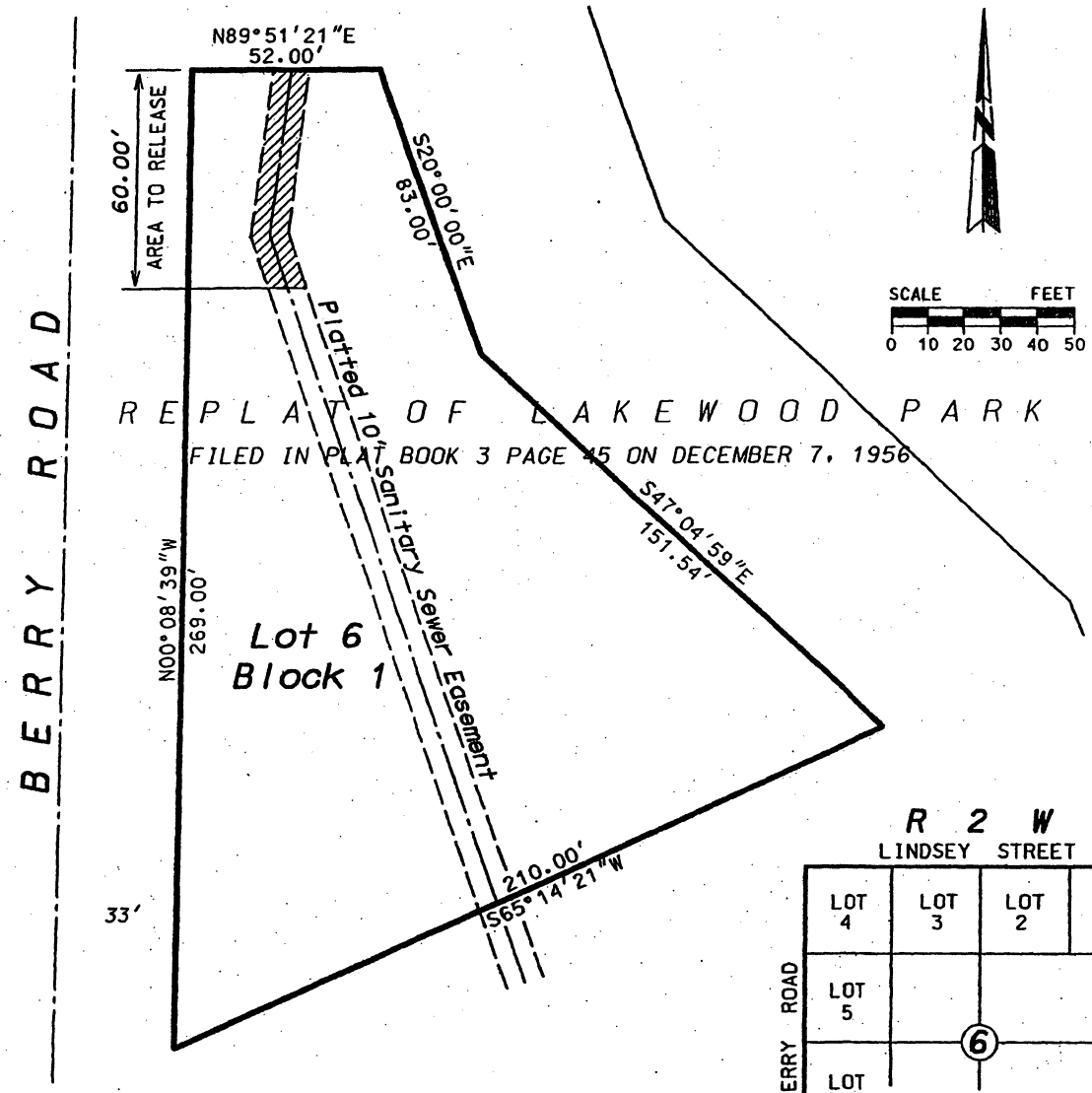


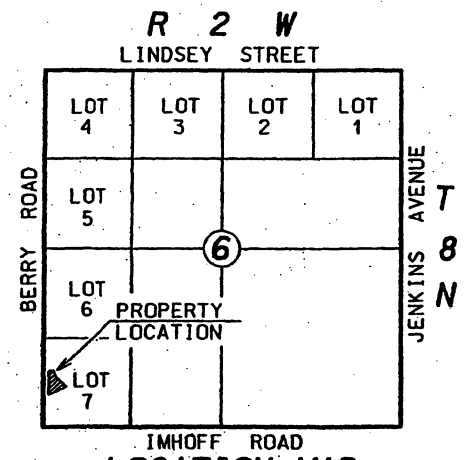
PROPOSED EASEMENT CLOSURE – ORDINANCE NO. O-0910-32

APPLICANT: Lynn and Gaye Ann Rogers
REQUEST: Closure of the north 60′ of a Sanitary Sewer Easement

EXHIBIT "A"

PARTIAL RELEASE OF EASEMENT
ACCROSS THE NORTH 60 FEET OF
LOT 6 BLOCK 1 OF THE REPLAT OF LAKEWOOD PARK
NORMAN, CLEVELAND COUNTY, OKLAHOMA



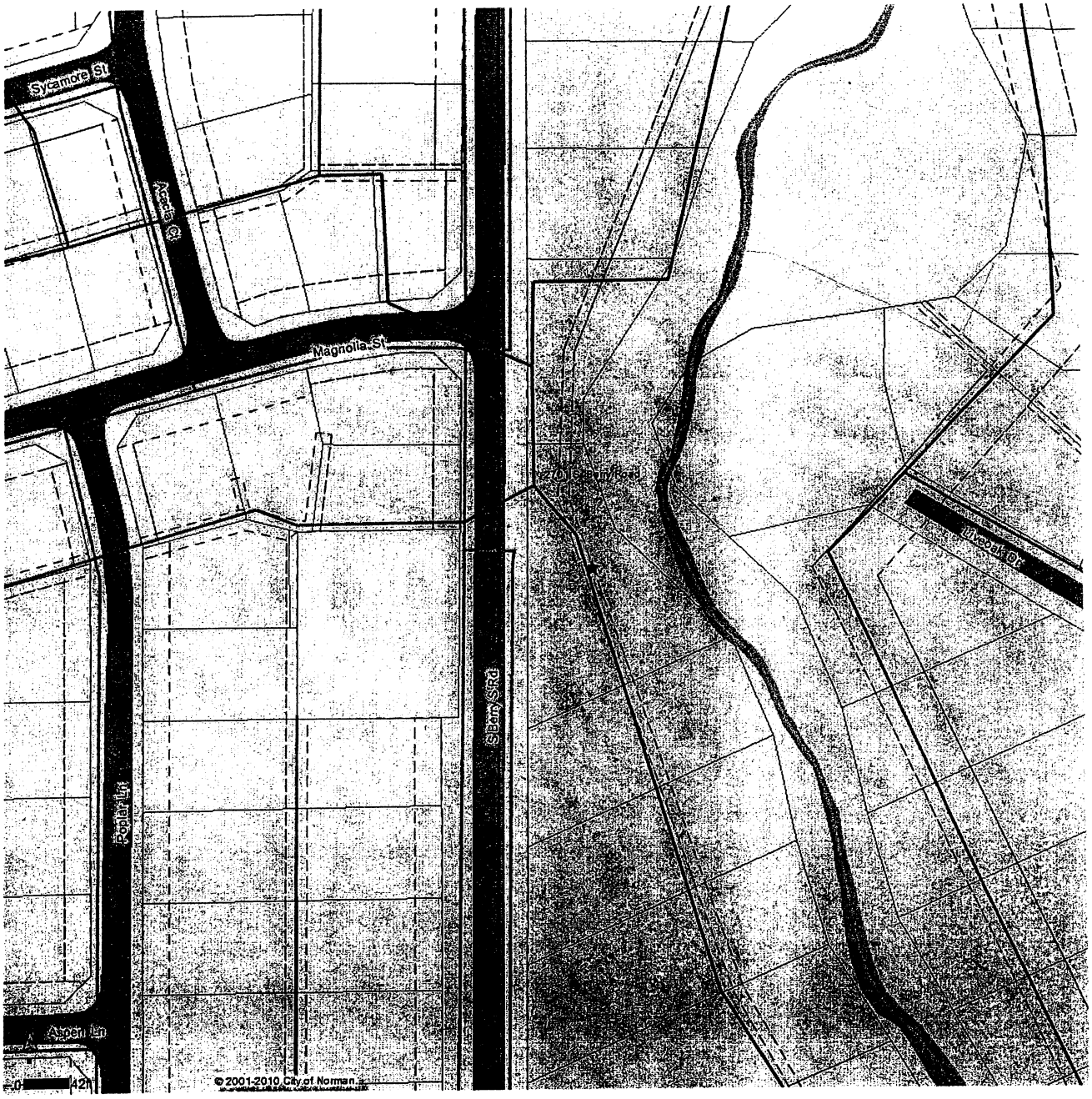


LOCATION MAP

NOTE: THIS DOES NOT REPRESENT A SURVEY. THIS DRAWING HAS BEEN PREPARED TO SUPPLEMENT THE PARTIAL RELEASE OF EASEMENT ATTACHED

POLLARD & WHITED SURVEYING, INC.
2514 Tee Drive Norman, Oklahoma 73069
(405)366-0001 pwsurvey@sbcglobal.net

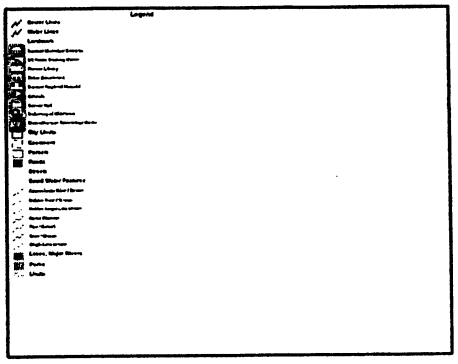
Sheet 2 of 2



4/2/2010

Norman Map

Map produced using the City of Norman Geographic Information System Website. The data presented is intended for general reference. The City of Norman assumes no liability for errors or omissions in the information presented. GIS@ci.norman.ok.us



ORDINANCE NO. O-0910-32 ITEM NO. 15

STAFF REPORT

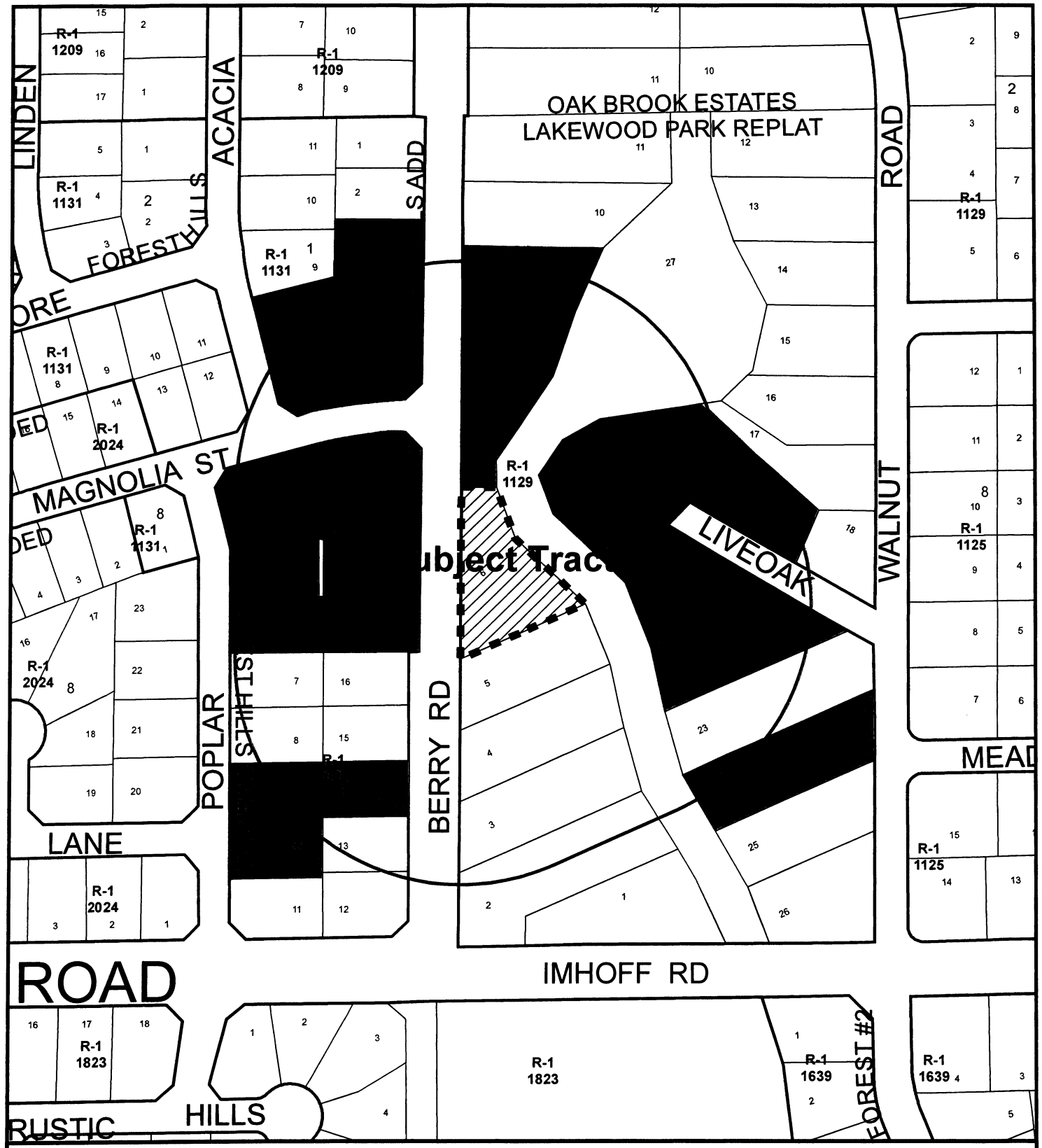
GENERAL INFORMATION

APPLICANT	Lynn and Gaye Ann Rogers
REQUESTED ACTION	Closure of the north 60′ of a sanitary sewer easement in Lot 6, Block 1, Replat of LAKEWOOD PARK ADDITION

BACKGROUND. When the home to the north of this lot was built (1994-95), a replacement sewer line was built around the proposed house, when it was discovered that the line would have been underneath the proposed house. The owner of that property granted a new easement for the re-located line, but City records are silent on whether the existing easement on Lot 6 was closed or vacated at that time. The applicants own Lot 6, which lies immediately south of 2633 South Berry Road, and would like to eliminate that portion of the old easement which lies across the northern part of their lot.

DISCUSSION. The request for "closure" is the first step to removing the easement from the plat, and is followed by an appeal to District Court to vacate the easement. The applicants are willing to dedicate a new easement (if needed) for that portion of the line that was relocated in 1994.

RECOMMENDATION. As the easement was originally created for a sewer line, and that sewer line has since been re-routed, the City has no need to keep the old easement. Staff supports the request to close this portion of the un-needed easement.



Protest Map

55.2% Protest Within Notification Area

Map Produced by the City of Norman
Geographic Information System.
(405) 366-5436
The City of Norman assumes no
responsibility for errors or omissions
in the information presented.

N
W E
S

Scale: 1" = 200'
May 19, 2010

Subject Tract
Protest
Notification Area

Norman Planning Commission
201-A Gray Street (P.O. Box 370 73070)
Norman, OK 73069

Dear Sir;

I protest the proposed development at 2701 South Berry Road and the closing the easement on said property.

Yours truly,

Robert J. Vandewater Sally S. Vandewater
Signature

Robert J. Vandewater Sally S. Vandewater
Name

1214 Magnolia Street, Norman, Ok. 73072
Address

MARCH 29, 2010
Date

FILED IN THE OFFICE
OF THE CITY CLERK
ON 4/2/10

Norman Planning Commission
201-A Gray Street (P.O. Box 370 73070)
Norman, OK 73069

Dear Sir;

I protest the proposed development at 2701 South Berry Road and the closing the easement on said property.

Yours truly,

Signature

Russell Kal
Name

2617 S. Berry Rd
Address

3-29-10
Date

FILED IN THE OFFICE
OF THE CITY CLERK
ON 4/2/10

Norman Planning Commission
201-A Gray Street (P.O. Box 370 73070)
Norman, OK 73069

Dear Sir;

I protest the proposed development at 2701 South Berry Road and the closing the easement on said property.

Yours truly,

Signature

VICTOR AKTANSEL
Name

2633 S. Berry Rd. 73072
Address

3/29/10
Date

FILED IN THE OFFICE
OF THE CITY CLERK
ON 4/2/10

Norman Planning Commission
201-A Gray Street (P.O. Box 370 73070)
Norman, OK 73069

Dear Sir;

I protest the proposed development at 2701 South Berry Road and the closing the easement on said property.

Yours truly,

Signature

S. L. McGEE-WAYNE

Name

2625 S. BERRY RD. NORMAN, OK 73072

Address

3/29/10

Date

FILED IN THE OFFICE
OF THE CITY CLERK
ON 4/2/10

Norman Planning Commission
201-A Gray Street (P.O. Box 370 73070)
Norman, OK 73069

Dear Sir;

I protest the proposed development at 2701 South Berry Road and the closing the easement on said property.

Yours truly,

Judith A. Carella 3-30-10
Signature

Judith A. CARELLA 3-30-10
Name

2628 S. BERRY ROAD, NORMAN, OK 73072
Address

3-30-10
Date

FILED IN THE OFFICE
OF THE CITY CLERK
ON 4/2/10

Norman Planning Commission
201-A Gray Street (P.O. Box 370 73070)
Norman, OK 73069

Dear Sir;

I protest the proposed development at 2701 South Berry Road and the closing the easement on said property.

Yours truly,

Michael Allott 3/30/10
Signature

Michael Allott 3/30/10
Name

1209 Magnolia St. Norman, OK 73072
Address

3/30/10
Date

FILED IN THE OFFICE
OF THE CITY CLERK
ON 4/2/10

Norman Planning Commission
201-A Gray Street (P.O. Box 370 73070)
Norman, OK 73069

Dear Sir;

I protest the proposed development at 2701 South Berry Road and the closing the easement on said property.

Yours truly,

Brenda Monroe
Signature

Brenda + Michael Monroe
Name

1021 Live Oak Dr
Address

3/30/10
Date

FILED IN THE OFFICE
OF THE CITY CLERK
ON 4/2/10

Norman Planning Commission
201-A Gray Street (P.O. Box 370 73070)
Norman, OK 73069

Dear Sir;

I protest the proposed development at 2701 South Berry Road and the closing the easement on said property.

Yours truly,

Jimmie G Thomas

Signature

Jimmie G Thomas

Name

Address

1100 Live oak Dr - Norman, OK 73072

Date

30-March-10

FILED IN THE OFFICE
OF THE CITY CLERK
ON 4/2/10

Norman Planning Commission
201-A Gray Street (P.O. Box 370 73070)
Norman, OK 73069

Dear Sir;

I protest the proposed development at 2701 South Berry Road and the closing the easement on said property.

Yours truly,

Frank M. Marks
Signature

FRANK M. MARKS
Name

2704 S. Berry Rd; Norman, OK 73072
Address

March 30, 2010
Date

FILED IN THE OFFICE
OF THE CITY CLERK
ON 4/2/10

Norman Planning Commission
201-A Gray Street (P.O. Box 370 73070)
Norman, OK 73069

Dear Sir;

I protest the proposed development at 2701 South Berry Road and the closing the easement on said property.

Yours truly,

Dorothy L Ghahremani
Signature

DOROTHY L. GHAHREMANI
Name

2702 So. BERRY ROAD NORMAN 73072
Address

30 March 10
Date

FILED IN THE OFFICE
OF THE CITY CLERK
ON 4/2/10

Norman Planning Commission
201-A Gray Street (P.O. Box 370 73070)
Norman, OK 73069

Dear Sir;

I protest the proposed development at 2701 South Berry Road and the closing the easement on said property.

Yours truly,

Signature

Reginald E Tempelmeyer
Name

1020 Livrock dr
Address

3/30/2010
Date

FILED IN THE OFFICE
OF THE CITY CLERK
ON 4/2/10

Norman Planning Commission
201-A Gray Street (P.O. Box 370 73070)
Norman, OK 73069

Dear Sir;

I protest the proposed development at 2701 South Berry Road and the closing the easement on said property.

Yours truly,

Signature

GERALDINE/EARL WHITMAN
Name

1014 LIVE OAK DRIVE
Address

30 MARCH 2010
Date

FILED IN THE OFFICE
OF THE CITY CLERK
ON 4/2/10

Norman Planning Commission
201-A Gray Street (P.O. Box 370 73070)
Norman, OK 73069

Dear Sir;

I protest the proposed development at 2701 South Berry Road and the closing the easement on said property.

Yours truly,

Signature

RICHARD STANICH

Name

2614 S BERRY RD

Address

31 MARCH 2010

Date

FILED IN THE OFFICE
OF THE CITY CLERK
ON 4/2/10

Norman Planning Commission
201-A Gray Street (P.O. Box 370 73070)
Norman, OK 73069

Dear Sir;

I protest the proposed development at 2701 South Berry Road and the closing the easement on said property.

Yours truly,

Signature

John Gowan
Name

2726 S. Berry Rd.
Address

3-31-10
Date

FILED IN THE OFFICE
OF THE CITY CLERK
ON 4/2/10

Norman Planning Commission
201-A Gray Street (P.O. Box 370 73070)
Norman, OK 73069

Dear Sir;

I protest the proposed development at 2701 South Berry Road and the closing the easement on said property.

Yours truly,

M'Lynn Emanuel
Signature

M'Lynn Emanuel
Name

2620 S. Berry Rd
Address

4/1/10
Date

FILED IN THE OFFICE
OF THE CITY CLERK
ON 4/2/10

Norman Planning Commission
201-A Gray Street (P.O. Box 370 73070)
Norman, OK 73069

Dear Sir;

I protest the proposed development at 2701 South Berry Road and the closing the easement on said property.

Yours truly,

K. Stille — N/A
Signature

Kelly Stille. — N/A
Name

2701 POPLAR LN.
Address

Norman OK 73072

Date 4-1-10

Please build in yard - BACK of house - Not on Berry Rd as an Eye sore. - OK with Hobbies Don't display them.

FILED IN THE OFFICE OF THE CITY CLERK ON 4/2/10

10-25

Norman Planning Commission
201-A Gray Street (P.O. Box 370 73070)
Norman, OK 73069

Dear Sir;

I protest the proposed development at 2701 South Berry Road and the closing the easement on said property.

Yours truly,

C. E. [illegible]

Signature

C. E. (CARL) [illegible]

Name

Address

2710 [illegible]

Walnut Rd.

Date

4/1/10

FILED IN THE OFFICE
OF THE CITY CLERK
ON 4/2/10

Norman Planning Commission
201-A Gray Street (P.O. Box 370 73070)
Norman, OK 73069

Dear Sir;

I protest the proposed development at 2701 South Berry Road and the closing the easement on said property.

Yours truly,

Signature

RICHARD J RICHARDSON HARRYETT ANN RICHARDSON
Name

2729 PEPLNE LN
Address

4-1-2010
Date

FILED IN THE OFFICE
OF THE CITY CLERK
ON 4/2/10

Norman Planning Commission
201-A Gray Street (P.O. Box 370 73070)
Norman, OK 73069

Dear Sir;

I protest the proposed development at 2701 South Berry Road and the closing the easement on said property.

Yours truly,

Signature

Jill Miller

Mark Miller

Name

2735 Poplar Ln. Norman OK 73072

Address

4/2/10

Date

FILED IN THE OFFICE
OF THE CITY CLERK
ON 4-5-10

10-28

Norman Planning Commission
201-A Gray Street (P.O. Box 370 73070)
Norman, OK 73069

Dear Sir;

I protest the proposed development at 2701 South Berry Road and the closing the easement on said property.

Yours truly,

Pat Doherty

Signature

PAT DOHERTY

Name

Address 2705 Poplar Lane

Date April 3, 2010

FILED IN THE OFFICE
OF THE CITY CLERK
ON 4-5-10

Norman Planning Commission
201-A Gray Street (P.O. Box 370 73070)
Norman, OK 73069

Dear Sir;

I protest the proposed development at 2701 South Berry Road and the closing the easement on said property.

Yours truly,

Bonnie Knippenberg
Signature

BONNIE KNIPPENBERG
Name

2711 Poplar Lane
Address

4/3/10
Date

FILED IN THE OFFICE
OF THE CITY CLERK
ON 4-5-10

Norman City Council
201-A Gray Street (P.O. Box 370 73070)
Norman, OK 73069

Dear Sir;

I protest the proposed development at 2701 South Berry Road and the closing the easement on said property.

Yours truly,

Kathryn L Smith Trustee
Signature

Kathryn L Smith
Name

2706 S. Berry
Address

Date 5-3-10

FILED IN THE OFFICE
OF THE CITY CLERK
ON 5/4/10
Kjc

Norman City Council
201-A Gray Street (P.O. Box 370 73070)
Norman, OK 73069

Dear Sir;

I protest the proposed development at 2701 South Berry Road and the closing the easement on said property.

Yours truly,

Signature

PETER BRUEWINER

Name

2627 Acacia

Address

04/28/2010

Date

FILED IN THE OFFICE
OF THE CITY CLERK
ON 5/4/10
Kjc

Norman City Council
201-A Gray Street (P.O. Box 370 73070)
Norman, OK 73069

Dear Sir;

I protest the proposed development at 2701 South Berry Road and the closing the easement on said property.

Yours truly,

Signature

ELLIS RANDOLPH

Name

2629 ACACIA CT, NORMAN, OK

Address

5-17-2010

Date

FILED IN THE OFFICE
OF THE CITY CLERK
ON 5-18-10 MC

11. ITEM: SUBMISSION AND ACKNOWLEDGING RECEIPT OF THE FINANCE DIRECTOR'S INVESTMENT REPORT AS OF APRIL 30, 2010, AND DIRECTING THE FILING THEREOF.

INFORMATION: The above-described item appears on City Council's agenda in order that acknowledgment of the receipt of the report may be noted in the minutes as a matter of permanent record. A copy of the report is included in the Agenda Book.

ACTION NEEDED: Motion to acknowledge receipt of the report and direct the filing thereof.

ACTION TAKEN: _____

DATE: 05-May-10

TO: City Council

FROM: Anthony Francisco, Director of Finance

PREPARED BY: Clint Mercer, Chief Accountant

SUBJECT: Breakdown of Interest Earnings by Fund

	MONTHLY COMPARISON				ANNUAL COMPARISON			
FUND	MONTHLY BUDGETED INTEREST EARNINGS FYE10	MONTHLY INTEREST EARNINGS April 2010	MONTHLY % INCREASE (DECREASE)	MONTHLY % OF PORTFOLIO HOLDINGS	ANNUAL BUDGETED INTEREST EARNINGS FYE10-YTD	INTEREST EARNINGS YTD FYE10	YTD % INCREASE (DECREASE)	YTD % PORTFOLIO HOLDINGS
GENERAL FUND	$20,833	$11,022	-47.09%	16.15%	$208,333	$112,132	-46.18%	16.98%
ROOM TAX FUND	$459	$45	-90.22%	0.07%	$2,500	$1,374	-45.06%	0.21%
CAPITAL PROJECTS FUND	$29,167	$14,706	-49.58%	21.55%	$291,667	$163,537	-43.93%	24.77%
SINKING FUND	$3,333	$3,893	16.79%	5.70%	$33,333	$25,820	-22.54%	3.91%
G.O. BOND FUND	$167	$108	-35.29%	0.16%	$1,667	$913	-45.22%	0.14%
WESTWOOD FUND	$625	$44	-92.99%	0.06%	$6,250	$6,059	-3.06%	0.92%
WATER FUND	$10,000	$9,034	-9.66%	13.24%	$100,000	$75,048	-24.95%	11.37%
WASTEWATER FUND	$25,000	$7,511	-69.96%	11.01%	$250,000	$63,979	-74.41%	9.69%
HALLPARK FUND	N/A	$21	100.00%	0.03%	N/A	$192	100.00%	0.03%
DEVELOPMENT EXCISE	$16,667	$10,447	-37.32%	15.31%	$166,667	$80,067	-51.96%	12.13%
SEWER SALES TAX	$16,667	$7,347	-55.92%	10.77%	$166,667	$80,671	-51.60%	12.22%
SANITATION FUND	$2,500	$1,175	-52.98%	1.72%	$25,000	$16,749	-33.01%	2.54%
PARKLAND FUND	$2,211	$1,081	-51.08%	1.58%	$22,108	$9,624	-56.47%	1.46%
TRUST & AGENCY FUNDS	N/A	$5	100.00%	0.01%	N/A	$33	100.00%	0.01%
TAX INCREMENT DISTRICT	$417	$386	100.00%	0.57%	$4,167	$10,140	100.00%	1.54%
SPECIAL GRANTS FUND	N/A	$156	100.00%	0.23%	N/A	$1,983	100.00%	0.30%
CLEET FUND	N/A	$14	100.00%	0.02%	N/A	$114	100.00%	0.02%
HOUSING	N/A	$44	100.00%	0.06%	N/A	$707	100.00%	0.11%
SITE IMPROVEMENT FUND	N/A	$37	100.00%	0.05%	N/A	$345	100.00%	0.05%
ARTERIAL ROAD FUND	N/A	$770	100.00%	1.13%	N/A	$7,340	100.00%	1.11%
SEIZURES	$42	$397	852.66%	0.58%	$417	$3,449	727.69%	0.52%
	$128,087	$68,242	-46.72%	100.00%	$1,278,775	660,275	-48.37%	100.00%

City funds are invested in interest bearing accounts and investment securities, as directed by the City's Investment Policy. Rates of return on these investments relate directly to current Treasury and Money Market rates. Total funds on deposit of $ 108.5 million as of 4/30/10 are represented by working capital cash balances of all City funds of approximately $ 48 million, outstanding encumbrances of $30.30 million, General Oblig.ation Bond proceeds of $8.27, NUA revenue bond proceeds of $18 million, and NMA bond proceeds of $3.93 million.

12. ITEM: SUBMISSION AND ACKNOWLEDGING RECEIPT OF THE MONTHLY DEPARTMENTAL REPORTS FOR THE MONTH OF APRIL, 2010, AND DIRECTING THE FILING THEREOF.

INFORMATION: The above-described item appears on City Council's agenda in order that acknowledgment of the receipt of the reports may be noted in the minutes as a matter of permanent record. Copies of the reports are included in the Agenda Packet or transmitted electronically.

ACTION NEEDED: Motion to acknowledge receipt of the reports and direct the filing thereof.

ACTION TAKEN: _____

13. ITEM: SUBMISSION OF THE NORMAN REGIONAL HOSPITAL 2011 BUDGET.

INFORMATION: In accordance with Article IX, Section 5, of the Charter of the City of Norman, the above-described item is submitted for City Council's consideration in order that acknowledgment of the receipt of the budget may be noted in the minutes as a matter of permanent record. A copy of the budget is included in the Agenda Packet.

ACTION NEEDED: Motion to acknowledge receipt of the Norman Regional Hospital 2011 Budget and direct the filing thereof.

ACTION TAKEN: _____

INVESTMENT BY TYPE

April 30, 2010

LIST BY TYPE	SEC. NO.	PURCHASED	MATURITY	YIELD	EARNED INTEREST	COST	MARKET
**Checking							
BANK OF AMERICA	NUA REV. FD.				$0.00	$0.00	$0.00
BANK OF AMERICA	GEN'L DEP.			0.30%	$2,073.37	$10,205,117.07	$10,205,117.07
BANK OF AMERICA	WARRANTS PAYABLE				$0.00	($2,456,404.84)	($2,456,404.84)
BANK OF AMERICA	PAYROLL				$0.00	($3,487,448.21)	($3,487,448.21)
BANK OF AMERICA	COURT BOND REFUNDS				$0.00	$274,399.00	$274,399.00
BANK OF AMERICA	INSURANCE CLAIMS				$0.00	($398,890.17)	($398,890.17)
BANK OF AMERICA	HALLPARK			0.01%	$1.68	$209,693.69	$209,693.69
**Subtotal					$2,075.05	$4,346,466.54	$4,346,466.54
**Money Market							
BANCFIRST-NUA	MONEY MKT.			0.01%	$1.99	$638,864.89	$638,864.89
BANCFIRST-NMA Sanitat.	MONEY MKT.			0.01%	$0.00	$3,565,386.99	$3,565,386.99
BANCFIRST-NMA Golf	MONEY MKT.			0.01%	$0.55	$364,444.42	$364,444.42
BANCFIRST-NUA Water	MONEY MKT.			0.01%	$85.92	$16,171,152.97	$16,171,152.97
FIRST FIDELITY	MONEY MKT.			0.50%	$43.28	$0.00	$0.00
BANK OF AMERICA	MONEY MKT.			0.01%	$3.85	$239,621.60	$239,621.60
BANK OF AMERICA	MONEY MKT.			0.15%	$29.37	$260,580.98	$260,580.98
BANK OF AMERICA - Drinking W	MONEY MKT.			0.30%	$369.03	$1,074,907.65	$1,074,907.65
BANK OF AMERICA - Clean Wat	MONEY MKT.			0.30%	$186.18	$117,265.90	$117,265.90
BANK OF AMERICA-2008A	MONEY MKT.			0.30%	$820.27	$3,310,016.21	$3,310,016.21
BANK OF AMERICA-2008B	MONEY MKT.			0.30%	$1,222.86	$4,960,950.15	$4,960,950.15
**Subtotal					$2,763.30	$30,703,191.76	$30,703,191.76
**Sweep/Overnight							
JP MORGAN	SHORT TERM			0.00%	$28.34	$3,454,406.35	$3,454,406.35
**U.S. Treasury Securities							
FHLB	3133XFJY3	08/31/09	06/10/11	1.11%	5,634.73	5,555,000.00	$5,824,084.20
FHLB	3133XTGZ3	08/31/09	07/08/10	0.43%	1,852.49	5,000,000.00	$5,007,800.00
T-Note	912828JA9	08/31/09	05/31/10	0.32%	1,493.87	5,000,000.00	$5,008,400.00
T-Note	912828JS0	08/31/09	11/30/10	0.55%	2,330.04	5,000,000.00	$5,026,950.00
FHLMC	312SX1EJ2	12/31/09	05/22/13	2.08%	3,649.09	2,000,000.00	$2,135,500.00
FHLB	3133XWD71	12/31/09	02/28/12	1.24%	5,153.67	5,000,000.00	$5,007,800.00
T-Note	912828KP4	12/31/09	05/15/12	1.31%	6,550.23	6,000,000.00	$6,041,638.50
FHLB	3133XWD71	12/31/09	02/28/12	1.25%	5,176.49	5,000,000.00	$5,007,800.00
T-Note	912828JL5	12/31/09	09/30/10	0.36%	3,992.67	12,500,000.00	$12,588,875.00
T-Note	912828KP4	12/31/09	05/15/12	1.31%	7,369.60	6,750,000.00	$6,812,911.50
FFCB	31331G2R9	03/31/10	12/07/12	1.58%	132.38	100,000.00	$100,875.00
FHLB	3133XTS49	03/31/10	06/20/12	1.30%	109.55	100,000.00	$101,406.00
FHLMC	3128Y9KQ2	03/31/10	11/10/11	0.99%	1,602.65	1,930,000.00	$1,931,080.80
FHLMC	3128X9C40	03/31/10	08/26/13	2.15%	17,896.73	10,000,000.00	$10,035,800.00
U.S. STRIPS (Hallpark)	912833KC3	06/09/04	05/15/14	5.12%	431.27	79,860.00	$121,608.96
**Subtotal					63,375.46	70,014,860.00	$70,752,529.96
TOTAL					68,242.15	108,518,924.65	$109,256,594.61

The Governmental Accounting Standards Board requires the reporting of market values of investment securities. These market values represent the amount of money the security would sell for on the open market, if cash flow demands were such that the security had to be sold. The City of Norman purchases investment securities with the intent of holding them to maturity, as stated in the City's Investment Policy. Only in exceptional circumstances would securities be sold before their maturity, due to cash flow demands or favorable market conditions.

Norman Regional
HEALTH SYSTEM

FISCAL YEAR ENDING JUNE 30, 2011
PRELIMINARY BUDGET

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BUDGETED VOLUMES *1-2*

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NORMAN REGIONAL HEALTH SYSTEM

FISCAL YEAR ENDING JUNE 30, 2011 BUDGET

Norman Regional Health System
FY 2011 Preliminary Budget Volumes

	Discharges			Patient Days			ALOS		
	FY 2010 Projected	FY 2011 Budget	% Incr/Decr	FY 2010 Projected	FY 2011 Budget	% Incr/Decr	FY 2010 Projected	FY 2011 Budget	% Incr/Decr
Porter Campus									
BMS	615	584	-4.99%	3,216	3,223	0.22%	5.23	5.52	5.48%
Rehab	433	436	0.62%	5,691	6,108	7.33%	13.13	14.01	6.68%
Acute	11,307	9,927	-12.20%	52,940	48,664	-8.08%	4.68	4.90	4.70%
NICU	108	0	-100.00%	1,229	0	-100.00%	11.38	0.00	-100.00%
Total	12,463	10,947	-12.16%	63,075	57,995	-8.05%	5.06	5.30	4.68%
HealthPlex Campus									
Acute	3,524	4,966	40.94%	10,136	13,908	37.22%	2.88	2.80	-2.64%
NICU	159	310	94.97%	1,875	3,645	94.36%	11.79	11.76	-0.31%
Total	3,683	5,276	43.27%	12,011	17,553	46.14%	3.26	3.33	2.00%
Total Porter/HealthPlex									
BMS	615	584	-4.99%	3,216	3,223	0.22%	5.23	5.52	5.48%
Rehab	433	436	0.62%	5,691	6,108	7.33%	13.13	14.01	6.68%
Acute	14,831	14,893	0.42%	63,075	62,572	-0.80%	4.25	4.20	-1.21%
NICU	267	310	16.10%	3,104	3,645	17.41%	11.63	11.76	1.13%
Total	16,146	16,223	0.48%	75,086	75,548	0.61%	4.65	4.66	0.13%
MMC									
Acute	1,724	1,827	5.97%	4,284	4,594	7.24%	2.48	2.51	1.19%
Total	1,724	1,827	5.97%	4,284	4,594	7.24%	2.48	2.51	1.19%
Total System									
Acute	16,555	16,720	1.00%	67,359	67,166	-0.29%	4.07	4.02	-1.27%
BMS	615	584	-4.99%	3,216	3,223	0.22%	5.23	5.52	5.48%
Rehab	433	436	0.62%	5,691	6,108	7.33%	13.13	14.01	6.68%
NICU	267	310	16.10%	3,104	3,645	17.41%	11.63	11.76	1.13%
Total	17,870	18,050	1.01%	79,370	80,142	0.97%	4.44	4.44	-0.04%

Norman Regional Health System
FY 2011 Preliminary Budget Volumes

	FY 2010 Projected	FY 2011 Budget	% Incr/Decr
Adjusted Statistics			
Patient Days	141,720	145,191	2.45%
Discharges	31,907	32,701	2.49%
Deliveries			
NRH	730	0	-100.00%
HealthPlex	1,458	2,200	50.85%
Total NRH/HPX	2,188	2,200	0.53%
MMC	700	728	4.00%
Total	2,888	2,928	1.37%
Emergency Department			
ER Admits			
NRH	8,910	8,555	-3.98%
HealthPlex	1,055	1,878	77.98%
Total NRH/HPX	9,965	10,433	4.70%
MMC	1,464	1,532	4.64%
Total	11,429	11,965	4.69%
Surgeries			
IP			
NRH	3,857	3,353	-13.08%
HealthPlex	1,621	2,418	49.17%
Total NRH/HPX	5,478	5,771	5.34%
MMC	504	500	-0.79%
Total	5,982	6,271	4.82%

	FY 2010 Projected	FY 2011 Budget	% Incr/Decr
OP Registrations			
Hospital (excludes ER Admits)			
NRH	167,108	173,629	3.90%
HealthPlex	23,234	30,496	31.26%
Total NRH/HPX	190,341	204,125	7.24%
MMC	62,583	69,582	11.18%
Total	252,924	273,707	8.22%
Other			
Clinics	85,262	86,967	2.00%
EMSStat	10,811	10,919	1.00%
Emergency Department			
ER Visits (includes ER Admits)			
NRH	64,968	63,909	-1.63%
HealthPlex	5,201	9,550	83.61%
Total NRH/HPX	70,169	73,459	4.69%
MMC	34,379	35,986	4.68%
Total	104,548	109,445	4.68%
Surgeries			
OP			
NRH	3,745	3,104	-17.13%
HealthPlex	1,369	2,048	49.55%
Total NRH/HPX	5,115	5,152	0.73%
MMC	715	761	6.48%
Total	5,829	5,913	1.43%

Norman Regional Health System
Operating Statement
FY 2011 Preliminary Operating Budget

	FY 2010 Projected	FY 2011 Budget	Variance % Incr/(Decr)
OPERATING REVENUE			
Inpatient Revenue	$ 615,904,294	$ 626,981,568	1.8%
Outpatient Revenue	439,723,988	466,807,473	6.2%
Other Outpatient Revenue	9,070,948	9,292,829	2.4%
Clinic Income	33,224,668	32,800,848	-1.3%
TOTAL PATIENT REVENUE	$ 1,097,923,898	$ 1,135,882,718	3.5%
DEDUCTIONS FROM REVENUE	$ 831,116,567	857,978,456	3.2%
NET PATIENT REVENUE	266,807,331	277,904,262	4.2%
OTHER OPERATING REVENUE	$ 6,683,314	6,993,118	4.6%
NET REVENUE	273,490,645	284,897,380	4.2%
EXPENSES			
Salaries and Benefits	$ 145,729,552	140,485,964	-3.6%
Supplies	54,234,125	57,928,272	6.8%
Purchased Services	10,179,619	10,661,390	4.7%
Other Expenses	32,994,354	33,104,680	0.3%
Interest expense	10,362,652	12,755,161	23.1%
Depreciation	22,858,658	25,688,452	12.4%
TOTAL OPERATING EXPENSES	$ 276,358,959	$ 280,623,919	1.5%
OPERATING INCOME	(2,868,314)	4,273,461	249.0%
Non Operating Income	9,282,037	3,355,578	-63.8%
EXCESS OF REVENUES OVER EXPENSES	$ 6,413,723	$ 7,629,039	18.9%

Norman Regional Health System
Cash Generated vs Cash Needs
FY 2011 Preliminary Budget

	FY 2011
Income From Operations	$ 4,273,461
Add Back:	
Depreciation	25,688,452
Total Cash Available	29,961,913
Cash Needs:	
Debt Principal Payments	7,482,143
Physician Income Guarantees	275,000
Defined Benefit Plan Funding	2,625,756
Payoff Chase Lease	350,000
Increase in Cash Reserves	12,000,000
Total Cash Needs	22,732,899
Cash Available for Capital	$ 7,229,014

Norman Regional Health System
Financial Performance Measurements
FY 2011 Preliminary Budget

	FY 09 Actual	FY 10 March YTD	FY 11 Budget
Profitability			
Operating Margin (%)	0.40%	-1.20%	1.50%
Total Margin (%)	-4.10%	3.19%	2.65%
EBIDA Operating Margin (%)	9.80%	10.45%	14.99%
EBIDA Total Margin (%)	5.80%	14.33%	15.98%
Operational			
Salary Expense as % Net Revenue	37.6%	44.4%	40.6%
FTE's per AOB	5.80	5.83	5.13
Total Expenses as % Net Revenue	99.7%	101.2%	98.5%
Cost per Adjusted Discharges	$ 8,310	$ 8,656	$ 8,582
Case Mix Index (CMI)	1.099	1.109	1.149

14. ITEM: CONSIDERATION OF BID NO. 0910-54 AND CONTRACT NO. K-0910-144 WITH ASSOCIATED ENVIRONMENTAL INDUSTRIES CORPORATION IN THE AMOUNT OF $925,848.50, PERFORMANCE BOND NO. B-0910-53, STATUTORY BOND NO. B-0910-54, AND MAINTENANCE BOND NO. B-0910-56 FOR THE CONSTRUCTION OF TEN WATER WELL HOUSES IN CONNECTION WITH PHASE 2 OF THE WELL FIELD DEVELOPMENT PROJECT.

INFORMATION: Staff has examined the bids and found them to be in order and proper as to form. Staff recommends acceptance of the bids, the subsequent awarding of the bid as indicated below; and Staff be authorized to make payment for purchases of equipment and supplies directly to the vendors. Copies of an advisory memorandum; letter of recommendation from the engineer; bid tabulation; photographs; location map; contract with Associated Environmental Industries Corporation in the amount of $925,848.50; the performance, statutory, and maintenance bonds; and purchase requisition are included in the Agenda Book.

ACTION NEEDED: Acting as the Norman Utilities Authority, motion to accept or reject all bids meeting specifications; and, if accepted, award the bid in the amount of. $925,848.50 to Associated Environmental Industries Corporation as the lowest and best bidder meeting specifications; approve Contract No. K-0910-144 and performance, statutory, and maintenance bonds; and authorize execution of the contract and the Norman Utilities Authority as part of the contract to pay subcontractors for equipment and supplies in an approximate amount of $925,848.50 for the construction of ten water well houses in connection with Phase 2 of the Well Field Development Project.

ACTION TAKEN: _____

office memorandum

DATE: May 10, 2010

TO: Norman Utilities Authority

FROM: Jim Speck, Capital Projects Engineer JS

SUBJECT: Agenda Item: Phase 2 Well Field Development Project:
1. Award of Bid No. 0910-54 for the construction of ten new well houses;
2. Authorize approval of Contract K-0910-144, Maintenance Bond MB-0910-56, Performance Bond B-0910-53, and Statutory Bond B-0910-54
3. Allow NUA to Purchase Equipment and Materials Directly from Vendors

BACKGROUND:

Since 2002, the Norman Utilities Authority (NUA) has been working to increase water well supply and replace existing water wells lost due to the Arsenic Rule effective in 2006. A total of nine production wells were constructed in Phase 1.

On December 12, 2006, the NUA entered into Contract K-0607-109 with CH2M Hill, Inc. for expansion of the ground water well field in northeastern Norman (Phase 2). Several contract amendments with CH2MHill were approved to include the design engineering and construction inspection services for completion of 12 water wells in Phase 2. On May 27, 2008, the NUA approved Contract K-0708-35 with Stewart Brothers Drilling Co. for the drilling of 14 test wells and 12 production wells. Only 10 of the 14 test wells were of sufficient quality and quantity to justify completion as production wells. These 10 production wells will be completed in the next few weeks.

On October 24, 2006, the NUA approved Contract K-0607-63 with Poe & Associates to perform field surveying, design, and construction oversight for the last six of the Phase 1 well houses. On March 31, 2009, the NUA approved Contract K-0809-56 with Howard Construction Inc. for the construction of the Phase 1 well houses. These 6 well houses are nearing completion. Amendment No. 2 to Contract K-0607-63 with Poe & Associates was approved by the NUA on November 24, 2009 to perform field surveying, design, and construction oversight on ten Phase 2 well houses.

DISCUSSION:

The advertisement for bids for the construction of 10 Phase 2 well houses was published in the Norman Transcript on April 1 and April 8, 2010, and in several trade publications. Seven contractors attended the pre-bid conference on April 13, 2010 and bids were received from five contractors on April 29, 2010. As shown on the attached bid tabulation, Associated Environmental Industries of Norman, Oklahoma, was the low bidder at $925,848.50 with other bids ranging between $1,104,660.00 and $1,281,919.00; the engineer's estimate was $1,323,732.00. Associated Environmental Industries has been in operation in Norman since 1992 and completed the Lindsey Street Sixteen Inch Water Line Project for the City of Norman in 2005/2006. Staff and the design consultant recommend awarding the bid to Associated Environmental Industries.

The Phase 2 well field development project is sub-divided into ten separate water well projects. The work at each well site will include the construction of a concrete pad and driveway, the well house, installation of a fence and gate surrounding the well site, and the installation of the water line from the well to the right-of-way. The installation of the water line that will connect the wells to the distribution system will be constructed under a separate contract. Pictures of recently completed well houses for Wells 44-49 are attached for comparison. The FYE 2010 budget includes adequate funding for each well for the well house construction. Fund distribution would be as follows:

Construction Account 031-9345-462.61-01

Project	Description	Unencumbered Fund Amount	Proposed Encumbrance
WB0114	Water Well #51	$ 104,984.17	$ 92,584.85
WB0115	Water Well #52	$ 149,544.17	$ 92,584.85
WB0117	Water Well #54	$ 118,883.17	$ 92,584.85
WB0118	Water Well #55	$ 123,080.17	$ 92,584.85
WB0119	Water Well #56	$ 130,251.54	$ 92,584.85
WB0120	Water Well #57	$ 134,407.55	$ 92,584.85
WB0121	Water Well #58	$ 135,080.54	$ 92,584.85
WB0122	Water Well #59	$ 120,559.53	$ 92,584.85
WB0123	Water Well #60	$ 124,515.54	$ 92,584.85
WB0124	Water Well #61	$ 109,737.53	$ 92,584.85

The City of Norman is exempt from the payment of any sales or use taxes. Pursuant to Title 68 O.S., Section 1356 (10) and as allowed by Oklahoma Tax Commission Rules Part 27 Trust Authority 710:65-13-140, direct vendors to the City of Norman are also exempt from those taxes. A bidder and his subcontractors may exclude from their bid sales taxes on appropriate equipment, materials, and supplies that will not have to be paid while acting on behalf of the City of Norman. To minimize project costs, the NUA will make payment directly to vendors supplying equipment and materials for incorporation into the project.

RECOMMENDATION 1:

Accept the bids received in response to Bid No. 0910-54 and authorize award of the well house construction contract to Associated Environmental Industries of Norman, Oklahoma.

RECOMMENDATION 2:

Authorize the Chairman to sign Contract K-0910-144 in the amount of $925,848.50 with Associated Environmental Industries, Maintenance Bond MB-0910-56, Performance Bond B-0910-53, and Statutory Bond B-0910-54, with all bonds being in the amount of the construction contract.

RECOMMENDATION 3:

Recommend the NUA allow the Utilities Director to approve the purchase of equipment and materials directly from vendors at prices agreed to the contractor.

Reviewed By: Mark Daniels, Utilities Engineer
Reviewed By: Ken Komiske, Utilities Director
Reviewed By: Frederick Duke, Purchasing Analyst
Reviewed By: Clint Mercer, Chief Accountant
Reviewed By: Anthony Francisco, Finance Director
Reviewed By: Linda Price, Revitalization Manager
Reviewed By: Susan Connors, Director of Planning and Community Development
Reviewed By: Jeff Bryant, City Attorney
Reviewed By: Steve Lewis, City Manager

POE & ASSOCIATES, INC.
525 Central Park Drive, Suite 250
Oklahoma City, OK 73105

CONSULTING ENGINEERS
(405) 949-1962
FAX (405) 949-2376

May 3, 2010

Norman Utilities Authority
201-C West Gray
Norman, Oklahoma 73070

Re: Construction of 10 New Water Well Houses
Norman Utilities Authority Bid No. 0910-54

Dear Sirs:

Enclosed are the Bid Tabulations for the above referenced project. There were five bids submitted on this project.

It is our recommendation that the above referenced project be awarded to Associated Environmental Industries Corp. for the Base Bid amount of $925,848.50.

Sincerely,

POE & ASSOCIATES, INC.

Richard M. Grotte, P.E.
Project Manager

Enclosures

(2809)

OWNER: Norman Utilities Authority, Cleveland County, OK
201-C West Gray
Norman, OK 73070

ENGINEER: POE & ASSOCIATES, INC.
Oklahoma City, Oklahoma

PROJECT NO. 2809
CONTRACT: Construction of 10 New Water Well Houses

BID DATE: April 29, 2010 at 2:00 pm

				ENGINEER'S ESTIMATE		Associated Environmental Ind. P.O. Box 5300 Norman, OK 73070		Wynn Construction 1312 S. Walker Ave Oklahoma City, OK 73109		Bowen Construction 8636 SW 2nd Street Oklahoma City, OK 73128		Howard-Estruct P.O. Box 1685 Ardmore, OK 73402		Cimarron Construction Co. 7409 NW 85th Street Oklahoma City, OK 73132	
No.	**DESCRIPTION**	**QUANTITY**	**UNIT**	**UNIT PRICE**	**Extended Total Amount**	**UNIT PRICE**	**TOTAL PRICE**	**UNIT PRICE**	**TOTAL PRICE**	**UNIT PRICE**	**TOTAL PRICE**	**UNIT PRICE**	**TOTAL PRICE**	**UNIT PRICE**	**TOTAL PRICE**
1	Well House, Complete	10	EA	$ 100,000.00	$ 1,000,000.00	$ 55,000.00	$ 550,000.00	$ 73,400.00	$ 734,000.00	$ 76,393.00	$ 763,930.00	$ 74,000.00	$ 740,000.00	$ 82,500.00	$ 825,000.00
2	Connections to Well and Well House	10	EA	$ 2,000.00	$ 20,000.00	$ 2,500.00	$ 25,000.00	$ 325.00	$ 3,250.00	$ 8,000.00	$ 80,000.00	$ 12,000.00	$ 120,000.00	$ 2,750.00	$ 27,500.00
3	Well Cover at each Well House Site	10	EA	$ 2,500.00	$ 25,000.00	$ 4,000.00	$ 40,000.00	$ 4,500.00	$ 45,000.00	$ 2,832.00	$ 28,320.00	$ 3,000.00	$ 30,000.00	$ 4,400.00	$ 44,000.00
4	12" RCP Drain Pipe (Site Piping)	675	LF	$ 25.00	$ 16,875.00	$ 25.00	$ 16,875.00	$ 43.00	$ 29,025.00	$ 28.87	$ 19,487.25	$ 35.00	$ 23,625.00	$ 51.00	$ 34,425.00
5	4" Drain Pipe (Site Piping)	400	LF	$ 10.00	$ 4,000.00	$ 5.00	$ 2,000.00	$ 11.00	$ 4,400.00	$ 18.00	$ 7,200.00	$ 3.00	$ 1,200.00	$ 24.00	$ 9,600.00
6	6" Water Line W/ Fittings (Site Piping)	750	LF	$ 25.00	$ 18,750.00	$ 15.00	$ 11,250.00	$ 19.00	$ 14,250.00	$ 20.00	$ 15,000.00	$ 12.00	$ 9,000.00	$ 34.00	$ 25,500.00
7	6" Tee	10	EA	$ 200.00	$ 2,000.00	$ 468.75	$ 4,687.50	$ 375.00	$ 3,750.00	$ 347.00	$ 3,470.00	$ 400.00	$ 4,000.00	$ 450.00	$ 4,500.00
8	6" Gate Valve & Box	10	EA	$ 1,000.00	$ 10,000.00	$ 800.00	$ 8,000.00	$ 815.00	$ 8,150.00	$ 705.00	$ 7,050.00	$ 900.00	$ 9,000.00	$ 850.00	$ 8,500.00
9	Fire Hydrant Assembly	10	EA	$ 2,500.00	$ 25,000.00	$ 2,100.00	$ 21,000.00	$ 2,860.00	$ 28,600.00	$ 1,751.00	$ 17,510.00	$ 2,500.00	$ 25,000.00	$ 2,750.00	$ 27,500.00
10	6" Cap	10	EA	$ 200.00	$ 2,000.00	$ 225.00	$ 2,250.00	$ 165.00	$ 1,650.00	$ 100.00	$ 1,000.00	$ 150.00	$ 1,500.00	$ 200.00	$ 2,000.00
11	12" Rip Rap	50	SY	$ 50.00	$ 2,500.00	$ 30.00	$ 1,500.00	$ 25.50	$ 1,275.00	$ 90.00	$ 4,500.00	$ 100.00	$ 5,000.00	$ 40.00	$ 2,000.00
12	Clearing & Grubbing at each well House, complete	10	EA	$ 1,000.00	$ 10,000.00	$ 625.00	$ 6,250.00	$ 2,055.00	$ 20,550.00	$ 300.00	$ 3,000.00	$ 1,000.00	$ 10,000.00	$ 4,780.00	$ 47,800.00
13	6' Chain Link Fence	2,710	LF	$ 20.00	$ 54,200.00	$ 18.00	$ 48,780.00	$ 16.00	$ 43,360.00	$ 14.91	$ 40,406.10	$ 28.00	$ 75,880.00	$ 16.00	$ 43,360.00
14	Chain Link 16' Gates	9	EA	$ 500.00	$ 4,500.00	$ 1,350.00	$ 12,150.00	$ 1,285.00	$ 11,565.00	$ 1,193.50	$ 10,741.50	$ 1,500.00	$ 13,500.00	$ 1,200.00	$ 10,800.00
15	Integral Concrete Curb	81	LF	$ 25.00	$ 2,025.00	$ 20.00	$ 1,620.00	$ 18.00	$ 1,458.00	$ 55.00	$ 4,455.00	$ 9.00	$ 729.00	$ 5.00	$ 405.00
16	6" Thick Concrete Access Road	953	SY	$ 50.00	$ 47,650.00	$ 52.00	$ 49,556.00	$ 54.00	$ 51,462.00	$ 52.25	$ 49,794.25	$ 55.00	$ 52,415.00	$ 45.00	$ 42,885.00
17	4" Thick Gravel Access Road	600	SY	$ 8.00	$ 4,800.00	$ 7.50	$ 4,500.00	$ 8.75	$ 5,250.00	$ 8.83	$ 5,298.00	$ 7.00	$ 4,200.00	$ 17.00	$ 10,200.00
18	4" Thick Gravel 14' Road	424	SY	$ 8.00	$ 3,392.00	$ 7.50	$ 3,180.00	$ 8.75	$ 3,710.00	$ 8.83	$ 3,743.92	$ 7.00	$ 2,968.00	$ 17.00	$ 7,208.00
19	6" Thick Gravel Access Road	932	SY	$ 10.00	$ 9,320.00	$ 10.00	$ 9,320.00	$ 13.50	$ 12,582.00	$ 8.54	$ 7,959.28	$ 12.00	$ 11,184.00	$ 22.00	$ 20,504.00
20	18" C.G.M.P, Installed	254	LF	$ 30.00	$ 7,620.00	$ 20.00	$ 5,080.00	$ 32.00	$ 8,128.00	$ 13.44	$ 3,413.76	$ 15.00	$ 3,810.00	$ 33.00	$ 8,382.00
21	18" Prefab. C.G.M.P. End Sections	21	EA	$ 100.00	$ 2,100.00	$ 350.00	$ 7,350.00	$ 220.00	$ 4,620.00	$ 139.62	$ 2,932.02	$ 150.00	$ 3,150.00	$ 350.00	$ 7,350.00
22	Pressure Test & Obtain ODEQ Approved Samples at each Well House Site	10	EA	$ 500.00	$ 5,000.00	$ 250.00	$ 2,500.00	$ 1,425.00	$ 14,250.00	$ 800.00	$ 8,000.00	$ 400.00	$ 4,000.00	$ 250.00	$ 2,500.00
23	Solid Slab Sod Surface Restoration	3,500	SY	$ 5.00	$ 17,500.00	$ 3.50	$ 12,250.00	$ 2.15	$ 7,525.00	$ 2.90	$ 10,150.00	$ 2.50	$ 8,750.00	$ 2.00	$ 7,000.00
24	Storm Water Pollution Prevention & Erosion Control	10	EA	$ 200.00	$ 2,000.00	$ 200.00	$ 2,000.00	$ 590.00	$ 5,900.00	$ 350.00	$ 3,500.00	$ 500.00	$ 5,000.00	$ 250.00	$ 2,500.00
25	Construction Traffic Control at each Well House Site, Complete	10	EA	$ 250.00	$ 2,500.00	$ 150.00	$ 1,500.00	$ 1,780.00	$ 17,800.00	$ 350.00	$ 3,500.00	$ 500.00	$ 5,000.00	$ 350.00	$ 3,500.00
26	Mobilization and Insurance at each Well House site, Complete	10	EA	$ 1,000.00	$ 10,000.00	$ 7,500.00	$ 75,000.00	$ 1,540.00	$ 15,400.00	$ 3,000.00	$ 30,000.00	$ 1,000.00	$ 10,000.00	$ 4,450.00	$ 44,500.00
27	Construction Survey at each Well House site, Complete	10	EA	$ 1,500.00	$ 15,000.00	$ 225.00	$ 2,250.00	$ 775.00	$ 7,750.00	$ 600.00	$ 6,000.00	$ 700.00	$ 7,000.00	$ 1,250.00	$ 12,500.00
	Total Base Bid				$ 1,323,732.00		$ 925,848.50		$ 1,104,660.00		$ 1,140,361.08 *		$ 1,185,911.00		$ 1,281,919.00

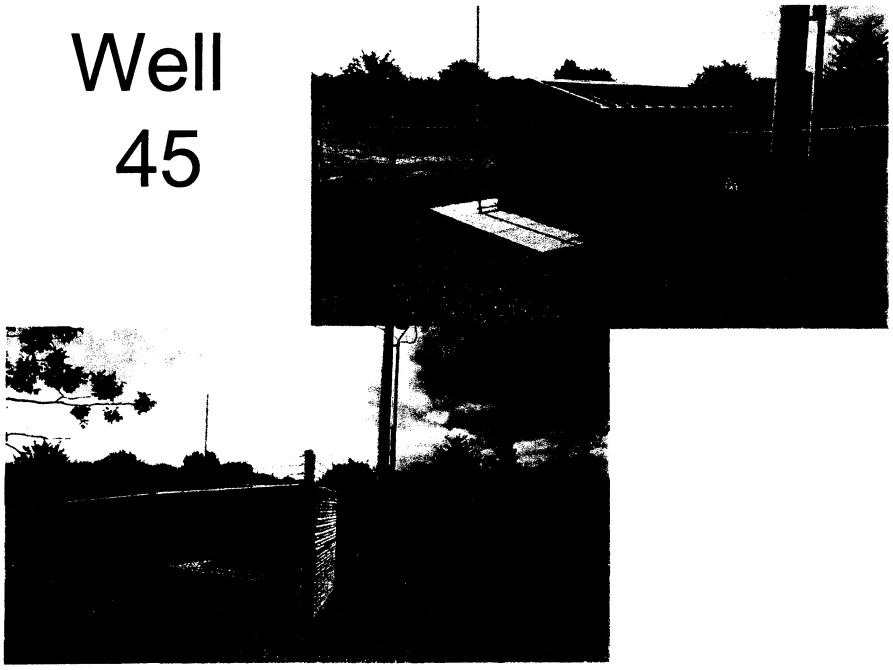
*Denotes a corrected mathmatical error

I, Richard M. Grotte, do hereby certify that the foregoing Bid Tabulation correctly reflects Each bid received on the above referenced project.

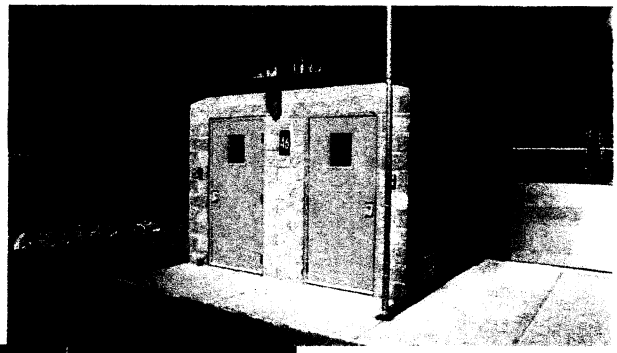
Richard M. Grotte, P.E.

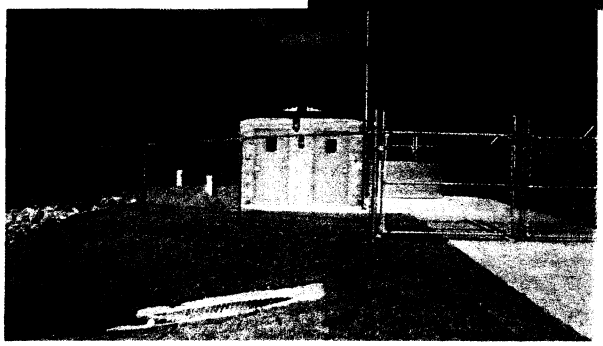
Well
44

Well
45

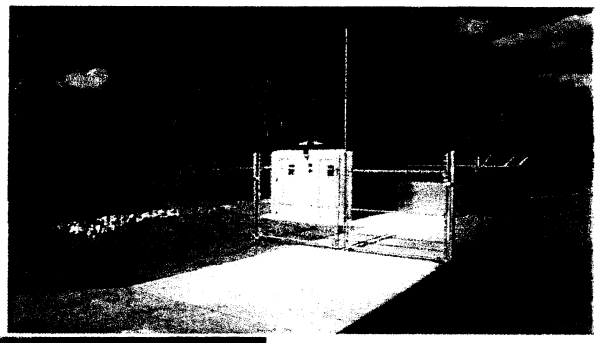


Well
46



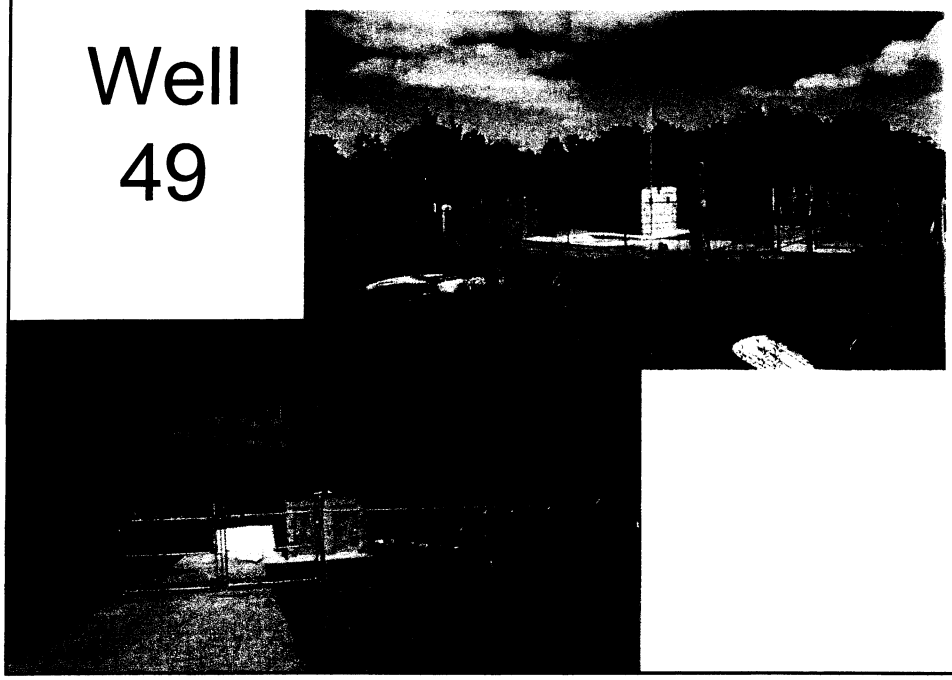


Well
47

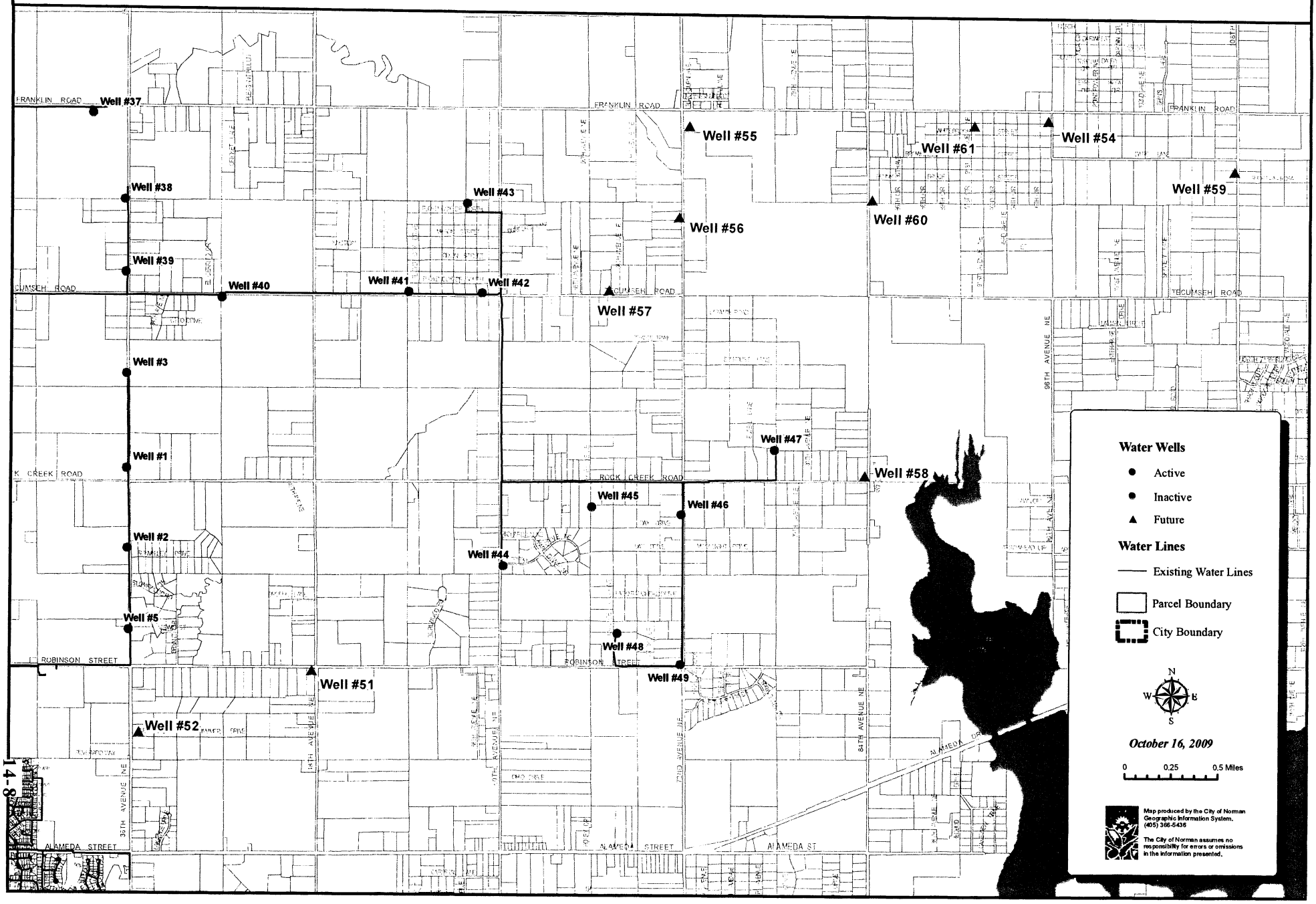


Well
48

Well
49



Phase 2 Water Well Location Map



CONTRACT

THIS CONTRACT made and entered into this _____ day of _____, 20____, by and between the NORMAN UTILITIES AUTHORITY, a Public Trust of the State of Oklahoma, hereinafter designated as the AUTHORITY, and Associated Environmental Industries, Corp., hereinafter designated as the CONTRACTOR.

WITNESSETH

WHEREAS, the AUTHORITY has caused to be prepared in accordance with law, specifications, and other bidding documents for the work hereinafter described and has approved and adopted all of said bidding documents, and has caused Solicitation for Bids to be given and advertised as required by law, and has received sealed proposals for the furnishing of all labor and materials for the following project:

Construction of Ten New Water Well Houses

as outlined and set out in the bidding documents and in accordance with the terms and provisions of said CONTRACT; and,

WHEREAS, the CONTRACTOR in response to said Solicitation for Bids, has submitted to the AUTHORITY in the manner and at the time specified, a sealed proposal in accordance with the terms of this CONTRACT; and,

WHEREAS, the AUTHORITY, in the manner provided by law, has publicly opened, examined, and canvassed the proposals submitted and has determined and declared the above-named CONTRACTOR to be the lowest and best Bidder on the above-prepared project, and has duly awarded this CONTRACT to said CONTRACTOR, for the sum named in the proposal, to wit:

Nine hundred twenty-five thousand, eight hundred forty-eight, and 50/100
Dollars ($925,848.50).

NOW, THEREFORE, for and in consideration of the mutual agreements, and covenants herein contained, the parties to this CONTRACT have agreed, and hereby agree, as follows:

1) The CONTRACTOR shall, in a good and first-class, workman-like manner at his own cost and expense, furnish all labor, materials, tools, and equipment required to perform and complete said work in strict accordance with this CONTRACT and the following CONTRACT Documents:

- the Bid Notice published in Norman Transcript;
- the Notice to Bidders;
- the Instructions to Bidders;
- the CONTRACTOR'S Bid or Proposal;
- the Construction Drawings, Specifications, and Provisions; and
- the Bonds thereto; all of which documents are on file in the Office of the Purchasing Department of the NORMAN UTILITIES AUTHORITY, and are

made a part of this CONTRACT as fully as if the same were set out at length, with the following additions and/or exceptions:

Addendum # 1, Addendum #2 and Addendum #3

2) The AUTHORITY shall make payments, minus a retainage as stipulated in the CONTRACT Documents, to the CONTRACTOR in the following manner: On or about the first day of each month, the project manager, or other appropriate person, will make accurate estimates of the value, based on CONTRACT prices, of work done, and materials incorporated in the work and of materials suitably stored at the site thereof during the preceding calendar month. The CONTRACTOR shall furnish to the project manager, or other appropriate person, such detailed information as he may request to aid him as a guide in the preparation of the monthly estimates.

Each monthly estimate for payment must contain or have attached an affidavit in accordance with the Constitution of the State of Oklahoma, Title 74, Section 3109-3110, and Title 62, Section 310.09.

On completion of the work, but prior to the acceptance thereof by the AUTHORITY, it shall be the duty of the project manager, or other appropriate person, to determine that said work has been completely and fully performed in accordance with said CONTRACT Documents; and upon making such determinations said official shall make his final certificate to the AUTHORITY.

The CONTRACTOR shall furnish proof that all claims and obligations incurred by him in connection with the performance of said work have been fully paid and settled; said information shall be in the form of an affidavit, which shall bear the approval of the surety on the CONTRACT Bonds for payment of the final estimate to the CONTRACTOR; thereupon, the final estimate (including retainage) will be approved and paid.

3) It is further agreed that the CONTRACTOR will commence said work within 10 calendar days following receipt of a NOTICE-TO-PROCEED, and prosecute the same vigorously and continuously, and complete the same within 300 calendar days following receipt of said NOTICE-TO-PROCEED.

4) That the AUTHORITY shall pay the CONTRACTOR for the work performed as follows:
   a) Payment for unit price items shall be at the unit price bid for actual construction quantities. (or) Payment for the lump sum price items shall be at the price bid for actual construction complete in place.
   b) Construction items specified but not included as bid items shall be considered incidental and shall not be paid for directly, but shall be included in the bid price for any or all of the pay quantities. Should any defective work or materials be discovered or should a reasonable doubt arise at to the quality of any work completed, there will be deducted from the next estimate an amount equal to the value of the defective or questionable work and shall not be paid until the defects are remedied. And that the CONTRACTOR'S bid is hereby made a part of this CONTRACT.

5) That the AUTHORITY reserves the right to add to or subtract from the estimated quantities or amount of work to be performed up to a maximum of 15% of the total bid price. The work to be performed or deducted shall be at the unit price bid.

6) That the CONTRACTOR will not undertake to furnish any materials or to perform any work not specifically authorized under the terms of this Agreement unless additional materials or work are authorized by written Change Order, executed by the AUTHORITY; and that in the event any additions are provided by the CONTRACTOR without such authorization, the CONTRACTOR shall not be entitled to any compensation therefore whatsoever.

7) That if any additional work is performed or additional materials provided by the CONTRACTOR upon authorization by the AUTHORITY, the CONTRACTOR shall be compensated therefore at the unit price bid or as agreed to by both parties in the execution of the Change Order.

8) That the CONTRACTOR shall perform the work and provide the materials strictly in accordance with the specifications as to quality and kind and all work and materials shall be subject to rejection by the AUTHORITY through its authorized representatives for failure to meet such requirements, and in the event of such rejection, the CONTRACTOR shall replace the work and materials without compensation therefore by the AUTHORITY.

9) The CONTRACTOR shall complete the work in accordance with the terms of this Agreement. The CONTRACTOR agrees to pay as liquidated damages, the sum two hundred, forty, and 00/100 dollars ($240) for each consecutive calendar day thereafter the specified time for completion, as provided in the General Conditions.

10) The CONTRACTOR shall furnish surety bonds and certificate of insurance as specified herein which bonds and insurance must be approved by the AUTHORITY prior to issuance of the Work Order and commencement of work on the project.

11) The CONTRACTOR shall indemnify, hold harmless, and defend the AUTHORITY from and against any and all liabilities, claims, penalties, fines, forfeitures, suits and the cost and expenses incidental thereto (including cost of defense, settlement, and the reasonable attorney's fees) which may be alleged against the AUTHORITY or which the AUTHORITY may incur, become responsible for, or pay out as a result of death or bodily injury to any person, destruction, or damage to any property, contamination of or adverse effects on the environment, or any violation or alleged violation of governmental laws, regulations orders, to the extent that such damage was caused by the CONTRACTOR or CONTRACTOR'S agents negligence, willful or intentional act or omission, breach or contract or a failure of CONTRACTOR'S warranties to be true, accurate, or complete.

12) IN WITNESS WHEREOF, the parties hereto have caused this instrument to be executed, in four (4) duplicate originals, the day and year first above written.

To that end, no provision of this CONTRACT or of any such aforementioned documents shall be interpreted or given legal effect to create an obligation on the part of the AUTHORITY to third persons, including, by way of illustration but not exclusion, sureties upon performance bonds, payment bonds or other bonds, assignees of the CONTRACTOR, subcontractors, and persons performing labor, furnishing material or in any other way contributing to or assisting in the performance of the obligations of the CONTRACTOR; nor shall any such provisions be interpreted or given legal effect to afford a defense against any obligation owed or assumed by such third person to the AUTHORITY or in any way to restrict the freedom of the AUTHORITY to exercise full discretion in its dealing with the Contractor.

The sworn, notarized statement below must be signed and notarized before this Contract will become effective.

STATE OF Oklahoma)
)§
COUNTY OF Cleveland)

Robert C. Keyes, of lawful age, being first duly sworn, on oath says that (s)he is the agent authorized by CONTRACTOR to submit the above CONTRACT to the AUTHORITY. Affiant further states that CONTRACTOR has not paid, given or donated or agreed to pay, give, or donate to any officer or employee of the AUTHORITY any money or other thing of value, either directly or indirectly, in the procuring of the CONTRACT.

Submitted and sworn to before me this 13th day of May, 2010.

Nadine J. Key

Notary Public

My Commission Expires:

April 8, 2012

NOTARY PUBLIC IN AND FOR STATE OF OKLAHOMA
OFFICIAL SEAL
Nadine J. Key
Commission #08003440
Expires April 8, 2012

IN WITNESS WHEREOF, the said parties of the First and Second Part have hereunto set their hands and seals respectively the 13th day of May, 20 10, and the _____ day of _____, 20_____.

(Corporate Seal) (where applicable)

ATTEST

Sandra L. Keyes
Corporate Secretary (where applicable)

Associated Environmental Industries, Corp
PRINCIPAL

Signed: _____
Authorized Representative

Robert C. Keyes, President
Name and Title

Address: P.O. Box 5300
Norman, OK 73070

Telephone: 405-360-1434

NORMAN UTILITIES AUTHORITY

APPROVED as to form and legality this 19 day of May, 20 10.

_____
AUTHORITY Attorney

Approved by the Trustees of the NORMAN UTILITIES AUTHORITY this _____ day of _____, 20_____.

NORMAN UTILITIES AUTHORITY

ATTEST

By: _____ _____

Title: Chairman Secretary

PERFORMANCE BOND

Bond No. GR14397

Know all men by these presents that Associated Environmental Industries Corporation, as PRINCIPAL, and Granite Re, Inc., a corporation organized under the laws of the State of Oklahoma, and authorized to transact business in the State of Oklahoma, as SURETY, are held and firmly bound unto NORMAN UTILITIES AUTHORITY, a Public Trust of the State of Oklahoma, herein called AUTHORITY, in the sum of Nine Hundred Twenty Five Thousand Eight Hundred Forty Eight and 50/100----------Dollars ($925,848.50), for the payment of which sum PRINCIPAL and SURETY bind themselves, their heirs, executors, administrators, successors and assigns jointly and severally.

WHEREAS, the conditions of this obligation are such, that the PRINCIPAL, being the lowest and best bidder on the following PROJECT:

Construction of Ten New Water Well Houses
NORMAN, OKLAHOMA

has entered into a written CONTRACT (K-0910-144) with the AUTHORITY, dated _____ for the erection and construction of this PROJECT, that CONTRACT being incorporated herein by reference as if fully set forth.

NOW, THEREFORE, if PRINCIPAL shall, in all particulars, well and truly perform and abide by the CONTRACT and all specifications and covenants thereto; and if the PRINCIPAL shall promptly pay or cause to be paid all indebtedness incurred for labor and materials and repairs to and parts for equipment furnished in the making of this PROJECT, whether incurred by the PRINCIPAL or subcontractors; and if the PRINCIPAL shall protect and hold harmless the AUTHORITY from all loss, damage, and expense to life or property suffered or sustained by any person, firm, or corporation caused by the PRINCIPAL or his or its agents, servants, or employees in the construction of the PROJECT, or by or in consequence of any negligence, carelessness or misconduct in guarding and protecting the same, or from any act or omission of the PRINCIPAL or his or its agents, servants, or employees; and if the PRINCIPAL shall protect and save the AUTHORITY harmless from all suits and claims of infringement or alleged infringement or patent rights or processes, then this obligation shall be null and void. Otherwise this obligation shall remain in full force and effect.

It is further expressly agreed and understood by the parties hereto that no changes or alterations in the CONTRACT and no deviations from the plan or mode of procedure herein fixed shall have the effect of releasing the sureties, or any of them, from the obligations of this Bond.

It is further expressly agreed that the PRINCIPAL'S obligations under this Bond include payment of not less than the prevailing hourly rate of wages as established by the Commissioner of Labor and by the Secretary of the U.S. Department of Labor or as determined by a court on appeal.

IN WITNESS WHEREOF, the PRINCIPAL has caused these presents to be executed in its name and its corporate seal (where applicable) to be hereunto affixed by its duly authorized representative(s), on the _____ day of _____, 20____, and the SURETY has caused these presents to be executed in its name and its corporate seal to be hereunto affixed by its authorized representative(s) on the _____day of _____, 20 ____.

(Corporate Seal) (where applicable)

ATTEST

Sandra L. Keyes
Corporate Secretary (where applicable)

Associated Environmental Industries Corporation
PRINCIPAL

Signed:
Authorized Representative

Robert C. Keyes, President
Name and Title

Address: P.O. Box 5306
Norman, OK 73070

Telephone: 405-360-1434

(Corporate Seal)

ATTEST

Carey L. Payne
Corporate Secretary

Granite Re, Inc.
SURETY

Signed: Patsy A. Payne
~~Authorized Representative~~ Attorney-in-Fact

Patsy A. Payne, Attorney-in-Fact
Name and Title

Address: P.O. Box 22127
Oklahoma City, OK 73123

Telephone: 405-843-9481

CORPORATE ACKNOWLEDGEMENT

STATE OF OKLAHOMA)
)§
COUNTY OF Cleveland)

The foregoing instrument was acknowledged before me this 13th day of May,

20 10, by Robert C. Keyes, President of Associated Environmental Industries, Corp.
Name and Title

a Oklahoma corporation, on behalf of the corporation.

WITNESS my hand and seal this 13th day of May 20 10.

Nadine J. Key
Notary Public

My Commission Expires: April 8, 2012

NOTARY PUBLIC IN AND FOR STATE OF OKLAHOMA
OFFICIAL SEAL
Nadine J. Key
Commission #08003440
Expires April 8, 2012

INDIVIDUAL ACKNOWLEDGEMENT

STATE OF OKLAHOMA)
)§
COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____ day of _____,

20 _____, by _____ an individual.
Name and Title

WITNESS my hand and seal this ____ day of _____ 20 _____.

_____
Notary Public

My Commission Expires: _____

PARTNERSHIP ACKNOWLEDGEMENT

STATE OF OKLAHOMA)
)§
COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____ day of _____,

20 _____, by _____ partner (or agent) on behalf of
Name and Title

_____, a partnership.

WITNESS my hand and seal this ____ day of _____20 _____.

_____
Notary Public

My Commission Expires: _____

NORMAN UTILITIES AUTHORITY

APPROVED as to form and legality this 19 day of May, 2010.

AUTHORITY Attorney

Approved by the Trustees of the NORMAN UTILITIES AUTHORITY this _____ day of _____, 20_____.

NORMAN UTILITIES AUTHORITY

ATTEST

By: _____ _____

Title: Chairman _____ Secretary _____

STATUTORY BOND

Bond No. GR14397

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WHEREAS, the conditions of this obligation are such, that the PRINCIPAL, being the lowest and best bidder on the following PROJECT:

Construction of Ten New Water Well Houses
NORMAN, OKLAHOMA

has entered into a written CONTRACT (K-0910-144) with the AUTHORITY, dated _____ for the erection and construction of this PROJECT, that CONTRACT being incorporated herein by reference as if fully set forth.

NOW, THEREFORE, if the PRINCIPAL, shall properly and promptly complete the work on this PROJECT in accordance with the CONTRACT, and shall well and truly pay all indebtedness incurred for labor and materials and repairs to and parts for equipment furnished in the making of the PROJECT, whether incurred by the PRINCIPAL, his subcontractors, or any material men, then this obligation shall be void. Otherwise this obligation shall remain in full force and effect. If debts are not paid within thirty (30) days after the same becomes due and payable, the person, firm, or corporation entitled thereto may sue and recover on this Bond, subject to the provisions of 61 O.S. 1981 §2, for the amount so due and unpaid.

It is further expressly agreed and understood by the parties hereto that no changes or alterations in said CONTRACT and no deviations from the plan or mode of procedure herein fixed shall have the effect of releasing the SURETIES, or any of them, from the obligation of this Bond.

It is further expressly agreed that the PRINCIPAL'S obligations under this Bond include payment of not less than the prevailing hourly rate of wages as established by the Commissioner of Labor of the State of Oklahoma and by the Secretary of the U.S. Department of Labor or as determined by a court on appeal.

IN WITNESS WHEREOF, the PRINCIPAL has caused these presents to be executed in its name and its corporate seal (where applicable) to be hereunto affixed by its duly authorized representative(s), on the 13th day of May, 2010, and the SURETY has caused these presents to be executed in its name and its corporate seal to be hereunto affixed by its authorized representative on the 13th day of May, 2010.

(Corporate Seal) (where applicable)

ATTEST

Sandra L. Keyes
Corporate Secretary (where applicable)

Associated Environmental Industries Corporation
PRINCIPAL

Signed:

Authorized Representative

Robert C. Keyes, President
Name and Title

Address: P.O. Box 5306
Norman, OK 73070

Telephone: 405-360-1434

(Corporate Seal)

ATTEST

Carey L. Paige
Corporate Secretary

Granite Re, Inc.
SURETY

Signed: Patsy A. Payne

~~Authorized Representative~~ Attorney-in-Fact

Patsy A. Payne, Attorney-in-Fact
Name and Title

Address: P.O. Box 22127
Oklahoma City, OK 73123

Telephone: 405-843-9481

CORPORATE ACKNOWLEDGEMENT

STATE OF OKLAHOMA)
)§
COUNTY OF Cleveland)

The foregoing instrument was acknowledged before me this 13th day of May,

20 10, by Robert C. Keyes, President of Associated Environmental Industries, Corp.
Name and Title
a Oklahoma corporation, on behalf of the corporation.

WITNESS my hand and seal this 13th day of May 20 10.

Nadine J. Key
Notary Public

My Commission Expires: April 8, 2012

NOTARY PUBLIC IN AND FOR STATE OF OKLAHOMA
OFFICIAL SEAL
Nadine J. Key
Commission #08003440
Expires April 8, 2012

INDIVIDUAL ACKNOWLEDGEMENT

STATE OF OKLAHOMA)
)§
COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____ day of _____,

20 _____, by _____ an individual.
Name and Title

WITNESS my hand and seal this ____ day of _____ 20 _____.

_____
Notary Public

My Commission Expires: _____

PARTNERSHIP ACKNOWLEDGEMENT

STATE OF OKLAHOMA)
)§
COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____ day of _____,

20 _____, by _____ partner (or agent) on behalf of
Name and Title

_____, a partnership.

WITNESS my hand and seal this ____ day of _____20 _____.

_____
Notary Public

My Commission Expires: _____

NORMAN UTILITIES AUTHORITY

APPROVED as to form and legality this 19 day of May, 20 10.

AUTHORITY Attorney

Approved by the Trustees of the NORMAN UTILITIES AUTHORITY this _____ day of
_____, 20_____.

NORMAN UTILITIES AUTHORITY

ATTEST

By: _____ _____

Title: Chairman _____ Secretary _____

MAINTENANCE BOND Bond No. GR14397

Know all men by these presents that Associated Environmental Industries Corporation, as PRINCIPAL, and Granite Re, Inc., a corporation organized under the laws of the State of Oklahoma, and authorized to transact business in the State of Oklahoma, as SURETY, are held and firmly bound unto NORMAN UTILITIES AUTHORITY, a Public Trust of the State of Oklahoma, herein called AUTHORITY, in the sum of Nine Hundred Twenty Five Thousand Eight Hundred Forty Eight and 50/100----------~~Dollars~~------ ($925,848.50), for the payment of which sum PRINCIPAL and SURETY bind themselves, their heirs, executors, administrators, successors and assigns jointly and severally.

WHEREAS, the conditions of this obligation are such, that the PRINCIPAL, being the lowest and best bidder on the following PROJECT:

Construction of Ten New Water Well Houses
NORMAN, OKLAHOMA

has entered into a written CONTRACT (K-0910-144) with the AUTHORITY, dated _____ for the erection and construction of this PROJECT, that CONTRACT being incorporated herein by reference as if fully set forth.

WHEREAS, under the ordinances of the AUTHORITY, the PRINCIPAL is required to furnish to the AUTHORITY a maintenance bond covering said construction of this PROJECT, the bond to include the terms and provisions hereinafter set forth, as a condition precedent to final acceptance of the PROJECT.

NOW THEREFORE, if the PRINCIPAL shall keep and maintain, subject to normal wear and tear, the construction, except for defects not occasioned by improper workmanship, materials, or failure to protect new work until it is accepted, and if the PRINCIPAL shall promptly repair, without notice from the AUTHORITY or expense to the AUTHORITY any and all defects arising from improper workmanship, materials, or failure to protect new work until it is accepted; all for a period of two (2) years from the date of the written final acceptance by the AUTHORITY, then this obligation shall be null and void. Otherwise, this obligation shall remain in full force and effect at all times.

Provided further, however, that upon neglect, failure or refusal of the PRINCIPAL to maintain or make any needed repairs upon the construction on the PROJECT, as set out in the preceding paragraph, within ten (10) days after the mailing of notice to the PRINCIPAL by letter deposited in the United States Post Office at Norman, Oklahoma, addressed to the PRINCIPAL at the address set forth below, then the PRINCIPAL and SURETY shall jointly and severally be liable to the AUTHORITY for the cost and expense for making such repair, or otherwise maintaining the said construction.

If is further expressly agreed and understood by the parties hereto that no changes or alterations in said CONTRACT and no deviations from the plan or mode of procedure herein fixed shall have the effect of releasing the sureties, or any of them, from the obligations of this Bond.

IN WITNESS WHEREOF, the said PRINCIPAL has caused these presents to be executed in its name and its corporate seal (where applicable) to be hereunto affixed by its duly authorized representative(s), on the 13th day of May, 2010, and the SURETY has caused these presents to be executed in its name and its corporate seal to be hereunto affixed by its authorized representative(s) on the 13th day of May, 2010.

(Corporate Seal) (where applicable)

ATTEST

Corporate Secretary (where applicable)

Associated Environmental Industries Corporation
PRINCIPAL

Signed:

Authorized Representative

Robert C. Keyes, President
Name and Title

Address: P.O. Box 5306
Norman, OK 73070

Telephone: 405-360-1434

(Corporate Seal)

ATTEST

Corporate Secretary

Granite Re, Inc.
SURETY

Signed:

~~Authorized Representative~~ Attorney-in-Fact

Patsy A. Payne, Attorney-in-Fact
Name and Title

Address: P.O. Box 22127
Oklahoma City, OK 73123

Telephone: 405-843-9481

CORPORATE ACKNOWLEDGEMENT

STATE OF OKLAHOMA)
)§
COUNTY OF Cleveland)

The foregoing instrument was acknowledged before me this 13th day of May,
20 10, by Robert C. Keyes, President of Associated Environmental Industries, Corp.
Name and Title
a Oklahoma corporation, on behalf of the corporation.

WITNESS my hand and seal this 13th day of May 20 10.

Nadine J. Key
Notary Public

My Commission Expires: April 8, 2012

NOTARY PUBLIC IN AND FOR STATE OF OKLAHOMA
OFFICIAL SEAL
Nadine J. Key
Commission #08003440
Expires April 8, 2012

INDIVIDUAL ACKNOWLEDGEMENT

STATE OF OKLAHOMA)
)§
COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____ day of _____,

20 _____, by _____ an individual.
Name and Title

WITNESS my hand and seal this ____ day of _____ 20 _____.

_____
Notary Public

My Commission Expires: _____

PARTNERSHIP ACKNOWLEDGEMENT

STATE OF OKLAHOMA)
)§
COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____ day of _____,

20 _____, by _____ partner (or agent) on behalf of
Name and Title

_____, a partnership.

WITNESS my hand and seal this ____ day of _____20 _____.

_____
Notary Public

My Commission Expires: _____

NORMAN UTILITIES AUTHORITY

APPROVED as to form and legality this 19 day of May, 2010.

_____
AUTHORITY Attorney

Approved by the Trustees of the NORMAN UTILITIES AUTHORITY this _____ day of
_____, 20_____.

NORMAN UTILITIES AUTHORITY

ATTEST

By: _____ _____

Title: Chairman _____ Secretary _____

PURCHASE REQUISITION NBR: 0000171221

REQUISITION BY: WEBB G

STATUS: DIVISION APPROVAL
REASON: PHASE 2 WELL HOUSES

DATE: 5/19/10

SHIP TO LOCATION: P W - UTILITIES DIRECTOR

SUGGESTED VENDOR: 8211 ASSOCIATED ENVIROMENTAL

DELIVER BY DATE: 6/30/10

LINE NBR	DESCRIPTION	QUANTITY	UOM	UNIT COST	EXTEND COST	VENDOR PART NUMBER
1	WELL HOUSE #51 COMMODITY: CONSTRUCTION SERVICES, GE SUBCOMMOD: CONSTRUCTION, GENERAL (BA	92584.85	DOL	1.0000	92584.85	
2	WELL HOUSE #52 COMMODITY: CONSTRUCTION SERVICES, GE SUBCOMMOD: CONSTRUCTION, GENERAL (BA	92584.85	DOL	1.0000	92584.85	
3	WELL HOUSE #54 COMMODITY: CONSTRUCTION SERVICES, GE SUBCOMMOD: CONSTRUCTION, GENERAL (BA	92584.85	DOL	1.0000	92584.85	
4	WELL HOUSE #55 COMMODITY: CONSTRUCTION SERVICES, GE SUBCOMMOD: CONSTRUCTION, GENERAL (BA	92584.85	DOL	1.0000	92584.85	
5	WELL HOUSE #56 COMMODITY: CONSTRUCTION SERVICES, GE SUBCOMMOD: CONSTRUCTION, GENERAL (BA	92584.85	DOL	1.0000	92584.85	
6	WELL HOUSE #57 COMMODITY: CONSTRUCTION SERVICES, GE SUBCOMMOD: CONSTRUCTION, GENERAL (BA	92584.85	DOL	1.0000	92584.85	
7	WELL HOUSE #58 COMMODITY: CONSTRUCTION SERVICES, GE SUBCOMMOD: CONSTRUCTION, GENERAL (BA	92584.85	DOL	1.0000	92584.85	
8	WELL HOUSE #59 COMMODITY: CONSTRUCTION SERVICES, GE SUBCOMMOD: CONSTRUCTION, GENERAL (BA	92584.85	DOL	1.0000	92584.85	
9	WELL HOUSE #60 COMMODITY: CONSTRUCTION SERVICES, GE SUBCOMMOD: CONSTRUCTION, GENERAL (BA	92584.85	DOL	1.0000	92584.85	
10	WELL HOUSE #61 COMMODITY: CONSTRUCTION SERVICES, GE SUBCOMMOD: CONSTRUCTION, GENERAL (BA	92584.85	DOL	1.0000	92584.85	

REQUISITION TOTAL: 925848.50

ACCOUNT INFORMATION

LINE #	ACCOUNT		PROJECT	%	AMOUNT
1	03193454626101	Capital Projects Construction	WB0114 Water Well #51	100.00	92584.85

PURCHASE REQUISITION NBR: 0000171221

STATUS: DIVISION APPROVAL
REASON: PHASE 2 WELL HOUSES

REQUISITION BY: WEBB G

DATE: 5/19/10

SHIP TO LOCATION: P W - UTILITIES DIRECTOR

SUGGESTED VENDOR: 8211 ASSOCIATED ENVIROMENTAL

DELIVER BY DATE: 6/30/10

LINE NBR	DESCRIPTION	QUANTITY	UOM	UNIT COST	EXTEND COST	VENDOR PART NUMBER

A C C O U N T I N F O R M A T I O N

LINE #	ACCOUNT		PROJECT	%	AMOUNT
2	03193454626101	Capital Projects Construction	WB0115 Water Well #52	100.00	92584.85
3	03193454626101	Capital Projects Construction	WB0117 Water Well #54	100.00	92584.85
4	03193454626101	Capital Projects Construction	WB0118 Water Well #55	100.00	92584.85
5	03193454626101	Capital Projects Construction	WB0119 Water Well #56	100.00	92584.85
6	03193454626101	Capital Projects Construction	WB0120 Water Well #57	100.00	92584.85
7	03193454626101	Capital Projects Construction	WB0121 Water Well #58	100.00	92584.85
8	03193454626101	Capital Projects Construction	WB0122 Water Well #59	100.00	92584.85
9	03193454626101	Capital Projects Construction	WB0123 Water Well #60	100.00	92584.85
10	03193454626101	Capital Projects Construction	WB0124 Water Well #61	100.00	92584.85
					925848.50

REQUISITION IS IN THE CURRENT FISCAL YEAR.

REQUISITION COMMENTS:

CONTRACT K-0910-144 CONTINGENT ON NUA APPROVAL
5-25-10.

15. ITEM: CONSIDERATION AND AWARDING OF BID NO. 0910-59 FOR AUTOMOTIVE BODY REPAIR OF CITY VEHICLES FOR THE FLEET MAINTENANCE DIVISION.

INFORMATION: Staff has examined the bid and found it to be in order and proper as to form. Staff recommends acceptance of the bid and the subsequent awarding of the bid as indicated below. Copies of an advisory memorandum and bid tabulation are included in the Agenda Book.

ACTION NEEDED: Motion to accept or reject the bid as meeting specifications; and, if accepted, award the bid to Worlund Collision, Inc., as the lowest and best bidder meeting specifications

ACTION TAKEN: _____

office memorandum

Date: May 25, 2010

To: Honorable Mayor and City Council

From: Mike White, Fleet Management Superintendent

Subject: AGENDA ITEM: Automotive Body Repair - Bid #0910-59

BACKGROUND:

The City of Norman experiences on average $100,000 in repair work to City vehicles annually with $35,000 reimbursed in insurance claims and $65,000 as City out-of-pocket expense. In an effort to reduce City costs and downtime of City vehicles, on April 15, 2010, bids were opened on Bid #0910-59 for the service of automotive body repair of City vehicles to include repair values, labor rate, parts and materials utilized, towing, and alignment.

This bid process was initiated in 2009. The contract for service reduces costs and vehicle downtime by having a body shop on call at all times. City staff no longer has to generate three bids for each repair, which also saves on time and labor.

DISCUSSION:

Bids were sent to six (6) vendors, of whom one (1) responded: Worlund Collision. Bob Moore Collision Center did not bid due to time constraints; Ferguson Collision failed to meet the deadlines due to focusing on other projects; Flair Body Works failed to submit a bid due to a personnel change and did not make the deadline; Marc Heitz Body Repair did not bid due to other priorities, and Norman Body Works did not return the bid packet because they could not conform to the City of Norman bid specifications.

The City shall have the option to renew this contract annually, for a period of four (4) years, provided that the services and process continue to be acceptable to both parties. Pricing shall be reviewed at the beginning of each renewal period. The bid provided by Worland Collision, Inc. of Norman is competitive with last year's bid. Worland was awarded the contract in 2009. In 2009, Worland responded to 185 incidents and met all contractual requirements.

RECOMMENDATION:

Staff recommends that Bid #0910-59 be awarded to Worlund Collision.

MW/sh

Reviewed by: Steven Lewis, City Manager
Jeff Bryant, City Attorney
Shawn O'Leary, Director of Public Works
Anthony Francisco, Director of Finance
Clint Mercer, Chief Accountant
Frederick Duke, Procurement Analyst

CITY OF NORMAN

BID TABULATION
BID #0910-56

Automotive Body Repair

		VENDOR **Worlund Collision** (Annual Costs)
LABOR RATE		
Body & Fender	$	27,200.00
Frame	$	5,700.00
Mechanical	$	10,000.00
Painting	$	19,200.00
Detailing	$	2,500.00
PARTS & MATERIALS		
New-Price less % discount		18%
Aftermarket/Used-priced at cost plus %		20%
Used parts priced at cost plus %		20%
Paint - Dollars per hour for paint supplies	$	20.00
Paint - Dollars per hour for body supplies	$	20.00
MISCELLANEOUS		
Towing - flat rate	$	75.00
Alignment - front end	$	50.00
Alignment - four wheel	$	69.99
Repair Values - Days		
$1,500		5 days
$3,000		8 days
$5,000		10 days
$7,500		15 days
$10,000		25 days
$12,500		30 days

CITY OF NORMAN

Mike White
Fleet Management Superintendent

16. ITEM: CONSIDERATION OF ACCEPTANCE OF PERMANENT EASEMENT NOS. E-0910-72, E-0910-73, E-0910-76, E-0910-77, AND E-0910-74 AND TEMPORARY EASEMENT NO. E-0910-75 DONATED BY THE BOARD OF REGENTS OF THE UNIVERSITY OF OKLAHOMA; PERMANENT EASEMENT NO. E-0910-79 AND TEMPORARY EASEMENT NO. E-0910-78 FROM LIGHTHOUSE INVESTMENTS, L.L.C., IN THE AMOUNT OF $5,390; PERMANENT EASEMENT NOS. E-0910-80, AND E-0910-82 AND TEMPORARY EASEMENT NO. E-0910-81 FROM ERNEST G. AND JOYCE N. SHADID IN THE AMOUNT OF $13,700; AND EASEMENT NO. E-0910-86 AND TEMPORARY EASEMENT NO. E-0910-87 FROM NORTH AMERICAN ISLAMIC TRUST, INC., IN THE AMOUNT OF $34,225 AND APPROVAL OF THE RELEASE OF A PERMANENT SANITARY EASEMENT FILED IN 1938 AND A PERMANENT SANITARY SEWER EASEMENT NO. E-0607-64 FILED IN 2007 IN CONNECTION WITH THE LINDSEY STREET WIDENING PROJECT BETWEEN LINCOLN AVENUE AND THE BURLINGTON NORTHERN AND SANTA FE (BNSF) RAILROAD TRACKS.

INFORMATION: City Council, in its meeting of December 8, 2009, approved Contract No. K-0910-117 with Oklahoma Department of Transportation for State-Aid Project No. STP-114B(142)AG, State Job No. 22140(04) for the Lindsey Street Widening Project between Lincoln Avenue and the BNSF Railroad tracks. The project requires obtaining several easements to make the necessary improvements. Donations were requested prior to determining appraisal values. The easements were appraised and offers of fair market value were made. The University of Oklahoma donated six easements and one easement is a utility easement that runs south of Lindsey Street across University property. The existing sewer line that crosses Lindsey Street was too shallow and was required to be lowered in order to obtain the necessary federal funds for the project. In order to gain enough grade to lower the sewer line, the existing sewer lines need to be rerouted and the old lines abandoned. As a condition to the donation of the easements, the University has requested that the easements for the abandoned lines on their property be released. The Assistant City Attorney and Public Works Staff have examined the easements and found them to be in order and proper as to form. Based upon the fact the easements have been dedicated to the City of Norman for roadway improvements in the above-mentioned project, Staff recommends acceptance of the easements and approval of the release of easements. Copies of an advisory memorandum; easements; release of easements; and location maps are included in the Agenda Book.

ACTION NEEDED: Motion to accept or reject the easements; and, if accepted, direct the filing of the permanent easements with the Cleveland County Clerk and the temporary easements with the City Clerk, authorize payment for the easements where applicable, and release a permanent sanitary sewer easement filed in Book No. 85, Pages 136, 137, and 138 in 1938 and Easement No. E-0607-64.

ACTION TAKEN: _____

office memorandum

Date: May 5, 2010

To: Honorable Mayor and Councilmembers

From: Lonnie Ferguson, Capital Projects Manager

Subject: Agenda Item -
1. Acceptance of Permanent and Temporary Easements for the Lindsey Street Widening Project from Jenkins Avenue to the BNSF Railroad

2. Release of Easements filed in Book 85 Page 137 – 138 at the Cleveland County Courthouse and City of Norman Easement No. E-0607-64

BACKGROUND:

The City of Norman is pursuing the above-reference project with the Oklahoma Department of Transportation (ODOT) in order to secure federal funding for construction. This project was approved by Norman voters in Proposition No. 4 of the 2005 General Obligation Bond Election. The project will widen Lindsey Street between Lincoln Avenue and the BNSF railroad tracks. ODOT requires the City of Norman to acquire all necessary rights-of-way to construct the roadway in order to secure 80% federal funding for the roadway construction.

DISCUSSION:

This project requires obtaining several public roadway, sidewalk, utility and drainage easements. There are a total of eighteen (18) easements required for the project, twelve (12) permanent and six (6) temporary. Staff has acquired nine (9) permanent and four (4) temporary easements as indicated below. Donations were requested prior to making any offers of fair market value. Funds are available in the Capital Bond Fund, Lindsey Widening, Jenkins-Classen, Right-of-Way (Account No. 050-9552-431.60-01, Project No. BP0235). These easements are the first to be acquired for this project and are submitted for Council acceptance.

Six (6) of these easements were donated by the University of Oklahoma (OU). One of the six (6) is a utility easement that runs south of Lindsey Street across OU's property. The existing sewer line that crosses Lindsey Street was too shallow and was required to be lowered in order to obtain the necessary federal funds for the project. In order to gain enough grade to lower this sewer line the existing sewer lines needed to be rerouted and the old lines abandoned. As a condition of the donation, the University of Oklahoma is requiring that the easements for the abandoned lines on their property be released. Except for one smaller easement, Easement No. E-0607-64, the majority of the sewer easements needing to be abandoned are included in an older easement filed at the Cleveland County courthouse in Book No. 85, Page Nos. 137 – 138 in 1938 before the implementation of the City of Norman's current easement numbering system was in use. The description for this older easement encompasses an area that was abandoned previously but never released.

Easement No.	Grantor	Easement	Cost
E-0910-72 thru 77	Board of Regents, University of Oklahoma	Permanent & Temporary Public Roadway, Drainage, Sidewalk & Utility	Donated
E-0910-78 & 79	Lighthouse Investments, LLC	Permanent & Temporary Sidewalk, Utility & Driveway	$5,390
E-0910-80, E-0910-81 & E-0910-82	Ernest G. and Joyce N. Shadid	Permanent & Temporary Sidewalk, Utility & Driveway	$13,700
E-0910-86 & 87	North American Islamic Trust, Inc.	Permanent & Temporary Sidewalk, Utility & Driveway	$34,225.00

Easement No.	Grantee	Easement	Cost
Release of easement filed in Book No.85, Pages 137-138	University of Oklahoma	Permanent Sanitary sewer easement	N/A
Release of Easement No. E-0607-64	University of Oklahoma	Permanent Sanitary sewer easement	N/A

RECOMMENDATION NO. 1:

Staff recommends acceptance of the above-described easements.

RECOMMENDATION NO. 2:

Staff further recommends the release of Easement No. E-0607-64 and the release of the easement filed in Book No. 85, Page Nos. 137-138.

lf
Reviewed by: Shawn O'Leary, Director of Public Works
Clint Mercer, Chief Accountant
Anthony Francisco, Director of Finance
Jeff Bryant, City Attorney
Steve Lewis, City Manager

22140(04) PARCEL NO. 1
STP-114B(142)AG

E-0910-72

GRANT OF PUBLIC UTILITY AND ROADWAY EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

THAT the Board of Regents of The University of Oklahoma, in consideration of the sum of One Dollar ($1.00), receipt of which is hereby acknowledged, and for and upon other good and valuable considerations, does hereby grant, bargain, sell, and convey unto the City of Norman, a municipal corporation, a public utility easement and right-of-way over, across, and under the following described real estate and premises situated in the City of Norman, Cleveland County, Oklahoma, to wit:

See attached Exhibit "A"

with the right of ingress and egress to and from the same, for the purpose of surveying, laying out, constructing, maintaining, and operating a public utility(ies) and/or roadway(s).

In the event Grantee shall no longer require or ceases to use the easement for the purposes set forth herein for which it was granted, then this grant of easement and all rights and privileges granted hereunder shall terminate and Grantee shall cooperate with Grantor and do all things reasonably necessary to give effect thereto.

Grantor retains the right of ingress and egress to and from and across the property for the purpose of constructing roads, drives, sidewalks, utilities, landscaping, and other uses of its own in a manner and place acceptable to Grantee, acceptance not to be withheld unreasonably.

Grantee, its successors and assigns shall keep, repair and maintain the easement granted hereunder in a proper, attractive and workmanlike manner at its sole cost; provided however, Grantor, its successors and assigns, shall maintain the landscaping situated within the easement granted hereunder in a proper, attractive and workmanlike manner at its sole cost.

To have and to hold the same unto the said City of Norman, its successors, and assigns.

SIGNED and delivered this 19 day of April, 2010.

Attest:

BY: Chris A. Purcell
Secretary of The University of Oklahoma
Chris A. Purcell, Ph.D.
Vice President for University Governance

The Board of Regents of
The University of Oklahoma

BY: L. David Boren
President

SEAL:

REPRESENTATIVE ACKNOWLEDGEMENT

STATE OF OKLAHOMA, COUNTY OF CLEVELAND, SS:

Before me, the undersigned, a Notary Public in and for said County and State, on this 19 day of April, 2010, personally appeared David L. Boren, of The University of Oklahoma as its President, to me known to be the identical person who executed the foregoing grant of easement and acknowledged to me that said person executed the same as a free and voluntary act and deed of same, for the uses and purposes therein set forth.

WITNESS my hand and seal the day and year last above written.

Christa M Bailey
Notary Public

My Commission Expires: 3-28-12

Commission No.: 00004902

Approved as to form and legality this 20th day of May, 2010.

City Attorney

Approved and accepted by the Council of the City of Norman, this _____ day of _____, 20_____.

Mayor

ATTEST:

City Clerk

SEAL:

22140(04) PARCEL NO. 1
STP-114B(142)AG
REVISED 2-1-2010

E-0910-72

EXHIBIT "A"

GW FEB 12 2010

A strip, piece or parcel of land lying in part of the SW1/4 of Section 32, T9N, R2W in Cleveland County, Oklahoma. Said parcel of land being described by metes and bounds as follows:

Commencing at the Southwest corner of said SW1/4, thence N 89°46'49" E along the South line of said SW1/4 a distance of 33.00 feet, thence N 00°10'26" W a distance of 33.00 feet to the Point of Beginning, thence N 00°10'26" W a distance of 47.00 feet to a point on the present North right-of-way line of Lindsey Street (E-W Section Line No. 125), thence S 45°11'52" E along said present North right-of-way line a distance of 42.41 feet, thence N 89°46'49" E along said present North right-of-way line a distance of 336.96 feet, thence S 71°26'29" E along said present North right-of-way line a distance of 9.32 feet, thence N 89°46'49" E a distance of 1,291.18 feet, thence N 00°13'11" W a distance of 18.00 feet, thence N 89°46'49" E a distance of 35.00 feet, thence S 00°13'11" E a distance of 25.00 feet, thence N 89°46'49" E a distance of 55.00 feet, thence N 00°13'11" W a distance of 7.00 feet, thence N 89°46'49" E a distance of 460.00 feet, thence S 00°13'11" E a distance of 14.00 feet to a point on said present North right-of-way line, thence S 89°46'49" W along said present North right-of-way line a distance of 433.95 feet, thence N 00°13'11" W along said present North right-of-way line a distance of 7.00 feet, thence S 89°46'49" W along said present North right-of-way line a distance of 90.00 feet, thence S 00°13'11" E along said present North right-of-way line a distance of 7.00 feet, thence S 89°46'49" W along said present North right-of-way line a distance of 1,693.02 feet to said point of beginning.

Containing 0.58 acres, more or less of new right-of-way, the remaining area included in the above description being right-of-way occupied by the present roadway.

All bearings contained in this description are based on the Oklahoma State Plane Coordinate System and are not astronomical bearings.

JUSTIN LEE TALCOTT 1646 OKLAHOMA

22140(04) PARCEL NO. 1.1
STP-114B(142)AG
Revised 1-8-10

E-0910-73

GRANT OF PUBLIC SIDEWALK EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

THAT the Board of Regents of The University of Oklahoma, in consideration of the sum of One Dollar ($1.00), receipt of which is hereby acknowledged, and for and upon other good and valuable considerations, does hereby grant, bargain, sell, and convey unto the City of Norman, a municipal corporation, a public utility easement and right-of-way over, across, and under the following described real estate and premises situated in the City of Norman, Cleveland County, Oklahoma, to wit:

See attached Exhibit "A"

with the right of ingress and egress to and from the same, for the purpose of surveying, laying out, constructing, maintaining, and operating a public sidewalk(s).

In the event Grantee shall no longer require or ceases to use the easement for the purposes set forth herein for which it was granted, then this grant of easement and all rights and privileges granted hereunder shall terminate and Grantee shall cooperate with Grantor and do all things reasonably necessary to give effect thereto.

Grantor retains the right of ingress and egress to and from and across the property for the purpose of constructing roads, drives, sidewalks, utilities, landscaping, and other uses of its own in a manner and place acceptable to Grantee, acceptance not to be withheld unreasonably.

Grantee, its successors and assigns shall keep, repair and maintain the easement granted hereunder in a proper, attractive and workmanlike manner at its sole cost; provided however, Grantor, its successors and assigns, shall maintain the landscaping situated within the easement granted hereunder in a proper, attractive and workmanlike manner at its sole cost.

To have and to hold the same unto the said City of Norman, its successors, and assigns.

SIGNED and delivered this 19 day of April, 2010.

Attest:

BY: Chris A. Purcell
Secretary of The University of Oklahoma
Chris A. Purcell, Ph.D.
Vice President for University Governance

The Board of Regents of
The University of Oklahoma

BY: David L. Boren
President

SEAL:

REPRESENTATIVE ACKNOWLEDGEMENT

STATE OF OKLAHOMA, COUNTY OF CLEVELAND, SS:

Before me, the undersigned, a Notary Public in and for said County and State, on this 19 day of April, 2010, personally appeared David L. Boren, of The University of Oklahoma as its President, to me known to be the identical person who executed the foregoing grant of easement and acknowledged to me that said person executed the same as a free and voluntary act and deed of same, for the uses and purposes therein set forth.

WITNESS my hand and seal the day and year last above written.

Christie Bailey
Notary Public

My Commission Expires: 3-28-12

Commission No.: 00004902

Approved as to form and legality this 20th day of May, 2010.

City Attorney

Approved and accepted by the Council of the City of Norman, this _____ day of _____, 20_____.

Mayor

ATTEST:

City Clerk

SEAL:

22140(04) PARCEL NO. 1.1
STP-114B(142)AG
Revised 1-8-2010 (a)

E-0910-73

EXHIBIT "A"

6W FEB 12 2010

A strip, piece or parcel of land lying in part of the SW1/4 of Section 32, T9N, R2W in Cleveland County, Oklahoma. Said parcel of land being described by metes and bounds as follows:

Commencing at the Southwest corner of said SW1/4, thence N 89°46'49" E along the South line of said SW1/4 a distance of 340.00 feet, thence N 00°13'11" W a distance of 50.00 feet to the Point of Beginning, said point being on the permanent North right-of-way line of Lindsey Street (E-W Section Line No. 125), thence N 00°13'11" W a distance of 10.00 feet, thence N 89°46'49" E a distance of 860.00 feet, thence N 00°13'11" W a distance of 15.00 feet, thence N 89°46'49" E a distance of 400.00 feet, thence S 00°13'11" E a distance of 15.00 feet, thence N 89°46'49" E a distance of 100.00 feet, thence N 00°13'11" W a distance of 5.00 feet, thence N 89°46'49" E a distance of 35.00 feet, thence S 00°13'11" E a distance of 10.00 feet, thence N 89°46'49" E a distance of 515.00 feet, thence S 00°13'11" E a distance of 8.00 feet to a point on said permanent North right-of-way line, thence S 89°46'49" W along said permanent North right-of-way line a distance of 515.00 feet, thence N 00°13'11" W a distance of 18.00 feet, thence S 89°46'49" W a distance of 35.00 feet, thence S 00°13'11" E a distance of 18.00 feet, thence S 89°46'49" W a distance of 1291.00 feet, thence N 71°26'05" W a distance of 9.00 feet, thence S 89°46'49" W a distance of 60.00 feet to said point of beginning.

Containing 0.63 acres, more or less.

All bearings contained in this description are based on the Oklahoma State Plane Coordinate System and are not astronomical bearings.

LICENSED PROFESSIONAL LAND SURVEYOR
JUSTIN LEE TALCOTT
1646
OKLAHOMA

22140(04) PARCEL NO. 1.2
STP-114B(142)AG
Revised 12-1-09

E-0910-74

GRANT OF PUBLIC UTILITY EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

THAT the Board of Regents of The University of Oklahoma, in consideration of the sum of One Dollar ($1.00), receipt of which is hereby acknowledged, and for and upon other good and valuable considerations, does hereby grant, bargain, sell, and convey unto the City of Norman, a municipal corporation, a public utility easement and right-of-way over, across, and under the following described real estate and premises situated in the City of Norman, Cleveland County, Oklahoma, to wit:

See attached Exhibit "A"

with the right of ingress and egress to and from the same, for the purpose of surveying, laying out, constructing, maintaining, and operating a public utility(ies).

In the event Grantee shall no longer require or ceases to use the easement for the purposes set forth herein for which it was granted, then this grant of easement and all rights and privileges granted hereunder shall terminate and Grantee shall cooperate with Grantor and do all things reasonably necessary to give effect thereto.

Grantor retains the right of ingress and egress to and from and across the property for the purpose of constructing roads, drives, sidewalks, utilities, landscaping, and other uses of its own in a manner and place acceptable to Grantee, acceptance not to be withheld unreasonably.

Grantee, its successors and assigns shall keep, repair and maintain the easement granted hereunder in a proper, attractive and workmanlike manner at its sole cost; provided however, Grantor, its successors and assigns, shall maintain the landscaping situated within the easement granted hereunder in a proper, attractive and workmanlike manner at its sole cost.

To have and to hold the same unto the said City of Norman, its successors, and assigns.

SIGNED and delivered this 19 day of April, 2010.

Attest:

BY: Chris A Purcell
Secretary of The University of Oklahoma
Chris A. Purcell, Ph.D.
Vice President for University Governance

The Board of Regents of
The University of Oklahoma

BY: David L Boren
President

SEAL:

REPRESENTATIVE ACKNOWLEDGEMENT

STATE OF OKLAHOMA, COUNTY OF CLEVELAND, SS:

Before me, the undersigned, a Notary Public in and for said County and State, on this 19 day of April, 2010, personally appeared David L. Boren, of The University of Oklahoma as its President, to me known to be the identical person who executed the foregoing grant of easement and acknowledged to me that said person executed the same as a free and voluntary act and deed of same, for the uses and purposes therein set forth.

WITNESS my hand and seal the day and year last above written.

Christa M Berry
Notary Public

My Commission Expires: 3-28-12

Commission No.: 00004902

Approved as to form and legality this 20th day of May. 2010.

R Bruce
City Attorney

Approved and accepted by the Council of the City of Norman, this _____ day of _____, 20_____.

_____
Mayor

ATTEST:

_____
City Clerk

SEAL:

22140(04) PARCEL NO. 1.2
STP-114B(142)AG
Revised 12-1-2009 (a)

E-0910-74

EXHIBIT "A"

6W FEB 12 2010

A strip, piece or parcel of land lying in part of the SW1/4 of Section 32, T9N, R2W in Cleveland County, Oklahoma. Said parcel of land being described by metes and bounds as follows:

Beginning at a point on the permanent North right-of-way line of Lindsey Street (E-W Section Line No. 125), a distance of 46.66 feet North of and 1,734.83 feet East of the Southwest corner of said SW1/4, thence N 89°46'49" E along said permanent North right-of-way line a distance of 55.00 feet, thence N 00°13'11" W along said permanent North right-of-way line a distance of 7.00 feet, thence S 89°46'49" W a distance of 55.00 feet to a point on said permanent North right-of-way line, thence S 00°13'11" E along said permanent North right-of-way line a distance of 7.00 feet to point of beginning.

Also

Commencing at the Southeast corner of said SW1/4, thence S89°46'49"W along the South line of said SW1/4 a distance of 275.30 feet, thence N 00°13'11" W a distance of 33.00 feet to the Point of Beginning, said point being on the present North right-of-way line of Lindsey Street (EW-125), thence S 89°46'49" W along said present North right-of-way line a distance of 31.82 feet, thence N44°34'46"E a distance of 29.61 feet, thence S 27°45'13" E a distance of 23.70 feet to said point of beginning.

Containing, in both parcels, 0.01 acres, more or less.

All bearings contained in this description are based on the Oklahoma State Plane Coordinate System and are not astronomical bearings.

LICENSED PROFESSIONAL LAND SURVEYOR
JUSTIN LEE TALCOTT
1646
OKLAHOMA

22140(04) PARCEL NO. 1.3
STP-114B(142)AG
ADDED 1-8-10

E-0910-75

GRANT OF TEMPORARY CONSTRUCTION EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

GW FEB 12 2010

THAT the Board of Regents of The University of Oklahoma, in consideration of the sum of One Dollar ($1.00), receipt of which is hereby acknowledged, and for and upon other good and valuable considerations, does hereby grant, bargain, sell, and convey unto the City of Norman, a municipal corporation, a public utility easement and right-of-way over, across, and under the following described real estate and premises situated in the City of Norman, Cleveland County, Oklahoma, to wit:

See attached Exhibit "A"

with the right of ingress and egress to and from the same, for the purpose of surveying, laying out, and constructing a public roadway(s).

The sole purpose of this easement is to grant to the City of Norman the right to work on the above-described tract of land, and includes the right to use and remove any and all sand, rock, dirt, gravel, and other road building materials from the above-described tract of land.

It is a condition of this easement that it shall not be filed for record and that all rights conveyed to the City of Norman by this instrument shall terminate upon completion of construction of the project.

Grantee, its successors and assigns shall keep, repair and maintain the easement granted hereunder in a proper and workmanlike manner at its sole cost.

To have and to hold the same unto the said City of Norman, its successors, and assigns.

SIGNED and delivered this 19 day of April, 2010.

Attest:

BY: Chris A Purcell
Secretary of The University of Oklahoma
Chris A. Purcell, Ph.D.
Vice President for University Governance

The Board of Regents of
The University of Oklahoma

BY: David L Boren
President

SEAL:

REPRESENTATIVE ACKNOWLEDGEMENT

STATE OF OKLAHOMA, COUNTY OF CLEVELAND, SS:

Before me, the undersigned, a Notary Public in and for said County and State, on this 19 day of April, 2010, personally appeared David L. Boren, of The University of Oklahoma as its President, to me known to be the identical person who executed the foregoing grant of easement and acknowledged to me that said person executed the same as a free and voluntary act and deed of same, for the uses and purposes therein set forth.

WITNESS my hand and seal the day and year last above written.

Christal M Bowlf
Notary Public

My Commission Expires: 3-28-12

Commission No.: 00004902

Approved as to form and legality this 20th day of May. 2010.

R Pomeroy
City Attorney

Approved and accepted by the Council of the City of Norman, this 20th day of _____, 20_____.

_____
Mayor

ATTEST:

_____
City Clerk

SEAL:

22140(04) PARCEL NO. 1.3
STP-114B(142)AG
ADDED 1-8-10 (a)

E-0910-75

EXHIBIT "A"

6W FEB 12 2010

A strip, piece or parcel of land lying in part of the SW1/4 of Section 32, T9N, R2W in Cleveland County, Oklahoma. Said parcel of land being described by metes and bounds as follows:

Commencing at the Southwest corner of said SW1/4, thence N 89°46'49" E along the South line of said SW1/4 a distance of 340.00 feet, thence N 00°13'11" W a distance of 50.00 feet to the Point of Beginning, said point being on the permanent North right-of-way line of Lindsey Street (E-W Section Line No. 125), thence N 00°13'11" W a distance of 26.00 feet, thence N 89°46'49" E a distance of 60.00 feet, thence S 00°13'11" E a distance of 10.00 feet, thence N 89°46'49" E a distance of 118.00 feet, thence N 00°13'11" W a distance of 19.00 feet, thence N 89°46'49" E a distance of 72.00 feet, thence S 00°13'11" E a distance of 21.00 feet, thence N 89°46'49" E a distance of 215.00 feet, thence N 00°13'11" W a distance of 11.00 feet, thence N 89°46'49" E a distance of 165.00 feet, thence S 00°13'11" E a distance of 15.00 feet, thence N 89°46'49" E a distance of 80.00 feet, thence N 00°13'11" W a distance of 30.00 feet, thence N 89°46'49" E a distance of 1,200.00 feet, thence S 00°13'11" E a distance of 43.00 feet to a point on said permanent North right-of-way line, thence S 89°46'49" W along said permanent North right-of-way line a distance of 460.00 feet, thence S 00°13'11" E along said permanent North right-of-way line a distance of 7.00 feet, thence S 89°46'49" W along said permanent North right-of-way line a distance of 55.00 feet, thence N 00°13'11" W along said permanent North right-of-way line a distance of 25.00 feet, thence S 89°46'49" W along said permanent North right-of-way line a distance of 35.00 feet, thence S 00°13'11" E along said permanent North right-of-way line a distance of 18.00 feet, thence S 89°46'49" W along said permanent North right-of-way line a distance of 1,291.18 feet, thence N 71°26'29" W along said permanent North right-of-way line a distance of 9.32 feet, thence S 89°46'49" W along said permanent North right-of-way line a distance of 60.00 feet to said point of beginning.

Containing 1.54 acres, more or less.

All bearings contained in this description are based on the Oklahoma State Plane Coordinate System and are not astronomical bearings.

LICENSED PROFESSIONAL LAND SURVEYOR
JUSTIN LEE TALCOTT
1646
OKLAHOMA

22140(04) PARCEL NO. 10
STP-114B(142)AG
Revised 01-08-10 **E-0910-76**

GRANT OF PUBLIC UTILITY/ROADWAY EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

THAT the Board of Regents of The University of Oklahoma, in consideration of the sum of One Dollar ($1.00), receipt of which is hereby acknowledged, and for and upon other good and valuable considerations, does hereby grant, bargain, sell, and convey unto the City of Norman, a municipal corporation, a public utility easement and right-of-way over, across, and under the following described real estate and premises situated in the City of Norman, Cleveland County, Oklahoma, to wit:

See attached Exhibit "A"

with the right of ingress and egress to and from the same, for the purpose of surveying, laying out, constructing, maintaining, and operating a public utility(ies) and/or roadway(s).

In the event Grantee shall no longer require or ceases to use the easement for the purposes set forth herein for which it was granted, then this grant of easement and all rights and privileges granted hereunder shall terminate and Grantee shall cooperate with Grantor and do all things reasonably necessary to give effect thereto.

Grantor retains the right of ingress and egress to and from and across the property for the purpose of constructing roads, drives, sidewalks, utilities, landscaping, and other uses of its own in a manner and place acceptable to Grantee, acceptance not to be withheld unreasonably.

Grantee, its successors and assigns shall keep, repair and maintain the easement granted hereunder in a proper, attractive and workmanlike manner at its sole cost; provided however, Grantor, its successors and assigns, shall maintain the landscaping situated within the easement granted hereunder in a proper, attractive and workmanlike manner at its sole cost.

To have and to hold the same unto the said City of Norman, its successors, and assigns.

SIGNED and delivered this 19 day of April, 2010.

Attest:

BY: Chris A Purcell
Secretary of The University of Oklahoma
Chris A. Purcell, Ph.D.
Vice President for University Governance

The Board of Regents of
The University of Oklahoma

BY: David L Boren
President

SEAL:

REPRESENTATIVE ACKNOWLEDGEMENT

STATE OF OKLAHOMA, COUNTY OF CLEVELAND, SS:

Before me, the undersigned, a Notary Public in and for said County and State, on this 19 day of April, 2010, personally appeared David L. Boren, of The University of Oklahoma as its President, to me known to be the identical person who executed the foregoing grant of easement and acknowledged to me that said person executed the same as a free and voluntary act and deed of same, for the uses and purposes therein set forth.

WITNESS my hand and seal the day and year last above written.

Christa M Pauly
Notary Public

My Commission Expires: 3-28-12

Commission No.: 00004902

Approved as to form and legality this 20 day of May, 2010.

R Pomeroy
City Attorney

Approved and accepted by the Council of the City of Norman, this _____ day of _____, 20_____.

_____
Mayor

ATTEST:

_____
City Clerk

SEAL:

22140(04) Parcel No. 10
STP-114B(142)AG
Revised 01-08-10 (a)

E-0910-76

EXHIBIT "A"

6W FEB 12 2010

A strip, piece or parcel of land lying in part of the NE1/4 NW1/4 of Section 5, T8N, R2W in Cleveland County, Oklahoma. Said parcel of land being described by metes and bounds as follows:

Commencing at the Northeast corner of said NE1/4 NW1/4, thence S 89°46'49" W along the North line of said NE1/4 NW1/4 a distance of 1,020.37 feet, thence S 00°13'11" E a distance of 33.00 feet to the Point of Beginning, said point being on the present South right-of-way line of Lindsey Street, (E-W Section Line No. 125), thence N 89°46'49" E along said present South right-of-way line a distance of 98.65 feet, thence S 00°13'18" E along said present South right-of-way line a distance of 22.00 feet, thence N 89°46'49" E along said present South right-of-way line a distance of 75.00 feet, thence N 00°13'18" W along said present South right-of-way line a distance of 22.00 feet, thence N 89°46'49" E along said present South right-of-way line a distance of 13.43 feet, thence S 11°11'41" W a distance of 60.19 feet, thence S 89°46'49" W a distance of 140.10 feet, thence N 30°56'37" W a distance of 68.63 feet to said point of beginning.

Containing 0.18 acres, more or less.

All bearings contained in this description are based on the Oklahoma State Plane Coordinate System and are not astronomical bearings.

LICENSED PROFESSIONAL LAND SURVEYOR
JUSTIN LEE TALCOTT
1646
OKLAHOMA

22140(04) Parcel No. 10.1
STP-114B(142)AG
Revised 1-10-10

E-0910-77

GRANT OF PUBLIC UTILITY AND SIDEWALK EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

THAT the Board of Regents of The University of Oklahoma, in consideration of the sum of One Dollar ($1.00), receipt of which is hereby acknowledged, and for and upon other good and valuable considerations, does hereby grant, bargain, sell, and convey unto the City of Norman, a municipal corporation, a public utility easement and right-of-way over, across, and under the following described real estate and premises situated in the City of Norman, Cleveland County, Oklahoma, to wit:

See attached Exhibit "A"

with the right of ingress and egress to and from the same, for the purpose of surveying, laying out, constructing, maintaining, and operating public utility(ies) and sidewalk(s).

In the event Grantee shall no longer require or ceases to use the easement for the purposes set forth herein for which it was granted, then this grant of easement and all rights and privileges granted hereunder shall terminate and Grantee shall cooperate with Grantor and do all things reasonably necessary to give effect thereto.

Grantor retains the right of ingress and egress to and from and across the property for the purpose of constructing roads, drives, sidewalks, utilities, landscaping, and other uses of its own in a manner and place acceptable to Grantee, acceptance not to be withheld unreasonably.

Grantee, its successors and assigns shall keep, repair and maintain the easement granted hereunder in a proper, attractive and workmanlike manner at its sole cost; provided however, Grantor, its successors and assigns, shall maintain the landscaping situated within the easement granted hereunder in a proper, attractive and workmanlike manner at its sole cost.

To have and to hold the same unto the said City of Norman, its successors, and assigns.

SIGNED and delivered this 19 day of April, 2010.

Attest:

BY: Chris A. Purcell
Secretary of The University of Oklahoma
Chris A. Purcell, Ph.D.
Vice President for University Governance

The Board of Regents of
The University of Oklahoma

BY: David L. Boren
President

SEAL:

REPRESENTATIVE ACKNOWLEDGEMENT

STATE OF OKLAHOMA, COUNTY OF CLEVELAND, SS:

Before me, the undersigned, a Notary Public in and for said County and State, on this 19 day of April, 2010, personally appeared David L. Boren, of The University of Oklahoma as its President, to me known to be the identical person who executed the foregoing grant of easement and acknowledged to me that said person executed the same as a free and voluntary act and deed of same, for the uses and purposes therein set forth.

WITNESS my hand and seal the day and year last above written.

Christie McBoulty
Notary Public

My Commission Expires: 3-28-12

Commission No.: 00004902

Approved as to form and legality this 20th day of May. 2010.

R Boren
City Attorney

Approved and accepted by the Council of the City of Norman, this _____ day of _____, 20_____.

_____
Mayor

ATTEST:

_____
City Clerk

SEAL:

22140(04) PARCEL NO. 10.1
STP-114B(142)AG
Revised 1-10-10 (a)

E-0910-77

EXHIBIT "A"

60 FEB 12 2010

A strip, piece or parcel of land lying in part of the NW1/4 of Section 5, T8N, R2W in Cleveland County, Oklahoma. Said parcel of land being described by metes and bounds as follows:

Commencing at the Northwest corner of said NW1/4, thence N89°46'49"E along the North line of said NW1/4 a distance of 1,350.00 feet, thence S00°11'20"E a distance of 33.00 feet to the Point of Beginning, said point being the intersection of the present South right-of-way line of Lindsey Street (EW-125) and the present East right-of-way line of George Ave., thence N89°46'49"E along said present South right-of-way line a distance of 267.42 feet, thence S30°56'37"E a distance of 52.35 feet, thence S89°46'49"W a distance of 268.59 feet, thence S44°46'49"W a distance of 19.25 feet, thence S00°11'10"E a distance of 185.40 feet, thence S89°46'49"W a distance of 12.00 feet, thence N00°11'10"W along the present East right-of-way line a distance of 244.00 feet to said point of beginning.

Also

Commencing at the Northwest corner of said NW1/4, thence N89°46'49"E along the North line of said NW1/4 a distance of 1824.91 feet, thence S00°11'20"E a distance of 33.00 feet to the Point of Beginning, said point being on the present South right-of-way line of Lindsey Street (EW-125), thence N89°46'49"E along said present South right-of-way line a distance of 413.86 feet, thence S00°13'11"E a distance of 25.00 feet, thence S89°46'49"W a distance of 236.75 feet, thence S69°47'49"W a distance of 46.82 feet, thence S89°46'49"W a distance of 141.39 feet, thence N11°11'41"E along the present utility easement line a distance of 41.83 feet to said point of beginning.

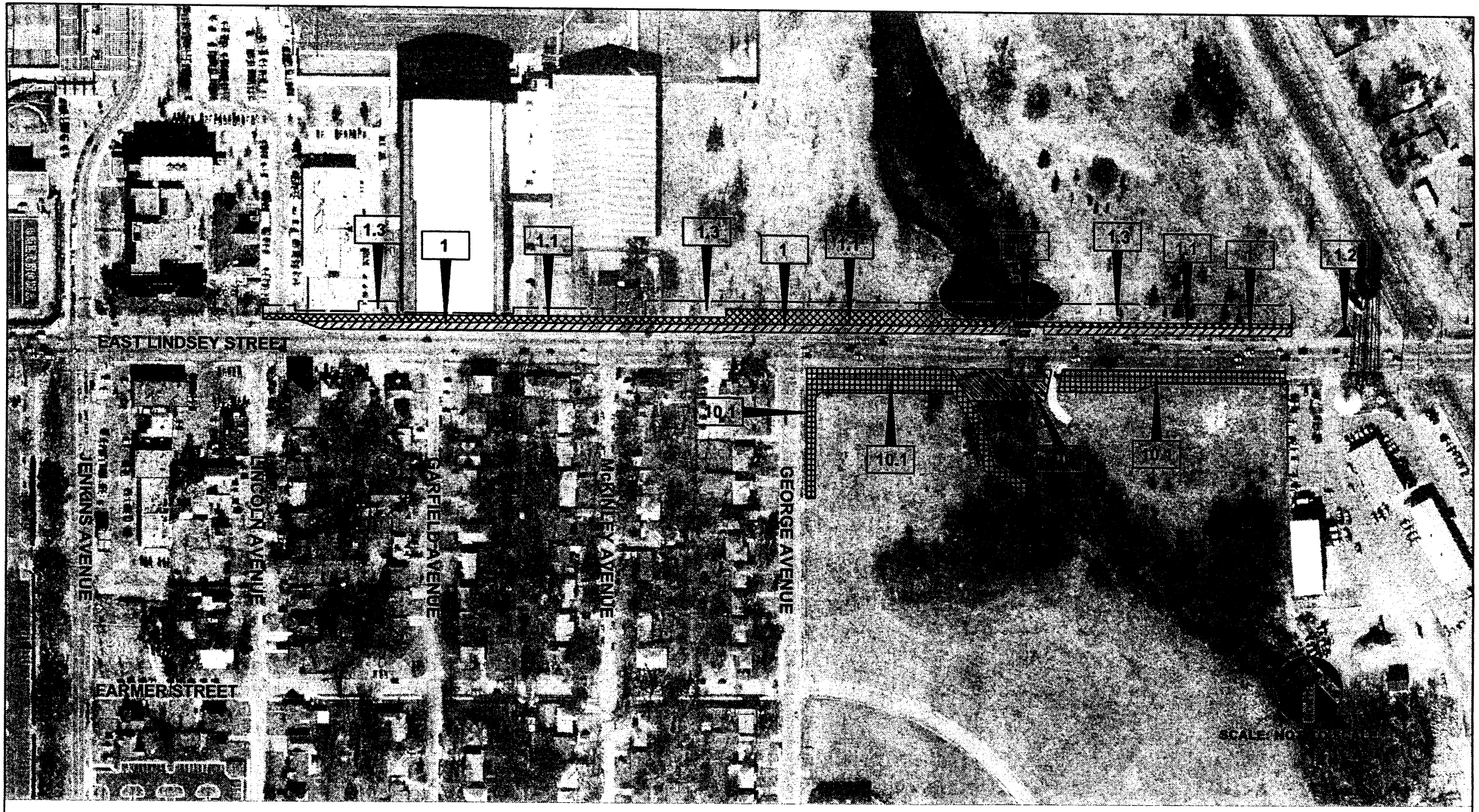
Also

Commencing at the Northwest corner of said NW1/4, thence N89°46'49"E along the North line of said NW1/4 a distance of 1617.42 feet, thence S00°11'20"E a distance of 33.00 feet, thence S30°56'37"E a distance of 52.35 feet to the Point of Beginning, thence S30°56'37"E a distance of 66.24 feet, thence S15°01'00"E a distance of 76.22 feet, thence S60°23'14"E a distance of 73.94 feet, thence S11°11'41"W a distance of 19.08 feet, thence S43°49'49"E a distance of 6.66 feet, thence N60°23'14"W a distance of 94.71 feet, thence N15°01'00"W a distance of 81.78 feet, thence N30°56'37"W a distance of 75.33 feet, thence N89°46'49"E a distance of 23.27 feet to said point of beginning.

Containing 0.76 acres, more or less.

All bearings contained in this description are based on the Oklahoma State Plane Coordinate System and are not astronomical bearings.

REGISTERED PROFESSIONAL LAND SURVEYOR
JUSTIN LEE TALCOTT
1646
OKLAHOMA



PARCEL 1	E-0910-72 PUBLIC UTILITY AND ROADWAY EASEMENT	PARCEL 1.3	E-0910-75 TEMPORARY CONSTRUCTION EASEMENT
PARCEL 1.1	E-0910-73 PUBLIC SIDEWALK EASEMENT	PARCEL 10	E-0910-76 PUBLIC UTILITY AND ROADWAY EASEMENT
PARCEL 1.2	E-0910-74 PUBLIC UTILITY EASEMENT	PARCEL 10.1	E-0910-77 PUBLIC UTILITY AND SIDEWALK EASEMENT

E-0910-78

TEMPORARY DRIVEWAY EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

22140(04) Parcel No. 6.1
STP-114B(142)AG

THAT, Lighthouse Investments, LLC MAR 31 2010 ka, in consideration of the sum of One Dollar ($1.00), receipt of which is hereby acknowledged, and for and upon other good and valuable considerations, does hereby grant, bargain, sell, and convey unto the City of Norman, a municipal corporation, a Temporary Driveway Easement and right-of-way over, across, and under the following described real estate and premises situated in the City of Norman, Cleveland County, Oklahoma, to wit:

A strip, piece or parcel of land lying in part of Lot 23, Block 2, of the Amended Hardie-Rucker Addition to the City of Norman, in Section 5, T8N, R2W in Cleveland County, Oklahoma. Said parcel of land being described by metes and bounds as follows:

Commencing at the Northeast corner of said Lot 23, thence S 89°46'49" W along the North line of said Lot 23 a distance of 77.00 feet, thence S 00°11'20" E a distance of 7.00 feet, thence N 89°46'49" E a distance of 12.02 feet, thence S 00°13'11" E a distance of 5.00 feet, thence S 89°46'49" W a distance of 12.02 feet, thence N 00°11'20" W a distance of 5.00 feet to said point of beginning.

Containing 0.01 acres, more or less.

All bearings contained in this description are based on the Oklahoma State Plane Coordinate System and are not astronomical bearings.

with the right of ingress and egress to and from the same, for the purpose of surveying, laying out, constructing, maintaining, and operating a roadway(s) as indicated below:

Private Driveway(s)

It is a condition of this easement that all rights conveyed to the City of Norman by this instrument shall terminate upon completion of construction of the roadway project.

To have and to hold the same unto the said City of Norman, its successors, and assigns, until official completion of construction of the proposed project pertinent to the above described parcel.

SIGNED and delivered this 21st day of April, 2010.

BY: Monty Priest, MGR. BY: _____
manager, Lighthouse Investments, LLC

REPRESENTATIVE ACKNOWLEDGEMENT

STATE OF OKLAHOMA, COUNTY OF CLEVELAND, SS:

Before me, the undersigned, a Notary Public in and for said County and State, on this 21st day of April, 2010, personally appeared Monty Priest, manager Lighthouse Investments LLC, to me known to be the identical person(s) who executed the foregoing grant of easement and acknowledged to me that he executed the same as his free and voluntary act and deed fro the uses and purposes therein set forth.

WITNESS my hand and seal the day and year last above written.

Cheryl L. Elgin
Notary Public

My Commission Expires: 11/26/12

Commission No.: 08011816

NOTARY SEAL PUBLIC
CHERYL L. ELGIN
Notary Public
State of Oklahoma
Commission # 08011816 Expires 11/26/12

Approved as to form and legality this 20th day of May, 2010.

R Bohne
City Attorney

Approved and accepted by the Council of the City of Norman, this _____ day of _____, 20_____.

Mayor _____

ATTEST:

_____
City Clerk

SEAL:

E-0910-79
UTILITY and SIDEWALK EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

22140(04) Parcel No. 6
STP-114B(142)AG

THAT, Lighthouse Investments, LLC MAR 31 2010 KV, in consideration of the sum of One Dollar ($1.00), receipt of which is hereby acknowledged, and for and upon other good and valuable considerations, does hereby grant, bargain, sell, and convey unto the City of Norman, a municipal corporation, a Perpetual Utility and Sidewalk Easement and right-of-way over, across, and under the following described real estate and premises situated in the City of Norman, Cleveland County, Oklahoma, to wit:

A strip, piece or parcel of land lying in part of Lot 23, Block 2, of the Amended Hardie-Rucker Addition to the City of Norman, in Section 5, T8N, R2W in Cleveland County, Oklahoma. Said parcel of land being described by metes and bounds as follows:

The North 7.00 feet of East 77.00 feet of said Lot 23.

Containing 0.01 acres, more or less.

with the right of ingress and egress to and from the same, for the purpose of surveying, laying out, constructing, maintaining, and operating a public utility(ies) and/or roadway(s) as indicated below:

Utility and Sidewalk

To have and to hold the same unto the said City of Norman, its successors, and assigns forever.

SIGNED and delivered this 21st day of April, 2010.

BY: Monty Priest, MGR. BY: _____
manager, Lighthouse Investments, LLC

REPRESENTATIVE ACKNOWLEDGEMENT

STATE OF OKLAHOMA, COUNTY OF CLEVELAND, SS:

Before me, the undersigned, a Notary Public in and for said County and State, on this 21st day of April, 2010, personally appeared Monty Priest Manager, Lighthouse Investments, LLC. to me known to be the identical person(s) who executed the foregoing grant of easement and acknowledged to me that he executed the same as his free and voluntary act and deed fro the uses and purposes therein set forth.

WITNESS my hand and seal the day and year last above written.

Cheryl L. Elgin
Notary Public

My Commission Expires: 11/26/12

Commission No.: 08011816

NOTARY PUBLIC SEAL
CHERYL L. ELGIN
Notary Public
State of Oklahoma
Commission # 08011816 Expires 11/26/12

Approved as to form and legality this 20th day of May, 2010.

City Attorney

Approved and accepted by the Council of the City of Norman, this _____ day of _____, 20_____.

Mayor

ATTEST:

City Clerk

SEAL:

JOB NO. 22140 PIECE: 04

PARCEL NO. 6, 6.1

County: CLEVELAND

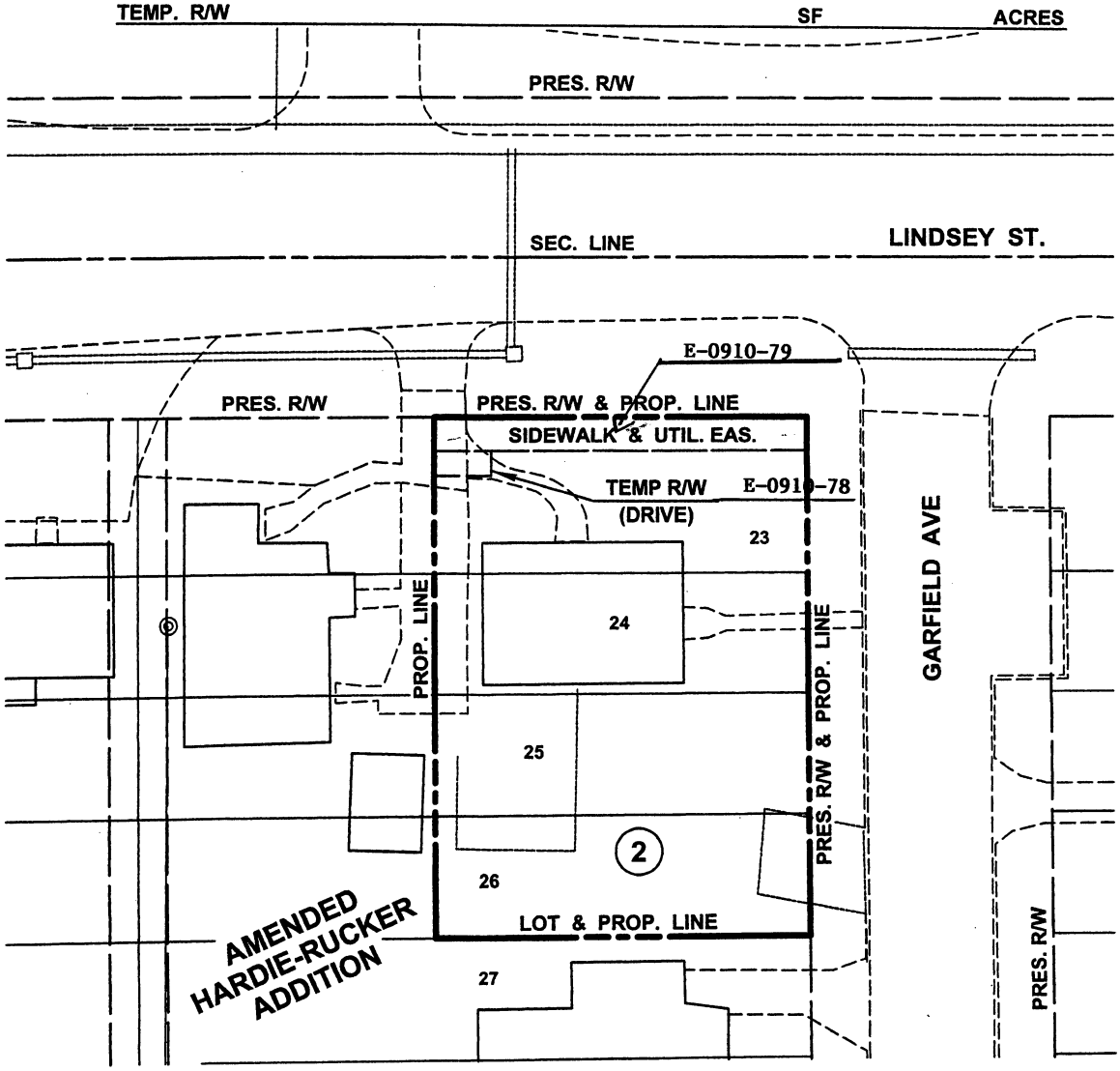
STP-114B(142)AG

TOTAL PROPERTY LEGAL DESCRIPTION

the East 77' of Lots 23 - 26, inclusive, Block 2,
of the Ammended Hardie-Rucker Addition to the City of Norman

Section 5, T8N, R2W

BEFORE GROSS		8,227	SF	0.19	ACRES
EXISTING R/W	OUT OF TAKE		SF		ACRES
EXISTING R/W	IN TAKE		SF		ACRES
PERMANENT R/W		0	SF	0.00	ACRES
REM. IN QTR.		8,227	SF	0.19	ACRES
PERPETUAL EAS.	(SIDEWALK & UTILITY)	539	SF	0.01	ACRES
TEMP. R/W	(DRIVEWAY)	60	SF	0.01	ACRES
TEMP. R/W			SF		ACRES
TEMP. R/W			SF		ACRES



APPRAISAL FORM 104 (REV. 12-02) See R/W Plan Sheet No. 3 SCALE 1" = 30'

E-0910-80
UTILITY EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

22140(04) Parcel No. 4
STP-114B(142)AG
Revised 12-1-09

MAR 31 2010 KW

THAT, Ernest G. Shadid + Joyce N. Shadid as Co-Trustees of the Ernest G. Shadid + Joyce N. Shadid Living Trust in consideration of the sum of One Dollar ($1.00), receipt of which is hereby acknowledged, and for and upon other good and valuable considerations, does hereby grant, bargain, sell, and convey unto the City of Norman, a municipal corporation, a Perpetual Utility and Sidewalk Easement and right-of-way over, across, and under the following described real estate and premises situated in the City of Norman, Cleveland County, Oklahoma, to wit:

A strip, piece or parcel of land lying in part of Lot 22, Block 2, of the Amended Hardie-Rucker Addition to the City of Norman, in Section 5, T8N, R2W in Cleveland County, Oklahoma. Said parcel of land being described by metes and bounds as follows:

The North 12.00 feet of East 60.00 feet of said Lot 22.

Containing 0.01 acres, more or less.

with the right of ingress and egress to and from the same, for the purpose of surveying, laying out, constructing, maintaining, and operating a public utility(ies) and/or roadway(s) as indicated below:

Utility

To have and to hold the same unto the said City of Norman, its successors, and assigns forever.

SIGNED and delivered this 28th day of April, 2010.

BY: Ernest G. Shadid BY: Joyce N. Shadid

REPRESENTATIVE ACKNOWLEDGEMENT

STATE OF OKLAHOMA, COUNTY OF CLEVELAND, SS:

Before me, the undersigned, a Notary Public in and for said County and State, on this 28th day of April, 2010, personally appeared Ernest G. Shadid + Joyce N. Shadid to me known to be the identical person(s) who executed the foregoing grant of easement and acknowledged to me that they executed the same as their free and voluntary act and deed fro the uses and purposes therein set forth.

WITNESS my hand and seal the day and year ~~last~~ above written.

Cheryl L. Elgin
Notary Public

My Commission Expires: 11/26/12

Commission No.: 08011816

NOTARY PUBLIC SEAL
CHERYL L. ELGIN
Notary Public
State of Oklahoma
Commission # 08011816 Expires 11/26/12

Approved as to form and legality this 20th day of May, 2010.

City Attorney

Approved and accepted by the Council of the City of Norman, this _____ day of _____, 20_____.

Mayor

ATTEST:

City Clerk

SEAL:

E-0910-81
TEMPORARY DRIVEWAY EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

22140(04) Parcel No. 4.1
STP-114B(142)AG

MAR 31 2010

THAT, Ernest G. Shadid + Joyce N. Shadid as Co-Trustees of the Ernest G. Shadid & Joyce N Shadid Living Trust in consideration of the sum of One Dollar ($1.00), receipt of which is hereby acknowledged, and for and upon other good and valuable considerations, does hereby grant, bargain, sell, and convey unto the City of Norman, a municipal corporation, a Temporary Driveway Easement and right-of-way over, across, and under the following described real estate and premises situated in the City of Norman, Cleveland County, Oklahoma, to wit:

A strip, piece or parcel of land lying in part of Lot 22, Block 2, of the Amended Hardie-Rucker Addition to the City of Norman, in Section 5, T8N, R2W in Cleveland County, Oklahoma. Said parcel of land being described by metes and bounds as follows:

Commencing at the Northeast corner of said Lot 22, thence S 89°46'49" W along the North line of said Lot 22 a distance of 60.00 feet, thence S 00°11'20" E a distance of 7.00 feet to the Point of Beginning, thence N 89°46'49" E a distance of 21.02 feet, thence S 00°13'11" E a distance of 5.00 feet, thence S 89°46'49" W a distance of 21.02 feet, thence N 00°11'20" E a distance of 5.00 feet to said point of beginning.

Also:
Beginning at a point on the East line of said Lot 22, a distance of 7.00 feet S 00°11'20" E of the Northeast corner of said Lot 22, thence S 89°46'49" W a distance of 18.98 feet, thence S 00°13'11" E a distance of 5.00 feet, thence N 89°46'49" E a distance of 18.98 feet to a point on said East line, thence N 00°11'20" W along said East line a distance of 5.00 feet to point of beginning.

Containing, in both parcels, 0.01 acres, more or less.

All bearings contained in this description are based on the Oklahoma State Plane Coordinate System and are not astronomical bearings.

with the right of ingress and egress to and from the same, for the purpose of surveying, laying out, constructing, maintaining, and operating a roadway(s) as indicated below:

Private Driveway(s)

It is a condition of this easement that all rights conveyed to the City of Norman by this instrument shall terminate upon completion of construction of the roadway project.

To have and to hold the same unto the said City of Norman, its successors, and assigns, until official completion of construction of the proposed project pertinent to the above described parcel.

SIGNED and delivered this 28th day of April, 2010

BY: Ernest G. Shadid BY: Joyce N. Shadid

REPRESENTATIVE ACKNOWLEDGEMENT

STATE OF OKLAHOMA, COUNTY OF CLEVELAND, SS:

Before me, the undersigned, a Notary Public in and for said County and State, on this 28th day of April, 2010, personally appeared Ernest G. Shadid + Joyce N. Shadid to me known to be the identical person(s) who executed the foregoing grant of easement and acknowledged to me that they executed the same as their free and voluntary act and deed fro the uses and purposes therein set forth.

WITNESS my hand and seal the day and year last above written.

Cheryl L. Elgin
Notary Public

My Commission Expires: 11/26/12

Commission No.: 08011816

CHERYL L. ELGIN
Notary Public
State of Oklahoma
Commission # 08011816 Expires 11/26/12

Approved as to form and legality this 20th day of May, 2010.

City Attorney

Approved and accepted by the Council of the City of Norman, this _____ day of _____, 20_____.

Mayor

ATTEST:

City Clerk

SEAL:

E-0910-82
SIDEWALK EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

22140(04) Parcel No. 4.2
STP-114B(142)AG
Added 12-1-09

MAR 31 2010

THAT, Ernest G. Shadid + Joyce U. Shadid as Co-Trustees of the Ernest G. Shadid and Joyce U. Shadid Living Trust in consideration of the sum of One Dollar ($1.00), receipt of which is hereby acknowledged, and for and upon other good and valuable considerations, does hereby grant, bargain, sell, and convey unto the City of Norman, a municipal corporation, a Perpetual Utility and Sidewalk Easement and right-of-way over, across, and under the following described real estate and premises situated in the City of Norman, Cleveland County, Oklahoma, to wit:

A strip, piece or parcel of land lying in part of Lot 22, Block 2, of the Amended Hardie-Rucker Addition to the City of Norman, in Section 5, T8N, R2W in Cleveland County, Oklahoma. Said parcel of land being described by metes and bounds as follows:

The North 7.00 feet of East 60.00 feet of said Lot 22.

Containing 0.01 acres, more or less.

with the right of ingress and egress to and from the same, for the purpose of surveying, laying out, constructing, maintaining, and operating a public utility(ies) and/or roadway(s) as indicated below:

Sidewalk

To have and to hold the same unto the said City of Norman, its successors, and assigns forever.

SIGNED and delivered this 28th day of April, 2010.

BY: Ernest G. Shadid BY: Joyce U. Shadid

REPRESENTATIVE ACKNOWLEDGEMENT

STATE OF OKLAHOMA, COUNTY OF CLEVELAND, SS:

Before me, the undersigned, a Notary Public in and for said County and State, on this 28th day of April, 2010, personally appeared Ernest G. Shadid + Joyce U. Shadid to me known to be the identical person(s) who executed the foregoing grant of easement and acknowledged to me that they executed the same as ~~their~~ free and voluntary act and deed fro the uses and purposes therein set forth.

WITNESS my hand and seal the day and year last above written.

Cheryl L. Elgin
Notary Public

My Commission Expires: 11/26/12

Commission No.: 08011816

NOTARY PUBLIC SEAL
CHERYL L. ELGIN
Notary Public
State of Oklahoma
Commission # 08011816 Expires 11/26/12

Approved as to form and legality this 20th day of May, 2010.

City Attorney

Approved and accepted by the Council of the City of Norman, this _____ day of _____, 20_____.

Mayor

ATTEST:

City Clerk

SEAL:

Revised 12- 1-2009

JOB NO. 22140 PIECE: 04

PARCEL NO. 4, 4.1, 4.2

County: CLEVELAND

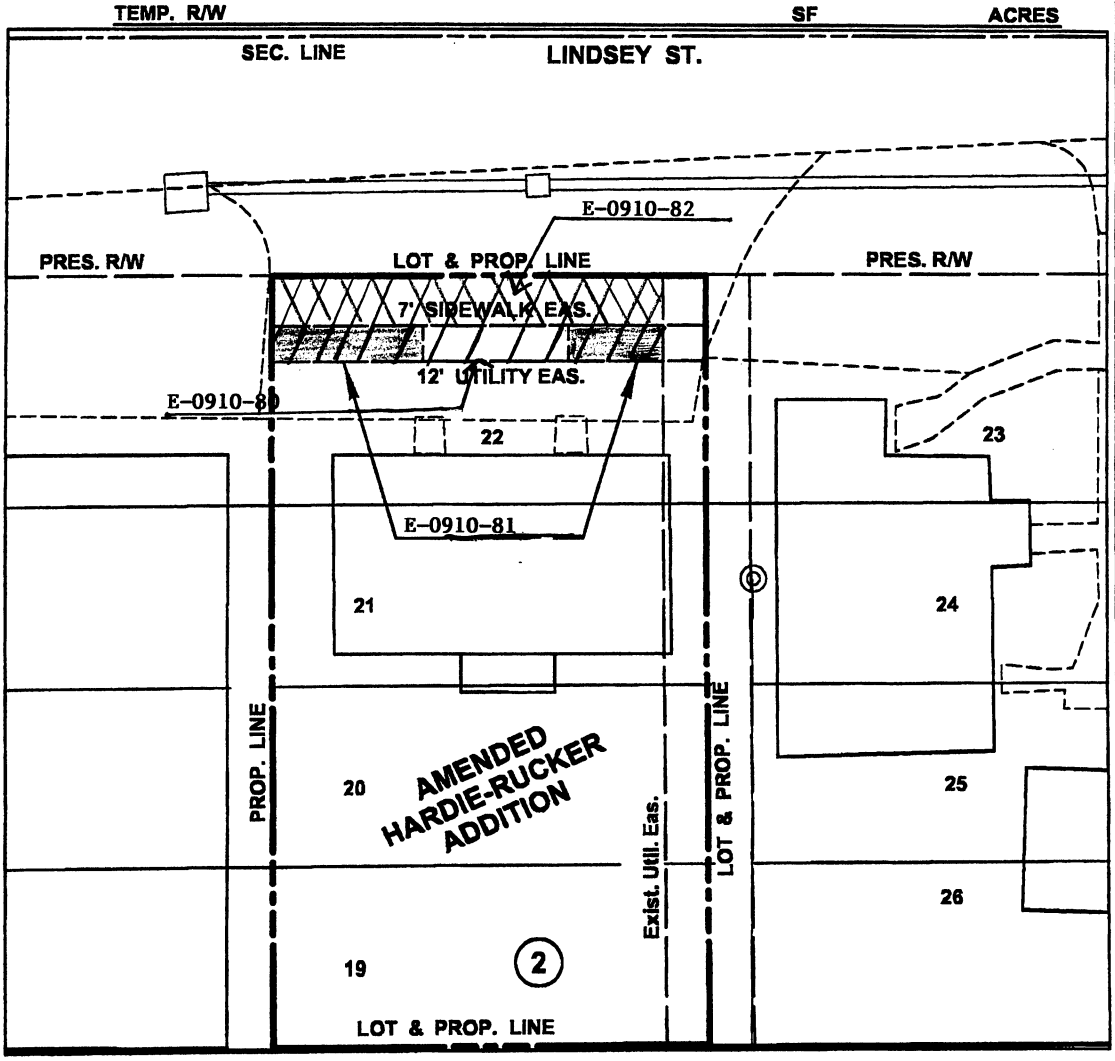
STP-114B(142)AG

TOTAL PROPERTY LEGAL DESCRIPTION

the East 60' of Lots 19 - 22, inclusive, Block 2,
of the Ammended Hardie-Rucker Addition to the City of Norman

Section 5, T8N, R2W

BEFORE GROSS		6,411	SF	0.15	ACRES
EXISTING R/W	OUT OF TAKE		SF		ACRES
EXISTING R/W	IN TAKE		SF		ACRES
PERMANENT R/W		0	SF	0.00	ACRES
REM. IN QTR.		6,411	SF	0.15	ACRES
PERPETUAL EAS.	(UTILITY)	720 ~~648~~	SF	0.01	ACRES
PERPETUAL EAS.	(SIDEWALK)	420	SF	0.01	ACRES
TEMP. R/W	(DRIVEWAY)	200	SF	0.01	ACRES
TEMP. R/W			SF		ACRES



APPRAISAL FORM 104 (REV. 12-02) See R/W Plan Sheet No. 2 SCALE 1" = 20'

E-0910-86

UTILITY and SIDEWALK EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

22140(04) Parcel No. 9
STP-114B(142)AG

THAT, North American Islamic Trust, Inc., an Indiana Non-Profit Corporation MAR 31 2010 KW, in consideration of the sum of One Dollar ($1.00), receipt of which is hereby acknowledged, and for and upon other good and valuable considerations, does hereby grant, bargain, sell, and convey unto the City of Norman, a municipal corporation, a Perpetual Utility and Sidewalk Easement and right-of-way over, across, and under the following described real estate and premises situated in the City of Norman, Cleveland County, Oklahoma, to wit:

A strip, piece or parcel of land lying in part of Lots 22 & 23, Block 4, of the Hardie-Rucker Addition to the City of Norman, in Section 5, T8N, R2W in Cleveland County, Oklahoma. Said parcel of land being described by metes and bounds as follows:

The North 7.00 feet of said Lot 22,

and

The North 7.00 feet of said Lot 23.

Containing 0.04 acres, more or less.

with the right of ingress and egress to and from the same, for the purpose of surveying, laying out, constructing, maintaining, and operating a public utility(ies) and/or roadway(s) as indicated below:

Utility and Sidewalk

To have and to hold the same unto the said City of Norman, its successors, and assigns forever.

SIGNED and delivered this 7th day of May, 2010.

BY: _____ BY: Executive Director
North American Islamic Trust

REPRESENTATIVE ACKNOWLEDGEMENT

STATE OF OKLAHOMA, COUNTY OF CLEVELAND, SS:

Before me, the undersigned, a Notary Public in and for said County and State, on this 7th day of May, 2010, personally appeared MR. Mujeeb R. Cheema to me known to be the identical person(s) who executed the foregoing grant of easement and acknowledged to me that He executed the same as his free and voluntary act and deed fro the uses and purposes therein set forth.

WITNESS my hand and seal the day and year last above written.

Mohammad Basheeruddin
Notary Public

My Commission Expires: 12/18/2010

Commission No.: 311062

"OFFICIAL SEAL"
Mohammad Basheeruddin
Notary Public, State of Illinois
Commission Expires 12/18/2010

Approved as to form and legality this 20 day of May, 2010.

City Attorney

Approved and accepted by the Council of the City of Norman, this _____ day of _____, 20_____.

Mayor

ATTEST:

City Clerk

SEAL:

E-0910-87

TEMPORARY CONSTRUCTION EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

22140(04) Parcel No. 9.1
STP-114B(142)AG

MAR 31 2010 KW

THAT, North American Islamic Trust, Inc., an Indiana Non-Profit Corporation, in consideration of the sum of One Dollar ($1.00), receipt of which is hereby acknowledged, and for and upon other good and valuable considerations, does hereby grant, bargain, sell, and convey unto the City of Norman, a municipal corporation, a Temporary Construction Easement and right-of-way over, across, and under the following described real estate and premises situated in the City of Norman, Cleveland County, Oklahoma, to wit:

A strip, piece or parcel of land lying in part of Lot 23, Block 4, of the Hardie-Rucker Addition to the City of Norman, in Section 5, T8N, R2W in Cleveland County, Oklahoma. Said parcel of land being described by metes and bounds as follows:

The South 8.00 feet of the North 15.00 feet of said Lot 23.

Containing 0.02 acres, more or less of new right-of-way.

with the right of ingress and egress to and from the same, for the purpose of surveying, laying out, constructing, maintaining, and operating a public utility(ies) and/or roadway(s) as indicated below:

Public Roadway, Drainage and Utilities

It is a condition of this easement that all rights conveyed to the City of Norman by this instrument shall terminate upon final ODOT audit of construction of the roadway project or five (5) years, whichever occurs first.

To have and to hold the same unto the said City of Norman, its successors, and assigns, until official completion of construction of the proposed project pertinent to the above described parcel.

SIGNED and delivered this 7th day of May, 2010.

BY: _____ BY: Mujeeb Cheema, ~~Executive Director~~ North American Islamic Trust

REPRESENTATIVE ACKNOWLEDGEMENT

STATE OF OKLAHOMA, COUNTY OF CLEVELAND, SS:

Before me, the undersigned, a Notary Public in and for said County and State, on this 7th day of May, 2010, personally appeared MR. Mujeeb R. Cheema to me known to be the identical person(s) who executed the foregoing grant of easement and acknowledged to me that He executed the same as his free and voluntary act and deed fro the uses and purposes therein set forth.

WITNESS my hand and seal the day and year last above written.

Notary Public

"OFFICIAL SEAL"
Mohammad Basheeruddin
Notary Public, State of Illinois
Commission Expires 12/18/2010

My Commission Expires: 12/18/2010

Commission No.: 311062

Approved as to form and legality this 20th day of May, 2010.

City Attorney

Approved and accepted by the Council of the City of Norman, this _____ day of _____, 20_____.

Mayor

ATTEST:

City Clerk

SEAL:

JOB NO. 22140 PIECE: 04

PARCEL NO. 9, 9.1

County: CLEVELAND

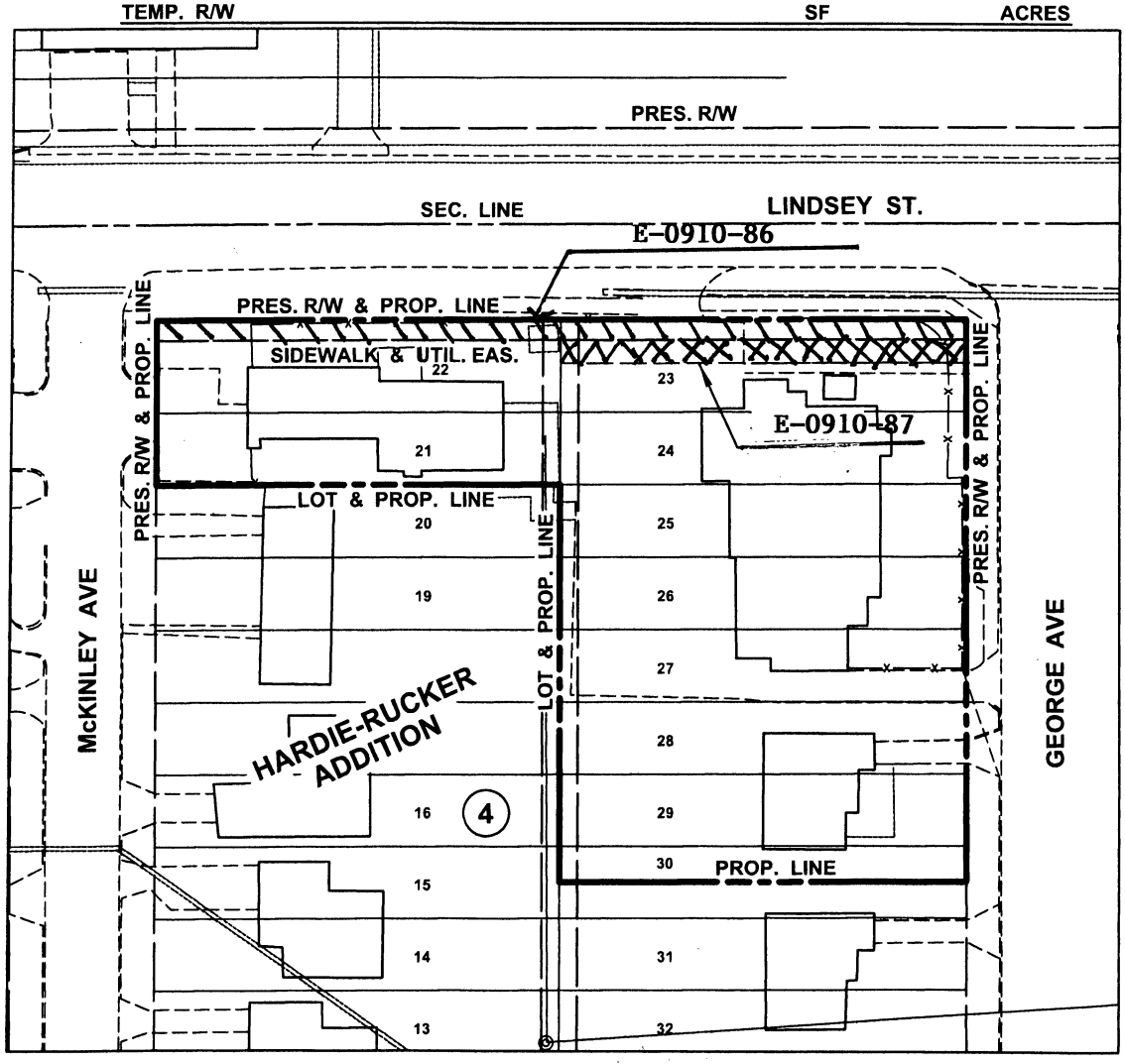
STP-114B(142)AG

TOTAL PROPERTY LEGAL DESCRIPTION

Lots 21 - 29, inclusive, and the North 12.50' of Lot 30, Block 4, of the Hardie-Rucker Addition to the City of Norman

Section 5, T8N, R2W

BEFORE GROSS		34,854	SF	0.80	ACRES
EXISTING R/W	OUT OF TAKE		SF		ACRES
EXISTING R/W	IN TAKE		SF		ACRES
PERMANENT R/W		0	SF	0.00	ACRES
REM. IN QTR.		34,854	SF	0.80	ACRES
PERPETUAL EAS.	(SIDEWALK & UTILITY)	1,943	SF	0.04	ACRES
TEMP. R/W	(CONSTRUCTION)	1,110	SF	0.03	ACRES
TEMP. R/W			SF		ACRES
TEMP. R/W			SF		ACRES



APPRAISAL FORM 104 (REV. 12-02) See R/W Plan Sheet No. 4 SCALE 1" = 50'

RELEASE OF EASEMENT
City of Norman Easement No. E-0607-64

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, on the 20th day of December 2006, a document was signed containing easement, under, through and across the following described land to wit:

A 20-foot permanent sanitary sewer easement lying 10.0 feet on either side of the following described centerline:
Starting at the S. E. Corner of the S.W. ¼ of Section 32, T-9-N, R-2-W, I. M. ; thence West along the Section Line a distance of 823.10 feet; thence Southerly a distance of 33 feet perpendicular to the Section Line, to a point on the South R/W line of Lindsey Street; thence S. 11° 44' 47" W. a distance of 232.60 feet; thence S. 43° 52' 37.93" E. a distance of 242.65 feet; to the point of beginning; Thence s. 40° 23' 39.91" W. a distance of 109.80 feet, to the Point of Ending

said premises situated in Cleveland County, Oklahoma. Said document being filed of record on March 8, 2007, and recorded in the office of the County Clerk of Cleveland, Oklahoma, in Book 4307, at Pages 1067-1068:

and, WHEREAS, the CITY OF NORMAN desires to release and relinquish a said document as it pertains to the above legal description.

NOW THEREFORE, THE CITY OF NORMAN does hereby quitclaim, release, remise, relinquish and surrender to the record owners, thereof, any right, title, interest of document in and to the above-described property.

IN WITNESS, WHEREOF, the CITY OF NORMAN has executed this instrument this _____ day of _____, 20__.

CITY OF NORMAN

BY:_____
MAYOR

Approved as to form and legality this 20th day of May, 2010.

CITY ATTORNEY

ATTEST:

_____
City Clerk

SEAL

Subscribed and sworn to before me this _____ day of _____, 2010.

Notary Public:_____

My Commission Expires:_____

Reg/Easement/E-0607-64

E-0607-64

GRANT OF EASEMENT

Doc#:R 2007 8681
Bk&Pg:RB 4307 1067-1068
Filed:03-08-2007 RH
09:14:14 AM EA
Cleveland County, OK

KNOW ALL MEN BY THESE PRESENTS:

THAT the Board of Regents of The University of Oklahoma, in consideration of the sum of One Dollar ($1.00), receipt of which is hereby acknowledged, and for and upon other good and valuable considerations, does hereby grant, bargain, sell, and convey unto the City of Norman, a municipal corporation, a public utility easement and right-of-way over, across, and under the following described real estate and premises situated in the City of Norman, Cleveland County, Oklahoma, to wit:

A 20-foot permanent sanitary sewer easement lying 10.0 feet on either side of the following described centerline:
Starting at the S.E. Corner of the S.W. 1/4 of Section 32, T-9-N, R-2-W, I.M.; thence West along the Section Line a distance of 823.10 feet; thence Southerly a distance of 33 feet perpendicular to the Section Line, to a point on the South R/W line of Lindsey Street; thence S.11°44'47"W. a distance of 232.60 feet; thence S.43°52'37.93"E. a distance of 242.65 feet; to the Point of Beginning; Thence S.40°23'39.91"W. a distance of 109.80 feet, to the Point of Ending

with the right of ingress and egress to and from the same, for the purpose of surveying, laying out, constructing, maintaining, and operating a public utility(ies).

In the event Grantee shall no longer require or cease to use the easement for the purposes set forth herein for which it was granted, then this grant of easement and all rights and privileges granted hereunder shall terminate and Grantee shall cooperate with Grantor and do all things reasonably necessary to give effect hereto.

Grantor retains the right of ingress and egress to and from and across the property for the purpose of constructing roads, drives, sidewalks, utilities, landscaping, and other uses of its own in a manner and place acceptable to Grantee, acceptance not to be withheld unreasonably.

Grantee, its successors and assigns shall keep, repair and maintain the easement granted hereunder in a proper, attractive and workmanlike manner at its sole cost. Grantee shall notify Grantor of its intent to enter the easement and the purpose therefor prior to entry, unless under emergency conditions in which case notice shall be given on the first business day thereafter.

To have and to hold the same unto the said City of Norman, its successors, and assigns.

SIGNED and delivered this 20th day of December, 2006.

The Board of Regents of The University of Oklahoma

Attest:

BY: _____ Secretary of The University of Oklahoma

BY: _____ President

SEAL:

REPRESENTATIVE ACKNOWLEDGEMENT

STATE OF OKLAHOMA, COUNTY OF CLEVELAND, SS:

This instrument was acknowledged before me on this 20 day of December, 2006 by David L. Boren as President of The University of Oklahoma.

WITNESS my hand and seal the day and year last above written.

_____ Notary Public

My Commission Expires: 3-28-08 Commission No.: 00004902

Approved as to form and legality this 1st day of February, 2007.

_____ City Attorney

Approved and accepted by the Council of the City of Norman, this 13th day of February, 2007.

_____ Mayor

ATTEST:

_____ City Clerk

SEAL:

CITY OF NORMAN
P O BOX 370
NORMAN, OK 73070

9-4

RELEASE OF EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, on the 30th day of October, 1937, a "Right of Way Easement" document was signed containing a sanitary sewer easement for and 18" line, under, through and across the following described land to wit:

> The Northeast Quarter (NE¼) of the Northwest Quarter (NW¼) of Section Five (5) Township Eight (8) North, Range Two (2) West of the I. M.,

the center line of which easement and right of way is described as follows, to-wit:

> Beginning at a point 300.5 feet west of the Southeast Corner of the Northeast Quarter (NE¼) of the Northwest Quarter (NW¼) of Section Five (5), Township Eight (8) North, Range Two (2) West of the I. M., thence North 22' -38" West for a distance of 535.4 feet, thence North 47'-37" West for a distance of 690.8 feet thence North 12'-02" West fora distance of 289 feet to a point, said point being 217 feet East of the Northwest Corner of the Northeast Quarter (NE¼) of the Northwest Quarter)NW¼) of Section Five (5), Township Eight (8) "orth, Range Two (2) West of the I. M.,

said premises situated in Cleveland County, Oklahoma. Said document being filed of record on January 3, 1938, and recorded in the office of the County Clerk of Cleveland, Oklahoma, in Book 85, at Pages 137-138:

and, WHEREAS, the CITY OF NORMAN desires to release and relinquish a said document as it pertains to the above legal description.

NOW THEREFORE, THE CITY OF NORMAN does hereby quitclaim, release, remise, relinquish and surrender to the record owners, thereof, any right, title, interest of the "Right of Way" document in and to the above-described property.

IN WITNESS, WHEREOF, the CITY OF NORMAN has executed this instrument this _____ day of _____, 20__.

CITY OF NORMAN

BY:_____
MAYOR

Approved as to form and legality this 20th day of May, 2010.

R Bonner
CITY ATTORNEY

ATTEST:

_____
City Clerk

SEAL

Subscribed and sworn to before me this _____ day of _____, 2010.

Notary Public:_____

My Commission Expires:_____

Book 85
Pg. 136

(Seal) F. C. Smith, Notary Public

My commission expires January 31, 1939

"RIGHT OF WAY EASEMENT"

From
Ralph C. Hardie
To
City of Norman, Oklahoma

(State of Oklahoma, Cleveland County, ss.
) This instrument was filed for record
(Jan 3, 1938, at 2 o'clock P. M.,
) and duly recorded in Book 85
(on Page 136
) Virgil Young, County Clerk.
(By Helen Jansing, Deputy, (VI).

*****

KNOW ALL MEN BY THESE PRESENTS:

That Ralph C. Hardie, of Norman, Cleveland County, State of Oklahoma, first party, in consideration of the sum of $1.00 and other good and valuable consideration in hand paid the receipt of which is hereby acknowledged, does hereby for himself, his heirs, executors, administrators and assigns, grant and convey to the City of Norman, Oklahoma, a municipal corporation, party of the second part, an easement and right of way twenty (20) feet in width over and across the following described real estate and premises situated in Cleveland County, State of Oklahoma, to-wit:

The Southeast Quarter (SE¼) of the Northwest Quarter (NW¼) of Section Five (5) Township Eight (8) North, Range Two (2) W. I. M.,

the center line of whicheasement and right of way is described as follows, to-wit:

Beginning at a point in the East fence line of said tract 834 feet North of of the Southeast corner, thence North 30° 53' West for a distance of 578.3 feet to a point in the North fence line of said tract 300.5 feet West of the Northeast Corner of said tract of land,

with right of ingress and egress to and from the same, for the sole purpose of laying, erecting, maintaining, and operating over, through, and upon the same one eighteen (18) inch sanitary sewer pipe line, provided that such sewer pipe line and all manholes constructed in connection therewith shall, when possible, be buried beneath plow depth, so that the same shall not interfere with the use of said premises by first party. When sewer line is laid, sewer line ditch shall be refilled with dirt and well tamped.

Party of the first part reserves to himself and to his grantees the right to connect with said sewer line for sanitary sewer service for improvements now located upon said land, or which may hereafter be located thereon, any such connections to be made under the supervision of second party, and at the cost of first party.

First party agrees and consents that second party may give and grant to the State of Oklahoma the right and authority to construct a sewer line over, across and upon the easement and right of way hereby granted, under the provisions of House Bill 594 of the Sixteenth Legislature of the State of Oklahoma, approved May 22, 1937, and by such grant or contract to reserve and retain unto the second party the right to connect with and make use of any sewer line constructed by the State of Oklahoma, over and across said land, under and by virtue of the provisions of said Act; provided, that in the event of such grant or contract any sewer line constructed by the State of Oklahoma, shall be constructed conformable to the provisions hereof.

It is further agreed between the parties hereto that any sewer line constructed over, upon and across the easement hereby granted, either by the second party or by the State of Oklahoma, shall be maintained and kept in good repair by second party.

That the above described property has never been used, occupied or claimed by the grantor as a homestead.

DATED this 30th day of October, 1937.

Ralph C. Hardie

State of California, County of San Diego, ss.

Book 85
Pg - 137

Before me, the undersigned, a Notary Public, in and for San Diego County, State of California, on this 30 day of October, 1937, personally appeared Ralph C. Hardie, to me known to be the identical person who executed the above and foregoing instrument, and acknowledged to me that he executed the same as his free and voluntary act and deed for the uses and purposes as therein set forth.

WITNESS my hand and notarial seal and day and year last above written.

(Seal)

O. H. Kinney, Notary Public, in and for San Diego County, State of California.

My commission expires Mar. 4, 1939

"RIGHT OF WAY EASEMENT"

From

Ralph C. Hardie and E.N. Herskowitz

To

City of Norman, Oklahoma

(State of Oklahoma, Cleveland County, ss.
) This instrument was filed for record
(Jan 3, 1938, at 2 o'clock P.M., and duly recorded
) in Book 85 on page 137
(Virgil Young, County Clerk.
) By Helen Vansing, Deputy, (VL).
(

*****

KNOW ALL MEN BY THESE PRESENTS:

That Ralph C. Hardie, of Norman, Cleveland County, Oklahoma, and E. N. Herskowitz, a single man of Oklahoma County, Oklahoma, first parties, in consideration of the sum of One & No/100ths ($1.00) Dollars and other valuable consideration in hand paid, the receipt of which is hereby acknowledged, do hereby for themselves, their heirs, executors, administrators and assigns, grant and convey to the City of Norman, Oklahoma, a municipal corporation, party of the second part, an easement and right of way twenty (20) feet in width over and across the following described real estate and premises situated in Cleveland County, State of Oklahoma, to-wit:

The Northeast Quarter (NE¼) of the Northwest Quarter (NW¼) of Section Five (5) Township Eight (8) North, Range Two (2) West of the I. M.,

the center line of which easement and right of way is described as follows, to-wit:

Beginning at a point 300.5 feet west of the Southeast Corner of the Northeast Quarter (NE¼) of the Northwest Quarter (NW¼) of Section Five (5), Township Eight (8) North, Range Two (2) West of the I. M., thence North 22' -38" West for a distance of 535.4 feet, thence North 47'-37" West for a distance of 690.8 feet thence North 12'-02" West for a distance of 289 feet to a point, said point being 217 feet East of the Northwest Corner of the Northeast Quarter (NE¼) of the Northwest Quarter)NW¼) of Section Five (5), Township Eight (8) North, Range Two (2) West of the I. M.,

with right of ingress and egress to and from the same, for the sole purpose of laying, erecting maintaining, and operating over, through, and upon the same one eighteen (18) inch sanitary sewer pipe line, provided that such sewer pipe line and all manholes constructed in connection therewith shall, when possible, be buried beneath plow depth, so that the same shall not interfere with the use of said premises by first party. When sewer line is laid, sewer line ditch shall be refilled with dirt and well tamped.

Parties of the first part reserve to themselves and their grantees the right to connect with said sewer line for sanitary sewer servicefor improvements now located upon said land, or which may hereafter be located thereon, any such connections to be made under the supervision of second party, and at the cost of first parties.

First parties agree and consent that second party may give and grant to the State of Oklahoma the right and authority to construct a sewer line over, across and upon the easement and right of way hereby granted, under the provisions of House Bill 594 of the Sixteenth Legislature of the State of Oklahoma, approved May 22, 1937, and by such grant or contract to reserve and retain unto the second party the right to connect with and make use of any sewer line constructed by the State of Oklahoma, over and across said land, under and by virtue of the provisions of said Act; provided, that in the event of such grant or contract, any sewer line constructed by the State of Oklahoma, shall be constructed conformable to the provisions hereof.

Book 85
Pg. 138

It is further agreed between the parties hereto that any sewer line constructed over, upon and across the easement hereby granted, either by the second party or by the State of Oklahoma, sha ll be maintained and kept in good repair by second party.

That the above described property has never been used, occupied or claimed by either of the parties hereto as a homestead.

DATED this 30th day of October, 1937.

Ralph C. Hardie
E. N. Herskowitz

State of California, County of San Diego, ss.

Before me, the undersigned, a Notary Public, in and for said County and State, on this 30th day of October, 1937, personally appeared Ralph C. Hardie, to me known to be the identical person who executed the within and foregoing instrument, and acknowledged to me that he executed the same as his free and voluntary act and deed, for the uses and purposes therein set forth

WITNESS my hand and notarial seal the day and year last above written.

(Seal) O. H. Kinney, Notary Public in and for San Diego County, State of California.

My Commission expires: March 4, 1939

State of Oklahoma, County of Oklahoma, ss.

Before me, the undersigned, a Notary Public, inand for saidCounty and State, on this 2nd day of November, 1937, personally appeared E. N. Herskowitz, a single man, to me known to be the identical person who executed the within and foregoing instrument, and acknowledged to me that he executed the same as his free and voluntary act and deed, for the uses and purposes therein set forth.

WITNESS my hand and notarial seal the day and year last above written.

(Seal) F. O. Miller, Notary Public

My Commission expires: Jan 27, 1940

"RIGHT OF WAY EASEMENT"

From
Etta A. Ambrister & S. G. Ambrister
To
City of Norman, Oklahoma

(State of Oklahoma, Cleveland County, ss.
) This instrument was filed for record
(Jan 3, 1938, at 2 o'clock P. M.,
) and duly recorded in Book 85
(on Page 138
) Virgil Young, County Clerk.
(By Helen Jansing, Deputy, (VL)

*****

KNOW ALL MEN BY THESE PRESENTS:

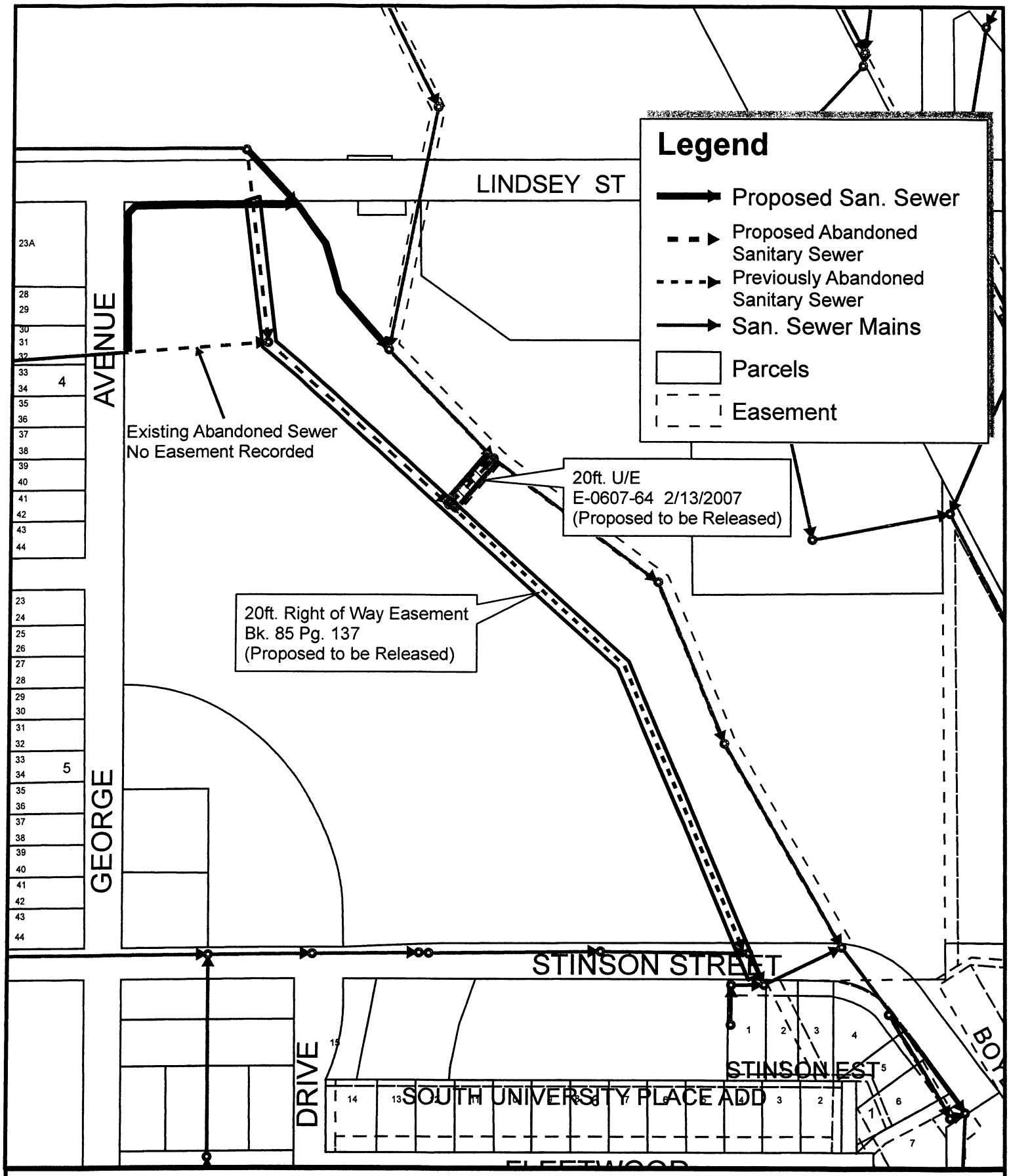
That Etta A. Ambrister and S. G. Ambrister, her husband, of Cleveland County, State of Oklahoma, first parties, in consideration of the sum of One & No/100ths ($1.00) Dollars, and other good and valuable consideration in hand paid, the receipt of which is hereby acknowledged, do hereby for themselves, their heirs, executors, administrators, and assigns, grant and convey to the City of Norman, Oklahoma, a municipal corporation, party of the second part, an easement and right of way twenty (20) feet in width over and across the following described real estate and premises situated in Cleveland County, State of Oklahoma, to-wit:

The Northeast Quarter (NE¼) ofSection Eight (8) Township Eight (8) North, Range Two (2) West of the I. M.,

the center line of which easement and right of way is described as follows, to-wit:

Beginning at a point 147 feet East of the Southwest Corner of the Northeast Quarter (NE¼) of Section Eight (8), Township Eight (8) North, Range Two (2) West of the I. M., thence North 10°-28' East for a disiance of 361.0 feet thence North 5°-37' East for a distance of 358 feet thence North 15°-05' East for a distance of 1182.8 feet thence North 4°-22' East for a distance of 783.5 feet to a point, said point being 556 feet east of the Northwest corner of the Northeast Quarter (NE¼) of Section Eight (8), Township Eight (8) North, Range Two (2) West of the I. M.,

with right of ingress and egress to and from the same, for the sole purpose of laying, erecting,



Sanitary Sewer Relocation

Map Produced by the City of Norman Geographic Information System. (405) 366-5436
The City of Norman assumes no responsibility for errors or omissions in the information presented.

May 3, 2010

0 100 200 Ft

N W E S

17. ITEM: CONSIDERATION OF GRANTING PUBLIC UTILITY EASEMENT NO. E-0910-79 TO OKLAHOMA GAS AND ELECTRIC COMPANY TO SUPPLY POWER TO FIRE STATION NO. EIGHT LOCATED ON THE EAST SIDE OF 36TH AVENUE N.W., 1/4 MILE NORTH OF TECUMSEH ROAD.

INFORMATION: The above-described easement is for Oklahoma Gas and Electric Company electric lines to serve Fire Station No. Eight. Staff has examined the easement and found it to be in order and proper as to form. Staff recommends the easement be granted. Copies of an advisory memorandum; letter of request; Easement No. E-0910-79; and location map are included in the Agenda Book.

ACTION NEEDED: Motion to grant or deny the easement; and, if granted, direct the execution thereof.

ACTION TAKEN: _____

office memorandum

THE CITY OF NORMAN OKLAHOMA

DATE: April 27, 2010

TO: Honorable Mayor and City Council

FROM: James Fullingim, Fire Chief JF

SUBJECT: Agenda Item – Donation of Permanent Easement for Fire Station 8

Background: In May 2008, a City sales tax was approved by the voters to build two additional fire stations. Construction of Fire Station 8 located at 3901 36th Avenue N.W. began in January 2010 with a completion date of December 2010.

Discussion: The following permanent easement needs to be granted to Oklahoma Gas & Electric (OG&E) to supply power to this new Fire Station. The attached easement is described on Exhibit "A". An engineer's drawing of the job is included; however, the sketch is not part of the easement document, but only a picture of the easement path. This easement is required before OG&E will install appurtenances necessary to make the project successful. Staff has reviewed the easement agreement and recommends that the City of Norman donate the following permanent utility easement:

Easement No.	Grantor	Grantee	Easement	Cost
E-0910-79	City of Norman	Oklahoma Gas & Electric	Permanent Utility	$0

Recommendation: Staff recommends that the City of Norman donate the permanent easement referenced above.

JF/ds

Reviewed by:
Ken Komiske, Utilities Director
Susan Connors, Director of Planning and Community Development SJC
Anthony Francisco, Finance Director
Jeff Bryant, City Attorney
Steve Lewis, City Manager

PO Box 321
Oklahoma City, Oklahoma 73101-0321
405-553-3000
www.oge.com

OG&E

OG&E Electric Services
An OGE Energy Corp. Company

APRIL 15, 2010

CITY OF NORMAN
ATTN: JAMES FULLINGIM
415 EAST MAIN STREET
NORMAN, OK. 73071

RE: Easement for underground line to serve new fire station on 36th Avenue NW

Mr. Fullingim;

OG&E Electric Services is pleased to provide power to the new fire station located in the northwest part of the city. As part of the process, we do need written permission in the form of an easement, before we can install our line on private property. The attached easement is described on Exhibit "A". I have included the engineer's drawing of the job. The new line will be placed in conduit. Please note the sketch is not part of the easement document, but only a picture of the easement path.

If this is agreeable to you, please obtain the proper signatures on the enclosed form and return it in the enclosed envelope, as soon as it's convenient. Please review the following instructions to insure that this easement will be legally correct and that there will be no delay in processing:

1. The **city seal** must be affixed.
2. The **date of signing** must match the **date of notarizing**.
3. The notary must fill in **all blanks** in the acknowledgement, and add the **notary seal**.
4. The **notary expiration date** must be later than the **date of notarizing**.

If you have any questions, or if anything will cause a delay in signing, please contact me at (405) 553-5174. Thank you so much for your help in this matter.

Sincerely,

Timothy J. Bailey
Right-Of-Way Agent

AFTER RECORDING RETURN TO:
OGE ELECTRIC SERVICES
RIGHT-OF-WAY AGENT,-M/C WNM-12
PO BOX 321
OKLAHOMA CITY OK 73101-0321

Easement No. E-0910-79

EASEMENT

Work Order #7307121

KNOW ALL MEN BY THESE PRESENTS: THAT **THE CITY OF NORMAN, a municipal corporation,** Grantor, in consideration of Ten or more dollars in hand paid, the receipt of which is hereby acknowledged, and other good and valuable consideration, does hereby grant and warrant unto **OKLAHOMA GAS AND ELECTRIC COMPANY,** an Oklahoma corporation, Grantee, its successors and assigns, the right, privilege and authority to enter upon and install, erect, operate, maintain, and reconstruct underground and/or above ground a system of conduits, wires, cables, vaults, junction boxes, switches, fuses, transformers, service connection boxes and other fixtures for the transmission and distribution of electrical current and communication messages, including the right of ingress and egress to and from said system across adjoining lands of Grantor, upon and across the following real property and premises, situated in Cleveland County, State of Oklahoma, to wit:

A part of **NW/4 SW/4, Section 11, T9N, R3W,** I.M., more particularly a strip of land 10 feet wide, as described in Exhibit "A", attached hereto and hereby made a part of this easement.

Grantor further covenants and agrees that no building or other structure shall ever be erected nor shall any excavation or other removal of soil, so as to change the grade of terrain, be accomplished by Grantor, its heirs or assigns, within the above described easement area unless the written consent of the Grantee is first obtained. Grantor further acknowledges the requirements of 63 Oklahoma Statutes (1991) Section 142.1, et. seq. (One-call statute).

The rights and privileges above granted to continue so long as same are used or needed for the transmission and distribution of electric current or communication messages; but should the Grantee remove its property from the premises and abandon the right of way herein granted, then the rights granted in this easement shall terminate.

Approved this _____ day of _____, 2010, by the City of Norman.

ATTEST: _____
Brenda Hall, City Clerk

By: _____
Cindy Rosenthal, Mayor

Approved as to form this 29 day of April, 2010.

City Seal

By: _____
Jeff Bryant, City Attorney

CITY ACKNOWLEDGMENT

STATE OF OKLAHOMA, COUNTY OF CLEVELAND, SS;
Before me, the undersigned, a Notary Public, in and for said County and State, on this _____ day of _____, 2010, personally appeared Cindy Rosenthal, to me known to be the identical person who subscribed the name of the maker thereof to the foregoing instrument as its Mayor, and acknowledged to me that she executed the same as her free and voluntary act and deed of such city, for the uses and purposes therein set forth.

My Commission Expires:_____

Commission #_____

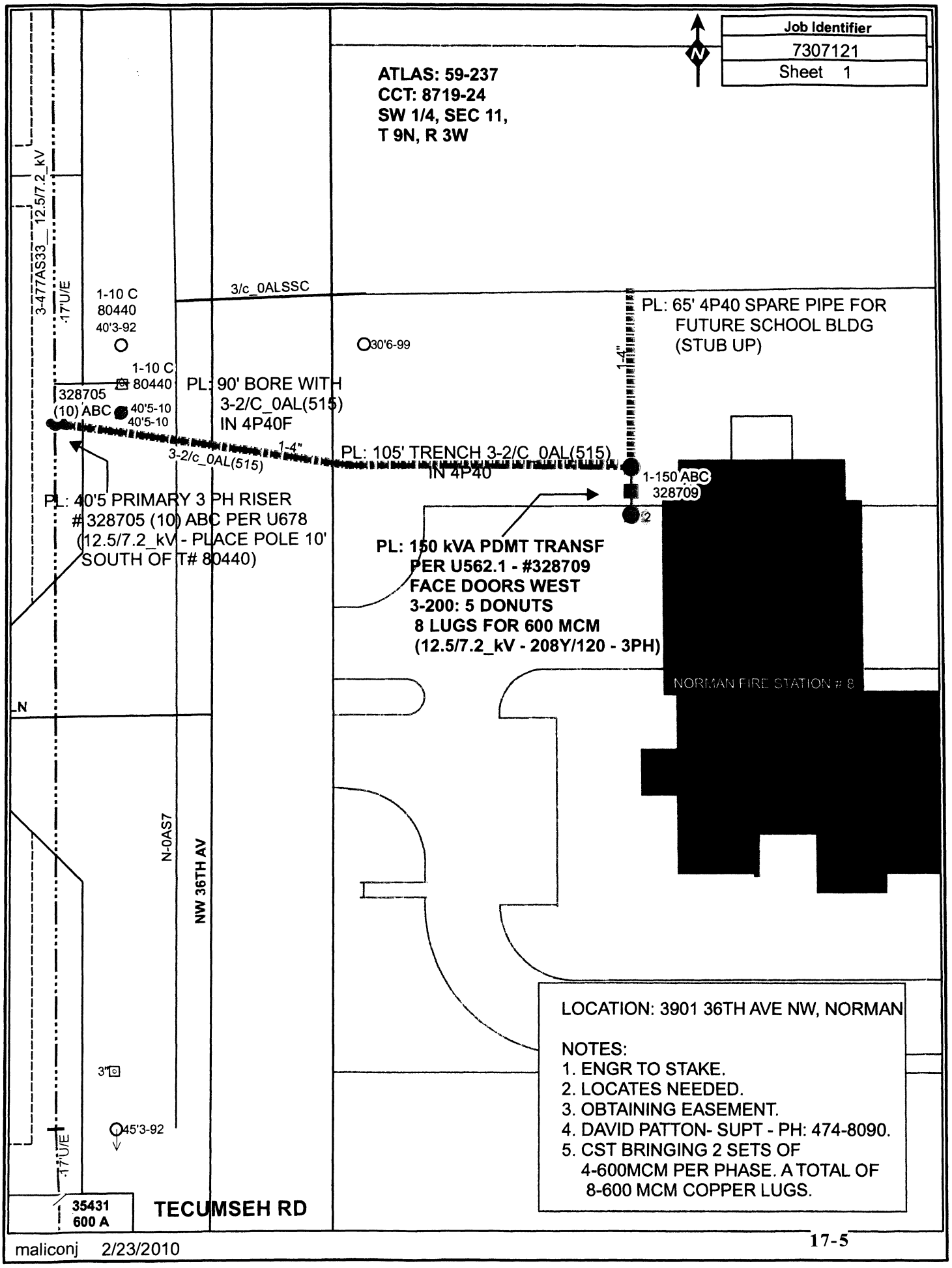
_____
Notary Public

City of Norman Fire Station on 36th Avenue NW
Form 469 D (Rev 8/2001) SNOR_UG-C1.DOT tjb Atlas Sheet No. 059-237

EXHIBIT "A"

To that certain easement from City of Norman, a municipal corporation to Oklahoma Gas and Electric Company, on the _____ day of _____, 2010.

A part of the **NW/4 SW/4, Section 11, T9N, R3W,** I.M., of a tract described in a deed recorded in Book 4690, Pages 146-149 at the County Clerk, being more particularly a strip of land 10 feet wide, whose centerline is described as follows:
Commencing at the southwest corner of said NW/4 SW/4;
Thence North along the west line said NW/4 SW/4, a distance of 197.00 feet;
Thence East a distance of 50.00 feet, to a point on the east right-of-way line on 36th Avenue NW, to the Point of Beginning;
Thence continuing East a distance of 95.50 feet;
Thence North a distance of 60.93, to a point being on the north line of said NW/ SW/4, to the Point of Ending.



maliconj 2/23/2010

18. ITEM: CONSIDERATION OF DEFERRED CONSTRUCTION OF SIDEWALK IMPROVEMENTS AND ACCEPTANCE OF IRREVOCABLE LETTER OF CREDIT AS SURETY IN CONNECTION WITH HOLY ASCENSION ANTIOCHIAN ORTHODOX CHURCH ADDITION.

INFORMATION: City Council, in its meeting of June 10, 2008, approved the final plat and accepted the public dedications contained therein for Holy Ascension Antiochian Orthodox Church Addition located at 3350 12th Avenue N.E. The final plat was filed of record on November 14, 2008. In order to file the final plat, the church submitted a subdivision bond and cash surety for the installation of sidewalks. The church is in the process of constructing a building and to obtain occupancy, a sidewalk is required to be installed. A representative of the church has requested that the sidewalk be deferred until development occurs adjacent to the property and that a long-term Irrevocable Letter of Credit rather than the required Certificate of Deposit be accepted. Staff recommends approval of deferred construction of sidewalk improvements with the condition that when the City of Norman requires construction of sidewalks, the property owner will construct the sidewalks within sixty (60) days. Staff further recommends acceptance of the long-term Irrevocable Letter of Credit in lieu of the required Certificate of Deposit. Copies of an advisory memorandum; location map; Staff report; letter of request from the owner; and letter from bank guaranteeing the letter of credit are included in the Agenda Book.

ACTION NEEDED: Motion to approve or reject the deferred construction of sidewalk improvements for Holy Ascension Antiochian Orthodox Church Addition with the condition that when the City of Norman requires construction of sidewalks, the property owner will construct the sidewalks within sixty (60) days; if approved, accept the Irrevocable Letter of Credit in lieu of a Certificate of Deposit and direct the owner to submit the letter of credit within ten (10) days.

ACTION TAKEN: _____

office memorandum

Date: May 7, 2010

To: Honorable Mayor and Councilmembers

From: Ken Danner, Development Manager KeD

Subject: Agenda Item: Sidewalk Deferral in Connection with Holy Ascension Antiochian Orthodox Church Addition

BACKGROUND:

Item: Consideration of a request by Mr. Edward R. Adwon, Parish Council Chairman for the owners for deferral of sidewalks in connection with the Holy Ascension Antiochian Orthodox Church Addition.

The property on which the owner is requesting deferral of sidewalks is located one-half mile north of Rock Creek Road on the west side of 12th Avenue NE. This property was platted as Holy Ascension Antiochian Orthodox Church Addition. City Council approved the final plat at its meeting of June 10, 2008. The church posted a subdivision bond and irrevocable letter of credit to secure sidewalks. This process was used in order to file the final plat. The final plat was filed of record on November 10, 2008. At this time, the church has requested instead of installing the sidewalk prior to a certificate of occupancy they would like to defer the requirement until the adjacent property to the north or south is developed so their sidewalks would be able to connect to adjacent sidewalks. Planning Commission, at its meeting of April 8, 2010, recommended to City Council the deferral of sidewalks subject to the submittal of a Certificate of Deposit in the amount of $6,500 and when the City of Norman orders the construction of sidewalks, the property owners must construct them within sixty (60) days. After the sidewalks are constructed, the Certificate of Deposit could be released.

DISCUSSION:

During the land development process, certain public improvements indicated in a preliminary plat are generally required to be completed prior to acceptance and filing of a final plat. Sidewalks are included in the subdivision regulations as a public improvement under Section 19-503. Those improvements may be postponed under Section 19-314B which allows security to be posted by the developer to insure completion of those public improvements. A form of security authorized under 19-314 B is an irrevocable letter of credit. As noted above an irrevocable letter of credit was submitted for public improvements when the final plat was approved in 2008.

Under Section 19-504 the owner/developer is required to install public improvements, including sidewalks, prior to issuance of a building permit, except as provided in Section 19-602. Section 19-602 provides for both "Deferred Construction" and "Concurrent Construction" of public improvements. The Concurrent Construction provision, 19-602C, was utilized to allow a building permit to be issued, although the required

sidewalks were not completed. The developer provided an irrevocable letter of credit at that time to secure sidewalk construction. This form of security is allowed under Section 19-602 C. However, 19-602C(3) provides that no occupancy permit shall be issued for any lot on structures in the subdivision prior to completion and acceptance of all required public improvements of the subdivision.

It is anticipated the church construction project will be completed in the near future and they will want a certificate of occupancy, although the sidewalks have not yet been completed. In accordance with Section 19-602 B2 of the City Code, there is a mechanism to "Defer Construction" of public improvements if certain conditions are met. Section 19-602 B2 states,

> "The City Council, after recommendation from the Director of Public Works and the Planning Commission, may accept a final plat and authorize the issuance of building permits prior to the construction of such deferred public improvements required by the Code of the City of Norman in the following situations: (a) where incompatible grades exist; (b) where there are inadequate or lack of connecting facilities; (c) where construction of the improvement would not immediately function for its intended use; or (d) where such improvement would be replaced by a planned future improvement."

Staff agrees this property meets the intent of items (b) and (c). Staff has seen instances in the past where these conditions would have met the intent of the City Code but the owner did not submit a request for deferral. Staff has also seen the damage of sidewalks over the years when they have not been utilized and maintained. Staff's concerns are: (1) the accounting of and keeping track of the construction of sidewalks; (2) escalating cost for the construction of the sidewalks over the years and (3) setting a precedent throughout the City. At this time, there has been no submittal of plats north or south of this property. As per 19-602B of the City Code for deferred construction of the sidewalks, if approved, the owners will be required to submit a cash surety that will be held by the City for up to ten (10) years. If after ten years the sidewalks are not required to be installed, the cash surety may then be returned to the developer at the discretion of the City.

Mr Adwon, on behalf of the applicant, has indicated their bank is willing to provide an irrevocable letter of credit that would function the same as a cash surety by providing an extended term of ten (10) years rather than cash or a certificate of deposit. The applicant was referred to City legal regarding this request. The City Attorney has advised that the Code provision does not specifically allow for the used of an Irrevocable Letter of Credit ("ILOC") for deferred construction of public improvements. The City Attorney did noted that an ILOC is recognized under Section 19-314 to secure public improvements after the filing of a final plat, and an ILOC is recognized under Section 16-602C to secure public improvements that are constructed concurrently with a structure after the issuance of a building permit. It was advised that the purpose of the cash or certificate of deposit under Section 19-602B was to secure public improvements in a narrowly defined set of circumstances that would allow the public improvement to be deferred for up to ten

years. In the past, ILOCs were not felt to be an acceptable security instrument due to unwillingness of financial institutions to issue them for the required ten (10) year duration and the administrative burden placed on staff to check in the 10th year to make sure the improvement was completed before expiration of the ILOC. To address these issues, the City Code offers a cash or certificate of deposit option, and the cash surety is only returned at the request of the developer and only upon approval by the City. Although the Code provision is clear, Mr. Adwon, on behalf of the applicant, wanted to request that the City Council consider accepting an ILOC as security deferring the sidewalk improvement.

In the item currently before Council, it is represented the ILOC will be issued for the required duration. Legal Counsel has advised that the security provided by an ILOC for a ten year duration could be considered an equivalent level of security provided by cash or a certificate of deposit. In City Council's discretion, if it is felt adequate security is being offered by a ten year ILOC, then Legal Counsel has advised, although not meeting the letter of the City Code provision, it would meet the intent of the City Code provision. The administrative burden would however, land on City Staff to monitor completion of the public improvement before expiration of the ILOC. An ILOC issued to secure construction of a specific project, i.e. sidewalks, would also provide less flexibility for use of the fund for other public improvements should the sidewalks not be required within ten years, and the developer is not interested in requesting reimbursement. Although the Code only allows a cash surety in the form of a certificate of deposit or cash payment to the City, Public Works staff will yield to the opinion of the City Attorney and discretion of the City Council regarding the use of a long-term irrevocable letter of credit.

RECOMMENDATION:

If City Council decides to approve this request, it is recommended by staff that the following findings of fact and conditions of approval be acknowledged of record in order to establish possible conditions for future similar requests:

Findings of Facts:

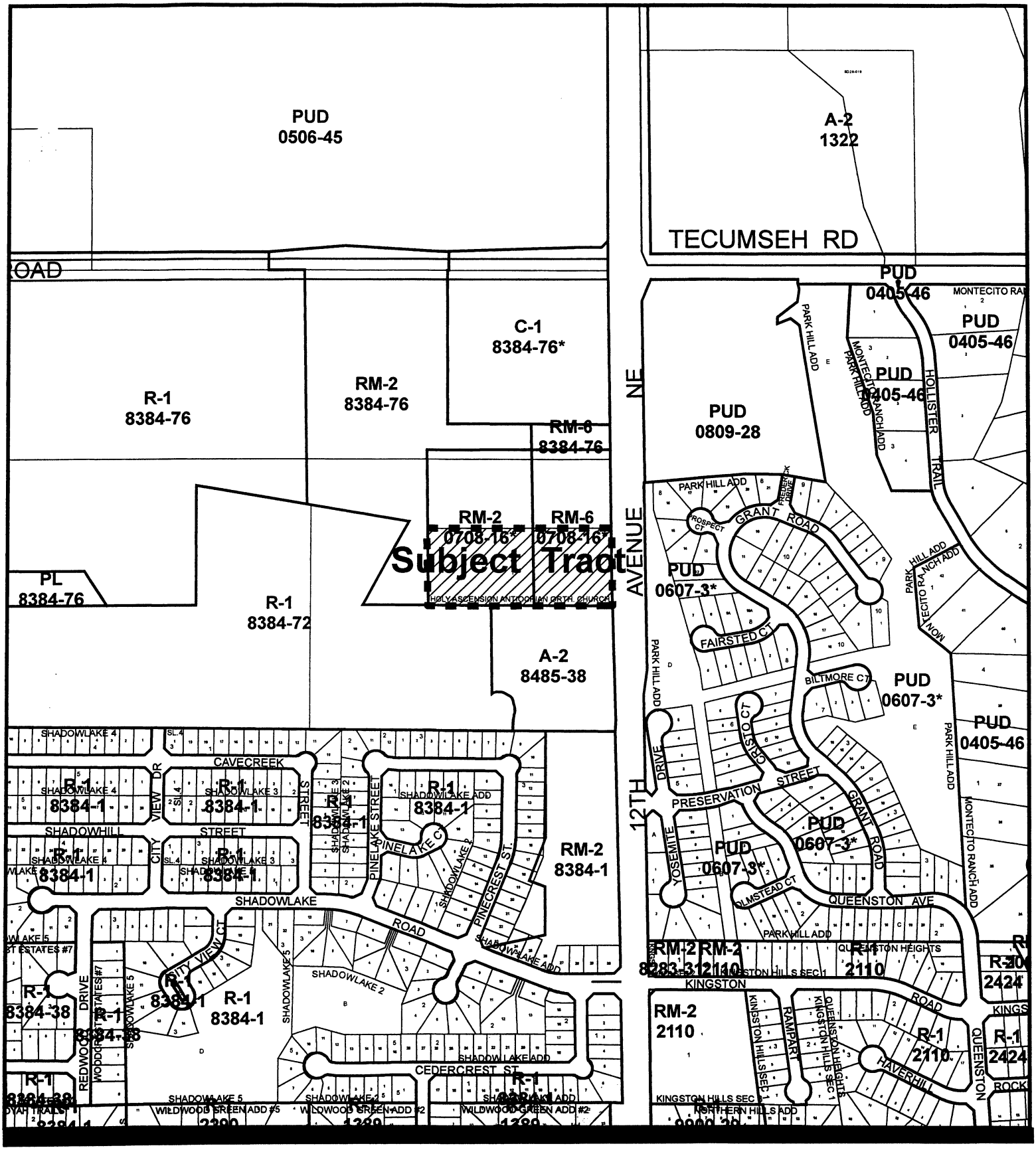
1. Property is located in an undeveloped area.
2. Parcels on both sides of property are unplatted and undeveloped.
3. The property owner must submit a formal request for deferral for consideration by the Planning Commission and City Council as part of the platting process.
4. As determined and recommended by the Public Works Director, property owner must submit a cash surety in the amount of $6,500 which is more than the 125% cost threshold considering inflation and any rise in cost of materials and labor. As per the City Code the cash surety would be required within ten (10) days after any City Council approval. Cash or Cash Surety is the only acceptable method of payment with the City Attorney's approval as to form, unless Council otherwise accepts an Irrevocable Letter of Credit for at least a ten year term.

Conditions of Approval:

1. Property owner must submit Cash Surety or other Council approved Irrevocable Letter of Credit in the amount of $6,500.
2. When the City of Norman orders construction of sidewalks, property owners must construct within sixty (60) days.

KD/tf

Reviewed by: Shawn O'Leary, Director of Public Works
Jeff Bryant, City Attorney
Steve Lewis, City Manager



PROPOSED SIDEWALK DEFERRAL

APPLICANT: Holy Ascension Antiochian Orthodox Church
REQUEST: Deferral of sidewalk construction

DEFERRAL OF SIDEWALKS FOR HOLY ASCENSION ANTIOCHIAN ORTHODOX CHURCH ADDITION

ITEM NO. 16

STAFF REPORT

ITEM: Consideration of a request by Mr. Edward R. Adwon, Parish Council Chairman for the owners for deferral of sidewalks in connection with Holy Ascension Antiochian Orthodox Church Addition.

INFORMATION: The above-described item appears on Planning Commission's agenda in order that acknowledgement of the receipt of the request may be noted in the minutes as a matter of permanent record. The property on which the owner is proposing deferral of sidewalks is located one-half mile north of Rock Creek Road on the west side of 12th Avenue NE. This property was platted as Holy Ascension Antiochian Orthodox Church Addition. The final plat was filed of record on November 14, 2008. The structure is nearing completion. The church posted a subdivision bond and irrevocable letter of credit to secure sidewalks. This process was used in order to file the final plat. At this time the church has requested instead of installing the sidewalk prior to a certificate of occupancy they would like to defer the requirement until adjacent sidewalks would be installed and have something to connect to.

In accordance with Section 19-602 B2(b)(c) of the City Code, there is a mechanism to defer public improvements if certain conditions are met. Section 19-602 B states "Deferral of Public Improvements." Section 19-602 B2 states, "The City Council, after recommendation from the Director of Public Works and the Planning Commission, may accept a final plat and authorize the issuance of building permits prior to the construction of such deferred public improvements required by the Code of the City of Norman in the following situations: (a) where incompatible grades exist; (b) where there are inadequate or lack of connecting facilities; (c) where construction of the improvement would not immediately function for its intended use; or (d) where such improvement would be replaced by a planned future improvement."

Staff agrees this property meets the intent of items (b) and (c). A request relating to sidewalks has never been submitted to the City staff in the past. Staff has seen instances in the past where these conditions would have met the intent of the City Code but the owner did not submit a request for deferral. Staff has also seen the damage of sidewalks over the years when they have not been utilized and maintained. However, staff's concern will be the accounting of and keeping track of the construction of sidewalks, escalating cost for the construction of the sidewalks over the years and setting a precedent throughout the City. At this time, there has been no submittal of plats north or south of this property. As per the City Code, if approved, the owners will be required to submit a certificate of deposit. Copies of location map and a letter of request from the church are included in the Agenda Book.

STAFF COMMENTS AND RECOMMENDATION: If City Council decides to approve this request, it is recommended by staff that the following findings of fact be acknowledged. In addition, the following conditions of approval are recommended:

Finding of Facts:

1. Property is located in an undeveloped area.
2. Parcels on both sides of property are unplatted and undeveloped.
3. The property owner must submit a formal request for deferral for consideration by the Planning Commission and City Council as part of the platting process.
4. Property owner must submit a Certificate of Deposit in the amount of $6,500 which is more than the 125% recommended by staff. The 125% cost threshold is what staff would recommend for inflation and any rise in cost of materials and labor. As per the City Code the Certificate of Deposit would be required within ten (10) days after any City Council approval. Cash or Certificate of Deposit is the only acceptable method of payment.

Conditions of Approval:

1. Property owner must submit Certificate of Deposit in the amount of $6,500.
2. When the City of Norman orders construction of sidewalks, property owners must construct within sixty (60) days.

ACTION NEEDED: Motion to recommend approval or disapproval of the request of deferral of sidewalk improvements for Holy Ascension Antiochian Orthodox Church Addition to City Council with the above-mentioned conditions.

ACTION TAKEN:

Holy Ascension Antiochian Orthodox Church
230 East Main, Norman, Oklahoma 73069

February 22, 2010

Ms. Susan Connor
Director of Planning and Zoning

Mr. Shawn O'Leary
Director of Public Works

City of Norman
201 W. Gray
Building A
Norman, OK 73069

Dear Ms. Connors and Mr. O'Leary:

Holy Ascension Church is presently constructing its new home at 3350 NE 12 Street pursuant to a Preliminary Plat approved by the City Council On December 11th, 2007. One of the requirements in that approval was the construction of a sidewalk along 12th Street. We anticipate that the building will be completed around the middle of May.

The Holy Ascension Church respectfully applies for a variance from the requirement of City Code, Chapter 19, Section 509 which requires a sidewalk be built before final inspection and issuance of an occupancy permit for a new structure.

RECEIVED
FEB 25 2010
PW/Administration

The length of the sidewalk would be 300 feet and the anticipated cost at this time is $6,500.00. The land on either side of our site is undeveloped. A sidewalk in front of our property on 12th Street would not connect to any other sidewalk and would be of no use to the public. We are not opposed to the construction of the sidewalk but wish to defer the construction until such time as the sidewalk would connect to a sidewalk on either side of our property. If this request is approved, Holy Ascension Church is prepared to post an irrevocable Letter of Credit or such other Instrument as the City will require guaranteeing the construction of the sidewalk at such time.

Attached in support hereof are:
Legal Description of the property
Letter from Valliance Bank agreeing to issue the Letter of Credit.
Photographs showing the west side of 12th Street on both sides of the Holy Ascension property

Respectfully submitted

Edward R. Adwon
Parish Council Chairman
Holy Ascension Church

Property Description
South Tract
Holy Ascension Antiochian
Orthodox Christian Church
July 5, 2007

(The basis of bearing for the following description is grid bearing derived from the Oklahoma State Plane Coordinate System NAD83, (1993) Zone OK South.)

A tract of land being a part of the Northeast Quarter (NE/4) of the Northeast Quarter (NE/4) of Section 17, Township 9 North, Range 2 West of the Indian Meridian, Cleveland County, Oklahoma, being more particularly described as follows:

COMMENCING at the Northeast corner of the Northeast Quarter (NE/4) of said Section 17;

Thence South 00°52'31" East, along the east line of said Northeast Quarter (NE/4), a distance of 1317.84 feet to the Southeast corner of the Northeast Quarter (NE/4) of said Northeast Quarter (NE/4);

Thence South 89°54'54" West, along the south line of the Northeast Quarter (NE/4) of said Northeast Quarter (NE/4), a distance of 65.01 feet to a point on the West right-of-way line of State Highway 77H as granted in Warranty Deed recorded at Book 1638, Page 95, said point also being the POINT OF BEGINNING;

Thence continuing South 89°54'54" West, along the south line of the Northeast Quarter (NE/4) of said Northeast Quarter (NE/4), a distance of 714.17 feet;

Thence North 00°52'31" West, being parallel to the east line of said Northeast Quarter (NE/4), a distance of 305.00 feet;

Thence North 89°54'54" East, being parallel to the south line of the Northeast Quarter (NE/4) of said Northeast Quarter (NE/4), a distance of 714.17 feet to a point on said west right-of-way line;

Thence South 00°52'31" East, along said right-of-way line, a distance of 305.00 feet to the POINT OF BEGINNING.

Said tract of land contains 5.00 acres, more or less.

Kelly J. Henderson, PLS
Lemke Land Surveying, Inc.

BANK

February 23 2010

Mr. Edward Adwon
Holy Ascension Antiochian Orthodox Christian Church, Inc.
11 Rustic Hills
Norman, OK 73072

Re: City of Norman - Sidewalk

Mr. Adwon:

Valliance Bank will be able to provide you a letter of credit to the City of Norman associated with the required sidewalk to be installed on your east boundary. It is my understanding that the estimate for this work is approximately $6,500.00. Please let me know if you need any additional information or if there is someone at the City of Norman in whom you would like me to work with.

Sincerely,

Matthew R. Clouse
Vice President

Valliance Bank
1601 NW Expressway
Oklahoma City, OK 73118
Tel: (405) 286-5700
Fax: (405) 286-5799
vbank.com

19. ITEM: CONSIDERATION OF CONSENT TO ENCROACHMENT NO. 0910-7 FOR LOTS 30, 31, 32, 33, 34, AND 36, BLOCK 1, CASCADE ESTATES ADDITION, SECTION 4. (3000, 3002, 3004, 3006, 3008, AND 3012 CARNOUSTIE DRIVE)

INFORMATION: Staff has considered the request and encroachment delineated in the above-described consent and recommends Consent to Encroachment No. 0910-7 be approved. Copies of an advisory memorandum; Consent to Encroachment; letter of request; location maps; Staff memoranda; and supplemental material are included in the Agenda Book.

ACTION NEEDED: Motion to approve or reject Consent to Encroachment No. 0910-7; and, if approved, direct the filing thereof with the Cleveland County Clerk.

ACTION TAKEN: _____

office memorandum

TO: The Honorable Mayor and Councilmembers

THROUGH: Jeff Harley Bryant, City Attorney JHB
FROM: Leah Messner, Assistant City Attorney LMBM

DATE: May 17, 2010

SUBJECT: Consent to Encroachment No. 0910-7; Lots 30, 31, 32, 33 and 34, Block 1, Cascade Estates, Section 4 to the City of Norman, Cleveland County, Oklahoma a/k/a 3000 Carnoustie, 3002 Carnoustie, 3004 Carnoustie, 3006 Carnoustie, 3008 Carnoustie, and 3012 Carnoustie

BACKGROUND:

An encroachment request has been filed in the office of the City Clerk by Anthony Mirzaie, Authorized Representative of Westpoint Group, LLC, requesting a Consent to Encroach into a City of Norman utility easement at the above-described single-family properties. All the lots are vacant at the present time with no current building permits.

DISCUSSION:

The application for a consent to encroach concerns a four foot encroachment upon a City of Norman utility easement for each single-family dwelling. When Section 1 of Cascade Addition was filed of record, it referenced the 90 foot drainage and utility easements which was previously filed of record and did not appear on the plat. When a new owner was granted a PUD on the remaining undeveloped property, the new Cascade Estates Addition incorporated the drainage and utility easement. Consequently, these abutting lots were affected. While the lots can be utilized without the consent to encroach, it would result in structures that are not consistent with surrounding residences in the development. The consent will not interfere with the City's use of the easement.

Planning, Public Works and Utilities Staff have reviewed the application and contacted the appropriate utilities. There is no objection to the application. Legal Staff has reviewed the application, department memos, utilities responses, and the "hold harmless" clause. Therefore, from a legal perspective it protects the City's concerns with respect to damage to any property owner's property should the City or other authorized entity be required to perform work within the utility easements.

The benefit to having a consent to encroach on file is that it is evidence of the property owner's understanding that, while the City and other utilities are allowing them to encroach upon the utility easement, the City nor the other utilities are liable and will not be responsible for damage to the owner's property in the event any work has to be performed within the utility easement.

RECOMMENDATION:

Based upon the above and foregoing, the City Attorney's office is forwarding the above Consent to Encroach for Council consideration.

Reviewed by: Steve Lewis, City Manager

cc: Ellen Usry, Deputy City Clerk
LM:dj

CONSENT

Consent to Encroachment No. 0910-7

WHEREAS, the City of Norman, Cleveland County, is in possession of a utility easement on the land described as follows, to-wit:

Lots 30, 31, 32, 33, 34, and 36 Block 1, Cascade Estates Addition, Section 4, to the City of Norman, Cleveland County, Oklahoma, a/k/a 3000 Carnoustie, 3002 Carnoustie, 3004 Carnoustie, 3006 Carnoustie, 3008 Carnoustie, and 3012 Carnoustie

AND WHEREAS, the owner of the above-described properties request that a repositioning of the single family dwellings be allowed to encroach upon an existing utility easement;

AND WHEREAS, the City has been requested to consent in writing to an encroachment of each property being located at the requested locations;

NOW, THEREFORE, the City of Norman does hereby consent to said encroachment of each property being within and upon the utility easement with the following conditions:

1. The property owner be responsible for the cost of repairs for any damages to the City's utility easement caused by any excavation or other construction activities conducted on their behalf.

2. The property owner will be responsible for the cost the City incurs to remove any fence, curb, landscaping, and any other structure if needed to facilitate maintenance or repair of the City's utilities.

3. The property owner will be responsible for the cost to repair or replace any part of the fence, curb, or any other structure after such repairs.

4. The property owner waives and releases any claims against the City for any damages to any part of the dwelling and related improvements caused by a failure or repair and maintenance of the City's utility facilities within the easement area.

5. By encroaching on said easement, the property owners release Oklahoma Gas & Electric, Oklahoma Electric Cooperative, Oklahoma Natural Gas, AT&T Southwest, and Cox Communications, Inc. of responsibility to repair, rebuild, or maintain any of their utilities placed in easement.

6. Damages to Oklahoma Gas & Electric, Oklahoma Electric Cooperative, Oklahoma Natural Gas, AT&T Southwest, and Cox Communications, Inc. facilities resultant from any current/future construction may carry possible financial charges to the property owner.

The consent is limited to the encroaching dwellings as indicated in the application being located within the utility easement and the City does not authorize or consent to the construction or location of any other structure(s) of a permanent nature within the easement. Further, this Consent is given with the understanding that the property owner is responsible for any and all direct and consequential damages resulting from the granting of this consent with entry to or upon the existing utility easement as required at any time in the future.

The City, or any other entity so authorized, shall not be held responsible for any and all direct or consequential damages to encroaching improvements resulting from entry, by the City, or any other entity so authorized, upon said utility easement, for any purpose associated with the maintenance, construction, relocation, etc. of any utility located within the said easement.

IN WITNESS WHEREOF, the undersigned has executed this consent this ____ day of _____, 2010.

THE CITY OF NORMAN, OKLAHOMA

_____

Mayor

ATTEST:

_____

City Clerk

On this _____ day of _____, 2010, before me personally appeared _____ and _____, to me to be known to be the identical persons who executed the same as their free and voluntary act and deed of such municipal corporation, for the uses and purposes therein set forth.

Witness my hand and official seal the day and year last above written.

_____

Notary Public

My Commission Expires:

_____

OWNER:

WESTPOINT GROUP, LLC

By: _____

Rod Davari, Authorized Representative

On this _____ day of _____, 2010, before me personally appeared _____ _____ to me to be known to be the identical person(s) who executed the same as his/her free and voluntary act and deed for the uses and purposes therein set forth.

Witness my hand and official seal the day and year last above written.

_____

Notary Public

My Commission Expires: _____

The City of Norman
Post Office Box 370
Norman, OK 73070

REQUEST FOR CONSENT TO ENCROACH

THIS REQUEST made this 22nd day of March 2010, by Westpoint Group, LLC, hereafter *Westpoint.* (amended April 23, 2010)

WITNESSETH:

WHEREAS, the following described real estate:

> Lots 30, 31, 32, 33, 34 and 36, in Block 1, Cascade Estates Section 4, Norman, Cleveland County, State of Oklahoma, according to the recorded plat thereof,

hereafter *Real Estate* is subject to an easement reserved for the use of The City of Norman, hereafter *TCON*, which easement is on the west side of the *Real Estate* as shown on Exhibits "A" and "B", hereafter the *Easement*, attach hereto and incorporated herein; and

WHEREAS, *Westpoint* is the owner of the *Real Estate* and requests the consent of *TCON* to encroach upon, over, and across the *Easement* to facilitate positioning of single family residential structures thereon.

WHEREAS, the encroachment upon the *Easement* shall be limited to:

Four (4) Feet on the west side of the *Real Estate,*

and that such limitation shall be construed as a condition upon which this request is approved and accepted and for breach of which *TCON* may recover damages and, without prejudice thereto, may compel by injunction or otherwise the revocation of all or any part of said encroachment.

Westpoint hereby agrees for itself, its heirs, devisees, successors, and assigns to indemnify and hold TCON harmless from any and all damages or loss from injury or damage resulting to person or property by reason of the encroachment. Additionally *Westpoint* agrees as follows, to-wit:

(1) To reimburse *TCON* for any and all additional expense incurred for repair, reconstruction, maintenance, removal, or alteration done in the *Easement* as a result of the encroachment;

FILED IN THE OFFICE
OF THE CITY CLERK
ON 4/23/10

(2) Waive any right to damages against *TCON*, its successors and assigns, which may be caused by *TCON* in the exercise of its right to repair and maintain any and all public utilities in the *Easement;* and

(3) The consent to encroach shall not be construed as a release of any rights of *TCON* in the *Easement* other than the right to object to the specific encroachment herein described.

IN WITNESS WHEREOF, *Westpoint,* acting by and through its duly authorized representative, has executed this instrument on the day and year written above.

WESTPOINT GROUP, LLC:

By: _____
Anthony Mirzaie
Authorized Representative

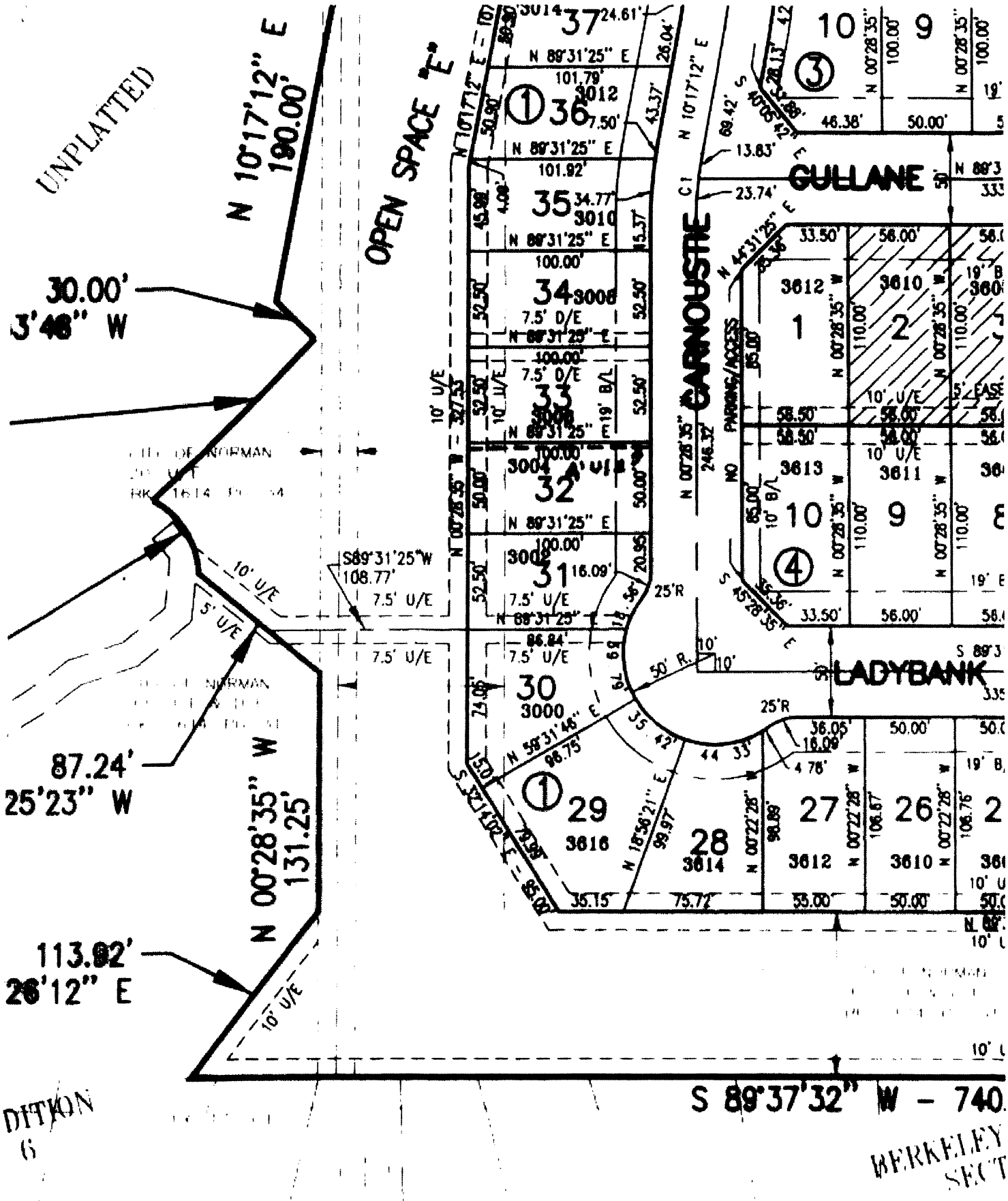
STATE OF OKLAHOMA)
) SS:
COUNTY OF CLEVELAND)

BEFORE ME, the undersigned, a Notary Public in and for said County and State, personally appeared Anthony Mirzaie, duly authorized representative of *Westpoint Group, LLC* and acknowledged the execution of the foregoing instrument to be his free and voluntary act and deed on the 22nd day of March 2010.

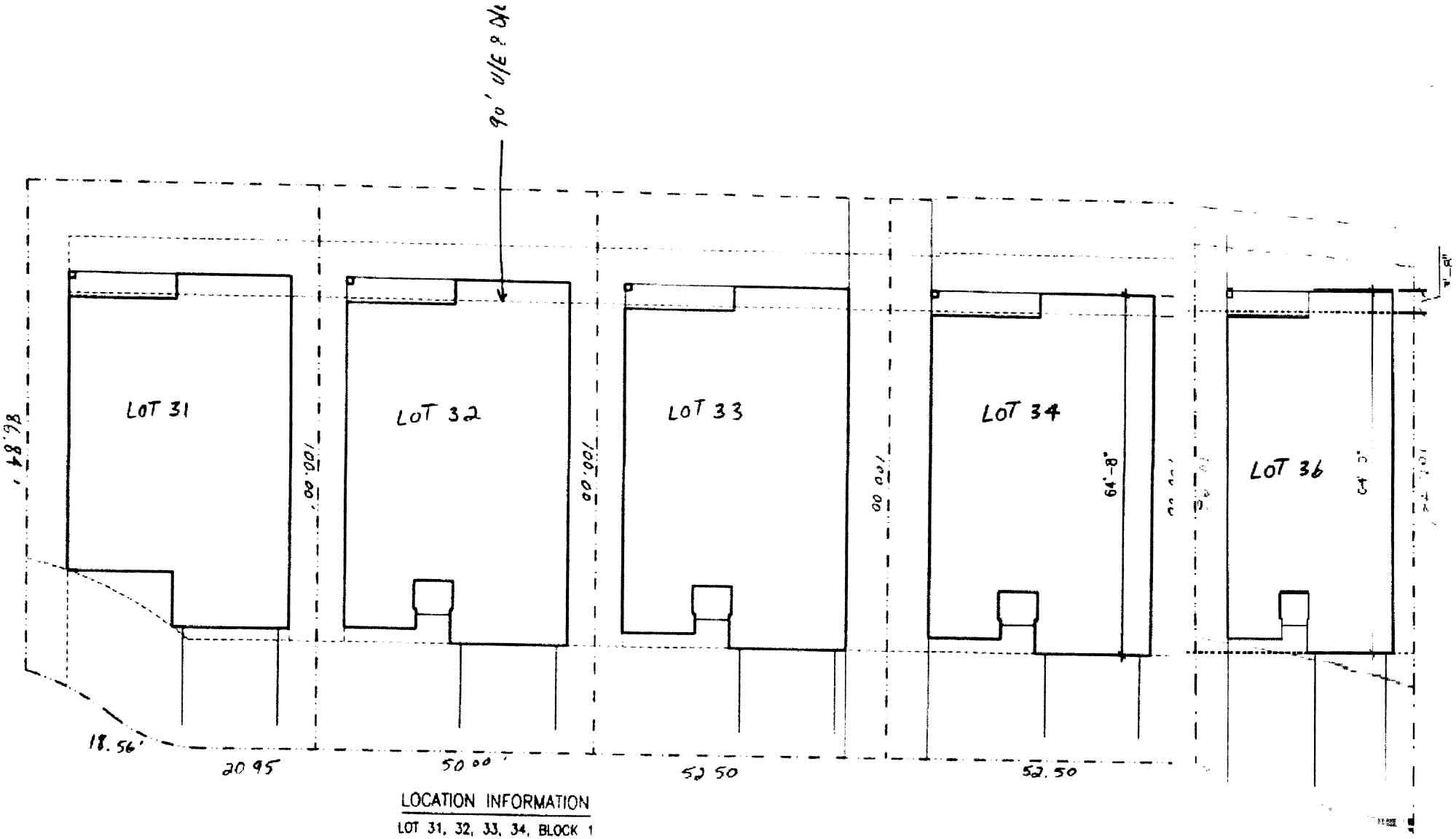
My Commission Expires:

OFFICIAL SEAL
NOTARY PUBLIC
Susan Miller
Commission # 99017137
Expires October 19, 2011
STATE OF OKLAHOMA

Notary Public



NOTE: THE UNIT OF MEASUREMENT SHOWN FOR AL



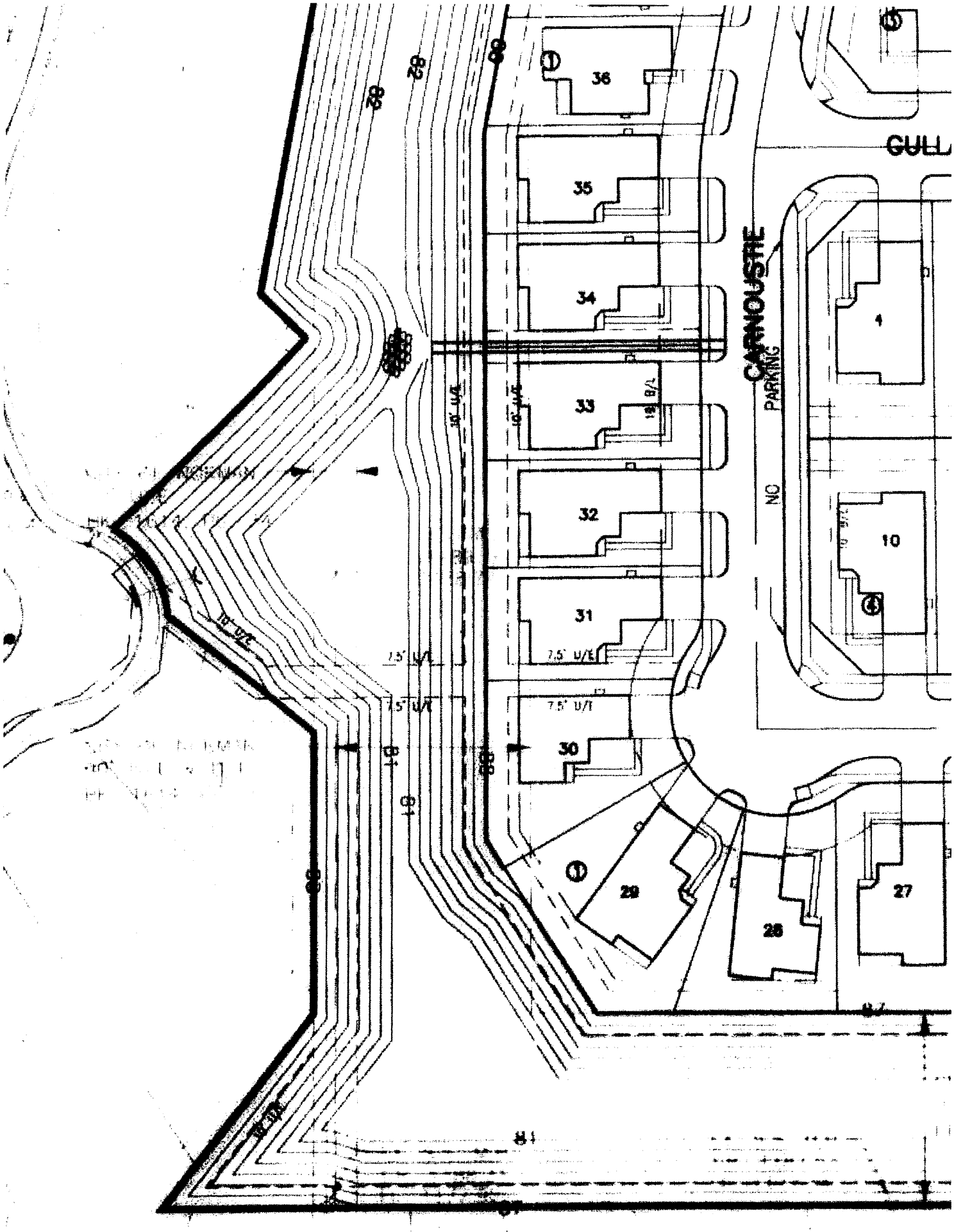
LOCATION INFORMATION

LOT 31, 32, 33, 34, BLOCK 1
CASCADE ESTATES SECTION 4
NORMAN, OKLAHOMA

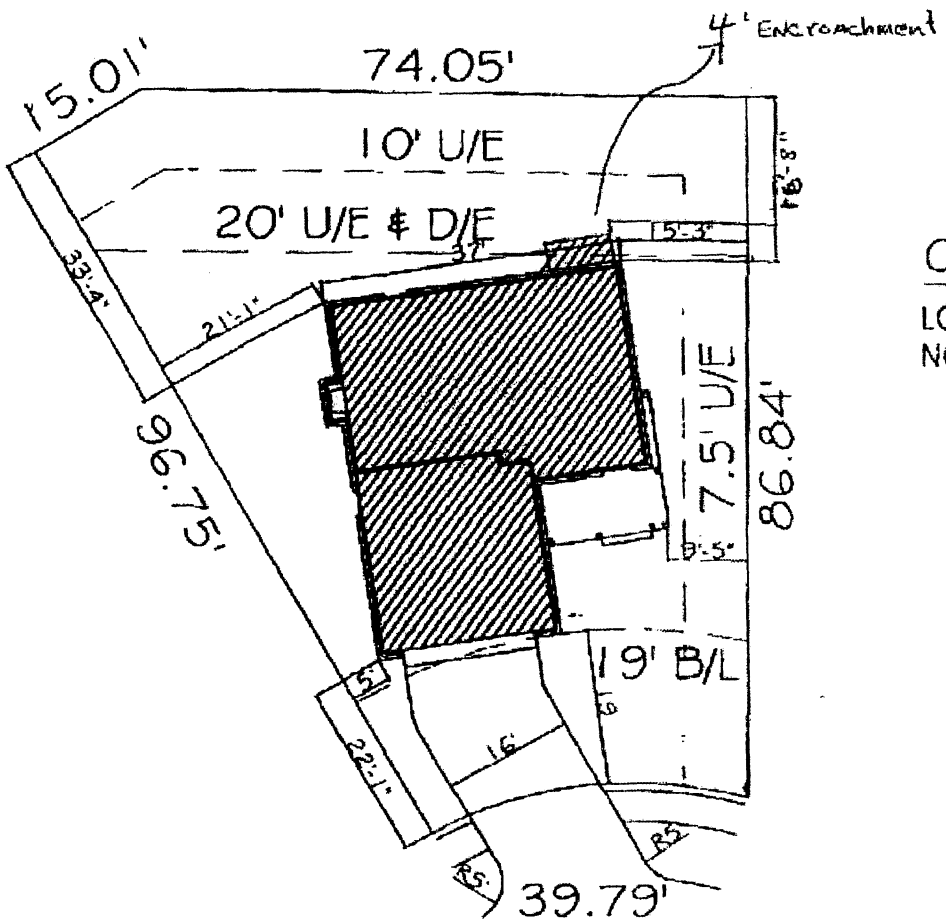
PLOT PLAN

3/19/2010
DEVRIE

N.T.S


36
35
34
33
32
31
30
29
28
27
4
10
CARNOUSTIE
PARKING
NO
GULL
7.5' U/E
10' U/E
18' B/L
82
81
88

LISA 620-2646
FAX 321 8596



SCALE: 1"=20'

CASCADE EST. SEC. 4

LOT 30, BLOCK 1
NORMAN, CLEV. CO., OK.

HOUSE: 8,71 SQ.FT.
GARAGE: 507 SQ.FT.
LOT: 5,688 SQ.FT.
COVERAGE: 1,378 SQ.FT.

CONTRACTOR / OWNER

3000 CARNOUSTIE DR.

Preferred Plans, Inc. makes no claims, and disputes no liabilities as to the accuracy and or completeness, including but not limited to all dimensions, locations, setbacks, sidepoints, easements or easements whether shown or not shown on this plot. Anyone using this plot must verify its accuracy and completeness in all regards including any and all code requirements and compliances.

LeCRONE

1852

REFERRED PLANS INC.
2160 McKOWN DR.
NORMAN, OK 73072
(405) 447-8898

PLOT PLAN
1

office memorandum

Date: May 10, 2010

To: Brenda Hall, City Clerk

From: Jim Speck, Capital Projects Engineer JS

Re: Consent to Encroach 0910-7
Lots 30, 31, 32, 33, 34, & 36, Block 1, Cascades Estates, Section 4

The lots mentioned above have a platted 20-foot wide north-south utility easement (U/E) centered along the western boundary that extends 10 feet onto the lots. There is a platted 15-foot wide east-west U/E centered along the property line between Lots 30 & 31 that extends 7.5 feet onto each of these lots. There is also an overlapping 90 foot wide north-south drainage easement and utility easement (D/E & U/E) extending further onto the lots. The owner requests construction of residential structures that would extend 4 feet into the D/E & U/E, but would not encroach into the 10 foot U/E on the western edge of the lot or the 15-foot U/E between Lots 30 & 31. There is an 8-inch sewerline located on the western side of the 20-foot wide U/E in the adjacent common area to the west.

Currently, there are no utilities owned and maintained by the City located in the portion of the U/E & D/E along the western property line. However, circumstances may arise in which the City will need to install utilities within this easement or use this easement for access to perform maintenance on the sewer main located west of the property line.

The Utilities Department objects to all encroachments on utility easements unless the applicant agrees to certain requirements being filed of record on the consent document. A recommendation to approve encroachement into the 90 foot U/E & D/E only is forwarded only when the applicant agrees to the following:

1. The property owner will be responsible for the cost to repair any damages to the City's utilities caused by any excavation, piering or other construction activities conducted by the property owner or his agents.
2. The property owner will be responsible for the cost the City incurs to remove any fence, curb, landscaping, and any other structure if needed to facilitate maintenance or repair of the City's utilities.
3. The property owner will be responsible for the cost to repair or replace any fence, curb, or any other structure after such repairs.
4. The property owner will waive and release any claims against the City for any damages to the residence and related improvements caused by a failure or repair and maintenance of the City's utilities within the easement area.

The Utilities Department can approve the encroachment application if the above requirements are filed of record on the consent document. Please advise if you have any questions.

Cc: Jeff Bryant
Ken Danner
Ken Komiske
Mark Daniels
David Hager

office memorandum

DATE: April 13, 2010

TO: Honorable Mayor and Councilmembers

FROM: Doug Koscinski, AICP
Manager of Current Planning

SUBJECT: Agenda Item: May 25, 2010
Consent to Encroachment No. 0910-7
3000-3012 Carnoustie Drive

BACKGROUND. These lots, also known as Lots 30, 31, 32, 33, 34, and and 36, Block 1, Cascade Estates Addition, are zoned PUD, Planned Unit Development District, with single-family dwellings as the permitted use. All of the lots are vacant, without current building permits. The owner of these lots has submitted plans to construct a new home on lot 30, and realized they were impacted by a large drainage easement. When Section One of Cascade Addition was filed of record, it referenced a 90-foot drainage and utility easement which was previously filed and was off of the plat. Several years went by, and the new owner of the subdivision sought, and was granted, a PUD over the remaining undeveloped land, which was renamed Cascade Estates Addition. Section 4 of Cascade Estates formally incorporated that drainage easement into the plat, with lots that abutted or included a portion of that easement within some of the lots. The most seriously affected lots were these six lots.

DISCUSSION. This PUD allowed smaller lots with some reduction in setback requirements. These six lots are only 100 feet deep, and the PUD authorized a rear setback of fifteen feet. These lots cannot utilize that allowance, as there is a "standard" ten foot rear utility easement, plus approximately ten feet of the separately-filed 90 foot drainage easement. Each of the franchised utility companies expressed no opposition to the encroachment, as their utilities are located in the platted ten-foot rear utility easement.

RECOMMENDATION. The applicant is seeking approval to encroach up to four feet into the ninety-foot drainage and utility easement, which will have no effect on the remaining ten-foot rear utility easement. There are no Zoning Ordinance restrictions that would prevent this construction. Planning Staff is not opposed to this request, and recommends approval of this Consent to Encroachment for all of the lots.

DJK/rt

Reviewed by: Susan Connors, AICP
Director of Planning and Community Development

office memorandum

DATE: April 23, 2010

TO: Jeff Bryant, City Attorney
Doug Koscinski, Current Planning Manager
Ken Danner, Development Manager
Ken Komiske, Director of Utilities

FROM: Brenda Hall, City Clerk BH

SUBJECT: Amended Consent to Encroachment No. 0910-7, Lots 30, 31, 32, 33, 34, and 36, Block 1, Cascade Estates, Section 4

An Encroachment Request was filed in my office on March 22, 2010, for permission to encroach on a four foot utility easement to allow repositioning of five single family structures in Lots 30, 31, 32, 33, and 34, Block 1, Cascade Estates Addition, Section 4. Today they filed an amended request adding Lot 36. I am forwarding the letter of request, plot plans, and survey. The application fee has already been paid. After the information has been received from the Planning Department, Public Works Department, and Utilities Department and a determination has been made on whether to recommend approval or denial, please forward your recommendations and Consent to Encroachment form, if needed, to my office in order that they may be scheduled as an agenda item.

It is anticipated that this encroachment will be scheduled as an agenda item on June 8, 2010, and the information must be no later than May 31, 2010. If there is a problem in meeting that timeframe, please advise.

smr
attachments

office memorandum

Date: April 8, 2010

To: Blaine Nice, Assistant City Attorney

From: Ken Danner, Development Manager KD

Subject: Consent to Encroach - Lots 30 through 34 and Lot 36, Block 1, Cascade Estates Addition, Section 4, a Planned Unit Development 3000, 3002, 3004, 3006, 3008 and 3012 Carnoustie Drive

BACKGROUND:

Public Works Department, Engineering Division has researched the files and confirms there is not a public storm sewer system within the requested area. There is an existing drainage channel located outside the platted lots within Open Space "E." A 90' wide utility and drainage easement was filed of record prior to the final plat for Cascade Estates Addition, Section 4, a Planned Unit Development. Unfortunately the width of the easement does not provide a large enough area to construct a residential house on the property to meet the marketing of the lots. The design of the drainage channel does not actually utilize the entire 90-feet. The proposed structures will only encroach the easement by four-feet (4'). As a result, staff has no objection to the encroachment of the house to be located four feet into the drainage and utility easement. Engineering staff does yield to the Utilities Department regarding any utilities.

Utility companies have responded and do not object to the encroachment but desire a hold harmless clause during the routine maintenance of any facilities.

If you have any further questions, please feel free to contact me.

KD/tf

Reviewed by: Shawn O'Leary, Director of Public Works

cc: Brenda Hall, City Clerk
Ken Komiske, Director of Utilities
Greg Hall, Street Superintendent

OG&E

PO Box 321
Oklahoma City, Oklahoma 73101-0321

APRIL 26, 2010

KEN DANNER, DEVELOPMENT COORDINATOR
NORMAN PLANNING COMMISSION
P. O. BOX 370
NORMAN, OK. 73070

RE: **Applicant: WESTPOINT GROUP, LLC**
Consent to encroach in a 10' utility easement
Lots 31 thru 36, Block 1, CASCADE ESTATES SECTION 4
Consent to Encroach No. 0910-7

Mr. Danner;

Available records show OG&E Electric Services has no facilities in the area of the encroachment, as designated on the drawing provided. According to the recorded plat, there are two (10') utility easements running side by side along the west side of the above mentioned lots. The OG&E electrical line is located approximately six feet east of the west property line. The encroachment of the foundation of four future homes appears to be 16'-20' east of the west property line. OG&E does not object to the encroachment, provided the applicant abides by the city of Norman guidelines for the work described and does the following:

1.) Notify "Call-Okie" at 840-5032 at least 48 hours before digging to have all lines marked.
2.) Call OG&E construction at 553-5143 two days before trenching closer than **four feet to a electric pole, or three feet to an underground line**.
3.) OG&E will not be held responsible for damaging a private line in a (public/platted) easement.
4.) OG&E would need to be reimbursed ahead of time for the cost of relocating any facilities.

If you have any questions, please contact me at (405) 553-5174.

Sincerely,

Timothy J. Bailey
Right-Of-Way Agent

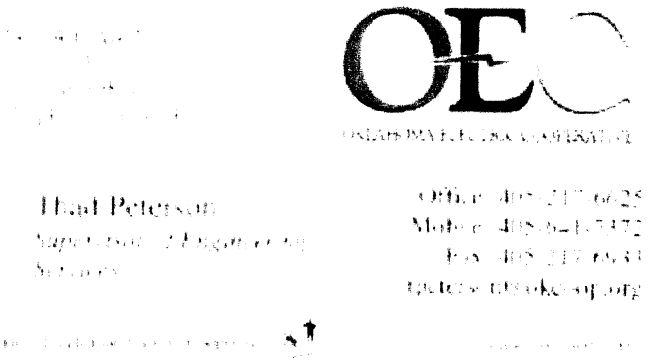
Drew Norlin

From: Ken Danner
Sent: Wednesday, April 28, 2010 8:50 AM
To: Drew Norlin
Subject: FW: Lots 11 and 12, Block 1, Highland Village Addition, Section 5--a/k/a 3301 and 3305 Ness Circle Consent to Encroach--No. 0910-8
Attachments: ASBUILT_20100427_0001.JPG; ASBUILT_20100427_0006.JPG; ASBUILT_20100427_0005.JPG; ASBUILT_20100427_0004.JPG; ASBUILT_20100427_0003.JPG; ASBUILT_20100427_0002.JPG

From: Thad Peterson [mailto:TPeterson@okcoop.org]
Sent: Tuesday, April 27, 2010 3:13 PM
To: Ken Danner
Subject: FW: Lots 11 and 12, Block 1, Highland Village Addition, Section 5--a/k/a 3301 and 3305 Ness Circle Consent to Encroach--No. 0910-8

OEC has no objection to encroachment 0910-8.

Thanks,



From: Drew Norlin [mailto:Drew.Norlin@NormanOK.gov]
Sent: Tuesday, April 27, 2010 2:43 PM
To: baileytj@oge.com; jsullivan@oneok.com; marshall.birchett@cox.com; Randy F. Harrell; terri.hayes@att.com; Thad Peterson
Cc: Ken Danner; Jim Speck
Subject: Lots 11 and 12, Block 1, Highland Village Addition, Section 5--a/k/a 3301 and 3305 Ness Circle Consent to Encroach--No. 0910-8

Please contact Ken Danner regarding this consent to encroach the 10' rear yard utility easement for a proposed retaining wall with your approval or disapproval as soon as possible. His email address is ken.danner@ci.norman.ok.us or call him at 366-5458.

Thanks
Drew Norlin

OKLAHOMA NATURAL GAS

A DIVISION OF ONEOK

05-10-2010
Ken Danner, ken.danner@ci.norman.ok.us – Development Coordinator Manager
Drew Nolin;

City of Norman
201 West Gray, Bldg A
Norman 73069

Dear Mr. Danner or Whom It May Concern

SUBJECT: CONSENT TO ENCROACHMENT NO. 0910-7

LETTER OF NO OBJECTION FOR A REVOCABLE PERMIT TO ALLOW THE CONSENT TO ENCROACH ON THE EAST UTILITY EASEMENT (4) four feet AT LOTS 30,31,32,33,34, BLOCK 1, CASCADE ESTATES SECTION 4, A/K/A 3000, 3002 , 3004, 3006, 3008, CARNOUSTIE DR.
(ADDITIONAL #s TO DESCRIPTION ABOVE)

Oklahoma Natural Gas Company does not object to the city of Norman issuing a permit for the purpose described above.

We DO HAVE a natural gas distribution main at this address. It is in the utility easement running North and South, WEST of the WEST property line IN A SECOND EASEMENT that will not be affected. But because of this we still recommend that OKIE ONE CALL SYSTEM (1-800-522-6543) be contacted (48) hours prior to any excavation being done.

Should our facilities be damaged as a result of your installation, you and your contractor will be liable for any cost of repairs. These cost could include a cost calculation for gas loss should any occur.

If we can be of any further assistance, you can contact Shannon Davis at, 366-2451

Sincerely,

Shannon Davis

625 N. Berry Road • Norman, OK 73069-7541
(405) 366-2407 • Fax (405) 366-2440
www.ong.com

Cox Communications
6301 Waterford Boulevard, Suite 200
Oklahoma City, Oklahoma 73118
Telephone 405/600-8282

COX
COMMUNICATIONS

May 13, 2010

The City of Norman
Planning and Community Development
Attn. Ken Danner
PO Box 370
Norman, Oklahoma 73070

RE: No. 0910-7

To Whom It May Concern:

Cox Communications, has no objection to the encroachment of the five single family structures in Lots 30,31,32,33 and 34, of Block 1 of Cascade Estates Addition, Section 4 an addition to City of Norman, Cleveland County, Oklahoma

Prior to beginning any digging and/ or trenching activities, please call OKIE-ONE at 1-800-522-6543 for exact location of our facilities. Cost to repair any Cox Communications, facility damage during construction of this project will be the responsibility of the damaging party.

If you have any question or concerns, please feel free to contact our office at (405) 600-6269.

Sincerely,

Marshall Birchett
Right of Way Agent

cb

20. ITEM: CONSIDERATION OF CONSENT TO ENCROACHMENT NO. 0910-8 FOR FOR LOTS 11 AND 12, BLOCK 1, HIGHLAND VILLAGE ADDITION, SECTION 5. (3301 AND 3305 NESS CIRCLE)

INFORMATION: Staff has considered the request and encroachment delineated in the above-described consent and recommends Consent to Encroachment No. 0910-8 be approved. Copies of an advisory memorandum; Consent to Encroachment; location maps; letter of request; Staff memoranda; and supplemental material are included in the Agenda Book.

ACTION NEEDED: Motion to approve or reject Consent to Encroachment No. 0910-8; and, if approved, direct the filing thereof with the Cleveland County Clerk.

ACTION TAKEN: _____

office memorandum

TO: The Honorable Mayor and Councilmembers

THROUGH: Jeff Harley Bryant, City Attorney

FROM: Leah Messner, Assistant City Attorney

DATE: May 17, 2010

SUBJECT: Consent to Encroachment No. 0910-8, Lots 11 and 12, Block 1, Highland Village Addition, Section 5, Cleveland County, Oklahoma a/k/a 3301 and 3305 Ness Circle

BACKGROUND:

An encroachment request has been filed in the office of the City Clerk by Abdi S. Malakouti, Builder for Westpoint Development d/b/a Westpoint Homes, requesting a Consent to Encroach into a City of Norman utility easement at the above-described properties.

DISCUSSION:

The application for a consent to encroach concerns the encroachment upon a City of Norman utility easement for a pier and grade retaining wall on the east side of the lots on the rear property line. The wall will encroach approximately one foot into the utility easement a distance of 160 feet.

Planning, Public Works and Utilities Staff have reviewed the application and contacted the appropriate utilities. There is no objection to the application. Legal Staff has reviewed the application, department memos, utilities responses, and the "hold harmless" clause. Therefore, from a legal perspective it protects the City's concerns with respect to damage to any property owner's property should the City or other authorized entity be required to perform work within the utility easements.

The benefit to having a consent to encroach on file is that it is evidence of the property owner's understanding that, while the City is allowing them to encroach upon the easement, the City is not liable and will not be responsible for damage to the property owner's property in the event such maintenance has to be performed within the easements.

RECOMMENDATION:

Based upon the above and foregoing, the City Attorney's office is forwarding the above Consent to Encroach for Council consideration.

Reviewed by: Steve Lewis, City Manager
cc: Ellen Usry, Deputy City Clerk
LM:djj

CONSENT
Consent to Encroachment No. 0910-8

WHEREAS, the City of Norman, Cleveland County, is in possession of a utility easement on the land described as follows, to-wit:

Lots 11 and 12, Block 1, Highland Village Addition, Section 5, City of Norman, Cleveland County, Oklahoma aka 3301 and 3305 Ness Circle;

AND WHEREAS, the owner of the above-described property requests that a pier and grade concrete retaining wall be allowed to encroach upon an existing utility easement;

AND WHEREAS, the City has been requested to consent in writing to a pier and grade concrete retaining wall be located at the requested location;

NOW, THEREFORE, the City of Norman does hereby consent to said pier and grade concrete retaining wall being within and upon the utility easement with the following conditions:

1. The property owner be responsible for the cost of repairs for any damages to the City's utility easement caused by any excavation or other construction activities conducted on their behalf; and

2. The property owner will be responsible for the cost the City incurs to remove the pier and grade concrete retaining wall, if needed, to facilitate maintenance or repair of the City's utilities.

3. The property owner will be responsible for the cost to repair or replace the pier and grade concrete retaining wall after such repairs.

4. The property owner waives and releases any claims against the City for any damages to the pier and grade concrete retaining wall and related improvements caused by any excavation by the City for purposes of maintaining or replacing the City's utility facilities within the easement area.

5. By encroaching on said easement, the property owners release Oklahoma Electric Cooperative, Oklahoma Gas & Electric, Oklahoma Natural Gas, AT&T Southwest, and Cox Communications, Inc. of responsibility to repair, rebuild, or maintain any of their utilities placed in easement.

6. Damages to Oklahoma Electric Cooperative, Oklahoma Gas & Electric, Oklahoma Natural Gas, AT&T Southwest, and Cox Communications, Inc. facilities resultant from any current/future construction may carry possible financial charges to the property owners.

The consent is limited to the pier and grade concrete retaining wall as indicated in the application being located within the utility easement and the City does not authorize or consent to the construction or location of any other structure of a permanent nature within the easement. Further, this Consent is given with the understanding that the property owner is responsible for any and all direct and consequential damages resulting from the granting of this consent with entry to or upon the existing utility easement as required at any time in the future.

The City, or any other entity so authorized, shall not be held responsible for any and all direct or consequential damages to encroaching improvements resulting from entry, by the City, or any other entity so authorized, upon said utility easement, for any purpose associated with the maintenance, construction, relocation, etc. of any utility located within the said easement.

IN WITNESS WHEREOF, the undersigned has executed this consent this ____ day of _____, 2010.

THE CITY OF NORMAN, OKLAHOMA

_____
Mayor

ATTEST:

_____
City Clerk

On this _____ day of _____, 2010, before me personally appeared _____ and _____, to me to be known to be the identical persons who executed the same as their free and voluntary act and deed of such municipal corporation, for the uses and purposes therein set forth.

Witness my hand and official seal the day and year last above written.

_____
Notary Public

My Commission Expires:

_____

WESTPOINT DEVELOPMENT d/b/a Westpoint Homes

By: _____
Abdi S. Malakouti, Builder

On this _____ day of _____, 2010, before me personally appeared Abdi S. Malakouti, to me to be known to be the identical person(s) who executed the same as his/her free and voluntary act and deed for the uses and purposes therein set forth.

Witness my hand and official seal the day and year last above written.

_____
Notary Public

My Commission Expires: _____

The City of Norman
Post Office Box 370
Norman, OK 73070

April 16, 2010

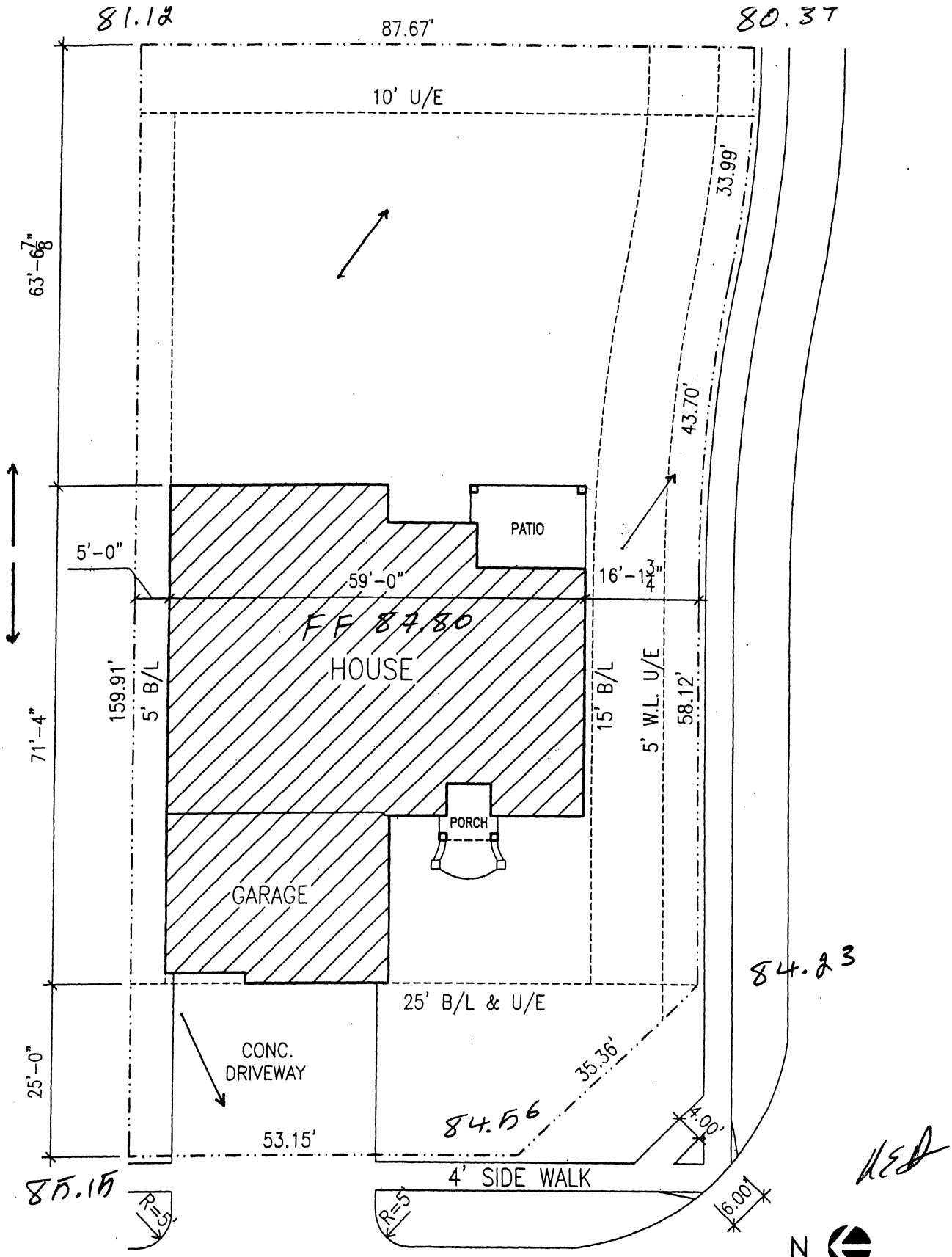
Ms. Brenda Hall, City Clerk
Post Office Box 370
Norman, Oklahoma 73070

Dear Ms. Hall:

I am requesting a consent to encroach for 3305 and 3301 Ness Circle (Lots 11 and12, Block 1, Highland Village Addition, Section 5). These lots are side by side. I am requesting an encroachment in order to build a pier and grade retaining wall on the east side of the lots on the rear property line. It will encroach approximately one foot into the utility easement a distance of 160 feet. I am requesting City Council approval on this item. Thank you for your consideration.

Abdi S. Malakouti
Builder
Westpoint Development
d/b/a Westpoint Homes

FILED IN THE OFFICE
OF THE CITY CLERK
ON 4/16/10



3301 NESS CIRCLE

LOCATION INFORMATION

LOT 12, BLOCK 1
HIGHLAND VILLAGE ADDITION SECTION 5
NORMAN, OKLAHOMA

AREA CALCULATIONS

HOUSE: 2523 SQ. FT.
GARAGE: 751 SQ. FT.
LOT: 12797 SQ. FT.
COVERAGE: 3507 SQ. FT.

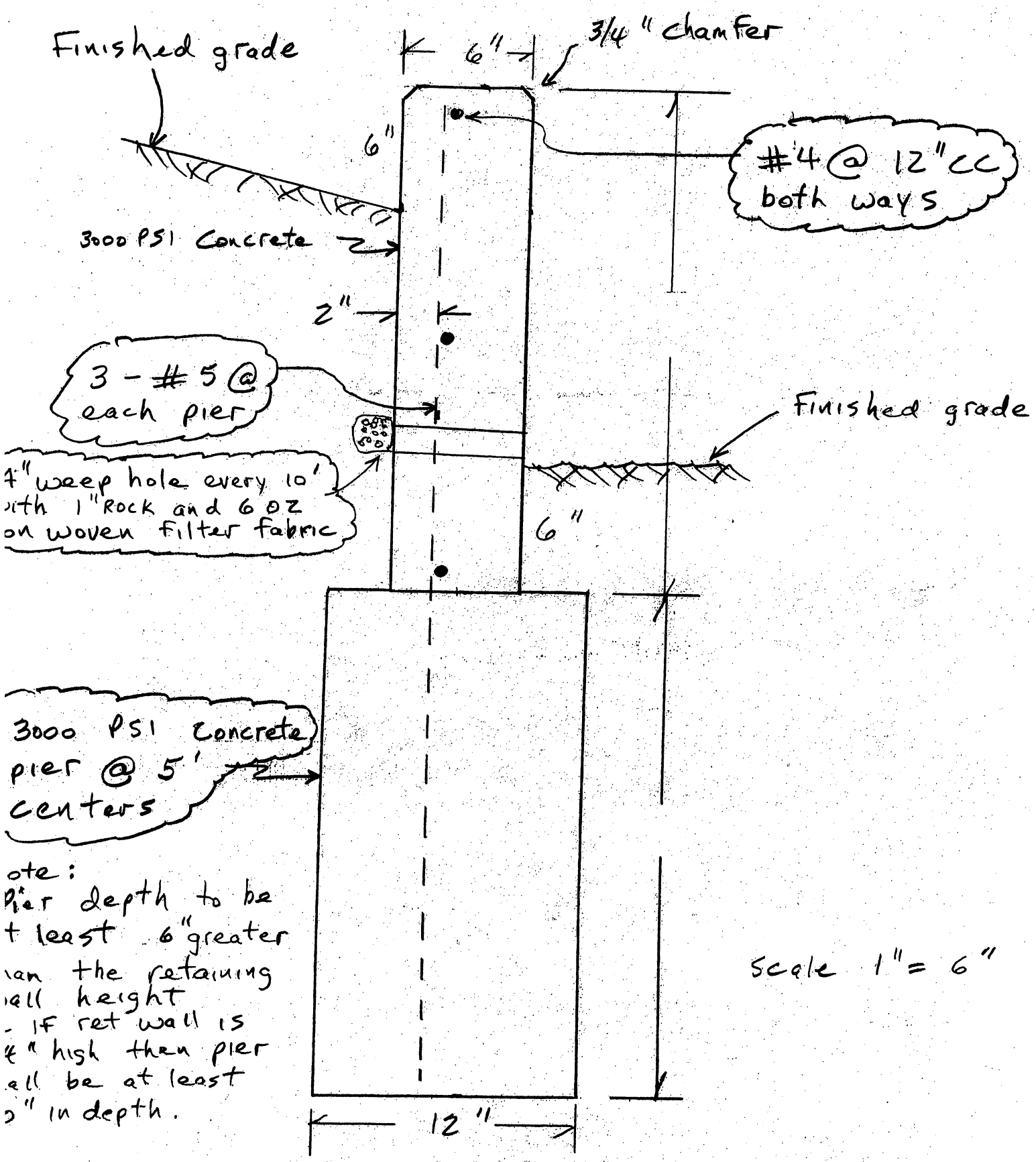
SCALE: 1"=20'-0"

Westpoint Homes

PLOT PLAN

2/12/2010
Ashworth

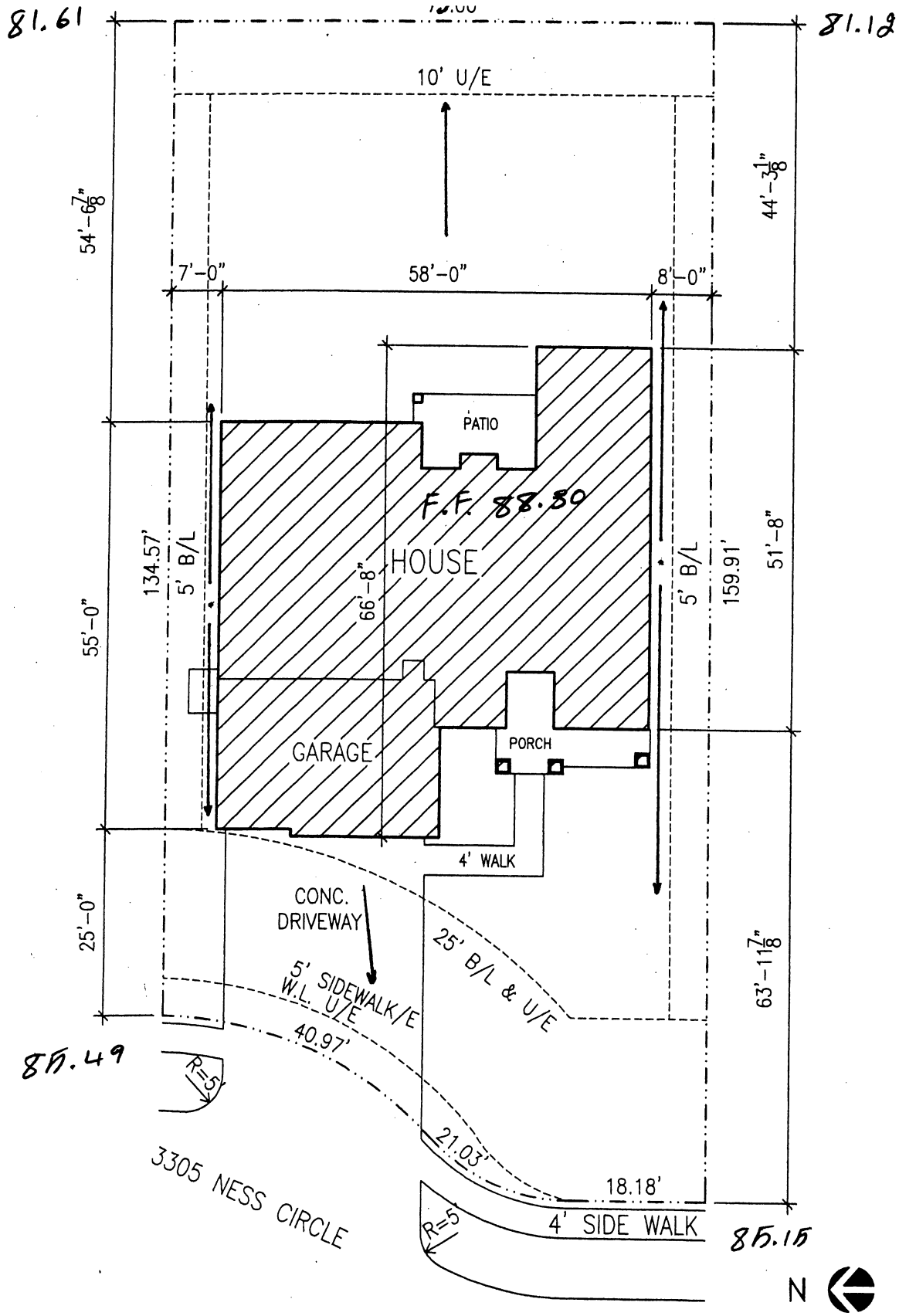
Typical Concrete Retaining Wall with Piers



ote:
Pier depth to be
t least 6" greater
han the retaining
all height
- If ret wall is
4" high then pier
all be at least
2" in depth.

Scale 1" = 6"

10/12/05
BH



N

SCALE: 1"=20'-0"

LOCATION INFORMATION

LOT 11, BLOCK 1
HIGHLAND VILLAGE ADDITION SECTION 5
NORMAN, OKLAHOMA

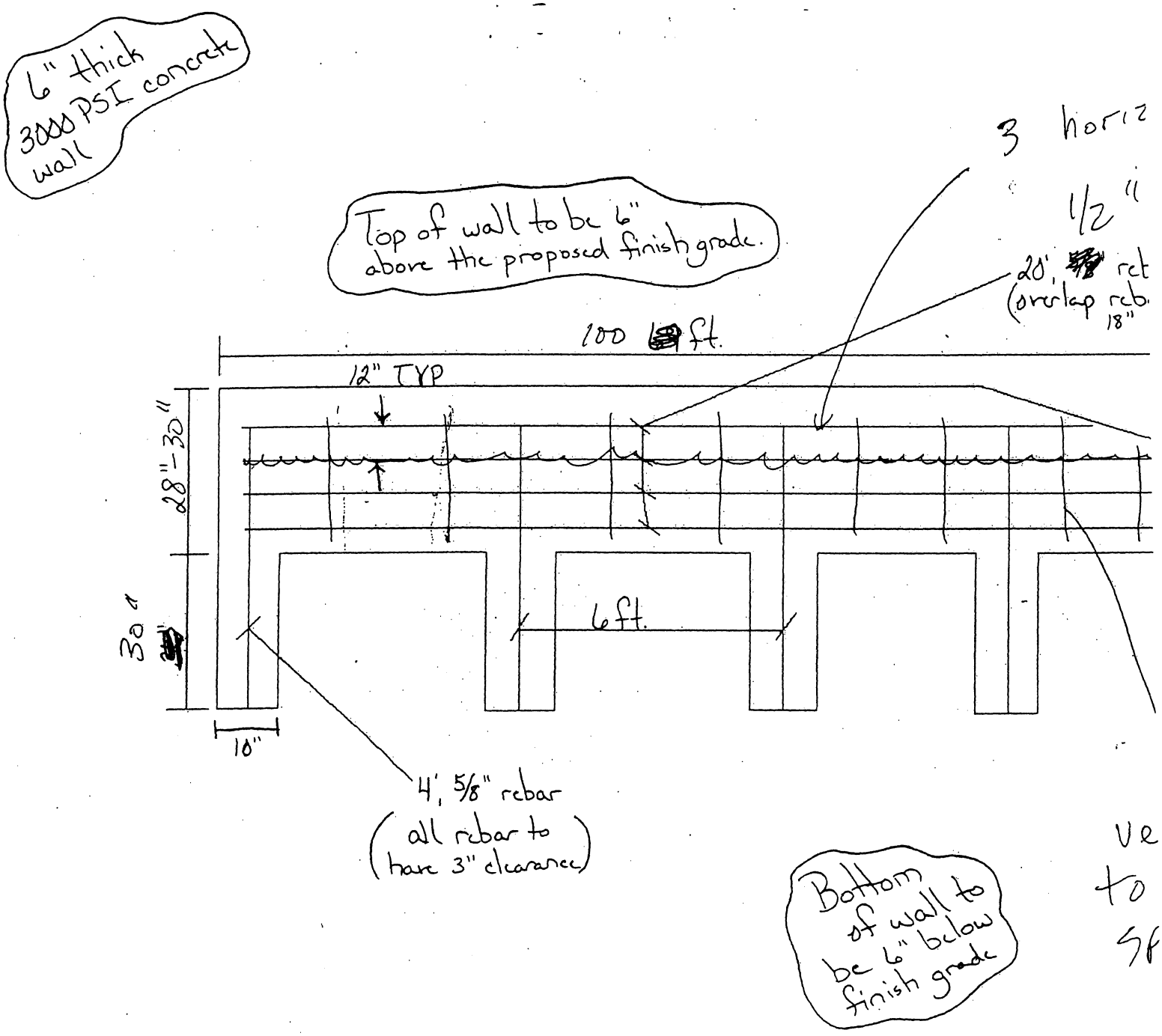
AREA CALCULATIONS

HOUSE: 2214 SQ. FT.
GARAGE: 632 SQ. FT.
LOT: 10899 SQ. FT.
COVERAGE: 3158 SQ. FT.

Westpoint Homes

PLOT PLAN

2/19/2010
Barcelona


6" thick
3000 PSI concrete
wall
Top of wall to be 6"
above the proposed finish grade.
3 horiz
1/2"
20', rct
(overlap rcb
18")
100 ft.
12" TYP
28"-30"
30"
6 ft.
10"
4', 5/8" rebar
(all rebar to
have 3" clearance)
Bottom
of wall to
be 6" below
finish grade
ve
to
sf

office memorandum

DATE: April 16, 2010

TO: Jeff Bryant, City Attorney
Doug Koscinski, Current Planning Manager
Ken Danner, Development Coordinator
Ken Komiske, Director of Utilities

FROM: Brenda Hall, City Clerk BH

SUBJECT: Request for Consent to Encroachment No. 0910-8

I am in receipt of an encroachment request for permission to encroach on a utility easement in Lots 11 and 12, Block 1, Highland Village Addition, Section 5, a/k/a 3301 and 3305 Ness Circle to build a concrete retaining wall with piers. I am forwarding the letter of request, plot plans, and drawings with schematics of the retaining wall. After the information has been received from the Planning Department, Public Works Department, and Utilities Department and a determination has been made on whether to recommend approval or denial, please forward your recommendation and Consent to Encroachment Form, if needed, to my office in order that it may be scheduled as an agenda item.

This item will be scheduled as an agenda item on May 25, 2010, and the information must be received in my office by May 10, 2010. If there is a problem in meeting that timeframe, please advise.

smr
attachments

office memorandum

Date: May 5, 2010

To: Brenda Hall, City Clerk

From: Jim Speck, Capital Projects Engineer J.S.

Re: Consent to Encroach 0910-8
Lots 11 & 12, Block 1, Highland Village Addition Section 5
(3301 and 3305 Ness Circle)

Lots 11 & 12, Block 1, Highland Village Addition Section 5 (aka 3301 and 3305 Ness Circle) has a 10 Foot Utility Easement located along the eastern property line. The owner requests permission to construct a retaining wall within the platted utility easements. Currently, there is no sanitary sewer or water line owned and maintained by the City located in the U/E.

The letter submitted by the contractor requests an encroachment into the U/E of one foot. The site plan submitted fails to show the location of the retaining wall. The contractor probably intends the wall to be constructed one foot inside of the property line, which would result in a nine foot encroachment into the 10 U/E.

Although no City maintained lines are located within the U/E, the Utilities Department objects to all encroachments on utility easements unless the applicant agrees to certain requirements being filed of record on the consent document. A recommendation to approve is forwarded only when the applicant agrees to the following for this and all prior encroachments:

1. The property owner will be responsible for the cost to repair any damages to the City's utilities caused by any excavation or other construction activities conducted by the property owner or his agents.
2. The property owner will be responsible for the cost the City incurs to remove any retaining wall, driveway, landscaping and any other structure, if needed to facilitate maintenance or repair of the City's utilities.
3. The property owner will be responsible for the cost to repair or replace the retaining wall, driveway, or any other structure after such repairs.
4. The property owner will waive and release any claims against the City for any damages to the residence and related improvements caused by the City for purposes of installing, maintaining or replacing the City's utilities within the easement area.

The Utilities Department can approve the encroachment application if the above requirements are filed of record on the consent document. Please advise if you have any questions.

Cc: Jeff Bryant
Ken Danner
Ken Komiske
Mark Daniels
David Hager

office memorandum

DATE: May 10, 2010

TO: Brenda Hall
City Clerk

FROM: Doug Koscinski, AICP DJK
Manager of Current Planning

SUBJECT: Agenda Item: May 25, 2010
Consent to Encroachment No. 0910-8
3301 and 3305 Ness Circle

BACKGROUND. Lots 11 and 12, Block 1, Highland Village Addition Section 5 is zoned R-1, Single Family Dwelling District. These lots are impacted by a sloping rear yard along the east boundaries of these tracts. In order to create a more usable rear yard, the applicant would like to build retaining walls along the rear portion of both of these lots. The proposed wall will not be very tall, but will vary in height from ground level up to approximately six inches in height. The walls will be constructed within utility easements which contain underground systems. The applicant has requested approval of a Consent to Encroachment for that construction.

DISCUSSION. The Zoning Ordinance establishes building setback requirements on all residential lots, and does limit the height and location of some fences. In this case, the size and location of this wall is not otherwise prohibited by the zoning ordinance. The wall will allow this owner to enhance these lots by providing a useful, relatively flat yard.

RECOMMENDATION. There is no zoning violation associated with this Consent to Encroachment, therefore Planning Staff is able to support this request to install the proposed retaining wall.

Reviewed by: Susan Connors, AICP
Director of Planning and Community Development

office memorandum

Date: May 13,2010

To: Blaine Nice, Assistant City Attorney

From: Ken Danner, Development Manager K.D.

Subject: Consent to Encroach
Lots 11 and 12, Block 1, Highland Village Addition, Section 5
3301 and 3305 Ness Circle

Public Works staff does not oppose the retaining walls one-foot (1') within the rear 10-foot utility easement. We do yield to the Utilities Department regarding any possible sanitary sewer mains within the easement. The City and utility companies should be held harmless in the course of maintaining their facilities. Responses from the utility companies are attached. Cox Communications has not responded.

If you have further questions, please feel free to contact me.

KD/tf

Reviewed by: Shawn O'Leary, Director of Public Works SO

cc: Brenda Hall, City Clerk
Ken Komiske, Director of Utilities

OKLAHOMA NATURAL GAS

A DIVISION OF ONEOK

City of Norman
201 West Gray, Bldg A
Norman 73069

Dear Mr. Norlin or Mr. Danner

A LETTER OF NO OBJECTION FOR A REVOCABLE PERMIT TO ALLOW THE INSTALLATION OF A RETAINING WALL AND THE CONSENT TO ENCROACH THE 10' REAR YARD UTILITY EASEMENT, AT 3301 AND 3305 NESS CIRCLE, NORMAN, OKLAHOMA.
T09N/R02W/S18/NE1/4

Oklahoma Natural Gas Company does not object to the city of Norman issuing a permit for the purpose described above.

We do have 2" poly, natural gas distribution main and service risers at the front of these addresses. Because of this we recommend that OKIE ONE CALL SYSTEM (1-800-522-6543) be contacted (48) hours prior to any excavation being done.

Should our facilities be damaged as a result of their installation, owner and/or contractor will be liable for any cost of repairs. These cost could include a cost calculation for gas loss should any occur.

If we can be of any further assistance, you can contact Shannon Davis at, 366-2451
4/30/2010

Sincerely,

Shannon Davis

RECEIVED
APR 30 2010
PW/Engineering

625 N. Berry Road • Norman, OK 73069-7541
(405) 366-2407 • Fax (405) 366-2440
www.ong.com

Terri Hayes
Engineering and Construction
6100 S Walker Avenue
Room 111-E
Oklahoma City, OK 73139

T: 405-636-3770
F: 405-636-3778

April 27, 2010

Consent to Encroach No. 0910-8
Utility Easement
Highland Village Addition, Section 5
Lots 11 & 12, Block 1
Cleveland County
a/k/a 3301 & 3305 Ness Circle
Norman, Ok.

To Whom It May Concern:

Review of the above request to encroach the existing 10' rear utility easement on the above referenced properties to construct a concrete retaining wall with piers has been completed. Please be advised that ATT Southwest has no objections to encroach upon said easement under the following advisements.

a. AT&T does have a buried copper distribution cables located within the rear easements of Highland Village Addition Section 5 but there appears to be no conflict between the construction of this retaining wall with respect to the location of existing AT&T facilities on these properties.
b. By encroaching on said easement, the property owner hereby releases AT&T of responsibility to repair, rebuild, or maintain any properties placed by property owner in said easement.
c. Property owner must ensure accurate up-to-date facilities locates are obtained by contacting OKIE-ONE (1-800-522-6543).
d. Damage to AT&T facilities resulting from this or any future construction within this easement may carry cost charges to property owner.
e. Any requests to move and/or lower facilities will be at the property owner's cost.
f. AT&T retains all of its rights with respect to its property, right-of-way or easement. Specifically, AT&T retains the right to access its telecommunications facilities to repair, maintain or augment its telecommunications network.

If you have any questions, please feel free to contact me on (405) 636-3770.

Sincerely,

Terri Hayes
Manager – OSP Planning and Engineering Design
Norman/Noble Wire Centers
6100 S. Walker, Room 111E
Oklahoma City, Oklahoma 73139

USA Proud Sponsor of the U.S. Olympic Team

Drew Norlin

From: Ken Danner
Sent: Wednesday, April 28, 2010 8:50 AM
To: Drew Norlin
Subject: FW: Lots 11 and 12, Block 1, Highland Village Addition, Section 5--a/k/a 3301 and 3305 Ness Circle Consent to Encroach--No. 0910-8
Attachments: ASBUILT_20100427_0001.JPG; ASBUILT_20100427_0006.JPG; ASBUILT_20100427_0005.JPG; ASBUILT_20100427_0004.JPG; ASBUILT_20100427_0003.JPG; ASBUILT_20100427_0002.JPG

From: Thad Peterson [mailto:TPeterson@okcoop.org]
Sent: Tuesday, April 27, 2010 3:13 PM
To: Ken Danner
Subject: FW: Lots 11 and 12, Block 1, Highland Village Addition, Section 5--a/k/a 3301 and 3305 Ness Circle Consent to Encroach--No. 0910-8

OEC has no objection to encroachment 0910-8.

Thanks,

OEC
OKLAHOMA ELECTRIC COOPERATIVE

Thad Peterson
Supervisor of Engineering Services

Office 405-217-6625
Mobile 405-641-7372
Fax 405-217-6933
tpeterson@okcoop.org

From: Drew Norlin [mailto:Drew.Norlin@NormanOK.gov]
Sent: Tuesday, April 27, 2010 2:43 PM
To: baileytj@oge.com; jsullivan@oneok.com; marshall.birchett@cox.com; Randy F. Harrell; terri.hayes@att.com; Thad Peterson
Cc: Ken Danner; Jim Speck
Subject: Lots 11 and 12, Block 1, Highland Village Addition, Section 5--a/k/a 3301 and 3305 Ness Circle Consent to Encroach--No. 0910-8

Please contact Ken Danner regarding this consent to encroach the 10' rear yard utility easement for a proposed retaining wall with your approval or disapproval as soon as possible. His email address is ken.danner@ci.norman.ok.us or call him at 366-5458.

Thanks
Drew Norlin

OG&E

PO Box 321
Oklahoma City, Oklahoma 73101-0321

MAY 10, 2010

KEN DANNER, DEVELOPMENT COORDINATOR
NORMAN PLANNING COMMISSION
P. O. BOX 370
NORMAN, OK. 73070

RE: **Applicant: WESTPOINT GROUP, LLC**
Consent to encroach in a 10' utility easement
Lots 11 and 12, Block 1, HIGHLAND VILLAGE, SECTION 5
3301 and 3305 Ness Circle
Consent to Encroach No. 0910-8

Mr. Danner;

Available records show OG&E Electric Services has underground facilities in the lots east of or behind the two lots in question. Our service foreman made an on site inspection of Lots 11 and 12. **He request the developer install two pieces of conduit buried at least 30 inches deep in the wall, to the existing pedestal, located near the southeast corner of Lot 11.** This will provide OG&E access when the time comes to install the service line to the meters on the houses. I request the applicant contact our service foreman **Davie Todd at 553-5158**, at the time the wall is being constructed, to insure the conduit is installed properly for our wire. This will prevent OG&E from having to bore underneath the new wall. OG&E does not object to the encroachment, provided the applicant follows OG&E's request and abides by the city of Norman guidelines for the work described and does the following:

1.) Notify "Call-Okie" at 840-5032 at least 48 hours before digging to have all lines marked.
2.) Call OG&E construction at 553-5143 two days before trenching closer than **four feet to a electric pole, or five feet to an underground line.**
3.) OG&E will not be held responsible for damaging a private line in a (public/platted) easement.
4.) OG&E would need to be reimbursed ahead of time for the cost of relocating any facilities.

Sincerely,

Timothy J. Bailey

Timothy J. Bailey
Right-Of-Way Agent

Cox Communications
6301 Waterford Boulevard, Suite 200
Oklahoma City, Oklahoma 73118
Telephone 405/600-8282

COX COMMUNICATIONS

May 13, 2010

The City of Norman
Planning and Community Development
Attn. Ken Danner
PO Box 370
Norman, Oklahoma 73070

RE: No. 0910-8

To Whom It May Concern:

Cox Communications, has no objection to the encroachment on the utility easement in Lots 11 and 12, Block 1, of Highland Village Addition, Section Section 5, with the construction of concrete retaining wall with piers.

Prior to beginning any digging and/ or trenching activities, please call OKIE-ONE at 1-800-522-6543 for exact location of our facilities. Cost to repair any Cox Communications, facility damage during construction of this project will be the responsibility of the damaging party.

If you have any question or concerns, please feel free to contact our office at (405) 600-6269.

Sincerely,

Marshall Birchett
Right of Way Agent

cb

21. ITEM: CONSIDERATION OF CONSENT TO ENCROACHMENT NO. 0910-10 FOR LOT 5, BLOCK 1, BROOKHAVEN NO. 27 ADDITION. (4700 ABERDEEN COURT)

INFORMATION: Staff has considered the request and encroachment delineated in the above-described consent and recommends Consent to Encroachment No. 0910-10 be approved. Copies of an advisory memorandum; Consent to Encroachment; location maps; letter of request; Staff memoranda; and supplemental material are included in the Agenda Book.

ACTION NEEDED: Motion to approve or reject Consent to Encroachment No. 0910-10; and, if approved, direct the filing thereof with the Cleveland County Clerk.

ACTION TAKEN: _____

office memorandum

TO: The Honorable Mayor and Councilmembers

THROUGH: Jeff Harley Bryant, City Attorney
FROM: Leah Messner, Assistant City Attorney

DATE: May 17, 2010

SUBJECT: Consent to Encroachment No. 0910-10, Lot 5, Block 1, Brookhaven No. 27 Addition, Cleveland County, Oklahoma a/k/a 4700 Aberdeen Court

BACKGROUND:

An encroachment request has been filed in the office of the City Clerk by Richard and Sheri Straughn requesting a Consent to Encroach into a City of Norman utility easement at the above-described property.

DISCUSSION:

The application for a consent to encroach concerns the encroachment upon a City of Norman utility easement for replacement of an existing wooden fence with a masonry fence of the same type and color brick as their home. This fence is located on the southern edge of the property. The masonry footing requires a foundation (footing) 18" x 20" which will encroach upon the existing utility easement.

OG&E and ONG have made specific requests concerning their lines servicing the residence. Those requests are set out in the consent.

Planning, Public Works and Utilities Staff have reviewed the application and contacted the appropriate utilities. There is no objection to the application. Legal Staff has reviewed the application, department memos, utilities responses, and the "hold harmless" clause. Therefore, from a legal perspective it protects the City's concerns with respect to damage to any property owner's property should the City or other authorized entity be required to perform work within the utility easements.

The benefit to having a consent to encroach on file is that it is evidence of the property owner's understanding that, while the City is allowing them to encroach upon the easement, the City is not liable and will not be responsible for damage to the property owner's property in the event such maintenance has to be performed within the easements.

RECOMMENDATION:

Based upon the above and foregoing, the City Attorney's office is forwarding the above Consent to Encroach for Council consideration.

Reviewed by: Steve Lewis, City Manager
cc: Ellen Usry, Deputy City Clerk
LM:dj

CONSENT

Consent to Encroachment No. 0910-10

WHEREAS, the City of Norman, Cleveland County, is in possession of a utility easement on the land described as follows, to-wit:

Lot 5, Block 1 Brookhaven No. 27 Addition, City of Norman, Cleveland County, Oklahoma aka 4700 Aberdeen Court;

AND WHEREAS, the owner of the above-described property requests that a masonry fence be allowed to encroach upon an existing utility easement;

AND WHEREAS, the City has been requested to consent in writing to a masonry fence be located at the requested location;

NOW, THEREFORE, the City of Norman does hereby consent to said masonry fence being within and upon the utility easement with the following conditions:

1. The property owner be responsible for the cost of repairs for any damages to the City's utility easement caused by any excavation or other construction activities conducted on their behalf; and

2. The property owner will be responsible for the cost the City incurs to remove the masonry fence, if needed, to facilitate maintenance or repair of the City's utilities.

3. The property owner will be responsible for the cost to repair or replace the masonry fence after such repairs.

4. The property owner waives and releases any claims against the City for any damages to the masonry fence and related improvements caused by any excavation by the City for purposes of maintaining or replacing the City's utility facilities within the easement area.

5. OG&E should be contracted **two days prior to trenching closer** than **four feet to an electric pole, or three fee to an underground line.** Further, ONG requests that **the portion of the easement crossing the service line to the residence is hand dug, so as not to interrupt service to the residence.**

6. By encroaching on said easement, the property owners release Oklahoma Electric Cooperative, Oklahoma Gas & Electric, Oklahoma Natural Gas, AT&T Southwest, and Cox Communications, Inc. of responsibility to repair, rebuild, or maintain any of their utilities placed in easement.

7. Damages to Oklahoma Electric Cooperative, Oklahoma Gas & Electric, Oklahoma Natural Gas, AT&T Southwest, and Cox Communications, Inc. facilities resultant from any current/future construction may carry possible financial charges to the property owners.

The consent is limited to the masonry fence as indicated in the application being located within the utility easement and the City does not authorize or consent to the construction or location of any other structure of a permanent nature within the easement. Further, this Consent is given with the understanding that the property owner is responsible for any and all direct and consequential damages resulting from the granting of this consent with entry to or upon the existing utility easement as required at any time in the future.

The City, or any other entity so authorized, shall not be held responsible for any and all direct or consequential damages to encroaching improvements resulting from entry, by the City, or any other entity so authorized, upon said utility easement, for any purpose associated with the maintenance, construction, relocation, etc. of any utility located within the said easement.

IN WITNESS WHEREOF, the undersigned has executed this consent this ____ day of _____, 2010.

THE CITY OF NORMAN, OKLAHOMA

_____

Mayor

ATTEST:

_____

City Clerk

On this _____ day of _____, 2010, before me personally appeared _____ and _____, to me to be known to be the identical persons who executed the same as their free and voluntary act and deed of such municipal corporation, for the uses and purposes therein set forth.

Witness my hand and official seal the day and year last above written.

_____

Notary Public

My Commission Expires:

_____

By: _____
Richard Straughn

By: _____
Sheri Straughn

On this _____ day of _____, 2010, before me personally appeared Richard Straughn and Sheri Straughn, to me to be known to be the identical person(s) who executed the same as his/her free and voluntary act and deed for the uses and purposes therein set forth.

Witness my hand and official seal the day and year last above written.

_____

Notary Public

My Commission Expires: _____

The City of Norman
Post Office Box 370
Norman, OK 73070

The ***Straughn's*** 447-8833
4700 Aberdeen Ct.
Norman, OK 73072

DATE: 5/05/10

TO: Brenda Hall - City Clerk
City of Norman
Norman, OK

SUBJECT: Request for Consent to Encroach –10' Utility Easement
4700 Aberdeen Ct.
Norman, OK 73072

Brenda,

My name is R. H. Straughn. My wife and I desire to construct a masonry fence along the southern edge of our property which is situated along a 10'(feet) utility easement- see attached plat. We are requesting for "Consent to Encroach" on this utility easement.

Enclosed is our $400 application fee made payable to "City of Norman".

Our proposed fence will replace a wooden fence that has existed along this property line since original home construction (1995). Our proposed fence requires a foundation (footing) approx. 18 inches wide x 20 inches deep.

We contacted and received 100% approval from all utilities (AT&T, Cox, OGE, ONG, City-of-Norman-Utilities and OEC) as guided by Drew Norlin in the Norman Public Works Dept.. Copies of the approval letters from the respective utilities are attached.

Our proposed fence will be constructed of the same type and color of brick as our home. Thus, the fences appearance will match our house and we believe it will improve the overall aesthetics of our property.

Please provide your concurrence for encroachment as soon as possible.

If I can provide you with further information, please let me know.

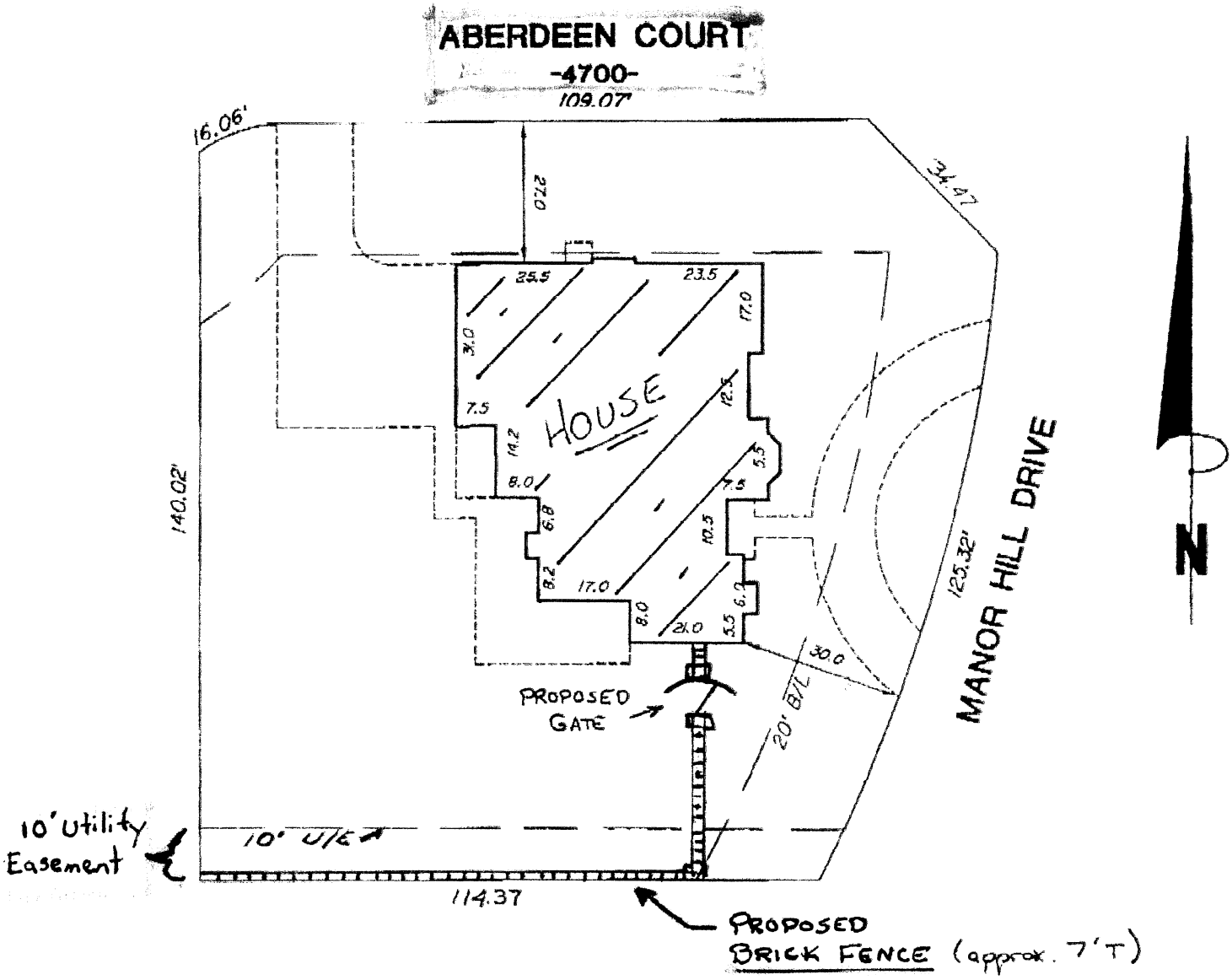
Cheers,

Richard & Sheri

FILED IN THE OFFICE
OF THE CITY CLERK
ON 5/7/10

Enclosure

NOTE: According to the Flood Insurance Rate Map (FIRM) Community Panel Number 40027C0080 F, dated March 17, 1997, the subject property is located in ZONE X, which is not in a flood hazard area....
NOTE: The Right-of-Way recorded in Book 248, Page 289 (partially released in Book 555, Page 203) and the Easement recorded in Book 2427, Page 934 do not cross the subject property....The License Agreement recorded in Book 2078, Page 312 does affect all of subject property, however as of date of survey there is no visible evidence of pipeline crossing subject property.....The Park Land Resveration recorded in Book 676, Page 644 does not cross the subject property.....



CERTIFICATE FOR MORTGAGE INSPECTION

I, Curtis Lee Hale, a Registered Land Surveyor, do hereby certify that a careful inspection has been made under my supervision on the following described property, to wit:

Lot 5, Block 1 of BROOKHAVEN NO. 27 ADDITION to Norman, Cleveland County, Oklahoma. Known as 4700 Aberdeen Court...

as shown on the annexed plat hereto and there are no encroachments of dwelling structures except if shown hereon. The Mortgagee's inspection has been prepared for identification purpose for the Mortgagee in connection with a new loan and mortgage and is not intended or represented to be a land or property line survey. No corners were set. Do not use this drawing for establishing fence or building lines. This inspection was made for loan purposes only and no other responsibility is hereby extended to the land owner or occupant. Dated at

PO Box 321
Oklahoma City, Oklahoma 73101-0321
405-553-3000
www.oge.com

OG&E

OG&E Electric Services
An OGE Energy Corp. Company

JUNE 8, 2009

RICHARD H. STRAUGHN
4700 ABERDEEN COURT
NORMAN, OK. 73072

DESCRIPTION OF WORK: **Permission to install concrete wall in platted U/E**
LEGALS OF WORK LOCATION: **Lot 5, Block 1, BROOKHAVEN NO. 27 ADDITION**

Mr Straughn;

Your request for approval from Oklahoma Gas & Electric Company to allow the installation of a concrete wall in a 10' platted easement along the south side of the above mentioned lot, has been reviewed. Our records show OG&E has underground facilities in this easement. Care will need to be taken to keep a safe distance from this line during the construction process. OG&E does not object to the proposed work, provided the applicant does the following:

1.) Notify "Call-Okie" at 840-5032 at least 48 hours before digging to have all lines marked.
2.) Call OG&E construction at 553-5143 two days before trenching closer than **four feet to a electric pole, or three feet to an underground line**.
3.) OG&E will not be held responsible for damaging a private line in a (public/platted) easement.
4.) OG&E would need to be reimbursed ahead of time for the cost of relocating any facilities.

If there is any disruption to an OG&E customer because of work performed in the construction of the wall, you and the contractor involved in the construction, will be responsible for any costs incurred by OG&E to restore service. Obtaining approval from the city of Norman and beginning the above referenced construction constitutes acceptance of the terms of this letter. If you have any questions, please contact me at (405) 553-5174.

Sincerely,

Timothy J. Bailey

Timothy J. Bailey
Right-Of-Way Agent

Robert Moore = 553-5118 - field rep. to call w/ any problems

YAHOO! MAIL Classic

RE: Consent to Encroach-Utility Easement (4700 Aberdeen Ct., Norman, OK) Friday, May 7, 2010 11:40 AM

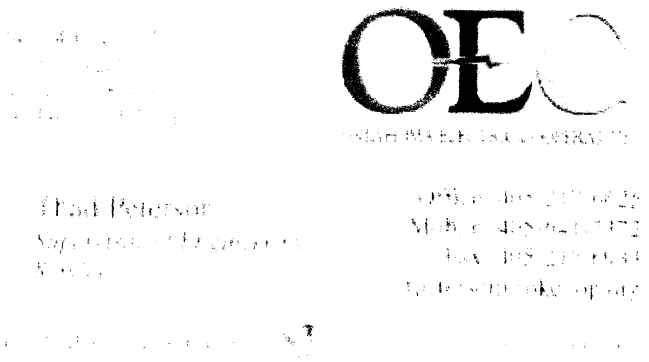
From: "RH Straughn" [redacted]

To: eaglesaint1-mail@yahoo.com

--- On **Tue, 4/27/10, Thad Peterson** ***<TPeterson@okcoop.org>*** wrote:

From: Thad Peterson <TPeterson@okcoop.org>
Subject: RE: Consent to Encroach-Utility Easement (4700 Aberdeen Ct., Norman, OK)
To: RH Straughn
Date: Tuesday, April 27, 2010, 1:18 PM

OEC has no objection to the easement encroachment located at 4700 Aberdeen Court.



Terri Hayes
Engineering and Construction
6100 S Walker Avenue
Room 111-E
Oklahoma City, OK 73139

T: 405-636-3770
F: 405-636-3778

April 27, 2010

Consent to Encroach
Utility Easement
Brookhaven No. 27 Addition
Lot 5; Block 1
Cleveland County
a/k/a 4700 Aberdeen Court
Norman, Ok.

To Whom It May Concern:

Review of the above request to encroach the existing utility easement on the above referenced property to construct a brick fence on the backside of the property has been completed. Please be advised that AT&T Southwest has no objections to encroach upon said easement under the following advisements.

a. AT&T does have a buried copper distribution cable located within the rear 10 foot utility easements of Brookhaven No. 27 Addition and there appears to be no conflict with respect to the property owner's project area and the existing AT&T facilities.
b. By encroaching on said easement, the property owner hereby releases AT&T of responsibility to repair, rebuild, or maintain any properties placed by property owner in said easement.
c. Property owner must ensure accurate up-to-date facilities locates are obtained by contacting OKIE-ONE (1-800-522-6543).
d. Damage to AT&T facilities resulting from this or any future construction within this easement may carry cost charges to property owner.
e. Any requests to move and/or lower facilities will be at the property owner's cost.
f. AT&T retains all of its rights with respect to its property, right-of-way or easement. Specifically, AT&T retains the right to access its telecommunications facilities to repair, maintain or augment its telecommunications network.

If you have any questions, please feel free to contact me on (405) 636-3770.

Sincerely,

Terri Hayes
Manager – OSP Planning and Engineering Design
Norman/Noble Wire Centers

YAHOO! MAIL Classic

Re: Consent to Encroach-Utility Easement 4700 Aberdeen Ct., Norman OK Friday, May 7, 2010 11:52 AM

From: "RH Straughn" [redacted]

To: eaglesaint1-mail@yahoo.com

--- On **Fri, 4/30/10, Davis, Shannon <*sdavis@ong.com*>** wrote:

> From: Davis, Shannon <sdavis@ong.com>
> Subject: brick fence
> To: RH Straughn
> Cc: "Davis, Shannon" <sdavis@ong.com>
> Date: Friday, April 30, 2010, 12:29 PM
>
> ONG has no objection to the installation of the wall if OKIE 1CALL is used and the part of the wall that crosses your service line is hand dug not to damage ONG's service line to your house. If damaged cost of repairs and loss of gas could be billed to you.

Cox Communications, Inc.
6301 Waterford Blvd., Suite 200
Oklahoma City, Oklahoma 73118

May 6, 2010

R.H. Straughn
4700 Aberdeen Ct
Norman, OK 73072

To Whom It May Concern:

Cox Communications, has no objection to the City of Norman granting a revocable permit to allow the placement of a brick fence paralleling the south property line encroaching on the 10' utility easement at 4700 Aberdeen Court by R.H. Straughn.

Prior to beginning any digging and/ or trenching activities, please call OKIE-ONE at 1-800-522-6543 for exact location of our facilities. Cost to repair any Cox Communications, facility damage during construction of this project will be the responsibility of the damaging party.

If you have any question or concerns, please feel free to contact our office at (405) 600-6336

Sincerely,

Jodie Finney
Right-of-Way Agent

CC: Marshall Birchett

office memorandum

Date: May 10, 2010

To: Brenda Hall, City Clerk

From: Jim Speck, Capital Projects Engineer JS

Re: Consent to Encroach 0910-10
Lot 5, Block 1, Brookhaven No. 27 Addition
(4700 Aberdeen Court)

The lot located at 4700 Aberdeen Court (Lot 5, Block 1, Brookhaven No. 27 Addition) has a platted 10-foot wide utility easement (U/E) along the southern boundary. The owner requests construction of a masonry fence to replace an existing wooden stockade fence along the south property line.

Currently, there is an 8-inch sewer line and manhole located 2 to 3 feet south of the southern property line in the U/E at the southwest corner of the property. The footing for a masonry fence in the proposed location would be located at too close proximity to the manhole and/or sewer line to perform maintenance without impacting the fence.

The Utilities Department objects to all encroachments on utility easements unless the applicant agrees to certain requirements being filed of record on the consent document. A recommendation to approve is forwarded only when the applicant agrees to the following:

1. The owner agrees to alter the site plan to show an offset, fillet, or other alteration to the fence alignment at the southwest corner of the lot that would maintain a minimum 5 foot separation between the outside edge of the manhole and the closest edge of the fence and/or footing.
2. The property owner will be responsible for the cost to repair any damages to the City's utilities caused by any excavation, piering or other construction activities conducted by the property owner or his agents.
3. The property owner will be responsible for the cost the City incurs to remove any fence, curb, landscaping, building, and any other structure if needed to facilitate maintenance or repair of the City's utilities.
4. The property owner will be responsible for the cost to repair or replace any fence, curb, or any other structure after such repairs.
5. The property owner will waive and release any claims against the City for any damages to the residence and related improvements caused by a failure or repair and maintenance of the City's utilities within the easement area.

The Utilities Department can approve the encroachment application if the above requirements are filed of record on the consent document. Please advise if you have any questions.

Cc: Jeff Bryant
Ken Danner
Ken Komiske
Mark Daniels
David Hager

office memorandum

DATE: May 10, 2010

TO: Brenda Hall
City Clerk

FROM: Doug Koscinski, AICP DJK
Manager of Current Planning

SUBJECT: Agenda Item: May 25, 2010
Consent to Encroachment No. 0910-10
4700 Aberdeen Court

BACKGROUND. Lot 5, Block 1, Brookhaven No. 27 Addition is zoned R-1, Single Family Dwelling District. The owners of the lot wishes to replace an existing wooden fence along the southern boundary of their lot with a brick wall. As the wall requires a permanent footing within an existing utility easement, they have requested a Consent to Encroachment be granted so that the wall can be constructed. The wall will be constructed within a utility easement which contains underground systems. With certain conditions, all of the franchised utilities have agreed to the encroachment.

DISCUSSION. The Zoning Ordinance establishes building setback requirements on all residential lots, and does limit the height and location of some fences. In this case, the size and location of this wall is not otherwise prohibited by the zoning ordinance. The wall will be constructed of brick which matches the existing home, which the owner believes will enhance its appearance and improve the aesthetics of the home.

RECOMMENDATION. There is no zoning violation associated with this Consent to Encroachment, therefore Planning Staff is able to support this request to install the proposed wall.

Reviewed by: Susan Connors, AICP
Director of Planning and Community Development

office memorandum

Date: May 13, 2010

To: Blaine Nice, Assistant City Attorney

From: Ken Danner, Development Manager KD

Subject: Consent to Encroach –
Lot 5, Block 1, Brookhaven No. 27 Addition
4700 Aberdeen Court

Public Works staff does not oppose the masonry fence within the rear 10-foot utility easement. We do yield to the Utilities Department regarding any possible sanitary sewer main within the easement. The City and utility companies should be held harmless in the course of maintaining their facilities. Responses from the utility companies are attached. Cox Communications has not responded.

If you have any further questions, please feel free to contact me.

KD/tf

Reviewed by: Shawn O'Leary, Director of Public Works

cc: Brenda Hall, City Clerk
Ken Komiske, Director of Utilities

office memorandum

DATE: May 7, 2010

TO: Jeff Bryant, City Attorney
Doug Koscinski, Current Planning Manager
Ken Danner, Development Coordinator
Ken Komiske, Director of Utilities

FROM: Brenda Hall, City Clerk BH by LEW

SUBJECT: Consent to Encroachment No. 0910-10 (4700 Aberdeen Court)

An Encroachment Request was filed in my office today for permission to encroach onto a utility easement to replace an existing fence with a masonry fence located in Lot 5, Block 1, Brookhaven No. 27 Addition, a/k/a 4700 Aberdeen Court. I am forwarding the letter of request, site plan, and letters from AT&T; Cox Communications; OG&E; ONG; and OEC. The application fee has been paid.

This item will be scheduled as an agenda item on May 25, 2010, and the information must be received in my office by May 10, 2010. If there is a problem in meeting that timeframe, please advise.

BH:smr
attachments

22. ITEM: SUBMISSION OF WATER LINE PERMIT NO. WL000014100203 AND SEWER LINE PERMIT NO. SL000014100204 SUBMITTED BY THE STATE OF OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY (ODEQ) FOR SANITARY SEWER AND WATER MAIN RELOCATION IMPROVEMENTS IN CONNECTION WITH THE LINDSEY STREET WIDENING PROJECT BETWEEN LINCOLN AVENUE AND THE BURLINGTON, NORTHERN, SANTA FE (BNSF) RAILROAD TRACKS.

INFORMATION: The above-described permits appear on City Council's agenda in order that acknowledgment of the permits may be noted in the minutes as a matter of permanent record. Copies of an advisory memorandum, letters of transmittal, and permits are included in the Agenda Book.

ACTION NEEDED: Motion to acknowledge receipt of the permits and direct the filing thereof.

ACTION TAKEN: _____

office memorandum

Date: May 6, 2010

To: Honorable Mayor Councilmembers

From: Lonnie Ferguson, Capital Projects Manager

Subject: Agenda Item – Acknowledgement of the Oklahoma Department of Environmental Quality Permits for Lindsey Street: Jenkins Avenue to the BNSF Railroad Road Widening Project for Water Main and Sanitary Sewer Main Relocation Improvements
Water Line Permit No. WL000014100203
Sewer Line Permit No. SL000014100204

BACKGROUND:

Funds were appropriated for the Lindsey Street: Jenkins Avenue to the BNSF Railroad Road Widening Project as part of the March 2005 General Obligation (G.O.) Bond Election. The purpose of this project is to widen Lindsey Street from two to four lanes, signalize the intersection at George Avenue, add left turn lanes between George Avenue and Jenkins Avenue and provide sidewalks/bike paths on both sides of Lindsey Street. The project also includes significant water and sewer relocation improvements. As a part of the project requirements, a permit from the Oklahoma Department of Environmental Quality (ODEQ) is required for these relocations. The purpose of the relocation work associated with this permit is to relocate the existing water and sewer lines where they conflict with the proposed road widening project.

DISCUSSION:

Staff has applied for and received the above-reference permits. ODEQ requires that these permits be recognized and acknowledged as a matter of permanent record in the City Council's regular minutes.

RECOMMENDATION:

Staff recommends City Council acknowledge these permits and that it be made a matter of permanent record in the City Council minutes.

LF/tf

Reviewed by: Shawn O'Leary, Director of Public Works
Jeff Bryant, City Attorney
Steve Lewis, City Manager

OKLAHOMA
DEPARTMENT OF ENVIRONMENTAL QUALITY

STEVEN A. THOMPSON
Executive Director

OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY

BRAD HENRY
Governor

April 23, 2010

Mr. Bob Hanger, City Engineer
City of Norman
801 West Gray, Building A
Norman, Oklahoma 73069

Re: Permit No. WL000014100203
Lindsey Street Water Line Relocation
Facility No. 1020810

Dear Mr. Hanger:

Enclosed is Permit No. WL000014100203 for the construction of 1,650 linear feet of sixteen (16) inch PVC water line, 400 linear feet of eighteen (18) inch HDPE water line and all appurtenances to serve the City of Norman, Cleveland County, Oklahoma.

The project authorized by this permit should be constructed in accordance with the plans approved by this Department on April 23, 2010. Any deviations from the approved plans and specifications affecting capacity, flow or operation of units must be approved, in writing, by the Department before changes are made.

Receipt of this permit should be noted in the minutes of the next regular meeting of the City of Norman, after which it should be made a matter of permanent record.

We are returning one (1) set of the approved plans to you, one (1) set to your engineer and retaining one (1) set for our files.

Sincerely,

Eddie Rhandour, E.I.
Construction Permit Section
Water Quality Division

ER/RC/ab

Enclosure

c: David Golden, Regional Manager, DEQ
Purcell DEQ Office
Richard Grotte, P.E., Poe & Associates

RECEIVED
MAY 03 2010
PW/Administration

STEVEN A. THOMPSON
Executive Director

OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY

BRAD HENRY
Governor

Permit No WL000014100203

WATER LINES

PWSID No. 1020810

PERMIT TO CONSTRUCT

April 23, 2010

Pursuant to O.S. 27A 2-6-304, the City of Norman is hereby granted this Tier I Permit to construct 1,650 linear feet of sixteen (16) inch PVC water line, 400 linear feet of eighteen (18) inch HDPE water line and all appurtenances to serve the City of Norman, located in the NW/4 of Section 5, T-8-N, R-2-W, Cleveland County, Oklahoma, in accordance with the plans approved April 23, 2010.

By acceptance of this permit, the permittee agrees to operate and maintain the facility in accordance with the Public Water Supply Operation rules (OAC 252:631) and to comply with the State Certification laws, Title 59, Section 1101-1116 O.S. and the rules and regulations adopted thereunder regarding the requirements for certified operators.

This permit is issued subject to the following provisions and conditions.

1) That the recipient of the permit is responsible that the project receives supervision and inspection by competent and qualified personnel.

2) That construction of all phases of the project will be started within one year of the date of approval or the phases not under construction will be resubmitted for approval as a new project.

3) That no significant information necessary for a proper evaluation of the project has been omitted or no invalid information has been presented in applying for the permit.

4) That the Oklahoma Department of Environmental Quality shall be kept informed on occurrences which may affect the eventual performance of the works or that will unduly delay the progress of the project.

5) That wherever water and sewer lines are constructed with spacing of 10 feet or less, sanitary protection will be provided in accordance with Public Water Supply Construction Standards [OAC 252:626-19-2].

Permit No WL000014100203

WATER LINES

PWSID No. 1020810

PERMIT TO CONSTRUCT

6) That before placing this facility into service, at least two samples of the water, taken on different days, shall be tested for bacteria to show that it is safe for drinking purposes.

7) That any deviations from approved plans or specifications affecting capacity, flow or operation of units must be approved by the Department before any such deviations are made in the construction of this project.

8) That the recipient of the permit is responsible for the continued operation and maintenance of these facilities in accordance with rules and regulations adopted by the Environmental Quality Board, and that this Department will be notified in writing of any sale or transfer of ownership of these facilities.

9) The issuance of this permit does not relieve the responsible parties of any obligations or liabilities which the permittee may be under pursuant to prior enforcement action taken by the Department.

10) That the permittee is required to inform the developer/builder that a DEQ Storm Water Construction Permit is required for a construction site that will disturb one (1) acre or more in accordance with OPDES, 27A O.S. Section 2-6-201 *et. seq.* For information or a copy of the GENERAL PERMIT (GP-005) FOR STORM WATER DISCHARGES FROM CONSTRUCTION ACTIVITIES, Notice of Intent (NOI) form, Notice of Termination (NOT) form, or guidance on preparation of a Pollution Prevention Plan, contact the Storm Water Unit of the Water Quality Division at P.O. Box 1677, Oklahoma City, OK 73101-1677 or by phone at (405) 702-8100.

11) That any notations or changes recorded on the official set of plans and specifications in the Oklahoma Department of Environmental Quality files shall be part of the plans as approved.

12) That water lines shall be located at least fifteen (15) feet from all parts of septic tanks and absorption fields, or other sewage treatment and disposal systems.

13) That whenever plastic pipe is approved and used for potable water, it shall bear the seal of the National Sanitation Foundation and meet the appropriate commercial standards.

STEVEN A. THOMPSON
Executive Director

OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY

BRAD HENRY
Governor

Permit No WL000014100203

WATER LINES

PWSID No. 1020810

PERMIT TO CONSTRUCT

14) That when it is impossible to obtain proper horizontal and vertical separation as stipulated in Public Water Supply Construction Standards OAC 252:626-19-2(8)(A) and OAC 252:626-19-2(8)(B), respectively, the sewer shall be designed and constructed equal to water pipe, and shall be pressure tested to the highest pressure obtainable under the most severe head conditions of the collection system prior to backfilling in accordance with Water Pollution Construction Standard OAC 252:656-5-4(c)(3).

Failure to appeal the conditions of this permit in writing within 30 days from the date of issue will constitute acceptance of the permit and all conditions and provisions.

ER

Rocky Chen, P.E., Engineering Manager, Construction Permit Section
Water Quality Division

STEVEN A. THOMPSON
Executive Director

OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY

BRAD HENRY
Governor

April 23, 2010

Mr. Bob Hanger, City Engineer
City of Norman
801 West Gray, Building A
Norman, Oklahoma 73069

Re: Permit No. SL000014100204
Lindsey Sanitary Sewer Line Relocation
S- 20616

Dear Mr. Hanger:

Enclosed is Permit No. SL000014100204 for the construction of 480 linear feet of ten (10) inch PVC sanitary sewer line, 400 linear feet of eighteen (18) inch PVC sanitary sewer line and all appurtenances to serve the City of Norman, Cleveland County, Oklahoma.

The project authorized by this permit should be constructed in accordance with the plans approved by this Department on April 23, 2010. Any deviations from the approved plans and specifications affecting capacity, flow or operation of units must be approved, in writing, by the Department before changes are made.

Receipt of this permit should be noted in the minutes of the next regular meeting of the City of Norman, after which it should be made a matter of permanent record.

We are returning one (1) set of the approved plans to you, one (1) set to your engineer and retaining one (1) set for our files.

Sincerely,

Eddie Rhandour, E.I.
Construction Permit Section
Water Quality Division

ER/RC/ab

Enclosure

c: David Golden, Regional Manager, DEQ
Purcell DEQ Office
Richard Grotte, P.E., Poe & Associates

RECEIVED
MAY 04 2010
PW/Administration

STEVEN A. THOMPSON
Executive Director

OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY

BRAD HENRY
Governor

Permit No SL000014100204

SEWER LINES

S- 20616

PERMIT TO CONSTRUCT

April 23, 2010

Pursuant to O.S. 27A 2-6-304, the City of Norman is hereby granted this Tier I Permit to construct 480 linear feet of ten (10) inch PVC sanitary sewer line, 400 linear feet of eighteen (18) inch PVC sanitary sewer line and all appurtenances to serve the City of Norman, located in the NW/4 of Section 5, T-8-N, R-2-W, Cleveland County, Oklahoma, in accordance with the plans approved April 23, 2010.

By acceptance of this permit, the permittee agrees to operate and maintain the facilities in accordance with the "Oklahoma Pollutant Discharge Elimination System Standards - OPDES" (OAC 252:606) rules and to comply with the state certification laws, Title 59, Section 1101-1116 O.S. and the rules and regulations adopted thereunder regarding the requirements for certified operators.

This permit is issued subject to the following provisions and conditions.

1) That the recipient of the permit is responsible that the project receives supervision and inspection by competent and qualified personnel.

2) That construction of all phases of the project will be started within one year of the date of approval or the phases not under construction will be resubmitted for approval as a new project.

3) That no significant information necessary for a proper evaluation of the project has been omitted or no invalid information has been presented in applying for the permit.

4) That wherever water and sewer lines are constructed with spacing of 10 feet or less, sanitary protection will be provided in accordance with OAC 252:656-5-4(c)(3) of the standards for Water Pollution Control Facility Construction.

5) That tests will be conducted as necessary to insure that the construction of the sewer lines will prevent excessive infiltration and that the leakage will not exceed 10 gallons per inch of pipe diameter per mile per day.

6) That the Oklahoma Department of Environmental Quality shall be kept informed of occurrences which may affect the eventual performance of the works or that will unduly delay the progress of the project.

7) That the permittee will take steps to assure that the connection of house services to the sewers is done in such a manner that the functioning of the sewers will not be impaired and that earth and ground water will be excluded from the sewers when the connection is completed.

Permit No SL000014100204

SEWER LINES

S- 20616

PERMIT TO CONSTRUCT

8) That any deviations from approved plans or specifications affecting capacity, flow or operation of units must be approved by the Department before any such deviations are made in the construction of this project.

9) That the recipient of the permit is responsible for the continued operation and maintenance of these facilities in accordance with rules and regulations adopted by the Environmental Quality Board, and that this Department will be notified in writing of any sale or transfer of ownership of these facilities.

10) The issuance of this permit does not relieve the responsible parties of any obligations or liabilities which the permittee may be under pursuant to prior enforcement action taken by the Department.

11) That the permittee is required to inform the developer/builder that a DEQ Storm Water Construction Permit is required for a construction site that will disturb one (1) acre or more in accordance with OPDES, 27A O.S. 2-6-201 *et. seq.* For information or a copy of the GENERAL PERMIT (GP-005) FOR STORM WATER DISCHARGES FROM CONSTRUCTION ACTIVITIES, Notice of Intent (NOI) form, Notice of Termination (NOT) form, or guidance on preparation of a Pollution Prevention Plan, contact the Storm Water Unit of the Water Quality Division at P.O. Box 1677, Oklahoma City, OK 73101-1677 or by phone at (405) 702-8100.

12) That all manholes shall be constructed in accordance with the standards for Water Pollution Control Facility Construction (OAC 252:656-5-3), as adopted by the Oklahoma Department of Environmental Quality.

13) That when it is impossible to obtain proper horizontal and vertical separation as stipulated in Water Pollution Control Facility Construction OAC 252:656-5-4(c)(1) and OAC 252:656-5-4(c)(2), respectively, the sewer shall be designed and constructed equal to water pipe, and shall be pressure tested using the ASTM air test procedure with no detectable leakage prior to backfilling, in accordance with the standards for Water Pollution Control Facility Construction OAC 252:656-5-4(c)(3).

STEVEN A. THOMPSON
Executive Director

OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY

BRAD HENRY
Governor

Permit No SL000014100204

SEWER LINES

S- 20616

PERMIT TO CONSTRUCT

Failure to appeal the conditions of this permit in writing within 30 days from the date of issue will constitute acceptance of the permit and all conditions and provisions.

ER

Rocky Chen, P.E., Engineering Manager, Construction Permit Section
Water Quality Division

23. ITEM: LIMITED LICENSE NO. 0910-12: LIMITED LICENSE TO PLACE FIVE (5) GROUND BANNERS WITHIN THE PUBLIC RIGHTS-OF-WAY PURSUANT TO A REQUEST FROM JAZZ IN JUNE FOR THE JAZZ IN JUNE FESTIVAL TO BE HELD JUNE 24 THROUGH 26, 2010.

INFORMATION: City Council, in its meeting of August 8, 1995, adopted Ordinance No. O-9596-6 providing a limited license for placement of festival and public event banners which would be granted by the City Council. Jazz in June has requested to place five (5) ground banners at various locations in the City of Norman for a thirty-four day period. In accordance therewith, the above-described item is submitted for City Council's consideration. Copies of an advisory memorandum, application, and limited license are included in the Agenda Book.

ACTION NEEDED: Motion to approve or reject Limited License No. 0910-12 to place five (5) ground banners within the public rights-of-way pursuant to a request from Jazz in June; and, if approved, authorize the issuance thereof.

ACTION TAKEN: _____

office memorandum

DATE: May 12, 2010

TO: Honorable Mayor and Council Members
Norman City Council

FROM: Wayne Stenis, AICP
Planner II

SUBJECT: Agenda Item: May 25, 2010
Limited License No. 0910-12
Jazz in June Festival – To be held June 24 to 26

BACKGROUND:
Section 18-308 states:

> **Festival or Public Event Banners.**
> *Signs announcing specific events or promotions that are of a legitimate public benefit to the community at large may be erected within the public right-of-way when authorized by a limited license granted by the City Council. The size, number, type, and wording of such signs must be specified in the license, as well as their location and duration of use. Because of their unique location within the public right-of-way, such banners may not be placed so as to interfere with legitimate traffic and safety concerns.*

DISCUSSION:
The Jazz in June Committee, a 501 (c) (3) organization, has requested placement of five (5) ground signs at intersections around the community to advertise a public festival. The signs will be used from June 24 through June 26, 2010. The event will be held at several venues around the city.

A copy of the letter of request, with the specified locations, is attached for reference.

RECOMMENDATION:
The locations are acceptable and will not impact any designated sight triangles if properly placed. Staff has prepared the license in accordance with their request, and presents it to the Council for consideration. Additional conditions may be attached by Council. Other than the stipulated time frame and placement, staff has not suggested any other conditions, and does not oppose granting this limited license.

Reviewed by: Susan Connors, Director of Planning and Community Development SFC
Jeff Bryant, City Attorney
Steve Lewis, City Manager

APPLICATION FOR LIMITED LICENSE
FOR FESTIVAL OR PUBLIC EVENT BANNER OR SIGN

Date:
3-4-2010

Name of Applicant:
Courtney Van Amburgh

Applicant's Personal Address:
2120 Meridian Dr.
Norman, OK. 73071

Telephone Number:
214-543-4131

Number of Banners/Signs:
5

Location of Banners (If list is lengthy you may attach separate sheet or map):
**NW corner 24th/Robinson - at intersection where Target is located
**NW corner 12th/Alameda - (east 12th) at Walgreens
**SW corner 24th/Lindsay - Sooner Legends. alt location at NE corner - liquor store
**SE corner 24th/Main - at c-store by Hastings
**SE corner 12th/Lindsay - (east 12th) at Republic Bank

Banner Size:
4ft. x 8ft.

Type of Banner:
Vinyl

Wording of Banner:
Jazz in June 2010
June 24-26

Duration of Use:
Friday, May 26 through Sunday, June 27

Because of their unique location within the public right-of-way, such banners shall not be placed so as to interfere with legitimate traffic and safety concerns.
Additionally, these are intended to be of benefit to the community at large and not private commercial advertising, although they may contain a sponsor's identification on a minor portion of the sign.

LIMITED LICENSE NO. 0910-12

LIMITED LICENSE TO INSTALL FIVE (5) GROUND BANNERS WITHIN THE PUBLIC RIGHTS-OF-WAY PURSUANT TO A REQUEST FROM THE JAZZ IN JUNE COMMITTEE FOR THE JAZZ IN JUNE FESTIVAL TO BE HELD JUNE 24 THROUGH 26, 2010.

An Application has been filed by Courtney Van Amburgh on behalf of Jazz in June for a Limited License to place five (5) ground banners within the public rights-of-way pursuant to Section 18-308 of Chapter 18 of the Code of Ordinances, which Application is hereby granted pursuant to the conditions and limitations as set forth in said Application.

Special conditions for the granting of this limited license by the City Council are as follows:

Strict compliance with all the conditions set forth in the application filed herein with regard to description, location, duration, and wording as specified in the application which is incorporated herein and made a part hereof.

License limited for thirty-four day period from May 25 through June 27, 2010.

Any special conditions which may be imposed by the City Council.

Further, any breach of the conditions as above set forth shall be grounds for immediate revocation of this license and further that the City Council may revoke this limited license at will and for any cause whatsoever upon the giving of thirty (30) days notice authorized by the City Council to the application.

Approved this 25th day of May, 2010.

CITY OF NORMAN

_____
Mayor

ATTEST:

_____
City Clerk

24. ITEM: LIMITED LICENSE NO. 0910-13: LIMITED LICENSE TO PLACE FOUR (4) GROUND BANNERS WITHIN THE PUBLIC RIGHTS-OF-WAY PURSUANT TO A REQUEST FROM THE FIREHOUSE ART CENTER FOR THE MIDSUMMER NIGHT'S FAIR TO BE HELD JULY 9 AND 10, 2010, AT LION'S PARK.

INFORMATION: City Council, in its meeting of August 8, 1995, adopted Ordinance No. O-9596-6 providing a limited license for placement of festival and public event banners which would be granted by the City Council. The Firehouse Art Center has requested to place four (4) ground banners at various locations in the City of Norman for a forty-day period. In accordance therewith, the above-described item is submitted for City Council's consideration. Copies of an advisory memorandum, application, and limited license are included in the Agenda Book.

ACTION NEEDED: Motion to approve or reject Limited License No. 0910-13 to place four (4) ground banners within the public rights-of-way pursuant to a request from the Firehouse Art Center; and, if approved, authorize the issuance thereof.

ACTION TAKEN: _____

office memorandum

DATE: May 12, 2010

TO: Honorable Mayor and Council Members
Norman City Council

FROM: Wayne Stenis, AICP
Planner II

SUBJECT: Agenda Item: May 25, 2010
Limited License No. 0910-13
Firehouse Arts Center – Midsummer Nights' Festival, July 9 & 10

BACKGROUND:
Section 18-308 states:

> **Festival or Public Event Banners.**
> *Signs announcing specific events or promotions that are of a legitimate public benefit to the community at large may be erected within the public right-of-way when authorized by a limited license granted by the City Council. The size, number, type, and wording of such signs must be specified in the license, as well as their location and duration of use. Because of their unique location within the public right-of-way, such banners may not be placed so as to interfere with legitimate traffic and safety concerns.*

DISCUSSION:
The Firehouse Art Center, a 501 (c) (3) organization, has requested placement of four (4) ground signs at intersections around the community to advertise a public festival. The signs will be used from June 2 through June 11, 2010. The event will be held at Lions Park on June 9th and 10th, 2010.

A copy of the letter of request, with the requested locations, is attached for reference. Banners for a different limited license, if approved, will conflict. Staff recommends these banners be placed at different corners of the requested intersections: NW Corner of 24th/Main, SE corner 24th/Robinson, SE Corner 12th/Alameda and NE Corner of Lions Park.

RECOMMENDATION:
The recommended locations are acceptable and will not impact any designated sight triangles if properly placed. Staff has prepared the license in accordance with their request, and presents it to the Council for consideration. Additional conditions may be attached by Council. Other than the stipulated time frame and placement, staff has not suggested any other conditions, and does not oppose granting this limited license.

Reviewed by: Susan Connors, Director of Planning and Community Development
Jeff Bryant, City Attorney
Steve Lewis, City Manager

APPLICATION FOR LIMITED LICENSE FOR FESTIVAL OR PUBLIC EVENT BANNER/SIGN

Date: 2-22-2010

Name of Applicant: Firehouse Art Center for Midsummer Nights' Fair
(Carla Chew, coordinator)

Address: 444 S. Flood, Norman, Ok 73069

Telephone: 405-329-4523

Number of Banners: Four

Location of Banners/Signs: SE corner of NW 24 & Main; NW corner of NW 24 & Robinson; NW corner of NE 12 & Alameda; NW corner of Lions Park (SW corner of Flood & Symmes)

Banner/Sign Size: 4 ft x 8 ft

Type of Banner/Sign: Plastic banner

Wording of Banner: Midsummer Nights' Fair, July 9th & 10th, Lions Park 6 – 11 pm, plus a list of musical performances

Duration of Use: June 2nd - July 11th, 2010

LIMITED LICENSE NO. 0910-13

LIMITED LICENSE TO PLACE FOUR (4) GROUND BANNERS WITHIN THE PUBLIC RIGHTS-OF-WAY PURSUANT TO A REQUEST FROM THE FIREHOUSE ART CENTER FOR THE MIDSUMMER NIGHTS' FAIR TO BE HELD AT LIONS PARK ON JULY 9 AND 10, 2010.

An Application has been filed by the Firehouse Art Center for the Midsummer Nights' Fair for a Limited License to place four (4) ground banners to be placed at four locations within the public right-of-way pursuant to Section 18-308 of Chapter 18 of the Code of Ordinances, which Application is hereby granted pursuant to the conditions and limitations as set forth in said Application.

Special conditions for the granting of this limited license by the City Council are as follows:

Strict compliance with all the conditions set forth in the application filed herein with regard to description, location, duration, and wording as specified in the application which is incorporated herein and made a part hereof

License limited for a forty day period from June 2, 2010 through July 11, 2010

Any special conditions which may be imposed by the City Council.

Further, any breach of the conditions as above set forth shall be grounds for immediate revocation of this license and further that the City Council may revoke this limited license at will and for any cause whatsoever upon the giving of thirty (30) days notice authorized by the City Council to the application.

Approved in Open Meeting this 25th day of May, 2010.

CITY OF NORMAN

_____

Mayor

ATTEST:

_____

City Clerk

25. ITEM: CONSIDERATION OF FINAL ACCEPTANCE OF CONTRACT NO. K-0910-25 BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND CENTRAL CONTRACTING SERVICES, INC., FOR THE ROBINSON STREET GRADE SEPARATION WATER/SEWER LINE RELOCATION PROJECT.

INFORMATION: City Council, in its meeting of July 14, 2009, approved Contract No. K-0910-25 with Central Contracting Services, Inc., in the amount of $486,095 for the above described project. The Utilities Department requested adding a project to scope of service and Change Order No. One was approved by City Council on December 9, 2009, increasing the contract amount by $103,896 to add the relocation of a 10-inch sewer line located east of Fay Avenue extending under Robinson Street at a relatively shallow depth. The sewer line was extended further east along the north side of Robinson Street and connected at Peters Avenue at a steeper slope and the existing 10-inch sewer line was abandoned. The project is completed and all work meets or exceeds specifications. Based upon the above information, it is recommended that the project be accepted. A copy of an advisory memorandum is included in the Agenda Book.

ACTION NEEDED: Motion to accept or reject the project.

ACTION TAKEN: _____

office memorandum

Date: May 10, 2010

To: Honorable Mayor and Councilmembers

From: John Clink, Capital Projects Engineer JC

Subject: Agenda Item – 1) Final acceptance of the Robinson Street Underpass Water and Sewer Relocation Project

BACKGROUND:

The Robinson Street Underpass Project is a General Obligation Bond Project that was approved by the voters in March, 2005. The project boundaries are approximately 500 feet east of Flood Avenue to 500 feet east of Stubbeman Avenue. The City secured federal funding for the above-referenced project from four sources, the Transportation and Community and System Preservation (TCSP) Program, two (2) line items in the SAFETEA-LU legislation, Association of Central Oklahoma Governments (ACOG) and Stimulus Funding.

On September 23, 2008, City Council approved Contract No. K-0809-51 a right-of-way and utility agreement with the Oklahoma Department of Transportation for the construction of the Robinson Street Underpass. This agreement requires the City to acquire right-of-way and relocate utilities for the Robinson Street Underpass Project. On July 14, 2009, Council approved Contract K-0910-25, with Central Contracting of Norman, in the amount of $486,095 for the Robinson Street Underpass Water and Sewer Relocation Project.

On December 8, 2009, Council approved Change Order No. 1 increasing the original bid by $103,896 to $589,991. Change Order No. 1 was at the request of the City's Utilities Department to extend the 10-inch sewer line being re-located for the Robinson Street Underpass project approximately 650 feet east to Jones Avenue rather than connecting to the existing sewer in the middle of Robinson Street.

DISCUSSION:

The work began in October 2009 and was completed in February 2010. The Project Inspector and the Capital Project Engineer made a final inspection in February 2010. The contractor constructed the project according to the plans and specifications. All work has been inspected and approved by the Engineering Division.

RECOMMENDATION:

Staff recommends final acceptance of the Robinson Street Underpass Water and Sewer Relocation Project.

Reviewed by: Shawn O'Leary, Public Works Director
Jeff Bryant, City Attorney BN/JHB
Steve Lewis, City Manager

26. ITEM: CONSIDERATION OF THE ACCEPTANCE OF A PUBLIC FLEET CONVERSION GRANT IN THE AMOUNT OF $200,000 FROM THE ASSOCIATION OF CENTRAL OKLAHOMA (ACOG) IN THE AMOUNT OF $200,000 TO BE USED TO PROVIDE A COMPRESSED NATURAL GAS (CNG) SLOW FILL COMPRESSOR STATION FOR THE FLEET MANAGEMENT DIVISION AND APPROVAL OF CONTRACT NO. K-0910-179.

INFORMATION: In November, 2009, ACOG announced a new ACOG-administered Public Fleet Conversion Grant Program utilizing Federal FY 2009 Congestion Mitigation and Air Quality (CMAQ) funds. These funds support transportation projects that reduce mobile source emissions and allow public sector fleets to access CMAQ funds for fleet conversions to clean fuel technologies to include alternative fuel vehicles, hybrid vehicles, and alternative fuel vehicle refueling infrastructure. The grants will be funded on a 50/50 basis with a maximum award of $400,000 per entity. City Staff, in conjunction with Adrianus Resources, Inc., prepared the grant application requesting assistance with a CNG Slow Fill Compressor Station with a 14-vehicle slow fill manifold. City Council approved ratification of approval to submit the grant application on January 12, 2010 and the grant was submitted requesting $200,000 which was 45.9% of the federal funding portion and City's estimated 54.1% share totaling $223,471 is included in the Capital Budget. Section 8-111 of the City Code states that all donations valued above $250 to be received by the City of Norman, whether in the form of monies or any other thing of value, shall be required to be accepted by the Council of the City of Norman prior to any use or disbursement of such monies or thing of value by or to any City operation or cause. Contract No. K-0910-179 has been examined by the Assistant City Attorney and found to be in order and proper as to form. Staff recommends approval of the contract. A copy of an advisory memorandum is included in the Agenda Book.

ACTION NEEDED: Motion to accept or reject a Public Fleet Conversion Grant in the amount of $200,000 from ACOG to be used by the Police Department to host a Drug Recognition Expert training class; and, if accepted, approve Contract No. K-0607-100; authorize the execution of the contract, increase Special Revenue Fund (022-0000-101.01-00) by $200,000 and appropriate $200,000 to Operational Supplies, Construction (022-9503-435.61-01).

ACTION TAKEN: _____

office memorandum

DATE: May 25, 2010

TO: Honorable Mayor and City Council

FROM: Mike White, Fleet Management Superintendent

SUBJECT: AGENDA ITEM – Acceptance of ACOG Grant for CNG Fueling Station- Appropriation of Grant Funds to be Reimbursed by Grantor

BACKGROUND:

In March, 2010, the Association of Central Oklahoma Governments (ACOG) notified the City of Norman that its application for funding under the 2010 ACOG Public Fleet Conversion Grant Program had been approved in the amount of $200,000. The grant is to be used for the installation of Phase 1 of the City's first compressed natural gas (CNG) fueling station at North Base. Phase 1 involves the "slow-fill" element of the station. Future phases include a "fast-fill" element and a fueling station for the general public. Those phases will be implemented as funding is available. A site plan is attached. This initiative is included in the City of Norman Alternative Fuel Program adopted by the City Council in February 2009.

DISCUSSION:

Funding from this grant program is awarded on a reimbursement basis following the submission of an invoice to ACOG and documentation of paid expenses. All invoices and paid expenses must be submitted to ACOG by April 12, 2012 in order to receive reimbursement. Brief quarterly progress reports to ACOG are required through June 30, 2012, as well as annual reports through September 30, 2014. Annual reports will include fuel consumption records, maintenance records, and written documentation of all other costs associated with the station acquired with ACOG Public Fleet Conversion Grant Funds.

The ACOG grant funds will be used to reimburse the Special Grants Fund for the CNG Fueling Station (Account No. 022-9503-435.61-01) in the amount of $200,000. However, an appropriation in the amount of $200,000 is needed to fund the payments until reimbursement can be received from ACOG. The City's FYE 2010 Capital Improvement Project Budget, Project No. TR-0071 currently allocates $235,500 for the City's share of the project. These funds are in the CNG Facility Match project (Account No. 050-9381-431.61-01, TR-0071), in the amount of $235,500. The estimated costs breakdown for Phase 1 is as follows:

ACOG Grant	City Share	Total Estimated Cost
$200,000	$235,000	$435,000

A bid opening for installation of the CNG fueling station has been scheduled on May 27, 2010. An award of that contract by City Council will be recommended on June 22, 2010. It is anticipated that the fueling station will be fully installed and in service by December, 2010. Once installed, the City's 19 existing CNG vehicles will begin fueling at this location rather than the current University of Oklahoma facility or the ONG facility. However, those two facilities will remain as back-up locations for the City's fueling needs. The annual savings to the city in reduced fueling expenses is estimated to be $52,000.

RECOMMENDATION 1:

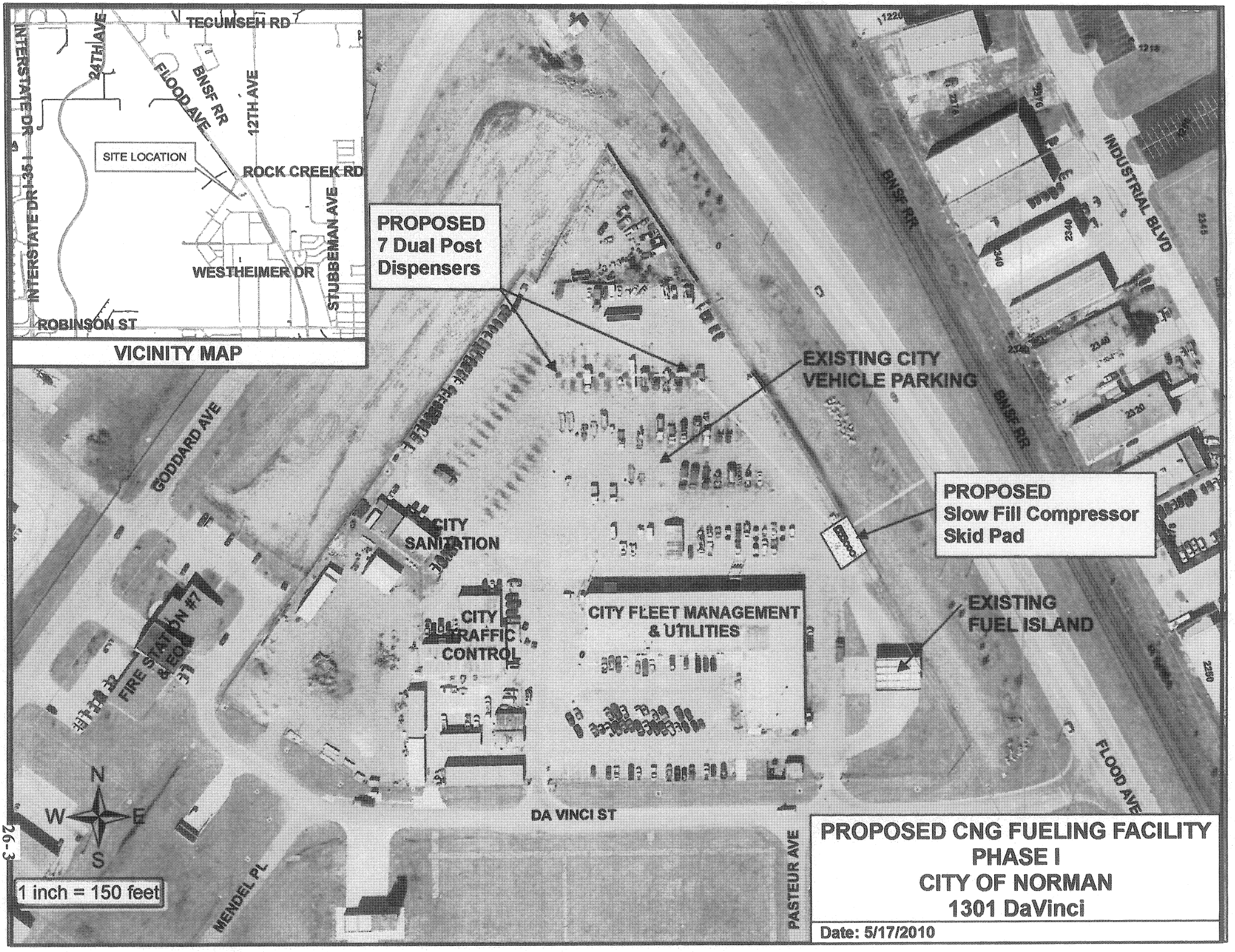
Staff recommends acceptance of the ACOG Public Fleet Conversion Grant Program in the amount of $200,000 and the Mayor be authorized to sign two copies of the attached contract.

RECOMMENDATION 2:

Staff recommends an appropriation of $200,000 from Fund Balance (Account No. 022-0000-253.20-00) within the Special Grants Fund to the CNG Fueling Station Construction Account (Account No. 022-9503-435.61-01, Project No. TR-0071).

MW/sh

Reviewed by: Shawn O'Leary, Director of Public Works
Clint Mercer, Chief Accountant
Anthony Francisco, Director of Finance
Susan Connors, Director of Planning/Community Development
Linda Price, Revitalization Manager
Jeff Bryant, City Attorney
Steve Lewis, City Manager


TECUMSEH RD
24TH AVE
INTERSTATE DR
I-35
FLOOD AVE
BNSF RR
12TH AVE
SITE LOCATION
ROCK CREEK RD
STUBBEMAN AVE
WESTHEIMER DR
ROBINSON ST
VICINITY MAP
PROPOSED
7 Dual Post
Dispensers
EXISTING CITY
VEHICLE PARKING
INDUSTRIAL BLVD
GODDARD AVE
CITY
SANITATION
PROPOSED
Slow Fill Compressor
Skid Pad
CITY
TRAFFIC
CONTROL
CITY FLEET MANAGEMENT
& UTILITIES
EXISTING
FUEL ISLAND
FIRE STATION #7
& EOC
FLOOD AVE
DA VINCI ST
PASTEUR AVE
MENDEL PL
N
W
E
S
1 inch = 150 feet
PROPOSED CNG FUELING FACILITY
PHASE I
CITY OF NORMAN
1301 DaVinci
Date: 5/17/2010

Grant #: 2010-R1-1109-03

PUBLIC FLEET CONVERSION GRANT CONTRACT
BETWEEN THE ASSOCIATION OF CENTRAL OKLAHOMA GOVERNMENTS
AND
THE CITY OF NORMAN, OKLAHOMA

This Grant Contract, by and between the Association of Central Oklahoma Governments, hereinafter referred to as "ACOG" and the City of Norman, Oklahoma, hereinafter referred to as the "Grantee," is for the provision of reimbursement of actual costs for equipment purchases, labor and installation relating to the construction of a slow-fill, compressed natural gas refueling station, as further defined in the "SCOPE OF SERVICES."

Amount of Grant: Two hundred thousand dollars ($200,000).

The Grantee operates a public-sector fleet and is either an Oklahoma City Area Regional Transportation Study (OCARTS) member entity, other local government entity operating either partially or wholly within the OCARTS area, a public school district whose district boundaries are contained partially or wholly within the OCARTS area, or a private entity contracting services to OCARTS area public entity.

Grantee Federal Employer Identification: 736005350

A. SCOPE OF SERVICES

A.1. The Grantee shall provide all services and deliverables as required, described, and detailed by this Scope of Services and shall meet all service and delivery timelines specified in the Scope of Services section or elsewhere in this Grant Contract.

A.2. The intention of ACOG in awarding these grant funds is to seed the advancement of alternative fuel vehicles, certain hybrid vehicles, and alternative fuel infrastructure as delineated by the Federal Highway Administration's Congestion Mitigation Air Quality funding guidelines within the Central Oklahoma region to reduce vehicle emissions and to support the Clean Air Act and its amendments.

A.2.a. The funds are intended for purchase and installation of a two-compressor, slow-fill, CNG refueling station for city owned natural gas vehicles to include seven, dual, time-fill posts and 14 hoses for overnight filling with a single-hose emergency fast fill for light-duty vehicles capable of a 10 to 12 minute refill.

A.2.b. Grantee agrees that any and all liability of any kind stemming from the purchase and use of this equipment and its installation remains with and will be the sole responsibility of the Grantee.

A.2.c. Grantee shall be solely responsible for all ongoing maintenance of the station and all related equipment.

A.2.d. Grantee will visibly mark all ACOG Public Fleet Conversion Grant-funded vehicles and refueling/recharging stations in such a way that promotes alternative fuels/clean fuel

technology, and clean air. This may include signage, dispenser and vehicle logos, window clings, wraps, etc., until the grant-funded equipment and/or vehicles are retired from Grantee's fleet service.

A.3. Progress Reports: Grantee will provide to ACOG quarterly project progress reports commencing with the end of the first quarter following signed acceptance of negotiated award contract and due no later than the 10th of the month following the end of each quarter based on a fiscal year beginning July 1, i.e., October 10, January 10, April 10, and July 10 until such time as all grant-funded vehicles, equipment and materials have been purchased and installed, and project is operational.

A. 4. Annual Reports: Grantee will provide to ACOG annual reports beginning twelve (12) months after the date the project is put into service and continuing yearly thereafter for three (3) years, for a total annual reporting period of four (4) years.

A.4.a Annual reports will include monthly volumes of fuel dispensed at the station, the number of city owned vehicles refueling at the station, maintenance records, and written documentation of all other costs associated with the station equipment and installation purchased with ACOG Public Fleet Conversion Grant funds.

B. GRANT CONTRACT TERMS

B.1. Grant Contract Terms: ACOG shall have no obligation for costs incurred by the Grantee outside the period commencing June 1, 2010 and ending June 30, 2012, hereinafter referred to as Part I of Contract Terms.

Reporting requirements as described in Sections A.3., A.4., and A.4.a. of this Grant Contract shall be effective for the period commencing July 1, 2010 and ending not later than October 1, 2016, hereinafter referred to as Part II of Contract Terms.

C. PAYMENT TERMS AND CONDITIONS

C.1. Limitation of Liability: In no event shall the maximum liability of ACOG under this Grant Contract exceed two hundred thousand dollars ($200,000).

C.2. Payment Methodology: The Grantee shall be reimbursed for actual costs related to the purchase and/or installation of a two-compressor, slow-fill, CNG refueling station with seven (7), dual, time-fill posts and 14 hoses for overnight filling with a single-hose, emergency fast fill for light-duty vehicles capable of a 10 to 12 minute refill, not to exceed the maximum liability established in Section C.1.

C.2.a The Grantee shall submit invoices prior to reimbursement of Allowable Costs accompanied by a bill of sale and documentation of equipment purchases and installation costs.

C.2.b. Allowable Costs are defined as those related to the purchase and installation of equipment directly related to the compression of gaseous fuels, and equipment directly related to the storage and dispensing of both gaseous and liquid fuels into a motor vehicle including electrical,

trenching for utilities, and construction of concrete pads for compressors and storage bottles. Allowable costs do not include real estate or site development.

C.2.c. Invoice Requirements: Grantee shall invoice to ACOG, with all necessary supporting documentation, to:

ACOG
Attn: Yvonne Anderson, Clean Cities Program Manager
21 E. Main Street, Suite 100
Oklahoma City, OK 73104-2405
Telephone: 405-234-2264; FAX: 405-234-2200
Email: yanderson@acogok.org

C.2. d. Each invoice shall clearly and accurately detail the following required information:

(1) Invoice/Reference Number (assigned by the Grantee);
(2) Invoice Date;
(3) Grant Contract Number (assigned by ACOG to this Grant Contract);
(4) Grantee Name;
(5) Grantee Federal Employer Identification Number or Social Security Number (as referenced in this Grant Contract);
(6) Grantee Remittance Address;
(7) Grantee Contact (name, phone, and/or fax for the individual to contact with invoice questions);
(8) Complete Itemization of Reimbursement Requested which shall include Documentation of Paid Expenses and shall detail the following:
   i. Itemized Cost of equipment and material purchases
   ii. All Labor and Installation charges;
   iii. Total Reimbursement Amount Requested

C.3. The Grantee understands and agrees that an invoice to ACOG under this Grant Contract shall include only reimbursement requests for actual expenditures as described in Sections A.2.a. and C.2.b. of this Grant Contract subject to the liability limits of the Grant Award as described in Section C.1.

C.3.a. All invoices for reimbursement must be received by ACOG no later than August 1, 2012 to include only expenses incurred during the period delineated as Part I of Contract Terms.

C.3.b. The Grantee's failure to provide an invoice to ACOG by August 1, 2012, as required, shall result in the Grantee being deemed ineligible for reimbursement under this Grant Contract, and any and all financial and legal liabilities related to the awarded project shall be upon the Grantee and not the responsibility or liability of ACOG.

C.4. Payment of Invoice: ACOG shall, within 90 days of receipt of invoice for eligible expenses relating to the purchase of equipment, materials, labor and installation, as described in Sections A.2.a. and C.2.b., issue payment to Grantee for those eligible expenses.

C.5. Unallowable Costs: The Grantee's invoice shall be subject to reduction for amounts included in any invoice which are determined by ACOG, on the basis of the terms of this Grant Contract and stated intent of the Grant Award, not to constitute allowable costs.

D. STANDARD TERMS AND CONDITIONS

D.1. Required Approvals: ACOG is not bound by this Grant Contract until it is approved by the appropriate government entity legal signatory in accordance with applicable laws and regulations.

D.2. Notice to Proceed: Reimbursable costs cannot be incurred until Grant Contract is executed and a letter of Notice to Proceed is issued to Grantee.

D.3. Modification and Amendment: This Grant Contract may be modified only by a written amendment executed by all parties hereto and approved by ACOG.

D.4. Termination for Cause: If the Grantee fails to properly perform its obligations under this Grant Contract in a timely or proper manner, or if the Grantee violates any terms of this Grant Contract, ACOG shall have the right to terminate the Grant Contract and withhold any and all award funds for reimbursement regardless of any financial liability for equipment or services incurred by the Grantee. Notwithstanding the above, the Grantee shall not be relieved of liability to ACOG for damages sustained by virtue of any breach of this Grant Contract by the Grantee.

D.5. Records: The Grantee shall maintain documentation for all purchases and installations under this Contract. The books, records, and documents of the Grantee, insofar as they relate to money received under this Contract, shall be maintained for a period of four (4) full years from the date of the final payment and shall be subject to audit at any reasonable time and upon reasonable notice by ACOG, the Oklahoma Department of Transportation and/or Federal Highway Administration, the Oklahoma State Auditor and Inspector, or their duly appointed representatives.

D.6. Progress Reports: The Grantee shall submit brief, quarterly progress reports to ACOG throughout Part I of Contract Terms in addition to annual reports as described in Sections A.3. through A.4.a.

D.7. ACOG Liability: ACOG shall have no liability except as specifically provided in this Grant Contract.

D.8. Force Majeure: The obligations of the parties to this Grant Contract are subject to prevention by causes beyond the parties' control that could not be avoided by the exercise of due care including, but not limited to, acts of God, riots, wars, epidemics or any other similar cause.

D.9. State and Federal Compliance: The Grantee shall comply with all applicable state and federal laws and regulations in the performance of this Grant Contract.

D.10. Governing Law: This Grant Contract shall be governed by and construed in accordance with the laws of the State of Oklahoma.

D.11. Completeness: This Grant Contract is complete and contains the entire understanding between the parties relating to the subject matter contained herein, including all the terms and conditions of the parties' agreement. This Grant Contract supersedes any and all prior understandings, representations, negotiations, and discussions between the parties relating hereto, whether written or oral.

D.12. Severability: If any terms and conditions of this Grant Contract are held to be invalid or unenforceable as a matter of law, the other terms and conditions hereof shall not be affected thereby and shall remain in full force and effect. To this end, the terms and conditions of this Grant Contract are declared severable.

E. SPECIAL TERMS AND CONDITIONS

E.1. Conflicting Terms and Conditions: Should any of these special terms and conditions conflict with any other terms and conditions of this Grant Contract, these special terms and conditions shall control.

E.2. Communications and Contacts: All instructions, notices, consents, demands, or other communications required or contemplated by this Grant Contract shall be in writing and shall be made by certified, first class mail, return receipt requested and postage prepaid, by overnight courier service with an asset tracking system, or by EMAIL or facsimile transmission with recipient confirmation. Any such communications, regardless of method of transmission, shall be addressed to the respective party at the appropriate mailing address, facsimile number, or EMAIL address as set forth below or to that of such other party or address, as may be hereafter specified by written notice.

ACOG:
Yvonne Anderson, Clean Cities Program Manager
21 E. Main Street, Suite 100
Oklahoma City, OK 73104-2405
Telephone: 405-234-2264; FAX: 405-234-2200
Email: yanderson@acogok.org

The Grantee:
The Honorable Cindy S. Rosenthal, Mayor
The City of Norman
P.O. Box 370
Norman, OK 73070-0370
Telephone: 405-292-9709; FAX: 405-292-9710
Email: cindy.rosenthal@normanok.gov
All instructions, notices, consents, demands, or other communications shall be considered effectively given upon receipt or recipient confirmation as may be required.

E.3. Hold Harmless: The Grantee agrees to hold harmless ACOG as well as its officers, agents, and employees from and against any and all claims, liabilities, losses, and causes of action which may arise, accrue, or result to any person, firm, corporation, or other entity which may be injured or damaged as a result of acts, omissions, or negligence on the part of the Grantee, its employees, or any person acting for or on its or their behalf relating to this Grant Contract. The Grantee

further agrees it shall be liable for the reasonable cost of attorneys for ACOG in the event such service is necessitated to enforce the terms of this Grant Contract or otherwise enforce the obligations of the Grantee to ACOG.

In the event of any such suit or claim, the Grantee shall give ACOG immediate notice thereof and shall provide all assistance required by ACOG in ACOG's defense. ACOG shall give the Grantee written notice of any such claim or suit, and the Grantee shall have full right and obligation to conduct the Grantee's own defense thereof. Nothing contained herein shall be deemed to accord to the Grantee, through its attorney(s), the right to represent ACOG in any legal matter.

IN WITNESS WHEREOF:

_____

Grantee Legal Entity Name

_____ _____

Grantee Signature Date

_____

Printed Name and Title of Grantee Signatory (above)

_____ _____

John G. Johnson, Executive Director Date
Association of Central Oklahoma Governments

APPROVED BY CITY OF NORMAN LEGAL DEPARTMENT
BY R Bruce DATE 5-20-10

27. ITEM: RESOLUTION NO. R-0910-119: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, TRANSFERRING $55,135 FROM THE PRISONER CARE/RECOVERY ACCOUNT TO COVER PRISONER CARE EXPENSES THROUGH THE END OF FYE 2010.

INFORMATION: The above-described resolution has been drawn and is submitted for City Council's consideration. Copies of an advisory memorandum and resolution are included in the Agenda Book.

ACTION NEEDED: Motion to adopt or reject Resolution No. R-0910-119.

ACTION TAKEN: _____

office memorandum

Date: April 21, 2010

To: Honorable Mayor and City Council

From: Phil Cotten
Chief of Police

Subject: Agenda Item: Fund Appropriation for Prisoner Care

BACKGROUND:

The City of Norman contracts with the Cleveland County Sheriff's Office for housing of City of Norman prisoners. Prisoner care costs are estimated and budgeted for each year, but costs can change due to the number and types of calls the police officers must respond to and jail operating costs. Jail cost increased in March with the City Council's approval of Agenda Item – K-0910-69 Contract between the City of Norman and the Cleveland County Sheriff's Office to provide jail services. The City of Norman seeks restitution for this expense from those prisoners who have the ability to pay. As of April 21, 2010 the City has recouped $31,000 which has been deposited in the General Fund Fees/Prisoner Care/Recovery account, 010-0000-342.15-35.

DISCUSSION:

Prisoner care costs have increased due to some months having an over average number of prisoners. The monthly average for prisoners per day for FY10 was projected at 352 per day. Two months have been well over the estimated number with November 2009 having 466 prisoners and March 2010 having 508 prisoners. In researching the cause for the increased number of city prisoners it was found that several of the prisoners are subjects committed by the court into custody for extended periods due to failure to pay outstanding fines. In relationship to actual arrests, a large number of the arrests are not for new crimes being committed but instead are for the arrest of subjects who have outstanding municipal court warrants. When these arrests occur after municipal court hours or if the subject has no means to post the bond then being jailed is the lawful action required to be taken. One additional issue found was that the payment for the June 2009 prisoner care was paid out of FY10 account balances instead of FY09 funds. This occurred because the invoice from Cleveland County was dated July 13, 2009.

In addition, the jail contract, K-0910-69, was recently approved which increases the daily cost from $35 per day to $45 per day per prisoner. This contract change extended the underfunded amount in the Prisoner Care expenditure account. All invoices from Cleveland County through February 2010 have been paid totaling an expenditure of $104,755 of the FY10 budgeted $120,000 amount. The Prisoner Care account currently has a balance of $15,245. The current invoice for the month of March 2010 is for 508 prisoner days in the amount of $22,860 which causes the budget account to be $7,615 under funded. With three months remaining in the FY10 budget, on the estimated average of 352 prisoners per day, an additional expense of $47,520 should be incurred. These two amounts total indicate an under funding of $55,135 in the prisoner care account.

The City of Norman attempts to recover prisoner care costs. Defendants who are booked into jail are assessed a prisoner care fee through municipal court. The collected funds are deposited into the General Fund Revenue Account titled Fees/Prisoner Care/Recovery. As of April 21, 2010, the City has recouped $31,000 which has been deposited in the General Fund Fees/Prisoner Care/Recovery Account, 010-0000-342.15-35. If funds are appropriated from this revenue account a balance of $24,135 will still be outstanding. The Finance Department recommended that the projected unfunded balance be appropriated from the General Fund Balance/Unreserved Account, 010-0000-253.20-00.

RECOMMENDATION:

It is recommended that $31,000 be appropriated from the General Fund Fees/Prisoner Care/Recovery Account 010-0000-342.15-35 and $24,135 be appropriated from the General Fund Account Fund Balance/Unreserved and they be appropriated into the Police Staff Services Expenditure Account – Prisoner Care Account 010-6015-421.41-11.

From:	010-0000-342.15-35	Fees/Prisoner Care/Recovery	$31,000.00
	010-0000-253.20-00	Fund Balance/Unreserved	$24,135.00
To:	010-6015-421.41-11	Prisoner Care	$55,135.00

PC/jm

Reviewed by: Jeff Bryant, City Attorney
Reviewed by: Clint Mercer, Chief Accountant CM by
Reviewed by: Anthony Francisco, Finance Director A. Francisco
Reviewed by: Steve Lewis, City Manager

Resolution

R-0910-119

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, APPROPRIATING $31,000 FROM THE PRISONER CARE/RECOVERY FEES ACCOUNT AND $24,135 FROM THE GENERAL FUND BALANCE TO COVER PRISONER CARE EXPENSES THROUGH THE END OF FYE 2010.

§ 1. WHEREAS, the City of Norman has contracted with the Cleveland County Sheriff's Department for several years for the housing of City prisoners at the Cleveland County Jail at a cost of $35.00 per day per prisoner; and

§ 2. WHEREAS, as of March 1, 2010, the cost was increased to $45.00 per day and the number of arrests has increased during the past year; and

§ 3. WHEREAS, the prisoner care account currently has a balance of $15,245 and the invoice due for the month of March, 2010, is $22,860; and

§ 4. WHEREAS, in addition, the Jail Contract was recently approved which increased daily costs for prisoners from $35 per day to $45 per day per prisoner.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA:

§ 5. That the following appropriations be made for reasons as stated above:

Account Name	Losing Account	Gaining Account	Amount
Business Services/Prisoner Care	010-0000-342.15-35	010-6015-421.41-11	$31,000
Business Services/Prisoner Care	010-0000-253.20-00	010-6015-421.41-11	$24,135

PASSED AND ADOPTED this 25th of May, 2010.

_____
Mayor

ATTEST:

_____
City Clerk

28. ITEM: RESOLUTION NO. R-0910-121: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, TRANSFERRING $138,000 FROM THE BOYD/PICKARD INTERSECTION/BRIDGE CAPITAL PROJECT TO THE WEST MAIN BRIDGE REPLACEMENT PROJECT AND $1,595 FROM THE RHODES GRAIN COMPANY PROPERTY PROJECT ACCOUNT TO THE EASTSIDE MUNICIPAL FACILITY PROJECT.

INFORMATION: The above-described resolution has been drawn and is submitted for City Council's consideration. Copies of an advisory memorandum and resolution are included in the Agenda Book.

ACTION NEEDED: Motion to adopt or reject Resolution No. R-0910-121.

ACTION TAKEN: _____

office memorandum

Date: May 7, 2010

To: Honorable Mayor and Council Members

From: Linda R. Price, Revitalization Manager LP

Subject: AGENDA ITEM – May 25, 2010 - Capital Project Fund Transfers

BACKGROUND: As a part of the research involved in preparing the Capital Budget for FYE 2011, projects were assessed to determine if changes had been identified by project managers to existing planned projects. Eight projects were identified with balances that could be used for existing facility maintenance, and three projects were identified to address other issues. The project resources to be utilized for building maintenance were forwarded by separate memo and agenda item. Also, a change in the budget for the Municipal Judicial Center was forwarded by separate memo with a change order. This memo authorizes transfers between current budgets – from unneeded balances to similar projects needing additional budgets. These actions were assumed in the presentation of the budget discussions with Council on February 18th, March 9th, and April 27th.

DISCUSSION: Recent engineering cost estimates and scoping for the Boyd/Pickard Intersection Project revealed a significantly large increase in cost, beyond the current capabilities of the Capital Fund resources. PBS & J, the engineering firm hired to review options for the project, recommended that the remainder of this project be postponed until a drainage utility or other funding can be identified. Therefore, $138,000 currently budgeted for right-of-way will not be needed at this time. Engineering for the bridge replacement on West Main Street identified a need for additional drainage design work, which is estimated to cost approximately the same. Therefore, it is requested that a transfer of $138,000 from TR0058, 050-9687-431.60-01 (Boyd/Pickard Intersection) to TR0062, 050-9352-431.62-01 (Bridge Replacement Main St ½ mi W of 36th) be authorized.

The Rhodes Grain Company acquisition project has an unneeded fund balance because the project has been completed; whereas the Eastside Municipal Facility has a negative balance of $1,595. Because the projects are somewhat similar in nature with both projects for land acquisitions for future building sites, it is recommended that a transfer of $1,595 from BG0162, 050-9365-419.60-01 (Rhodes Grain Co Property) to BG0243, 050-9365-419.60-01 (Eastside Municipal Facility) be authorized.

RECOMMENDATION: Staff recommends that the following actions be approved:

- $138,000 from (Boyd/Pickard Intersection) TR0058, 050-9687-431.60-01 be transferred to (Bridge Replacement Main St ½ mi W of 36th) TR0062, 050-9352-431.62-01
- $1,595 from BG0162, 050-9365-419.60-01 (Rhodes Grain Co Property) to BG0243, 050-9365-419.60-01 (Eastside Municipal Facility)

Reviewed by: Steve Lewis, City Manager
Reviewed by: Susan Connors, Director of Planning & Community Development SFC
Reviewed by: Shawn O'Leary, Director of Public Works Director
Reviewed by: Anthony Francisco, Finance Director A. Francisco
Reviewed by: Jeff Bryant, City Attorney JCW/DKB

Resolution

R-0910-121

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, TRANSFERRING $138,000 FROM THE BOYD/PICKARD INTERSECTION/BRIDGE CAPITAL PROJECT TO THE WEST MAIN BRIDGE REPLACEMENT PROJECT AND $1,595 FROM THE RHODES GRAIN COMPANY PROPERTY PROJECT ACCOUNT TO THE EASTSIDE MUNICIPAL FACILITY PROJECT.

§ 1. WHEREAS, recent engineering cost estimates and scoping for the Boyd/Pickard Intersection Project revealed a significantly large increase in cost and the engineer for the project has recommended postponing the project; and

§ 2. WHEREAS, engineering for the bridge replacement on West Main Street west of 48th Avenue N.W. has identified a need for additional drainage design work; and

§ 3. WHEREAS, the Rhodes Grain Company Land Project has an unneeded balance because the project has been completed and the Eastside Municipal Facility has a negative balance.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF NORMAN, OKLAHOMA:

§ 4. That the following transfers be made for the reasons as stated above.

Account Name	Losing Account	Gaining Account	Amount
Project No. TR0062, Main Street Bridge Replacement/ Design	Project No. TR0058 Boyd/Pickard Intersection, Land 050-9687-431.60-01	050-9352-431.62-01	$138,000
Project No. BG0243, Eastside Municipal Facility, Land	Project No. BG0162, Rhodes Grain Company Property, Land	050-9365-419.60-01	$ 1,595

PASSED AND ADOPTED this 25th day of May, 2010.

Mayor

ATTEST:

City Clerk

RECREATION EDUCATION RESEARCH HEALTH INDUSTRY THE CITY OF NORMAN OKLAHOMA LAKE THUNDERBIRD

29. ITEM: RESOLUTION NO. R-0910-122: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, TRANSFERRING $588,669 FROM VARIOUS CAPITAL PROJECTS TO ADDRESS SERIOUS NEEDS FOR MAINTENANCE OF EXISTING CITY OF NORMAN FACILITIES.

INFORMATION: The above-described resolution has been drawn and is submitted for City Council's consideration. Copies of an advisory memorandum and resolution are included in the Agenda Book.

ACTION NEEDED: Motion to adopt or reject Resolution No. R-0910-122.

ACTION TAKEN: _____

office memorandum

Date: April 23, 2010

To: Steve Lewis, City Manager

From: Linda Price, Revitalization Manager LP

Subject: Agenda Item – May 25, 2010 - Capital Project Fund Transfers for Building Maintenance Project

BACKGROUND: At the request of the City Council, Staff was tasked with finding funds to address the most serious needs for maintenance of existing City facilities. To that end several currently budgeted projects were identified from which unneeded funds could be transferred for funding $588,669 of projects this current fiscal year. This information was included in the funding strategy discussed with Council on February 18th and March 9th, and was included in the Preliminary Capital Improvements Capital Budget.

DISCUSSION: All of the projects noted were reviewed with the project managers to insure that the transfers of unencumbered balances were appropriate. The following information includes the dollar amount to be transferred, the name of the project, the project number, and the account number from which funds are to be moved. $115,000 of the transferred funds will be moved into Project EF1002, Construction Account 050-9677-419.61-01 (Building Maintenance – Building Roofs Projects) for replacement of the Traffic Control Building roof, and $473,669 will be moved into Project EF1003, Construction Account 050-9677-419.61-01 (Building Maintenance HVAC Projects).

$54,000 (Library Roof) EF0104, 050-9677-419.61-01
$200,000 (Downtown Streetscape) TR0047, 050-9300-431.62-01
$74,392 (Facility Maint. & Municipal Storage) BG0003, 050-9365-419.61-01
$138,150 (Municipal Judicial Center) BG0008, 050-9365-419.62-01
$50,000 (Existing Facility Assessment) BG0020, 050-9365-419.62-01
$25,000 (Digital Aerial Photography) BG0021, 050-9533-431.61-01
$41,000 (Library Roof) BG0022, 050-9677-419.61-01
$6,127 (Rhodes Grain Co Property) BG0162, 050-9365-419.60-01

RECOMMENDATION: Staff recommends approval of the above noted transfers totaling $588,669 into Building Maintenance Projects EF1002 and EF1003.

Reviewed by: Steve Lewis, City Manager
Reviewed by: Susan Connors, Director of Planning & Community Development SFC
Reviewed by: Brenda Hall, City Clerk BH
Reviewed by: Ronda Guerrero, Municipal Court Clerk
Reviewed by: Shawn O'Leary, Public Works Director
Reviewed by: Anthony Francisco, Finance Director A. Francisco
Reviewed by: Jeff Bryant, City Attorney KW/JHB

Resolution

R-0910-122

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, TRANSFERRING $588,669 FROM VARIOUS CAPITAL PROJECTS TO ADDRESS SERIOUS NEEDS FOR MAINTENANCE OF EXISTING CITY OF NORMAN FACILITIES.

§ 1. WHEREAS, at City Council's request, Staff was tasked with finding funds to address the most serious needs for maintenance of existing City facilities; and

§ 2. WHEREAS, several currently budgeted projects were identified from which unneeded funds could be transferred for this current fiscal year; and

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA:

§ 3. That the following transfers be made for the reasons stated above from the accounts listed below:

Account Name	Losing Account	Amount
Project EF,0104, Library Roof, Construction	050-9677-419.61-01	$ 54,000
Project No. TR0047, Downtown Streetscape, Design	050-9300-431.62.01	$200,000
Project No. BG0003, Facility Maintenance and Municipal Storage, Construction	050-9365-419.61-01	$ 74,392
Project No. BG0008, Municipal Judicial Center, Design	050-9365-419.62.01	$138,150
Project No. BG0020, Existing Facility Assessment, Design	050-9365-419.61-01	$ 50,000
Project No. BG0021, GIS Digital Aerial Photography, Construction	050-;9533-431.61-01	$ 25,000
Project No. BG0022, Library Roof, Construction	050-9677-419.61-01	$ 41,000
Project No. BG0162, Rhodes Grain Company Property, Land	050-9365-419.60-01	$ 6,127

§ 4. That $115,000 of the transferred funds listed above will be transferred into Project No. EF1002, Building Roofs, Construction (050-9677-419.61-01), and $473,669 into Project No. EF1003, Building HVAC/Mechanical, Construction (050-9677-419.61-01)

PASSED AND ADOPTED this 25th day of May, 2010

Mayor

ATTEST:

City Clerk

THE CITY OF NORMAN OKLAHOMA

30. ITEM: PROCLAMATION NO. P-0910-29: A PROCLAMATION OF THE MAYOR OF THE CITY OF NORMAN, OKLAHOMA, PROCLAIMING THE MONTH OF MAY, 2010, AS COMMUNITY ACTION MONTH IN THE CITY OF NORMAN.

INFORMATION: Ms. Clara Lewis, Central Oklahoma Community Action Agency Development Officer, has requested a proclamation proclaiming the month of May, 2010, as Community Action Month in the City of Norman. The above-described proclamation has been drawn and is submitted for City Council's consideration. A copy of the proclamation is included in the Agenda Book.

ACTION NEEDED: Motion to acknowledge receipt of Proclamation No. P-0910-29 proclaiming the month of May, 2010, as Community Action Month in the City of Norman and direct the filing thereof.

ACTION TAKEN: _____

Proclamation

P-0910-29

A PROCLAMATION OF THE MAYOR OF THE CITY OF NORMAN, OKLAHOMA, PROCLAIMING THE MONTH OF MAY, 2010, AS COMMUNITY ACTION MONTH IN THE CITY OF NORMAN.

§ 1. WHEREAS, Community Action Agencies were created when the Economic Opportunity Act of 1964 was signed into law; and

§ 2. WHEREAS, Community Action Agencies are non-profit charities and have a 40-plus year history of promoting self-sufficiency for the poverty stricken; and

§ 3. WHEREAS, Community Action Agencies have made an essential contribution to individuals and families in Oklahoma by providing them with innovative and cost-effective programs; and

§ 4. WHEREAS, the poverty stricken continue to need opportunities to improve their lives and their living conditions, thus ensuring that all citizens are able to live in dignity; and

§ 5. WHEREAS, Oklahoma and the entire United States must continue to wage war on poverty by providing support and opportunities for all citizen in need of assistance.

NOW, THEREFORE, I, MAYOR OF THE CITY OF NORMAN, OKLAHOMA:

§ 6. Do hereby proclaim the month of May, 2010, as Community Action Month in the City of Norman.

PASSED AND APPROVED this 25th day of May, 2010.

_____
Mayor

ATTEST:

_____
City Clerk

31. ITEM: PUBLIC HEARING REGARDING THE FYE 2011 CITY OF NORMAN PROPOSED OPERATING AND CAPITAL BUDGETS AND THE NORMAN CONVENTION AND VISITORS BUREAU, INC., BUDGET WITH DETAILED ANNUAL PLAN OF WORK.

INFORMATION: The above-described item appears on City Council's agenda in order that the citizens of Norman might be afforded the opportunity for input concerning the proposed Fiscal Year Ending June 30, 2011, (FYE 2011) Budget. City Council held five study sessions, one conference, and two budget retreats on the FYE 2011 budget documents. Copies of the public notice of the budget summary for FYE 2011, the Norman Convention and Visitors Bureau Budget, and detailed annual plan of work/Norman Convention and Visitors Bureau FYE 2011 Marketing Plan are included in the Agenda Book and a copy of the budget has been previously distributed.

ACTION NEEDED: 1. Motion to conduct a public hearing.

ACTION TAKEN: _____

ACTION NEEDED: 2. Motion to close the public hearing.

ACTION TAKEN: _____

ACTION NEEDED: 3. Motion to schedule an agenda item on June 8, 2010, to adopt the FYE 2011 City of Norman Budget and the Norman Convention and Visitors Bureau, Inc., Budget with Detailed Annual Plan of Work.

ACTION TAKEN: _____

CITY OF NORMAN, OKLAHOMA
FISCAL YEAR ENDING 2011 ANNUAL BUDGET
SUMMARY OF FUND BALANCES

CITY FUND CLASSIFICATION	BEGINNING FUND BALANCE	REVENUES: OPERATING REVENUES	REVENUES: INTERFUND TRANSFERS	REVENUES: TOTAL REVENUES	EXPENDITURES: OPERATING EXPENSES	EXPENDITURES: INTERFUND TRANSFERS	EXPENDITURES: SUBTOTAL EXPENSES	EXPENDITURES: EMP TURNOVER SAVINGS	EXPENDITURES: TOTAL EXPENSES	REVENUES OVER (UNDER) EXPENSES	ENDING FUND BALANCE
GOVERNMENTAL FUNDS											
General	$5,039,046	$59,138,397	$4,313,086	$63,451,483	$64,407,991	$2,796,839	$67,204,830	($200,000)	$67,004,830	(3,553,347)	1,485,699
SPECIAL REVENUE FUNDS											
Recreation	0	401,725	1,209,452	1,611,177	1,624,284		1,624,284	(13,107)	1,611,177	0	0
Public Safety Sales Tax	5,992,754	8,056,250	0	8,056,250	4,377,388	2,990,394	7,367,782		7,367,782	688,468	6,681,222
Room Tax	286,437	1,003,000		1,003,000	759,773	205,714	965,487		965,487	37,513	323,950
Emergency Communications	0	251,074	1,508,525	1,759,599	1,759,599		1,759,599		1,759,599	0	0
Seizures and Restitutions	352,471	90,552	78,862	169,414	77,652		77,652		77,652	91,762	444,233
Cleet	23,096	32,000		32,000	31,005		31,005		31,005	995	24,091
Tax Increment District	7,443	0		0	0		0		0	0	7,443
Art in Public Places	1,985	5,000		5,000	0		0		0	5,000	6,985
Park Land and Development	1,199,923	112,061		112,061	57,000		57,000		57,000	55,061	1,254,984
Westwood Park	0	1,178,360	267,214	1,445,574	1,408,005		1,408,005		1,408,005	37,569	37,569
GRANT FUNDS											
Community Development	121,844	1,510,422	0	1,510,422	1,510,422		1,510,422		1,510,422	0	121,844
Special Grants	349,965	115,283		115,283	115,283		115,283		115,283	0	349,965
ENTERPRISE FUNDS											
Water	4,825,694	15,989,346	0	15,989,346	14,880,993	310,845	15,191,838	(52,917)	15,138,921	850,425	5,676,120
Wastewater	284,219	8,999,373		8,999,373	6,529,977	1,466,547	7,996,524	(23,972)	7,972,552	1,026,822	1,311,040
Sewer Maintenance	0	3,308,538	1,284,369	4,592,907	4,612,849		4,612,849	(19,942)	4,592,907	0	0
New Development Excise	9,849,008	2,200,000		2,200,000	4,233,264		4,233,264		4,233,264	(2,033,264)	7,815,744
Sewer Sales Tax Capital	5,433,035	200,000		200,000	4,154,000		4,154,000		4,154,000	(3,954,000)	1,479,035
Sanitation	167,913	11,129,901		11,129,901	11,121,693	55,066	11,176,759		11,176,759	(46,857)	121,055
CAPITAL PROJECTS FUND											
Capital Improvements	3,868,251	21,081,687	2,990,394	24,072,081	18,001,216	3,330,096	21,331,312		21,331,312	2,740,769	6,609,020
University North Park TIF	2,837,032	2,815,000		2,815,000	1,763,650	0	1,763,650		1,763,650	1,051,350	3,888,382
Arterial Roads Recoupment	243,103			0	107,800		107,800		107,800	(107,800)	135,303
DEBT SERVICE FUNDS											
General Debt Service	853,368	5,190,400	252,313	5,442,713	4,720,560	500,000	5,220,560		5,220,560	222,153	1,075,521
G. O. Bonds	0	252,313		252,313	0	252,313	252,313		252,313	0	0
GRAND TOTAL ALL FUNDS	$41,736,587	$143,060,682	$11,904,215	154,964,897	$146,254,404	$11,907,814	$158,162,218	($309,938)	$157,852,280	($2,887,381)	$38,849,205
Less: Interfund Transfers	0	0	(11,904,215)	(11,904,215)	0	(11,907,814)	(11,907,814)	0	(11,907,814)	3,599	3,599
Internal Service Charges	0	(6,675,474)		(6,675,474)	(6,675,474)	0	(6,675,474)	0	(6,675,474)	0	0
Cost Allocation Charges	0	(4,731,945)	0	(4,731,945)	(4,731,945)	0	(4,731,945)	0	(4,731,945)	0	0
Total Deductions	$0	($11,407,419)	($11,904,215)	(23,311,634)	($11,407,419)	($11,907,814)	($23,315,233)	$0	($23,315,233)	$3,599	$3,599
NET TOTAL ALL FUNDS	$41,736,587	$131,653,263	$0	131,653,263	$134,846,985	$0	$134,846,985	($309,938)	$134,537,047	($2,883,782)	$38,852,804

A Public Hearing will be held on Tuesday, May 25, 2010 at 6:30 p.m. in the Council Chambers of the Norman Municipal Building for the purpose of discussion of the proposed budget. The proposed budget may be examined on weekdays at 201 West Gray in the City Clerk's office from 8:00 a.m. to 5:00 p.m. A copy of the proposed budget is also in the Norman Public Library for review. All interested citizens have the opportunity to give written and oral comments.

Norman Convention & Visitors Bureau

Destination Management Plan
Fiscal Year 2011
(July 2010-June 2011)

Norman Convention & Visitors Bureau

Destination Management Plan
Fiscal Year 2011
(July 2010-June 2011)

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I. Executive Summary

The primary mission of the Norman Convention and Visitors Bureau (NCVB) is to improve the local economy by attracting visitors, meetings, conventions and events to the city. This mission is undertaken by a variety of marketing and development strategies designed to promote Norman as a destination to defined markets.

The Norman Convention and Visitors Bureau, Inc. is a not-for-profit corporation. The NCVB is governed by a nine member Board of Directors. The Board oversees policies of the NCVB and a contract with the City of Norman. Through this contract, the NCVB receives 50% of the transient guest tax collected by a state statute and city ordinance on local lodging rooms.

Tourism as an industry in Oklahoma is estimated to generate $6.1 billion dollars in annual travel expenditures making tourism the third largest industry in Oklahoma. $953.3 million dollars in federal, state, and local economy tax revenues are brought in by travelers to Oklahoma. 76,200 jobs are secured by Oklahoma tourism, supporting the economies of all 77 counties in Oklahoma. Specifically in Norman, the tourism industry provides an estimated 1,105 careers and has an estimated annual economic impact of over $138 million dollars.

Fiscal year 2010 saw significant changes in the NCVB staff. The relatively, still new Executive Director (hired in December 2008) hired two new marketing professionals. This has shown an increase the sales activity and hotel room nights sold by the CVB. Through March, 2010, the CVB had sold nearly double the room nights sold in Fiscal Year 2009 – this success amidst a year of tremendous transition for the NCVB.

With the opening of the Embassy Suites and the NCED Marriott becoming more accessible to the public, the NCVB looked to diversify the marketing plan and include significant conference sales into our responsibilities. Additionally the Bureau looked to upgrade significantly outdated technology. Finally, the Bureau contracted with a firm to lead the Bureau and Norman through a 'brand realignment' process that will help identify Norman's brand and lead to the adoption of communication pieces that will truly better attract visitors to Norman.

As the NCVB continues its transition, the Board and staff have identified key goals to help us reach our mission. This Destination Management Plan outlines those goals and how the NCVB will reach those goals.

II. Situation Analysis

Bureau Overview

CVB Vision and Mission Statements

The Vision of the Norman Convention and Visitors Bureau is to be the leader who proactively markets and develops Norman as the preferred destination in Oklahoma.

The Mission of the Norman Convention and Visitors Bureau is to promote the city, to attract overnight meeting, convention, sport and tourism business to the community, and to enhance and contribute to the overall identity and economic well-being of the city.

Tourism Industry Defined

Tourists – temporary movement of people to destinations outside their normal place of work and residence,

Tourism – the activities undertaken en route to and during their stay at these destinations and the facilities/services created to cater to their needs which lead to,

Tourism Industry – economic impacts generated by these activities.

Situational Analysis

CVB Organizational Structure

The Norman Convention and Visitors Bureau, Inc. is a not-for-profit corporation. Incorporated as a 501(c)6 on June 4, 1993, the NCVB is governed by a nine member Board of Directors. The Board oversees policies of the NCVB and a contract with the City of Norman. Through the contract – K-9293-136 – the NCVB receives 50% of the transient guest tax collected by a state statute and city ordinance on local hotel rooms. The city ordinance is Ordinance Number 0-7980-58 or the "Norman Transient Guest Room Tax Ordinance".

The Bureau By-laws and Amendment Number One to contract K-9293-136 stipulates how the nine members of the Board of Directors representatives are appointed. The nine members shall be composed of the following:

a. One representative from the organized athletic sector; appointed by the City of Norman Mayor and ratified by the City Council;
b. One representative from the Norman Chamber of Commerce, elected by the Chamber of Commerce;
c. One representative from the Norman Arts & Humanities Council, elected by the Norman Arts & Humanities Council;
d. Two representatives from the Norman Hospitality Association, elected by the Norman Hospitality Association;
e. One representative from the Norman Restaurant Association, elected by the Norman Restaurant Association;
f. One University of Oklahoma representative, appointed by the City of Norman Mayor and ratified by the City Council;
g. One representative from the University of Oklahoma Athletic Department, appointed by the University of Oklahoma President;
h. One representative of the Norman Public Schools, appointed by the Norman Superintendent of Schools.

NCVB Staff and Titles

Stephen Koranda, Executive Director
Ryan Rogowski, Sales Manager
Michelle Samp, Sales Manager
Jennifer Tregarthen, Public Relations Manager

Situation Analysis

Market Overview

Tourism Industry Overview

Travel and tourism is a $6.1 billion industry in Oklahoma. Travel and tourism generates $953.3 million in tax revenue for local, state and federal governments. Each U.S. household would pay $950 more in taxes without the tax revenue generated by the travel and tourism industry.

The travel and tourism industry is one of the state's third largest employers with 76,200 direct travel-generated jobs. Direct travel-generated payroll in Oklahoma totals $1,757.9 million. 1 out of every 8 U.S. non-farm jobs is created directly, indirectly or is induced by travel and tourism. The travel and tourism industry is one of America's largest service exports. International travelers spent more on their visits to the United States than U.S. residents spent while traveling abroad, creating a trade surplus of $8.3 billion for the U.S. in 2006.

Norman Tourism Industry Overview

The tourism industry is and will continue to be an important source of income and employment for Norman. The tourism industry has an estimated annual economic impact of over $138 million dollars and provides an estimated 1,105 careers. Additionally, the tourism industry makes the following important contributions to the Norman community:

- Provides economic diversification
- Expands the tax base
- Creates identity and image
- Creates additional local amenities (i.e. restaurants, attractions, etc.)
- Builds audiences for local events

At present, Norman continues to face increasing competition for visitor spending from surrounding Oklahoma communities and from an increase in leisure opportunities in general. Additionally, Norman continues to face increasing competition from communities across the nation of similar make-up – 85- to 130,000 population, within a metropolitan area, home to major university.

City	Population	CVB Budget
Edmond	80,000	$ 428,000
Norman	113,500	$ 523,000
Stillwater	47,000	$ 600,500
Lawrence, KS	90,000	$ 685,500
Boulder, CO	103,000	$ 727,000
Fort Smith, AR	83,400	$ 894,000
Odessa, TX	102,800	$ 912,700
St. Joseph, MO	76,000	$1,200,000
Ann Arbor, MI	114,000	$1,200,000
Gainsville, FL	217,000	$1,300,000
La Cruces, NM	92,000	$1,549,000
Columbia, MO	101,000	$1,625,000
Waco, TX	120,500	$3,016,000

Leisure travelers are faced with an astonishing array or options in how to spend their time and money. For example, the growth of Oklahoma City's Bricktown as a destination is competition for Norman in attracting drive market visitors. Recently the NCVB has begun incorporating these leisure and entertainment options in its marketing materials. The competition is very real, and in an effort to leverage that in Norman's favor, it is necessary to position Norman as an ideal overnight destination from which visitors can daytrip to "competitive" communities such as Oklahoma City or the Arbuckle Mountains.

Situational Analysis

Target Audience Overview

Groups

Convention and meeting opportunities based upon businesses, associations, military, social groups, visiting families and relatives, weddings, reunions and other local, state, regional or national organizations that can be adequately accommodated by Norman meeting facilities and hotel properties.

Tourism

Any visitor traveling to Norman outside of an organized convention or meeting with interest in Norman's attractions, history, culture and accommodations.

Sports

Selected sporting events and sport organization rights holders, including National Governing Bodies, multi-sports organizations/associations, college and university conferences, and other organizations who own events that are available to Norman through a bid selection process by the NCVB or in conjunction with local sport organizations and associations with similar goals.

III. Marketing Goals and Objectives

Goals for Staff

Through strategic, research based sales, marketing and public relations initiatives, show growth in the following key indicators:

1. Room nights booked for meeting groups
2. Group tour definite bookings
3. Leisure inquiries converted
4. Coop resources raised
5. Media coverage
6. Economic impact of tourism
7. Transient guest tax collections
8. Sales tax collections
9. Hotel occupancy
10. Average daily rate of hotel rooms
11. Length of stay of visitors
12. Per-person expenditure
13. Attraction attendance*

*Attraction attendance is suggested without any discussion with Norman attractions and thus, no indication they will be willing to share the information.

Goals for the Board of Directors

The development of the Bureau, the staff and the Board are key to establishing a strong foundation from which to work. As a result of the Board of Directors' retreat in January, 2010, the following issues were identified for the Board to address in FY 2011:

1. Develop a research based brand that best positions Norman to fulfill the CVB mission.
2. Focus sales efforts towards those that greatly impact the housing industry as a whole. Attend trade shows in all segments listed in mission.
3. Organize a group sales familiarization tour.
4. Develop a local community lead generation campaign.
5. Develop a discount program to include in the service options for conferences and sport events.
6. Create and support financially a sports commission.
7. Develop a process to request bid fees and/or sponsorships for sport events or conferences.
8. Strengthen relationship with members of sports community.
9. Review and update bylaws.
10. Explore new, non-tax revenue streams for the CVB.
11. Narrow gap of Visitor Guide expenditures over revenues.

12. Aid in the continued development Norman as a destination and of districts within Norman (i.e. Downtown, Porter Corridor, etc.) as destinations.
13. Develop initiatives to aid in hospitality development for the community.
14. Enhance current attractions.
15. Aid in development and promotion of existing festivals.
16. Aid in development of new events.
17. Engage in public transit initiatives such as current bus system and future expanded rail service.
18. Engage in Parks and Recreations' master plan initiatives.
19. Review "Randall Study" and propose any outstanding action items from the study.
20. Continue work towards development of long range plan for the NCVB.

VI. Strategies

Research

Conduct research to expand knowledge of visitor needs and desires to maximize marketing effectiveness.

A. Continue to identify psychographics and demographics of current and potential visitors and segment the database into niche markets.
B. Determine conversion of potential visitors into actual visitors to Norman.
C. Determine awareness of Norman offerings to members in target markets.
D. Determine level of satisfaction with the NCVB offerings to visitors.
E. Monitor success of NCVB objectives and activities.

Brand Image

Develop and utilize a clear, simple, memorable brand image specific to Norman. Incorporate graphics and tagline into all NCVB marketing efforts.

Groups

Work with conference centers, hotels and others in the community to increase number of meetings, conferences, and events-related spending in Norman particularly during off-peak time periods.

A. Continue direct sales to conference and meeting planners
B. Continue participation in meeting planner associations
C. Continue networking with local professionals and residents to identify potential groups that could visit
D. Continue marketing through tradeshows. The staff has identified ten industry specific tradeshows that we will be market Norman through.
E. Familiarization Tour for meeting planners
F. Subscription to empowerMINT database

In order to accommodate the expected, tremendous number of new sales leads and the sales activity, the Bureau has contracted with a new firm to update the Bureau's Customer Relationship Management software.

Tourism

Past marketing efforts have targeted key DMAs of Oklahoma City, Tulsa, Dallas/Fort Worth, Houston, Wichita, Kansas City, Wichita Falls/Lawton, and those in our target demographic – Female, 35-60, Married, Empty-nester, HHI of $50- to $125,000. Our contract with the firm leading the brand realignment process includes the preparation of a marketing plan so while the core initiative is to motivate prospects to take action and visit Norman, specific action plans have yet to be defined and/or may change. At present, initiatives include:

A. Initiate a brand/logo realignment
B. Revisit message presently being utilized in marketing efforts
C. Marketing efforts will be through traditional print advertising, electronic advertising, tradeshows, direct mail, printed literature and our website.
    a. Print Advertising
        - Oklahoma Travel and Recreation Department Travel Guide – estimated number of impressions, 400,000
        - Certified Folder Display – estimated number of impressions, 300,000
        - Additional venues to be identified.
    b. Electronic Advertising
        - TravelOK.com website – estimated number of impressions – 1,700,000
        - Additional venues to be identified.
    c. Trade Shows
        - Vision Women's Show (Dallas)
        - Wichita Falls Women's Expo
        - McAllen (TX) International Show
        - Kansas City Travel Show
        - Ft. Worth Vacation Show
        - Wichita Women's Fair
        - Just For Her Expo (Overland Park, KS)
        - Oklahoma State Fair – brochure distribution only
        - Tulsa State Fair – brochure distribution only
    d. Direct Mail
        The 2011 Official Norman Visitors Guide will be directly mailed to the over 18,000 prospective visitors in the Bureau's database.
    e. Printed Literature
        - 2010 Official Norman Visitors Guide – 100,000 to be printed
        - "Pad Maps" – 20,000 to be printed

f. Website
In 2011 the Bureau will look to re-design visitnorman.com making it more user friendly for both the prospective visitor and staff.

Sports

Explore ways for to attract more events to Norman and to work more closely with partners.

A. Continued efforts through traditional sales methods - direct sales and local networking.
B. Market through Travel Entertainment and Management of Sports and National Association of Sports Commissions tradeshows.
C. Sports Committee to formalize into a Sports Commission.
D. Development of strategic marketing and promotions plan to solicit events.
E. Better branding of the CVB and specifically, sports efforts of the CVB.
F. Creation of events (or "incubate" events) specifically regional or national events that benefit Norman's economy.
G. Continued volunteer development.

Public Relations

A. Develop an updated media contact list.
B. Establish working relationships with media to promote editorial coverage about Norman and calculate advertising equivalence of generated coverage.
C. Send media releases about special events.
D. Post current news releases, story ideas and pictures on Website for use by media.
E. Participate in media blitzes offered through the Oklahoma Travel and Recreation Department and Frontier Country Marketing Association.

Other Initiatives

A. Destination Development. The Board of Directors and staff recognize destination development is just as important as marketing and promotions. So much so, that a third of the Board's goals for Fiscal Year 2011 are related to destination development.
    - Aid in the continued development Norman as a destination and of districts within Norman (i.e. Downtown, Porter Corridor, etc.) as destinations.
    - Develop initiatives to aid in hospitality development for the community.
    - Enhance current attractions.

- Aid in development and promotion of existing festivals.
- Aid in development of new events.
- Engage in public transit initiatives such as current bus system and future expanded rail service.
- Engage in Parks and Recreations' master plan initiatives.

In addition, the NCVB will continue to monitor the further development of University North Park and the re-development of Porter Avenue along with other Municipal and State issues that affect community and economic development – i.e. I-35 widening, local road maintenance, the Storm Water and Greenway Master Plan, Greenbelt Commission.

B. Staff Development. The Executive Director will continue pursuit of his CDME and CSEE designations. Sales Staff will attend Sales Academy and Sales Academy II. Other educational opportunities to come through Leadership Norman, the Oklahoma Governor's Conference on Tourism, US Travel Association Marketing Outlook Forum and DMAI National Convention.

NORMAN CONVENTION & VISITORS BUREAU
FISCAL YEAR ENDING 2011 BUDGET

INCOME:

Convention & Visitors Bureau Share of City Room Tax Fund	$486,455
Cooperative Marketing	14,070
Advertising Income	33,100
Interest Income	1,000
Apparel	150
Special Events	10,000
Miscellaneous / Carryover	20,000
Convention & Visitors Bureau Reserves	19,045
Online Hotel Reservations / Book Direct	600
TOTAL INCOME:	**$584,420**

EXPENSES:

Advertising / Marketing	$ 79,380
Travel Research	3,000
Groups Marketing	56,889
Sports Marketing	11,730
Operations / Administration	84,650
Payroll Expenses	215,660
Trade Shows	10,205
Special Events	10,000
Printed Materials	48,900
Postage	7,500
Web Site	30,000
Public Relations	14,700
Affiliation / Memberships	11,610
TOTAL EXPENSES	**$584,224**
Revenue over Expenses	$ 196

32. ITEM: CONSIDERATION OF A PRELIMINARY PLAT FOR FOUNTAIN VIEW ADDITION (FORMERLY WINDSTONE FARMS ADDITION).

LOCATION: Generally located on the east side of 48th Avenue N.W. approximately 1,500 feet south of West Tecumseh Road.

INFORMATION:

1. Owner. SKS1, L.L.C., and Southwest Capital Group, L.L.C.

2. Developer. SKS1, L.L.C., and Southwest Capital Group, L.L.C.

3. Engineer. SMC Consulting Engineers, P.C.

HISTORY:

1. Refer to the Planning Commission Staff Report, April 8, 2010.

2. August 5, 2004. The Norman Board of Parks Commissioners, by a vote of 7-0, recommended a fee in lieu of parkland dedication requirements.

3. September 28, 2004. City Council, by a vote of 7-2, adopted a revised preliminary plat for Windstone Farms Addition, which was amended to require no building permits to be issued in the flood plain area without Federal Emergency Management Agency (FEMA) approval of the Ten Mile Flat Creek Flood Plain Study and the applicant would accept existing drainage from Cascade Estates Addition and hold harmless any damages that would occur.

4. November 20, 2009. The approval of the preliminary plat became null and void.

5. April 8, 2010. Planning Commission, by a vote of 8-0, recommended to City Council that the preliminary plat for Fountain View Addition be approved. (Re-approval)

6. May 11, 2010. City Council, by a vote of 7-0, postponed the preliminary plat for Fountain View Addition until May 25, 2010.

IMPROVEMENT PROGRAM:

1. Refer to the Planning Commission Staff Report, April 8, 2010.

PUBLIC DEDICATIONS:

1. Refer to the Planning Commission Staff Report, April 8, 2010.

SUPPLEMENTAL MATERIAL: Copies of an advisory memorandum; location map; preliminary plat; Staff Report recommending approval; Traffic Impact Analysis; and pertinent excerpts from Norman Board of Parks Commissioners and Planning Commission minutes are included in the Agenda Book.

ACTION NEEDED: Motion to approve or reject the preliminary plat for Fountain View Addition (formerly Windstone Farms Addition) subject to receipt of the Traffic Impact Fee in the amount of $4,177.47.

ACTION TAKEN: _____

office memorandum

Date: April 19, 2010

To: Honorable Mayor and Councilmembers

From: Angelo Lombardo, Traffic Engineer
Ken Danner, Development Manager

Subject: Agenda Item – Preliminary Plat for Fountain View Addition
(Formerly approved as Windstone Farms Addition.)

BACKGROUND:

The Fountain View Addition is a 201-lot single-family subdivision proposed on the east side of 48th Avenue NW approximately 1,500 feet south of West Tecumseh Road. The property consists of 77.18 acres under the control of two property owners. This item is a re-approval of a preliminary plat for Fountain View Addition (formerly called Windstone Farms Addition) that was originally approved by City Council on September 28, 2004. Under Section 19-305 of the Norman City Code, preliminary plats are valid for a period of three years from the date of approval, and may be extended an additional two years with the filing of a final plat. Normally the period of validity for this Addition would extend through September 28, 2007. However, due to controversy involving a companion rezoning item, the period of validity was extended to November 26, 2009. A memorandum from the City Legal Department is included in this item that discussed the extension of the validity period.

Even with the extended validity period, no final plat has been submitted or filed, in part due to other issues related to a sanitary sewer solution for the project. The applicant is now moving forward seeking re-approval of the preliminary plat in substantially the same form as was originally approved by City Council in 2004, except during the latest review of the preliminary plat prior to Planning Commission, it was determined a required fifty-foot (50') pipeline easement be utilized on the northern boundary of the plat rather than the thirty-foot (30') pipeline easement. The increase in easement width is included in the current submittal and would be considered a minor change that involves a greater public easement dedication than was previously approved. There are no significant changes to the plat compared to the one approved in 2004.

Planning Commission, at its meeting of April 8, 2010, on a vote of 8-0, recommended to City Council that the preliminary plat for Fountain View Addition be approved. The item was not resubmitted to the Norman Board of Parks Commissioners since this was a re-approval and, at its meeting of August 5, 2004, it was recommended that a fee in lieu of parkland be accepted for this project.

DISCUSSION:

The Fountain View Addition is a 201-lot single-family subdivision. This development is expected to generate approximately 1,967 trips per day or 196 peak hour trips. As such, the trip generation potential for this development is above the threshold for when a traffic impact study is normally required. However, this area was recently studied by another project and requiring a

traffic impact study would not yield any new information. Rather, the level of responsibility from the previous traffic study (J&J Properties) will be utilized to assess the responsibility for signalizing the intersection of 48th Avenue NW with Tecumseh Road. The traffic capacity on the affected roadways exceeds the demand for existing and proposed trips as a result of this development.

STREET	NO. OF LANES	PROPOSED DEVELOPMENT (Veh/day)*	EXISTING TRAFFIC (Veh/day)**	TOTAL PROJECTED TRAFFIC (Veh/day)	ROADWAY CAPACITY L.O.S. "E"	% CAPACITY USED (EXISTING)	% CAPACITY USED (PROJECTED)
Tecumseh Road	4	492	9,063	9,555	34,200	26.50	27.94
48th Avenue NW	2	492	9,665	10,157	17,100	56.52	59.40

* The distribution of site traffic was assumed to be 50 percent through the intersection of 48th Avenue NW with Tecumseh and equally split between the two roadways.

** This includes traffic from the proposed J&J Properties development.

The J&J Properties traffic study determined that 64 % of the costs associated with the signalization of the 48th Avenue NW and Tecumseh Road intersection were attributable to development related sources. For the $150,000 anticipated design and construction costs for this project, $96,000 would be contributed by development related sources. From the total traffic using the intersection in the J&J Properties traffic study, there are 1,121 peak hour, development responsible trips. Adding the Fountain View traffic to this number will allow the determination that the Fountain View project contributes 4.35% of the development responsible traffic through this intersection. Applying this percentage to the $96,000 development share of the signalization costs for the intersection yields traffic impact fees attributable to the Fountain View project of $4,177.47. This equates to $21.31 per peak hour trip. It is recommended that this fee be collected in lieu of requiring a new traffic study.

Public improvements for this property consist of the following:

1. Fencing. Fencing is required adjacent to 48th Avenue NW for lots siding or backing up to the minor arterial.

2. Fire Hydrants. Fire hydrants will be installed in accordance with approved plans. Their locations have been approved by the Fire Department.

3. Drainage. Storm sewer and appurtenant drainage structures will be installed in accordance with approved plans and City drainage standards. A fee in lieu of detention will be required prior to filing the final plat. When originally approved, storm water drainage issues were raised by those living in the Cascade Addition and surrounding areas. The original City Council approval required the developer to allow for the existing drainage. The engineer for the developer proposes to collect the storm water runoff from Cascade Estates additions and utilize drainage flumes to channel the storm water to an outlet into the street system as part of the overall drainage solution for Fountain View additions. These improvements will be part of the construction plans that will be submitted with final plat for Fountain View additions.

In addition, concerns were raised about the impact of storm water drainage from the Addition on the Ten Mile Flat Creek drainage area. The original City Council approval required that no building permits be issued in the flood plain area without Federal Emergency Management Agency (FEMA) approval of the Ten Mile Flat Creek Flood Plain Study. Since that time a Conditional Letter of Map Revision (CLOMR) for the Ten Mile Flat area was adopted by City Council on August 12, 2008, and this property has been removed from the City of Norman Digital Flood Insurance Rate Maps (DFIRM). Therefore none of the property is located in the flood plain.

4. Permanent Markers. Permanent markers will be installed prior to filing of the final plats.

5. Sanitary Sewer. Sanitary sewer mains will be installed in accordance with approved plans and City and State Department Quality standards. An off plat sanitary sewer line will be required in order to serve this property.

6. Sidewalks. Sidewalks will be constructed on each lot prior to occupancy. Sidewalks will be installed adjacent to 48th Avenue NW.

7. Streets. Streets will be constructed in accordance with approved plans and City paving standards. Staff will recommend deferral of street improvements for 48th Avenue NW.

8. Traffic Signal. The developer is required to participate in the signalization and improvement to the intersection of Tecumseh Road with 48th Avenue NW.

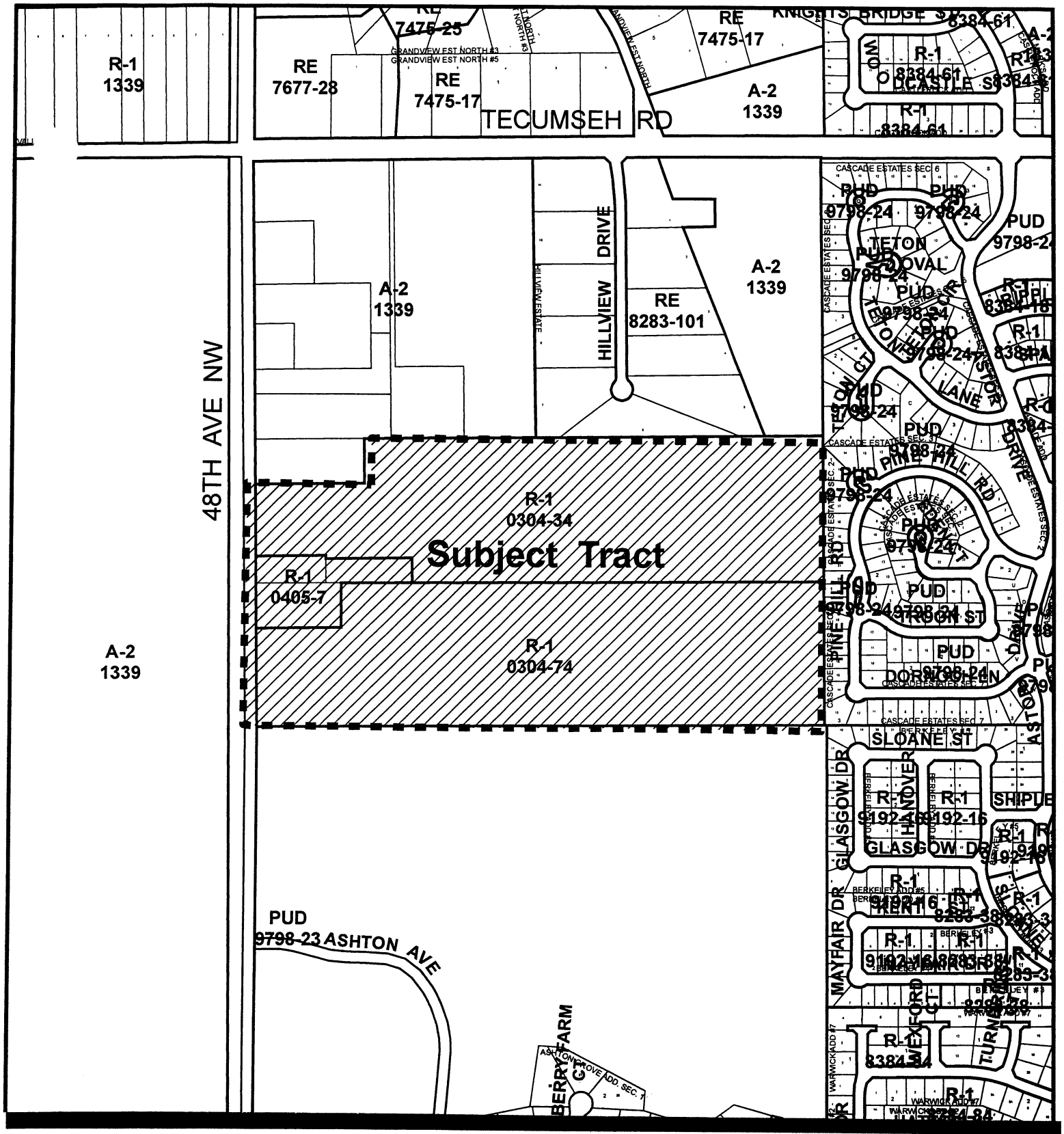
9. Water Mains. Water mains will be installed in accordance with approved plans and City and State Department of Environmental Quality standards. A twelve-inch (12") water line will be extended to Tecumseh Road to connect to an existing twelve-inch (12") water main. Also, and eight-inch (8") water line will connect to an existing water main in Cascade Estates Addition, Section 7, a Planned Unit Development, providing looped systems.

10. Public Dedications: All rights-of-way and easements will be dedicated to the City with final platting.

RECOMMENDATION:

Based upon the above information and the fact that this is a reapproval of a previously approved preliminary plat, staff recommends approval of the preliminary plat for Fountain View Addition.

tf
Reviewed by: Shawn O'Leary, Director of Public Works
Susan Connors, Director of Planning and Community Development
Ken Komiske, Director of Utilities
Jeff Bryant, City Attorney
Steve Lewis, City Manager



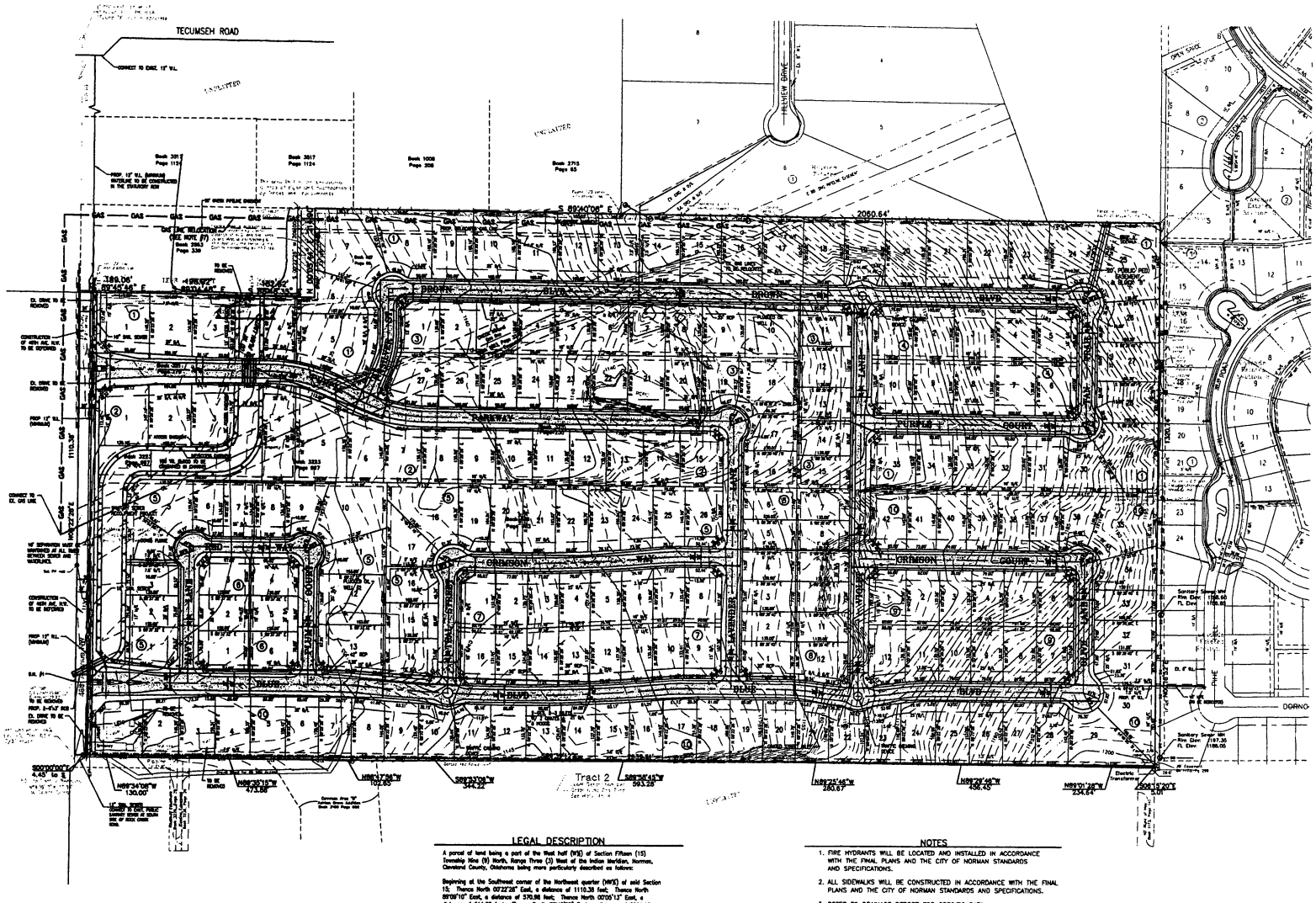
PRELIMINARY PLAT (Reapproval) - FOUNTAIN VIEW ADDITION (WINDSTONE FARMS)

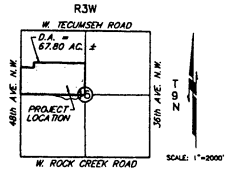
OWNER/DEVELOPER: SKS1, LOC and Southwest Capital Group, L.L.C.
ENGINEER: SMC Consulting Engineers, P.C.

PRELIMINARY PLAT

FOUNTAIN VIEW ADDITION

A PART OF THE N 1/2 OF S 1/2, SECTION 15, T9N, R3W, I.M.
NORMAN, CLEVELAND COUNTY, OKLAHOMA





LOCATION MAP

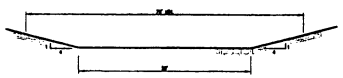
SCALE: 1" = 100'

OWNER / DEVELOPER
SKST, LLC (NORTH 37.07 AC.)
221 48th AVE. N.W.
NORMAN, OKLAHOMA 73072
(405) 329-9634

OWNER / DEVELOPER
SOUTHWEST CAPITAL GROUP, LLC (SOUTH 40.08 AC.)
2711 I-35 SERVICE ROAD
MOORE, OKLAHOMA 73160
(405) 366-0000

77.18 ACRES
201 LOTS
2.60 LOTS PER ACRE

* FOR COMPLETE DRAINAGE CALCULATIONS SEE DRAINAGE REPORT. ALL STORM SEWER PIPES SHOWN ARE RCP



FARTHEN CHANNEL
SECTION A-A
NOT TO SCALE

LEGAL DESCRIPTION

A parcel of land being a part of the West half (W½) of Section Fifteen (15) Township Nine (9) North, Range Three (3) West of the Indian Meridian, Norman, Cleveland County, Oklahoma being more particularly described as follows:

Beginning at the Southeast corner of the Northwest quarter (NW¼) of said Section 15; Thence North 00°22'28" East, a distance of 1110.38 feet; Thence North 89°09'10" East, a distance of 570.06 feet; Thence North 00°05'13" East, a distance of 314.80 feet; Thence South 89°40'08" East, a distance of 2061.12 feet to a point on the East line of said NW¼; Thence along said East line, South 00°15'52" West, a distance of 1320.74 feet to the Southeast corner of said NW¼, said point also being the Northeast corner of legal description per Order Nunc Pro Tunc recorded in Cleveland County District Court Case No. CJ-2002-1399 Dk; Thence along said legal description per Order Nunc Pro Tunc, the following Nine (9) courses:

1. South 00°15'20" East, a distance of 5.01 feet;
2. North 89°01'28" West, a distance of 234.64 feet;
3. North 89°29'46" West, a distance of 406.45 feet;
4. North 89°35'46" West, a distance of 280.67 feet;
5. South 89°56'45" West, a distance of 593.28 feet;
6. South 89°53'06" West, a distance of 344.22 feet;
7. North 89°47'34" West, a distance of 102.65 feet;
8. North 89°35'15" West, a distance of 473.88 feet;
9. North 89°34'08" West, a distance of 130.00 feet;

Thence North 00°00'00" West, a distance of 4.38 feet to a point on the South line of said NW¼; Thence North 89°39'12" West, a distance of 17.32 feet to the Point of Beginning.

Said tract containing an area of 77.18, acres more or less.

NOTES

1. FIRE HYDRANTS WILL BE LOCATED AND INSTALLED IN ACCORDANCE WITH THE FINAL PLANS AND THE CITY OF NORMAN STANDARDS AND SPECIFICATIONS.
2. ALL SIDEWALKS WILL BE CONSTRUCTED IN ACCORDANCE WITH THE FINAL PLANS AND THE CITY OF NORMAN STANDARDS AND SPECIFICATIONS.
3. REFER TO DRAINAGE REPORT FOR SPECIFIC DATA.
4. EXISTING ZONING IS R-1.
5. ALL PROPOSED SANITARY LINES ARE 8-INCH EXCEPT AS NOTED.
6. ALL PROPOSED WATERLINES ARE 8-INCH EXCEPT AS NOTED.
7. THE ONEOK LINE WILL BE RELOCATED AS PER AGREEMENT WITH OWNER.
8. A FEE WILL BE PAID IN LIEU OF DETENTION.

BENCHMARK #1

BRASS CAP AT THE INTERSECTION OF ASTOR DRIVE AND PINE HILL ROAD OF CASCADE ESTATES SEC. 2
ELEVATION = 1194.41

TOM L. McCALEB, P.E. NO. 13418

PRELIMINARY PLAT

FOUNTAIN VIEW ADDITION

48TH AVE N.W. & W. TECUMSEH ROAD
NORMAN, OKLAHOMA

SMC Consulting Engineers, P.C.
815 West Main – Oklahoma City, OK 73106
PH: 405-232-7715 Fax: 405-232-7808
CERTIFICATE OF AUTHORIZATION NO. CA. 464 EXP. 6/30/2011

SMC

No.	Revision	By	Date
1	PER CITY OF NORMAN COMMENTS	JP	1-18-04
2	ADDED 100 LAYOUT	BRC	4-15-04
3	ADDED 120 LAYOUT PER OWNER	BRC	7-12-04
4	REVISED FOR re-APPROVAL	BRC	2-2-10
5	REVISED PER CITY CHECK PRINTS	BRC	3-24-10

DATE: 4/16/04
DRAWN BY: B.G.
PROJECT NO.: MFR
SCALE: 1"=100'
SHEET NO. 1
ENGINEER: TOM L. McCALEB, P.E. #13418

TOM L. McCALEB 13418 OKLAHOMA

NOT VALID FOR CONSTRUCTION UNLESS SIGNED IN THIS BLOCK

PRELIMINARY PLAT ITEM NO. 5

STAFF REPORT

ITEM: Consideration of a PRELIMINARY PLAT FOR FOUNTAIN VIEW ADDITION (FORMERLY APPROVED AS WINDSTONE FARMS ADDITION)(REAPPROVAL).

LOCATION: Generally located on the east side of 48th Avenue NW and approximately 1,500 feet south of West Tecumseh Road.

INFORMATION:

1. Owners. SKS1, LLC and Southwest Capitol Group, LLC.

2. Developer. SKS1, LLC and Southwest Capitol Group, LLC.

3. Engineer. SMC Consulting Engineers, P.C.

HISTORY:

1. June 12, 1962. City Council adopted Ordinance No. 1320 annexing and placing this property in A-2 zoning classification.

2. December 4, 2003. The Norman Board of Parks Commissioners recommended fee in lieu of park land requirements.

3. December 11, 2003. Planning Commission, on a vote of 5-2, recommended to City Council that a portion of this property be placed in R-1 and removed it from A-2 zoning classification.

4. December 11, 2003. Planning Commission, on a vote of 5-2, recommended approval of the preliminary plat for Windstone Farms Addition. The preliminary plat consisted of northern portion of the property.

5. January 22, 2004. City Council postponed Ordinance No. O-0304-34 indefinitely.

HISTORY (con't):

6. May 5, 2004. Flood Plain Permit Committee approved Flood Plain Permit No. 366 relating to the 1979 flood map for this area as adopted by City Council. The 1997 FEMA maps do not impose flood plain on this property. Therefore, the flood plain permit relates to the City's authorization.

7. May 6, 2004. The Norman Board of Parks Commissioners, on a vote of 7-0, recommended fee in lieu of park land for the enlarged preliminary plat for Windstone Farms Addition.

8. May 13, 2004. A rezoning request and preliminary plat were postponed at the request of the applicant.

9. June 10, 2004. A rezoning request and preliminary plat were postponed at the request of the applicant.

10. July 8, 2004. Planning Commission, on a vote of 8-0, recommended to City Council that a portion of this property be placed in R-1 and removed from A-2 zoning classification.

11. July 8, 2004. Planning Commission, on a vote of 8-0, recommended to City Council that the revised preliminary plat for Windstone Farms Addition be approved.

12. July 20, 2004. Flood Plain Permit Committee approved the amended Flood Plain Permit No. 366.

13. August 5, 2004. The Norman Board of Parks Commissioners, on a vote of 7-0, recommended fee in lieu of park land for the revised preliminary plat for Windstone Farms Addition that now includes two (2) additional parcels.

14. August 12, 2004. Planning Commission, on a vote of 6-2, recommended to City Council that a portion of this property be placed in R-1 and removed from RE and A-2 zoning classification.

15. August 12, 2004. Planning Commission, on a vote of 6-2, recommended to City Council that the preliminary plat for Windstone Farms Addition be approved.

16. September 28, 2004. City Council adopted Ordinance No. O-0304-34 placing a portion of this property in R-1 and removing it from A-2 zoning classification.

HISTORY (con't):

17. September 28, 2004. City Council adopted Ordinance No. O-0304-74 placing a portion of this property in R-1 and removing it from A-2 zoning classification.

18. September 28, 2004. City Council adopted Ordinance No. O-0405-7 placing a portion of this property in R-1 and removing it from RE and A-2 zoning classifications.

19. September 28, 2004. City Council approved the preliminary plat for Woodland Farms Addition.

20. October 14, 2004. Planning Commission, on a vote of 7-0, postponed the final plats for Fountain View Addition, Section 1 and Section 2, for one (1) month.

21. November 10, 2004. Planning Commission, on a vote of 8-0, postponed the final plats for Fountain View Addition, Section 1 and Section 2, indefinitely at the request of staff.

22. November 20, 2006. Referendum Petition was finally resolved in Courts. The rezoning and preliminary plat were upheld upon this date.

23. November 20, 2009. The approval of the preliminary plat became null and void.

IMPROVEMENT PROGRAM:

1. Fire Hydrants. Fire hydrants will be installed in accordance with approved plans. Their locations have been approved by the Fire Department.

2. Permanent Markers. Permanent markers will be installed prior to filing of the final plat.

3. Sanitary Sewers. Sanitary sewer mains will be installed in accordance with approved plans and City and Department of Environmental Quality standards. An off plat sanitary sewer main will be installed to serve this development.

4. Sidewalks. Sidewalks will be constructed on each lot prior to occupancy. Staff recommends deferral of sidewalks adjacent to 48th Avenue NW.

5. Storm Sewers. Storm sewers and appurtenant drainage structures will be installed in accordance with approved plans and City drainage standards. Because the location of the property is within the drainage basin, it has been determined that a fee in lieu of detention would be more appropriate.

6. Streets. Streets will be constructed in accordance with approved plans and City paving standards. Staff recommends deferral of street improvements for 48th Avenue NW with final platting.

7. Water Mains. Water mains will be installed in accordance with approved plans and City and State Department of Environmental Quality standards. An off-plat 12-inch water main will need to be extended and connected to an existing 12-inch main parallel to West Tecumseh Road. An eight-inch (8") water main will connect to an existing water line in Cascade Addition, Section 7, a Planned Unit Development and will provide a looped system.

PUBLIC DEDICATIONS:

1. Easements. All required easements will be dedicated to the City on the final plat.

2. Rights-of-Way. All street rights-of-way will be dedicated to the City on the final plat.

SUPPLEMENTAL MATERIAL: Copies of a location map and preliminary plat are included in the Agenda Book.

STAFF COMMENTS AND RECOMMENDATION: This property consists of 201 single-family residential lots and several open space lots will be maintained by a mandatory Property Owners' Association. Staff recommends reapproval of the preliminary plat for Fountain View Addition (Formerly known as Windstone Farms Addition).

ACTION NEEDED: Recommend approval or disapproval of the preliminary plat for Fountain View Addition (Windstone Farms Addition)(Reapproval) to City Council.

ACTION TAKEN:_____

CITY OF NORMAN
Development Review Form
Transportation Impacts

DATE: April 2, 2010

CONDUCTED BY: David R. Riesland, P.E.
Assistant City Traffic Engineer

PROJECT NAME: Windstone/Fountain View

PROJECT TYPE: Residential

SURROUNDING ENVIRONMENT (Streets, Developments)
Residential developments surround the project location with some floodplain land to the west. Tecumseh Road is the main east/west roadway, and 48th Avenue NW is the main north/south roadway.

ALLOWABLE ACCESS:
Proposed access is in accordance with Section 4018 of the City's Engineering Design Criteria.

EXISTING STREET CHARACTERISTICS (Lanes, Speed Limits, Sight Distance, Medians)
Tecumseh Road : 4 lanes (existing and future). Speed Limit - 40 mph. No sight distance problems. No medians.
48th Avenue NW : 2 lanes (existing and future). Speed Limit - 45 mph. No sight distance problems. No medians.

ACCESS MANAGEMENT CODE COMPLIANCE: **YES** ■ **NO** □

Proposed number of access points along for the development is in compliance with what is allowed in the subdivision regulations.

TRIP GENERATION

	Total	In	Out
Weekday	1,040	520	520
A.M. Peak Hour	80	20	60
P.M. Peak Hour	105	66	39

TRANSPORTATION IMPACT STUDY REQUIRED? **YES** □ **NO** ■

The trip generation potential for this development is at the threshold for when a traffic impact study is required. However, this area was recently studied by another project and requiring a traffic impact study would not yield any new information. A new traffic study would not provide any new information not provided in the other recent traffic study for J&J Properties.

RECOMMENDATION: **APPROVAL** ■ **DENIAL** □ **N/A** □ **STIPULATIONS** □

Recommendations for Approval refer only to the transportation impact and do not constitute an endorsement from City Staff.

The level of responsibility from the J&J Properties traffic study will be utilized to assess the responsibility for signalizing the intersection of 48th Avenue NW with Tecumseh. The J&J Properties traffic study determined that 64 % of the costs associated with the signalization of the 48th Avenue NW and Tecumseh intersection were attributable to non-City sources. For the $150,000 anticipated design and construction costs for this project, $96,000 would be contributed by non-City sources. From the total traffic using the intersection in the J&J Properties traffic study, there are 1121 peak hour, non-City responsible trips. Adding the Windstone/Fountain View traffic to this number will allow the determination that the Windstone/Fountain View project contributes 4.35% of the non-City responsible traffic through this intersection. Applying this percentage to the $96,000 non-City share of the signalization costs for the intersection yields traffic impact fees attributable to the Windstone/ Fountain View project of $4,177.47.

ITEM 5, being:

CONSIDERATION OF PARKLAND DEDICATION REQUIREMENTS FOR THE WINDSTONE FARMS ADDITION

Windstone Farms Addition is located in a part of Section 15 Township 9 North, Range 3 West of the Indian Meridian and is located south of Tecumseh Road and just east of 48th Ave NW.

Park Board reviewed Windstone Addition in November of 2003 and again in May of 2004. In 2003 it contained 67 single-family residential lots for a total required parkland dedication of .4388 acres. In 2004 it was re-platted to include 180 single-family residential lots for a total required parkland dedication of 1.1790 acres.

It is now being re-platted again with some additional lots. The Windstone Farms addition now contains 200 single-family residential lots which generates a parkland requirement of 1.3100 acres. When all building permits have been issued it will generate $15,000 in Neighborhood Park Development Fees and $15,000 in Community Park Development Fees.

The last time this addition was re-platted, staff took the opportunity to negotiate a pedestrian access between two lots in the northeast corner that will allow access to the Roosevelt School land. Residents will be able to access the park located in the Cascade Addition by using this easement and the school land. Roosevelt school has given permission for access between the Cascade Addition and Windstone Farms Addition.

The Cascade Park site is in excess of two acres larger than required for that addition, making it comfortably able to handle the population of Windstone Farms addition.

Staff recommends Park Board maintain the fee-in-lieu of land decision previously made for the addition, with the money used to develop the existing Cascade site.

The motion was made by Commissioner Wynn and seconded by Commissioner Campbell to accept a fee-in-lieu of land decision for the Windstone Farms addition. The vote was taken with the following results:

YEAH: Chairman Goth and Commissioners Brigham, Brockhaus, Campbell, Dickerson, Ferrier and Wynn

NAY: None

Item No. 2, being:
CONSENT DOCKET
Chairman Trachtenberg announced that the Consent Docket is designed to allow the Planning Commission to approve a number of items by one motion and vote. He noted that the applicant for Item No. 8 has requested postponement of that item until the next meeting and that postponement can be added to the Consent Docket. He read the items recommended for inclusion on the Consent Docket, as follows:

Item No. 3, being:
APPROVAL OF THE MARCH 11, 2010 STUDY SESSION MINUTES, AND THE MARCH 11, 2010 REGULAR SESSION MINUTES.

Item No. 4, being:
CONSIDERATION OF A FINAL PLAT SUBMITTED BY RANDY AND LISA MARTIN (CENTERLINE SERVICES, L.L.C.) FOR CANAAN ACRES, GENERALLY LOCATED NORTH AND WEST OF THE INTERSECTION OF BROADWAY AVENUE AND FRANKLIN ROAD.

Item No. 5, being:
CONSIDERATION OF A PRELIMINARY PLAT SUBMITTED BY SKS1, LOC AND SOUTHWEST CAPITAL GROUP, L.L.C. (SMC CONSULTING ENGINEERS, P.C.) FOR WINDSTONE FARMS ADDITION (REAPPROVAL), GENERALLY LOCATED ON THE EAST SIDE OF 48TH AVENUE N.W. APPROXIMATELY ONE-QUARTER MILE SOUTH OF TECUMSEH ROAD.

Postponement for one month of Item No. 8, being:
CONSIDERATION OF A REQUEST SUBMITTED BY SHANNON O MOORE, L.L.C. FOR A TRACT OF LAND GENERALLY LOCATED 910 FEET SOUTH OF THE INTERSECTION OF STATE HIGHWAY 9 AND 12TH AVENUE S.E.

8A. RESOLUTION NO. R-0910-96 - SHANNON O MOORE, L.L.C. REQUESTS AMENDMENT OF THE NORMAN 2025 LAND USE AND TRANSPORTATION PLAN (LUP-0910-8) FROM INDUSTRIAL DESIGNATION TO OFFICE DESIGNATION AND MEDIUM DENSITY RESIDENTIAL DESIGNATION ON PROPERTY GENERALLY LOCATED 910 FEET SOUTH OF THE INTERSECTION OF STATE HIGHWAY 9 AND 12TH AVENUE S.E.

8B. ORDINANCE NO. O-0910-25 - SHANNON O MOORE, L.L.C. REQUESTS REZONING FROM I-1, LIGHT INDUSTRIAL DISTRICT, TO PUD, PLANNED UNIT DEVELOPMENT, FOR PROPERTY GENERALLY LOCATED 910 FEET SOUTH OF THE INTERSECTION OF STATE HIGHWAY 9 AND 12TH AVENUE S.E.

8C. CONSIDERATION OF A PRELIMINARY PLAT SUBMITTED BY SHANNON O MOORE, L.L.C. (CARDINAL ENGINEERING) FOR VICTORY PARK ADDITION, A PLANNED UNIT DEVELOPMENT (A REPLAT OF LOT 1, BLOCK 1, SHAKLEE ADDITION) (FORMERLY KNOWN AS NRH FOUNDATION ADDITION), GENERALLY LOCATED 910 FEET SOUTH OF THE INTERSECTION OF STATE HIGHWAY 9 AND 12TH AVENUE S.E.

*

Chairman Trachtenberg asked if any member of the Planning Commission wished to remove any item from the Consent Docket. There being none, he asked whether anyone in the audience wished to remove any item from the Consent Docket. There being none, he turned to the Planning Commission for discussion.

Paul Minnis moved to place Item Nos. 3 through 5, and the postponement of Item No. 8 for one month, on the Consent Docket and approve by one unanimous vote. Andy Sherrer seconded the motion.

There being no further discussion, a vote on the motion was taken with the following result:

YEAS	Jim Gasaway, Tom Knotts, Chris Lewis, Curtis McCarty, Paul Minnis, Roberta Pailes, Andy Sherrer, Zev Trachtenberg
NAYES	None
MEMBERS ABSENT	Diana Hartley

Recording Secretary Roné Tromble announced that the motion, to place Item Nos. 3 through 5, and the postponement of Item No. 8 for one month, on the Consent Docket and approve by one unanimous vote, passed by a vote of 8-0.

* * *

Item No. 5, being:
CONSIDERATION OF A PRELIMINARY PLAT SUBMITTED BY SKS1, LOC AND SOUTHWEST CAPITAL GROUP, L.L.C. (SMC CONSULTING ENGINEERS, P.C.) FOR WINDSTONE FARMS ADDITION (REAPPROVAL), GENERALLY LOCATED ON THE EAST SIDE OF 48TH AVENUE N.W. APPROXIMATELY ONE-QUARTER MILE SOUTH OF TECUMSEH ROAD.

ITEMS SUBMITTED FOR THE RECORD:
1. Location Map
2. Preliminary Plat
3. Staff Report
4. Transportation Impacts

This item was approved on the Consent Docket by a vote of 8-0.

* * *

33. ITEM: ORDINANCE NO. O-0910-34: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTIONS 14-411(D) AND 14-507 TO CHAPTER 14 OF THE CODE OF THE CITY OF NORMAN TO INCREASE MUNICIPAL COURT COSTS; AND PROVIDING FOR THE SEVERABILITY THEREOF.

INFORMATION: City Council, in its meeting of May 11, 2010, Introduced and adopted Ordinance No. O-0910-34 upon First Reading by title. Copies of an advisory memorandum, Ordinance No. O-0910-34, and legislatively notated copy of Ordinance No. O-0910-34 are included in the Agenda Book.

ACTION NEEDED: 1. Motion to adopt or reject Ordinance No. O-0910-34 upon Second Reading section by section.

ACTION TAKEN: _____

ACTION NEEDED: 2. Motion to adopt or reject Ordinance No. O-0910-34 upon Final Reading as a whole.

ACTION TAKEN: _____

office memorandum

DATE: April 19, 2010

TO: The Honorable Mayor and Councilmembers

FROM: Ronda Guerrero, Municipal Court Clerk

SUBJECT: AGENDA ITEM— Ordinance No. O-0910-34 Amending Sections 14-311(d) and 14-507 of Chapter 14 of the Code of the City of Norman

BACKGROUND:

On March 23, 2010 Council unanimously approved an amendment to Norman City Code §14-310(e) which is the section that assesses court costs in approximately ninety-nine percent of Municipal Court cases. That Ordinance increases court costs to $30.00. There are two sections of the Norman Municipal Code that have assessment of costs provisions specific to those sections. Court costs are assessed under these two provisions as follows: §14-311(d) when a vehicle is impounded or a bench warrant is ordered to enforce a parking citation; and §14-507 in jury trials where a defendant receives a guilty conviction.

DISCUSSION:

This item is routine and as noted above, Ordinance No. O-0910-34 amends Chapter 14 Sections 311(d) and 507 of the Norman City Code to bring cost assessments for these sections in line with the increase approved by City Council on March 23, 2010.

RECOMMENDATION:

Staff recommends the provisions applicable to these specific violations be amended to conform to the court costs changes approved by Council on March 23, 2010. The Ordinance now comes before Council for consideration.

Reviewed by: Steve Lewis, City Manager
Phil Cotten, Police Chief
Jeff Harley Bryant, City Attorney

cc: Brenda Hall, City Clerk

O-0910-34

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTIONS 14-311 (d) AND 14-507 TO CHAPTER 14 OF THE CODE OF THE CITY OF NORMAN TO INCREASE MUNICIPAL COURT COSTS; AND PROVIDING FOR THE SEVERABILITY THEREOF.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA:

§ 1. That Section 14-311 (d) of Chapter 14 of the Code of the City of Norman shall be amended to read as follows:

Sec. 14-311. Traffic violations; parking.

(a) A police officer making a complaint against any person for the violation of a provision of the parking provisions of the Code of the City, wherein the driver is not present, shall place the citation in or upon the vehicle in a conspicuous place.

* * *

(d) Where a vehicle is impounded or a bench warrant is ordered to enforce Article VIII, Chapter 20 of this Code, additional administrative costs of thirty dollars ($30.00) shall be assessed each for impoundment and bench warrant.

* * *

§ 2. That Section 14-507 of Chapter 14 of the Code of the City of Norman shall be amended to read as follows:

Sec. 14-507. Costs.

Upon sentencing the defendant, the Judge may also assess costs in an amount not to exceed thirty dollars ($30.00) which shall be assessed and collected by the Court Clerk, in addition to any possible fees, jail incarceration costs, mileage, or fine that may be imposed.

§ 3. Severability. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance, except that the effective date provision shall not be severable from the operative provisions of the ordinance.

ADOPTED this _____ day

of _____, 2010.

_____
Mayor

NOT ADOPTED this _____ day

of _____, 2010.

_____
Mayor

ATTEST:

_____
City Clerk

O-0910-34

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTIONS 14-311 (d) AND 14-507 TO CHAPTER 14 OF THE CODE OF THE CITY OF NORMAN TO INCREASE MUNICIPAL COURT COSTS; AND PROVIDING FOR THE SEVERABILITY THEREOF.

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* * *

(d) Where a vehicle is impounded or a bench warrant is ordered to enforce Article VIII, Chapter 20 of this Code, additional administrative costs of ~~twenty-five~~ thirty dollars ($~~25~~ 30.00) shall be assessed each for impoundment and bench warrant.

* * *

§ 2. That Section 14-507 of Chapter 14 of the Code of the City of Norman shall be amended to read as follows:

Sec. 14-507. Costs.

Upon sentencing the defendant, the Judge may also assess costs in an amount not to exceed ~~twenty-five~~ thirty dollars ($~~25~~ 30.00) which shall be assessed and collected by the Court Clerk, in addition to any possible fees, jail incarceration costs, mileage, or fine that may be imposed.

* * *

§ 3. Severability. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance, except that the effective date provision shall not be severable from the operative provisions of the ordinance.

ADOPTED this _____ day

of _____, 2010.

_____
Mayor

ATTEST:

_____
City Clerk

NOT ADOPTED this _____ day

of _____, 2010.

_____
Mayor