City of Norman, OK

Municipal Building Council Chambers
201 West Gray Street
Norman, OK 73069

Meeting Agenda - Final

Tuesday, May 28, 2013

6:30 PM

Municipal Building Council Chambers

City Council

Mayor Cindy Rosenthal
Council Member Roger Gallagher
Council Member Tom Kovach
Council Member Robert Castleberry
Council Member Greg Jungman
Council Member Dave Spaulding
Council Member Jim Griffith
Council Member Linda Lockett
Council Member Chad Williams

1 **Roll Call**

2 **Pledge of Allegiance**

3 **Consent Docket**

Consent Docket

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 4 through Item 38 be placed on the consent docket.

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

ACTION TAKEN:

ACTION NEEDED: 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 GID-1213-92 APPROVAL OF THE MINUTES AS FOLLOWS:

CITY COUNCIL COMMUNITY PLANNING AND TRANSPORTATION COMMITTEE MINUTES OF APRIL 22, 2013
CITY COUNCIL STUDY SESSION MINUTES OF APRIL 30, 2013
CITY COUNCIL SPECIAL SESSION MINUTES OF MAY 7, 2013
CITY COUNCIL STUDY SESSION MINUTES OF MAY 7, 2013
CITY COUNCIL OVERSIGHT COMMITTEE MINUTES OF MAY 8, 2013
CITY COUNCIL BUSINESS AND COMMUNITY AFFAIRS COMMITTEE MINUTES OF MAY 9, 2013
CITY COUNCIL COMMUNITY PLANNING AND TRANSPORTATION COMMITTEE MINUTES OF MAY 13, 2013
CITY COUNCIL MINUTES OF MAY 14, 2013
NORMAN UTILITIES AUTHORITY MINUTES OF MAY 14, 2013
NORMAN MUNICIPAL AUTHORITY MINUTES OF MAY 14, 2013
NORMAN TAX INCREMENT FINANCE AUTHORITY MINUTES OF MAY 14, 2013

Attachments: April 22 CPT Minutes
April 30 Study Session Minutes
May 7 Special Session Minutes
May 7 Study Session Minutes
May 8 Oversight Minutes
May 9 BACA Minutes
May 13 CPT Minutes
May 14 CC Minutes

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

ACTION TAKEN: _____

Ordinance

5 O-1213-44 CONSIDERATION OF ORDINANCE NO. O-1213-44 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 LOT 1, BLOCK 1, PEPCO INDUSTRIAL PARK, PHASE 1, NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN THE I-2, HEAVY INDUSTRIAL DISTRICT, AND REMOVE SAME FROM THE I-1, LIGHT INDUSTRIAL DISTRICT, OF SAID CITY; AND PROVIDING FOR THE SEVERABILITY THEREOF. (2601 VENTURE BOULEVARD)

Attachments: Text File O-1213-44 First Reading
O-1213-44 - 2601 Venture Rezone
Location map
2601 Venture Rezone Staff Report
I-2 Zoning District
2601 Venture Summary
2601 Venture Site Photos
5-9-13 PC Minutes - O-1213-44

ACTION NEEDED: Motion to Introduce and adopt Ordinance No. O-1213-44 upon First Reading by title.

ACTION TAKEN: _____

6 O-1213-45 CONSIDERATION OF ORDINANCE NO. O-1213-45 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, CLOSING AND RELOCATING A UTILITY EASEMENT LOCATED IN CARRINGTON PLACE ADDITION, SECTION 11, NORMAN, CLEVELAND COUNTY, OKLAHOMA; AND PROVIDING FOR THE SEVERABILITY THEREOF. (BETWEEN LOTS 1 AND 2, BLOCK 5, CARRINGTON PLACE ADDITION, SECTION 11)

Attachments: Text File O-1213-45
O-1213-45 Carrington Place 11 UE Closure
Location map
Carrington UE Staff Report
Memo from Clerk
Carrington UE Petition
Carrington UE to Close
Carrington UE to Relocate
Carrington E-1213-21
5-9-13 PC Minutes - O-1213-45

ACTION NEEDED: Motion to Introduce and adopt Ordinance No. O-1213-45 upon First Reading by title.

ACTION TAKEN: _____

Report/Communication

7 RPT-1213-56 SUBMISSION AND ACKNOWLEDGING RECEIPT OF THE FINANCE DIRECTOR'S INVESTMENT REPORT AS OF APRIL 30, 2013, AND DIRECTING THE FILING THEREOF.

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Attachments: Finance Director's Report

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

ACTION TAKEN: _____

8 RPT-1213-59 SUBMISSION AND ACKNOWLEDGING RECEIPT OF THE MONTHLY DEPARTMENTAL REPORTS FOR THE MONTH OF APRIL, 2013, AND DIRECTING THE FILING THEREOF.

Attachments: Monthly Report April 2013

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

ACTION TAKEN: _____

Bid

9 K-1213-181 CONSIDERATION OF BID NO. 1213-75, CONTRACT NO. K-1213-181 WITH RUDY CONSTRUCTION COMPANY IN THE AMOUNT OF $760,878.55; PERFORMANCE BOND NO. B-1213-78; STATUTORY BOND NO. B-1213-79; MAINTENANCE BOND NO. MB-1213-69, AND RESOLUTION NO. R-1213-112 FOR THE ROAD RECONSTRUCTION 2010 BOND PROGRAM (HAYES STREET FROM FLOOD AVENUE TO JAMES GARNER AVENUE AND IOWA STREET FROM BERRY ROAD TO BARBOUR AVENUE).

Attachments: Text File K-1213-181

BID TABULATION BID 1213-75

K-1213-181

Perf B-1213-78

Stat B-1213-79

MB-1213-69

R-1213-112

MAP ROAD RECONST BOND PROJ

PR Rudy Construction

ACTION NEEDED: Motion to accept or reject all bids meeting specifications; and, if accepted, award the bid in the amount of $760,878.55 to Rudy Construction Company as the lowest and best bidder meeting specifications; approve Contract No. K-1213-181 and the performance, statutory, and maintenance bonds; authorize execution of the contract and bonds; direct the filing of the bonds; and adopt Resolution No. R-1213-112.

ACTION TAKEN: _____

Request for Payment

10 GID-1213-91 CONSIDERATION OF THE RATIFICATION OF THE DECLARATION OF AN EMERGENCY AND THE CITY MANAGER'S AUTHORIZATION TO TRANSFER FUNDS IN THE AMOUNT OF $12,000 FROM THE CAPITAL FUND BALANCE FOR THE FIRE STATION NO. NINE FIBER OPTIC CABLING COMMUNICATIONS PROJECT.

Attachments: Approved Memo Fire Station 9

ACTION NEEDED: Motion to approve or reject ratification of the Declaration of Emergency and the City Manager's authorization to transfer funds in the amount of $12,000 from the Capital Fund Balance to the Public Safety Sales Tax Project Account.

ACTION TAKEN: _____

Easement

11 E-1213-26 EASEMENT NO. E-1213-26: CONSIDERATION OF ACCEPTANCE OF A PERMANENT PUBLIC ROADWAY, DRAINAGE AND UTILITY EASEMENT FROM ASTELLAS PHARMA TECHNOLOGIES, INC. IN THE AMOUNT OF $7,700 FOR THE CEDAR LANE ROAD WIDENING PROJECT.

Attachments: Text File E-1213-26
E-1213-26
Map of Easements Heritage Astellas
Table of Easements
PR Astellas E-1213-26

ACTION NEEDED: Motion to accept or reject Easement No. E-1213-26; and, if accepted, direct the filing thereof with the Cleveland County Clerk and payment in the amount of $7,700 to Astellas Pharma Technologies, Inc.

ACTION TAKEN: _____

12 E-1213-27 EASEMENT NO. E-1213-27: CONSIDERATION OF ACCEPTANCE OF A PERMANENT PUBLIC ROADWAY, DRAINAGE, AND UTILITY EASEMENT FROM ASTELLAS PHARMA TECHNOLOGIES, INC. IN THE AMOUNT OF $2,900.00 FOR THE CEDAR LANE ROAD WIDENING PROJECT.

Attachments: Text File E-1213-27
E-1213-27
Map of Easements Heritage Astellas
Table of Easements
PR Astellas E-1213-27

ACTION NEEDED: Motion to accept or reject Easement No. E-1213-27; and, if accepted, direct the filing thereof with the Cleveland County Clerk and payment in the amount of $2,900 to Astellas Pharma Technologies.

ACTION TAKEN: _____

13 E-1213-45 EASEMENT NO. E-1213-45: CONSIDERATION OF ACCEPTANCE OF A PERMANENT PUBLIC ROADWAY, DRAINAGE AND UTILITIES EASEMENT DONATED BY HERITAGE FINE HOMES, L.L.C. AND ANTHONY K. MIRZAIE FOR THE CEDAR LANE ROAD WIDENING PROJECT.

Attachments: Text File E-1213-45
E-1213-45.pdf
Map of Easements Heritage Astellas
Table of Easements

ACTION NEEDED: Motion to accept or reject Easement No. E-1213-45; and, if accepted, direct the filing thereof with the Cleveland County Clerk.

ACTION TAKEN: _____

14 E-1213-46 PERMANENT EASEMENT NO. E-1213-46: CONSIDERATION OF ACCEPTANCE OF A PERMANENT UTILITY EASEMENT DONATED BY HERITAGE FINE HOMES, L.L.C. AND ANTHONY K. MIRZAIE FOR THE CEDAR LANE ROAD WIDENING PROJECT.

Attachments: Text File E-1213-46
E-1213-46.pdf
Map of Easements Heritage Astellas
Table of Easements

ACTION NEEDED: Motion to accept or reject Easement No. E-1213-46; and, if accepted, direct the filing thereof with the Cleveland County Clerk.

ACTION TAKEN: _____

15 E-1213-47 PERMANENT EASEMENT NO. E-1213-47: CONSIDERATION OF ACCEPTANCE OF A PERMANENT PUBLIC ROADWAY, DRAINAGE AND UTILITIES EASEMENT DONATED BY HERITAGE FINE HOMES, L.L.C., FOR THE CEDAR LANE ROAD WIDENING PROJECT.

Attachments: Text File E-1213-47
E-1213-47.pdf
Map of Easements Heritage Astellas
Table of Easements

ACTION NEEDED: Motion to accept or reject Easement No. E-1213-47; and, if accepted, direct the filing thereof with the Cleveland County Clerk.

ACTION TAKEN: _____

16 E-1213-48 PERMANENT EASEMENT NO. E-1213-48: CONSIDERATION OF ACCEPTANCE OF A PERMANENT PUBLIC ROADWAY, DRAINAGE AND UTILITIES EASEMENT DONATED BY HERITAGE FINE HOMES, L.L.C., FOR THE CEDAR LANE ROAD WIDENING PROJECT.

Attachments: Text File E-1213-48
E-1213-48.pdf
Map of Easements Heritage Astellas
Table of Easements

ACTION NEEDED: Motion to accept or reject Easement No. E-1213-48; and, if accepted, direct the filing thereof with the Cleveland County Clerk.

ACTION TAKEN: _____

17 E-1213-57 EASEMENT NO. E-1213-57: CONSIDERATION OF ACCEPTANCE OF A PERMANENT PUBLIC ROADWAY, DRAINAGE AND UTILITY EASEMENT DONATED BY EAGLECLIFF LIMITED PARTNERSHIP FOR THE CEDAR LANE ROAD WIDENING PROJECT.

Attachments: Text File E-1213-57
E-1213-57
Map of Easements Heritage Astellas
Table of Easements

ACTION NEEDED: Motion to accept or reject Easement No. E-1213-57; and, if accepted, direct the filing thereof with the Cleveland County Clerk.

ACTION TAKEN: _____

18 E-1213-59 EASEMENT NO. E-1213-59: CONSIDERATION OF ACCEPTANCE OF A PERMANENT PUBLIC UTILITY, DRAINAGE, AND ROADWAY EASEMENT DONATED BY CEDAR LANE L.L.C., FOR THE CEDAR LANE ROAD WIDENING PROJECT.

Attachments: Text File E-1213-59
E-1213-59.pdf
Map of Easements
Table of Easements

ACTION NEEDED: Motion to accept or reject Easement No. E-1213-59; and, if accepted, direct the filing thereof with the Cleveland County Clerk.

ACTION TAKEN: _____

19 E-1213-60 TEMPORARY EASEMENT NO. E-1213-60: CONSIDERATION OF ACCEPTANCE OF A TEMPORARY CONSTRUCTION EASEMENT DONATED BY CEDAR LANE, L.L.C., FOR THE CEDAR LANE ROAD WIDENING PROJECT.

Attachments: Text File E-1213-60
E-1213-60.pdf
Table of Easements
Map of Easements

ACTION NEEDED: Motion to accept or reject Temporary Easement No. E-1213-60; and, if accepted, direct the filing thereof with the City Clerk.

ACTION TAKEN: _____

20 E-1213-61 EASEMENT NO. E-1213-61: CONSIDERATION OF ACCEPTANCE OF A PERMANENT PUBLIC ROADWAY, DRAINAGE AND UTILITY EASEMENT FROM HAROLD A. AND THERESA P. HENFLING, TRUSTEES, HENFLING LIVING TRUST, AND PATRICIA A. KEITHLEY IN THE AMOUNT OF $127,000 FOR THE CEDAR LANE ROAD WIDENING PROJECT.

Attachments: Text File E-1213-61
E-1213-61
Map of Easements
Table of Easements
Henfling Keithley PR

ACTION NEEDED: Motion to accept or reject Easement No. E-1213-61; and, if accepted, direct the filing thereof with the Cleveland County Clerk and payment in the amount of $127,000 to Harold A. and Theresa P. Henfling and Patricia A. Keithley.

ACTION TAKEN: _____

21 E-1213-62 TEMPOARY EASEMENT NO. E-1213-62: CONSIDERATION OF ACCEPTANCE OF A TEMPORARY CONSTRUCTION EASEMENT DONATED BY HERITAGE FINE HOMES, L.L.C. AND ANTHONY K. MIRZAIE FOR THE CEDAR LANE ROAD WIDENING PROJECT.

Attachments: E-1213-62.pdf
Map of Easements Heritage Astellas
Table of Easements

ACTION NEEDED: Motion to accept or reject Easement No. E-1213-62; and, if accepted, direct the filing thereof with the Cleveland County Clerk.

ACTION TAKEN: _____

22 E-1213-63 TEMPORARY EASEMENT NO. E-1213-63: CONSIDERATION OF ACCEPTANCE OF A TEMPORARY CONSTRUCTION EASEMENT DONATED BY HERITAGE FINE HOMES, L.L.C. AND ANTHONY K. MIRZAIE FOR THE CEDAR LANE ROAD WIDENING PROJECT.

Attachments: Text File E-1213-63
E-1213-63.pdf
Map of Easements Heritage Astellas
Table of Easements

ACTION NEEDED: Motion to accept or reject Temporary Easement No. E-1213-63; and, if accepted, direct the filing thereof with the City Clerk.

ACTION TAKEN: _____

23 E-1213-64 TEMPORARY EASEMENT NO. E-1213-64: CONSIDERATION OF ACCEPTANCE OF A TEMPORARY CONSTRUCTION EASEMENT FROM CEDAR LANE, L.L.C., IN THE AMOUNT OF $12,500 FOR THE CEDAR LANE ROAD WIDENING PROJECT.

Attachments: Text File E-1213-64
E-1213-64
Map of Easements Heritage Astellas
Table of Easements
PR Cedar Lane

ACTION NEEDED: Motion to accept or reject Temporary Easement No. E-1213-64; and, if accepted, direct the filing thereof with the City Clerk and payment in the amount of $12,500 to Cedar Lane, L.L.C.

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ACTION TAKEN: _____

24 E-1213-65 TEMPORARY EASEMENT NO. E-1213-65: CONSIDERATION OF ACCEPTANCE OF A TEMPORARY CONSTRUCTION EASEMENT DONATED BY THE LINKS AT NORMAN GOLF CLUB FOR THE CEDAR LANE ROAD WIDENING PROJECT.

Attachments: Text File E-1213-65
E-1213-65.pdf
Map of Easements
Table of Easements

ACTION NEEDED: Motion to accept or reject Temporary Easement No. E-1213-65; and, if accepted, direct the filing thereof with the City Clerk.

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ACTION TAKEN: _____

25 E-1213-67 EASEMENT NO. E-1213-67: CONSIDERATION OF ACCEPTANCE OF A PERMANENT PUBLIC ROADWAY, DRAINAGE AND UTILITY EASEMENT DONATED BY EAGLECLIFF LIMITED PARTNERSHIP FOR THE CEDAR LANE ROAD WIDENING PROJECT.

Attachments: Text File E-1213-67
E-1213-67
Map of Easements
Table of Easements

ACTION NEEDED: Motion to accept or reject Easement No. E-1213-67; and, if accepted, direct the filing thereof with the Cleveland County Clerk.

ACTION TAKEN: _____

26 E-1213-68 EASEMENT NO. E-1213-68: CONSIDERATION OF ACCEPTANCE OF A PERMANENT PUBLIC ROADWAY, DRAINAGE AND UTILITIES EASEMENT DONATED BY HERITAGE FINE HOMES, L.L.C. AND ANTHONY K. MIRZAIE FOR THE CEDAR LANE ROAD WIDENING PROJECT.

Attachments: Text File E-1213-68
E-1213-68.pdf
Map of Easements Heritage Astellas
Table of Easements

ACTION NEEDED: Motion to accept or reject Easement No. E-1213-68; and, if accepted, direct the filing thereof with the Cleveland County Clerk.

ACTION TAKEN: _____

27 E-1213-73 EASEMENT NO. E-1213-73: CONSIDERATION OF ACCEPTANCE OF A PERMANENT UTILITY EASEMENT FROM CEDAR LANE, L.L.C., IN THE AMOUNT OF $500 FOR THE CEDAR LANE ROAD WIDENING PROJECT.

Attachments: Text File E-1213-73
E-1213-73.pdf
Map of Easements
Table of Easements
PR Cedar Lane 2

ACTION NEEDED: Motion to accept or reject Easement No. E-1213-73; and, if accepted, direct the filing thereof with the Cleveland County Clerk and payment in the amount of $500 to Cedar Lane, L.L.C.

ACTION TAKEN: _____

Acceptance of Funds

28 GID-1213-130 ACCEPTANCE OF REIMBURSEMENT OF FUNDS IN THE AMOUNT OF $1,802.81 TO THE NORMAN FIRE DEPARTMENT FROM THE CITY OF PURCELL, OKLAHOMA, FOR MUTUAL AID FIRE ASSISTANCE IN FIGHTING A WILD FIRE IN GOLDSBY, OKLAHOMA, ELIGIBLE UNDER THE FIRE MUTUAL AID ASSISTANCE GRANT (FMAG) PROGRAM.

Attachments: Text File Wild Fire Reimbursement
Reimbursement from the City of Purcell

ACTION NEEDED: Motion to accept or reject reimbursement of funds in the amount of $1,802.81 to the Norman Fire Department from the City of Purcell, Oklahoma, for mutual aid fire assistance in fighting a wild fire in Goldsby, Oklahoma, elibible under the FMAG Program.

ACTION TAKEN: _____

29 GID-1213-13 1 CONSIDERATION OF THE ACCEPTANCE OF A DONATION IN THE AMOUNT OF $500 FROM J.M. WILLIAMS REVOCABLE TRUST TO BE USED BY THE FIRE DEPARTMENT AND BUDGET APPROPRIATION.

Attachments: Text File Donation

ACTION NEEDED: Motion to accept or reject a donation in the amount of $500 from J.M. Williams Revocable Trust to be used by the Fire Department; and if accepted, increase Liabilities Other: Fire Miscellaneous (10-0000-227.24-38) by $500 and appropriate $500 to Fire Suppression, Maintenance and Repair; Plant and Operating Equipment (10-6443-422.42-11).

ACTION TAKEN: _____

Special Claim

30 SC-1213-10 SPECIAL CLAIM NO. SC-1213-10: A CLAIM IN THE AMOUNT OF $3,896.85 SUBMITTED BY COX COMMUNICATIONS FOR DAMAGES TO A FIBER OPTIC LINE BY PARK MAINTENANCE STAFF IN ROTARY PARK.

Attachments: Text File Special Claim

Memo from Clerk

Cox Communications Claim Form

Cox Communications Damage Invoice

ACTION NEEDED: Motion to approve or reject Special Claim No. SC-1213-10; and, if approved, direct payment in the amount of $3,896.85 contingent upon obtaining a Release and Covenant Not to Sue from Cox Communications.

ACTION TAKEN: _____

Contract

31 K-0910-34 FINAL CONSIDERATION OF FINAL ACCEPTANCE AND FINAL PAYMENT OF CONTRACT NO. K-0910-34 BY AND BETWEEN THE NORMAN UTILITIES AUTHORITY AND WALTERS-MORGAN CONSTRUCTION, INC. FOR THE LIFT STATION D REHABILITATION PROJECT.

Attachments: Text File Final Acceptance

PO Walters Morgan

ACTION NEEDED: Acting as the Norman Utilities Authority, motion to accept or reject the project; and, if accepted, direct final payment in the amount of $10,000 to Walters Morgan Construction, Inc.

ACTION TAKEN: _____

32 K-1112-129 Chg #1 CHANGE ORDER ONE TO CONTRACT K-1112-129: BY AND BETWEEN THE NORMAN UTILITIES AUTHORITY AND CENTRAL CONTRACTING SERVICES, INC., INCREASING THE CONTRACT AMOUNT BY $26,653.30 FOR THE HALL PARK WATER LINE PROJECT AND THE HALL PARK GREENBELT DRAINAGE PROJECT, FINAL ACCEPTANCE OF THE PROJECT, AND BUDGET APPROPRIATION.

Attachments: Text File Change Order Central

Change Order Central

Hall Park Waterline PO Final

ACTION NEEDED: Acting as the Norman Utilities Authority, motion to approve or reject Change Order No. One to Contract No. K-1112-129 with Central Contracting Services, Inc., increasing the contract amount by $26,653.30; and, if approved, authorize the execution thereof, accept the project, transfer $1,953 from Project No. WA0149, Hall Park Water Line Replacement, Land (031-9683-462.60-01) to Construction (031-9683-462.61-01), and direct final payment in the amount of $31,528.72 to Central Contracting Services, Inc.

ACTION TAKEN: _____

33 K-1213-193 CONTRACT NO. K-1213-193: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND NORMAN AFFORDABLE HOUSING CORPORATION, IN THE AMOUNT OF $55,263 ACTING AS A COMMUNITY HOUSING DEVELOPMENT ORGANIZATION (CHDO) AS AGREED UPON UNDER THE 39TH YEAR CDBG PROGRAM AND THE HOME INVESTMENT PARTNERSHIPS PROGRAM.

Attachments: Text File K-1213-193

K-1213-193

PR Affordable

ACTION NEEDED: Motion to approve or reject Contract No. K-1213-193 with Norman Affordable Housing Corporation in the amount of $55,263; and, if approved, authorize the execution thereof.

ACTION TAKEN: _____

34 K-1213-194 CONTRACT NO. K-1213-194: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND ACES LANDSCAPING, L.L.C., FOR MOWING, SECURING OF STRUCTURES, AND THE REMOVAL OF HEALTH NUISANCES FOR THE REVITALIZATION DIVISION THROUGH MARCH 31, 2014.

Attachments: Text File K-1213-194

K-1213-194 with Aces Landscaping LLC 5-13

ACTION NEEDED: Motion to approve or reject Contract No. K-1213-194 with Aces Landscaping through March 31, 2014; and, if approved, authorize the execution thereof.

ACTION TAKEN: _____

35 K-1213-198 CONTRACT NO. K-1213-198: A RELOCATION AGREEMENT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND ONEOK GAS TRANSPORTATION, L.L.C., IN THE AMOUNT OF $173,347 FOR THE RELOCATION OF A NATURAL GAS PIPELINE IN CONNECTION WITH THE FRANKLIN ROAD BRIDGE REPLACEMENT PROJECT AND BUDGET APPROPRIATION.

Attachments: Text File K-1213-198
K-1213-198
Franklin Rd Bridge Location Map.pdf
PR ONEOK

ACTION NEEDED: Motion to approve or reject Contract No. K-1213-198 with ONEOK Gas Transportation in the amount of $173,347; and, if approved, authorize the execution thereof and appropriate $448,907 from the Capital Fund Balance, (050-0000-253.20-00) to Project No. BP0195, Franklin Road Bridge Replacement Project, Utilities (050-9352-431.67-01).

ACTION TAKEN: _____

36 K-1213-199 CONTRACT NO. K-1213-199: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND GATEWAY PLANNING GROUP, INC., IN THE AMOUNT OF $21,750 FOR PLANNING AND CONSULTING SERVICES ON THE WEST LINDSEY STREET BOND PROJECT AND BUDGET APPROPRIATION

Attachments: Gateway OU Lindsey Street contract v2
Lindsey Street Location Map
PR Gateway

ACTION NEEDED: Motion to approve or reject Contract No. K-1213-199 with Gateway Planning Group, L.L.C., in the amount of $21,750; and, if approved, authorize the execution thereof and appropriate $21,750 from the Capital Fund Balance, (050-0000-253.20-00) to Project No. BP0189, Lindsey Street - 24th Avenue S.W. to Berry Widening Project, Construction (050-9352-431.61-01).

ACTION TAKEN: _____

37 GID-1213-200 CONSIDERATION OF A RECOMMENDATION FROM THE CITY ATTORNEY THAT THE CITY COUNCIL APPROVE A SETTLEMENT IN THE AMOUNT OF $4,103 IN JOSE CHAVEZ VS. THE CITY OF NORMAN, CLEVELAND COUNTY DISTRICT COURT CASE NO. CJ-2010-2021 AND OKLAHOMA SUPREME COURT CASE NO. DF-111249.

Attachments: Text File Settlement

ACTION NEEDED: Motion to approve or reject the City Attorney's recommendation; and, if approved, authorize the City Attorney's Office to effectuate the settlement in the amount of $4,103.

ACTION TAKEN: _____

Resolution

38 R-1213-144 RESOLUTION NO. R-1213-144: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA ESTABLISHING POLICIES, DUE TO THE RECENT TORNADOES, FOR ALLOWING AFFECTED RESIDENTS TO INHABIT TEMPORARY DWELLINGS WHILE REBUILDING HOUSES DAMAGED BY THE TORNADOES AS A MEANS OF DISASTER RELIEF.

Attachments: Text File R-1213-144

Tornado Resolution

ACTION NEEDED: Motion to adopt or reject Resolution No. R-1213-144.

ACTION TAKEN: _____

Non-Consent Items

39 GID-1213-82 PUBLIC HEARING REGARDING THE FYE 2014 CITY OF NORMAN PROPOSED OPERATING AND CAPITAL BUDGETS AND THE NORMAN CONVENTION AND VISITORS BUREAU, INC., BUDGET WITH DETAILED ANNUAL PLAN OF WORK.

Attachments: Text File Public Hearing Budget

Legal Publication

Revised NCVB FYE 2014 Budget

2014 Destination Marketing Plan

ACTION NEEDED: Motion to conduct a public hearing.

ACTION TAKEN: _____

ACTION NEEDED: Motion to close a public hearing.

ACTION TAKEN: _____

ACTION NEEDED: Motion to schedule an agenda item on June 11, 2013, to adopt the FYE 2014 City of Norman Budget and the Norman Convention and Visitors Bureau, Inc., Budget with Detailed Annual Plan of Work.

ACTION TAKEN: _____

40 R-1213-142 RESOLUTION R-1213-142: A RESOLUTION AUTHORIZING THE NORMAN MUNICIPAL AUTHORITY (THE "AUTHORITY") TO ISSUE ITS SANITATION SYSTEM REVENUE NOTE, SERIES 2013 (THE "NOTE") IN THE AGGREGATE PRINCIPAL AMOUNT OF $1,620,000, WAIVING COMPETITIVE BIDDING AND AUTHORIZING THE NOTE TO BE SOLD ON A NEGOTIATED BASIS; APPROVING AND AUTHORIZING EXECUTION OF A SERIES 2013 SUPPLEMENTAL NOTE INDENTURE, AS IT SUPPLEMENTS AND AMENDS A GENERAL BOND INDENTURE (COLLECTIVELY, THE "INDENTURE"), AUTHORIZING THE ISSUANCE AND SECURING THE PAYMENT OF THE NOTE; PROVIDING THAT THE TRUST INDENTURE CREATING THE AUTHORITY IS SUBJECT TO THE PROVISIONS OF THE INDENTURE; RATIFYING AND CONFIRMING A LEASE AGREEMENT AND OPERATION AND MAINTENANCE CONTRACT BETWEEN THE AUTHORITY AND THE CITY OF NORMAN, OKLAHOMA (THE "CITY") PERTAINING TO THE LEASING OF THE CITY'S SANITATION SYSTEM TO THE AUTHORITY; AUTHORIZING AND DIRECTING THE EXECUTION OF THE NOTE AND OTHER DOCUMENTS RELATING TO THE TRANSACTION; AND CONTAINING OTHER PROVISIONS RELATING THERETO.

Attachments: Text File R-1213-142

R-1213-142

ACTION NEEDED: Acting as the Norman Municipal Authority, motion to adopt or reject Resolution No. R-1213-142.

ACTION TAKEN: _____

41 R-1213-143 RESOLUTION R-1213-143: A RESOLUTION APPROVING THE INCURRENCE OF INDEBTEDNESS BY THE NORMAN MUNICIPAL AUTHORITY (THE "AUTHORITY") ISSUING ITS SANITATION SYSTEM REVENUE NOTE, SERIES 2013 (THE "NOTE"); PROVIDING THAT THE TRUST INDENTURE CREATING THE AUTHORITY IS SUBJECT TO THE PROVISIONS OF THE GENERAL BOND INDENTURE, AS SUPPLEMENTED AND AMENDED, AUTHORIZING THE ISSUANCE OF SAID NOTE; WAIVING COMPETITIVE BIDDING AND APPROVING THE PROCEEDINGS OF THE AUTHORITY PERTAINING TO THE SALE OF SAID NOTE; RATIFYING AND CONFIRMING A LEASE AGREEMENT AND OPERATION AND MAINTENANCE CONTRACT (THE "LEASE AGREEMENT") BETWEEN THE CITY OF NORMAN, OKLAHOMA (THE "CITY") AND THE AUTHORITY WHEREBY THE CITY LEASES ITS SANITATION SYSTEM TO THE AUTHORITY; AND CONTAINING OTHER PROVISIONS RELATING THERETO.

Attachments: Text File R-1213-143

R-1213-143

ACTION NEEDED: Motion to adopt or reject Resolution No. R-1213-143.

ACTION TAKEN: _____

42 R-1213-111 RESOLUTION NO. R-1213-111: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING THE NORMAN 2025 LAND USE AND TRANSPORTATION PLAN, LAND USE PLAN AMENDMENT NO. LUP-1213-8, SO AS TO PLACE A TRACT OF LAND LYING IN THE NORTHWEST QUARTER OF SECTION FIFTEEN (15), TOWNSHIP NINE (9) NORTH, RANGE THREE (3) WEST OF THE INDIAN MERIDIAN, CLEVELAND COUNTY, OKLAHOMA, IN THE LOW DENSITY RESIDENTIAL DESIGNATION AND A TRACT IN THE VERY LOW DENSITY RESIDENTIAL DESIGNATION AND REMOVE THE SAME FROM THE FLOODPLAIN DESIGNATION FOR THE HEREINAFTER DESCRIBED PROPERTY. (GENERALLY LOCATED AT THE SOUTHEAST CORNER OF 48TH AVENUE N.W. AND TECUMSEH ROAD)

Attachments: Text File R-1213-111

R-1213-111 Fountain View North

FountainViewNorth2025

Fountain View 2025 Staff Report

Fountain View N Exhibit A

Sassan Moghadam PD 13-02

4-11-13 PC Minutes - Fountain View North

ACTION NEEDED: Motion to adopt or reject Resolution No. R-1213-111, Land Use Plan Amendment No. LUP-1213-8; and, if adopted, amend the NORMAN 2025 Land Use and Transportation Plan according thereto

ACTION TAKEN: _____

43 O-1213-35 ORDINANCE NO. O-1213-35 UPON SECOND AND FINAL READING: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING ORDINANCE NO. O-1112-23, THE FOUNTAIN VIEW NORTH PLANNED UNIT DEVELOPMENT, TO ADD TO THE AREA OF THE PROPERTY LOCATED WITHIN THE NORTHWEST QUARTER OF SECTION FIFTEEN (15), TOWNSHIP NINE (9) NORTH, RANGE THREE (3) WEST OF THE INDIAN MERIDIAN, CLEVELAND COUNTY, OKLAHOMA; AND PROVIDING FOR THE SEVERABILITY THEREOF. (GENERALLY LOCATED AT THE SOUTHEAST CORNER OF 48TH AVENUE N.W. AND TECUMSEH ROAD)

Attachments: Text File O-1213-35

O-1213-35 - Fountain View North PUD Amend

Fountain View North Location Map

FOUNTAIN VIEW NORTH PUD Rev 4-30-13

Staff Report O-1213-35

3-14-13 PC Minutes - O-1213-35 - PP-1213-13

4-11-13 PC Minutes - Fountain View North

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1213-35 upon Second Reading section by section.

ACTION TAKEN: _____

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1213-35 upon Final Reading as a whole.

ACTION TAKEN: _____

44 PP-1213-13 CONSIDERATION OF A REVISED PRELIMINARY PLAT FOR FOUNTAIN VIEW NORTH ADDITION, A PLANNED UNIT DEVELOPMENT. (GENERALLY LOCATED AT THE SOUTHEAST CORNER OF 48TH AVENUE N.W. AND WEST TECUMSEH ROAD)

Attachments: Text File Fountain View North

Attachment A.pdf

FountainViewNorth Location Map

Prelim Plat Fountain View North

Fountain View N Prelim Plat Staff Report

Fountain View N Transportation Impacts

Prelim Site Plan Fountain View North

3-14-13 PC Minutes - O-1213-35 - PP-1213-13

4-11-13 PC Minutes - Fountain View North

Fountain View North Postponement

ACTION NEEDED: Motion to approve or reject the revised preliminary plat for Fountain View North Addition, a Planned Unit Development.

ACTION TAKEN: _____

45 O-1213-40 ORDINANCE NO. O-1213-40 UPON SECOND AND FINAL READING: 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 ALL OF LOT 2 AND THE NORTH 5 FEET OF LOT 1, BLOCK 1, LITTLE RIVER GREEN ADDITION, NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN THE C-2, GENERAL COMMERCIAL DISTRICT, AND REMOVE THE SAME FROM THE PUD, PLANNED UNIT DEVELOPMENT DISTRICT, OF SAID CITY; AND PROVIDING FOR THE SEVERABILITY THEREOF. (WEST SIDE OF INTERSTATE DRIVE IMMEDIATELY NORTH OF ROCK CREEK ROAD)

Attachments: Text File O-1213-40

O-1213-40 Christian Brothers Rezone

ChristianBrothers Location Map

Christian Brother Rezone Staff Report

Preliminary Development Map Christian Brothers

Christian Bros Proposal

4-11-13 PC Minutes - Christian Bros

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1213-40 upon Second Reading section by section.

ACTION TAKEN: _____

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1213-40 upon Final Reading as a whole.

ACTION TAKEN: _____

46 PP-1213-15 CONSIDERATION OF A PRELIMINARY PLAT FOR CHRISTIAN BROTHERS AUTOMOTIVE ADDITION, A REPLAT OF PART OF LOT 1 AND ALL OF LOT 2, BLOCK 2, LITTLE RIVER GREEN ADDITION, A PLANNED UNIT DEVELOPMENT, AND WAIVER OF ALLEY REQUIREMENTS. (GENERALLY LOCATED ON THE WEST SIDE OF INTERSTATE DRIVE AND NORTH OF ROCK CREEK ROAD)

Attachments: Text File Prelim Christian Bros
Attachment A.pdf
ChristianBrothers Location Map
Preliminary Plat Christian Brothers
Chrisitan Bros Prelim Plat Staff Report
Preliminary Site Dev Plan Christian
Christian Bros Transportation Impacts
Christian Bros Alley Waiver
Greenbelt Comments Christian Brothers
Christian Bros Automotive PD 13-03
4-11-13 PC Minutes - Christian Bros

ACTION NEEDED: Motion to approve or reject the preliminary plat and waiver of alley requirements for Christian Brothers Automotive Addition, a replat of part of Lot 1 and all of Lot 2, Block 2, Little River Addition, a Planned Unit Development.

ACTION TAKEN: _____

47 PP-1213-14 CONSIDERATION OF A PRELIMINARY PLAT FOR MONTEREY ADDITION. (GENERALLY LOCATED AT THE SOUTHEAST CORNER OF 12TH AVENUE S.E. AND CEDAR LANE)

Attachments: Text File Monterey
Attachment A.pdf
Monterey Location Map
Preliminary Plat Monterey Addition
Staff Report.pdf
Monterey Transportation Impacts
OIL WELL EXHIBIT 5
MONTEREY OIL WELL SITE REVISED
Monterey PD 13-05
4-11-13 PC Minutes - PP-1213-14
April 23 Protest withdrawn May 14

ACTION NEEDED: Motion to approve or reject the preliminary plat for Monterey Addition.

ACTION TAKEN: _____

48 R-1213-108 RESOLUTION NO. R-1213-108: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, DECLARING A RECOUPMENT PROJECT FOR COSTS ASSOCIATED WITH IMPROVEMENTS ON CEDAR LANE ROAD, AN ARTERIAL ROAD, FROM 400 FEET WEST OF 12TH AVENUE S.E. TO 1/2 MILE EAST OF 24TH AVENUE S.E.

Attachments: Text File R-1213-108
R-1213-108.pdf
Exhibit A, Map
Exhibit B, Recoupment List (5-16-2013)

ACTION NEEDED: Motion to adopt or reject Resolution No. R-1213-108.

ACTION TAKEN: _____

49 R-1213-140 RESOLUTION NO. R-1213-140: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, DECLARING THE NECESSITY FOR ACQUIRING CERTAIN REAL PROPERTY, MORE PARTICULARLY HEREINAFTER DESCRIBED, ALL WITHIN THE CITY OF NORMAN, COUNTY OF CLEVELAND, STATE OF OKLAHOMA, FOR THE PURPOSE OF THE FRANKLIN ROAD BRIDGE REPLACEMENT PROJECT IN THE CITY OF NORMAN; DECLARING THE NECESSITY FOR ACQUIRING SAID PROPERTY FOR ROADWAY AND DRAINAGE PURPOSES; AND DECLARING AN EMERGENCY.

Attachments: Text File R-1213-140
R-1213-140
Franklin Road Project Map ROW

ACTION NEEDED: Motion to adopt or reject Resolution No. R-1213-140.

ACTION TAKEN: _____

50 R-1213-141 RESOLUTION NO. R-1213-141: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, DECLARING THE NECESSITY FOR ACQUIRING CERTAIN REAL PROPERTY, MORE PARTICULARLY HEREINAFTER DESCRIBED, ALL WITHIN THE CITY OF NORMAN, COUNTY OF CLEVELAND, STATE OF OKLAHOMA, FOR THE PURPOSE OF THE CEDAR LANE ROAD WIDENING PROJECT IN THE CITY OF NORMAN; DECLARING THE NECESSITY FOR ACQUIRING SAID PROPERTY FOR ROADWAY AND PURPOSES; AND DECLARING AN EMERGENCY.

Attachments: Text File R-1213-141
R-1213-141
Attachment 1 Parcels for Condemnation
Map R-1213-141

ACTION NEEDED: Motion to adopt or reject Resolution No. R-1213-141.

ACTION TAKEN: _____

51 R-1213-113 RESOLUTION NO. R-1213-113: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING THE NORMAN 2025 LAND USE AND TRANSPORTATION PLAN, LAND USE PLAN AMENDMENT NO. LUP-1213-9, SO AS TO PLACE PART OF THE WEST HALF OF THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 9, TOWNSHIP 8 NORTH, RANGE 2 WEST OF THE INDIAN MERIDIAN, NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN THE MEDIUM DENSITY RESIDENTIAL DESIGNATION AND REMOVE THE SAME FROM THE INDUSTRIAL DESIGNATION. (SOUTH SIDE OF IMHOFF ROAD APPROXIMATELY 900 FEET EAST OF CLASSEN BOULEVARD)

Attachments: Text File R-1213-113
R-1213-113 Breckenridge dba Aspen Heights
AspenHeights_2025 Map
Aspen Heights 2025 Staff Report
Breckenridge dba Aspen Heights PD 13-04
4-11-13 PC Minutes - Breckenridge

ACTION NEEDED: Motion to adopt or reject Resolution No. R-1213-113, Land Use Plan Amendment No. LUP-1213-9; and, if adopted, amend the NORMAN 2025 Land Use and Transportation Plan according thereto

ACTION TAKEN: _____

52 O-1213-41 ORDINANCE NO. O-1213-41 UPON SECOND AND FINAL READING: 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 PART OF THE WEST HALF OF THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 9, TOWNSHIP 8 NORTH, RANGE 2 WEST OF THE INDIAN MERIDIAN, NORMAN, 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. (SOUTH SIDE OF IMHOFF ROAD APPROXIMATELY 900 FEET EAST OF CLASSEN BOULEVARD)

Attachments: Text File O-1213-41 Corrected

O-1213-41 - Breckenridge dba Aspen Heights

AspenHeights Location Map

Aspen Heights Rezone Staff Report

Aspen heights PUD (spr ready to print copy 5-16-13)

AspenHeightsProtest

Aspen Heights Protest Letters

Aspen Heights Support Letter

4-11-13 PC Minutes - Breckenridge

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1213-41 upon Second Reading section by section.

ACTION TAKEN: _____

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1213-41 upon Final Reading as a whole.

ACTION TAKEN: _____

53 PP-1213-16 CONSIDERATION OF A PRELIMINARY PLAT FOR ASPEN HEIGHTS ADDITION, A PLANNED UNIT DEVELOPMENT. (GENERALLY LOCATED ON THE SOUTH SIDE OF IMHOFF ROAD APPROXIMATELY ONE-FOURTH MILE EAST OF CLASSEN BOULEVARD/HIGHWAY 77.

Attachments: Text File Prelim Aspen
Attachment A.pdf
AspenHeights Location Map
Aspen Heights Preliminary Plat
Aspen Heights Prelim Plat Staff Report
Aspen Heights Trans Impacts (03-14-13)
Aspen Heights Preliminary Site Plan
Greenbelt Comments Aspen Heights
Item 12c - Park Board Decision
4-11-13 PC Minutes - Breckenridge

ACTION NEEDED: Motion to approve or reject the preliminary plat for Aspen Heights Addition, a Planned Unit Development.

ACTION TAKEN: _____

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

55 **Adjournment**

City of Norman, OK

Municipal Building Council
Chambers
201 West Gray Street
Norman, OK 73069

Master

File Number: GID-1213-92

File ID:	GID-1213-92	**Type:**	Minutes	**Status:**	Non-Consent Items
Version:	1	**Reference:**	Item No. 4	**In Control:**	City Council
Department:	City Clerk Department	**Cost:**		**File Created:**	05/21/2013
File Name:	Minutes			**Final Action:**	

Title: APPROVAL OF THE MINUTES AS FOLLOWS:

CITY COUNCIL COMMUNITY PLANNING AND TRANSPORTATION COMMITTEE MINUTES OF APRIL 22, 2013
CITY COUNCIL STUDY SESSION MINUTES OF APRIL 30, 2013
CITY COUNCIL SPECIAL SESSION MINUTES OF MAY 7, 2013
CITY COUNCIL STUDY SESSION MINUTES OF MAY 7, 2013
CITY COUNCIL OVERSIGHT COMMITTEE MINUTES OF MAY 8, 2013
CITY COUNCIL BUSINESS AND COMMUNITY AFFAIRS COMMITTEE MINUTES OF MAY 9, 2013
CITY COUNCIL COMMUNITY PLANNING AND TRANSPORTATION COMMITTEE MINUTES OF MAY 13, 2013
CITY COUNCIL MINUTES OF MAY 14, 2013
NORMAN UTILITIES AUTHORITY MINUTES OF MAY 14, 2013
NORMAN MUNICIPAL AUTHORITY MINUTES OF MAY 14, 2013
NORMAN TAX INCREMENT FINANCE AUTHORITY MINUTES OF MAY 14, 2013

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

ACTION TAKEN: _____

Agenda Date: 05/28/2013

Agenda Number: 4

Attachments: April 22 CPT Minutes, April 30 Study Session Minutes, May 7 Special Session Minutes, May 7 Study Session Minutes, May 8 Oversight Minutes, May 9 BACA Minutes, May 13 CPT Minutes, May 14 CC Minutes

Project Manager: Brenda Hall, City Clerk

Entered by: Ellen.Usry@mccinnovations.com

Effective Date:

History of Legislative File

Ver-sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:

CITY COUNCIL
COMMUNITY PLANNING AND TRANSPORTATION
COMMITTEE MINUTES

April 22, 2013

The City Council Community Planning and Transportation Committee of the City of Norman, Cleveland County, State of Oklahoma, met at 5:30 p.m. in the Multi-Purpose Room on the 22nd day of April, 2013, and notice and agenda of the meeting were posted in the Municipal Building at 201 West Gray and the Norman Public Library at 225 North Webster 48 hours prior to the beginning of the meeting.

PRESENT:	Councilmembers Gallagher, Jungman, and Williams Chairman Griffith
ABSENT:	None
OTHERS PRESENT:	Mayor Cindy Rosenthal Councilmember Robert Castleberry Councilmember Linda Lockett Councilmember Elect Greg Heiple Councilmember Elect Stephen Tyler Holman
STAFF PRESENT:	Ms. Susan Atkinson, Planner I Mr. Jeff Bryant, City Attorney Ms. Susan Connors, Planning and Community Development Director Mr. Terry Floyd, Development Coordinator Ms. Leah Messner, Assistant City Attorney Ms. Karla Chapman, Administrative Technician

Item 1, being:

CART RIDERSHIP REPORT INCLUDING SAFERIDE AND EXTENDED SERVICE.

Mr. Doug Myers, OU Parking and Transportation Administrator, distributed a flyer entitled *"Cleveland Area Rapid Transit (CART) Update 2013"* to the Committee. Chairman Griffith asked if anyone had any comments and/or questions regarding the CART Update 2013 and March 2013 CART Ridership report and no comments and/or questions were received.

Items submitted for the record
1. Cleveland Area Rapid Transit Ridership Totals for the Month of March 2013
2. Cleveland Area Rapid Transit Update dated April 2013

Item 2, being:

CONTINUED DISCUSSION REGARDING A DRAFT ORDINANCE ESTABLISHING A HIGH-DENSITY RESIDENTIAL ZONING DISTRICT.

Chairman Griffith said the Committee has received a great deal of public input regarding high density, both for and against, and asked the audience to forego public input tonight stating the Committee would like to do more intense work on this topic. He said there will be another high density public meeting, before this topic is scheduled as agenda item for Council consideration, at which time the public can address any concerns and/or opinions regarding high density.

Ms. Susan Connors, Director of Planning and Community Development, said at the March 11, 2013, Community Planning and Transportation Committee (CPTC) meeting, the Committee unanimously agreed to eliminate the rooftop garden provision from the proposed draft allowing an eight (8) foot height bonus for construction of rooftop gardens. She said the Committee requested Staff research and/or refine the following topics to include: 1) narrow the district within the Core Area where more restrictive High Density (HD) regulations would apply, 2) identify arterial and collector roads in the Core Area, and 3)strengthen ordinance requirements for active street-level uses and street design.

Item 2, continued:

The following maps were distributed to the Committee reflecting all of the major and minor arterial roads in the Core Area with collector streets noted, smaller district within the Core Area where more restrictive HD regulations would apply, and locations identified within the smaller district (in the Core Area) where High Density Residential (HDR) zoning could meet the locational conditions delineated in the proposed ordinance.

Ms. Connors said Staff created a new zoning category and the HDR zoning would not be an overlay district. She said those seeking high density zoning must apply to rezone their property and any rezoning application triggers requirement for a predevelopment hearing which is followed by a Planning Commission and Council review. Ms. Connors said high density zoning would be granted by Council only if specific conditions can be met. She highlighted the major issues addressed at the High Density Dialogues and the proposed HD ordinance.

Intent and Permitted Land Uses: Staff said the general intent of the HDR Zoning is to promote construction of high quality, architecturally compatible facades built close to the street with parking, private open space, and minimizing impact on surrounding neighborhoods. The permitted land uses include apartments, condominiums, mixed-use building, office, restaurants; no drive-up or drive-through service, retail sales and service operated within enclosed building, and parking garages.

Residential versus Mixed Uses, Location, and Site Development: Citizens indicated they preferred a HDR ordinance to define areas appropriate for high density located on arterial roads only. The proposed HDR ordinance allows the location of HDR on arterial streets or within two blocks of an arterial and adjacent to collector if not fronting on an arterial. All parking drive access shall be located at a minimum onto a collector street and all HDR buildings must have direct access to sidewalks from all non-emergency building entrances that connect to the public circulation system. When proposed HDR site does not front on arterial street, any intervening land use between HDR and nearest arterial must be commercial or office.

Density: The majority of participants at the High Density Public Dialogue felt Campus Corner should have 40 to 50 dwelling units per acre (du/ac). Responses were divided between 30 to 40 du/ac and 100 du/ac for the downtown area and other areas; therefore, 70 du/ac for the downtown and other areas was determined to be the final response since it splits the difference. The draft HDR ordinance proposes: 130 du/ac for Campus Corner, 175 du/ac for downtown, and no maximum for other areas.

Height: Participants at the High Density Public Dialogue felt Campus Corner should have a three (3) story height limit, downtown should have a five (5) story height limit, and other areas should have a three (3) story height limit. The draft HDR ordinance proposes 55 feet maximum for Campus Corner, 75 feet maximum for downtown, and no maximum for other areas.

Setbacks and Architectural Standards: The HDR ordinance will regulate front setbacks, building exterior walls and facades, electrical equipment, service area, and trash. Staff said the architectural standards would prohibit materials, e.g., rough sawn wood, board and batten wood, vinyl siding, exterior insulation finishing system, tilt-up concrete panels, painted concrete block, pre-finished or painted corrugation metal siding, standard single or double-tee concrete systems, smooth-faced gray or stained concrete block, translucent, Plexiglas, glossy metal or backlit vinyl awnings or illumination of such awnings, and reflective or mirrored glass.

Open Space, Landscape, and Pedestrian Standards: Required open space may be individual outdoor areas such as balconies or patios or shared areas such as courtyards and must be a minimum of 20% of the total gross site areas within the project property lines, with 10% of the 20% being landscaped. The pedestrian standards shall be a minimum five (5) feet wide and follow Americans with Disabilities Act (ADA) accessibility guidelines. The paving materials shall be a minimum of concrete, but enhanced paving materials are encouraged as well as pedestrian activity such as paved walks, plazas, and other amenity areas. Pedestrian amenities are required to connect internal pedestrian areas to public sidewalk system and to adjacent neighborhoods. Walkways should be separate and distinct from parking areas as well as drive aisles and shall include landscaping, lighting, and decorative pavings at crossings.

Item 2, continued:

Parking: Citizens who participated during the High Density Dialogues felt shared-use structured parking should be required and should be architecturally integrated into building design using high quality materials and signage. The draft ordinance proposes structured parking with one (1) space per bedroom, utilizing Section 22:431.5 of Zoning Ordinance for non-residential units. Parking structures will be architecturally integrated with finished matching architectural theme of development and provide visually engaging environment for pedestrians.

Lighting, Signage, Storm Water, and Traffic: The proposed HDR lighting will be required and regulated by the Zoning Ordinance, the signage will be required and regulated by the Sign Code, and the storm water will be required and regulated by the Engineering Design Standards and Specifications. Traffic Studies will be required for all HDR requests and shall conform to current Engineering Design Criteria for Traffic Impact of Developments.

Design Review Committee: Citizens commented during the High Density Dialogues that a design review process and design guidelines to regulate the appearance, building materials, size, placement, etc., be developed for high density. The draft ordinance proposes a Design Review Committee comprised of five (5) members; two (2) architects, planners, etc., two (2) realtors with demonstrated knowledge of urban design issues, and one (1) citizen at-large.

Neighbors for Norman (N4N) draft HDR ordinance: Ms. Connors said following the March 11, 2013, CPTC meeting, an ad hoc group of citizens formed calling themselves Neighbors 4 Norman (N4N) and drafted their own version of a High Density Residential (HDR) ordinance. N4N based their ordinance contents on the City's draft HDR ordinance, on the results of the Scenario Preference Survey carried out during the August 31, 2012, High Density Discussion Dialogue, and on the results of a privately written survey that was selectively distributed to participants at the August 31, 2012, High Density Discussion Dialogue.

The N4N draft ordinance was distributed to the Committee and Ms. Connors said both the N4N draft ordinance and the City draft ordinance seek to regulate the same issues within HDR land uses. The site development limits HDR land uses to arterial streets only, proposes the maximum building height of 37 feet in Campus Corner and elsewhere in the Core Area, and a maximum height of 63 feet in downtown. N4N draft proposes a maximum density of 40 du/ac in Campus Corner, 70 du/ac for downtown, and 50 du/ac in other Core Area locations.

The N4N draft does not require structured parking, but does require two (2) parking spaces per bedroom. The N4N draft proposes seven (7) members for the Design Review Committee, including four (4) professionals, one (1) citizen-at-large and two (2) citizens living adjacent to zones where HDR is possible.

Conclusions: Among the Committee and members of the public, there is general agreement on many issues, but further discussion is needed for density, height, parking, and composition of a Design Review Committee. Ms. Connors said the Committee has received a great deal of public input regarding HDR zoning over the past 10 months. The process began with six (6) bi-weekly sessions of the High Density Dialogues and public comments were received during five CPTC meetings.

Ms. Connors asked for input and guidance from the Committee and whether or not to recommend the Staff proposed HDR ordinance, which would conclude with public hearings at Planning Commission and City Council.

Councilmember Jungman said the direction provided by the citizens who participated in the High Density Dialogues were very clear and now the citizens (N4N) have drafted their own version of a HDR ordinance. He said the N4N draft HDR is not unreasonable and closely resembles the Lawrence, Kansas, HDR ordinance. Councilmember Jungman felt the Staff's proposed HDR ordinance has gotten so far away from what the citizens want and the N4N draft HDR ordinance is viable for our community.

Mayor Rosenthal said Councilmember Jungman made a good point and in her opinion she felt Staff's proposed HDR ordinance has gotten a long way from the citizen input gathered at the High Density Dialogues. She understands the argument can be that the structures can be *"up to"* 55 feet in Campus Corner or *"up to"* 75 feet in downtown; however, those maximum heights can be very scary to established, healthy, single family neighborhoods in the community.

Item 2, continued:

Mayor Rosenthal suggested looking at three High Density (HD) options for Norman, i.e., HD1, HD2, and HD3. She said the HD1 could reflect what citizens indicated during the High Density Dialogues, i.e., lower density structures with a maximum height of three (3) stories such as a three story townhouse without structured parking that could be placed under the first floor, at ground level, or have off-street parking. She said HD3 might be higher density structures with a maximum 75 foot limit and possibly have a parking structure requirement. Mayor Rosenthal felt all projects, whether HD1, HD2, or HD3, would have the requirement of checking the available infrastructure, i.e., streets, water, sewer, and emergency support, as well as the character of the surrounding neighborhoods. She is concerned with a "one size fits all" ordinance could be a very scary idea for many community residents and felt the Committee should fine-tune the ordinance before moving forward.

Councilmember Castleberry asked if the suggestion of having three levels of high density would be defined by the HDR project type rather than the HDR project area and Mayor Rosenthal said yes. Councilmember Castleberry said he agreed with that concept, but wondered if determining the type and/or area would be the role of the Design Review Committee (DRC). Councilmember Williams liked the three HD levels; however, he agreed and felt the duties of the DRC, Staff, Planning Commission, and Council are to determine the type and area for each HDR project. Councilmember Gallagher said the HDR ordinance should be area specific and he liked the idea of giving developers a low, medium, and high option for high density. Councilmember Williams said just because a HDR ordinance might allow a 75 foot height limit does not mean that a 75 foot building will be constructed for every high density project. Chairman Griffith felt giving developers the opportunity to choose from three high density options will allow viability and success.

The Committee discussed and felt all high density projects should be considered on its own merit and require a traffic impact study, with the goal to maintain the current street level of service (LOS). Mayor Rosenthal felt a parking impact fee provides an incentive for developers to go with the lower density. She said a parking impact fee could go to a dedicated fund for a parking structure that would serve the area. The Committee requested Staff draft a HDR ordinance using the following criteria for HD1, HD2, and HD3 as follows:

	HIGH DENSITY 1 (HD1)	HIGH DENSITY 2 (HD2)	HIGH DENSITY 3 (HD3)
CRITERIA			
Height	37 foot maximum	48 foot – 52 foot maximum	75 foot maximum
Density	40 du/ac maximum	75 du/ac maximum	Unlimited
Parking	On-site parking required; no structural parking required; and no parking impact fee required	No structural parking required; however, optional parking impact fee would provide tradeoff for a parking structure	Structural parking will be required and could be placed under the building; parking impact fee required
Traffic Impact Study	Required and goal to maintain current Level of Service (LOS)	Required and goal to maintain current Level of Service (LOS)	Required and goal to maintain current Level of Service (LOS)
Infrastructure	Public Works and Utilities Departments will continue to review	Public Works and Utilities Departments will continue to review	Public Works and Utilities Departments will continued to review
Retail	No retail	Optional retail	Retail required on lower level
Design Review Committee	Yes	Yes	Yes

Mr. Bryant asked the Committee if this issue needed to come back to the CPTC or forwarded to a Study Session for full Council review. Councilmember Jungman said the timeline included a public meeting and Councilmember Williams asked if a Study Session could include a public meeting. Mayor Rosenthal said that is possible and also suggested inviting the Planning Commission.

Item 2, continued:

Items submitted for the record

1. Memorandum dated April 22, 2013, from Ms. Susan F. Connors, AICP, Director of Planning and Community Development, to Chairman and Members of the Council Community Planning and Transportation Committee, with Attachment A, PowerPoint presentation entitled "High Density Residential Zoning District," dated April 22, 2013; Attachment B, map of arterial roads in urbanized Norman; Attachment C, smaller district within Norman's Core Area where more restrictive regulations would apply; Attachment D, map of places within the Core Area where High Density Residential (HDR) zoning could meet the locational conditions delineated in the proposed ordinance; Attachment E, memorandum dated April 22, 2013, from Ms. Susan F. Connors, AICP, Director of Planning and Community Development, to Chairman and Members of the Council Community Planning and Transportation Committee and *Proposed High Density Residential Zoning District prepared by Ward 4 ad hoc Committee (Neighbors 4 Norman) on High Density*, dated March 19, 2013; and Attachment F, emails from David Boren, Oklahoma University (OU) President
2. Memorandum dated April 19, 2013, from Ms. Susan F. Connors, AICP, Director of Planning and Community Development, to Chairman and Members of the Council Community Planning and Transportation Committee, with Attachment G, *Draft Ordinance for High Density Residential Zoning prepared by City of Norman Staff*, dated April 22, 2013
3. Sign In Sheets for the Community Planning and Transportation Committee meeting dated April 22, 2013

Item 3, being:

MISCELLANEOUS DISCUSSION.

None.

The meeting adjourned at 7:11 p.m.

City Clerk

Mayor

CITY COUNCIL STUDY SESSION MINUTES

April 30, 2013

The City Council of the City of Norman, Cleveland County, State of Oklahoma, met in a study session at 5:35 p.m. in the Municipal Building Conference Room on the 30th day of April, 2013, and notice and agenda of the meeting were posted at the Municipal Building at 201 West Gray, and the Norman Public Library at 225 North Webster 48 hours prior to the beginning of the meeting.

PRESENT:	Councilmembers Castleberry, Griffith, Jungman, Kovach, Lockett, Williams, and Mayor Rosenthal
ABSENT:	Councilmembers Gallagher and Spaulding

Item 1, being:

DISCUSSION REGARDING AN ORDINANCE TO REQUIRE PERMITS FOR DOMESTIC AND INDUSTRIAL WATER WELLS.

Mr. John Harrington, Director of Water Resources, Association of Central Oklahoma Governments (ACOG), provided background of the legacy of oil and gas well areas in Oklahoma. He said the Corporation Commission has been mapping out particular areas and providing maps to the member cities of ACOG. Mr. Harrington said eventually the Corporation Commission will be mapping out all of the oil and gas well areas throughout the state.

The Corporation Commission has had many complaints of water well pollution, both suburban and rural, from homeowners over the past 20 years. Mr. Harrington said the complaints are in and near oilfields, mostly older oilfields with activity initiated pre-1980, when modern regulations began. He said the complaints vary from petroleum to the most common salinity (salty). The Corporation Commission now understands enough about how these particular problems occur to propose prevention solutions.

Mr. Harrington said the groundwater issue is important and matters to the people of Oklahoma as groundwater supplies almost 40% of all water used in Oklahoma; 295,000 Oklahoma residents are served by privately owned individual wells and 73% of all irrigation for agriculture comes from groundwater. For example, a recent homebuyer in a fairly new gated community in Northwest Oklahoma City complained of salty well water and soon thereafter, her neighbors also complained. This area was a historic oilfield area until 1980; therefore, a Corporation Commission field inspector went to the home community and sampled several water wells. Mr. Harrington said later the Corporation Commission learned that two original (older) domestic water wells had been drilled in residential backyards within the subdivision and when the wells became salty, the homeowners re-drilled the wells in their front yards without plugging the well in the backyard. This worked for a couple a years, but eventually the wells in the front yard also went salty. Mr. Harrington said salt water has a tendency to be real hard on vegetation and highlighted the samples retrieved from the Corporation Commission field inspector that reflected high chloride levels.

The Corporation Commission's conclusion was the gravel packed construction caused contamination to the open surface up to 300 feet below the surface which allowed contaminants into the Garber Wellington Aquifer. In effect, the water wells, by their standard design, polluted themselves and the aquifer, especially the unplugged backyard wells.

Mr. Harrington said the City of Oklahoma City was persuaded to bring a water line into the subdivision so the homeowners could connect to clean drinking water for a fee and the Corporation Commission's Brownfields Program paid to have the now "unused" water wells drilled out and plugged to prevent the spread of more contaminants into the aquifer.

The Corporation Commission is currently mapping old (pre 1980) wells on Oklahoma aquifers, starting with the Central Oklahoma aquifer. The pit design, well plugging oversite, and field inspection was not as rigorous before 1980 as it is currently and the mechanical integrity testing of well casing, lines, and equipment was not required until after 1980.

Item 1, continued:

Unfortunately many of these old oilfields are just open fields today, so pollution risks are often not obvious to developers or well drillers. Mr. Harrington said the Corporation Commission also realized the information gathered could be utilized by the general public and town planners and will load the maps, once made, onto the OWRB's website map viewer.

These Geographical Information System (GIS) maps can be output on any area basis, by aquifer, county, town, or individual 36 square mile townships.

ACOG came up with a plan to protect the aquifers of Oklahoma from similar old oilfield problems in the future as well as protect others and requested OWRB establish rules to assist with the prevention of shallow pollutants from entering the water wells and traveling down the gravel pack into the aquifer. Mr. Harrington said the Corporation Commission requested a new rule requiring future water wells to be cased and cemented from the surface to at least 30 feet deep, with gravel pack only being allowed below 30 feet.

Mr. Harrington provided a Legacy Oil and Gas Fields map depicting Cleveland County 10N 2W oilfield areas and said the information has already been sent to the City of Norman Planning Department. He said the Corporation Commission will be making a proposal to the OWRB in the fall to essentially amend Chapter 35 in the drilling standards to incorporate the Legacy Oil and Gas Field maps and recommend to the drillers to install any future water well inside 30 feet of casing.

Councilmember Williams asked Mr. Harrington if any studies had been done with water wells utilizing a 30 foot casing and Mr. Harrington said no. Mr. Harrington said the Corporation Commission originally discussed the casing as 50 feet but determined 30 feet would be acceptable because that is the depth most oil surface pollution would be present.

Councilmember Griffith asked whether the expense of adding an additional 20 feet of casing would be an extraordinary expense and Mr. Harrington said it would add approximately $1,000 more to the well.

ORDINANCE REQUIRING PERMITS FOR DOMESTIC AND INDUSTRIAL WATER WELLS.

Ms. Kathryn Walker, Assistant City Attorney, said Staff was made aware of Mr. Harrington's work and presentation relating to the old oilfield water well pollution and case studies and began to look at Norman's ordinance, specifically how the City could incorporate the same or similar kinds of protection measures, as well as update the ordinance to make it more consistent with State law.

Ms. Walker highlighted recent events regarding domestic water wells. She said a property owners association (POA) inquired about the potential for drilling a water well from which water could be drawn and used for irrigation of the neighborhood's common areas. The Oversight Committee met and discussed POAs drilling water wells for irrigation purposes on February 13, 2013, and again on March 6, 2013. Staff examined the City's existing ordinances relating to wells and determined the applicable Code provision needs to be updated, both to reflect the current constraints of State law on water well regulation by cities, as well as to ensure contamination and quality issues with domestic water wells are addressed to protect the public water supply. The Oversight Committee recommended the Ordinance go forward to full Council.

Ms. Walker said the applicable State law is as follows:

- General Authority – Oklahoma Water Resources Board (OWRB) regulates groundwater use and issues permits for most, but not all wells.
  - ❖ OWRB permit required to put groundwater to beneficial use for other than domestic purposes, i.e., municipal, industrial, agricultural, irrigation, recreation, fish and wildlife, etc.;
  - ❖ Cities can regulate and permit the drilling of domestic and industrial water wells, however the extent to which cities can regulate is unclear;
  - ❖ All public wells have to be built to Department of Environmental Quality (DEQ) standards.

Item 1, continued:

Ms. Walker provided an overview of OWRB's definition of industrial and domestic water use.

Industrial Use
The use of water in processes designed to convert materials of a lower order of value into forms having greater usability and commercial value. The quantity is set by the terms of the OWRB permit.

Domestic Use
Use of water by an individual, family, and/or household can include: household purposes, farm and domestic animals (up to normal grazing capacity of land), irrigation of land can not exceed three (3) acres for gardens, orchards, and lawns. For non-household entities the domestic use is as follows: drinking water, restrooms, and watering of lawns up to five (5) acres (approximately 1,630,000 gallons) per year. Domestic use is not subject to well spacing standards; however, the domestic use is subject to sanctions against waste.

OWRB Well Construction Standards
Location:
- At least 10 feet from closed sanitary sewer line, 24 feet from above ground sprinkler spray, and 50 feet from above ground sprinkler head;
- At least 300 feet from outside perimeter of waste lagoon for feedlot; and
- At least 50 feet from other pollution sources.

Well Surface Casing
- Must be sealed off from the groundwater zones containing water not meeting groundwater quality standards; no wells in salt water zones;
- At least 10 inches below minimum seasonal stage of water table; and
- At least 12 inches above the natural ground level; 24 inches above the maximum level if known to flood.

Ms. Walker said there are several reasons to regulate domestic wells. State standards for construction do not always adequately protect the groundwater, widespread proliferation of domestic wells can ultimately deplete the aquifer, i.e., the source of our municipal well supply and regulation can provide a tool to monitor water usage to ensure the character of the use remains "domestic".

The current Code provision requires permits for all water wells and they must comply with Oklahoma Department of Health rules. Domestic wells are limited to "domestic uses" under State law and the Code forbids drilling into the Garber Welling sandstone formation unless the City does not service the location or it is a commercial or industrial well where the City has granted permission.

Proposed Code Amendments
Staff proposed the following code amendments:

- Increase permit fee from $5.00 to $50.00;
- Update to ensure we are in compliance with State law (regulate only domestic and industrial wells);
- Update to ensure appropriate State agencies are listed;
- Use of State definitions for domestic and industrial use to ensure consistency in application; and
- Permit requirements to protect water supply and monitor usage.
  - **Permit Requirements**
    - Well must be constructed by OWRB certified well driller;
    - OWRB Groundwater Well Completion Report submitted to City;
    - 30 feet of well surface casing – reduce risk of contamination; and
    - No cross connection to the public water supply.

Item 1, continued

- **Character of Use Measures**
  - Water meter must be installed;
  - Water cannot be drawn in excess of limits set by State law;
  - Water used only for stated purposes; and
  - Records submitted to the City annually that document amount of water withdrawn.

Private Wells

- Domestic use for household purposes = three (3) acre feet per year (980,000 gallons);
- Domestic use for non-household purposes = five (5) acre feet per year (1,630,000 gallons);
- Cost of private wells in Norman vary with location and depth;
- Domestic well in East Norman = $6,500 and is 100 feet deep with 15-20 gallons per minute (gpm); and
- Domestic well in West Norman = $45,000 and is 650 feet deep with 15-20 gpm.

Property Owners Association

A POA would be able to withdraw five (5) acre feet per year that would equal 1.63 million gallons, 60 inches per year per acre, and 60 applications of 1-inch over one acre.

Ms. Walker said every domestic use is somewhat de minimis, but every hole in the aquifer is a potential source of pollution. She said ultimately if there are a lot of domestic water wells drilling deep into the aquifer, the City may be competing for the same water. The City is also pushing to get re-use standards and Ms. Walker felt customers who would like to use non-potable water or the domestic wells for irrigation eventually would be good customers for re-use when that comes to fruition. She said the biggest consideration is balancing the community's water supply versus individual water usage.

Councilmember Griffith asked how deep the Garber Wellington Aquifer is and Mr. Harrington said it varies from 400 feet on the east to 600 to 700 feet on the west.

Mr. Harold Heiple, Attorney representing Oklahoma Electric Co-op (OEC), said the City needs to protect the Garber Wellington Aquifer and he felt the following verbiage should be included in the ordinance "...any property served by City water or required by law to be served by City water is not eligible for a permit to drill into the Garber Wellington..." He said Mr. DiCastro with the Cascade Addition POA met with OEC regarding the POAs request for a water well permit and it was a very productive meeting. Mr. Heiple felt OEC will get on board with the POAs request as long as the POA does not go into the Garber Wellington for irrigation purposes.

Councilmember Kovach said for clarification purposes, the Oversight Committee began discussing this ordinance before the POA came forward with their request. He asked Staff if the City can regulate how deep a person can drill and Ms. Walker said the current ordinance reads that a person can not drill into the Garber Wellington unless you do not get City water or you are an industrial or commercial user and Council approves it. She said the City can not regulate commercial wells, but the City does have some degree of regulatory authority over industrial and domestic wells. Ms. Walker said she is not certain the law is clear, it is a gray area, whether or not the City can regulate how deep a person can drill into the aquifer. She said Staff has chosen not to include this issue in the ordinance at this point, but will continue to research it. She said there is a balance between the fact the property owner has a right to domestic use versus the City's interest in protecting the aquifer and try to determine how the Courts might interpret this issue.

Mr. Jeff Bryant, City Attorney, said his office has had many discussions on this topic and the existing ordinance language has verbiage that prohibits person(s) from drilling into the Garber Wellington if the person(s) already has City water supplied to the property. He said the law is not very clear and the issue is whether or not the law is enforceable. Staff

Item 1, continued:

drafted the proposed ordinance based on prior meeting discussions and Staff felt Council desired to have more regulation on the actual wells, casing, etc., rather than language regulating and not allowing person(s) to drill into the Garber Wellington. Mr. Bryant said if Council desires to keep the current language of not allowing person(s) to drill into the Garber Wellington,

Staff can certainly pursue that. Council discussed and agreed that Sub-Section C Section 21-404, should be put back into the Ordinance prohibiting person(s) from drilling into the Garber Wellington. Councilmember Kovach asked if the language stating "... any property served by City water or required by law to be served by City water is not eligible for a permit to drill into the Garber Wellington..." could be added to the proposed ordinance and Mr. Bryant said that particular language is already in the proposal stating if the City provides water service then you are prohibited from drilling into the Garber Wellington. He said one compromise to that might be focusing on potable and non-potable, which is what Mr. Heiple is suggesting, i.e., if a person can drill a 200 or 250 foot water well and get water that is suitable for irrigation purposes but is not potable then that is not water that the City would be using for the municipal water supply anyway.

Councilmember Williams asked if the regulation would apply to existing wells if the City extended water lines/services and Mr. Bryant felt the City should be consistent stating that if the City was to extend water service, by statute the City would get those water rights as long as the City is providing municipal water supply. He said this is the area that is a little unclear, and Council could certainly discuss a policy that would allow the person(s) to waive the requirement for municipal water.

Mr. Bobby Stevens, P.O. Box 6226, asked how the City would enforce the water laws on tribal land and Mr. Bryant said there has recently been an argument at the U.S. Supreme Court regarding water rights and how far states can pursue the issue. He said if tribal land rights versus municipal water rights came into fruition, the City would be pre-empted if the land is federal Indian land.

Mayor Rosenthal said the City does need to protect the Garber Wellington since it is the City's water supply, but felt allowing non-potable drilling for irrigation purposes is a reasonable compromise. Councilmember Kovach agreed and Councilmember Williams felt if person(s) are within 300 feet of City water they should connect for potable water; however, if they choose to drill and use a private well that is not in the aquifer for non-potable uses they should be allowed to do so. Mr. Chris Mattingly, Utilities Superintendent, said he was concerned about the definition of potable changing in the future due to the changing dynamics and regulations regarding water. Mayor Rosenthal said the ordinance needs to distinguish between (not) drilling into the aquifer and non-potable water.

Councilmember Williams asked if the City were to extend water supply services to an area that already has a water well in the aquifer, would they be "grandfathered in", and therefore the person(s) would not have to connect to City water services unless the person(s) made a change to the existing well. Mr. Bryant said the ordinance can be created however Council desires and he said it is not unusual to have "grandfathering" provisions. He said the current language already has a "grandfathering" provision stating "...domestic or non-industrial uses existing before February 8, 1955..." and can be added to the draft ordinance going forward if Council desires.

Staff drafted the proposed ordinance from the most conservative approach recognizing the domestic use water rights. Regardless when a private well was drilled, if someone connects to City water services they must disconnect the private well so there will not be a risk cross-contamination. Councilmember Castleberry asked if the private well would need to be plugged and Ms. Walker said the proposed draft would not require the well be plugged; however, it could be required under other regulations. She said the requirement to plug the disconnected private water wells can be added to the draft ordinance if Council so desires.

Mr. Harrington said the City may want to consider collecting water quality data as part of the ordinance and Councilmembers Kovach and Castleberry said the City should collect and carry the burden of testing water quality samples. Staff will re-draft the ordinance and bring forward for Council consideration and approval.

Items submitted for the record

1. Memorandum dated April 25, 2013, from Ms. Kathryn Walker, Assistant City Attorney, through Mr. Jeff H. Bryant, City Attorney, to the Honorable Mayor and City Council
2. Draft Ordinance No. O-1213-48
3. Powerpoint presentation entitled "Domestic Water Wells" City Council Study Session dated April 30, 2013
4. Powerpoint presentation entitled "Old Oilfield Water Well Pollution and Case Studies State and Town Solution for New Development created by Ms. Patricia Billingsley, Brownfields Manager, Oklahoma Corporation Commission, and Mr. John Harrington, Director of Water Resources, Association of Central Oklahoma Governments

Item 2, being:

DISCUSSION REGARDING AN ORDINANCE REQUIRING ALL MEETINGS OF BOARDS, COMMISSIONS, COMMITTEES AND SUB-COMMITTEES TO COMPLY WITH THE OPEN MEETINGS ACT WHEN POSTING MEETING NOTICES AND AGENDAS AND POSTING SAID NOTICES AND AGENDAS ON THE CITY OF NORMAN WEBSITE.

Ms. Kathryn Walker, Assistant City Attorney, provided background information regarding the Oklahoma Open Meetings Act (25 O.S. §301 et seq.) stating it sets forth requirements that a "public body" must follow related to disseminating information about its meetings in a way that will "encourage and facilitate an informed citizenry's understanding of the governmental processes and governmental problems." She said the term "public body" as defined in the Open Meetings Act does not encompass all of the City's committees.

Council adopted Resolution No. R-0102-110 in 2002, to specifically require the Citizens Oversight Committee, Wastewater Master Plan Implementation Committee, and the Northside Wastewater Site Selection Review Committee to follow the provisions of the Open Meeting Act. In 2011, Council adopted Resolution No. R-1112-9 to require all committees, sub-committees, and ad hoc committees follow the Open Meeting Act and State law provision (74 O.S. §3106.2) that requires meeting agendas to be posted on the City's website.

Councilmember Kovach, Chair, Oversight Committee, requested Staff prepare an ordinance which would codify the previous action to ensure all boards, commissions, committees, sub-committees, and ad hoc committees of the City of Norman comply with the Open Meetings Act when posting meeting notices and agendas and requiring the same to be posted on the City's website similar to the requirements of 74 O.S. §3106.2. This would add a section to Chapter 4 of the Code of the City of Norman to clearly express this intent. Under proposed Section 4-107(a), all City of Norman boards, commissions, committees, sub-committees, and ad hoc committees would be required to follow the provisions of the Open Meeting Act when posting notices and agendas. Under proposed Section 4-107(b), those same entities would be required to post the meeting notices and agendas on the City website similar to the provision found in Title 74.

The Council Oversight Committee met and reviewed Ordinance No. O-1213-47 on April 10, 2013, and recommended the proposed ordinance go forward to full Council for review during a Study Session.

Mayor Rosenthal asked if there was or has been a problem with the previously adopted resolutions not being followed and Councilmember Kovach said not at all, this was simply looking at ease for future Councils. He felt if the open meeting requirement was codified it would be much easier to follow.

Ms. Walker said she and Brenda Hall, City Clerk, put together a list that included groups listed in the Charter, City Code, created by contract, and have City representation. Council discussed the committees and boards that would follow the ordinance and those that would not. Mr. Jeff Bryant, City Attorney, said a sub-section can be added to the draft ordinance stating the Norman Convention and Visitors Bureau (NCVB) and Norman Economic Development Coalition (NEDC) are not boards, commissions, committees, sub-committees, or ad hoc committees of the City of Norman. Councilmember Kovach did not support adding that language simply because the ordinance does not list the boards and commissions that are subject to the requirements since the lists can change.

Item 2, continued:

Mayor Rosenthal said she did not think the ordinance was needed and felt the resolutions cover the requirements for boards and commissions to comply with the open meetings act. She said the policy of posting agendas and minutes are currently done and Councilmember Jungman agreed. Councilmember Jungman said he would support the draft ordinance if an exception was included regarding NCVB and NEDC and Mayor Rosenthal suggested inserting language "all boards, commissions, committees, sub-committees, and ad hoc committees constituted by the City of Norman..." Councilmember Castleberry said he supported the draft ordinance as is and felt the proposed ordinance would clarify the requirement. Councilmembers Kovach and Williams agreed.

Items submitted for the record

1. Memorandum dated April 25, 2013, from Ms. Kathryn Walker, Assistant City Attorney, through Mr. Jeff H. Bryant, City Attorney, to Members of the Council Oversight Committee
2. Draft Ordinance No. O-1213-47

The meeting adjourned at 7:03 p.m.

ATTEST:

_____ _____

City Clerk Mayor

CITY COUNCIL SPECIAL SESSION MINUTES

May 7, 2013

The City Council of the City of Norman, Cleveland County, State of Oklahoma, met in Special Session at 5:05 p.m. in the Municipal Building Conference Room on the 7th day of May 2013, and notice and agenda of the meeting were posted in the Municipal Building at 201 West Gray and the Norman Public Library at 225 North Webster 48 hours prior to the beginning of the meeting.

PRESENT:	Councilmembers Castleberry, Gallagher, Lockett, Williams, Mayor Rosenthal
TARDY	Councilmembers Griffith, Kovach, Jungman
ABSENT:	Councilmember Spaulding

Item 2, being:

CONSIDERATION OF ADJOURNING INTO AN EXECUTIVE SESSION AS AUTHORIZED BY OKLAHOMA STATUTES TITLE 25 § 307(B)(3) TO DISCUSS THE POSSIBLE SETTLEMENT OF THE FOLLOWING WORKERS' COMPENSATION CLAIMS:

SETTLEMENT OF DON BLAKE VS. THE CITY OF NORMAN, WORKERS' COMPENSATION CASE NO. WCC-2010-01945 A.

SETTLEMENT OF JUSTIN BURRIGHT VS. THE CITY OF NORMAN WORKERS' COMPENSATION CASE NO. WCC-2012-14093 Y.

SETTLEMENT OF MATTHEW BRADSHAW VS. THE CITY OF NORMAN WORKERS' COMPENSATION CASE NO. WCC-2012-07472 J.

Councilmember Castleberry moved that the Special Session be adjourned out of and an Executive Session be convened into in order to discuss possible settlement of Workers' Compensation claims as outlined above, which motion was duly seconded by Councilmember Lockett; and the question being upon adjourning out of the Special Session and convening into an Executive Session in order to discuss possible settlement of Workers' Compensation claims as outlined above, a vote was taken with the following result:

YEAS:	Councilmembers Castleberry, Gallagher, Lockett, Williams, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and the Special Session adjourned out of; and an Executive Session was convened into in order to discuss possible settlement of Workers' Compensation claims as outlined above.

The City Council adjourned into Executive Session at 5:06 p.m. Mr. Steve Lewis, City Manager; Mr. Jeff Bryant, City Attorney; and Ms. Jeanne Snider, Assistant City Attorney, were in attendance at the Executive Session. Councilmember Griffith arrived at 5:06 p.m., Councilmember Kovach arrived at 5:15 p.m., and Councilmember Jungman arrived at 5:16 p.m.

The Mayor said possible settlement of the following Workers' Compensation claims were discussed in Executive Session:

SETTLEMENT OF DON BLAKE VS. THE CITY OF NORMAN, WORKERS' COMPENSATION CASE NO. WCC-2010-01945 A.

SETTLEMENT OF JUSTIN BURRIGHT VS. THE CITY OF NORMAN WORKERS' COMPENSATION CASE NO. WCC-2012-14093 Y.

SETTLEMENT OF MATTHEW BRADSHAW VS. THE CITY OF NORMAN WORKERS' COMPENSATION CASE NO. WCC-2012-07472 J.

No action was taken and no votes were cast.

* * * * *

Item 2, continued:

Thereupon, Councilmember Griffith moved that Executive Session be adjourned out of and the Special Session be reconvened, which motion was duly seconded by Councilmember Castleberry; and the question being upon adjourning out of Executive Session and upon the subsequent reconvening, a vote was taken with the following result:

YEAS:	Councilmembers Castleberry, Gallagher, Griffith, Kovach, Jungman, Lockett, Williams, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and Executive Session adjourned out of; and the Special Session was reconvened at 5:28 p.m.

* * * * *

ADJOURNMENT

There being no further business, Councilmember Griffith moved that the meeting be adjourned, which motion was duly seconded by Councilmember Castleberry; and the question being upon adjournment of the meeting, a vote was taken with the following result:

YEAS:	Councilmembers Castleberry, Gallagher, Griffith, Kovach, Jungman, Lockett, Williams, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and the meeting was adjourned at 5:29 p.m.

ATTEST:

City Clerk

Mayor

CITY COUNCIL STUDY SESSION MINUTES

May 7, 2013

The City Council of the City of Norman, Cleveland County, State of Oklahoma, met in a study session at 5:30 p.m. in the Municipal Building Conference Room on the 7th day of May, 2013, and notice and agenda of the meeting were posted at the Municipal Building at 201 West Gray, and the Norman Public Library at 225 North Webster 48 hours prior to the beginning of the meeting.

PRESENT:	Councilmembers Castleberry, Gallagher, Griffith, Jungman, Kovach, Lockett, Williams, and Mayor Rosenthal
ABSENT:	Councilmember Spaulding

Item 1, being:

CONTINUED DISCUSSION REGARDING THE FYE 2014 CITY OF NORMAN CAPITAL BUDGET.

Ms. Linda Price, Revitalization Manager, highlighted the revenue sources of the FYE 2014 Capital Budget, i.e., User Fees, $11,016,518; Sewer Maintenance Rate, $2,788,000; Sewer Excise Tax, $26,019; Capital Sales Tax, $15,391,586; Public Safety Sales Tax, $45,000; Room Tax, $170,000; Bonds, $13,780,712; Private $248,747; and Community Park Fee, $35,000. The Capital Improvement Charge, Sewer Replacement Charge, Tax Increment Financing, and Grants were zero.

The Capital Budget expenditures for FYE 2014 total $43,501,582 and include: Capital Outlay, $3,222,296; Maintenance of Existing Facilities, $597,500; Personnel and Services, $1,121,820; Street Maintenance, $5,291,993; Transportation, $15,476,827; Buildings and Grounds, $2,682,600; Parks and Recreation, $880,000; Stormwater, $385,500; Wastewater, $7,558,771; and Water, $6,284,775.

The FYE 2014 Capital Fund 50 proposed budget is $29,453,036 and the expenditures by category include Capital Outlay, $3,147,296; Street Maintenance, $2,070,156; Maintenance of Existing Facilities, $597,500; Other capital projects, $5,438,715; Salaries and Benefits, $877,766; Transfers, $319,054; and Bond Projects, $3,221,837.

Ms. Price said in FYE 2009 began a multiple year period of intense construction related to streets, bridges, signalization, highways and interstates, sidewalks, and trails by both the City and the Oklahoma Department of Transportation (ODOT) followed by transportation and stormwater projects in 2012. She said the FYE 2014-2018 Capital Improvements Plan project assumptions include decreases in costs and postponements in the following projects:

- Postpone apparatus/equipment maintenance and storage building to 2015 ($730,000)
- Postpone Sutton Wilderness Dam to 2015 ($750,000)
- Postpone Municipal Judicial design to 2016 (286,000
- Postpone Indian Hills Road signals (east and west interchanges at I-35) to 2015 ($200,000)
- Delete funding for one year: alley repair ($190,000) traffic calming ($100,000)and concrete valley gutter ($75,000)
- Reduce bridge maintenance to $100,000 ($50,000)
- Reduce driveway repair to $10,000 (15,000)
- Postpone US 77 and Post Oak Road signal design to 2015 ($15,000)
- Postpone Main Street downtown improvements to 2015 ($517,622)

Proposed New Infrastructure Projects in FYE 2014:

- Westwood pool tank and pump replacements for slide pool ($150,000)
- Westwood Tennis Center plexipave overlay ($60,000)
- Recreation Center basketball goal replacements ($21,000)
- Andrews Park pavilion replacement – damaged in April 2012 tornado ($20,000)
- Andrews Park reforestation damaged in April 2012 tornado ($20,000)
- 12th Avenue Sport Court gym floor replacement ($96,000)

Item 1 continued:

- Kids Space Playground maintenance ($30,000)
- Griffin Soccer Field lighting ($170,000)
- Building A HVAC ($725,000)
- Municipal Complex signage ($50,000)
- Municipal Complex painting ($50,000)
- Library plumbing upgrade ($5,000)
- Animal Welfare generator ($45,000)
- Police Range safety lights ($24,000)
- Animal Welfare fencing ($15,000)
- City phone system replacement updating from analog to Voice Over IP ($265,000)
- Fleet Facility window replacement ($45,000)
- 36th Avenue N.W. and Havenbrook Drive signal utility relocation ($50,000)
- 12th Avenue N.E. and High Meadows Drive signal utility relocation ($10,000)
- 12th Avenue N.E. and Indian Hills Road signal-City share of design ($5,000)
- Boyd Street and University Boulevard signal replacement and interconnect design ($50,000)
- 24th Avenue N.W. and Tee Drive signal design ($150,000)
- Pavement overlays-City share ($401,115): Lindsey Street from Berry Road to Jenkins Avenue, Constitution Avenue from Jenkins Avenue to Classen Boulevard, and Imhoff Road from Classen Boulevard to 24th Avenue S.E.
- Alameda Street from 48th Avenue East to 60th Avenue East
- Rock Creek Road at 12th Avenue N.W. and Trailwoods Drive signal design ($95,000)
- McKinley School construction of a lane on west side of school to improve traffic circulation ($50,000)
- Cambridge Addition drainage improvements ($65,000)
- 10 Mile Flat Creek Letter of Map Revision(LOMR) ($75,000)
- Brookhaven Creek and Rock Creek Road LOMR ($25,000)
- Sidewalks and trails ($140,000)

Ms. Price provided details regarding McKinley School construction of a lane to improve traffic circulation, stating currently there is a lot of traffic congestion when parents are taking and picking up children on Flood Avenue and traffic is blocked on Flood Avenue and Pickard Avenue. She said the Police Department suggested our Public Works Department look at the option of using and paving an existing gravel drive along the City's right of way on the west side of the school. This would allow the cars to get off the streets and assist with the traffic congestion. Mayor Rosenthal said she did not know if simply paving the existing gravel drive would be a solution and asked if discussions have been had with the school regarding their efforts in helping educate and change behavior patterns for dropping off and/or picking up children. Councilmember Jungman said the school has a structured dismissal, i.e., the children stay inside the gym until dismissed to their parents when they arrive at school; and he felt the parents will follow the school's directions, if they are told to utilize the paved drive on the west side of the school. Mayor Rosenthal felt the road could be utilized now without paving it and Councilmember Kovach agreed. He suggested trying the new picking up/dropping off process with the existing drive for a year. Council agreed and requested the $50,000 paving fee be moved to the sidewalk program.

FYE 2014 Sidewalks:
The proposed annual 2014 sidewalks program is $220,000. There were six (6) new requests in 2014 totaling $807,000 added to 21 previous sidewalk requests for a grand total of $2,093,000 and 27 unfunded sidewalk projects at $2,900,000. Staff recommends ranking the 27 projects and to determine which projects will utilize the proposed additional $140,000 in FYE 2014 Budget as well as consider alternative funding plan for public sidewalk projects.

Item 1 continued:

Mr. Scott Sturtz, City Engineer, highlighted the FYE 2014 sidewalk projects as follows:

• Sidewalk Program for schools and arterials:	$ 70,000
* Berry Road – Rebecca Lane to Vine Street (Monroe Elementary)	
• Sidewalk Accessibility Project:	$ 35,000
* Morren Drive – 24th Avenue S.W./Brooks Street/Lindsey Street/Biloxi Drive	
• Citywide Sidewalk Project:	$ 65,000
* Citywide 50/50 repair	
• Downtown Area Sidewalk Project:	$ 50,000
• ODOT Funded Projects:	$400,000
* Boyd Street – Classen Boulevard to Barkley Avenue	
* McGee Drive – Highway 9 to Cherrystone Street	
TOTAL:	**$620,000**

Councilmember Kovach asked whether the enhancement grant money received by ODOT will be used for the Downtown Sidewalk Project or cover different areas and Mr. Shawn O'Leary, Director of Public Works, said the funds are allocated for other streets located inside the downtown area, not Main Street. Mr. O'Leary said ODOT dismissed the enhancement program, but directed the program to Association of Central Oklahoma Governments (ACOG) this year for re-initiation. He felt the funding will go with the work now poised in order to re-apply for funding that will go towards the Downtown Sidewalk Project this fiscal year.

Councilmember Gallagher requested Staff provide details on the Citywide 50/50 Sidewalk Program and Mr. Sturtz said this program addresses requests by citizens and/or businesses when the sidewalk is damaged in front of their home and/or business; therefore, the projects are not necessarily identified ahead of time. He said the City will utilize some of this funding for an upcoming sidewalk enhancement project(s) on Chautauqua Avenue. Mr. O'Leary said the process usually begins with Staff addressing calls and/or concerns reporting a sidewalk that is hazardous and/or needing repair. He said once a sidewalk is identified, Staff will send a notice to the adjacent property owners requesting the sidewalk to be repaired within 30 days. This program allows the City to pay 50% of the repair cost, which financially assists the property owners. Councilmember Gallagher said a sidewalk located on Sunrise Street is mostly grass and has a lot of chips and asked whether Staff was addressing this area. Mr. O'Leary said Staff currently does not go out looking for those particular sidewalks; rather, Staff responds to citizen calls and/or concerns.

Mr. Sturtz provided a map depicting the pending sidewalk location requests throughout the City stating 48th Avenue N.W. was recently completed and 24th Avenue N.W. is underway. Staff proposes the following rating/ranking factors for prioritization of sidewalk projects and said each factor has a weight that is compiled to a "total weight" to include:

- Distance to the attractor destination?
- The presence of multiple attractors?
- What is the condition of the site from new to hazardous?
- Whether there is another American Disabilities Act (ADA) compliant route available to the attractor?
- What type of road adjacent to the route from local to arterial?
- What type of street crossings occur from local to arterial?
- Whether there is a Cleveland Area Rapid Transit (CART) bus stop location involved?
- Whether the location is a possible development infill?
- Whether this route is specifically an ADA improvement request?
- Has there been an accident at this location?
- Citizen input to the request?
- The age of the request?

Item 1, continued:

Mayor Rosenthal asked if it would be the developer's responsibility for any possible development infill and Mr. Sturtz said it is a factor and while infill is certainly encouraged, the City wants sidewalks constructed that will connect to other sidewalks.

Mr. Sturtz highlighted the draft rating/ranking list prioritizing 26 sidewalk projects in the City. He said two projects; McGee Street and Boyd Street are listed but now have funding through ODOT. The top ranking sidewalk project is the south side of Robinson Street, from 24th Avenue West to 12th Avenue East, and is a $200,000 project. Mr. Jack Burdett, Engineering Assistant, said Staff has identified 45 locations along with stretch of Robinson Street and 11 of the locations are on City property adjacent Westwood Golf Course. Mr. O'Leary said some of these locations would be 100% City property, but some of the locations would be adjacent to private property; therefore the Citywide Sidewalk Project would factor in the 50/50 cost aspect. Mr. Sturtz said if there is potential for having $140,000 for future sidewalk projects, Council could choose from many options, e.g., do only a portion of Robinson Street rather than all at once; do multiply smaller/less costly projects; or do the project at 24th Avenue N.E. identified by the Greenbelt Commission.

Mr. Sturtz said Staff would like to take the draft rating/ranking list to the Community Planning and Transportation Committee (CPTC) for further discussion and get recommendations for moving forward that would best suit the community. Mayor Rosenthal said it would be helpful for the Greenbelt Commission and Park Board to review the draft rating/ranking list and process so that they can provide additional input to Council. Councilmember Castleberry requested Staff add a "Ward Number" column to the list.

Councilmember Kovach asked whether Staff has evaluated schools that have inadequate crossings in paths to elementary schools and Mr. Sturtz said the Safe Routes to Schools Program and the Sidewalk Program for School and Arterials help identify those particular areas.

Room Tax Fund New Project

- Replace Whittier and Irving gym floors in the summer 2013 ($170,000)

Other projects in the Capital Improvements Plan (CIP) include neighborhood plan improvements, sidewalk and accessibility projects, and maintenance of existing facilities, e.g., Police Communications, Council Chambers audio/visual upgrades, HVAC replacements, roof replacements, and Building A remodel.

Ms. Price provided an overview of Federal Transportation Funds received from FYE 2007 through FYE 2013, as well as those anticipated for Norman for Federal Fiscal Years 2014 through 2017. Staff provided this information to show how critical project readiness is in the score of a project. Mr. O'Leary said a significant improvement/increase of Federal funds is primarily driven by the voter approval of General Obligation Bond programs and the City is able to leverage nearly $10 million dollars per year for 2015, 2016, and 2017 for projects on Lindsey Street, 24th Avenue S.E. and 36th Avenue S.E. However, the City was not quite ready to "catch up" in 2014 and get all the readiness points in place to compete for federal funding. Mr. O'Leary said in the upcoming weeks and months, Staff will be bringing forward land acquisitions, easements, rights-of-way acquisition, and utility relocation contracts, which will help the City gain readiness points to obtain additionally federal funding for FYE 2014.

Staff said there are many upcoming projects that will have a large impact in the City and as a result may generate a great deal of questions to include:

- Cedar Lane Road project (1st Bond Project)
- I-35 Corridor projects
- West Lindsey Street project
- Comprehensive Transportation Plan (CTP)
- State Highway 9 widening from 24th Avenue S.E. to 84th Avenue S.E.
- Pending Storm Water Master Plan projects
- Fleet Management Study
- University North Park Frontage Road and Norman Economic Development Coalition (NEDC) Development
- Legacy Park

Item 1, continued:

Councilmember Gallagher asked where/what the pending Storm Water Master Plan (SWMP) projects are and Mr. O'Leary said those areas recently discussed and identified in the SWMP; however, funding is not available at this time and possibly a either a utility fee and/or GO Bond program would bring the project(s) to fruition. Mayor Rosenthal said the projects identified in the SWMP have been prioritized in terms of their importance within drainage areas and are ready to go when a funding source is available.

Mayor Rosenthal asked why the City is not moving forward with the reforestation of Rotary Park and Mr. Jud Foster, Director of Parks and Recreation, said all the landscaping projects are on hold due to the drought. He said Staff does not want to plant or encourage planting until the City's water source, to include the lake levels, is restored to normal and water conservation is over. Mayor Rosenthal asked why the reforestation of Andrews Park is moving forward and Mr. Foster said that particular project was submitted before the water conservation went into effect; however, it is on hold as well. Hopes are the water conservation is lifted by the Fall 2013 and, if so, the current and proposed projects that include trees and/or landscaping will proceed. Mr. Foster said the Rotary Club has given a $5,000, gift, which will be used for reforestation efforts at Rotary Park.

Councilmember Gallagher said constituents have asked about specific road projects where it appears workers are not working full time. He asked if that is because there are too many projects versus worker ratio and/or the contractors hired by the City over-committed. Mr. O'Leary said the contracts are written on a "working day" basis, i.e., the contractor has 150 days to build the project and the City does not tell them which day(s) and/or the hour(s) in which they must work, but simply that the project must be done within the 150 days. He said Staff has learned throughout some of the different projects that is does appear some of the contractor(s) are over-committed, but penalty fee(s) can be imposed if the contractor does not finish the project according to the contract. Councilmember Kovach asked whether contractors "past performances" are evaluated regarding future bid awards and Mr. O'Leary felt the City, as well as ODOT, will be seeing somewhat of a "separation" between the better and worse contractors over the next few years based on past performances. He said it is difficult to deny a low bidder on a contract and the City (and ODOT) would have to have solid documentation trail to reject a low bidding contractor. He said it is important that the City and ODOT make sure it is very clear what a particular contractor did or did not do.

Councilmember Griffith said his biggest concern was not necessarily the delay (12th Avenue N.E. and Robinson Street Project and Porter Avenue Project), but rather the quality of work and Mr. O'Leary said the City requires a maintenance bond that will cover the warranty of the work. He said the City would get through this process and ultimately the work at the above two locations will be quality projects. Councilmember Griffith asked whether the drainage issue on Porter Avenue was remedied and Mr. O'Leary said the drainage issue, as well as a contamination issue, was resolved.

Councilmember Kovach asked about the status of the quiet zones project and Ms. Price said the project cost is $1.2 million; therefore, due to budgetary reasons it had been pushed back. He said he understood there were other projects and/or priorities, but felt it was important and needed to have more priority in order to move it forward. Mayor Rosenthal agreed and wondered whether there was a way to piece meal the project. She suggested bringing back information to the CPTC sometime later this year and Mr. O'Leary said Staff will start breaking down and strategizing the project, possible into zones such as Downtown, Central Norman, and Campus area with cost breakdowns for each. Councilmember Kovach asked whether road projects along the railroad corridors could be implemented as quiet zones and Mr. Sturtz said yes, stating Cedar Lane Road Project is being designed as a quiet zone.

Ms. Joy Hampton, The Norman Transcript, asked whether the room tax funding used to replace the gym floors at Whittier and Irving Recreational Centers will contribute to tourism and Ms. Price said the Room Tax Fund is designated to Parks and Recreation as well as arts and tourism in Norman. Mr. Foster said the funding is not required to be tourism related.

Ms. Hampton asked for clarification regarding the amount of the proposed Annual FYE 2014 Sidewalk Programs and Mr. Sturtz said the amount is $220,000.

Item 1, continued:

Ms. Hampton asked whether the McKinley project is being taken out and Ms. Price said yes, if there is Council consensus at tonight's Council meeting.

Ms. Hampton said it was her understanding that the Oklahoma Water Resource Board (OWRB) identified Sutton Wilderness as critical need for maintenance and asked why it is being postponed. Mr. Sturtz said currently the City is doing a Request for Proposal (RFP) for consultants to design the work at Sutton Wilderness and the consultant hired will need approximately one year to complete the design. Once the design is complete, the Sutton Wilderness Project will be ready to go out to bid. Ms. Hampton asked if the OWRB is paying for the design work and Mr. O'Leary said OWRB regulates Sutton Wilderness; however, it is the City's financial responsibility because the City leases the property from the state.

Councilmember Kovach asked if the $50,000 for the McKinley Project would be re-programmed and Mayor Rosenthal suggested the funds go back into the Sidewalk Program and actively work with McKinley school.

Councilmember Castleberry asked why the City needs to retain such a healthy Fund Balance and Ms. Price said at times there are projects that go over budget, as well as emergency projects that come up during the year. She said another reason is because the ODOT audits can take years to be completed and ODOT may come back with a final invoice showing the City owes additional funds (can be as much as $500,000); therefore, the City will keep a budget of $100,000 annually to try to deal with the audits incrementally. Ms. Price said the Capital Outlay is a separate fund from the Capital Budget Projects that sets aside money for vehicles, computers, etc.,

Mayor Rosenthal said the City Manager has forwarded a budget memorandum to Council with follow-up answers for recent questions regarding the budget and encouraged Council to attend the Finance Committee meeting scheduled on May 15, 2013, so that those issues can be worked through and addressed. She said the Budget Study Session is scheduled for May 21, 2013 and a Public Hearing on the budget is scheduled for May 28, 2013.

Items submitted for the record

1. Powerpoint presentation entitled "FYE 2014 Capital Improvement Projects Budget and FYE 2015-2018 Capital Improvements Plan (CIP)"

The meeting adjourned at 7:03 p.m.

ATTEST:

City Clerk

Mayor

CITY COUNCIL OVERSIGHT COMMITTEE MINUTES

May 8, 2013

The City Council Oversight Committee of the City of Norman, Cleveland County, State of Oklahoma, met at 5:30 p.m. in the City Council Conference Room on the 8th day of May, 2013, and notice and agenda of the meeting were posted in the Municipal Building at 201 West Gray 48 hours prior to the beginning of the meeting.

PRESENT:	Councilmembers Castleberry, Jungman, and Chairman Kovach
ABSENT:	Councilmembers Lockett and Spaulding
OTHERS PRESENT:	Ms. Amanda Nairn, Chair, Environmental Control Advisory Board Ms. Joy Hampton, The Norman Transcript
STAFF PRESENT:	Ms. Susan Connors, Director of Planning and Community Development Mr. Terry Floyd, Development Coordinator Ms. Janay Greenlee, Planner II Ms. Leah Messner, Assistant City Attorney Ms. Syndi Runyon, Administrative Assistant IV

Item 1, being:

DISCUSSION REGARDING THE USE OF NATIVE LAWN GRASSES TO FURTHER WATER CONSERVATION EFFORTS.

Chairman Kovach said millions of gallons of water is used every year on lawns and allowing developers to plant native and drought resistant plants and grasses will lessen the impact of water usage in the future.

Ms. Susan Connors, Director of Planning and Community Development, said Council requested a report on water conservation and native grasses that could be recommended for lawns. She highlighted five varieties of native grasses that can be used on commercial or residential properties, i.e., Bermuda grass; Fescue; naturally occurring weeds (clover, vetch, crab grass, geranium, dandelions); Buffalo grass; and Habiturf.

BERMUDA GRASS

Bermuda grass if a full sun grass that can be planted most anytime of the year; is a moderate water user; and is fairly drought and heat tolerant. There is a tendency to overwater Bermuda due to its response to dormancy in cycles of drought and extreme heat, is very invasive and requires control measures to keep out of landscape beds and fertilizer and herbicide application needs to be increased to keep it free of weeds and increase "the green."

FESCUE

Fescue grows well in the shade or semi-sun, can be planted in the fall, is moderately easy to establish, and uses moderate watering. It does not tolerate extreme heat and full sun locations and needs to be maintained with higher use of fertilizer and herbicide applications.

NATURALLY OCCURRING PERENNIALS (clover, vetch, crab grass, geranium, dandelions)

Naturally occurring perennials will survive in full sun to shade locations, but most people view these species as weeds and apply herbicides to kill them out. They can survive in drought and extreme heat conditions with minimal water.

BUFFALO GRASS

Buffalo grass is a native short prairie grass that grows easily and is basically easy to care for. It must be maintained at six inches to survive; requires low water use; has extreme tolerance to drought and heat; aesthetically resembles a short grass prairie; and requires no fertilizer or herbicide application. Buffalo grass should not be planted near Bermuda grass as Bermuda grass has a tendency to take over.

HABITURF

Habiturf is a mix of three native prairie short grasses (buffalo, blue grama, and curly-mesquite) and has the same characteristics of buffalo grass.

Chairman Kovach asked what requirements are placed on developers and subsequent Property Owner Associations (POA) in relation to what to plant in greenspaces and maintenance of that greenspace. Ms. Connors said POA's are required to maintain common green areas, but the City does not dictate any specific type of landscaping or grass.

Chairman Kovach said a constituent contacted him about Habiturf and how it required minimal water. He asked if Staff had further information on Habiturf and Ms. Janay Greenlee, Planner II, said Habiturf does not need to be irrigated like Bermuda grass and too much water will kill it out. She said people have to tendency to want to use herbicides and fertilizers which will kill native grass. She said Habiturf is available as a seed that needs to be established, which takes more preparatory work prior by removing native perennials or Bermuda grass. She said it will be hard to recommend planting Buffalo grass if there is any outlying perimeter of Bermuda. She said a possible locations for the use of Buffalo grass and Habiturf are parking lot islands. She said this would reduce the amount of watering and mowing that needs to be done since both grasses are type of prairie grass that need to be maintained at a height of least six inches to survive with minimal water. She said POA's interested in these grasses will need to be educated on what locations are best suited for growing them. Chairman Kovach said although the grass is taller, it still gives that green, soft carpet feel when walked on.

Ms. Amanda Nairn, Chair of the Environmental Control Advisory Board (ECAB), was concerned that people planting one of these types of prairie grasses would be fined or cited for the grass being too long. Ms. Connors said grass has to be a minimum of twelve inches before it is a code violation; however, the City does receive numerous complaints on grass that is only four inches high so there may be complaints, but no violations. She said it would require education.

Chairman Kovach said islands in parking lots are a viable location, but medians are another example. He said the City is responsible for watering and maintaining most medians and felt this would be a great location for prairie grass. He said the City should set an example by planting native plants and grasses in medians that can survive primarily on their own. Chairman Kovach asked if the City could make allowances for businesses that plant native grasses in parking lots by waiving irrigation requirements and Ms. Connors said the requirement could be modified to be consistent with ensuring the native grass was kept alive, but to get grass rooted, it needs to be watered. Ms. Greenlee said developers must submit a three year landscaping maintenance bond, which is half of the cost of their installation and plant materials and after three years the

City checks to make sure the landscaping is doing well before returning the maintenance bond. She said this is a way to ensure people take care of the grass or plants when they do not have an irrigation system. Chairman Kovach said planting native grasses could reduce the cost of landscaping as well as the cost of the bond. She said the City recently allowed a business to use native rock, native grasses, and trees in their landscaping without irrigation.

Chairman Kovach asked members how they felt about Staff working on modifying the requirements to give the option of planting native grasses and plants and members did not have a problem with developers and businesses having an option. Councilmember Castleberry said anything the City can do to encourage planting native grasses and plants is great, but he did not want to require it.

Ms. Greenlee said public education is the key to getting the process started. Councilmember Castleberry agreed and said people also need to be educated that Bermuda does not need to be watered as much as they think. Ms. Joy Hampton, The Norman Transcript, said she was walking through her neighborhood recently and someone had sprinklers on right after a rain and the sprinklers were pointed at and spraying the driveway. Ms. Greenlee said Planning Staff has been discussing ways to educate people on utilizing irrigation systems.

Chairman Kovach suggested putting together an educational video on "maintaining lawns during a drought" to be played on Channel 20 and the website. He said a lot of people do not understand that overwatering grass is a waste of resources and money.

Ms. Nairn said "public education" is a buzzword used frequently, but what does it mean exactly. She asked how the City accesses a group of people who are not interested or do not pay attention to City government. She said there are tons of articles in the local newspaper all the time, but not everyone gets the newspaper. She said ECAB has worked on the challenge of public education for years and have not accomplished much. Chairman Kovach said a video would allow the information to get out into social media to be shared, which encompasses a different group. He felt getting information to the school system is one way to change mindsets. He said the school system became involved in educating children on recycling and that has had a great impact so if children were educated on landscaping, lawns, and irrigation then that could have an impact as well.

Ms. Hampton said incentives could be given to people for using native grasses and plants. She said an incentive could be an award for best lawn or landscaping. She said Owasso, Oklahoma, hired a Neighborhood Coordinator that worked with aging neighborhoods, at-risk neighborhoods, etc., and brought the neighborhoods together. She said the City of Norman could form a citizen's group to help neighborhoods in peril. She said when lawns are not mowed, when windows are broken, when things look shoddy then people flee those neighborhoods and the neighborhoods begin to deteriorate more. She said a Neighborhood Coordinator could tackle those types of problems and get neighborhoods organized. Chairman Kovach said the City of Norman Police Department works with voluntary neighborhood associations and Neighborhood Watches. He said it would be nice to have a master list of POA's to contact and Ms. Nairn said ECAB could work on putting a list together. ECAB also discussed hosting a "Water Wise Yard of the Month" contest to highlight lawns and landscaping that use native plants and grasses. Ms. Connors said while there is no POA master list there are a couple of agencies that manage properties for POA's and she could get that information for ECAB. Councilmember Castleberry said most newer developments have POA's that send out newsletters and emails to property owners and felt the City could try to obtain information through those avenues.

Items submitted for the record

1. Memorandum dated May 2, 2013, from Susan Connors, Director of Planning and Community Development, to Council Oversight Committee

Item 4, being:

MISCELLANEOUS DISCUSSION.

None

ADJOURNMENT.

The meeting adjourned at 6:00 p.m.

ATTEST:

City Clerk

Mayor

CITY COUNCIL
BUSINESS AND COMMUNITY AFFAIRS COMMITTEE MINUTES

May 9, 2013

The City Council Business and Community Affairs Committee of the City of Norman, Cleveland County, State of Oklahoma, met at 9:05 a.m. in the Municipal Building Conference Room located at 201 West Gray on the 9th day of May, 2013, and notice and agenda of the meeting were posted in the Municipal Building at 201 West Gray and the Norman Public Library at 225 North Webster 48 hours prior to the beginning of the meeting.

PRESENT:	Councilmembers Jungman, Williams, and Chairman Lockett
ABSENT:	Councilmembers Kovach and Spaulding
OTHERS PRESENT:	Mayor Cindy Rosenthal Ms. Tessa Breder, Norman Chamber of Commerce Ms. Joy Hampton, The Norman Transcript Mr. Don Wood, Director, Norman Economic Development Coalition
STAFF PRESENT:	Mr. Jeff Bryant, City Attorney Mr. Mark Daniels, Utilities Engineer Mr. Terry Floyd, Development Coordinator Mr. Ken Komiske, Director of Utilities Mr. Clint Mercer, Chief Accountant Ms. Leah Messner, Assistant City Attorney Mr. Shawn O'Leary, Director of Public Works Mr. Scott Sturtz, City Engineer Ms. Syndi Runyon, Administrative Technician IV

Item 1, being:

DISCUSSION REGARDING LOCAL VENDOR PREFERENCE POLICY AND CONTRACT SELECTION CRITERIA FOR ENGINEERING DESIGN CONTRACTS.

Chairman Lockett said there are pros and cons to preferences for local vendors and Council has discussed the topic several times. She said as the economy changes, people's concerns change and she wanted to discuss local preference to let businesses in Norman know the City is keeping an interest in it.

In May 2010, Council adopted Resolution No. R-0910-114 establishing a Buy Local/Buy Fair philosophy to "maximize purchase of locally produced and Fair Trade Certified products in the process of procuring necessary goods for the City of Norman offices." In January 2011, Council adopted Resolution No. R-1011-80 to establish an objective that the City should only exercise the preference for a local vendor when the low bidders are substantially equivalent, to ensure the City receives the best price.

Mr. Terry Floyd, Development Coordinator, said the Business and Community Affairs Committee (BACA) reviewed streamlining the development services process and expressed a desire to explore the process and method involved in selecting professional service consultants in the Public Works and Utilities Departments. He said while previous Local Vendor Preference Policies apply to products, supplies, and services that are acquired through competitive bidding practices, professional services are acquired through other means. For instance, third party medical, legal, and accounting services are acquired by the City using industry standard procedures. Professional services, including engineering, architecture, land surveying, and geotechnical are acquired by the City using an industry standard method called Qualifications-Based Selection (QBS).

LOCAL PREFERENCE – COMMODITIES AND SUPPLIES

Mr. Clint Mercer, Chief Accountant, said Article III, Section 5, of the City Charter established the City Manager as the City's Purchasing Agent and requires competitive bidding. He said Council adopted Ordinance No. O-1011-5 amending Article II, Section 8-205, giving preference to local vendors with offices in Norman in the event of a tie bid. He said the City wants to give preference to local vendors, but not to the point where it interfered with competitive bidding or costs associated with contracts. He highlighted pros and cons of local preference as follows:

PROS

- Promotes local economy
- Supports local employment
- Benefits local business owners

CONS

- Reduces competiveness for purchases – fewer bidders
- Inflates costs
- Reduced purchasing power equals fewer capital projects/reduced City services or increased taxes to maintain current level of projects/services
- Appearance of favoritism – explanation of why not using lower bidder
- Who is a local business – home office versus branch locations
- Discouragement of other jurisdictions to use Norman businesses (reciprocity)

Councilmember Jungman said he is familiar with the system of giving points when rating a bid so it is not just costs that are considered. He said the bids have to be pretty close in points in order for the local business to prevail based upon their location. Mr. Mercer said the City's policy is based on the type of item being bid on and if items being bid on are substantially the same the local business will be awarded the bid, but there are no points involved. Councilmember Jungman asked if the City is looking to potentially extend that to professional contracts and Mr. Steve Lewis, City Manager, said this discussion is about commodities and supplies, but professional services will be discussed next.

Councilmember Williams asked if a tie is considered to be dead on is there a price range considered that would tip the scales and Mr. Mercer said local preference is generally given in the event of a tie. Mr. Mercer highlighted local preference policies for Oklahoma City, Tulsa, Enid, Edmond, Lawton, Midwest City, and Yukon. Mayor Rosenthal said some of the communities had a 5% preference and asked what that meant and Mr. Mercer said a bidder could be 5% higher and still be awarded the bid. Councilmember Williams said that eliminates the slim chance of a tie and Mr. Mercer said it does, but it also increases costs because you could potentially pay 5% more just to give the business to a local vendor.

Mr. Mercer said there are built-in advantages for local businesses in Norman, e.g., the City advertises in The Norman Transcript so local vendors will be the first to see the announcement, local vendors are closer so they have decreased delivery costs, it is more convenient for employees to obtain supplies, and familiarity with the City.

Councilmember Williams asked what a disadvantage of using a percentage would be other than paying that much more for product, and Mr. Lewis said disadvantages are basically the list of cons listed above. Chairman Lockett said if people think the bidding process is not fair, they will not bid because it is time consuming. She said in local preference, a local vendor gets a tax advantage that everyone pays for because in essence, if prices increase more taxes are paid so the process is not as cut and dry as it may seem. Councilmember Williams said setting a small percentage of even 1% loosens the chance of a tie bid and he is trying to determine the disadvantages of that. Mr. Lewis said Staff puts the business location in the bid tabulations so Council can see that Staff puts Norman first with Oklahoma City second and so forth, but if you get into percentages then you have to think about what is local. He said communities struggle with that question. He said Copelin's Office Supply is local, but they have an office in Oklahoma City and are Office Max and Office Depot local? Councilmember Williams said local preference is more common in places like Denver, Colorado, that have 700,000 people and as a business person who submits bids he has hit that roadblock before. Mr. Mercer said as a bidder, if you know you have to be 1%, 2%, or 5% better than the other guy, it can be discouraging especially if cost margins are tight. He said when that happens you get fewer vendors bidding and costs rise over time.

Mayor Rosenthal asked if a clearly local firm is within a certain margin, would it be possible to go to that local vendor and ask them if they can match the lowest price or would that be a violation of State law? Mr. Jeff Bryant, City Attorney, said the City has some flexibility under "home rule" to set its own rules so the City can do that, but he would be concerned about the impact of discouraging bidders. He said he would rather say the City is awarding the bid to the business because it is the lowest and *best* bidder meeting specifications rather than because they shaved prices. Councilmember Williams said there is also the angle of giving preference points to Oklahoma based versus Norman based and having a system to do that. Mr. Lewis said Council needs to think about the practical issue of whether or not they want to find themselves arbitrating bidding disputes. Councilmember Williams asked how many were awarded to local vendors in the last twelve months and if this is a big problem that local vendors are not being awarded bids and Mr. Floyd said no one has come to him from the business community complaining.

Mayor Rosenthal said she did not see a reason to change status quo, but it is good to review it from time to time. Mr. Lewis said the Finance Committee has discussed this issue many times and have not recommended any changes, but Staff would be happy to do more research. Chairman Lockett said she sees no reason to change the process at this time.

LOCAL PREFERENCE – PROFESSIONAL SERVICES

Mr. Shawn O'Leary, Director of Public Works, said as stated at the beginning of the meeting, professional design services including engineering, architecture, land surveying services are acquired through third parties using QBS. He said in 1982 the Oklahoma Legislature passed the State Consultants Act that mandates the use of the QBS selection process for professional services acquired by all State government entities. The City of Norman adopted the same process in the early 1980's and the most common professional services used by the City in this context are engineering and architectural services. This process is used predominantly by the Public Works and Utilities Departments due to the nature of the work.

Mr. O'Leary said cities do not bid professional services because they are buying expertise and ideas. He said design professionals generally believe the project design process is critical to the success of any major infrastructure project and the selection of the best design team for the project serves as the foundation of the design process. He said an excellent design team can save the City considerable time and money on a project. He said the City spends approximately $2.5 million annually on engineering services and 77% of those contracts were awarded to Oklahoma firms and over 30% went to Norman firms, which is very impressive.

Mr. O'Leary said there are three basic phases to QBS; 1) selection of the most qualified firm, 2) definition of the Scope of Work, and 3) fee and contract negotiation. He said the first thing Staff does is prepare a basic description of the project to be built or the problem to be solved known as a Request for Proposal (RFP) inviting professional firms to submit statements of qualification to be considered for a contract. A pre-proposal meeting is held approximately two weeks before the proposal deadline to discuss specific project issues and answer any questions posed by consultants. After proposals are submitted, a five member Selection Committee, consisting of three Staff members and two private citizens, review the proposals and rank them on a point scale as follows:

• Technical approach	30 points
• Experience of key personnel (project team)	40 points
• References	20 points
• Oklahoma based firm	5 points
• Norman based firm	5 points
• Total	100 points

Mr. O'Leary said a design consultant is selected based on the proposal score or is invited for further interviews. During the interview process, firms are given a set time to present and answer questions posed by the Selection Committee and are scored based on the interview. The Selection Committee ranks the firms again based on the aggregate scores and finally recommends a firm for negotiation of a contract. Staff then works closely with the firm selected to refine the detailed Scope of Work for the project including all necessary tasks, schedules, and fees. If Staff and the consultant are unable to agree on the Scope of Work or fee schedule, contract negotiations cease and Staff notifies the second ranked firm to begin contract negotiations. He said it is not uncommon for the selection process to require up to twelve weeks and many of hours of Staff time prior to the contract being presented to Council for approval; however, the time is justifiable because most of the projects will serve the community for decades in providing critical City services. The consequences of error in design can include impacts to the health, safety, and welfare of Norman citizens not to mention increased costs and liability to the City.

Mr. O'Leary said he has never seen more competition in this field and recently received 32 submittals for a project, which he has never seen in his career. He said the Utilities Department uses a different ranking form because streets and bridges are different than disinfection of water, but they use the same general principle.

Mr. Ken Komiske, Director of Utilities, said Mr. O'Leary summed up the process really well. He said Staff has to consider the expertise of who they want to bid on projects. He said the City has one Water Treatment Plant and there is a certain expertise needed that may not come from a local engineering firm; however, there is recognition of localness. He said Staff considers how fast someone can get to the site if there is a problem, if they have a local office, and if someone is available to operators on a weekly basis.

Mayor Rosenthal asked why Public Works and Utilities do not use the same point system for local preference and Mr. Komiske said some engineering firms may be multi-national or international and have an office in Norman, but does that make them local? Mr. Sturtz, City Engineer, said if a firm has a local office, but may be using technical experts from out of State, he will give them one to three points instead of the maximum of five when ranking them. He said if the employees in the local office will be doing the work, he will give the firm the full five points because Staff knows they can call them and get results immediately versus having to contact someone from out of state. Chairman Lockett said some firms have offices in Norman that only consists of one person answering the phone. She said the City is looking for firms who are paying taxes to Norman and employing in Norman. Mr. O'Leary agreed and said while a firm may open an office in Norman that may consist of one engineer and someone answering phones, there are a few firms that have opened an office in Norman and grown over time. Mayor Rosenthal said another reason to locate in Norman is because Norman is a university town with

an engineering college producing engineers and firms can recruit the talent that is here. She wants to encourage local preference for professional services because those are the types of jobs the City wants to keep in the community. Mr. Sturtz assured Members that firms in Norman are competing for projects with or without the extra local preference points.

Mr. Lewis said the whole "buy local" movement is going around the country since the recession began and some communities have gotten the reputation of being a one or two engineer town. He said when that happens there is a perception that the engineering firm has a community locked up, but that is not the case in Norman since there is a variety of firms that have been awarded contracts over the years. He said it is a balancing act. Mayor Rosenthal thought Norman had that reputation a few years ago, although in her opinion it was a misrepresentation. She said Norman now has a diversity of firms working for them. Mr. Lewis said small towns grow, have construction projects, hire a big firm that solves problems and the City is happy with them so it becomes a cycle. Mr. O'Leary said another thing that happens is those firms become better positioned with a City's system and the City has no reason to want another firm for particular engineering projects, which happens more with water systems than roads and bridges. He said City's make those decisions for really good reasons and yes, it does look like they are focused on one firm. Councilmember Williams asked if a situation like that could typically drive costs up more than it should and Mr. O'Leary said no, not in his experience. He said engineers break everything down to the "nth" degree so Staff would give that firm the same scrutiny as any other firm and will negotiate very hard on every point. He said it falls to Staff to do their job to negotiate the best contract in not just price, but in getting what the community really needs.

Mayor Rosenthal said it is too early to see a trend, but after reviewing the information Staff provided, it seems the City is hiring more Norman firms and Mr. O'Leary agreed.

Mr. Don Wood, Director of the Norman Economic Development Coalition (NEDC), said engineering services is becoming a key area in Norman. Mr. O'Leary agreed and said he knows for a fact that ECHO Systems, a professional engineering services company, is hiring local graduates. Mr. Lewis said engineering services in general are becoming very competitive across the country.

Mayor Rosenthal said it seems that firms are forming a more collaborative process where three or four firms come together on one project and Mr. Komiske said that is true. He said firms will share their expertise on large projects. Mr. O'Leary said that shows humility on the part of a firm to negotiate with another firm if they are unable to provide a particular service.

Items submitted for the record

1. Memorandum dated May 2, 2013, from Terry Floyd, Development Coordinator, to Council Business and Community Affairs Committee, with Resolution No. R-0910-114; Ordinance No. O -1011-5; Resolution No. R-1011-80; Memorandum dated May 2, 2013, from Shawn O'Leary, Director of Public Works, to Steve Lewis, City Manager, and Terry Floyd, Development Coordinator; Contracts Awarded for Engineering Services – 2005-2013; Phase 2 Wastewater Treatment Plant Expansion Proposal Review Form; Proposal Ranking Form; and Request for Proposal Consultant Ranking Form
2. Informational sheet regarding – City Manager as Purchasing Agent, City of Norman Purchasing Ordinance, and Pros/Cons of Local Preferences

Item 2, being:

MISCELLANEOUS DISCUSSION.

Chairman Lockett asked the Committee to let her know if they wanted to discuss anything in particular and she could place it on the next agenda.

The meeting adjourned at 9:55 a.m.

ATTEST:

City Clerk

Mayor

CITY COUNCIL
COMMUNITY PLANNING AND TRANSPORTATION
COMMITTEE MINUTES

May 13, 2013

The City Council Community Planning and Transportation Committee of the City of Norman, Cleveland County, State of Oklahoma, met at 5:32 p.m. in the Multi-Purpose Room on the 13th day of May, 2013, and notice and agenda of the meeting were posted in the Municipal Building at 201 West Gray and the Norman Public Library at 225 North Webster 48 hours prior to the beginning of the meeting.

PRESENT:	Councilmembers Gallagher, Jungman, and Williams Chairman Griffith
ABSENT:	None
OTHERS PRESENT:	Mayor Cindy Rosenthal Councilmember Robert Castleberry Councilmember Linda Lockett Councilmember Elect Greg Heiple Councilmember Elect Lynne Miller Councilmember Elect Stephen Tyler Holman
STAFF PRESENT:	Ms. Susan Atkinson, Planner I Mr. Jeff Bryant, City Attorney Ms. Susan Connors, Planning and Community Development Director Mr. Terry Floyd, Development Coordinator Mr. Steve Lewis, City Manager Ms. Leah Messner, Assistant City Attorney Ms. Karla Chapman, Administrative Technician

Item 1, being:

CART RIDERSHIP REPORT INCLUDING SAFERIDE AND EXTENDED SERVICE.

Ms. Karleene Smith, OU Parking and Transportation Administrator, said Dump the Pump 2013 is under way with a Norman elementary school art contest, and free fares and free t-shirts are planned for Thursday, June 20, 2013. She said beginning May 28, 2013, Norman city routes will move to the new Brooks Street Transfer Station and Campus routes will utilize the Campus Depot beginning with the fall semester.

Items submitted for the record
1. Cleveland Area Rapid Transit Ridership Totals for the Month of April 2013
2. Cleveland Area Rapid Transit Update dated April 2013

Item 2, being:

CONTINUED DISCUSSION REGARDING A DRAFT ORDINANCE ESTABLISHING HIGH-DENSITY RESIDENTIAL ZONING DISTRICTS.

Chairman Griffith said the Community Planning and Transportation Committee (CPTC) will forego public input tonight so that the Committee could do more intense work on this topic. He said the public will have the opportunity to give input at a High Density Public meeting scheduled on May 30, 2013, and again at a Joint City Council and Planning Commission study session scheduled for June 6, 2013.

Mayor Rosenthal felt Permitted Uses requirements should clearly state that commercial/retail uses be included on the ground floor when a HDR-2 and/or HDR-3 and Councilmember Gallagher agreed, stating one aspect of high density is to add retail. He said height will change for retail in HDR-2 and HDR-3, but Councilmember Jungman felt it should not. Councilmember Jungman asked Staff why a parking garage is permitted in HDR-2 and Ms. Susan Connors, Planning and

Item 2, continued:

Community Development Director, said parking garages needed to be identified as a *permitted use* within HDR-2. The Committee discussed and consensus agreed the following changes should be added to the proposed high density ordinance to include:

- Section 2, HDR-2: Add verbiage "It is strongly encouraged that commercial/retail uses be included on ground floor when a HDR-2 project is located in a commercial/retail area."
- Section 2, HDR-3: Add verbiage "It is required that commercial/retails uses be included on the ground floor of the HDR-3 projects."

Mayor Rosenthal suggested adding the number of allowed stories to the already proposed feet/foot limit, stating it would clarify the building height regulations for HDR projects. She suggested the following: HDR-1: three (3) stories; HDR-2: four (4) stories; and HDR-3: unlimited.

Councilmember Jungman said HDR-1 should only allow 40 feet maximum, not 45 feet maximum, stating the CPTC agreed on 37 feet at the April CPTC meeting. He said the point of HDR-1 is that it was requested by the citizens who attended the High Density Dialogues and they requested a 40 foot limit. Councilmember Jungman said now HDR-1 has been completely changed to allow 45 feet maximum height and also allow add-ons making the maximum height to be 50 to 55 feet high. Chairman Griffith said that the proposed 45 feet for HDR-1 is the *maximum* allowed and said he did not feel that a HDR-1 project having three stories of residential with retail on the bottom floor is extreme. Mayor Rosenthal said she wanted to point out that C-1 states a provision that projects shall not exceed two and one half stories and/or 35 feet in height and felt the three (3) story limit came from the High Density Dialogues; therefore, she could support changing the 45 foot maximum to 40 foot maximum in HDR-1.

Councilmember Williams liked the proposed Ordinance as is and felt three (3) stories did not need to be added. Councilmember Gallagher said he is not comfortable with exceptions; however, HDR-3 should not be constructed just anywhere in Norman, so there is a good argument for limiting height. Councilmembers Williams and Lockett felt a height limit specifically for the Campus Corner area is not the right thing to do and Mayor Rosenthal said adequate protection is needed for all neighborhoods, not just Campus Corner. She said HDR-3 projects might make sense in the University North Park and Downtown areas. Chairman Griffith asked Staff if parking garages are generally eight (8) feet in height and Staff said yes. He asked if a two (2) level parking garage be placed on top of a six (6) story stick construction (for HDR-3) and Staff said yes. The Committee consensus was to request Staff add the verbiage to the Ordinance as follows:

- Section 3,b)(4) HDR-1: Add verbiage "No building shall exceed three (3) stories or 45 feet in height."
- Section 3(b)(4) HDR-2: Add verbiage "No building shall exceed four (4) stories or 55 feet in height."
- Section 3(b)(4) HDR-3: Add verbiage "There is no height or story limitation."

Councilmember Jungman requested the Ordinance clarify that only HDR-1 could be constructed in the Campus Corner area and said that height is exactly what the public asked for during the High Density Dialogue discussions. Chairman Griffith said he is very uncomfortable with restricting a certain area of Norman to a particular high density zone. He felt the development process and High Density Design Review Committee would take care of concerns regarding Campus Corner area issues, stating the general consensus coming out of the High Density Dialogues was to allow no more than three (3) stories in the Campus Corner area. Councilmember Jungman said the overwhelming majority of his constituents plus the general consensus of the high density dialogues was that three a (3) story limit is right for the Campus Corner area. He said every opinion in town was represented at the high density dialogues and he felt the request can be given. He asked if anyone is bothered by having an exception on a very small piece of land within the city, out of 200 square miles, where only HDR-1 could be built and Councilmember Castleberry said he is bothered by exceptions.

Mayor Rosenthal suggested eliminating Section 3(b)(5), Allowable Height Exceptions, from the proposed ordinance and Councilmember Jungman agreed. Councilmember Castleberry asked if removing the exception would mean that all roofs in HDR projects are to be flat and Mayor Rosenthal said no, a flat or non-flat roof would be designed/decided by the developer, not the Ordinance. Mayor Rosenthal felt the Ordinance needed to set one height standard and measure

Item 2, continued:

it one way across the code. She felt the proposed height requirement would be difficult for Staff to enforce and Councilmember Williams felt the enforcement would be the developer going through the regular planning/engineering process. Councilmember Castleberry asked whether 10 feet would be appropriate for a parking garage for a HDR-2 project having four (4) stories or 55 foot height limit with the three top stories being 15 feet each and Staff said yes, stating eight and one half feet (8.5 feet) for parking garages is referenced in the Ordinance. Ms. Connors said the McKown's high density project in Oklahoma City is less than 55 feet in height and has four (4) stories which includes a parking garage.

The Committee discussed and agreed the draft ordinance no longer provides for additional six (6) feet of height for architectural features such as pitched roofs, gable roofs, elevator overruns, or other similar features as follow:

- Section 3(b)(5) Replace section with verbiage "There should be no allowance for additional height of buildings as provided in Section 4.31.3(b)."

Councilmember Jungman said something needs to take the High Density Discussion Final Report and carry it forward. He said he believed everyone at the table agrees the High Density Dialogues were legitimate; however, the Committee just disagrees on how to make high density happen. He said the High Density Discussion Final Report needed to be carried forward so that the High Density District Design Review Committee and Councils coming forward will be able to reference the report. Councilmember Jungman said citizens and Staff worked very hard and put a lot of time into the dialogues and it was a nicely drafted process which developed a consensus of a very diverse population. The Committee discussed and suggested the following change to the proposed ordinance:

- Section 4(a): Add verbiage "There is considerable information in the High Density Discussion Series Final Report dated June 11 – August 30, 2012, to inform applicants and the High Density Design Review Committee."

Mayor Rosenthal felt the verbiage "...it is desirable..." in Section 4(b)(1), Compatibility, was weak and suggested it be deleted and Councilmember Jungman agreed. Mayor Rosenthal felt it is the obligation of the applicant to show compatibility and Councilmember Williams asked who defines compatibility. The Committee discussed that high density site designs must be compatible within the context and character of the neighborhoods in which they will be constructed and agreed it is the obligation of the applicant to demonstrate compatibility sufficient to satisfy both the High Density Design Review Committee and Council. The Committee also discussed and agreed the proposed ordinance be amended to allow "breaks in wall planes" and "roof lines shall vary" to occur every 25 to 55 feet in HDR-2. The Committee recommended the following change to the proposed ordinance:

- Section 4(b)(1) Add verbiage "High density building and site design must be compatible within the context and character of the neighborhoods in which they will be constructed. It is the obligation of the applicant to demonstrate compatibility sufficient to satisfy both the High Density Design Review Committee and the City Council."
- Section 4(c)(1)(vii) HDR-2: Add verbiage "25" to read as follows – "every 25-50 feet"

Mayor Rosenthal asked Staff to define the size of a block and Staff said generally, blocks are 400 x 300; however, some city blocks are smaller and/or larger. She suggested adding verbiage to HDR-3 stating that high density projects "should not be adjacent to single family uses OR across the street from single family uses" and Councilmember Jungman agreed, stating the verbiage/requirement should also be stated in HDR-2. Councilmembers Castleberry and Williams disagreed and Councilmember Castleberry stated there is no assumption that a developer/builder would construct a five (5) story building in the middle of a neighborhood. He asked Staff if locational requirements are located anywhere else in the code and Ms. Connors said no. Councilmember Castleberry felt the required traffic study would determine where or where not buildings should go. Councilmember Jungman felt this issue is not about traffic; rather it is about where building should and should not be constructed.

Item 2, continued:

The Committee discussed location requirements for HDR-2 and HDR-3 projects and consensus was to add the following change to the proposed ordinance:

- Section 9 (a)(1) HDR-2: Add verbiage "...700 feet..." of an arterial street, to replace "within two blocks " as previously required and "It is discouraged to locate a HDR-2 zone adjacent to or across the street from single-family uses."
- Section 9(a)(1) HDR-3: Add verbiage "HDR-3 zones cannot be located adjacent to or across the street from single-family uses."

Councilmember Castleberry requested Staff research and provide a map which identifies areas where HDR-1, 2, and 3 are able to be built in the urbanized area of Norman given the locational criteria in the draft Ordinance.

Mayor Rosenthal felt additional research on fee-in-lieu of parking, including researching cities that have adopted these payments, were needed. Ms. Connors said Staff had called several cities; State College, Pennsylvania; Chapel Hill, North Carolina; Davis, California; and Palo Alto, California, had such requirements; however, the cities were not enforcing and/or using the requirements to date. She said Staff's intent was to know the fee (amount) before writing the requirement into the ordinance and said Staff will bring back information on this topic.

Mayor Rosenthal suggested adding verbiage to Section 13, Traffic, requiring Staff's recommendation of how to maintain the Level of Service (LOS) included with the Traffic Study. Councilmember Castleberry asked whether or not Staff already gave their recommendation and Mayor Rosenthal said no, they do not. Councilmember Jungman said the minimum goal is to maintain the LOS and Chairman Griffith agreed. Councilmember Jungman asked if the Ordinance should state LOS level "C" or above is to be maintained at five and/or ten years in the future and Mayor Rosenthal said fixing a specific LOS is tricky. She felt Staff's recommendation of how to maintain the current LOS would address this issue. Mr. Jeff Bryant, City Attorney, said Staff will follow up with the Traffic Division to determine current existing uses andprovide information on level of service and trip generation before determining how extensive the traffic study and/or Staff recommendation should be. The Committee discussed and requested Staff add the following to the ordinance:

- Section 13 (b): "Staff shall make a recommendation to City Council, which will accompany the rezoning application, regarding how to maintain the current level of traffic service in the area surrounding the proposed development."

The terms of membership were discussed and the Committee agreed the language should be amended to conform with the language for removal of committee and commission members as stated in Chapter 4 of the Code of Ordinances of the City of Norman by adding the following:

- Section 14(c)(2)(iii): "Removal of Members. Members may be removed by a majority action of the City Council."

Mayor Rosenthal suggested adding verbiage to Section 14, High Density Design Review (HDDR) Committee, requiring the HDDR make a finding of the compatibility of the proposed high density project as it relates to the context and character of the neighborhood where it will be constructed. Councilmember Castleberry said it would be a "checks and balances" process and Councilmember Jungman agreed. The Committee requested Staff insert the following:

- Section 14(d)(1)(ii): "The High Density Design Review Committee shall make a finding as to the compatibility of the proposed project in relation to the context and character of the neighborhood in which it will be constructed. Such a finding shall take into consideration the High Density Discussion Series Final Report, June 11 – August 30, 2012."

Item 2, continued:

Staff suggested three minor changes in order to clean up the proposed ordinance. These changes are as follows:

- Section 2, Permitted Uses: modified to prohibit "drive-in" as well as drive-through service. This clarification is so that there will not be any doubt as to the intention of the prohibition;
- Section 3(a): the duplicative language for density listed for each level of HDR zoning has been removed; and
- Section 3(b)(5): add verbiage " There shall be no allowance for additional height of buildings as provided in Section 431.3(b)." Staff felt this change/addition was needed because the current Zoning Ordinance Section 431.3(b) allows certain elements such as chimneys, elevators, flagpoles, spires, etc., not used for human habitation, to extend above the height limit and this is a general section which refers to all zoning districts. If the Committee desires for the proposed height limitations to apply to these elements as well, then application of this ordinance provision should be specifically prohibited in the HDR zoning districts.

Staff will continue to prepare information on the following items as requested by the Committee:

- Additional research on fee-in-lieu of parking and research cities that have adopted these payments.
- Provide information on level of service and trip generation.
- Provide a map which identifies areas where HDR-1, 2, and 3 are able to be built in the urbanized area of Norman given the locational criteria in the draft Ordinance.

Councilmember Castleberry asked the Committee for a commitment to review the high density issue and HDR Ordinance in two or three years. He felt the proposed HDR Ordinance is too restrictive and because it is there will most likely not be any HDR projects built. Chairman Griffith agreed, stating the proposed ordinance may be too limited; however, the Committee has listened to the Community and their desires regarding high density.

The next meeting regarding the HDR draft ordinance will be on May 30, 2013, and will be a public meeting held in the City Council Chambers in order to allow the public to hear information regarding the proposed ordinance as well as ask questions.

A Study Session is scheduled for June 6, 2013, which will be a joint meeting of the Planning Commission and City Council to allow the Planning Commission to have input prior to the public hearing process when the Ordinance comes before Council and the Planning Commission for consideration.

Items submitted for the record

1. Memorandum dated May 13, 2013, from Ms. Susan F. Connors, AICP, Director of Planning and Community Development, to Chairman and Members of the Community Planning and Transportation Committee, with Attachment A, Revised Draft Ordinance of High Density Residential to include HDR-1, HDR-2, and HDR-3; Attachment B, Article: "In Lieu of Required Parking" written by Donald C. Shoup
2. Memorandum dated May 10, 2013, from Ms. Susan F. Connors, AICP, Director of Planning and Community Development, to Community Planning and Transportation Committee
3. Sign In Sheets for the Community Planning and Transportation Committee meeting dated May 13, 2013

Item 3, being:

MISCELLANEOUS DISCUSSION.

None.

The meeting adjourned at 7:36 p.m.

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

May 14, 2013

The City Council of the City of Norman, Cleveland County, State of Oklahoma, met in Regular Session in the Council Chambers of the Norman Municipal Building on the 14th day of May, 2013, at 6:30 p.m., and notice and agenda of the meeting were posted at the Municipal Building at 201 West Gray and at the Norman Public Library at 225 North Webster 24 hours prior to the beginning of the meeting.

PRESENT:	Councilmembers Castleberry, Gallagher, Griffith, Jungman, Kovach, Lockett, Williams, Mayor Rosenthal
ABSENT:	Councilmember Spaulding

The Pledge of Allegiance was led by Mayor Rosenthal.

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Item 3, being:

CONSIDERATION OF APPROVAL OF THE MINUTES AS FOLLOWS:

CITY COUNCIL OVERSIGHT COMMITTEE MINUTES OF MARCH 6, 2013
CITY COUNCIL FINANCE COMMITTEE MINUTES OF MARCH 20, 2013
CITY COUNCIL STUDY SESSION MINUTES OF APRIL 2, 2013
CITY COUNCIL BUSINESS AND COMMUNITY AFFAIRS COMMITTEE MINUTES OF APRIL 4, 2013
CITY COUNCIL CONFERENCE MINUTES OF APRIL 9, 2013
CITY COUNCIL OVERSIGHT COMMITTEE MINUTES OF APRIL 10, 2013
CITY COUNCIL STUDY SESSION MINUTES OF APRIL 16, 2013
CITY COUNCIL FINANCE COMMITTEE MINUTES OF APRIL 17, 2013
CITY COUNCIL COMMUNITY PLANNING AND TRANSPORTATION COMMITTEE MINUTES OF APRIL 22, 2013
CITY COUNCIL CONFERENCE MINUTES OF APRIL 23, 2013
CITY COUNCIL MINUTES OF APRIL 23, 2013
NORMAN UTILITIES AUTHORITY MINUTES OF APRIL 23, 2013
NORMAN MUNICIPAL AUTHORITY MINUTES OF APRIL 23, 2013
NORMAN TAX INCREMENT FINANCE AUTHORITY MINUTES OF APRIL 23, 2013

Acting as the City Council, Norman Utilities Authority, Norman Municipal Authority, and Norman Tax Increment Finance Authority, Councilmember Kovach moved that the minutes be approved and the filing thereof be directed, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record

1. Text File No. GID-1213-80 dated April 26, 2013, by Brenda Hall, City Clerk
2. City Council Oversight Committee minutes of March 6, 2013
3. City Council Finance Committee minutes of March 20, 2013
4. City Council Study Session minutes of April 2, 2013
5. City Council Business and Community Affairs Committee minutes of April 4, 2013
6. City Council Conference minutes of April 9, 2013
7. City Council Oversight Committee minutes of April 10, 2013
8. City Council Study Session minutes of April 16, 2013
9. City Council Finance Committee minutes of April 17, 2013
10. City Council Community Planning and Transportation Committee minutes of April 22, 2013
11. City Council Conference minutes of April 23, 2013
12. City Council minutes of April 23, 2013
13. Norman Utilities Authority minutes of April 23, 2013
14. Norman Municipal Authority minutes of April 23, 2013
15. Norman Tax Increment Finance Authority minutes of April 23, 2013

Item 3, continued:

and the question being upon approving the minutes and upon the subsequent directive, a vote was taken with the following result:

YEAS:	Councilmembers Castleberry, Gallagher, Griffith, Jungman, Kovach, Lockett, Williams, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and the minutes approved; and the filing thereof was directed.

* * * * *

Item 4, being:

PRESENTATION BY THE 2012-2013 NORMAN YOUTH COUNCIL.

Councilmember Kovach moved to allow the presentation by 2012-2013 Norman Youth Council, which motion was duly seconded by Councilmember Lockett;

Items submitted for the record
1. Text File No. GID-1213-78 dated April 25, 2013, by Carol Coles, Administrative Assistant

Participants in discussion
1. Ms. Courtney Clark, Norman Youth Council Member

and the question being upon allowing the presentation by 2012-2013 Norman Youth Council, a vote was taken with the following result:

YEAS:	Councilmembers Castleberry, Gallagher, Griffith, Jungman, Kovach, Lockett, Williams, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried the presentation by 2012-2013 Norman Youth Council was allowed.

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Item 5, being:

APPROVAL OF CONFIRMATION OF NOMINEES TO THE NORMAN YOUTH COUNCIL.

Councilmember Kovach moved to confirm the nominees to the Norman Youth Council be confirmed, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record
1. Text File No. AP-1213-23 dated April 25, 2013, by Carol Coles, Administrative Assistant

and the question being upon confirming the nominees to the Norman Youth Council, a vote was taken with the following result:

YEAS:	Councilmembers Castleberry, Gallagher, Griffith, Jungman, Kovach, Lockett, Williams, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and the nominees to the Norman Youth Council were confirmed.

* * * * *

Item 6, being:

PROCLAMATION NO. P-1213-23: A PROCLAMATION OF THE MAYOR OF THE CITY OF NORMAN, OKLAHOMA, PROCLAIMING THE WEEK OF MAY 19 THROUGH 25, 2013, AS EMERGENCY MEDICAL SERVICES WEEK IN THE CITY OF NORMAN.

Councilmember Kovach moved that receipt of Proclamation No. P-1213-23 proclaiming the week of May 19 through 25, 2013, as Emergency Medical Services Week in the City of Norman be acknowledged and the filing thereof be directed, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record
1. Text File No. P-1213-23 dated April 24, 2013, by Brenda Hall, City Clerk
2. Proclamation No. P-1112-22

Participants in discussion
1. Dr. Pat Cody, Norman Regional Health Systems Emergency Room Physician, and Mr. Eddie Sims, Chief/Manager of EMSTAT, accepted the proclamation and thanked the Council

and the question being upon acknowledging receipt of Proclamation No. P-1213-23 proclaiming the week of May 19 through 25, 2013, as Emergency Medical Services Week in the City of Norman and upon the subsequent directive, a vote was taken with the following result:

YEAS:	Councilmembers Castleberry, Gallagher, Griffith, Jungman, Kovach, Lockett, Williams, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and receipt of Proclamation No. P-1213-23 proclaiming the week of May 19 through 25, 2013, as Emergency Medical Services Week in the City of Norman acknowledged; and the filing thereof was directed.

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Item 7, being:

PROCLAMATION NO. P-1213-24: A PROCLAMATION OF THE MAYOR OF THE CITY OF NORMAN, OKLAHOMA, PROCLAIMING FRIDAY, MAY 17, 2013, AS BIKE TO WORK DAY IN THE CITY OF NORMAN.

Councilmember Kovach moved that receipt of Proclamation No. P-1213-24 proclaiming Friday, May 17, 2013, as Bike to Work Day in the City of Norman be acknowledged and the filing thereof be directed, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record
1. Text File No. P-1213-24 dated April 25, 2013, by James Briggs, Parks Planner
2. Proclamation No. P-1213-24

Participants in discussion
1. Mr. John Sharp, Association of Central Oklahoma Governments, accepted the proclamation and thanked the Council

and the question being upon acknowledging receipt of Proclamation No. P-1213-24 proclaiming Friday, May 17, 2013, as Bike to Work Day in the City of Norman in the City of Norman and upon the subsequent directive, a vote was taken with the following result:

YEAS:	Councilmembers Castleberry, Gallagher, Griffith, Jungman, Kovach, Lockett, Williams, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and receipt of Proclamation No. P-1213-24 proclaiming Friday, May 17, 2013, as Bike to Work Day in the City of Norman acknowledged; and the filing thereof was directed.

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Item 8, being:

PROCLAMATION NO. P-1213-25: A PROCLAMATION OF THE MAYOR OF THE CITY OF NORMAN, OKLAHOMA, PROCLAIMING THE MONTH OF MAY, 2013, AS POPPY MONTH IN THE CITY OF NORMAN.

Councilmember Kovach moved that receipt of Proclamation No. P-1213-25 proclaiming the month of May, 2013, as Poppy Month in the City of Norman be acknowledged and the filing thereof be directed, which motion was duly seconded by Councilmember Lockett;

Items submitted for the record
1. Text File No. P-1213-25 dated May 8, 2013, by Brenda Hall, City Clerk
2. Proclamation No. P-1213-25

Participants in discussion
1. Ms. Beverly Hood, American Legion Auxiliary Member, accepted the proclamation and thanked the Council

and the question being upon acknowledging receipt of Proclamation No. P-1213-25 proclaiming the month of May, 2013, as Poppy Month in the City of Norman in the City of Norman and upon the subsequent directive, a vote was taken with the following result:

YEAS:	Councilmembers Castleberry, Gallagher, Griffith, Jungman, Kovach, Lockett, Williams, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and receipt of Proclamation No. P-1213-25 proclaiming the month of May, 2013, as Poppy Month in the City of Norman acknowledged; and the filing thereof was directed.

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Item 9, being:

PROCLAMATION NO. P-1213-26: A PROCLAMATION OF THE MAYOR OF THE CITY OF NORMAN, OKLAHOMA, PROCLAIMING THE MONTH OF MAY, 2013, AS COMMUNITY ACTION MONTH IN THE CITY OF NORMAN.

Councilmember Kovach moved that receipt of Proclamation No. P-1213-26 proclaiming the month of May, 2013, as Community Action Month in the City of Norman be acknowledged and the filing thereof be directed, which motion was duly seconded by Councilmember Lockett;

Items submitted for the record
1. Text File No. P-1213-26 dated May 7, 2013, by Brenda Hall, City Clerk
2. Proclamation No. P-1213-26

Participants in discussion
1. Mr. Zakk Luttrell, Norman Transitional Housing Case Manager, Central Oklahoma Community Action Agency, accepted the proclamation and thanked the Council

and the question being upon acknowledging receipt of Proclamation No. P-1213-26 proclaiming the month of May, 2013, as Community Action Month in the City of Norman in the City of Norman and upon the subsequent directive, a vote was taken with the following result:

YEAS:	Councilmembers Castleberry, Gallagher, Griffith, Jungman, Kovach, Lockett, Williams, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and receipt of Proclamation No P-1213-26 proclaiming the month of May, 2013, as Community Action Month in the City of Norman acknowledged; and the filing thereof was directed.

* * * * *

Item 10, being:

CONSENT DOCKET

Councilmember Kovach that Item 11 through Item 40 be placed on the consent docket by unanimous vote, which motion was duly seconded by Councilmember Lockett; and the question being upon the placement on the consent docket by unanimous vote of Item 11 through Item 40, a vote was taken with the following result:

YEAS:	Councilmembers Castleberry, Gallagher, Griffith, Jungman, Kovach, Lockett, Williams, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and Item 11 through Item 40 were placed on the consent docket by unanimous vote.

* * * * *

Item 11, being:

ORDINANCE NO. O-1213-35 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING ORDINANCE NO. O-1112-23, THE FOUNTAIN VIEW NORTH PLANNED UNIT DEVELOPMENT, TO ADD TO THE AREA OF THE PROPERTY LOCATED WITHIN THE NORTHWEST QUARTER OF SECTION FIFTEEN (15), TOWNSHIP NINE (9) NORTH, RANGE THREE (3) WEST OF THE INDIAN MERIDIAN, CLEVELAND COUNTY, OKLAHOMA; AND PROVIDING FOR THE SEVERABILITY THEREOF. (GENERALLY LOCATED AT THE SOUTHEAST CORNER OF 48TH AVENUE N.W. AND TECUMSEH ROAD)

Councilmember Kovach moved that Ordinance No. O-1213-35 be Introduced and adopted upon First Reading by title, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record

1. Text File No. O-1213-35 dated February 12, 2013, by Jane Hudson, Principal Planner
2. Ordinance No. O-1213-35
3. Location map
4. PUD Narrative originally approved March 13, 2012, and revised and resubmitted February 11, 2013, by Sassan K. Moghadam, Developer, with Exhibit A, additional land areas added; Exhibit B, Proposed Preliminary Plat; Exhibit C, Site Development Plan; and Exhibit D; Proposed Open Space Diagram
5. Staff report dated April 11, 2013, recommending approval
6. Memorandum dated March 4, 2013, from Jane Hudson, Principal Planner, Planning and Community Development, to Norman Planning Commission
7. Letter requesting postponement dated March 4, 2013, from Sassan Moghadam
8. Pertinent excerpts from Planning Commission minutes of March 14 and April 11, 2013

and the question being upon the Introduction and adoption of Ordinance No. O-1213-35 upon First Reading by title, a vote was taken with the following result:

YEAS:	Councilmembers Castleberry, Gallagher, Griffith, Jungman, Kovach, Lockett, Williams, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and Ordinance No. O-1213-35 was Introduced, read, and adopted upon First Reading by title.

* * * * *

Item 12, being:

ORDINANCE NO. O-1213-40 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 ALL OF LOT 2 AND THE NORTH 5 FEET OF LOT 1, BLOCK 1, LITTLE RIVER GREEN ADDITION, NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN THE C-2, GENERAL COMMERCIAL DISTRICT, AND REMOVE THE SAME FROM THE PUD, PLANNED UNIT DEVELOPMENT DISTRICT, OF SAID CITY; AND PROVIDING FOR THE SEVERABILITY THEREOF. (WEST SIDE OF INTERSTATE DRIVE IMMEDIATELY NORTH OF ROCK CREEK ROAD)

Councilmember Kovach moved that Ordinance No. O-1213-40 be Introduced and adopted upon First Reading by title, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record
1. Text File No. O-1213-40 dated March 13, 2013, by Jane Hudson, Principal Planner
2. Ordinance No. O-1213-40
3. Location map
4. Staff report dated April 11, 2013, recommending approval
5. Letter of Intent from Christian Brothers Automotive Corporation to City of Norman
6. Pertinent excerpts from Planning Commission minutes of April 11, 2013

and the question being upon the Introduction and adoption of Ordinance No. O-1213-40 upon First Reading by title, a vote was taken with the following result:

YEAS:	Councilmembers Castleberry, Gallagher, Griffith, Jungman, Kovach, Lockett, Williams, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and Ordinance No. O-1213-40 was Introduced, read, and adopted upon First Reading by title.

* * * * *

Item 13, being:

ORDINANCE NO. O-1213-41 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 PART OF THE WEST HALF OF THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 9, TOWNSHIP 8 NORTH, RANGE 2 WEST OF THE INDIAN MERIDIAN, NORMAN, 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. (SOUTH SIDE OF IMHOFF ROAD APPROXIMATELY 900 FEET EAST OF CLASSEN BOULEVARD)

Councilmember Kovach moved that Ordinance No. O-1213-41 be Introduced and adopted upon First Reading by title, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record
1. Text File No. O-1213-41 dated March 14, 2013, by Jane Hudson, Principal Planner
2. Ordinance No. O-1213-41
3. Location map
4. PUD Narrative submitted March 11, 2013, prepared by Sean Paul Rieger, the Rieger Law Group, with Exhibit A, Proposed Preliminary Plat; Exhibit B, Proposed Preliminary Site Development Plan and Landscape Plan; Exhibit C, Calculations of Intensity of Uses; and Exhibit D, Proposed Open Space Area
5. Staff report dated April 11, 2013
6. Protest and Support Map containing 40.4% protest and 6.0% support within notification area
7. Letter of protest filed April 8, 2013, by a concerned citizen (name illegible) to City Clerk of Norman, Oklahoma, and Planning Commission
8. Letter of protest filed April 4, 2013, by George R. Wilson, President, Hitachi Computer Products (America), Inc., to Norman Planning Commission

Item 13, continued:

Items submitted for the record

9. Letter of supposed filed April 8, 2013, from Helen and Olan Todd to City of Norman City Council, Planning Commission, Planning and Community Development Department, and Other Interested Parties
10. Letter of protest filed April 8, 2013, from Gail Armstrong and Gary Armstrong, Property Owners, G&G Development, L.L.C., to Norman Planning Commission
11. Pertinent excerpts from Planning Commission minutes of April 11, 2013

and the question being upon the Introduction and adoption of Ordinance No. O-1213-41 upon First Reading by title, a vote was taken with the following result:

YEAS:	Councilmembers Castleberry, Gallagher, Griffith, Jungman, Kovach, Lockett, Williams, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and Ordinance No. O-1213-41 was Introduced, read, and adopted upon First Reading by title.

* * * * *

Item 14, being:

SUBMISSION OF THE CITIZEN'S PUBLIC SAFETY OVERSIGHT COMMITTEE ANNUAL REPORT.

Councilmember Kovach moved that receipt of the report be acknowledged and the filing thereof be directed, which motion was duly seconded by Councilmember Griffth;

Items submitted for the record

1. Text File No. RPT-1213-44 dated April 24, 2013, by Carol Coles, Administrative Assistant
2. Citizen's Public Safety Oversight Committee Annual Report, 2012, with Appendix A, Ordinance No. O-0708-32; Appendix B, Resolution No. R-1213-125 with Norman's Rededication to Community Oriented Policing, 2009; Appendix C, Citizens Public Safety Oversight Committee Agendas for 2012; Appendix D, Community Oriented Policing Five Year Implementation Plan, 2009-2014; Appendix E, Community Oriented Policing, Annual Work Plans for 2011-2012 and 2012-2013; Appendix F, Public Safety Sales Tax Calendar, Year End 2012, Financial Report; and Appendix G, High Priority Capital Needs dated January 9, 2013, from Keith Humphrey, Police Chief, and James Fullingim, Fire Chief, to Public Safety Sales Tax Oversight Committee

Participants in discussion

1. Mr. Anthony Francisco, Director of Finance

and the question being upon acknowledging receipt of the report and upon the subsequent directive, a vote was taken with the following result:

YEAS:	Councilmembers Castleberry, Gallagher, Griffith, Jungman, Kovach, Lockett, Williams, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and receipt of the report acknowledged; and the filing thereof was directed.

* * * * *

Item 15, being:

CONSIDERATION OF THE NORMAN MUNICIPAL AUTHORITY'S APPROVAL OF REQUEST FOR PROPOSAL NO. RFP-1213-84 FOR THE PURCHASE OF 95-GALLON RECYCLING CARTS FOR THE SANITATION DIVISION FROM REHRIG PACIFIC COMPANY IN THE AMOUNT OF $1,584,748.48 AND BUDGET APPROPRIATION.

Acting as the Norman Municipal Authority, Trustee Kovach moved that Request for Proposal No. RFP-1213-84 from Rehrig Pacific Company in the amount of $1,584,748.48 for the purchase of 95-gallon recycling carts for the Sanitation Division be accepted, the purchase thereof be authorized and $1,584,748.48 be appropriated from the Sanitation Fund Balance (033-0000-253.00-00) to Refuse Receptacles (033-5561-432.51-08), which motion was duly seconded by Trustee Griffith;

Items submitted for the record

1. Text File No. RFP-1213-84 dated April 29, 2013, by Mark Daniels, Utilities Engineer
2. Tabulation of Request for Proposals dated April 26, 2013, for Supply and Distribution of Recycling Carts
3. Request for Proposal No. RFP-1213-84 dated April 18, 2013, for Supply and Delivery of Curbside Recycling Carts with Attachment A, Map of NMA Weekly Recycling Routes, and Attachment B, Bid Proposal Forms and Unit Price Schedule
4. Addendum No. One to Request for Proposal No. RFP-1213-84, Supply and Delivery of Curbside Recycling Carts to All Bidders Expressing Interest in RFP-1213-84 from Mark Daniels, P.E., Utilities Engineer

Participants in discussion

1. Ms. Ann Gallagher, 1522 East Boyd Street, asked questions
2. Mr. Ken Komiske, Director of Utilities
3. Ms. Joy Hampton, The Norman Transcript, 215 East Comanche Street, asked questions

and the question being upon accepting Request for Proposal No. RFP-1213-84 from Rehrig Pacific Company in the amount of $1,584,748.48 for the purchase of 95-gallon recycling carts for the Sanitation Division and upon the subsequent authorization and appropriation, a vote was taken with the following result;

YEAS:	Trustees Castleberry, Gallagher, Griffith, Jungman, Kovach, Lockett, Williams, Chairman Rosenthal
NAYES:	None

The Chairman declared the motion carried and Request for Proposal No. RFP-1213-84 from Rehrig Pacific Company in the amount of $1,584,748.48 for the purchase of 95-gallon recycling carts for the Sanitation Division accepted; the purchase thereof was authorized and $1,584,748.48 was appropriated from the Sanitation Fund Balance (033-0000-253.00-00) to Refuse Receptacles (033-5561-432.51-08).

* * * * *

Item 16, being:

EASEMENT NO. E-1213-49: CONSIDERATION OF ACCEPTANCE OF A PERMANENT PUBLIC ROADWAY, DRAINAGE, AND UTILITY EASEMENT FROM JOHNNY M. AND PATRICIA M. TERRELL IN THE AMOUNT OF $13,129 FOR THE CEDAR LANE ROAD WIDENING PROJECT AND ADOPTION OF RESOLUTION NO. R-1213-137 APPROPRIATING FUNDS.

Councilmember Kovach moved that Easement No. E-1213-49 be accepted, the filing thereof with the Cleveland County Clerk and payment in the amount of $13,129 to Johnny M. and Patricia M. Terrell be directed, and Resolution No. R-1213-137 be adopted, which motion was duly seconded by Councilmember Griffith;

Item 16, continued:

Items submitted for the record

1. Text File No. E-1213-49 dated May 3, 2013, by John Clink, Capital Projects Engineer
2. Easement No. E-1213-49 with location map
3. Location map of Cedar Lane Road Project Right-of-Way Acquisitions
4. Cedar Lane Road Widening Project Right-of-Way Easement Table
5. Purchase Requisition No. 0000216653 dated May 6, 2013, to Johnny and Patricia Terrell in the amount of $13,129 for Easement No. E-1213-49 and $686 for Easement No. E-1213-50 for a total amount of $13,815
6. Resolution No. R-1213-137

and the question being upon accepting Easement No. E-1213-49 and upon the subsequent directives and adoption, a vote was taken with the following result:

YEAS:	Councilmembers Castleberry, Gallagher, Griffith, Jungman, Kovach, Lockett, Williams, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and Easement No. E-1213-49 accepted; the filing thereof with the Cleveland County Clerk and payment in the amount of $13,129 to Johnny M. and Patricia M. Terrell were directed, and Resolution No. R-1213-137 was adopted.

* * * * *

Item 17, being:

TEMPORARY EASEMENT NO. E-1213-50: CONSIDERATION OF ACCEPTANCE OF A TEMPORARY CONSTRUCTION EASEMENT FOR JOHNNY M. AND PATRICIA M. TERRELL IN THE AMOUNT OF $686 FOR THE CEDAR LANE ROAD WIDENING PROJECT.

Councilmember Kovach moved that Temporary Easement No. E-1213-50 be accepted and the filing thereof with the City Clerk and payment in the amount of $686 to Johnny M. and Patricia M. Terrell be directed, which motion was duly seconded by Councilmember Griffith.

Items submitted for the record

1. Text File No. E-1213-50 dated May 3, 2013, by John Clink, Capital Projects Engineer
2. Temporary Easement No. E-1213-50 with Exhibit "A", legal description and location map
3. Location map of Cedar Lane Road Project Right-of-Way Acquisitions
4. Cedar Lane Road Widening Project Right-of-Way Easement Table
5. Purchase Requisition No. 0000216653 dated May 6, 2013, to Johnny and Patricia Terrell in the amount of $13,129 for Easement No. E-1213-49 and $686 for Easement No. E-1213-50 for a total amount of $13,815

and the question being upon accepting Temporary Easement No. E-1213-50 and upon the subsequent directives, a vote was taken with the following result:

YEAS:	Councilmembers Castleberry, Gallagher, Griffith, Jungman, Kovach, Lockett, Williams, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and Temporary Easement No. E-1213-50 accepted; and the filing thereof with the Cleveland County Clerk and payment in the amount of $686 to Johnny M. and Patricia M. Terrell were directed.

* * * * *

Item 18, being:

EASEMENT NO. E-1213-51: CONSIDERATION OF ACCEPTANCE OF A PERMANENT PUBLIC ROADWAY, DRAINAGE, AND UTILITY EASEMENT FROM THE MIKE DESKIN TRUST IN THE AMOUNT OF $19,577 FOR THE CEDAR LANE ROAD WIDENING PROJECT.

Councilmember Kovach moved that Easement No. E-1213-51 be accepted and the filing thereof with the Cleveland County Clerk and payment in the amount of $19,577 to the Mike Deskin Trust be directed, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record

1. Text File No. E-1213-51 dated April 28, 2013, by Josh Malwick, Capital Projects Engineer
2. Easement No. E-1213-51 with location map
3. Location map of Cedar Lane Road Project Right-of-Way Acquisitions
4. Cedar Lane Road Widening Project Right-of-Way Easement Table
5. Purchase Requisition No. 0000216650 dated May 6, 2013, to the Mike Deskin Trust in the amount of $19,577 for Easement No. E-1213-51 and $6,423 for Easement No. E-1213-52 for a total amount of $26,000

and the question being upon accepting Easement No. E-1213-51 and upon the subsequent directives, a vote was taken with the following result:

YEAS:	Councilmembers Castleberry, Gallagher, Griffith, Jungman, Kovach, Lockett, Williams, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and Easement No. E-1213-51 accepted; and the filing thereof with the Cleveland County Clerk and payment in the amount of $19,577 to the Mike Deskin Trust were directed.

* * * * *

Item 19, being:

EASEMENT NO. E-1213-52: CONSIDERATION OF ACCEPTANCE OF A PERMANENT PUBLIC DRAINAGE EASEMENT FROM THE MIKE DESKIN TRUST IN THE AMOUNT OF $6,423 FOR THE CEDAR LANE ROAD WIDENING PROJECT.

Councilmember Kovach moved that Easement No. E-1213-52 be accepted and the filing thereof with the Cleveland County Clerk and payment in the amount of $6,423 to the Mike Deskin Trust be directed, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record

1. Text File No. E-1213-52 dated April 28, 2013, by Josh Malwick, Capital Projects Engineer
2. Easement No. E-1213-52 with Exhibit "A", legal description and location map
3. Location map of Cedar Lane Road Project Right-of-Way Acquisitions
4. Cedar Lane Road Widening Project Right-of-Way Easement Table
5. Purchase Requisition No. 0000216650 dated May 6, 2013, to Mike Deskin Trust in the amount of $19,577 for Easement No. E-1213-51 and $6,423 for Easement No. E-1213-520 for a total amount of $26,000

and the question being upon accepting Easement No. E-1213-52 and upon the subsequent directives, a vote was taken with the following result:

YEAS:	Councilmembers Castleberry, Gallagher, Griffith, Jungman, Kovach, Lockett, Williams, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and Easement No. E-1213-52 accepted; and the filing thereof with the Cleveland County Clerk and payment in the amount of $6,423 to the Mike Deskin Trust were directed.

* * * * *

Item 20, being:

EASEMENT NO. E-1213-53: CONSIDERATION OF ACCEPTANCE OF A PERMANENT PUBLIC ROADWAY, DRAINAGE, AND UTILITY EASEMENT FROM ALBERT J. AND STEVI DAWN CRAIG IN THE AMOUNT OF $7,500 FOR THE CEDAR LANE ROAD WIDENING PROJECT.

Councilmember Kovach moved that Easement No. E-1213-53 be accepted and the filing thereof with the Cleveland County Clerk and payment in the amount of $7,500 to Albert J. and Stevi Dawn Craig be directed, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record
1. Text File No. E-1213-53 dated May 3, 2013, by John Clink, Capital Projects Engineer
2. Easement No. E-1213-53 with location map
3. Location map of Cedar Lane Road Project Right-of-Way Acquisitions
4. Cedar Lane Road Widening Project Right-of-Way Easement Table
5. Purchase Requisition No. 0000216649 dated May 6, 2013, to Albert J. and Stevi Dawn Craig in the amount of $7,500

and the question being upon accepting Easement No. E-1213-53 and upon the subsequent directives, a vote was taken with the following result:

YEAS:	Councilmembers Castleberry, Gallagher, Griffith, Jungman, Kovach, Lockett, Williams, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and Easement No. E-1213-53 accepted; and the filing thereof with the Cleveland County Clerk and payment in the amount of $7,500 to Albert J. and Stevi Dawn Craig were directed.

* * * * *

Item 21, being:

TEMPORARY EASEMENT E-1213-55: CONSIDERATION OF ACCEPTANCE OF A TEMPORARY CONSTRUCTION EASEMENT FROM RICHARD L. AND MARIAN L. ICE IN THE AMOUNT OF $14 FOR THE CEDAR LANE ROAD WIDENING PROJECT.

Councilmember Kovach moved that Temporary Easement No. E-1213-55 be accepted and the filing thereof with the City Clerk and payment in the amount of $14 to Richard L. and Marian L. Ice be directed, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record
1. Text File No. E-1213-55 dated April 22, 2013, by Josh Malwick, Capital Projects Engineer
2. Temporary Easement No. E-1213-55 with location map
3. Location map of Cedar Lane Road Project Right-of-Way Acquisitions
4. Cedar Lane Road Widening Project Right-of-Way Easement Table
5. Purchase Requisition No. 0000216648 dated May 6, 2013, to Richard L. and Marian L. Ice in the amount of $14 for Temporary Easement No. E-1213-55 and $2,236 for Easement No. E-1213-56 for a total amount of $2,250

and the question being upon accepting Temporary Easement No. E-1213-55 and upon the subsequent directives, a vote was taken with the following result:

YEAS:	Councilmembers Castleberry, Gallagher, Griffith, Jungman, Kovach, Lockett, Williams, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and Temporary Easement No. E-1213-55 accepted; and the filing thereof with the City Clerk and payment in the amount of $14 to Richard L. and Marian L. Ice were directed.

* * * * *

Item 22, being:

EASEMENT NO. E-1213-56: CONSIDERATION OF ACCEPTANCE OF PERMANENT PUBLIC ROADWAY, DRAINAGE, AND UTILITY EASEMENT RICHARD L. & MARIAN L. ICE IN THE AMOUNT OF $2,236 FOR THE CEDAR LANE ROAD WIDENING PROJECT.

Councilmember Kovach moved that Easement No. E-1213-56 be accepted and the filing thereof with the Cleveland County Clerk and payment in the amount of $2,236 to Richard L. and Marian L. Ice be directed, which motion was duly seconded by Councilmember Griffith.

Items submitted for the record

1. Text File No. E-1213-56 dated April 22, 2013, by Josh Malwick, Capital Projects Engineer
2. Easement No. E-1213-56 with location map
3. Location map of Cedar Lane Road Project Right-of-Way Acquisitions
4. Cedar Lane Road Widening Project Right-of-Way Easement Table
5. Purchase Requisition No. 0000216648 dated May 6, 2013, to Richard L. and Marian L. Ice in the amount of $14 for Easement No. E-1213-55 and $2,236 for Easement No. E-1213-56 for a total amount of $2,250

and the question being upon accepting Easement No. E-1213-56 and upon the subsequent directives, a vote was taken with the following result:

YEAS:	Councilmembers Castleberry, Gallagher, Griffith, Jungman, Kovach, Lockett, Williams, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and Easement No. E-1213-56 accepted; and the filing thereof with the Cleveland County Clerk and payment in the amount of $2,236 to Richard L. and Marian L. Ice were directed.

* * * * *

Item 23, being:

EASEMENT NO. E-1213-58: CONSIDERATION OF ACCEPTANCE OF A PERMANENT PUBLIC ROADWAY, DRAINAGE, AND UTILITY EASEMENT FROM ZAINI REALTY, L.L.C., IN THE AMOUNT OF $11,950 FOR THE CEDAR LANE ROAD WIDENING PROJECT.

Councilmember Kovach moved that Easement No. E-1213-58 be accepted and the filing thereof with the Cleveland County Clerk and payment in the amount of $11,950 to Zaini Realty, L.L.C., be directed, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record

1. Text File No. E-1213-58 dated May 6, 2013, by Josh Malwick, Capital Projects Engineer
2. Easement No. E-1213-58 with location map
3. Location map of Cedar Lane Road Project Right-of-Way Acquisitions
4. Cedar Lane Road Widening Project Right-of-Way Easement Table
5. Purchase Requisition No. 0000216713 dated May 7, 2013, to Zaini Realty, L.L.C., in the amount of $11,950

and the question being upon accepting Easement No. E-1213-58 and upon the subsequent directives, a vote was taken with the following result:

YEAS:	Councilmembers Castleberry, Gallagher, Griffith, Jungman, Kovach, Lockett, Williams, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and Easement No. E-1213-58 accepted; and the filing thereof with the Cleveland County Clerk and payment in the amount of $11,950 to Zaini Realty, L.L.C., were directed.

* * * * *

Item 24, being:

EASEMENT NO. E-1213-66: CONSIDERATION OF ACCEPTANCE OF A PERMANENT PUBLIC UTILITY EASEMENT FROM DIANNA LYNN & WILLIAM BRYAN HUTZEL IN THE AMOUNT OF $2,000 FOR THE CEDAR LANE ROAD WIDENING PROJECT.

Councilmember Kovach moved that Easement No. E-1213-66 be accepted and the filing thereof with the Cleveland County Clerk and payment in the amount of $2,000 to Dianna Lynn and William Bryan Hutzel be directed, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record
1. Text File No. E-1213-66 dated April 22, 2013, by Josh Malwick, Capital Projects Engineer
2. Easement No. E-1213-66 with Exhibit "B", legal description and location map
3. Location map of Cedar Lane Road Project Right-of-Way Acquisitions
4. Cedar Lane Road Widening Project Right-of-Way Easement Table
5. Purchase Requisition No. 0000216635 dated May 6, 2013, to Dianna Lynn and William Bryan Hutzel in the amount of $2,000

and the question being upon accepting Easement No. E-1213-66 and upon the subsequent directives, a vote was taken with the following result:

YEAS:	Councilmembers Castleberry, Gallagher, Griffith, Jungman, Kovach, Lockett, Williams, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and Easement No. E-1213-66 accepted; and the filing thereof with the Cleveland County Clerk and payment in the amount of $2,000 to Dianna Lynn and William Bryant Hutzel were directed.

* * * * *

Item 25, being:

TEMPORARY EASEMENT NO. E-1213-69: CONSIDERATION OF ACCEPTANCE OF A TEMPORARY CONSTRUCTION EASEMENT FROM MARK AND V. DENISE FUCHS IN THE AMOUNT OF $500 FOR THE CEDAR LANE ROAD WIDENING PROJECT.

Councilmember Kovach moved that Temporary Easement No. E-1213-69 be accepted and the filing thereof with the City Clerk and payment in the amount of $500 to Mark and V. Denise Fuchs be directed, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record
1. Text File No. E-1213-69 dated April 22, 2013, by Josh Malwick, Capital Projects Engineer
2. Temporary Easement No. E-1213-69 with Exhibit "A", legal description and location map
3. Location map of Cedar Lane Road Project Right-of-Way Acquisitions
4. Cedar Lane Road Widening Project Right-of-Way Easement Table
5. Purchase Requisition No. 0000216605 dated May 6, 2013, to Mark and V. Denise Fuchs in the amount of $500

and the question being upon accepting Temporary Easement No. E-1213-69 and upon the subsequent directives, a vote was taken with the following result:

YEAS:	Councilmembers Castleberry, Gallagher, Griffith, Jungman, Kovach, Lockett, Williams, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and Temporary Easement No. E-1213-69 accepted; and the filing thereof with the City Clerk and payment in the amount of $500 to Mark and V. Denise Fuchs were directed.

* * * * *

Item 26, being:

EASEMENT NO. E-1213-74: CONSIDERATION OF ACCEPTANCE OF A PERMANENT ROADWAY, DRAINAGE, AND UTILITY EASEMENT FROM THOMPSON DEVELOPMENT COMPANY IN THE AMOUNT OF $39,200 FOR THE FRANKLIN ROAD BRIDGE REPLACEMENT PROJECT AND BUDGET APPROPRIATION.

Councilmember Kovach moved that Easement No. E-1213-74 be accepted and the filing thereof with the Cleveland County Clerk and payment in the amount of $39,200 to Thompson Development Company be directed, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record
1. Text File No. E-1213-74 dated April 26, 2013, by John Clink, Capital Projects Engineer, with Attachment A, Easement Details
2. Easement No. E-1213-74 with Exhibit A, legal description
3. Location map

and the question being upon accepting Easement No. E-1213-74 and upon the subsequent directives, a vote was taken with the following result:

YEAS:	Councilmembers Castleberry, Gallagher, Griffith, Jungman, Kovach, Lockett, Williams, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and Easement No. E-1213-74 accepted; and the filing thereof with the Cleveland County Clerk and payment in the amount of $39,200 to Thompson Development Company were directed.

* * * * *

Item 27, being:

EASEMENT NO. E-1213-75: CONSIDERATION OF ACCEPTANCE OF A PERMANENT PUBLIC DRAINAGE EASEMENT FROM THOMPSON DEVELOPMENT COMPANY IN THE AMOUNT OF $800 FOR THE FRANKLIN ROAD BRIDGE REPLACEMENT PROJECT.

Councilmember Kovach moved that Easement No. E-1213-75 be accepted and the filing thereof with the Cleveland County Clerk and payment in the amount of $800 to Thompson Development Company be directed, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record
1. Text File No. E-1213-75 dated April 26, 2013, by John Clink, Capital Projects Engineer, with Attachment A, Easement Details
2. Easement No. E-1213-75 with Exhibit A, legal description
3. Location map

and the question being upon accepting Easement No. E-1213-75 and upon the subsequent directives, a vote was taken with the following result:

YEAS:	Councilmembers Castleberry, Gallagher, Griffith, Jungman, Kovach, Lockett, Williams, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and Easement No. E-1213-75 accepted; and the filing thereof with the Cleveland County Clerk and payment in the amount of $800 to Thompson Development Company were directed.

* * * * *

Item 28, being:

CONSIDERATION OF NORMAN RURAL CERTIFICATE OF SURVEY NO. COS-1213-6 FOR BRUCKER FARMS WITH A VARIANCE IN THE MINIMUM ACREAGE REQUIREMENTS FOR LOTS 1 AND 2 AND ACCEPTANCE OF EASEMENT NO. E-1213-76. (GENERALLY LOCATED AT THE NORTHEAST CORNER OF EAST FRANKLIN ROAD AND 175TH AVENUE N.E.)

Councilmember Kovach moved that Norman Rural Certificate of Survey No. COS-1213-6 for Brucker Farms with a variance in the minimum acreage requirements for Lots 1 and 2 be approved, Easement No. E-1213-76 be accepted, and the filing of the certificate of survey and easement with the Cleveland County Clerk be directed, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record
1. Text File No. COS-1213-6 dated March 14, 2013, from Ken Danner, Subdivision Manager
2. Location map
3. Norman Rural Certificate of Survey No. COS-1213-6
4. Staff Report dated April 11, 2013, recommending approval
5. Letter of explanation dated April 4, 2013, from Ross Morris, P.E., Morris Engineering and Surveying, to City of Norman
6. Easement No. E-1213-76
7. Pertinent excerpts from Planning Commission minutes of April 11, 2013

and the question being upon approving Norman Rural Certificate of Survey No. COS-1213-6 for Brucker Farms with a variance in the minimum acreage requirements for Lots 1 and 2 and upon the subsequent acceptance and directive, a vote was taken with the following result:

YEAS:	Councilmembers Castleberry, Gallagher, Griffith, Jungman, Kovach, Lockett, Williams, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and Norman Rural Certificate of Survey No. COS-1213-6 for Brucker Farms with a variance in the minimum acreage requirements for Lots 1 and 2 approved; Easement No. E-1213-76 was accepted and the filing thereof with the Cleveland County Clerk was directed.

* * * * *

Item 29, being:

CONSIDERATION OF A FINAL PLAT FOR CARRINGTON PLACE ADDITION, SECTION 12, AND ACCEPTANCE OF PUBLIC DEDICATIONS CONTAINED THEREIN. (GENERALLY LOCATED ONE-FOURTH MILE SOUTH OF WEST FRANKLIN ROAD AND ONE-HALF MILE WEST OF 36TH AVENUE N.W.)

Councilmember Kovach moved that the final plat for Carrington Place Addition, Section 12, be approved, the public dedications contained within the plat be accepted, the Mayor be authorized to sign the final plat and subdivision and maintenance bonds subject to the City Development Committee's acceptance of all required public improvements and receipt of a warranty deed for park land dedication requirements and traffic impact fees in the amount of $1,761.85; and the filing of the final plat be directed, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record
1. Text File No. FP-1213-11 dated September 11, 2012, by Ken Danner, Subdivision Manager
2. Location map
3. Final plat
4. Staff Report dated October 11, 2012, recommending approval
5. Revised preliminary plat
6. Pertinent excerpts from Planning Commission minutes of October 11, 2012

Item 29, continued:

and the question being upon approving the final plat for Carrington Place Addition, Section 12, and upon the subsequent acceptance, authorization, and directive, a vote was taken with the following result:

YEAS:	Councilmembers Castleberry, Gallagher, Griffith, Jungman, Kovach, Lockett, Williams, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and the final plat for Carrington Place Addition, Section 12, approved; the public dedications contained within the plat were accepted, the Mayor was authorized to sign the final plat and subdivision and maintenance bonds subject to the City Development Committee's acceptance of all required public improvements and receipt of a warranty deed for park land dedication requirements and traffic impact fees in the amount of $1,761.85, and the filing of the final plat was directed.

* * * * *

Item 30, being:

CONSIDERATION OF A FINAL SITE DEVELOPMENT PLAN AND FINAL PLAT FOR TRAILWOODS ADDITION, SECTION 7, A PLANNED UNIT DEVELOPMENT AND ACCEPTANCE OF PUBLIC DEDICATIONS CONTAINED THEREIN. (GENERALLY LOCATED ONE-FOURTH MILE NORTH OF WEST ROCK CREEK ROAD AND ONE-FOURTH MILE EAST OF 12TH AVENUE N.W.)

Councilmember Kovach moved that the final site development plan and final plat for Trailwoods Addition, Section 7, a Planned Unit Development, be approved; the public dedications contained within the plat be accepted; the Mayor be authorized to sign the final plat and subdivision and maintenance bonds subject to completion and the City Development Committee's acceptance of all public improvements and receipt of a filed copy of a warranty deed for private park land and $18,599 for traffic impact fees; and the filing of the final site development plan and final plat be directed, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record

1. Text File No. FP-1213-12 dated September 11, 2012, by Ken Danner, Subdivision Manager
2. Location map
3. Final plat
4. Staff Report dated January 10, 2013, recommending approval
5. Preliminary plat
6. Pertinent excerpts from Planning Commission minutes of January 10, 2013

and the question being upon approving the final site development plan and final plat for Trailwoods Addition, Section 7, a Planned Unit Development, and upon the subsequent acceptance, authorization, and directive, a vote was taken with the following result:

YEAS:	Councilmembers Castleberry, Gallagher, Griffith, Jungman, Kovach, Lockett, Williams, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and the final site development plan and final plat for Trailwoods Addition, Section 7, a Planned Unit Development, approved; the public dedications contained within the plat were accepted, the Mayor was authorized to sign the final plat and subdivision and maintenance bonds subject to completion and the City Development Committee's acceptance of all public improvements and receipt of a filed copy of a warranty deed for private park land and $18,599 for traffic impact fees, and the filing of the final site development plan and final plat was directed.

* * * * *

Item 31, being:

CONSIDERATION OF A FINAL PLAT FOR SWITZER'S LOCKER ROOM EXPANSION ADDITION AND ACCEPTANCE OF PUBLIC DEDICATIONS CONTAINED THEREIN. (GENERALLY LOCATED ON THE WEST SIDE OF CLASSEN BOULEVARD APPROXIMATELY ONE-FOURTH MILE NORTH OF CEDAR LANE)

Councilmember Kovach moved that the final plat for Switzer's Locker Room Expansion Addition be approved; the public dedications contained within the plat be accepted; the Mayor be authorized to sign the final plat and subdivision and maintenance bonds subject to completion and the City Development Committee's acceptance of all required public improvements and receipt of traffic impact fees in the amount of $1,074.78 and a fee in lieu of storm water detention in the amount of $9,318.63; and the filing of the final plat be directed, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record
1. Text File No. FP-1213-30 dated March 13, 2013, by Ken Danner, Subdivision Manager
2. Location map
3. Staff Report dated April 11, 2013, recommending approval
4. Final plat
5. Final site plan
6. Preliminary plat
7. Pertinent excerpts from Planning Commission minutes of April 11, 2013

and the question being upon approving the final plat for Switzer's Locker Room Expansion Addition and upon the subsequent acceptance, authorization, and directive, a vote was taken with the following result:

YEAS:	Councilmembers Castleberry, Gallagher, Griffith, Jungman, Kovach, Lockett, Williams, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and the final plat for Switzer's Locker Room Expansion Addition approved; the public dedications contained within the plat were accepted, the Mayor was authorized to sign the final plat and subdivision and maintenance bonds subject to completion and the City Development Committee's acceptance of all required public improvements and receipt of traffic impact fees in the amount of $1,074.78 and a fee in lieu of storm water detention in the amount of $9,318.63, and the filing of the final plat was directed.

* * * * *

Item 32, being:

DECLARATION OF SURPLUS AND/OR OBSOLETE EQUIPMENT AND MATERIALS AND AUTHORIZING THE SALE THEREOF.

Councilmember Kovach moved that equipment to be surplus and/or obsolete be declared and the sale thereof be authorized, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record
1. Text File No. GID-1213-79 dated April 26, 2013, by Fred Duke, Procurement Analyst
2. Inventory of Goods to be Auctioned

and the question being upon declaring equipment to be surplus and/or obsolete and upon the subsequent authorization, a vote was taken with the following result:

YEAS:	Councilmembers Castleberry, Gallagher, Griffith, Jungman, Kovach, Lockett, Williams, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and equipment to be surplus and/or obsolete declared; and the sale thereof was authorized.

* * * * *

Item 33, being:

LIMITED LICENSE NO. LL-1213-11: LIMITED LICENSE TO PLACE FOUR (4) GROUND BANNERS WITHIN THE PUBLIC RIGHTS-OF-WAY PURSUANT TO A REQUEST FROM THE FIREHOUSE ART CENTER FOR "LUNCHEON ON THE GRASS" TO BE HELD AT LIONS PARK ON JUNE 2, 2013.

Councilmember Kovach moved that Limited License No. LL-1213-11 to place four (4) ground banners within the public rights-of-way pursuant to a request from the Firehouse Art Center be approved and the issuance thereof be authorized, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record
1. Text File No. LL-1213-11 dated April 25, 2013, by Wayne Stenis, Planner II
2. Application for Limited License for four ground banners from the Firehouse Art Center
3. Limited License No. LL-1213-11

and the question being upon approving Limited License No. LL-1213-11 to place four (4) ground banners within the public rights-of-way pursuant to a request from the Firehouse Art Center and upon the subsequent authorization, a vote was taken with the following result:

YEAS:	Councilmembers Castleberry, Gallagher, Griffith, Jungman, Kovach, Lockett, Williams, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and Limited License No. LL-1213-11 to place four (4) ground banners within the public rights-of-way pursuant to a request from the Firehouse Art Center approved; and the issuance thereof was authorized.

* * * * *

Item 34, being:

CHANGE ORDER NO. ONE TO CONTRACT NO. K-1213-129: BY AND BETWEEN THE NORMAN UTILITIES AUTHORITY AND BRB CONTRACTORS, INC., EXTENDING THE CONTRACT BY 64 CALENDAR DAYS, FOR THE RAW WATER LINE PROJECT, PHASE 1, (VAULTS).

Acting as the Norman Utilities Authority, Trustee Kovach moved that Change Order No. One to Contract No. K-1213-129 with BRB Contractors, Inc., extending the contract by 64 calendar days be approved and the execution thereof be authorized, which motion was duly seconded by Trustee Griffith;

Items submitted for the record
1. Text File No. K-1213-129, Change Order No. One, dated April 30, 2013, by Chris Mattingly, Water Treatment Plant Superintendent
2. Change Order No. One to Contract No. K-1213-129

and the question being upon approving Change Order No. One to Contract No. K-1213-129 with BRB Contractors, Inc., extending the contract by 64 calendar days and upon the subsequent authorization, a vote was taken with the following result:

YEAS:	Trustees Castleberry, Gallagher, Griffith, Jungman, Kovach, Lockett, Williams, Chairman Rosenthal
NAYES:	None

The Chairman declared the motion carried and Change Order No. One to Contract No. K-1213-129 with BRB Contractors, Inc., extending the contract by 64 calendar days approved; and the execution thereof was authorized.

* * * * *

Item 35, being:

CONTRACT NO. K-1213-189: A MAINTENANCE AGREEMENT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND THE OKLAHOMA DEPARTMENT OF TRANSPORTATION (ODOT) FOR FEDERAL-AID PROJECT NO. STPG-214A(020)AG, STATE JOB NO. 29291(04) FOR THE TRAFFIC SIGNAL INTERCONNECT UPGRADE PROJECT AND RESOLUTION NO. R-1213-128.

Councilmember Kovach moved that Contract No. K-1213-189 with ODOT be approved, Resolution No. R-1213-128 be adopted, and the execution of the contract and resolution be authorized, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record
1. Text File No. K-1213-189 dated April 29, 2013, by Angelo Lombardo, Transportation Engineer
2. Contract No. K-1213-189
3. Resolution No. R-1213-128
4. Location map

and the question being upon approving Contract No. K-1213-189 with ODOT and upon the subsequent adoption and authorization, a vote was taken with the following result:

YEAS:	Councilmembers Castleberry, Gallagher, Griffith, Jungman, Kovach, Lockett, Williams, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and Contract No. K-1213-189 with ODOT approved; Resolution No. R-1213-128 was adopted and the execution of the contract and resolution was authorized.

* * * * *

Item 36, being:

CONTRACT NO. K-1213-192: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND THE ASSOCIATION OF CENTRAL OKLAHOMA GOVERNMENTS (ACOG) TO PROVIDE FUNDING IN THE AMOUNT OF $10,000 AS A PART OF THE UNIFIED PLANNING WORKS PROGRAM (UPWP) FOR THE COLLECTION OF TRAFFIC DATA AND THE PREPARATION OF TRAVEL TIME/DELAY STUDIES AND BUDGET APPROPRIATION.

Councilmember Kovach moved that Contract No. K-1213-192 with ACOG to provide funding in the amount of $10,000 as part of the UPWP Program be approved; the execution thereof be authorized; upon reimbursement of the funds, the Special Revenue Fund Balance (022-0000-253.20-00) be increased by $10,000; and $10,000 be appropriated to Maintenance Supplies/Traffic Signal Parts (022-5023-429.32-12), which motion was duly seconded by Councilmember Griffith;

Items submitted for the record
1. Text File No. K-1213-192 dated April 29, 2013, by Angelo Lombardo, Transportation Engineer
2. Contract No. K-1213-192 with Exhibit A, Federal-Aid Eligibility Certification; Exhibit B, Addendum to Form FHWA-1273, Required Contract Provisions; Exhibit C, Nondiscrimination of Employees; Exhibit D, Oklahoma Department of Transportation, Disadvantaged Business/Women's Business Enterprises Policy Statement; and Exhibit E, Certification for Federal-Aid Contracts

and the question being upon approving Contract No. K-1213-192 with ACOG to provide funding in the amount of $10,000 as part of the UPWP Program and upon the subsequent authorization and appropriation, a vote was taken with the following result:

YEAS:	Councilmembers Castleberry, Gallagher, Griffith, Jungman, Kovach, Lockett, Williams, Mayor Rosenthal
NAYES:	None

Item 36, continued:

The Mayor declared the motion carried and Contract No. K-1213-192 with ACOG to provide funding in the amount of $10,000 as part of the UPWP Program approved; the execution of the contract was authorized, upon reimbursement of the funds, the Special Revenue Fund Balance (022-0000-253.20-00) will be increased by $10,000, and $10,000 will be appropriated to Maintenance Supplies/Traffic Signal Parts (022-5023-429.32-12).

* * * * *

Item 37, being:

RESOLUTION NO. R-1213-122: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AUTHORIZING COMPROMISE SETTLEMENT OF THE CLAIM FILED BY MATTHEW R. BRADSHAW UNDER THE PROVISIONS OF THE WORKERS' COMPENSATION STATUTES OF THE STATE OF OKLAHOMA IN THE CASE OF MATTHEW R. BRADSHAW V. THE CITY OF NORMAN, WORKERS' COMPENSATION CASE NO. WCC-2012-07472 J; DIRECTING THE LEGAL DEPARTMENT TO THEN FILE SUCH SETTLEMENT AND ALL ATTENDANT COSTS IN THE WORKERS' COMPENSATION COURT, OKLAHOMA CITY, OKLAHOMA; AND AUTHORIZING AND DIRECTING THE FINANCE DIRECTOR TO SUBSEQUENTLY PURCHASE SUCH WORKERS' COMPENSATION COURT JUDGMENT FROM THE RISK MANAGEMENT INSURANCE FUND.

Councilmember Kovach moved that Resolution No. R-1213-122 be adopted and payment of claims in the amount of $34,754.80 which will constitute judgment against the City of Norman be directed, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record

1. Text File No. R-1213-122 dated May 14, 2013, by Jeanne Snider, Assistant City Attorney
2. Resolution No. R-1213-122
3. Purchase Requisition No. 0000216053 dated April 23, 2013, in the amount of $34,754.80 to Matthew Bradshaw and Woodson and Goodwin
4. Purchase Requisition No. 0000216061 dated April 23, 2013, in the amount of $695.10 to Workers Compensation Administrative Fund
5. Purchase Requisition No. 0000216064 dated April 23, 2013, in the amount of $260.66 to Special Occupational Health and Safety Fund
6. Purchase Requisition No. 0000216068 dated April 23, 2013, in the amount of $140 to Workers' Compensation Court Clerk
7. Purchase Requisition No. 0000216070 dated April 23, 2013, in the amount of $125.70 to Cleveland County District Court Clerk

and the question being upon adopting Resolution No. R-1213-122 and upon the subsequent directive, as vote was taken with the following result:

YEAS:	Councilmembers Castleberry, Gallagher, Griffith, Jungman, Kovach, Lockett, Williams, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and Resolution No. R-1213-122 adopted; and payment of claims in the amount of $34,754.80 which will constitute judgment against the City of Norman was directed.

* * * * *

Item 38, being:

RESOLUTION NO. R-1213-130: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AUTHORIZING COMPROMISE SETTLEMENT OF THE CLAIM FILED BY JUSTIN BURRIGHT UNDER THE PROVISIONS OF THE WORKERS' COMPENSATION STATUTES OF THE STATE OF OKLAHOMA IN THE CASE OF JUSTIN BURRIGHT V. THE CITY OF NORMAN, WORKERS' COMPENSATION CASE NO. WCC 2012-14093Y; DIRECTING THE LEGAL DEPARTMENT TO THEN FILE SUCH SETTLEMENT AND ALL ATTENDANT COSTS IN THE WORKERS' COMPENSATION COURT, OKLAHOMA CITY, OKLAHOMA; AND AUTHORIZING AND DIRECTING THE FINANCE DIRECTOR TO SUBSEQUENTLY PURCHASE SUCH WORKERS' COMPENSATION COURT JUDGMENT FROM THE RISK MANAGEMENT INSURANCE FUND.

Councilmember Kovach moved that Resolution No. R-1213-130 be adopted and payment of claims in the amount of $35,976.26 which will constitute judgment against the City of Norman be directed, which motion was duly seconded by Councilmember Griffith;

Item 38, continued:

Items submitted for the record

1. Text File No. R-1213-130 dated May 7, 2013, by Jeanne Snider, Assistant City Attorney
2. Resolution No. R-1213-130
3. Purchase Requisition No. 0000216738 dated May 7, 2013, in the amount of $39,576.50 to Justin Burright and Laura Shaeffer
4. Purchase Requisition No. 0000216739 dated May 7, 2013, in the amount of $791.53 to Workers Compensation Administrative Fund
5. Purchase Requisition No. 0000216740 dated May 7, 2013, in the amount of $296.82 to Special Occupational Health and Safety Fund
6. Purchase Requisition No. 0000216741 dated May 7, 2013, in the amount of $140 to Workers' Compensation Court Clerk
7. Purchase Requisition No. 0000216742 dated May 7, 2013, in the amount of $125.70 to Cleveland County District Court Clerk

and the question being upon adopting Resolution No. R-1213-130 and upon the subsequent directive, as vote was taken with the following result:

YEAS:	Councilmembers Castleberry, Gallagher, Griffith, Jungman, Kovach, Lockett, Williams, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and Resolution No. R-1213-130 adopted; and payment of claims in the amount of $35,976.26 which will constitute judgment against the City of Norman was directed.

* * * * *

Item 39, being:

RESOLUTION NO. R-1213-131: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AUTHORIZING COMPROMISE SETTLEMENT OF THE CLAIM FILED BY DON BLAKE UNDER THE PROVISIONS OF THE WORKERS' COMPENSATION STATUTES OF THE STATE OF OKLAHOMA IN THE CASE OF DON BLAKE V. THE CITY OF NORMAN, WORKERS' COMPENSATION CASE NO. WCC 2010-01945A; DIRECTING THE LEGAL DEPARTMENT TO THEN FILE SUCH SETTLEMENT AND ALL ATTENDANT COSTS IN THE WORKERS' COMPENSATION COURT, OKLAHOMA CITY, OKLAHOMA; AND AUTHORIZING AND DIRECTING THE FINANCE DIRECTOR TO SUBSEQUENTLY PURCHASE SUCH WORKERS' COMPENSATION COURT JUDGMENT FROM THE RISK MANAGEMENT INSURANCE FUND.

Councilmember Kovach moved that Resolution No. R-1213-131 be adopted and payment of claims in the amount of $107,250 which will constitute judgment against the City of Norman be directed, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record

1. Text File No. R-1213-131 dated May 7, 2013, by Jeanne Snider, Assistant City Attorney
2. Resolution No. R-1213-131
3. Purchase Requisition No. 0000216743 dated May 7, 2013, in the amount of $107,250 to Donald Blake
4. Purchase Requisition No. 0000216744 dated May 7, 2013, in the amount of $1,156 to Workers Compensation Administrative Fund
5. Purchase Requisition No. 0000216745 dated May 7, 2013, in the amount of $433.50 to Special Occupational Health and Safety Fund
6. Purchase Requisition No. 0000216746 dated May 7, 2013, in the amount of $140 to Workers' Compensation Court Clerk
7. Purchase Requisition No. 0000216747 dated May 7, 2013, in the amount of $125.70 to Cleveland County District Court Clerk

Item 39, continued:

and the question being upon adopting Resolution No. R-1213-131 and upon the subsequent directive, as vote was taken with the following result:

YEAS:	Councilmembers Castleberry, Gallagher, Griffith, Jungman, Kovach, Lockett, Williams, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and Resolution No. R-1213-131 adopted; and payment of claims in the amount of $107,250 which will constitute judgment against the City of Norman was directed.

* * * * *

Item 40, being:

RESOLUTION NO. R-1213-132: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, APPROPRIATING $500 FROM THE GENERAL FUND BALANCE RECEIVED THROUGH DONATIONS TO PAY EXPENSES FOR THE COMPREHENSIVE TRANSPORTATION PLAN CITIZEN SUBCOMMITTEE MEETINGS.

Councilmember Kovach moved that Resolution No. R-1213-132 be adopted, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record

1. Text File No. R-1213-132 dated May 6, 2013, by Shawn O'Leary, Director of Public Works
2. Invoice dated February 13, 2013, from the City of Norman to Tom Sherman, Fowler Holding Company, in the amount of $100
3. Invoice dated February 20, 2013, from the City of Norman to Robin Allen, Chamber of Commerce, in the amount of $100
4. Invoice dated February 20, 2013, from the City of Norman to Chuck Thompson, Republic Bank and Trust, in the amount of $100
5. Invoice dated February 20, 2013, from the City of Norman to Doug Myers, CART/Cart Access in the amount of $100
6. Invoice dated February 20, 2013, from the City of Norman to Harold Heiple, Heiple Law Offices, in the amount of $100
7. Resolution No. R-1213-132

and the question being upon adopting Resolution No. R-1213-132, a vote was taken with the following result:

YEAS:	Councilmembers Castleberry, Gallagher, Griffith, Jungman, Kovach, Lockett, Williams, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and Resolution No. R-1213-132 was adopted.

* * * * *

Item 41, being:

RESOLUTION NO. R-1112-129: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING THE NORMAN 2025 LAND USE AND TRANSPORTATION PLAN, **LAND USE PLAN AMENDMENT NO. LUP-1112-6**, SO AS TO PLACE PART OF THE NORTHWEST QUARTER OF SECTION 31, TOWNSHIP 9 NORTH, RANGE 2 WEST OF THE INDIAN MERIDIAN, NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN THE COMMERCIAL DESIGNATION AND REMOVE THE SAME FROM THE HIGH DENSITY RESIDENTIAL DESIGNATION AND OFFICE DESIGNATION. (LOCATED AT 612 ASP AVENUE, 421-427 BUCHANAN AVENUE, 710 ASP AVENUE, AND THE ADJACENT LOT TO THE SOUTH)

Resolution No. R-1112-129 having been postponed in City Council's meeting of November 13, 2012, until January 8, 2013, having been further postponed in City Council's meeting of November 13, 2012, January 8, 2013, February 12, 2013, and April 9, 2013, Councilmember Kovach moved that Resolution No. R-1112-129 be postponed until June 11, 2013, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record

1. Text File No. R-1112-129 dated April 17, 2012, by Jane Hudson, Principal Planner
2. Resolution No. R-1112-129, Land Use Plan Amendment No. LUP-1112-6
3. Location map
4. Staff Report dated September 13, 2012, recommending approval
5. Predevelopment Summary Case No. PD-12-27 dated July 26, 2012, for Mark Risser/B-3 Development Group located at 612 and 710 Asp and 421-427 Buchanan Avenue
6. Predevelopment Summary Case No. PD-12-17 dated April 26, 2012, for B-3 Development Group located on the west side of Asp Avenue just south of the Duffy Street and Asp Avenue intersection
7. Predevelopment Summary Case No. PD-12-09 dated March 22, 2012, for Mark Risser located at 710 Asp Avenue
8. Pertinent excerpts from Planning Commission minutes of July 12, August 9, and September 13, 2012
9. Letter requesting postponement dated April 3, 2013, from Sean Paul Rieger, Attorney at Law, Architect, Broker, to City of Norman City Council
10. Letter requesting postponement dated February 4, 2013, from Sean Paul Rieger, Attorney at Law, Architect, Broker, to City of Norman City Council
11. Letter requesting postponement dated December 19, 2012 from Sean Paul Rieger, Attorney at Law, Architect, Broker, to City of Norman City Council
12. Letter requesting postponement dated November 7, 2012 from Sean Paul Rieger, Attorney at Law, Architect, Broker, to City of Norman City Council
13. Letter requesting postponement dated May 14, 2013 from Sean Paul Rieger, Attorney at Law, Architect, Broker, to City of Norman City Council

and the question being upon postponing Resolution No. R-1112-129 until June 11, 2013, a vote was taken with the following result:

YEAS:	Councilmembers Castleberry, Gallagher, Griffith, Jungman, Kovach, Lockett, Williams, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and Resolution No. R-1112-129 was postponed until June 11, 2013.

* * * * *

Item 42, being:

ORDINANCE NO. O-1112-38 UPON SECOND AND FINAL READING: 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 PART OF THE NORTHWEST QUARTER OF SECTION 31, TOWNSHIP 9 NORTH, RANGE 2 WEST OF THE INDIAN MERIDIAN, NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN THE C-3, INTENSIVE COMMERCIAL DISTRICT WITH SPECIAL USE FOR A MIXED BUILDING, AND REMOVE THE SAME FROM THE C-1, LOCAL COMMERCIAL DISTRICT, CO, SUBURBAN OFFICE COMMERCIAL DISTRICT, AND R-3, MULTI-FAMILY DWELLING DISTRICT, OF SAID CITY; AND PROVIDING FOR THE SEVERABILITY THEREOF. (LOCATED AT 612 ASP AVENUE, 421-427 BUCHANAN AVENUE, 710 ASP AVENUE, AND THE ADJACENT LOT TO THE SOUTH)

Ordinance No. O-1112-38 having been Introduced and adopted upon First Reading by title in City Council's meeting of October 23, 2012; and Ordinance No. O-1112-38 having been postponed in City Council's meeting of November 13, 2012, January 8, 2013, February 12, 2013; and April 9, 2013, Councilmember Kovach moved that Ordinance No. O-1112-38 be postponed until June 11, 2013, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record

1. Text File No. O-1112-38 dated April 17, 2012, by Jane Hudson, Principal Planner
2. Notification of Developer of Record dated May 7, 2013, from Mark Risser to Planning Department, City of Norman
3. Ordinance No. O-1112-38
4. Location map
5. Schematic Design of Campus Corner Project developed by NE Development Group
6. Traffic Impact Study, March, 2013, 710 Asp Avenue prepared for B3 Development Group by B.J. Hawkins, P.E., Traffic Engineering Consultants, Inc.
7. Higher-Density Development, Myth and Fact, prepared by National Multi-Housing Council, Sierra Club, American Institute of Architects, and Urban Land Institute
8. Staff Report dated September 13, 2012, with no recommendation
9. Memorandum dated August 9, 2012, from Susan Connors, Director of Planning and Community Development, to Norman Planning Commission
10. Letter requesting postponement dated April 3, 2013, from Sean Paul Rieger, Attorney at Law, Architect, Broker, to City of Norman City Council
11. Letter requesting postponement dated February 4, 2013, from Sean Paul Rieger, Attorney at Law, Architect, Broker, to City of Norman City Council
12. Letter requesting postponement dated December 19, 2012 from Sean Paul Rieger, Attorney at Law, Architect, Broker, to City of Norman City Council
13. Letter requesting postponement dated November 7, 2012 from Sean Paul Rieger, Attorney at Law, Architect, Broker, to City of Norman City Council
14. Letter requesting postponement dated May 14, 2012 from Sean Paul Rieger, Attorney at Law, Architect, Broker, to City of Norman City Council
15. City of Norman Review Comments for 710 Asp Avenue Traffic Impact Study dated May 9, 2013, from David Riesland, City Traffic Engineer, to Mr. B.J. Hawkins, Traffic Engineering Consultants, Inc.

and the question being upon postponing Ordinance No. O-1112-38 until June 11, 2013, a vote was taken with the following result:

YEAS:	Councilmembers Castleberry, Gallagher, Griffith, Jungman, Kovach, Lockett, Spaulding, Williams, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and Ordinance No. O-1112-38 was postponed until June 11, 2013.

Item 43, being:

CONSIDERATION OF ORDINANCE NO. O-1213-43 UPON SECOND AND FINAL READING: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING ARTICLE V, CHAPTER 20 OF THE CODE OF THE CITY OF NORMAN BY AMENDING SECTION 20-541 WHICH CLARIFIES WHERE U-TURNS ARE ALLOWED; AND PROVIDING FOR THE SEVERABILITY THEREOF.

Ordinance No. O-1213-43 having been Introduced and adopted upon First Reading by title in City Council's meeting of April 23, 2013, Councilmember Kovach moved that Ordinance No. O-1213-43 be adopted upon Second Reading section by section, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record
1. Text File No. O-1213-43 dated April 3, 2013, by Angelo Lombardo, Transportation Engineer
2. Ordinance No. O-1213-43
3. Legislatively notated copy of Ordinance No. O-1213-43

Participants in discussion
1. Mr. Angelo Lombardo, Transportation Engineer

and the question being upon adopting Ordinance No. O-1213-43 upon Second Reading section by section, a vote was taken with the following result:

YEAS:	Councilmembers Castleberry, Gallagher, Griffith, Jungman, Kovach, Lockett, Williams, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and Ordinance No. O-1213-43 was adopted upon Second Reading section by section.

Thereupon, Councilmember Kovach moved that Ordinance No. O-1213-43 be adopted upon Final Reading as a whole, which motion was duly seconded by Councilmember Griffith; and the question being upon adopting Ordinance No. O-1213-43 upon Final Reading as a whole, the roll was called with the following result:

YEAS:	Councilmembers Castleberry, Gallagher, Griffith, Jungman, Kovach, Lockett, Williams, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and Ordinance No. O-1213-43 was adopted upon Final Reading as a whole.

* * * * *

MISCELLANEOUS DISCUSSION

Postponement of Items 41 and 42 Ms. Jayne Crumpley, 423 Elm Avenue, said Items 41 and 42 had been postponed a number of times and asked what the limit was for postponements. She said it was her understanding that only one notice goes out to property owners within the notification area and even though projects are postponed, no further notice is given. She said this did not seem right and she did not know if this notice gives the property owner any information about calling to make sure an item was not postponed and what steps are to be taken. She said this was not a fair or sufficient notice especially with no follow-up.

Mr. Ed Kessler, 1510 Rosemont Drive, said he would like to understand a little better why these items are proposed and then postponed. He asked if the items that were postponed tonight were proposed for a high-rise building. He asked why Council accepts these postponements and why there is no discussion.

Ms. Mary Francis, 850C Cardinal Creek Condos, said this is the fifth postponement for these items and people are getting tired of coming to the meetings each month to defend their homes and neighborhoods. She urged Council to deny this proposal and make the applicant wait until the new ordinance is in place.

Miscellaneous Discussion, continued:

Postponement of Items 41 and 42, continued
Mr. Scott Williams, 614 South Lahoma Avenue, said he would be unable to attend the June 11th, City Council meeting and wanted to voice his support of this project and for further high-density proposals for the Norman Core Area. He said the Campus Corner proposal looks to be architecturally well designed, well-located for livability, and well-scaled for the proposed location and the adjacent neighborhoods. He said he lives in the Chautauqua Historical District in Ward Four and is pro-preservation, pro-neighborhood, and pro-historic substance. He teaches Architecture and Landscape Architecture at the University of Oklahoma and moved into the Norman Core Area so that he could walk and bike to work, shop, and to attend entertainment venues. He felt that high-density in a core area neighborhood enhances the livability, vibrancy, and viability of the City. He said the Campus Corner proposal would be a great economic and residential boost for the area and the project has all the amenities or pluses that a resident would want and the architects and planners were very sensitive to all of the concerns. This was not just a single high-rise, but nicely scaled, fronts the streets and sidewalks, and has covered off-street parking with ground floor street-front commercial use with upper story living. He believed it would attract a higher income type of resident and will upgrade the area, He said he attended a meeting on May 13, 2013, and it was spoken that there was a consensus that people do not want this project in that area. He said he is not part of this consensus.

Mayor Rosenthal said Items 41 and 42. a proposal for construction of a five-story building, were postponed at the request of the applicant. She said it was a long-standing practice of City Council to allow applicants to control when their proposal will come before City Council. She sympathized with the frustration of many who have come to meetings on multiple occasions to find out the item in question would be postponed and agreed it was extremely frustrating. She said she would be asking Council to revisit this practice in the future to decide the appropriate policy for postponements. She supported the motion to postpone because that is the tradition and if the practice is going to be changed, it should be deliberated.

*

Norman Music Festival. Mr. Bobby Stevens, Post Office Box 6226, thanked everyone for coming to the Norman Music Festival which had been a great success. He said the area where it was held had been very nice and clean. He appreciated Mayor Rosenthal for being there to open the festivities.

* * * * *

Wall on East Main Street. Mr. Bobby Stevens, Post Office Box 6226, thanked those who painted and cleaned up the wall he had asked about on East Main Street because it looked much better. He suggested installing curbs in front of the vacant space.

City Manager's Report

Recognition of Sanitation Division. Recognition is given to the Sanitation Division who completed five weeks of Spring Cleanup. Crews collected over 980 tons of materials which goes a long way to keeping Norman beautiful.

Update of Manufactured Fertilizer Ordinance. Staff is making good progress in implementation of the Manufactured Fertilizer Ordinance. There are six major retailers and farm and ranch suppliers in the community that Staff has contacted about the display of informational brochures as well as point of sale display boards. Four retailers have approved the information which will be displayed and two retailers are waiting for corporate approval. Staff is in the process of registering commercial applicators.

Comprehensive Transportation Plan Subcommittee Meeting. The last Comprehensive Transportation Plan Subcommittee meeting will be held at 6:00 p.m., Thursday, May 23rd, at Norman High School and a report will then be provided to Council.

* * * * *

ADJOURNMENT

There being no further business, Councilmember Kovach moved that the meeting be adjourned, which motion was duly seconded by Councilmember Griffith; and the question being upon adjournment of the meeting, a vote was taken with the following result:

YEAS:	Councilmembers Castleberry, Gallagher, Griffith, Jungman, Kovach, Lockett, Williams, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and the meeting was adjourned at 7:30 p.m.

ATTEST:

City Clerk Mayor

City of Norman, OK

Municipal Building Council Chambers
201 West Gray Street
Norman, OK 73069

Master

File Number: O-1213-44

File ID:	O-1213-44	**Type:**	Ordinance	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 5	**In Control:**	City Council
Department:	Planning and Community Development Department	**Cost:**		**File Created:**	04/10/2013
File Name:	2601 Venture Rezoning			**Final Action:**	

Title: CONSIDERATION OF ORDINANCE NO. O-1213-44 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 LOT 1, BLOCK 1, PEPCO INDUSTRIAL PARK, PHASE 1, NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN THE I-2, HEAVY INDUSTRIAL DISTRICT, AND REMOVE SAME FROM THE I-1, LIGHT INDUSTRIAL DISTRICT, OF SAID CITY; AND PROVIDING FOR THE SEVERABILITY THEREOF. (2601 VENTURE BOULEVARD)

Notes: ACTION NEEDED: Motion to Introduce and adopt Ordinance No. O-1213-44 upon First Reading by title.

ACTION TAKEN: _____

Agenda Date: 05/28/2013

Agenda Number: 5

Attachments: Text File O-1213-44 First Reading, O-1213-44 - 2601 Venture Rezone, Location map, 2601 Venture Rezone Staff Report, I-2 Zoning District, 2601 Venture Summary, 2601 Venture Site Photos, 5-9-13 PC Minutes - O-1213-44

Project Manager: Jane Hudson, Principal Planner

Entered by: rone.tromble@normanok.gov

Effective Date:

History of Legislative File

Ver-sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Planning Commission	05/09/2013	Recommended for Adoption at a subsequent City Council Meeting	City Council	05/28/2013		Pass

Action Text: A motion was made by Commissioner Sherrer, seconded by Commissioner Pailes, that this Zoning Ordinance be Recommended for Adoption at a subsequent City Council Meeting to the City Council , due back on 5/28/2013. The motion carried by the following vote:

Text of Legislative File O-1213-44

Body

SYNOPSIS: The applicant has submitted a request to rezone an existing property from I-1, Light Industrial District to I-2, Heavy Industrial District. The 2025 Land Use and Transportation Plan has designated this property for Industrial use subsequently there is no change needed to the 2025 Plan.

ANALYSIS: The applicant has submitted this rezoning request with the objective of obtaining a more flexible zoning for their property. The property was previously used by a company that made and repaired oil field bits; at that time they were able to utilize the entire building. As the market changed the need for the total area of the facility diminished. The applicant would like to have the ability to lease to a variety of uses. As outlined in their submittal the design of this facility can accommodate users that cannot locate in a typical commercial strip mall. Under the current zoning, I-1, Light Industrial District, the uses permitted are specifically restricted to those listed in that section. In this case, I-1, Light Industrial District, does not allow for the use of facilities for recreational uses. However, under the requested zoning of I-2, Heavy Industrial District, the code specifically states "Property and buildings in an I-2, Heavy Industrial District, may be used for any use except as qualified below." (See attached copy of I-2, Heavy Industrial District for restrictions.)

OTHER ALTERNATIVES/ISSUES:

IMPACTS There are no expected impacts from this property on adjacent properties. The proposed uses for this site are in line with the existing uses on properties in the area.

ACCESS The ingress/egress is already in place on the south side of the lot, accessing Venture Drive.

SITE PLAN The existing site plan is not expected to change at this time. However, the applicant has expressed the need to expand the existing parking lot if this rezoning is approved. With the ability to expand some of the uses the applicant will need to expand the parking area. The applicant has been advised of the permits needed to expand the parking lot should they move forward with the project.

OTHER AGENCY COMMENTS:

PARK BOARD The lot is already platted. Parkland dedication is not required for industrial uses.

PUBLIC WORKS As previously stated above the tract is already platted, eliminating the requirement for Public Works review and processing. However, should the applicant decide to move forward with the expansion of the parking lot there will be specific requirements needing to be addressed with Public Works; i.e., additional drainage with the new impervious area.

STAFF RECOMMENDATION: Given the changing market demands and development patterns, the existing zoning limits the opportunities of the site. As previously stated the Land Use and Transportation Plan designation is Industrial so the underlying land use will not change with this zoning request. In addition, staff acknowledges the recent discussions regarding the loss of industrial land; this request is not eliminating an industrially designated area. This request is considered "up zoning" which will allow the permitted uses within the facility to expand, enabling the owners to rent out vacant spaces. As a protective measure for adjacent property owners there are uses noted as prohibited in the I-2, Heavy Industrial District, these uses require express approval prior to locating on-site.

Staff supports this rezoning request and recommends approval of Ordinance 1213-44. At their meeting of May 9, 2013, the Planning Commission, by a vote of 9-0, recommended adoption of this ordinance.

O-1213-44

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 LOT 1, BLOCK 1, PEPCO INDUSTRIAL PARK, PHASE 1, NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN THE I-2, HEAVY INDUSTRIAL DISTRICT, AND REMOVE SAME FROM THE I-1, LIGHT INDUSTRIAL DISTRICT, OF SAID CITY; AND PROVIDING FOR THE SEVERABILITY THEREOF. (2601 Venture Boulevard)

§ 1. WHEREAS, 2601 Venture, L.L.C. has made application to have the same placed in the I-2, Heavy Industrial District, and to have the same removed from the I-1, Light Industrial 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 I-2, Heavy Industrial District, and to remove the same from the I-1, Light Industrial District, to wit:

Lot One (1), Block One (1) of PEPCO INDUSTRIAL PARK, PHASE I, Norman, Cleveland County, State of Oklahoma, according to the recorded plat thereof. Said lot contains 2.87 acres, more or less.

§ 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

_____, 2013.

_____
(Mayor)

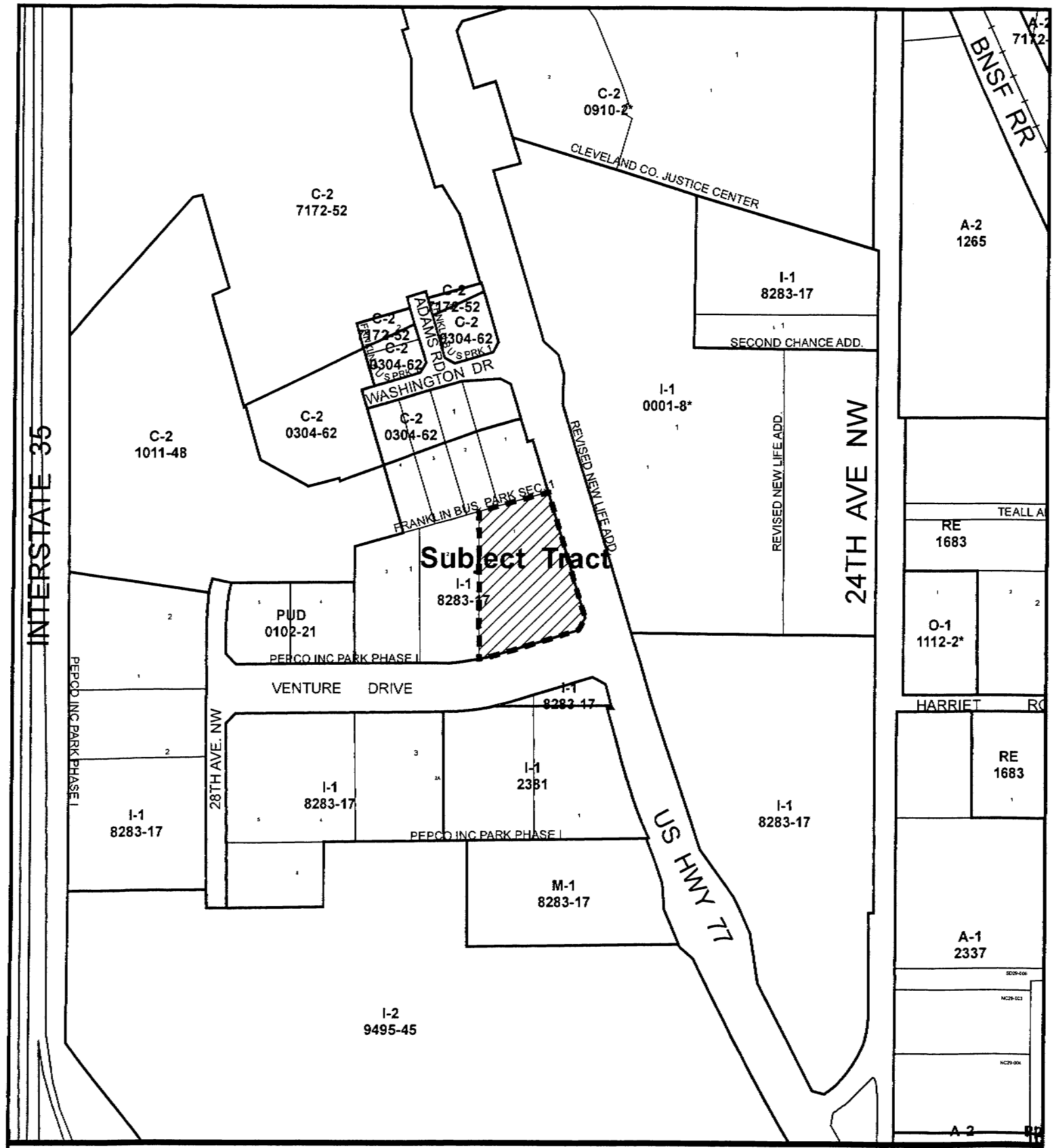
ATTEST:

_____
(City Clerk)

NOT ADOPTED this _____day of

_____, 2013.

_____
(Mayor)



Location Map

Map Produced by the City of Norman
Geographic Information System.
(405) 366-5316
The City of Norman assumes no
responsibility for errors or omissions
in the information presented.

N W E S

April 12, 2013

0 200 400 Ft.

Subject Tract

Zoning

ORDINANCE NO. O-1213-44 ITEM NO. 9

STAFF REPORT

GENERAL INFORMATION

APPLICANT	2601 Venture, L.L.C.
REQUESTED ACTION	Rezoning to I-2, Heavy Industrial District
EXISTING ZONING	I-1, Light Industrial District
SURROUNDING ZONING	North: I-1, Light Industrial and C-2, General Commercial East: I-1, Light Industrial South: I-1, Light Industrial West: I-1, Light Industrial
LOCATION	2601 Venture Drive
SIZE	2.87 acres
PURPOSE	Variety of Industrial, Office, Recreational and Commercially related uses
EXISTING LAND USE	Industrial and Office
SURROUNDING LAND USE	North: Office East: Church South: Office and Industrial West: Office
LAND USE PLAN DESIGNATION	Industrial

SYNOPSIS: The applicant has submitted a request to rezone an existing property from I-1, Light Industrial District to I-2, Heavy Industrial District. The 2025 Land Use and Transportation Plan has designated this property for Industrial use.

ANALYSIS: The applicant has submitted this rezoning request with the objective of obtaining a more flexible zoning for their property. The property was previously used by a company that made and repaired oil field bits; at that time they were able to utilize the entire building. As the market changed the need for the total area of the facility diminished. The applicant would like to have the ability to lease to a variety of uses. As outlined in their submittal the design of this facility can accommodate users that cannot locate in a typical commercial strip

mall. Under the current zoning, I-1, Light Industrial District, the uses permitted are specifically restricted to those listed in that section. In this case, I-1, Light Industrial District, does not allow for the uses of facilities for recreational uses. However, under the requested zoning of I-2, Heavy Industrial District, the code specifically states "Property and buildings in an I-2, Heavy Industrial District, may be used for any use except as qualified below." (See attached copy of I-2, Heavy Industrial District for restrictions.)

OTHER ALTERNATIVES/ISSUES:

- **IMPACTS** There are no expected impacts from this property on adjacent properties. The proposed uses for this site are in line with the existing uses on properties in the area.

- **ACCESS** The ingress/egress is already in place on the south side of the lot, accessing Venture Drive.

- **SITE PLAN** The existing site plan is not expected to change at this time. However, the applicant has expressed the need to expand the existing parking lot if this rezoning is approved. With the ability to expand some of the uses the applicant will need to expand the parking area. The applicant has been advised of the permits needed to expand the parking lot should they move forward with the project.

OTHER AGENCY COMMENTS:

- **PARK BOARD** The lot is already platted. Parkland dedication is not required for industrial uses.

- **PUBLIC WORKS** As previously stated above the tract is already platted, eliminating the requirement for Public Works review and processing. However, should the applicant decide to move forward with the expansion of the parking lot there will be specific requirements needing to be addressed with Public Works; i.e., additional drainage with the new impervious area.

STAFF RECOMMENDATION: Given the changing market demands and development patterns it is easy to see the necessity to reconsider the uses permitted on a specific site. The Land Use and Transportation Plan designation is Industrial so the underlying land use will not change with this zoning request. In addition, this request is not eliminating an industrially designated area. This request is considered "up zoning" to allow the permitted uses within the facility to expand, assisting the owners to rent out vacant spaces.

Staff supports this rezoning request and recommends approval of Ordinance 1213-44.

SEC. 427.1 - I-2, HEAVY INDUSTRIAL DISTRICT

(Ord. No. O-0405-60 – September 27, 2005; O-1112-33 – May 24, 2012; O-1213-17 – November 27, 2012)

1. Uses permitted. Property and buildings in an I-2, Heavy Industrial District, may be used for any use except as qualified below:

(a) All residential uses are prohibited except sleeping facilities required by night watchmen and caretakers employed upon the premises.

(b) All uses not complying with this ordinance, or any other county, state or federal regulation or law, are prohibited.

(c) All of the following uses are prohibited until they have received the express approval of the City Planning Commission. The Planning Commission may require approval of the County Health Department, the County Engineer, the State Fire Marshal and other State and County regulating agencies and may attach to the approval specific restrictions designed to protect the public welfare.
   (1) Acid manufacture.
   (2) Cement, lime, gypsum or plaster of paris manufacture.
   (3) Explosives manufacture or wholesale storage.
   (4) Gas manufacture.
   (5) Petroleum or its products, refining of.
   (6) Wholesale storage of gasoline, or liquefied petroleum products.

(d) All of the following uses are specifically prohibited in the I-2, Heavy Industrial District, to wit:
   (1) Automobile or equipment salvage or junk yard.
   (2) Building material salvage yard.
   (3) Junk or salvage yard of any kind.
   (4) Scrap metal storage yard.
   (5) Used building materials storage yard, and
   (6) Any other operation which in the opinion of the Planning Commission is similar in operation or appearance to the uses listed in Sub-section (d)(1) through (5) above.

(e) The uses listed under Sub-section (d) above are permitted in the I-2, Heavy Industrial District, when conducted in strict compliance with the following regulations and conditions:
   (1) All such uses shall be completely enclosed by an eight (8) foot high solid fence of redwood, fiberglass, plastic, aluminum, or masonry, provided, however, that a gate for ingress and egress shall be permitted; further provided that the height of the fence may be reduced to six (6) feet when the use is conducted at an elevation two (2) feet or more above the crown of the adjacent roadway; and further provided that a steel mesh fence may be substituted for a solid fence on the rear of the use and up to the rear three-fourths (3/4) of the side of the use when the use abuts either an I-2 or an A-2 zone and the portion may not be seen from a public street or road which shall be determined by the Building Inspector.
   (2) Said fence shall be set back ninety (90) feet from any highway, section line road, or arterial street or road; provided, however, that when said road is served by a frontage road or adequate right-of-way has been acquired by the public to provide for a frontage road the setback may be reduced to forty (40) feet; provided further that no temporary or permanent building shall be erected within the ninety (90) foot setback, when required, or the forty (40) foot setback in all other cases.

(3) Off-street parking for customers' and employees' cars must be provided on the lot; provided, however, that when a ninety (90) foot setback is required, no parking shall be permitted in the first fifty (50) feet adjacent to the street, highway or road; provided further that any area designated or used for parking outside the fenced area shall be surfaced to specifications provided by the City Engineer.

(4) When a setback of the fence is required, the forty (40) feet adjacent to the fence shall be landscaped, paved, or maintained in a good appearance by other means.

(5) The burning of wrecked or discarded automobiles or any parts thereof or junk or any waste materials shall be prohibited.

(6) Whenever a required fence is adjacent to a residential or commercial zone it shall be set back twenty-five (25) feet.

(7) No junk, parts, disabled automobiles, or salvage material of any kind shall be stored outside or above the fence.

(8) No advertising, display, or used or salvage materials of any kind shall be displayed outside or above the fence except that one sign which complies with the requirements of Chapter 18 may be erected. (O-1112-33)

In no case shall any provisions of this ordinance be interpreted to permit the use of discarded, disabled, or wrecked automobiles, trucks, equipment, appliances, or parts to be used for advertising or identification purposes.

(9) Whenever an owner or representative of a non-conforming use under this section applies for and is granted I-2, Heavy Industrial District zoning, he shall have a period not to exceed three (3) months to bring the use into complete conformity with the provisions of this section.

(f) Crematorium is a permitted use subject to all the following conditions and requirements:

(1) Crematoriums shall meet the setback requirements of the underlying zoning district, except that they will be located a minimum of 400 feet from any RE, R-1, R-2, and R-3 zoning districts and 100 feet from all other zoning districts measured from the closest point of the building to the nearest residential district.

(2) Facilities shall meet all applicable state and federal requirements for incineration equipment and shall be licensed at all times.

(3) All storage shall be inside.

(4) Incinerator stacks shall not be located on the front side of the roof of any structure facing the street.

(5) Crematoriums shall have direct vehicle access to an arterial street. (O-1213-17)

2. Height regulations. Where a lot adjoins a dwelling district the building shall not exceed three (3) stories or forty-five (45) feet, unless it is set back one (1) foot from all yard lines for each foot of additional height above forty-five (45) feet.

3. Area regulations.

(a) Front Yard: Within all plats filed after November 7, 2005, a twenty-five (25) foot front building setback line shall be established. . Across the entire front of all new lots (and the street side of any corner lot) a minimum ten (10) foot landscape strip shall be installed, which may not be encroached upon by parking or outdoor storage. One eight (8) foot tall shade (canopy) tree per each twenty (20) feet of lot frontage and one (1) three (3)-gallon shrub per five (5) feet of building frontage shall be installed within this landscape strip. Clustering of these required plantings may be allowed, if approved by the City Forester or his designee. Such planting should be covered by the three (3) year maintenance bond required when new landscaping is installed with the parking lot on the same tract. All species are to be approved by the City Forester. Signs may be installed in any required landscape area. (O-0506-60)

(b) Side Yard:

(1) For uses other than dwelling, no side yard shall be required except on the side of a lot adjoining a residential zoning district in which case there shall be a side yard of not less than five (5) feet.

(2) Street side corner setback shall be fifteen (15) feet. (O-0405-60)

(c) Rear Yard: Whenever the rear yard adjoins a residential zoning district, the minimum building setback for principal and accessory buildings shall be thirty (30) feet. (O-0405-60)

(d) The location and setback of all required fences shall be governed by Section 427.1.1(e) above. (Ord. 884, Art. II, § 8; O-1041, § 2; O-1366, §§ 1 and 2)

APPLICATION FOR REZONING OF
2601 VENTURE DRIVE, NORMAN

Summary of purpose for rezoning:

The application for rezoning is submitted for the general purpose of obtaining a more flexible zoning of the building at 2601 Venture Drive (the Building). The application is submitted specifically for the purpose of executing a lease with a prospective tenant who desires to use a 6,000 square foot space in the building to open a "moon bounce" activity facility.

The requested rezoning of the Building from the current I-1 to I-2 is consistent with the Norman 2025 Land Use Plan, and will not adversely affect any adjoining or nearby properties.

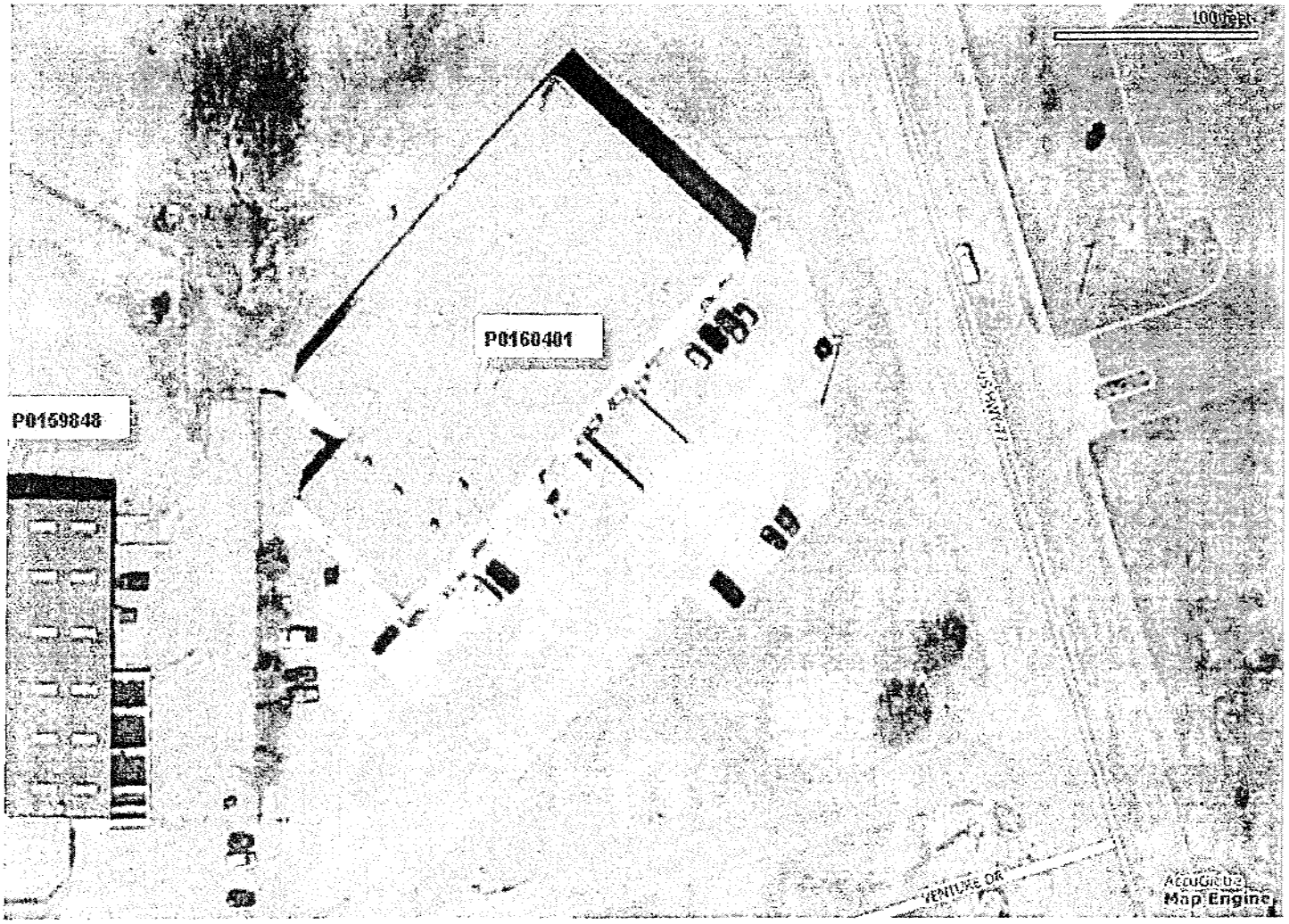
A more flexible zoning of the Building will benefit potential users due to the unique design, quality and location. Specifically, the Building is situated off Flood and is quickly accessible from anywhere in north Norman as well as Moore and Oklahoma City. The Building has excellent visibility from Flood and strong access at the intersection of Flood and Venture Drive.

The Building itself is divided into five units. On the west end is 6,400 square feet of office space on two floors. From there, the remainder of the building is divided into four equal units of 6,000 square feet each ("Flex Units"). Each unit is 50 feet wide by 120 feed deep, with free-span 20-foot ceilings. The utility provided by this floor plan and construction is desirable for many purposes that do not fall within the current I-1 zoning, including tenants whose space needs align more closely with industrial properties, but whose business application is classified as commercial. Examples of such previous uses in the Building include an O.U. gymnastics facility, a John Deer shop, and a cheerleading school.

PDC Logic currently occupies the office space and two of the Flex Units, one as a warehouse space and one as a repair shop where they work on drill bits for the oil field. A total of 18 employees work for PDC Logic at this location. One of the remaining Flex Units is occupied by Ground Zero CrossFit, an exercise facility that conducts hour-long training sessions for 5-15 people per session. The remaining Flex Unit is currently vacant, with the above referenced prospective tenant interested in leasing it.

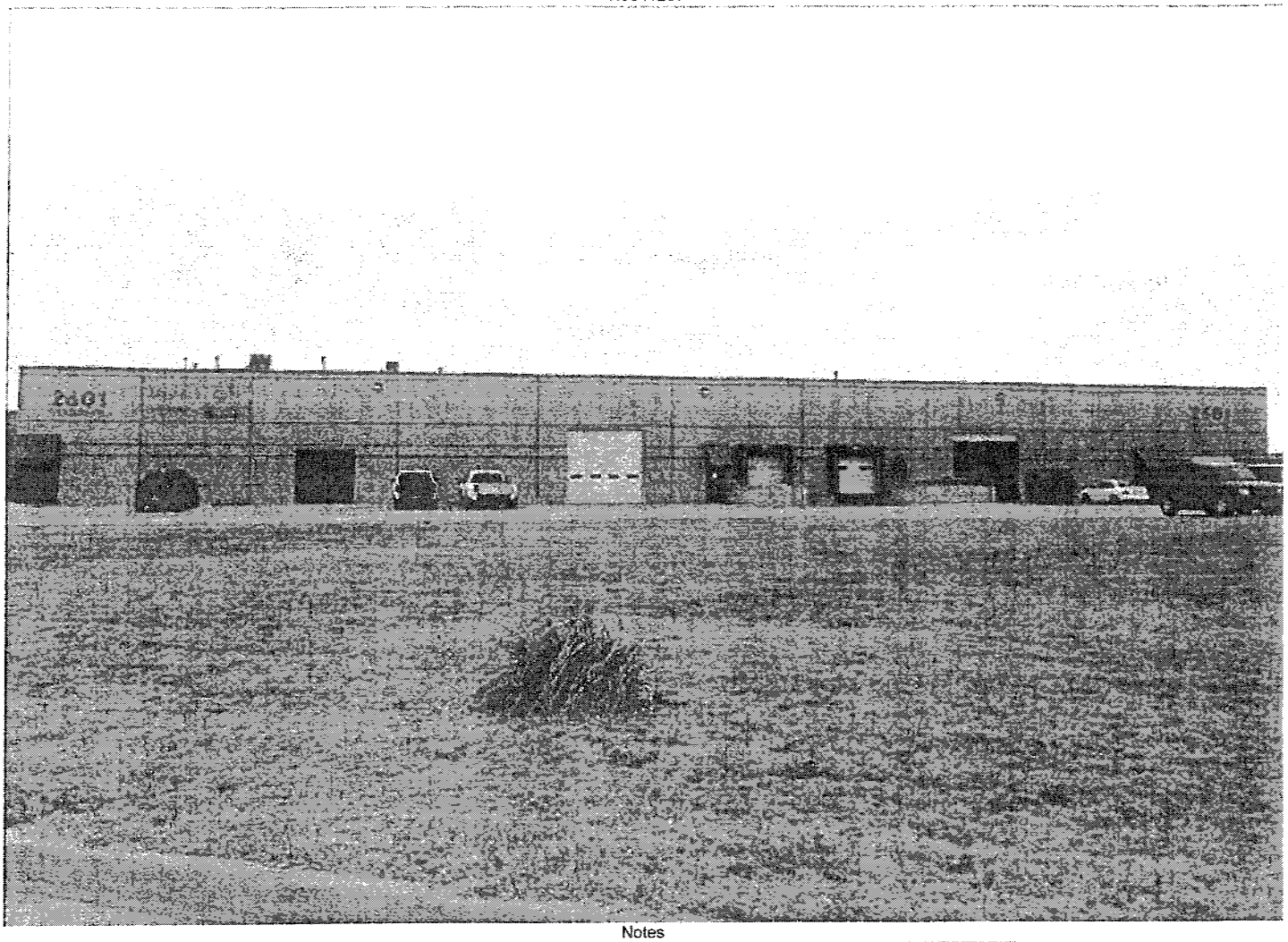
Print | Back

Cleveland County GIS



Notes

R0041287



Notes

NORMAN PLANNING COMMISSION
REGULAR SESSION MINUTES

MAY 9, 2013

The Planning Commission of the City of Norman, Cleveland County, State of Oklahoma, met in Regular Session in the Council Chambers of the Norman Municipal Building, 201 West Gray Street, on the 9th day of May 2013. Notice and agenda of the meeting were posted at the Norman Municipal Building and online at http://www.normanok.gov/content/boards-commissions at least twenty-four hours prior to the beginning of the meeting.

Chairman Chris Lewis called the meeting to order at 6:30 p.m.

* * *

Item No. 1, being:
ROLL CALL

MEMBERS PRESENT	Curtis McCarty Jim Gasaway Roberta Pailes Andy Sherrer Cindy Gordon Dave Boeck Sandy Bahan Tom Knotts Chris Lewis
MEMBERS ABSENT	None

A quorum was present.

STAFF MEMBERS PRESENT	Susan Connors, Director, Planning & Community Development Jane Hudson, Principal Planner Janay Greenlee, Planner II Ken Danner, Subdivision Development Manager Roné Tromble, Recording Secretary Leah Messner, Asst. City Attorney Larry Knapp, GIS Analyst II Terry Floyd, Development Coordinator

* * *

Item No. 9, being:
ORDINANCE NO. O-1213-44 – 2601 VENTURE, L.L.C. REQUESTS REZONING FROM I-1, LIGHT INDUSTRIAL DISTRICT, TO I-2, HEAVY INDUSTRIAL DISTRICT, FOR PROPERTY LOCATED AT 2601 VENTURE DRIVE.

ITEMS SUBMITTED FOR THE RECORD:
1. Location Map
2. Staff Report
3. Sec. 427.1 – I-2, Heavy Industrial District excerpt from Zoning Ordinance
4. Summary of Purpose for Rezoning
5. Aerial Photo
6. Photo of Building

PRESENTATION BY STAFF:
1. Jane Hudson – The application is requesting rezoning from I-1, Light Industrial, to I-2, Heavy Industrial District. The current zoning is I-1 in the general vicinity. There is some C-2 north of that area and there is a PUD to the west. Current land use exists of the industrial uses around that area, office designation to the west, some commercial to the north as well as an office construction in progress right now, with a church on the east side of the highway. Under I-1 zoning, the facility is not allowed to have specific uses, such as recreational. They had an opportunity for a tenant to come in, which was not allowed under the current zoning. They are requesting I-2 zoning, which will allow them to have the recreational use and some other uses in the facility. They plan to add some additional parking should they lease to a tenant that would require additional parking spaces. Staff is in support of this request. The applicant is present if there are questions for him.

PRESENTATION BY THE APPLICANT:
1. Aaron Parks, the applicant – I will answer any questions that you have. Our purpose in requesting the rezoning to I-2 is certainly not to bring in heavy industry to that area; it is simply to expand. The building has a lot of what I would call utility value because of the location on North Flood, because it has good visibility out toward Flood. What we're finding is a lot of potential tenants in that space want the visibility and the accessibility. They need space. The inside of the building consists essentially of shell bays that are 50' wide by 120' deep, with 20' free-span ceilings; there's no posts, there's no walls. What we're finding is that people who would typically fall into the commercial classification, but they need an open space and they're having a hard time finding a building in Norman that would suit their needs. That's what we're trying to accomplish.

AUDIENCE PARTICIPATION:
None

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:
1. Mr. McCarty – We've had a lot of discussion about Industrial uses. This is going from I-1 to I-2. Does staff feel that is an appropriate change?

Ms. Connors – We're maintaining the industrial nature of the property. We have a couple of zoning districts in our zoning ordinance that are restricted to only a certain list of uses, and I-1 is one of those. Even though some of the uses that have come in would be, in other cities, allowed in I-1, here in Norman we have this restricted list so it has been difficult for us to suggest to the owner what else to do. One of the options is to rezone it so that there would be a wider array of uses that could be in the building. I-2 allows pretty much anything.

Andy Sherrer moved to recommend adoption Ordinance No. O-1213-44 to the City Council. Roberta Pailes seconded the motion.

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

YEAS	Curtis McCarty, Jim Gasaway, Roberta Pailes, Andy Sherrer, Cindy Gordon, Dave Boeck, Sandy Bahan, Tom Knotts, Chris Lewis
NAYES	None

Ms. Tromble announced that the motion, to recommend approval of Ordinance No. O-1213-44 to City Council passed by a vote of 9-0.

* * *

City of Norman, OK

Municipal Building Council Chambers
201 West Gray Street
Norman, OK 73069

Master

File Number: O-1213-45

File ID:	O-1213-45	**Type:**	Ordinance	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 6	**In Control:**	City Council
Department:	Public Works Department	**Cost:**		**File Created:**	04/10/2013
File Name:	Carrington Place UE Closure			**Final Action:**	

Title: CONSIDERATION OF ORDINANCE NO. O-1213-45 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, CLOSING AND RELOCATING A UTILITY EASEMENT LOCATED IN CARRINGTON PLACE ADDITION, SECTION 11, NORMAN, CLEVELAND COUNTY, OKLAHOMA; AND PROVIDING FOR THE SEVERABILITY THEREOF. (BETWEEN LOTS 1 AND 2, BLOCK 5, CARRINGTON PLACE ADDITION, SECTION 11)

Notes: ACTION NEEDED: Motion to Introduce and adopt Ordinance No. O-1213-45 upon First Reading by title.

ACTION TAKEN: _____

Agenda Date: 05/28/2013

Agenda Number: 6

Attachments: Text File O-1213-45, O-1213-45 Carrington Place 11 UE Closure, Location map, Carrington UE Staff Report, Memo from Clerk, Carrington UE Petition, Carrington UE to Close, Carrington UE to Relocate, Carrington E-1213-21, 5-9-13 PC Minutes - O-1213-45

Project Manager: Ken Danner, Subdivision Manager

Entered by: rone.tromble@normanok.gov

Effective Date:

History of Legislative File

Ver-sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Planning Commission	05/09/2013	Recommended for Adoption at a subsequent City Council Meeting	City Council	05/28/2013		Pass

Action Text: A motion was made by Commissioner Gasaway, seconded by Commissioner Boeck, that this Zoning Ordinance be Recommended for Adoption at a subsequent City Council Meeting to the City Council, due back on 5/28/2013. The motion carried by the following vote:

Text of Legislative File O-1213-45

body

BACKGROUND: The final plat for subject addition was filed of record on November 29, 2012. Within the final plat, easements were dedicated to cover a water main (utility easement) to serve the properties. The location is west of 36th Avenue N.W. and south of Carrington Lane.

DISCUSSION: Since the final plat was filed of record, the owners have a potential buyer for Lot 2, Block 5, that needs an additional five feet (5') to place the structure on the lot. There is an existing platted ten-foot (10') utility easement located on the north side of Lot 2, Block 5. The proposal is to close the south five-foot (5') of the utility easement. There are no utilities within the five-foot (5') that the owners desire to close. All the franchised utility companies were notified to assess the impact of their facilities with the requested closure. No objections were presented by the franchised utility companies. There is a waterline located within the north five-foot (5') of the ten-foot (10') easement. The attorney for the owners has submitted a new separate instrument easement that will be located on Lot 1, Block 5. With the separate instrument, the five-foot (5') easement would be added to the north side of the existing five-foot (5') platted easement located on the south lot line of Lot 1, Block 5. The required fifteen-foot (15') combined utility easements will meet City standards and requirements. Planning Commission, at its meeting of May 9, 2013, recommended adoption.

RECOMMENDATION: The platted easements were specifically designed to serve the Carrington Place Addition, Section 11. With the granting of a separate easement, staff recommends approval of the request for partial closure of a five-foot (5') of a platted ten-foot (10') utility easement within Lot 2, Block 5, and to ultimately vacate that portion of easement that is in conflict with the proposed building and accept the new separate instrument easement within Lot 1, Block 5, that has been submitted by the attorney for the owner as part of this request and submittal.

O-1213-45

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, CLOSING AND RELOCATING A UTILITY EASEMENT LOCATED IN CARRINGTON PLACE ADDITION SECTION 11, NORMAN, CLEVELAND COUNTY, OKLAHOMA; AND PROVIDING FOR THE SEVERABILITY THEREOF.

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

§ 1. That, pursuant to Resolution Number R-8182-66, Carrington Place, L.L.C., owner of the subject property, has petitioned the City to have the south five (5) feet of a ten (10) foot platted utility easement which abuts the north line of Lot 2, Block 5, CARRINGTON PLACE ADDITION SECTION 11 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 south five (5) feet of the ten (10) foot platted utility easement which presently abuts the North line of Lot 2, Block 5, CARRINGTON PLACE ADDITION SECTION 11, Norman, Cleveland County, Oklahoma, is hereby closed and relocated as follows:

Said closed and to be vacated 5' easement portion to be relocated to abut on the North side of the five (5) foot platted utility easement which presently abuts the South line of said Lot 1, Block 5 (the "Relocated Portion"). Separate instrument easement E-1213-21 has been submitted and made part of this closure request.

§ 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

_____, 2013.

_____
(Mayor)

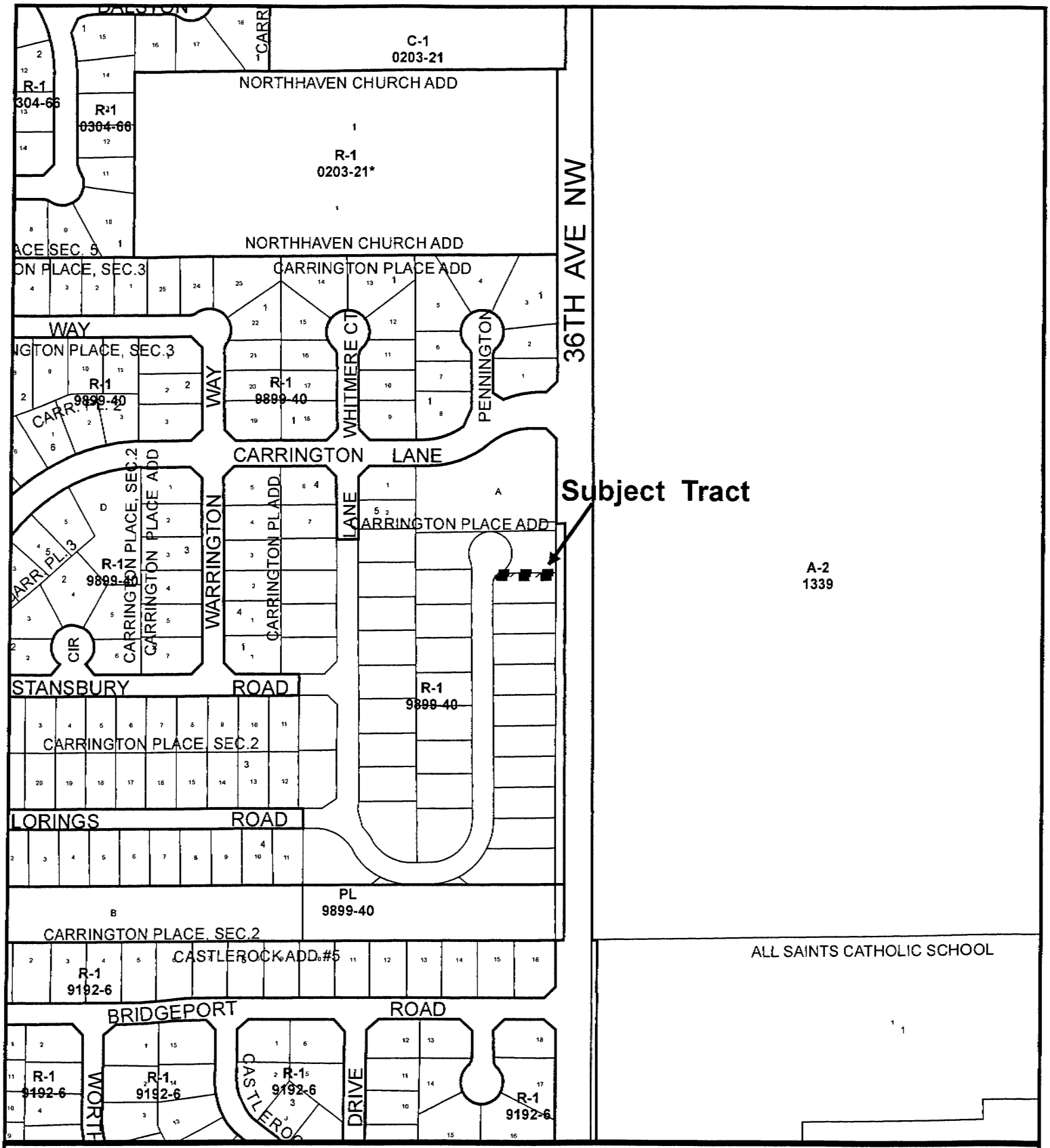
ATTEST:

_____
(City Clerk)

NOT ADOPTED this _____day of

_____, 2013.

_____
(Mayor)



Location Map

Map Produced by the City of Norman
Geographic Information System.
(405) 366-5316
The City of Norman assumes no
responsibility for errors or omissions
in the information presented.

N
W E
S

April 12, 2013

0 150 300 Ft.

Subject Tract

Zoning

G:\ArcGIS\10 MapTemplates\8x11_LocationMapArcMap10.mxd

ORDINANCE NO. O-1213-45 ITEM NO. 10

STAFF REPORT

GENERAL INFORMATION

APPLICANT	Carrington Place, L.L.C.
REQUESTED ACTION	Closure of portion of Utility Easement in Lots 1 and 2, Block 5, Carrington Place Addition, Section 11.

BACKGROUND: This is a request for closing a portion of an existing platted utility easement within Lot 2, Block 5, and relocating the five-foot (5') width easement to the north side of the existing five-foot (5') utility easement located in Lot 1, Block 5, Carrington Place Addition, Section 11. The final plat for Carrington Place Addition, Section 11, was filed of record on November 29, 2012.

DISCUSSION: All franchised utilities were notified to assess the impact on their facilities with the closure of easement; there were no objections. With an existing water main within the fifteen-foot (15') width utility easement, it has been determined total fifteen-feet (15') utility easement is needed and required. As a result, the additional five-feet (5') added to the existing five-feet (5') within Lot 1 will make a total of ten-feet (10') and the remaining five-feet (5') located in Lot 2 will meet City standards. The attorney for the owners has submitted a separate instrument easement that will add the five-feet (5') to the existing five-foot (5') easement in Lot 1. This will provide a total of fifteen-feet (15') with Lot 1 and Lot 2, Block 5.

RECOMMENDATION: The easement in question was specifically designed to serve the Carrington Place Addition, Section 11. With the relocation of the utility five-foot (5') easement providing the required fifteen-foot (15') for utilities, staff recommends approval of this request to close, and ultimately vacate, that portion of the easement that interferes with a potential buyer.

office memorandum

DATE: April 8, 2013

TO: Rone Tromble, Administrative Technician IV
Jeff Bryant, City Attorney
Ken Komiske, Director of Utilities
Ken Danner, Subdivision Manager
Jane Hudson, Principal Planner

FROM: Brenda Hall, City Clerk

SUBJECT: Request to close and relocate part of a utility easement within Lots 1 and 2, Block 5 of Carrington Place Section 11 Addition.

I am in receipt of a request on behalf of Carrington Place LLC, by Mr. H.L. Heiple, Attorney-Agent to close and relocate part of a utility easement within Lots 1 and 2, Block 5 of Carrington Place Addition, Section 11. Mr. Heiple requests the South 5 feet to be vacated of the ten foot (10') platted utility easement which presently abuts the North line of said Lot 2. Block 5 (the "Vacated Porter"); and said vacated 5' easement portion to be relocated to abut on the North side of the five foot (5') platted utility easement with presently abuts the South line of said Lot 1, Block 5, (the "Relocated Portion"). A separate Grant of Easement on Lot 1 will be submitted.

The application fee has been paid and the applicant has asked that this request be placed on the next available Planning Commission agenda scheduled May 9, 2013.

In accordance with Resolution No. R-8182-66, I am forwarding the letter of request; existing plat; certificate of bonded abstractor including 300 feet radius report, proposed site plan; and certified ownership list to your office and requesting that your office send notice to the furnished list of property owners and have the necessary ordinance prepared. If further action is needed from my office, please notify me.

BH:kjc
attachments

To: City of Norman, c/o City Clerk Brenda Hall
Norman City Hall, Norman, OK (hand-delivered)

Re: **Closing and relocating part of a utility easement within Lots 1 and 2, Block 5 of Carrington Place Section 11 Addition to Norman**

Date: April 8, 2013

1. The undersigned Applicant, **Carrington Place, LLC,** is the owner of all the land embracing the portions of the easements, described below, to be closed and relocated.

2. It is in the best interest of both the undersigned and the City of Norman to relocate and then close, vacate, and foreclose the right to reopen in District Court the portions of the following-described easements in **Lots 1 and 2, Block 5 of Carrington Place Section 11 Addition** filed in Book 23 Plats, Pages 65-66, Cleveland County Clerk's office:

(a). The **South 5 feet** to be ***vacated*** of the ten foot (10') platted **utility** easement which presently abuts the **North** line of said **Lot 2**, Block 5 (the "**Vacated Portion**"); and

(b) Said **vacated 5' easement portion** to be ***relocated*** to abut on the North side of the five-foot (5') platted **utility** easement which presently abuts the South line of said **Lot 1**, Block 5, (the "**Relocated Portion**"). (*A separate GRANT OF EASEMENT on Lot 1 will be submitted.*)

Collectively, **(a) and (b), above** are referred to as the "**SUBJECT PROPERTY**"

3. If there are utility lines or facilities in, on under or over any part(s) of Subject Property, Applicant will cause same to be respected and protected, as required by law.

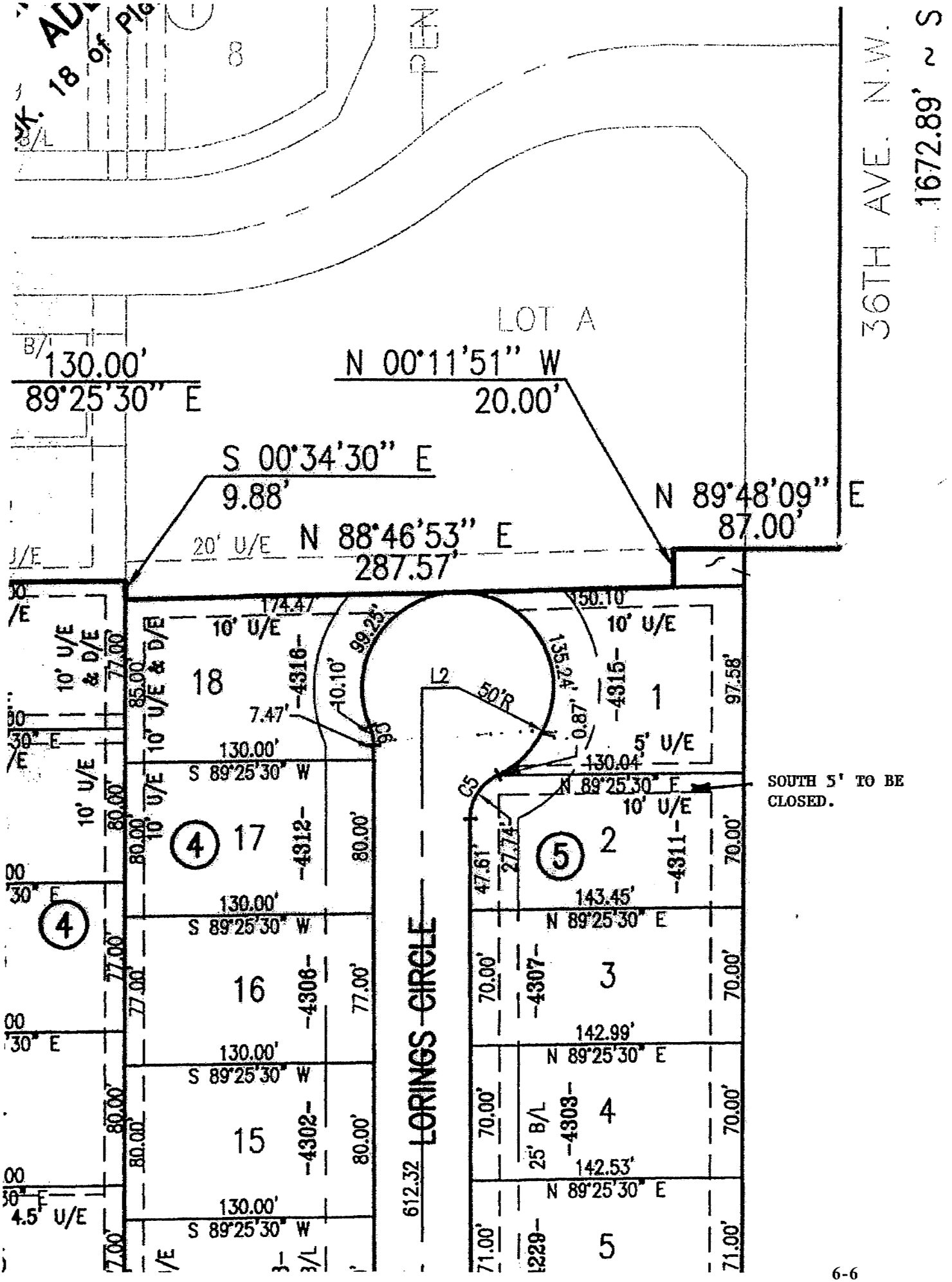
4. An ownership list certified by a bonded abstracter, reflecting all owners of record, according to County Treasurer records, of property within 300 feet in any direction of the above-described Subject Property is submitted herewith. A map which is attached to said ownership list shows the location of the ownership lines for each owner of record whose name appears on the ownership list. Enclosed is our client's check for the required filing fee of $400.

5. Action by the Board of County Commissioners of Cleveland County is not necessary. The undersigned will pay the cost of newspaper publication of the required Notice.

Wherefore, pursuant to Resolution 8182-66, as amended, of the City of Norman, the undersigned Applicant requests the described **relocation and closing** within the above-described Subject Property, by enactment of an ordinance by the City Council of the City of Norman.

Carrington Place, LLC, Applicant , by: /H. L. Heiple/ (H. L. Heiple, Attorney-Agent)
Heiple Law Offices, Inc., PO Box 847, Norman, OK 73070, Phone (405) 321-0090, FAX 321-9763

cc: Ken Danner, CON Public Works
Rone' Tromble, CON Planning Dept.
Client



36TH AVE. N.W.
1672.89' ~ S
LOT A
130.00'
89°25'30" E
N 00°11'51" W
20.00'
S 00°34'30" E
9.88'
N 89°48'09" E
87.00'
20' U/E
N 88°46'53" E
287.57'
174.47'
150.10'
10' U/E
99.25'
135.24'
10.10'
7.47'
0.87'
L2
50'R
C6
C5
18
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17
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-4307-
-4302-
-4303-
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130.00'
S 89°25'30" W
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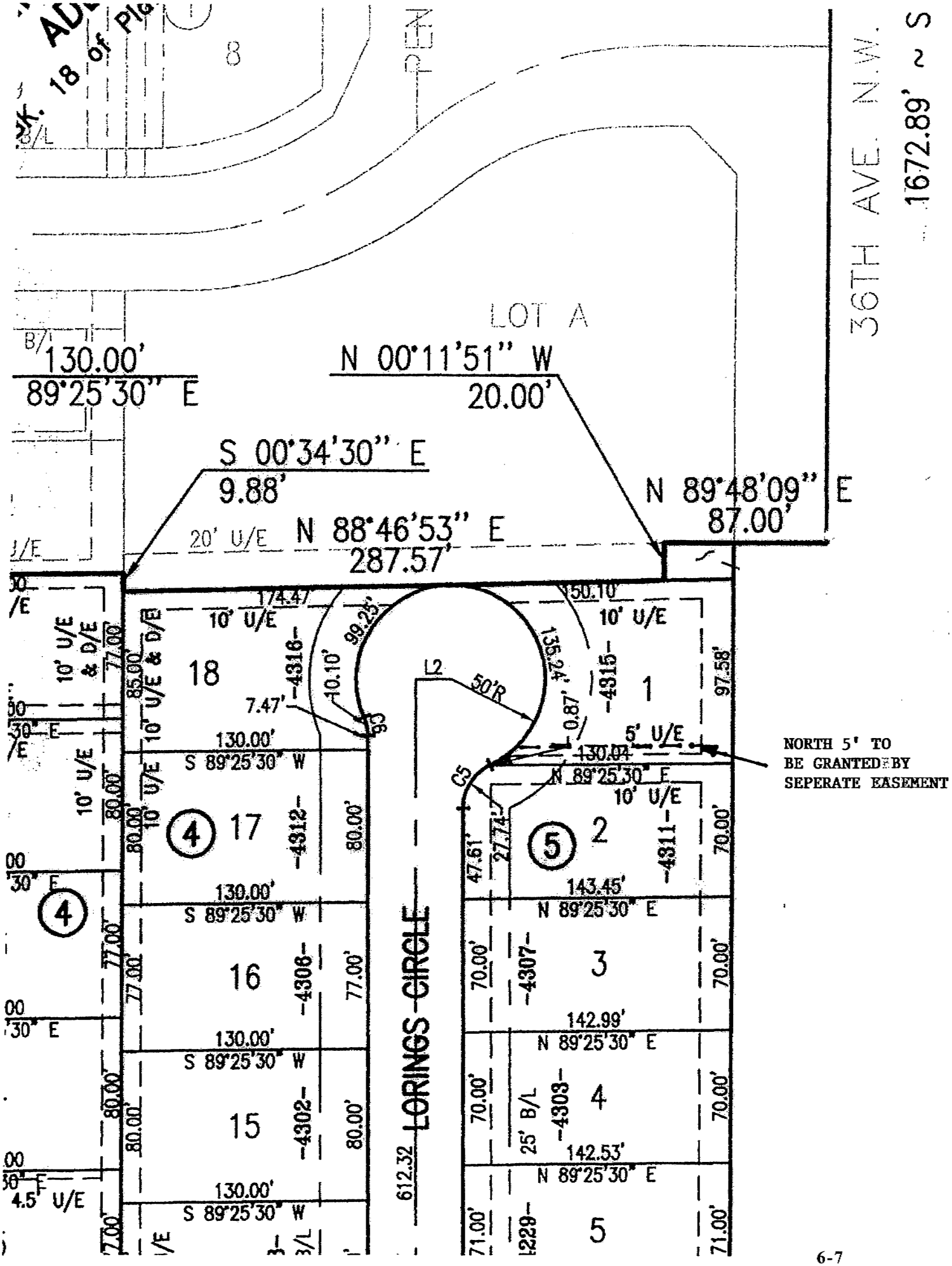
143.45'
142.99'
142.53'
47.61'
27.74'
97.58'
85.00'
77.00'
80.00'
70.00'
71.00'
25' B/L
612.32
LORINGS CIRCLE
10' U/E & D/E
4.5' U/E
SOUTH 5' TO BE CLOSED.


LOT A
N 00°11'51" W
20.00'
130.00'
89°25'30" E
S 00°34'30" E
9.88'
N 89°48'09" E
87.00'
20' U/E
N 88°46'53" E
287.57'
36TH AVE. N.W.
1672.89' ± S
LORINGS CIRCLE
612.32
18
17
16
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1
2
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4
5
-4316-
-4312-
-4308-
-4302-
-4315-
-4311-
-4307-
-4303-
-4229-
50'R
L2
C5
10' U/E
10' U/E & D/E
5' U/E
4.5' U/E
25' B/L
NORTH 5' TO BE GRANTED BY SEPERATE EASEMENT

CERTIFICATE OF BONDED ABSTRACTOR

(300 FEET RADIUS REPORT)

STATE OF OKLAHOMA)
) §:
COUNTY OF Cleveland)

The undersigned bonded abstractor in and for County, State of Oklahoma, does hereby certify that the following Ownership is true and correct according to the current year's tax rolls in the office of the County Treasurer of County, Oklahoma, as updated by the records of the County Clerk of County, Oklahoma; that the owners, as reflected by said records, are based on the last conveyance or final decree of record of certain properties located within 300 feet in all directions of the following described land:

Easement lying between Lots 1 & 2, Block 5, CARRINGTON PLACE SECTION 11, to Norman, Cleveland County, Oklahoma, according to the recorded plat thereof.

and find the following owners, addresses and brief legal descriptions on the attached pages numbered from (1) to (2), both inclusive.

NOTICE TO CUSTOMERS: This report is released with the understanding that the information is strictly confidential. This report contains information from public land records only and is not to be construed as an abstract of title, opinion of title, title commitment, title insurance policy, or environmental research report. As used herein, the term "public land records" means those land records which under the recording laws of the applicable state, impart constructive notice to the third parties with respect to recorded, unreleased or record instruments memorializing legal interests in real estate. The company suggests that you contact your attorney for matters of a legal nature or legal opinion. We have exercised due care and diligence in preparing this report, however, the Abstractor does not guarantee validity of the title and acceptance of this report by the Company or person(s) for whom this report is made, constitutes agreement and confirmation of the limitation of this report.

Dated: March 27, 2013 at 7:30 AM

First American Title & Trust Company

By: Denise K. Hunter

Denise Hunter
Abstractor License No. 1412
S.A.&I. Certificate of Authority No.
File No. 1811491-MO99

E-1213-21

GRANT OF RELOCATED UTILITY EASEMENT

WHEREAS, the undersigned, **CARRINGTON PLACE, LLC,** is the owner and in possession of Lot 1 and Lot 2, both in Block 5, CARRINGTON PLACE SECTION 11 ADDITION to the City of Norman, Oklahoma, according to the recorded Plat thereof, and said two Lots have a fifteen-foot (15') Utility Easement which straddles the common boundary line between the two Lots, with ten feet (10') being located along the North boundary of Lot 2 and five feet (5') being located along the South boundary of Lot 1, it is necessary to remove, close, vacate and relocate the Easement on the South five feet (5') of the North ten feet (10') of said Lot 2, and relocate that five-foot strip to be added to the Utility Easement on said Lot 1, in the exact location more particularly described below;

NOW, THEREFORE, for value received, the undersigned owner does hereby grant, sell and convey unto **THE CITY OF NORMAN,** a Municipal Corporation, a Utility Easement and right-of-way over, across and under the following described real estate and premises situated in Cleveland County, Oklahoma, to it:

> The North five feet (5') of the South ten feet (10') of **Lot 1, Block 5, CARRINGTON PLACE SECTION 11 ADDITION** to the City of Norman, Oklahoma,

with a right of ingress and egress to and from the same, for the purpose of laying out, constructing, maintaining and operating utility lines, fixtures and equipment, **TO HAVE AND TO HOLD** the same unto the said City, its successors and assigns forever.

Signed and delivered on April 17th, 2013. **CARRINGTON PLACE, LLC, BY:** Richard McKown
(Manager)

ACKNOWLEDGMENT

STATE OF OKLAHOMA, COUNTY OF CLEVELAND, ss:

Before me, the undersigned, a Notary Public in and for said County and State, on April 17th, 2013, personally appeared Richard McKown to me know to be the identical person whose subscribed the name of the maker to the foregoing instrument as its Manager and acknowledged to me that he executed the same as his free and voluntary act and deed, and as the free and voluntary act of the LLC, for the uses and purposes therein set forth.

WITNESS my hand and seal the day and year last above written.

Joy Simpson
Notary Public

JOY SIMPSON NOTARY (seal) OKLAHOMA 09000247 January 7, 2017

APPROVED as to form and legality on April 22, 2013.

[signature], (Asst. City Attorney)

APPROVED and accepted by the Council of the City of Norman, on _____, 2013.

ATTEST:

_____ _____ (seal)
City Clerk Mayor

NORMAN PLANNING COMMISSION
REGULAR SESSION MINUTES

MAY 9, 2013

The Planning Commission of the City of Norman, Cleveland County, State of Oklahoma, met in Regular Session in the Council Chambers of the Norman Municipal Building, 201 West Gray Street, on the 9th day of May 2013. Notice and agenda of the meeting were posted at the Norman Municipal Building and online at http://www.normanok.gov/content/boards-commissions at least twenty-four hours prior to the beginning of the meeting.

Chairman Chris Lewis called the meeting to order at 6:30 p.m.

* * *

Item No. 1, being:
ROLL CALL

MEMBERS PRESENT	Curtis McCarty Jim Gasaway Roberta Pailes Andy Sherrer Cindy Gordon Dave Boeck Sandy Bahan Tom Knotts Chris Lewis
MEMBERS ABSENT	None

A quorum was present.

STAFF MEMBERS PRESENT	Susan Connors, Director, Planning & Community Development Jane Hudson, Principal Planner Janay Greenlee, Planner II Ken Danner, Subdivision Development Manager Roné Tromble, Recording Secretary Leah Messner, Asst. City Attorney Larry Knapp, GIS Analyst II Terry Floyd, Development Coordinator

* * *

Item No. 10, being:
ORDINANCE NO. O-1213-45 – CARRINGTON PLACE, L.L.C. REQUESTS CLOSURE OF A PORTION OF A UTILITY EASEMENT WITHIN LOTS 1 AND 2, BLOCK 5 OF CARRINGTON PLACE ADDITION SECTION 11 GENERALLY LOCATED ON THE EAST SIDE OF THE NORTH END OF LORINGS CIRCLE (WEST OF 36TH AVENUE N.W. AND APPROXIMATELY ½ MILE NORTH OF TECUMSEH ROAD).

ITEMS SUBMITTED FOR THE RECORD:
1. Location Map
2. Staff Memo
3. Closure Petition
4. Plats showing Easement to Close and Relocate

PRESENTATION BY STAFF:
1. Ken Danner – In relation to Lot 2, the applicant has made a request to close the south five feet of the ten foot easement for the purpose of allowing a larger structure to be placed on that property. Our regulations require a 15' utility easement for water lines or any utility going through these easements. This particular area has a water line in it, thereby we still have the need for 15'. The applicant is granting a 5' easement on Lot 1 on the north side of the existing 5' platted easement, for a total of 15'. Staff supports the request.

PRESENTATION BY THE APPLICANT:
1. Tom McCaleb, representing the applicant – The application was prepared by Harold Heiple. The application is pretty simple, as Ken has explained it. I would be glad to answer any questions.

AUDIENCE PARTICIPATION:
None

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:
Jim Gasaway moved to recommend approval of Ordinance No. O-1213-45 to the City Council. Dave Boeck seconded the motion.

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

YEAS	Curtis McCarty, Jim Gasaway, Roberta Pailes, Andy Sherrer, Cindy Gordon, Dave Boeck, Sandy Bahan, Tom Knotts, Chris Lewis
NAYES	None

Ms. Tromble announced that the motion to recommend approval of Ordinance No. O-1213-45 to City Council passed by a vote of 9-0.

* * *

City of Norman, OK

Municipal Building Council
Chambers
201 West Gray Street
Norman, OK 73069

Master

File Number: RPT-1213-56

File ID:	RPT-1213-56	**Type:**	Communication or Report	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 7	**In Control:**	City Council
Department:	Finance Department	**Cost:**		**File Created:**	05/13/2013
File Name:	Finance Director's Report April 2013			**Final Action:**	

Title: SUBMISSION AND ACKNOWLEDGING RECEIPT OF THE FINANCE DIRECTOR'S INVESTMENT REPORT AS OF APRIL 30, 2013, AND DIRECTING THE FILING THEREOF.

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

ACTION TAKEN: _____

Agenda Date: 05/28/2013

Agenda Number: 7

Attachments: Finance Director's Report

Project Manager: Anthony Francisco, Director of Finance

Entered by: Ellen.Usry@mccinnovations.com

Effective Date:

History of Legislative File

Ver-sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:

Text of Legislative File RPT-1213-56

DATE: 06-May-13

TO: City Council

FROM: Anthony Francisco, Director of Finance
REVIEWED BY: Clint Mercer, Chief Accountant
PREPARED BY: Debbie Whitaker, Municipal Accountant III

SUBJECT: Breakdown of Interest Earnings by Fund

	MONTHLY COMPARISON				ANNUAL COMPARISON			
FUND	MONTHLY BUDGETED INTEREST EARNINGS FYE13	MONTHLY INTEREST EARNINGS April 2013	MONTHLY % INCREASE (DECREASE)	MONTHLY % OF PORTFOLIO HOLDINGS	ANNUAL BUDGETED INTEREST EARNINGS FYE13-YTD	INTEREST EARNINGS YTD FYE13	YTD % INCREASE (DECREASE)	YTD % PORTFOLIO HOLDINGS
GENERAL FUND	$8,583	$1,000	-88.35%	2.16%	$85,833	$12,418	-85.53%	1.83%
NET REVENUE STABILIZATION	N/A	$602	100.00%	1.30%	N/A	$6,426	100.00%	0.95%
PUBLIC SAFETY SALES TAX FUND	N/A	$4,813	100.00%	10.38%	N/A	$46,572	100.00%	6.86%
ROOM TAX FUND	$250	$80	-67.96%	0.17%	$2,500	$1,001	-59.97%	0.15%
CAPITAL PROJECTS FUND	$12,500	$10,326	-17.39%	22.27%	$125,000	$311,487	149.19%	45.90%
SINKING FUND	$2,083	$4,091	96.37%	8.82%	$20,833	$22,359	7.32%	3.29%
G.O. BOND FUND	$167	$0	-100.00%	0.00%	$1,667	$479	-71.23%	0.07%
WESTWOOD FUND	$625	$26	-95.91%	0.06%	$6,250	$4,916	-21.34%	0.72%
WATER FUND	$10,000	$7,757	-22.43%	16.73%	$100,000	$86,138	-13.86%	12.69%
WASTEWATER FUND	$8,333	$3,939	-52.73%	8.49%	$83,333	$41,335	-50.40%	6.09%
DEVELOPMENT EXCISE	$16,667	$5,901	-64.59%	12.73%	$166,667	$62,612	-62.43%	9.23%
SEWER SALES TAX	$5,000	$3,019	-39.63%	6.51%	$50,000	$33,069	-33.86%	4.87%
SANITATION FUND	$2,500	$2,436	-2.57%	5.25%	$25,000	$21,133	-15.47%	3.11%
PARKLAND FUND	$1,250	$486	-61.13%	1.05%	$12,500	$5,259	-57.93%	0.77%
RISK MANAGEMENT FUND	N/A	$347	100.00%	0.75%	N/A	$5,035	100.00%	0.74%
TRUST & AGENCY FUNDS	N/A	$2	100.00%	0.01%	N/A	$25	100.00%	0.00%
TAX INCREMENT DISTRICT	$1,701	$380	-77.65%	0.82%	$17,013	$7,701	100.00%	1.13%
SPECIAL GRANTS FUND	N/A	$652	100.00%	1.41%	N/A	$5,527	100.00%	0.81%
CLEET FUND	N/A	$11	100.00%	0.02%	N/A	$113	100.00%	0.02%
HOUSING	N/A	$0	100.00%	0.00%	N/A		100.00%	0.00%
SITE IMPROVEMENT FUND	N/A	$18	100.00%	0.04%	N/A	$197	100.00%	0.03%
ARTERIAL ROAD FUND	N/A	$209	100.00%	0.45%	N/A	$2,118	100.00%	0.31%
SEIZURES	$42	$278	566.91%	0.60%	$417	$2,689	545.46%	0.40%
	$69,701	$46,373	-33.47%	100.00%	$697,013	678,610	-2.64%	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 $165.11 million as of 04/30/13 are represented by working capital cash balances of all City funds of approximately $ 72.54 million, outstanding encumbrances of $35.7 million, General Obligation Bond proceeds of $38.69 million, NUA revenue bond proceeds of $8.54 million, NMA bond proceeds of $871 thousand, and UNP TIF reserve amounts of $8.77 million.

INVESTMENT BY TYPE

April 30, 2013

LIST BY TYPE	SEC. NO.	PURCHASED	MATURITY	YIELD	EARNED INTEREST	COST	MARKET
**Checking							
BANK OF AMERICA	GEN'L DEP.			0.25%	$40.67	$247,474.18	$247,474.18
BANK OF OKLAHOMA	GEN'L DEP.			0.15%	$2,796.09	$32,710,611.34	$32,710,611.34
BANK OF OKLAHOMA	WARRANTS PAYABLE					($1,010,738.15)	($1,010,738.15)
BANK OF OKLAHOMA	PAYROLL					($2,369,789.86)	($2,369,789.86)
BANK OF OKLAHOMA	COURT BOND REFUNDS					$272,769.01	$272,769.01
BANK OF OKLAHOMA	INSURANCE CLAIMS					($782,945.93)	($782,945.93)
BANK OF OKLAHOMA	LOCK BOX					$1,573,918.84	$1,573,918.84
BANK OF OKLAHOMA	FLEXIBLE SPENDING					($18,386.97)	($18,386.97)
**Subtotal					$2,836.76	$30,622,912.46	$30,622,912.46
**Money Market							
BANCFIRST-NUA	MONEY MKT.			0.01%	$1.73	$621,334.80	$621,334.80
BANCFIRST-NMA Sanitat.	MONEY MKT.			0.01%	$3.38	$503,630.39	$503,630.39
BANCFIRST-NMA Golf	MONEY MKT.			0.01%	$0.95	$367,113.22	$367,113.22
BANCFIRST-NUA Water	MONEY MKT.			0.01%	$37.20	$7,923,578.45	$7,923,578.45
BANK OF OKLAHOMA UNP TIF	MONEY MKT.			0.01%	$37.38	$8,297,432.57	$8,297,432.57
REPUBLIC BANK UNP TIF	MONEY MKT.			0.30%	$119.57	$469,426.57	$469,426.57
FIRST FIDELITY	MONEY MKT.			0.21%	$24.60	$0.00	$0.00
BANK OF OKLAHOMA	MONEY MKT.			0.15%	$1.98	$24,101.82	$24,101.82
BANK OF OKLAHOMA	MONEY MKT.			0.15%	$20.86	$254,346.10	$254,346.10
BANK OF OKLAHOMA-Clean Wtr	MONEY MKT.				$0.00	$104.01	$104.01
BANK OF OKLAHOMA- 2008A	MONEY MKT.			0.15%	$48.53	$590,515.11	$590,515.11
BANK OF OKLAHOMA-2008B	MONEY MKT.			0.15%	$62.21	$735,953.78	$735,953.78
BANK OF OKLAHOMA-2012A	MONEY MKT.			0.15%	$22.92	$278,897.90	$278,897.90
BANK OF OKLAHOMA-2012B	MONEY MKT.			0.15%	$1,172.76	$14,208,424.60	$14,208,424.60
BANK OF OKLAHOMA-2012C	MONEY MKT.			0.15%	$233.48	$2,825,823.47	$2,825,823.47
BANK OF OKLAHOMA-2012D	MONEY MKT.			0.15%	$1,507.34	$20,048,642.98	$20,048,642.98
**Subtotal					$3,294.89	$57,149,325.77	$57,149,325.77
**Sweep/Overnight							
JP MORGAN	SHORT TERM			0.00%	$0.00	$366,863.52	$366,863.52
**Certificate of Deposit							
FIRST FIDELITY BANK	CD	09/30/12	09/30/13	0.30%	$62.50	$250,000.00	$250,000.00
GREAT NATIONS BANK	CD	09/30/12	09/30/13	0.65%	$135.42	$250,000.00	$250,000.00
VALLIANCE BANK	CD	11/30/12	11/30/13	0.45%	$93.54	$250,000.00	$250,000.00
**Subtotal					$291.46	$750,000.00	$750,000.00
**U.S. Treasury Securities/Agency Securities							
FHLMC	312SX1EJ2	12/31/09	05/22/13	2.08%	3,649.08	2,000,000.00	$2,004,580.00
FHLB	3133XYHD0	07/22/10	06/14/13	1.05%	3,547.07	4,000,000.00	$4,007,000.00
FFCB	31331KET3	05/20/11	09/23/13	0.80%	3,339.46	5,000,000.00	$5,016,850.00
FHLB	313376UFO	03/30/12	01/29/14	0.38%	2,111.69	7,500,000.00	$7,512,525.00
FAMCA	31315PSG5	09/29/11	03/14/14	1.50%	951.79	2,000,000.00	$2,022,900.00
US T-Note	912828KV1	06/30/11	05/31/14	0.76%	2,299.34	3,500,000.00	$3,579,030.00
FHLB	313379SK6	08/31/12	07/02/14	0.40%	1,123.21	4,500,000.00	$4,511,340.00
FNMA	31398A3G5	08/31/11	09/08/14	1.50%	1,264.95	3,000,000.00	$3,046,470.00
FFCB	3133EC5G5	11/29/12	11/26/14	0.25%	572.48	2,500,000.00	$2,501,575.00
FNMA	3136FPEW3	03/30/12	12/16/14	1.50%	476.67	1,000,000.00	$1,019,810.00
US T-Note	912828SK7	03/28/13	03/15/15	0.25%	1,357.51	6,500,000.00	$6,520,345.00
FFCB	3133EANJ3	05/31/12	05/01/15	0.50%	2,248.29	5,500,000.00	$5,525,190.00
FHLB	3133XWNB1	08/30/12	06/12/15	2.70%	1,154.22	3,170,000.00	$3,341,940.80
FNMA	3135G0LN1	05/31/12	07/02/15	0.50%	2,660.24	5,500,000.00	$5,524,090.00
FNMA	3136FPAB3	11/30/11	08/18/15	0.96%	2,077.50	2,500,000.00	$2,593,750.00
FNMA	31398A3T7	11/30/11	09/21/15	1.00%	1,729.16	2,000,000.00	$2,079,200.00
FHLB	3133796P9	04/30/12	10/30/15	0.60%	1,762.16	3,500,000.00	$3,523,905.00
FHLB	3133724Y7	04/27/12	12/23/15	1.90%	1,742.57	3,000,000.00	$3,129,090.00
FHLB	313771AA5	03/28/13	06/13/16	0.52%	1,316.83	2,500,000.00	$2,885,600.00
FNMA	3135G0ES8	05/31/12	11/15/16	1.30%	3,014.82	4,250,000.00	$4,385,575.00
FNMA	31359M2D4	12/24/12	12/15/16	4.88%	1,550.78	2,800,000.00	$3,238,564.00
**Subtotal					39,949.82	76,220,000.00	$77,969,329.80
TOTAL					46,372.93	165,109,101.75	$166,858,431.55

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.

City of Norman, OK

Municipal Building Council
Chambers
201 West Gray Street
Norman, OK 73069

Master

File Number: RPT-1213-59

File ID:	RPT-1213-59	**Type:**	Communication or Report	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 8	**In Control:**	City Council
Department:	City Manager Department	**Cost:**		**File Created:**	05/13/2013
File Name:	Monthly Departmental Report April 2013			**Final Action:**	
Title:	SUBMISSION AND ACKNOWLEDGING RECEIPT OF THE MONTHLY DEPARTMENTAL REPORTS FOR THE MONTH OF APRIL, 2013, AND DIRECTING THE FILING THEREOF.				

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

ACTION TAKEN: _____

Agenda Date: 05/28/2013

Agenda Number: 8

Attachments:

Project Manager: Carol Coles, Administrative Assistant

Entered by: Ellen.Usry@mccinnovations.com **Effective Date:**

History of Legislative File

Ver-sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:

Text of Legislative File RPT-1213-59

City of Norman, OK

Municipal Building Council Chambers
201 West Gray Street
Norman, OK 73069

Master

File Number: K-1213-181

File ID:	K-1213-181	**Type:**	Contract	**Status:**	Consent Item
Version:	4	**Reference:**	Item No. 9	**In Control:**	City Council
Department:	Public Works Department	**Cost:**	$760,878.55	**File Created:**	04/23/2013
File Name:	Hayes Iowa Paving Projects			**Final Action:**	

Title: CONSIDERATION OF BID NO. 1213-75, CONTRACT NO. K-1213-181 WITH RUDY CONSTRUCTION COMPANY IN THE AMOUNT OF $760,878.55; PERFORMANCE BOND NO. B-1213-78; STATUTORY BOND NO. B-1213-79; MAINTENANCE BOND NO. MB-1213-69, AND RESOLUTION NO. R-1213-112 FOR THE ROAD RECONSTRUCTION 2010 BOND PROGRAM (HAYES STREET FROM FLOOD AVENUE TO JAMES GARNER AVENUE AND IOWA STREET FROM BERRY ROAD TO BARBOUR AVENUE).

Notes: ACTION NEEDED: Motion to accept or reject all bids meeting specifications; and, if accepted, award the bid in the amount of $760,878.55 to Rudy Construction Company as the lowest and best bidder meeting specifications; approve Contract No. K-1213-181 and the performance, statutory, and maintenance bonds; authorize execution of the contract and bonds; direct the filing of the bonds; and adopt Resolution No. R-1213-112.

ACTION TAKEN: _____

Agenda Date: 05/28/2013

Agenda Number: 9

Attachments: Text File K-1213-181, BID TABULATION BID 1213-75, K-1213-181, Perf B-1213-78, Stat B-1213-79, MB-1213-69, R-1213-112, MAP ROAD RECONST BOND PROJ, PR Rudy Construction

Project Manager: Greg Hall, Street Superintendent

Entered by: patsy.sayers@normanok.gov

Effective Date:

History of Legislative File

Ver-sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:

Text of Legislative File K-1213-181

Body

BACKGROUND: In the Norman General Obligation Bond Election of March 2, 2010, voters approved a 5-year, 4-phase program of Street Maintenance on neighborhood streets. The four phases include (1) Urban Asphalt Streets, (2) Urban Concrete Streets, (3) Rural Roads and (4) Road Reconstruction. The Road Reconstruction Program this year includes the complete removal and replacement of neighborhood streets at the following locations:

Hayes Street, Between Flood Avenue and James Garner Avenue (BP0312)
Iowa Street, Between Berry Road and Barbour Avenue (BP0342)

This program is funded in Road Re-Construction (account 050-9385-431.61-01; projects BP0312 and BP0342). Bid specifications and documents were advertised on April 9, 2013 and April 16, 2013. Nine (9) paving contractors received a set of documents. If approved, the base bid for this project will complete all FYE 2011 and all of the FYE 2012 locations for Road Reconstruction projects included in the 2010 Bond Election. Design is underway on the FYE 2013 Road Reconstruction project.

DISCUSSION: The bid opening was conducted on April 30, 2013, and four (4) contractors submitted bids. The lowest bid in the amount of $760,878.55 was submitted by Rudy Construction Company of Oklahoma City, OK. The low bid is below the engineer's estimate of $805,957.36 by $45,078.81 (5.6% percent). The average of the four (4) bids is $876,763.96. Rudy Construction Company has previously worked for the City of Norman, and the firm received favorable references from other cities on similar projects, including the City of Oklahoma City.

If approved, construction will begin on these projects on May 29, 2013. Access to adjacent residential properties will be provided throughout the construction project. Neighborhood notification will be conducted prior to construction.

RECOMMENDATION 1: Staff has reviewed the bids and recommends that Bid 1213-75 for the Road Reconstruction 2010 Bond Program, be awarded to the low bidder, Rudy Construction Company, in the amount of $760,878.55.

RECOMMENDATION 2: Staff further recommends that, upon approval of Bid 1213-75, the following contract and bonds be approved:

Contract K-1213-181
Performance Bond B-1213-78
Statutory Bond B-1213-79
Maintenance Bond MB-1213-69

RECOMMENDATION 3: Staff further recommends that, upon approval of Contract K-1213-181, that Resolution R-1213-112 be adopted authorizing Rudy Construction Company, as project agent.

CITY OF NORMAN
TABULATION OF BIDS
ROAD RECONSTRUCTION 2010 BOND PROGRAM
FYE 2011ONE (1) AND FYE 2012 ONE (1) PROJECT BOND LOCATIONS

Bid No. 1213-75
Bid Opening: April 30, 2013

The following is a tabulation of bids received by the City of Norman for the project.

BIDDER	BID PRICE
Rudy Construction Co.	$ 760,878.55
Oklahoma City, OK	
Silver Star Construction	$ 825,355.80
Moore, OK	
A-Tech Paving	$ 847,143.00
Edmond, OK	
Haskell Lemon Construction Co..	$ 1,073,678.50
Oklahoma City, OK	

Engineer's Estimate $805,957.36

RECOMMENDATION:

Staff recommends the bid be awarded to Rudy Construction Co., as the lowest and best bidder meeting all specifications in the amount of $ 760,878.55.

Forwarded by:

Greg Hall, Street Superintendent

ps

CONTRACT

THIS CONTRACT made and entered into this_____day of_____, 20__, by and between Rudy Construction Co. as Party of the First Part, hereinafter designated as the CONTRACTOR, and the City of Norman, a municipal corporation, hereinafter designated as the CITY, Party of the Second Part.

WITNESSETH

WHEREAS, the CITY 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 Notice to Bidders 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 projects:

BID 1213-75 ROAD RECONSTRUCTION 2010 BOND PROJECTS

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 Notice to Bidders, has submitted to the CITY on the manner and at the time specified, a sealed proposal in accordance with the terms of this Contract; and,

WHEREAS, the CITY, 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:

(WRITTEN) Seven Hundred Sixty Thousand Eight Hundred Seventy Eight and 55/100 (DOLLARS);

(NUMERALS) ($ 760,878.55).

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 the Norman Transcript, the Notice to Bidders, Instructions to Bidders, the Contractor's Bid or Proposal, the Construction Drawings, Specifications, Provisions, and Bonds thereto, all of which documents are on file in the Office of the Purchasing Agent of the City of Norman, and are made a part of this CONTRACT as fully as if the same were set out at length.

2) The CITY shall make payments as stipulated in the contract documents to the CONTRACTOR in the following manner: On or about the first day of each month, the project engineer, or other appropriate person, will make accurate estimates of the value, based on CONTRACT prices, or 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 engineer, 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 62, Section 310.9.

On completion of the work, but prior to the acceptance thereof by the CITY, it shall be the duty of the project engineer, 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 CITY.

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 retainages) will be approved and paid.

3) It is further agreed that the CONTRACTOR will commence said work within 10 days following receipt of a NOTICE-TO-PROCEED, and prosecute the same vigorously and continuously. The contract period is as follows:

Iowa Street (west of intersection) & Iowa-Barbour Intersection (Phase 1):
"Fixed Completion Date"– August 2, 2013

Iowa Street (east of intersection) (Phase 2):
"Fixed Completion Date"– October 18, 2013

Hayes Street:
"Fixed Completion Date"– December 13, 2013

4) That the CITY 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.

b. Construction items specified but not included as bid items shall be considered incidental and 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 rise
as 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 Agreement.

5) 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 CITY; and that in the event any additional are provided by the CONTRACTOR without such authorization, the CONTRACTOR shall not be entitled to any compensation therefore whatsoever.

6) That if any additional work is performed or additional materials provided by the CONTRACTOR

upon authorization by the CITY, the CONTRACTOR shall be compensated therefore at the unit price and as agreed to by both parties in the execution of the Change Order.

7) 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 CITY 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 CITY.

8) The CONTRACTOR shall complete the work in accordance with the terms of this Agreement. The CONTRACTOR further agrees to pay as liquidated damages as stipulated in the contract document General Conditions for each calendar day thereafter.

9) The CONTRACTOR shall furnish surety bonds and certificate of insurance as specified herein which bonds and insurance must be approved by the CITY prior to issuance of the Work Order and commencement of work on the project. The CONTRACTOR shall provide written documentation from the Maintenance Bond Company that all work, including Change Orders, is covered by the Maintenance Bond before final acceptance of the project.

10) 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.

11) To that end, no provision of this CONTRACT or of any such aforementioned document shall be interpreted or given legal effect to create an obligation on the part of the CITY to third persons, including, by way of illustration but not exclusion, sureties upon performance bonds, payment bonds or other bonds, assignees of 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 CITY or in any way to restrict the freedom of the third person to the CITY or in any way to restrict the freedom of the CITY to exercise full discretion in its dealing with the Contractor.

12) <u>The sworn, notarized statement below must be signed and notarized before this Contract will become effective.</u>

STATE OF <u>Oklahoma</u>)
) ss:
COUNTY OF <u>Oklahoma</u>)

Doug Walker, 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 CITY. Affidavit further states that CONTRACTOR has not paid, given or donated or agreed to pay, give, or donate to any officer or employee of the CITY any money or other thing of value, either directly or indirectly, in the procuring of the CONTRACT.

Rudy Construction Co.
Contractor

Subscribed and sworn to before me this 3 day of May, 2013.

Notary Public

IN WITNESS WHEREOF, the said parties of the First and Second Part have hereunto set their hands and seals respectively the 3rd day of May 2013, and the _____ day of _____, 20___.

(Corporate Seal) (where applicable)

Principal

ATTEST:
Authorized Representative
Phil Pratt
~~Corporate Secretary~~ (where applicable)
WITNESS

Signed: _____

Title: President

Address Box 14575 - Oklahoma City, Okla. 73113

Telephone: 405-478-9900

CITY OF NORMAN:

Approved as to form and legality this 17 day of May 2013.

City Attorney

Approved by the Council of the City of Norman, this ____ day of _____, 20___.

ATTEST:

City Clerk

Mayor

PERFORMANCE BOND

Bond No.: 105907981

Known all men by these presents, that Rudy Construction Co. as PRINCIPAL, and * See below Corporation organized under the laws of the State of Connecticut and authorized to transact business in the State of Oklahoma, as SURETY, are held and firmly bound unto THE CITY OF NORMAN, a Municipal Corporation of the State of Oklahoma, herein called CITY, in the sum of Seven hundred sixty thousand eight hundred seventy eight DOLLARS, ($ 760,878.55), for the payment of which sum PRINCIPAL and SURETY bind themselves, their heirs, executors, administrators, successors and assigns jointly and severally.

& 55/100

* Travelers Casualty and Surety Company of America

WHEREAS, the conditions of this obligation are such that the PRINCIPAL, being the lowest and best Bidder on the following PROJECT:

BID 1213-75 ROAD RECONSTRUCTION 2010 BOND PROJECTS

has entered into a written CONTRACT (K-1213-181) with THE CITY OF NORMAN, dated this _____ day of _____, 2013 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 said 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 CITY from all loss, damage, and expense to life or property suffered or sustained by any person, firm, or corporation caused by 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 PRINCIPAL of his or its agents, servants, or employees; and if the PRINCIPAL shall protect and save the CITY 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 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), and the _____day of _____, 20 13 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_____, 2013 .

Rudy Construction Co.
Principal

(Corporate Seal) (where applicable)

Principal Signed: _____
Authorized Representative

ATTEST: _____

Title: Doug Walker, President

~~Corporate Secretary~~ (where applicable)
Witness

Address: P.O. Box 14575
Oklahoma City, OK 73113

Telephone: 405-478-9900

(Corporate Seal) (where applicable

Surety: Travelers Casualty and Surety Company of America

ATTEST: _____
Carrie ~~Trde~~, Witness

Signed: _____
Authorized Representative

Printed: Dillon Rosenhamer
Authorized Representative

Title: Attorney-in-Fact
INSURICA

Address: 5100 N. Classen Blvd., Suite 300,
Oklahoma City, OK 73118

Telephone: 405-523-2100

CORPORATE ACKNOWLEDGEMENT

STATE OF Oklahoma)
) ss:
COUNTY OF Oklahoma)

The foregoing instrument was acknowledge before me this 3rd day of May, 2013, by Doug Walker - President (Name and Title), of Rudy Construction Co., a(n) corporation, on behalf of the corporation.

WITNESS my hand and seal this 3 day of May, 2013

Notary Public

My Commission Expires:
10/20/16

INDIVIDUAL ACKNOWLEDGEMENT

STATE OF _____)
) ss:
COUNTY OF _____)

The foregoing instrument was acknowledge before me this _____ day of _____, 20____, by _____(Name and Title) of _____, a(n) corporation.

WITNESS my hand and seal this _____ day of _____, 20__.

_____
Notary Public

My Commission Expires:
_____

PARTNERSHIP ACKNOWLEDGEMENT

STATE OF _____)
) ss:
COUNTY OF _____)

The foregoing instrument was acknowledge before me this _____ day of _____, 20____, by _____ (Name and Title) _____ (partner/agent) on behalf of _____, a partnership.

WITNESS my hand and seal this _____ day of _____, 20___.

_____
Notary Public

My Commission Expires:
_____

CITY OF NORMAN

Approved as to form and legality this 17 day of May, 2013.

City Attorney

Approved by the Council of the City of Norman this _____ day of _____, 20___.

ATTEST:

City Clerk

Mayor

STATUTORY BOND Bond No.: 105907981

Known all men by these presents that Rudy Construction Co. as PRINICPAL, and Travelers Casualty and Surety Company of America, a corporation organized under the laws of the State of Connecticut, and authorized to transact business in the State of Oklahoma, as Surety, are held and firmly bound unto the State of Oklahoma in the sum of Seven hundred sixty thousand eight hundred seventy eight & 55/100 DOLLARS ($ 760,878.55), or 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:

BID 1213-75 ROAD RECONSTRUCTION 2010 BOND PROJECTS

K-1213-181

has entered into a written CONTRACT (_____) with THE CITY OF NORMAN, dated this _____ day of _____, 20 13, 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. S2, 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 _____day of_____, 20 13 , 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_____ day of _____, 20 13 .

Rudy Construction Co.

(Corporate Seal) (where applicable)

Principal Signed: _____
Authorized Representative
Title: Doug Walker, President

ATTEST

Phil Pratt
~~Corporate Secretary~~ (where applicable)
Witness

Statutory Bond No. B-1213-79
Page 1 of 3

Address: P.O. Box 14575

Oklahoma City, OK 73113

Telephone: 405-478-9900

(Corporate Seal) (where applicable)

Surety: Travelers Casualty and Surety Company of America

ATTEST:

Carrie True, Witness

Signed:

Authorized Representative

Printed: Dillon Rosenhamer

Authorized Representative

Title: Attorney-in-Fact

Address: INSURICA

5100 N. Classen Blvd., Suite 300

Oklahoma City, OK 73118

Telephone: 405-523-2100

CORPORATE ACKNOWLEDGEMENT

STATE OF Oklahoma)

) ss:

COUNTY OF Oklahoma)

The foregoing instrument was acknowledge before me this 3 day of May, 2013, by Doug Walker - President (Name and Title), of Rudy Construction Co., a(n) corporation, on behalf of the corporation.

WITNESS my hand and seal this 3 day of May, 2013.

TRACY ANDERSON NOTARY # 08010236 EXP. 10/20/16 PUBLIC STATE OF OKLAHOMA

Notary Public

My Commission Expires:
10/20/16

INDIVIDUAL ACKNOWLEDGEMENT

STATE OF _____)

) ss

COUNTY OF _____)

The foregoing instrument was acknowledge before me this _____ day of _____, 20___, by _____(Name and Title) of _____, a(n) corporation.

WITNESS my hand and seal this _____ day of _____, 20___.

_____
Notary Public

My Commission Expires:

_____

PARTNERSHIP ACKNOWLEDGEMENT

STATE OF _____)
) ss:
COUNTY OF _____)

The foregoing instrument was acknowledge before me this _____ day of _____, 20___, by _____ (Name and Title) _____ (partner/agent) on behalf of _____, a partnership.

WITNESS my hand and seal this _____ day of _____, 20___.

_____
Notary Public

My Commission Expires:

_____

CITY OF NORMAN

Approved as to form and legality this 17 day of May, 2013

_____
City Attorney

Approved by the Council of the City of Norman this _____ day of _____, 20___.

ATTEST:

_____ _____
City Clerk Mayor

CITY OF NORMAN

MAINTENANCE BOND Bond No.: 105907981

Know all men by these presents that Rudy Construction Co. as Principal, and Travelers Casualty and Surety Company of America a corporation organized under the laws of the State of Connecticut, and authorized to transact business in the State of Oklahoma, as SURETY, are held and firmly bound unto THE CITY OF NORMAN, a Municipal Corporation of the State of Oklahoma, herein called CITY, in the sum of * See amount below DOLLARS ($ 760,878.55), for the payment of which sum PRINCIPAL and SURETY bind themselves, their heirs, executors, administrators, successors and assigns, jointly and severally.

* Seven hundred sixty thousand eight hundred seventy eight & 55/100----- DOLLARS

WHEREAS, the conditions of this obligation are such that the PRINCIPAL, being the lowest and best bidder on the following project:

BID 1213-75 ROAD RECONSTRUCTION 2010 BOND PROJECTS

K-1213-181

has entered into a written CONTRACT (_____) with the CITY OF NORMAN, dated this _____ day of _____, 20 13 for the erection and construction of this PROJECT, that CONTRACT being incorporated herein by references as if fully set forth; and,

WHEREAS, under the ordinances of the CITY the PRINCIPAL is required to furnish to the CITY 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 CITY or expense to the CITY any and all defects arising from improper workmanship, materials, or failure to protect new work until it is accepted; all for a period of one (1) year from the date of the written final acceptance by the CITY, then this obligation shall be null and void. The amount of the Maintenance Bond shall be 100 % of the contract amount. 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 CITY for the cost and expense for making such repair, or otherwise maintaining the said construction.

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 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 ___ day of _____, 20 13, and the SURETY has caused these presents to be executed in its name its corporate seal to be hereunto affixed by its authorized representative(s) on the _____ day of _____, 2013.

(Corporate Seal) (where applicable)

Rudy Construction Co.

Principal

ATTEST:

Signed: _____
Authorized Representative

Title: Doug Walker, President

~~Corporate Secretary~~ (where applicable)
Witness

Address: P.O. Box 14575
Oklahoma City, OK 73113

Telephone: 405-478-9900

(Corporate Seal) (where applicable)

Surety: Travelers Casualty and Surety Company of America

ATTEST:
Carrie True, Witness

Signed: _____
Authorized Representative

Printed: Dillon Rosenhamer
Authorized Representative

Title: Attorney-in-Fact
INSURICA

Address: 5100 N. Classen Blvd., Suite 300
Oklahoma City, OK 73113

Telephone: 405-523-2100

CORPORATE ACKNOWLEDGEMENT

STATE OF Oklahoma)
) ss:
COUNTY OF Oklahoma)

The foregoing instrument was acknowledge before me this 3 day of May, 2013 by Doug Walker - President (Name and Title), of _____, a(n) corporation, on behalf of the corporation.

WITNESS my hand and seal this 3 day of May, 2013

Notary Public

My Commission Expires:
10/20/16

TRACY ANDERSON NOTARY # 08010235 EXP. 10/20/16 PUBLIC STATE OF OKLAHOMA

INDIVIDUAL ACKNOWLEDGEMENT

STATE OF _____)
) ss:
COUNTY OF _____)

The foregoing instrument was acknowledge before me this _____ day of _____, 20___, by _____(Name and Title) of _____, a(n) corporation.

WITNESS my hand and seal this _____ day of _____, 20___.

_____
Notary Public

My Commission Expires:

_____

PARTNERSHIP ACKNOWLEDGEMENT

STATE OF _____)
) ss:
COUNTY OF _____)

The foregoing instrument was acknowledge before me this _____ day of _____, 20___, by _____ (Name and Title) _____ (partner/agent) on behalf of _____, a partnership.

WITNESS my hand and seal this _____ day of _____, 20___.

_____
Notary Public

My Commission Expires:

_____

CITY OF NORMAN

Approved as to form and legality this 17 day of May, 2013.

_____
City Attorney

Approved by the Council of the City of Norman this _____ day of _____, 20___.

ATTEST:

_____ _____
City Clerk Mayor

Resolution

R-1213-112

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AUTHORIZING AND APPOINTING RUDY CONSTRUCTION COMPANY AS PROJECT AGENT FOR THE ROAD RECONSTRUCTION 2010 BOND PROGRAM.

§ 1. WHEREAS, the City of Norman, Oklahoma, does hereby acknowledge that the tax-exempt status of this political subdivision is a significant factor in determining the agreed contract price bid by Rudy Construction Company for the Road Reconstruction 2010 Bond Program; and.

§ 2. WHEREAS, the City of Norman, Oklahoma, in compliance with State law, desires to confer on Rudy Construction Company its special State and Federal sales tax exemptions and in order to achieve such end, finds it necessary to appoint as its direct purchasing agent, Rudy Construction Company to purchase materials which are in fact used for the Road Reconstruction 2010 Bond Program; and

§ 3. WHEREAS, this limited agent status is conferred with the express understanding that Rudy Construction Company shall appoint employees and subcontractors as subagents who shall be authorized to make purchases on their behalf.

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

§ 4. That the City of Norman, Oklahoma, on the 28th day of May, 2013, did appoint Rudy Construction Company who is involved with the Road Reconstruction 2010 Bond Program, an agent of the City of Norman, Oklahoma, solely for the purpose of purchasing, on a tax-exempt basis, materials and tangible personal property to be used exclusively for the Road Reconstruction 2010 Bond Program.

PASSED AND ADOPTED THIS 28th day of May, 2013.

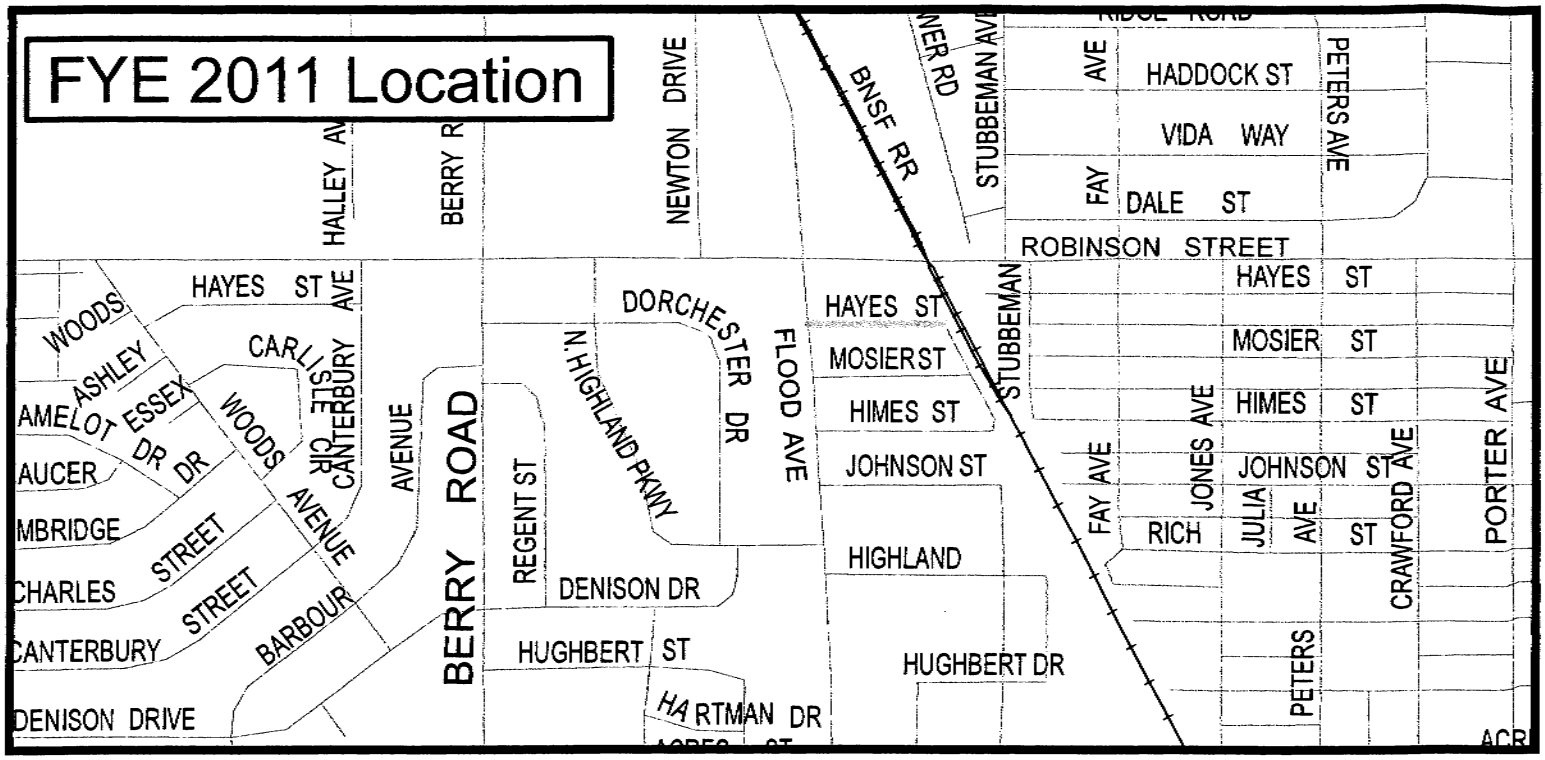
_____
Mayor

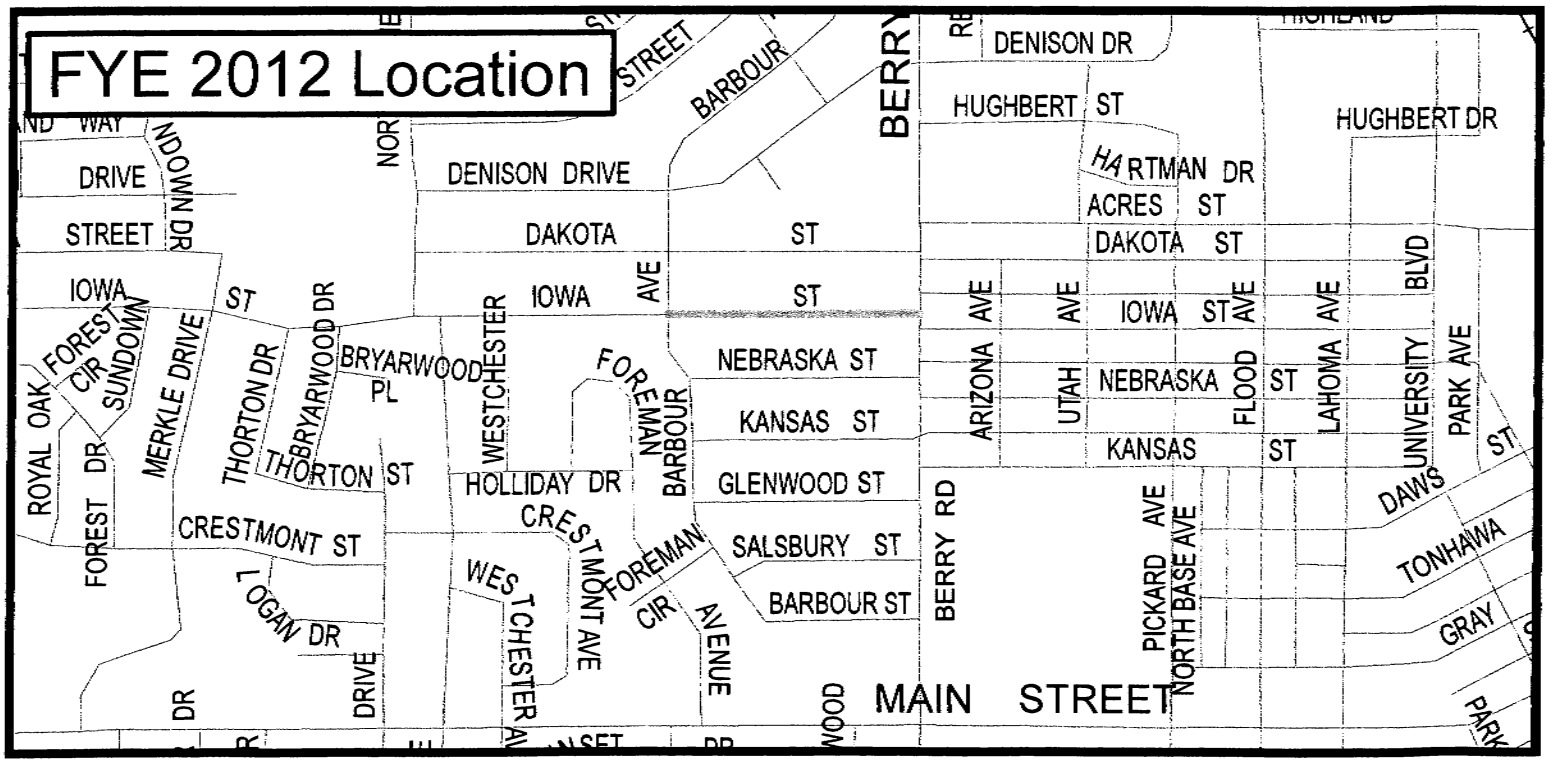
ATTEST:

_____
City Clerk

City of Norman
Road Reconstruction Bond Projects

March 2010 Election





Map Produced by the City of Norman
Geographic Information System.
(405) 366-5316
The City of Norman assumes no
responsibility for errors or omissions
in the information presented.

PURCHASE REQUISITION NBR: 0000216584

STATUS: DIVISION APPROVAL

REQUISITION BY: PSAYERS
REASON: BP 0312/BP 0342 RD RECONST 2011-2012 PROJECTS
DATE: 5/06/13

SHIP TO LOCATION: LINDSEY STREET YARD
SUGGESTED VENDOR: 6082 RUDY CONSTRUCTION CO
DELIVER BY DATE: 5/06/13

LINE NBR	DESCRIPTION	QUANTITY	UOM	UNIT COST	EXTEND COST	VENDOR PART NUMBER
1	HAYES STREET RECONST PROJ COMMODITY: CONSTRUCTION SERVICES, HE SUBCOMMOD: CONSTRUCTION, STREET (MAJ	182482.10	DOL	1.0000	182482.10	
2	IOWA STREET - PHASE I COMMODITY: CONSTRUCTION SERVICES, HE SUBCOMMOD: CONSTRUCTION, STREET (MAJ	226809.30	DOL	1.0000	226809.30	
3	IOWA STREET - PHASE II - BID 1213-75 K-1213-181 - PENDING CITY COUNCIL APPROVAL 05-28-2013 - ENCUMBERING PURCHASE ORDER - DO NOT MAIL - COMMODITY: CONSTRUCTION SERVICES, HE SUBCOMMOD: CONSTRUCTION, STREET (MAJ	351587.15	DOL	1.0000	351587.15	

REQUISITION TOTAL: 760878.55

ACCOUNT INFORMATION

LINE #	ACCOUNT		PROJECT	%	AMOUNT
1	05093854316101	Capital Projects Construction	BP0312 Road Const FYE 2011	100.00	182482.10
2	05093854316101	Capital Projects Construction	BP0342 Road Reconstruction 2012	100.00	226809.30
3	05093854316101	Capital Projects Construction	BP0342 Road Reconstruction 2012	100.00	351587.15
					760878.55

REQUISITION IS IN THE CURRENT FISCAL YEAR.

REQUISITION COMMENTS:

-
BID 1213-75 K-1213-181
-
PENDING CITY COUNCIL APPROVAL 05-28-2013
-

City of Norman, OK

Municipal Building Council Chambers
201 West Gray Street
Norman, OK 73069

Master

File Number: GID-1213-91

File ID:	GID-1213-91	**Type:**	Request for Payment	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 10	**In Control:**	City Council
Department:	Finance Department	**Cost:**	$12,000.00	**File Created:**	05/16/2013
File Name:	Fire Station No. 9 addiitional costs - emergency			**Final Action:**	

Title: CONSIDERATION OF THE RATIFICATION OF THE DECLARATION OF AN EMERGENCY AND THE CITY MANAGER'S AUTHORIZATION TO TRANSFER FUNDS IN THE AMOUNT OF $12,000 FROM THE CAPITAL FUND BALANCE FOR THE FIRE STATION NO. NINE FIBER OPTIC CABLING COMMUNICATIONS PROJECT.

Notes: ACTION NEEDED: Motion to approve or reject ratification of the Declaration of Emergency and the City Manager's authorization to transfer funds in the amount of $12,000 from the Capital Fund Balance to the Public Safety Sales Tax Project Account.

ACTION TAKEN: _____

Agenda Date: 05/28/2013

Agenda Number: 10

Attachments: Approved Memo Fire Station 9

Project Manager: Kari Madden, Network Manager

Entered by: Ellen.Usry@mccinnovations.com

Effective Date:

History of Legislative File

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:

Text of Legislative File GID-1213-91

Body

BACKGROUND: On March 12, 2013, the Council approved Contract No. K-1213-174 to Trans-Tel Central of Norman, Oklahoma for the extension of fiber optic cabling connections between the City's Lindsey Street Maintenance Facility and the Fire Station Number Nine site, in the total amount of $284,200. The Fire Station 9 Fiber Connectivity project anticipated the use of existing traffic signal conduit along the route to achieve the needed communications facilities at a reduced cost. The project budget was shared between the Public Safety Sales Tax Fund, as a part of the Fire Station 9 construction project, and the Capital Fund, as an improvement to the City's traffic signal connectivity network. It was anticipated that some repairs to the existing conduit would be required as the project progressed.

DISCUSSION: As the Fire Station 9 Fiber Connectivity project progressed, extensive damage to the existing traffic signal connectivity conduit was discovered under pavement along the west side of 12th Avenue SW. In order to maintain the construction schedule for Fire Station Number 9, to restore traffic signal connectivity along 12th Avenue SW, and to maintain the project's progress, the City Manager declared an emergency and authorized the transfer of additional Capital Fund allocations to the project. The Council's approval of the transfer of funds from the Capital Fund to the PSST Fund is required by City policy, and Council ratification of the other actions taken is requested. Change Order No. One in the amount of $20,185.46 (a 7% increase) will

be prepared by the Contractor and submitted for the City Manager's approval. After approval by the City Manager, the Change Order will be submitted as an attachment in the City Manager's Change Order Report on June 11, 2013.

RECOMMENDATION: Staff recommends the ratification of the declaration of an emergency to transfer funds in the amount of $12,000 from Capital Fund, Traffic Calming Construction (account 050-9073-431.61-01, project TC0230) to Public Safety Sales Tax Fund Computer Hardware (account 015-6543-422.53-01).

office memorandum

DATE: May 8, 2013

TO: Steven Lewis, City Manager

FROM: Anthony Francisco, Finance Director

SUBJECT: Request for Emergency Capital Fund Transfer

As you know, the City is in progress on constructing fiber optic connections to the new Fire Station #9 (contract K-1213-174 with Trans-Tel of Norman). The fiber is being connected through existing traffic signal connection conduit for much of its distance between the Lindsey Street Maintenance Facility and Fire Station #9.

It was anticipated that damaged areas of the traffic conduit would have to be repaired during this project, and $10,000 was included in the contract amount for these repairs. As the construction has progressed, however, substantial additional repairs have been required. Approximately 800 feet of the conduit needs to be repaired under pavement, requiring boring under the driveways of several businesses along the west side of 12th Avenue NE (East Norman Urgent Care, Communications Federal Credit Union, etc.).

In order to keep the project moving forward and in the continuing effort to open Fire Station #9 on schedule with necessary communications connectivity, we would request that you approve an emergency transfer of $12,000 from Traffic Calming, Construction (account 050-9073-431.61-01) to PSST Computer Hardware (account 015-6543-422.53-01). Staff will prepare an agenda item for the May 28th Council agenda for ratification of this action, and a change order to the Trans-Tel contract.

APPROVED

DISAPPROVED

EC: Shawn O'Leary, Public Works Director
Susan Connors, Planning Director
Brenda Hall, City Clerk
Kari Madden, Network Manager
Suzanne Krohmer, Budget Manager

City of Norman, OK

Municipal Building Council
Chambers
201 West Gray Street
Norman, OK 73069

Master

File Number: E-1213-26

File ID:	E-1213-26	**Type:**	Easement	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 11	**In Control:**	City Council
Department:	Public Works Department	**Cost:**	$7,700.00	**File Created:**	04/24/2013
File Name:	Cedar Lane Easement Astellas			**Final Action:**	

Title: EASEMENT NO. E-1213-26: CONSIDERATION OF ACCEPTANCE OF A PERMANENT PUBLIC ROADWAY, DRAINAGE AND UTILITY EASEMENT FROM ASTELLAS PHARMA TECHNOLOGIES, INC. IN THE AMOUNT OF $7,700 FOR THE CEDAR LANE ROAD WIDENING PROJECT.

Notes: ACTION NEEDED: Motion to accept or reject Easement No. E-1213-26; and, if accepted, direct the filing thereof with the Cleveland County Clerk and payment in the amount of $7,700 to Astellas Pharma Technologies, Inc.

ACTION TAKEN: _____

Agenda Date: 05/28/2013

Agenda Number: 11

Attachments: Text File E-1213-26, E-1213-26, Map of Easements Heritage Astellas, Table of Easements, PR Astellas E-1213-26

Project Manager: Josh Malwick, Capital Projects Engineer

Entered by: pam.jones@normanok.gov

Effective Date:

History of Legislative File

Ver-sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:

Text of Legislative File E-1213-26

body

BACKGROUND: The Cedar Lane Road Widening Project involves the construction of a new four-lane roadway between 12th Avenue SE and ½ mile east of 24th Avenue SE including five foot bike lines on each side of the road. The project will also include improvements to 12th Avenue SE and 24th Avenue SE as they approach Cedar Lane Road, improve the BNSF railroad crossing and resurface US-77 on the north and south sides of Cedar Lane Road. Signalization of the 12th Avenue SE and Cedar Lane Road intersection will also help relieve traffic congestion at peak travel times during the day.

On November 22, 2011 City Council approved programming Resolution No. R-1112-60 requesting federal funds to widen Cedar Lane Road to four lanes between 12th Avenue SE and ½ mile east of 24th Avenue SE. This resolution states the City's commitment to adhere to the terms and conditions of a federally funded project. Through the Association of Central Oklahoma Governments (ACOG), the Oklahoma Department of Transportation (ODOT) agrees to pay 80% of the construction cost with a 20% matching share from the City of Norman.

On August 28, 2012, the citizens of Norman voted in favor of a Bond Issue to finance the local share of eight transportation/storm water improvement projects. One of the eight 2012 bond projects is the Cedar Lane Road Widening Project.

DISCUSSION: City Council recently authorized the first sale of General Obligation Bonds for the 2012 Bond Program. Staff has budgeted within the project for costs associated with acquiring right-of-way and thus funds are available for this project. The funds have been transferred into the Cedar Lane Road Widening Project, Right-of-Way account.

The City needs to acquire forty-seven (47) easements along Cedar Lane Road for temporary construction or roadway, drainage and utility easements. City Council was updated on the progress of acquiring necessary right of way for the Project on May 14, 2013 prior to its regularly scheduled meeting. Ten (10) easements were acquired and approved by City Council at its regularly scheduled meeting on May 14, 2013. Seventeen (17) additional easements have been secured bringing the total of easements acquired for this project to twenty-seven (27), thus far. Staff initially requested donations prior to making any offers of fair market value in an effort to keep Project costs at a minimum. The attached Right-of-Way Easement Table provides the details of each easement. Also attached is a map providing the location of each easement as well as the property owners. It is the goal of staff to acquire all the necessary easement for this Project by donation or agreed settlement. This Permanent Roadway, Drainage, and Utility Easement is being acquired for an agreed upon value of $7,700.

RECOMMENDATION: Staff recommends Easement No. E-1213-26 be accepted, payment be authorized and the filing be directed thereof.

E-1213-26

Parcel No: 1.0
Project No:
J/P No: 29261(04)

GRANT OF EASEMENT
City of Norman

Know all men by these presents:

That **Astellas Pharma Technologies, Inc.**, for and in consideration of the sum of Seven Thousand Seven Hundred Dollars ($7,700.00), receipt of which is hereby acknowledged, and for and upon other good and valuable considerations, do 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, the following described land to wit:

A strip, piece, or parcel of land lying in Lot 1, Block 2 of a Replat of Block 2 Shaklee Addition to the City of Norman and being in the Southeast Quarter (SE 1/4) of Section 8, Township 8 North, Range 2 West of the Indian Meridian, Cleveland County, Oklahoma. Said parcel of land being more particularly described as follows:

BEGINNING at the Southeast Corner of said Lot 1; THENCE South 89°39'27" West along the South line of said Lot 1, a distance of 340.00 feet; THENCE North 00°20'33" West, a distance of 17.00 feet; THENCE North 89°39'27" East parallel with the South line of said Lot 1, a distance of 315.16 feet; THENCE North 44°56'15" East a distance of 35.53 feet to a point on the East line of said Lot 1 and being the West line of an existing Right-of-Way; THENCE South 00°13'03" West along the East line of said Lot 1, a distance of 42.00 feet to the POINT OF BEGINNING. Containing 6093.90 sq. ft. or 0.14 acres, more or less, of new Roadway Easement.

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 roadway, drainage structure or utility.

PUBLIC ROADWAY, DRAINAGE AND UTILITIES

To have and to hold the same unto the said city, its successors, and assigns forever.

Signed and delivered this 21ST day of MAY, 2013

Astellas Pharma Technologies, Inc.,

By: Brian McLellan

VICE PRESIDENT & CORPORATE SECRETARY
Title

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 May, 2013, personally appeared Brian McLellan, 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 for the uses and purposes therein set forth.

WITNESS my hand and seal the day and year last above written.

My Commission Expires: 1/28/2015 Notary Public: Rachel Turnham Green

OFFICIAL SEAL
NOTARY PUBLIC SEAL RACHEL TURNHAM GREEN
Commission # 03001699
Expires Jan. 28, 2015
OKLAHOMA

Approved as to form and legality this _____ day of _____, 20___.

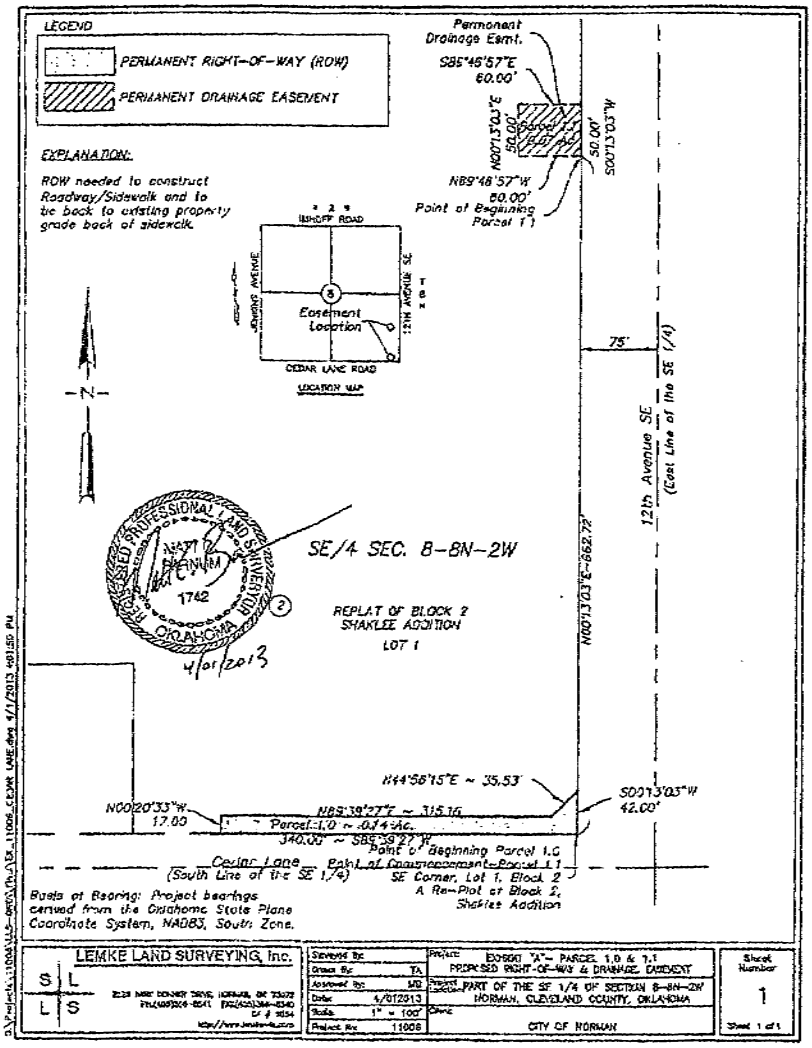
City Attorney

Approved and accepted by the Council of the City of Norman, this _____ day of _____, 20___.

Mayor

ATTEST:

City Clerk
SEAL:


LEGEND
PERMANENT RIGHT-OF-WAY (ROW)
PERMANENT DRAINAGE EASEMENT
EXPLANATION:
ROW needed to construct Roadway/Sidewalk and to tie back to existing property grade back of sidewalk.
Permanent Drainage Esmt.
S85°46'57"E 60.00'
N00°13'03"E 50.00'
Parcel 1.1 0.07 Ac.
50.00' S00°13'03"W
N89°46'57"W 60.00'
Point of Beginning Parcel 1.1
BISHOFF ROAD
Easement Location
12TH AVENUE SE
CEDAR LANE ROAD
LOCATION MAP
75'
12th Avenue SE (East Line of the SE 1/4)
SE/4 SEC. 8-8N-2W
REPLAT OF BLOCK 2 SHAKLEE ADDITION
LOT 1
N00°13'03"E-862.72'
N44°56'15"E ~ 35.53'
S00°13'03"W 42.00'
N00°20'33"W 17.00
N89°39'27"E ~ 315.16'
Parcel 1.0 ~ 0.14 Ac.
340.00' ~ S89°39'27"W
Point of Beginning Parcel 1.0
Point of Commencement Parcel 1.1
SE Corner, Lot 1, Block 2 A Re-Plat of Block 2, Shaklee Addition
Cedar Lane (South Line of the SE 1/4)
Basis of Bearing: Project bearings carried from the Oklahoma State Plane Coordinate System, NAD83, South Zone.
OKLAHOMA
4/01/2013
LEMKE LAND SURVEYING, Inc.
Surveyed By
Drawn By TA
Approved By MD
Date 4/01/2013
Scale 1" = 100'
Project No. 11008
Project: EXHIBIT "A" - PARCEL 1.0 & 1.1 PROPOSED RIGHT-OF-WAY & DRAINAGE EASEMENT
Project Location: PART OF THE SE 1/4 OF SECTION 8-8N-2W NORMAN, CLEVELAND COUNTY, OKLAHOMA
Owner: CITY OF NORMAN
Sheet Number 1
Sheet 1 of 1

Map Produced by the City of Norman Geographic Information System. (405) 366-5316
The City of Norman assumes no responsibility for errors or omissions in the information presented.

Cedar Lane Road Project
Right of Way Aquisitions

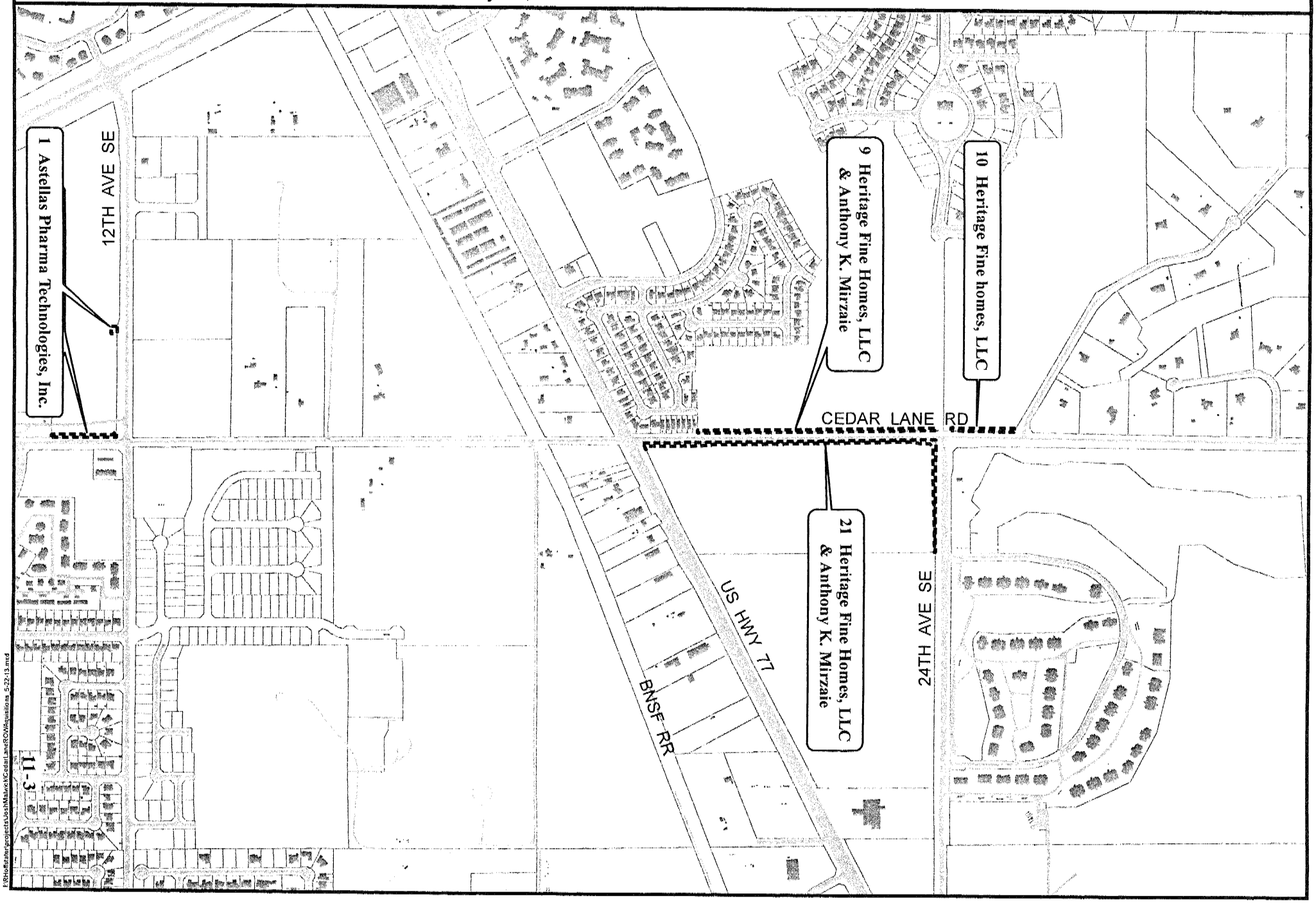
May 28, 2013

Proposed Easements

Parcels
Structure
Roads

N W E S

1" = 800'



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Cedar Lane Road Widening Project
Right-of-Way Easement Table

City Council Meeting May 28, 2013

Parcel No.	Easement No.	Grantors	Easement Type	Cost	Comments
1.0	E-1213-26	Astellas Pharma Technologies, Inc.	Public Roadway, Drainage & Utilities	$ 7,700.00	0.14 acres Appraised value
1.1	E-1213-27	Astellas Pharma Technologies, Inc.	Public Drainage	$ 2,900.00	0.07 acres – Appraised Value Includes damages to sod
9.0	E-1213-45	Heritage Fine Homes, LLC & Anthony K. Mirzaie	Public Roadway, Drainage & Utilities	Donated	0.62 acres
9.1	E-1213-46	Heritage Fine Homes, LLC & Anthony K. Mirzaie	Utility Easement	Donated	0.18 acres
10.0	E-1213-47	Heritage Fine Homes, LLC	Public Roadway, Drainage & Utilities	Donated	0.18 acres
10.1	E-1213-48	Heritage Fine Homes, LLC	Public Roadway, Drainage & Utilities	Donated	0.05 acres
16.0	E-1213-57	Eaglecliff Limited Partnership	Public Roadway, Drainage & Utilities	Donated	0.16 acres
18.0	E-1213-67	Eaglecliff Limited Partnership	Public Roadway, Drainage & Utilities	Donated	0.19 acres
19.0	E-1213-59	Cedar Lane, LLC	Public Roadway, Drainage & Utilities	Donated	0.5554 acres
19.1	E-1213-60	Cedar Lane, LLC	Temporary Construction Easement	Donated	0.25 acres
20.0	E-1213-61	Harold A. Henfling & Theresa P. Henfling (3/4 interest), Henfling Living Trust, Patricia Keithley (1/4 interest)	Public Roadway, Drainage & Utilities	$ 127,000.00	0.29 acres – Negotiated Price
21.0	E-1213-68	Heritage Fine Homes, LLC & Anthony K. Mirzaie	Public Roadway, Drainage & Utilities	Donated	1.04 acres
21.1	E-1213-62	Heritage Fine Homes, LLC & Anthony K. Mirzaie	Temporary Construction Easement	Donated	0.02 acres
21.2	E-1213-63	Heritage Fine Homes, LLC & Anthony K. Mirzaie	Temporary Construction Easement	Donated	0.05 acres
22.0	E-1213-64	Cedar Lane, LLC	Temporary Construction Easement	$ 12,500.00	0.18 acres – Appraised Value Includes damages to sod
22.1	E-1213-73	Cedar Lane, LLC	Utility Easement	$ 500.00	0.01 acres – Appraised Value
23.0	E-1213-65	The Links at Norman Golf Club	Temporary Construction Easement	Donated	0.03 acres

City of Norman, OK

Municipal Building Council
Chambers
201 West Gray Street
Norman, OK 73069

Master

File Number: E-1213-27

File ID:	E-1213-27	**Type:**	Easement	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 12	**In Control:**	City Council
Department:	Public Works Department	**Cost:**	$2,900.00	**File Created:**	04/24/2013
File Name:	Cedar Lane Easement Astellas			**Final Action:**	

Title: EASEMENT NO. E-1213-27: CONSIDERATION OF ACCEPTANCE OF A PERMANENT PUBLIC ROADWAY, DRAINAGE, AND UTILITY EASEMENT FROM ASTELLAS PHARMA TECHNOLOGIES, INC. IN THE AMOUNT OF $2,900.00 FOR THE CEDAR LANE ROAD WIDENING PROJECT.

Notes: ACTION NEEDED: Motion to accept or reject Easement No. E-1213-27; and, if accepted, direct the filing thereof with the Cleveland County Clerk and payment in the amount of $2,900 to Astellas Pharma Technologies.

ACTION TAKEN: _____

Agenda Date: 05/28/2013

Agenda Number: 12

Attachments: Text File E-1213-27, E-1213-27, Map of Easements Heritage Astellas, Table of Easements, PR Astellas E-1213-27

Project Manager: Josh Malwick, Capital Projects Engineer

Entered by: pam.jones@normanok.gov

Effective Date:

History of Legislative File

Ver-sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:

Text of Legislative File E-1213-27

body

BACKGROUND: The Cedar Lane Road Widening Project involves the construction of a new four-lane roadway between 12th Avenue SE and ½ mile east of 24th Avenue SE including five foot bike lines on each side of the road. The project will also include improvements to 12th Avenue SE and 24th Avenue SE as they approach Cedar Lane Road, improve the BNSF railroad crossing and resurface US-77 on the north and south sides of Cedar Lane Road. Signalization of the 12th Avenue SE and Cedar Lane Road intersection will also help relieve traffic congestion at peak travel times during the day.

On November 22, 2011 City Council approved programming Resolution No. R-1112-60 requesting federal funds to widen Cedar Lane Road to four lanes between 12th Avenue SE and ½ mile east of 24th Avenue SE. This resolution states the City's commitment to adhere to the terms and conditions of a federally funded project. Through the Association of Central Oklahoma Governments (ACOG), the Oklahoma Department of Transportation (ODOT) agrees to pay 80% of the construction cost with a 20% matching share from the City of Norman.

On August 28, 2012, the citizens of Norman voted in favor of a Bond Issue to finance the local share of eight transportation/storm water improvement projects. One of the eight 2012 bond projects is the Cedar Lane Road Widening Project.

DISCUSSION: City Council recently authorized the first sale of General Obligation Bonds for the 2012 Bond Program. Staff has budgeted within the project for costs associated with acquiring right-of-way and thus funds are available for this project. The funds have been transferred into the Cedar Lane Road Widening Project, Right-of-Way account.

The City needs to acquire forty-seven (47) easements along Cedar Lane Road for temporary construction or roadway, drainage and utility easements. City Council was updated on the progress of acquiring necessary right of way for the Project on May 14, 2013 prior to its regularly scheduled meeting. Ten (10) easements were acquired and approved by City Council at its regularly scheduled meeting on May 14, 2013. Seventeen (17) additional easements have been secured bringing the total of easements acquired for this project to twenty-seven (27), thus far. Staff initially requested donations prior to making any offers of fair market value in an effort to keep Project costs at a minimum. The attached Right-of-Way Easement Table provides the details of each easement. Also attached is a map providing the location of each easement as well as the property owners. It is the goal of staff to acquire all the necessary easement for this Project by donation or agreed settlement. This Permanent Roadway, Drainage, and Utility Easement is being acquired for an agreed upon value of $2,900.

RECOMMENDATION: Staff recommends Easement No. E-1213-27 be accepted, payment be authorized and the filing be directed thereof.

E–1213–27

Parcel No: 1.1
Project No:
J/P No: 29261(04)

GRANT OF EASEMENT
City of Norman

Know all men by these presents:

That **Astellas Pharma Technologies, Inc.**, for and in consideration of the sum of Two Thousand Nine Hundred Dollars ($2,900.00), receipt of which is hereby acknowledged, and for and upon other good and valuable considerations, do 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, the following described land to wit:

A strip, piece, or parcel of land lying in Lot 1, Block 2 of a Replat of Block 2 Shaklee Addition to the City of Norman and being in the Southeast Quarter (SE 1/4) of Section 8, Township 8 North, Range 2 West of the Indian Meridian, Cleveland County, Oklahoma. Said parcel of land being more particularly described as follows:

COMMENCING at the Southeast Corner of said Lot 1, THENCE North 00°13'03" East along the East line of said Lot 1, a distance of 662.72 feet to the POINT OF BEGINNING, THENCE North 89°46'57" West a distance of 60.00 feet, THENCE North 00°13'03" East parallel with the East line of said Lot 1, a distance of 50.00 feet, THENCE South 89°46'57" East a distance of 60.00 feet to a point on the East line of said Lot 1, THENCE South 00°13'03" West along the East line of said Lot 1, a distance of 50.00 feet to the POINT OF BEGINNING. Containing 3000.00 sq. ft. or 0.07 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 drainage or drainage structure.

PUBLIC DRAINAGE

To have and to hold the same unto the said city, its successors, and assigns forever.

Signed and delivered this 21st day of MAY, 2013

Astellas Pharma Technologies, Inc., B

By:

Brian McLellan — Vice President + Corporate Secretary
Title

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 May, 2013, personally appeared Brian McLellan, 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 for the uses and purposes therein set forth.

WITNESS my hand and seal the day and year last above written.

My Commission Expires: 1/28/2015 Notary Public: Rachel Turnham Green

OFFICIAL SEAL
NOTARY PUBLIC SEAL
RACHEL TURNHAM GREEN
Commission # 03001699
Expires Jan. 28, 2015
STATE OF OKLAHOMA

Approved as to form and legality this _____ day of _____, 20___.

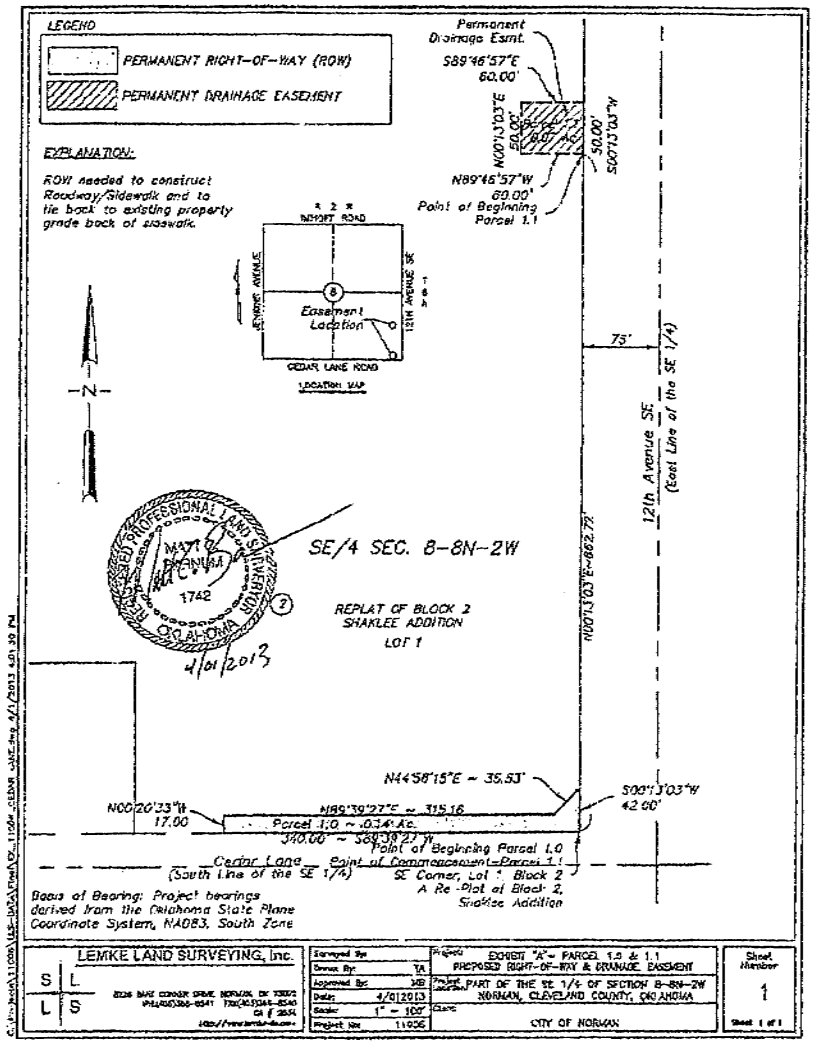
City Attorney

Approved and accepted by the Council of the City of Norman, this _____ day of _____, 20___.

Mayor

ATTEST:

City Clerk
SEAL:


LEGEND
PERMANENT RIGHT-OF-WAY (ROW)
PERMANENT DRAINAGE EASEMENT
EXPLANATION:
ROW needed to construct Roadway/Sidewalk and to tie back to existing property grade back of sidewalk.
Permanent Drainage Esmt.
S89°46'57"E 60.00'
N00°13'03"E 50.00'
50.00' S00°13'03"W
N89°46'57"W 60.00'
Point of Beginning Parcel 1.1
INFINITE ROAD
JENSEN AVENUE
12TH AVENUE SE
Easement Location
CEDAR LANE ROAD
LOCATION MAP
N
75'
12th Avenue SE
(East Line of the SE 1/4)
N00°13'03"E~862.72'
SE/4 SEC. 8-8N-2W
REPLAT OF BLOCK 2
SHAKLEE ADDITION
LOT 1
4/01/2013
N44°58'15"E ~ 35.53'
S00°13'03"W 42.00'
N00°20'33"W 17.00
N89°39'27"E ~ 315.16
Parcel 1.0 ~ 0.34 Ac.
340.00' ~ S89°39'27"W
Point of Beginning Parcel 1.0
Cedar Lane
(South Line of the SE 1/4)
Point of Commencement-Parcel 1.1
SE Corner, Lot 1, Block 2
A Re-Plat of Block 2, Shaklee Addition
Basis of Bearing: Project bearings derived from the Oklahoma State Plane Coordinate System, NAD83, South Zone
LEMKE LAND SURVEYING, Inc.
S L
L S
Surveyed By:
Drawn By: TA
Approved By: MB
Date: 4/01/2013
Scale: 1" = 100'
Project No: 11036
Project: EXHIBIT "A" - PARCEL 1.0 & 1.1
PROPOSED RIGHT-OF-WAY & DRAINAGE EASEMENT
Project Location: PART OF THE SE 1/4 OF SECTION 8-8N-2W
NORMAN, CLEVELAND COUNTY, OKLAHOMA
Client: CITY OF NORMAN
Sheet Number
1
Sheet 1 of 1

Map Produced by the City of Norman Geographic Information System.
(405) 366-5316
The City of Norman assumes no responsibility for errors or omissions in the information presented.

Cedar Lane Road Project
Right of Way Aquisitions

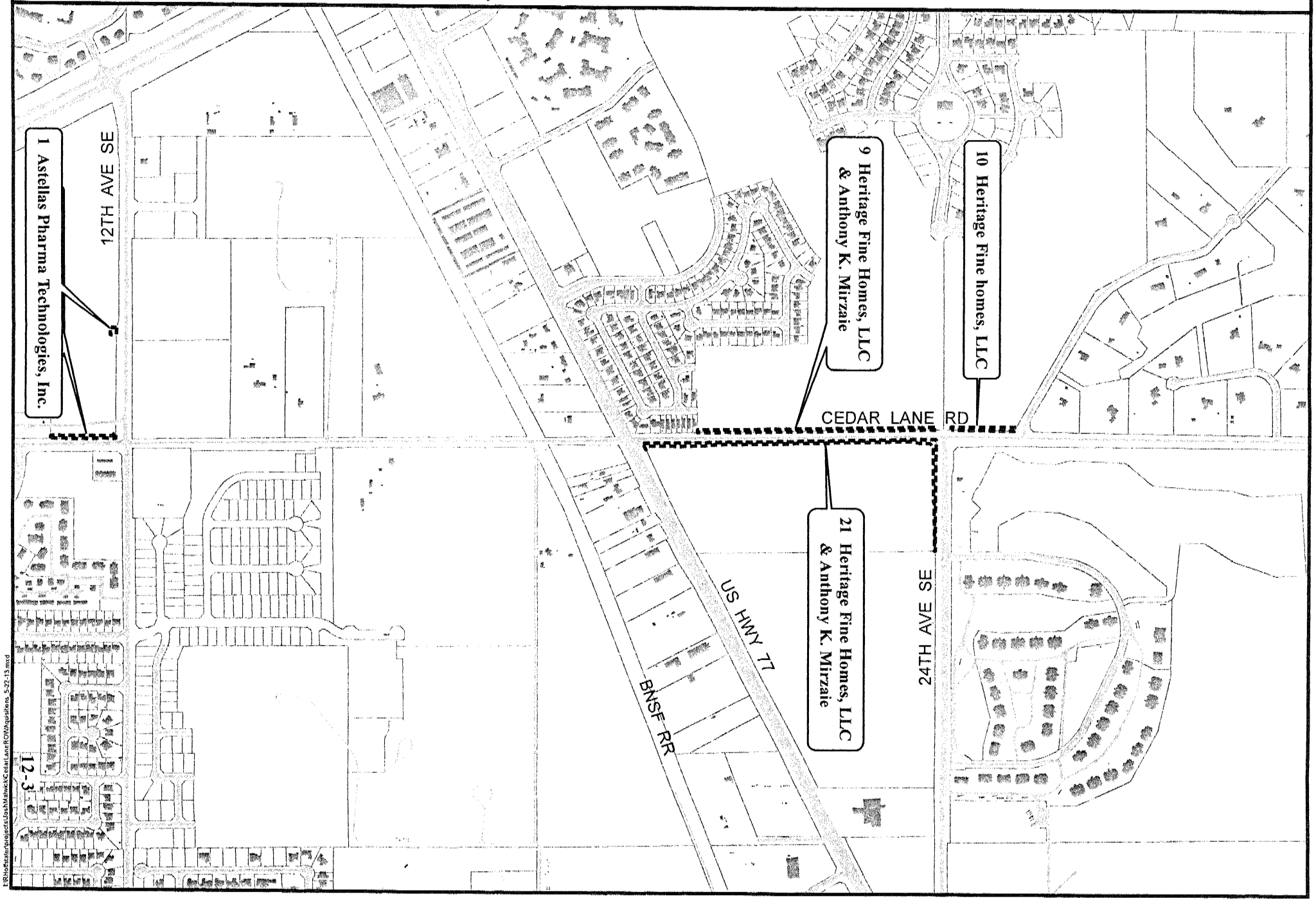
May 28, 2013

Proposed Easements

Parcels
Structure
Roads

N W E S

1" = 800'



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Cedar Lane Road Widening Project
Right-of-Way Easement Table

City Council Meeting May 28, 2013

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9.0	E-1213-45	Heritage Fine Homes, LLC & Anthony K. Mirzaie	Public Roadway, Drainage & Utilities	Donated	0.62 acres
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10.1	E-1213-48	Heritage Fine Homes, LLC	Public Roadway, Drainage & Utilities	Donated	0.05 acres
16.0	E-1213-57	Eaglecliff Limited Partnership	Public Roadway, Drainage & Utilities	Donated	0.16 acres
18.0	E-1213-67	Eaglecliff Limited Partnership	Public Roadway, Drainage & Utilities	Donated	0.19 acres
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19.1	E-1213-60	Cedar Lane, LLC	Temporary Construction Easement	Donated	0.25 acres
20.0	E-1213-61	Harold A. Henfling & Theresa P. Henfling (3/4 interest), Henfling Living Trust, Patricia Keithley (1/4 interest)	Public Roadway, Drainage & Utilities	$ 127,000.00	0.29 acres – Negotiated Price
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23.0	E-1213-65	The Links at Norman Golf Club	Temporary Construction Easement	Donated	0.03 acres

PURCHASE REQUISITION NBR: 0000217820

STATUS: DIVISION APPROVAL

REQUISITION BY: JOSH MALWICK — REASON: CEDAR LANE ROAD WIDENING PROJECT EASEMENT — DATE: 5/22/13

SHIP TO LOCATION: PUB WKS- ENGINEERING — SUGGESTED VENDOR: ASTELLAS PHARMA TECHNOLOGIES — DELIVER BY DATE: 5/22/13

1	CEDAR LANE ROAD WIDENING PROJECT EASEMENT COMMODITY: ACQUISITIONS SUBCOMMOD: EASEMENTS	2900.00	EA	1.0000	2900.00

REQUISITION TOTAL: 2900.00

ACCOUNT INFORMATION

LINE #	ACCOUNT		PROJECT	%	AMOUNT
1	05090794316001	Capital Projects Land	BP0196 Cedar Ln:12thSE 1/2m 24th	100.00	2900.00
					2900.00

REQUISITION IS IN THE CURRENT FISCAL YEAR.

CEDAR LANE ROAD WIDENING PROJECT EASEMENT

City of Norman, OK

Municipal Building Council Chambers
201 West Gray Street
Norman, OK 73069

Master

File Number: E-1213-45

File ID:	E-1213-45	**Type:**	Easement	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 13	**In Control:**	City Council
Department:	Public Works Department	**Cost:**		**File Created:**	05/21/2013
File Name:	Cedar Lane Easement Heritage Mirzaie			**Final Action:**	

Title: PERMANENT EASEMENT NO. E-1213-45: CONSIDERATION OF ACCEPTANCE OF A PERMANENT PUBLIC ROADWAY, DRAINAGE AND UTILITIES EASEMENT DONATED BY HERITAGE FINE HOMES, L.L.C. AND ANTHONY K. MIRZAIE FOR THE CEDAR LANE ROAD WIDENING PROJECT.

Notes: ACTION NEEDED: Motion to accept or reject Easement No. E-1213-45; and, if accepted, direct the filing thereof with the Cleveland County Clerk.

ACTION TAKEN: _____

Agenda Date: 05/28/2013

Agenda Number: 13

Attachments: Text File E-1213-45, E-1213-45.pdf, Map of Easements Heritage Astellas, Table of Easements

Project Manager: Josh Malwick, Capital Projects Engineer

Entered by: pam.jones@normanok.gov

Effective Date:

History of Legislative File

Ver-sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:

Text of Legislative File E-1213-45

body

BACKGROUND: The Cedar Lane Road Widening Project involves the construction of a new four-lane roadway between 12th Avenue SE and ½ mile east of 24th Avenue SE including five foot bike lines on each side of the road. The project will also include improvements to 12th Avenue SE and 24th Avenue SE as they approach Cedar Lane Road, improve the BNSF railroad crossing and resurface US-77 on the north and south sides of Cedar Lane Road. Signalization of the 12th Avenue SE and Cedar Lane Road intersection will also help relieve traffic congestion at peak travel times during the day.

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On August 28, 2012, the citizens of Norman voted in favor of a Bond Issue to finance the local share of eight

transportation/storm water improvement projects. One of the eight 2012 bond projects is the Cedar Lane Road Widening Project.

DISCUSSION: City Council recently authorized the first sale of General Obligation Bonds for the 2012 Bond Program. Staff has budgeted within the project for costs associated with acquiring right-of-way and thus funds are available for this project. The funds have been transferred into the Cedar Lane Road Widening Project, Right-of-Way account.

The City needs to acquire forty-seven (47) easements along Cedar Lane Road for temporary construction or roadway, drainage and utility easements. City Council was updated on the progress of acquiring necessary right of way for the Project on May 14, 2013 prior to its regularly scheduled meeting. Ten (10) easements were acquired and approved by City Council at its regularly scheduled meeting on May 14, 2013. Seventeen (17) additional easements have been secured bringing the total of easements acquired for this project to twenty-seven (27), thus far. Staff initially requested donations prior to making any offers of fair market value in an effort to keep Project costs at a minimum. The attached Right-of-Way Easement Table provides the details of each easement. Also attached is a map providing the location of each easement as well as the property owners. It is the goal of staff to acquire all the necessary easement for this Project by donation or agreed settlement. This easement was donated.

RECOMMENDATION: Staff recommends Easement No. E-1213-45 be accepted and the filing be directed thereof.

Parcel No: 9.0
Project No:
J/P No: 29261(04)

GRANT OF EASEMENT
City of Norman

Know all men by these presents:

That HERITAGE FIRE Norman LLC & ANTHONY MIRZAIE, for and 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, do 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, the following described land to wit:
A strip, piece, or parcel of land lying in the Southeast Quarter (SE 1/4) of Section 9, Township 8 North, Range 2 West of the Indian Meridian, Cleveland County, Oklahoma. Said parcel of land being more particularly described as follows:

BEGINNING at the Southeast corner of said SE ¼, THENCE South 89°06'58" West along the South line of said SE 1/4, a distance of 1600.38 feet, THENCE North 00°53'02" West to the Southeast corner of Lot 44, Block 1 of South Lake Addition Section 2 an addition to the City of Norman a distance of 50.00 feet, THENCE North 89°06'58" East parallel with the South line of said SE 1/4, a distance of 1601.07 feet to a on the point East line of said SE 1/4, THENCE South 00°05'19" East along said East line, a distance of 50.00 feet to the POINT OF BEGINNING Containing 27,216.26 sq. ft. or 0.62 acres, more or less, of new Roadway Easement, the remaining area included in the above description being right-of-way occupied by the present roadway.

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 roadway, drainage structure or utility.

PUBLIC ROADWAY, DRAINAGE AND UTILITIES

To have and to hold the same unto the said city, its successors, and assigns forever.

Signed and delivered this _____ day of _____, 20__.

(OWNER NAME) by:

_____ _____
Title

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 _____ day of _____, 20__, personally appeared _____, to me known to be the identical person(s) who executed the foregoing grant of easement and acknowledged to me that _____ executed the same as _____ free and voluntary act and deed for the uses and purposes therein set forth.

WITNESS my hand and seal the day and year last above written.

My Commission Expires: _____ Notary Public: _____

Approved as to form and legality this _____ day of _____, 20___.

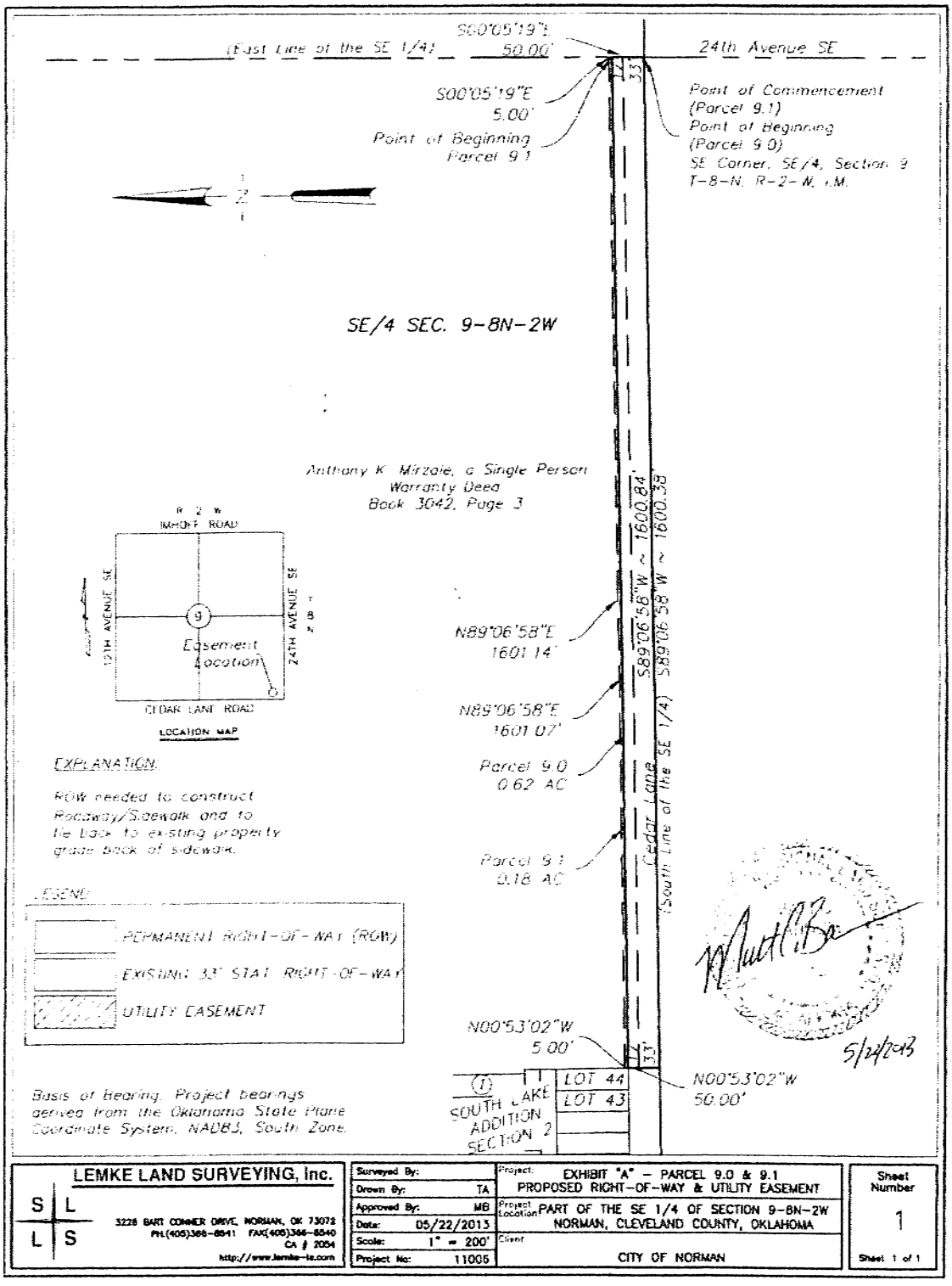
_____
City Attorney

Approved and accepted by the Council of the City of Norman, this _____ day of _____, 20___.

_____
Mayor

ATTEST:

_____
City Clerk
SEAL:



LEMKE LAND SURVEYING, Inc.	Surveyed By:	Project: EXHIBIT "A" – PARCEL 9.0 & 9.1 PROPOSED RIGHT-OF-WAY & UTILITY EASEMENT	Sheet Number 1
S L / L S	Drawn By: TA		
3228 BART CONNER DRIVE, NORMAN, OK 73072	Approved By: MB	Project Location: PART OF THE SE 1/4 OF SECTION 9-8N-2W NORMAN, CLEVELAND COUNTY, OKLAHOMA	
PH.(405)366-8541 FAX(405)366-8540	Date: 05/22/2015		
CA # 2054	Scale: 1" = 200'	Client: CITY OF NORMAN	Sheet 1 of 1
http://www.lemke-le.com	Project No: 11005		

Map Produced by the City of Norman Geographic Information System.
(405) 366-5316
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Cedar Lane Road Project
Right of Way Aquisitions

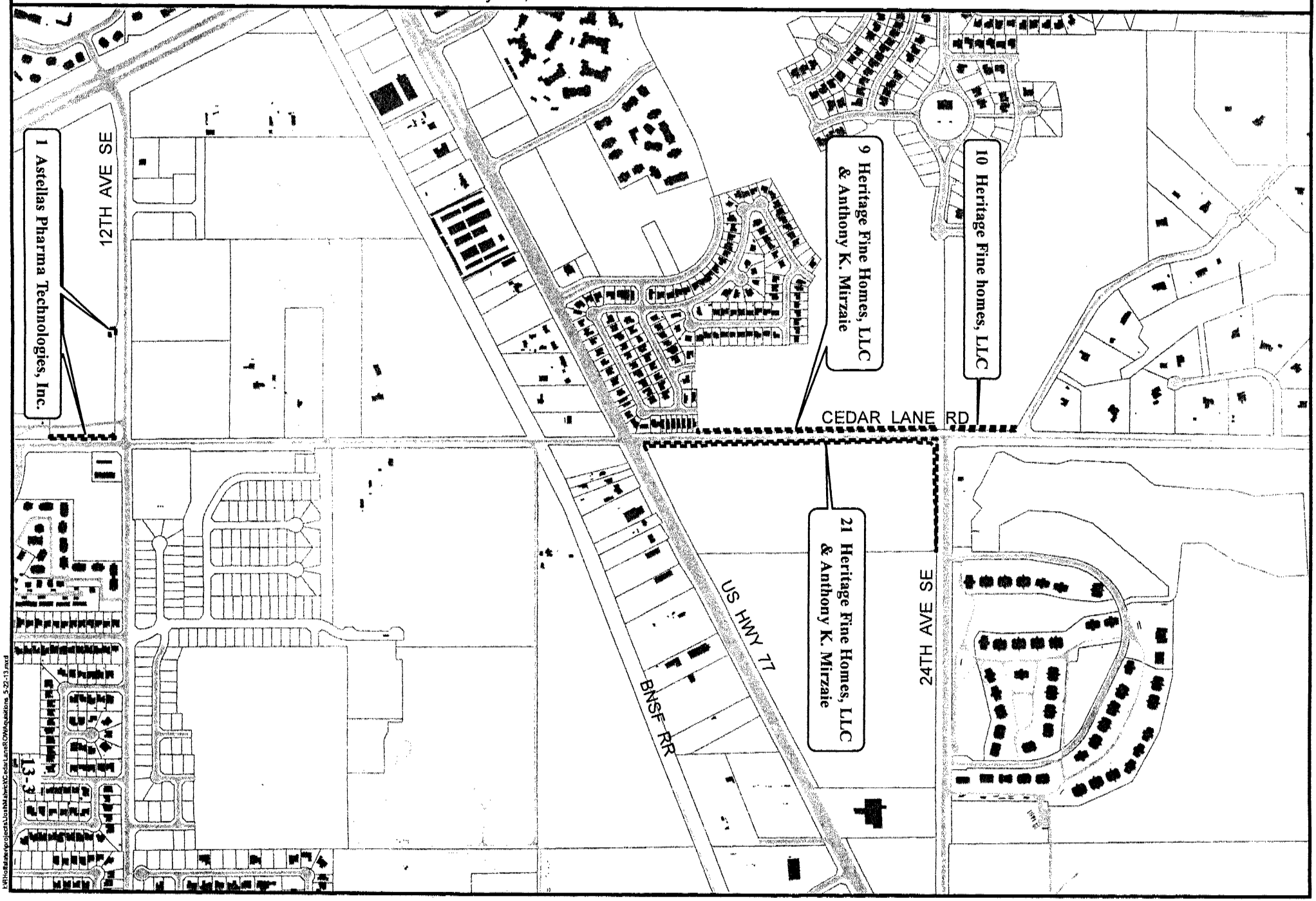
May 28, 2013

Proposed Easements

Parcels
Structure
Roads

N W E S

1" = 800'



13-3

Cedar Lane Road Widening Project
Right-of-Way Easement Table

City Council Meeting May 28, 2013

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City of Norman, OK

Municipal Building Council
Chambers
201 West Gray Street
Norman, OK 73069

Master

File Number: E-1213-46

File ID:	E-1213-46	**Type:**	Easement	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 14	**In Control:**	City Council
Department:	Public Works Department	**Cost:**		**File Created:**	05/22/2013
File Name:	Cedar Lane Easement Heritage Mirzaie			**Final Action:**	

Title: PERMANENT EASEMENT NO. E-1213-46: CONSIDERATION OF ACCEPTANCE OF A PERMANENT UTILITY EASEMENT DONATED BY HERITAGE FINE HOMES, L.L.C. AND ANTHONY K. MIRZAIE FOR THE CEDAR LANE ROAD WIDENING PROJECT.

Notes: ACTION NEEDED: Motion to accept or reject Easement No. E-1213-46; and, if accepted, direct the filing thereof with the Cleveland County Clerk.

ACTION TAKEN: _____

Agenda Date: 05/28/2013

Agenda Number: 14

Attachments: Text File E-1213-46, E-1213-46.pdf, Map of Easements Heritage Astellas, Table of Easements

Project Manager: Josh Malwick, Capital Projects Engineer

Entered by: pam.jones@normanok.gov

Effective Date:

History of Legislative File

Ver-sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:

Text of Legislative File E-1213-46

body

BACKGROUND: The Cedar Lane Road Widening Project involves the construction of a new four-lane roadway between 12th Avenue SE and ½ mile east of 24th Avenue SE including five foot bike lines on each side of the road. The project will also include improvements to 12th Avenue SE and 24th Avenue SE as they approach Cedar Lane Road, improve the BNSF railroad crossing and resurface US-77 on the north and south sides of Cedar Lane Road. Signalization of the 12th Avenue SE and Cedar Lane Road intersection will also help relieve traffic congestion at peak travel times during the day.

On November 22, 2011 City Council approved programming Resolution No. R-1112-60 requesting federal funds to widen Cedar Lane Road to four lanes between 12th Avenue SE and ½ mile east of 24th Avenue SE. This resolution states the City's commitment to adhere to the terms and conditions of a federally funded project. Through the Association of Central Oklahoma Governments (ACOG), the Oklahoma Department of Transportation (ODOT) agrees to pay 80% of the construction cost with a 20% matching share from the City of Norman.

On August 28, 2012, the citizens of Norman voted in favor of a Bond Issue to finance the local share of eight transportation/storm water improvement projects. One of the eight 2012 bond projects is the Cedar Lane Road

Widening Project.

DISCUSSION: City Council recently authorized the first sale of General Obligation Bonds for the 2012 Bond Program. Staff has budgeted within the project for costs associated with acquiring right-of-way and thus funds are available for this project. The funds have been transferred into the Cedar Lane Road Widening Project, Right-of-Way account.

The City needs to acquire forty-seven (47) easements along Cedar Lane Road for temporary construction or roadway, drainage and utility easements. City Council was updated on the progress of acquiring necessary right of way for the Project on May 14, 2013 prior to its regularly scheduled meeting. Ten (10) easements were acquired and approved by City Council at its regularly scheduled meeting on May 14, 2013. Seventeen (17) additional easements have been secured bringing the total of easements acquired for this project to twenty-seven (27), thus far. Staff initially requested donations prior to making any offers of fair market value in an effort to keep Project costs at a minimum. The attached Right-of-Way Easement Table provides the details of each easement. Also attached is a map providing the location of each easement as well as the property owners. It is the goal of staff to acquire all the necessary easement for this Project by donation or agreed settlement. This easement was donated.

RECOMMENDATION: Staff recommends Easement No. E-1213-46 be accepted and the filing be directed thereof.

Parcel No: 9.1
Project No:
J/P No: 29261(04)

UTILITY EASEMENT

Know all men by these presents:

That HERITAGE FIRE HOMES LLC & ANTHONY MIRZAIE, in consideration of the sum of One Dollar ($1.00), receipt of which is hereby acknowledged, and for other good and valuable considerations, do 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 premises situated in the City of Norman, Cleveland County, Oklahoma, to wit:
A strip, piece, or parcel of land lying in the Southeast Quarter (SE 1/4) of Section 9, Township 8 North, Range 2 West of the Indian Meridian, Cleveland County, Oklahoma. Said parcel of land being more particularly described as follows:

COMMENCING at the Southeast corner of said SE ¼, THENCE North 00°05'19" West along the East line of said SE 1/4, a distance of 50.00 feet to the POINT OF BEGINNING, THENCE South 89°06'58" West parallel with the South line of said SE 1/4, a distance of 1601.07 feet to the Southeast corner of Lot 44, Block 1 of South Lake Addition Section 2 an addition to the City of Norman, THENCE North 00°53'02" West along the East line said of Lot 44, a distance of 5.00 feet, THENCE North 89°06'58" East parallel with the South line of said SE 1/4, a distance of 1601.14 feet to a point on the East line of said SE 1/4, THENCE South 00°05'19" East along said East line, a distance of 5.00 feet to the POINT OF BEGINNING, Containing 8005.54 sq. ft. or 0.18 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 pole mounted utility lines and fixtures only. No underground utility lines are permitted.

UTILITY EASEMENT

To have and to hold the same unto the said city, its successors, and assigns forever.

Signed and delivered this _____ day of _____, 20__.

(OWNER NAME) by:

_____ _____
Title

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 _____ day of _____, 20__, personally appeared _____, to me known to be the identical person(s) who executed the foregoing grant of easement and acknowledged to me that _____ executed the same as _____ free and voluntary act and deed for the uses and purposes therein set forth.

WITNESS my hand and seal the day and year last above written.

My Commission Expires: _____ Notary Public: _____

Approved as to form and legality this _____ day of _____, 20___.

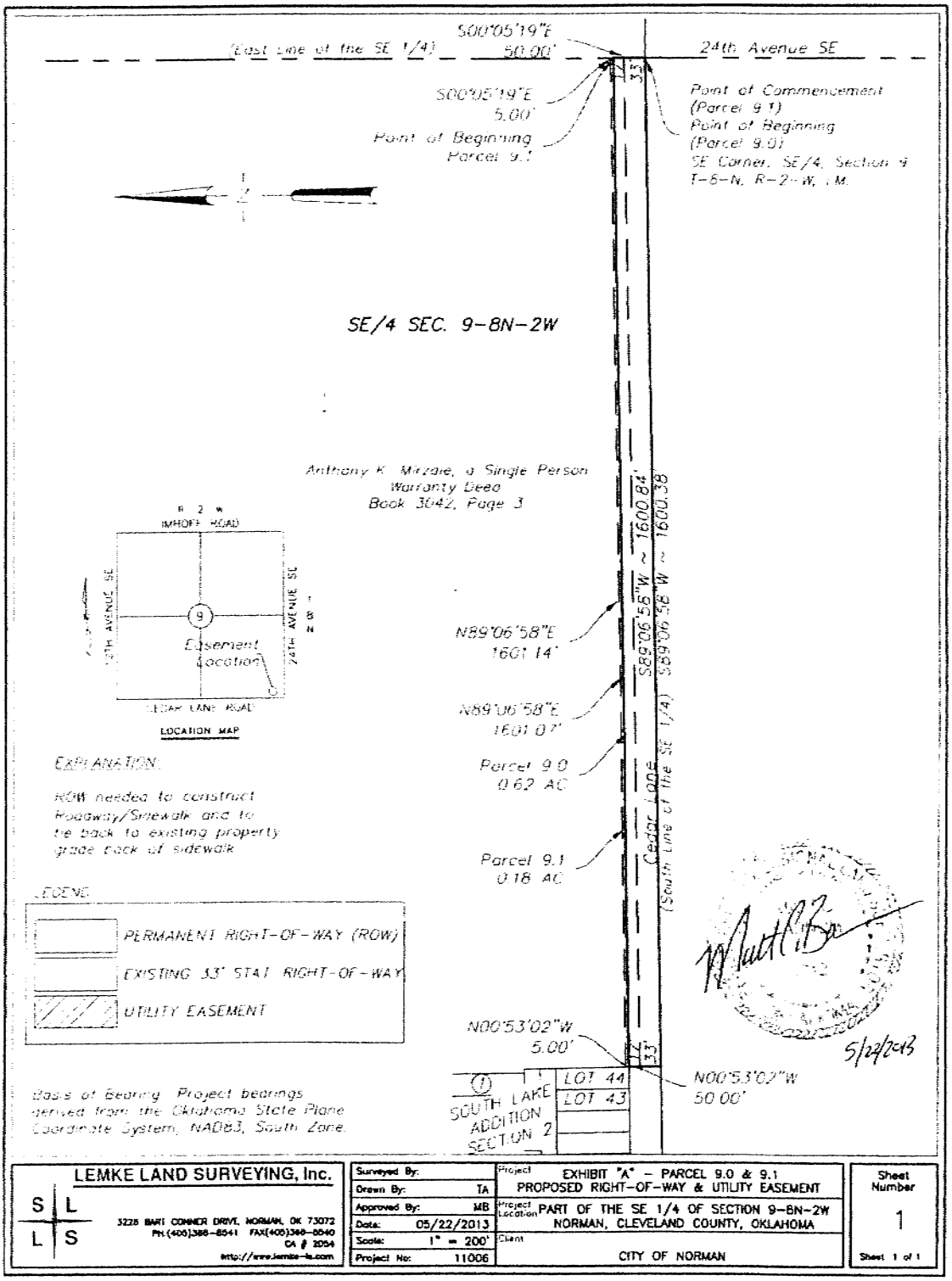
_____
City Attorney

Approved and accepted by the Council of the City of Norman, this _____ day of _____, 20___.

_____
Mayor

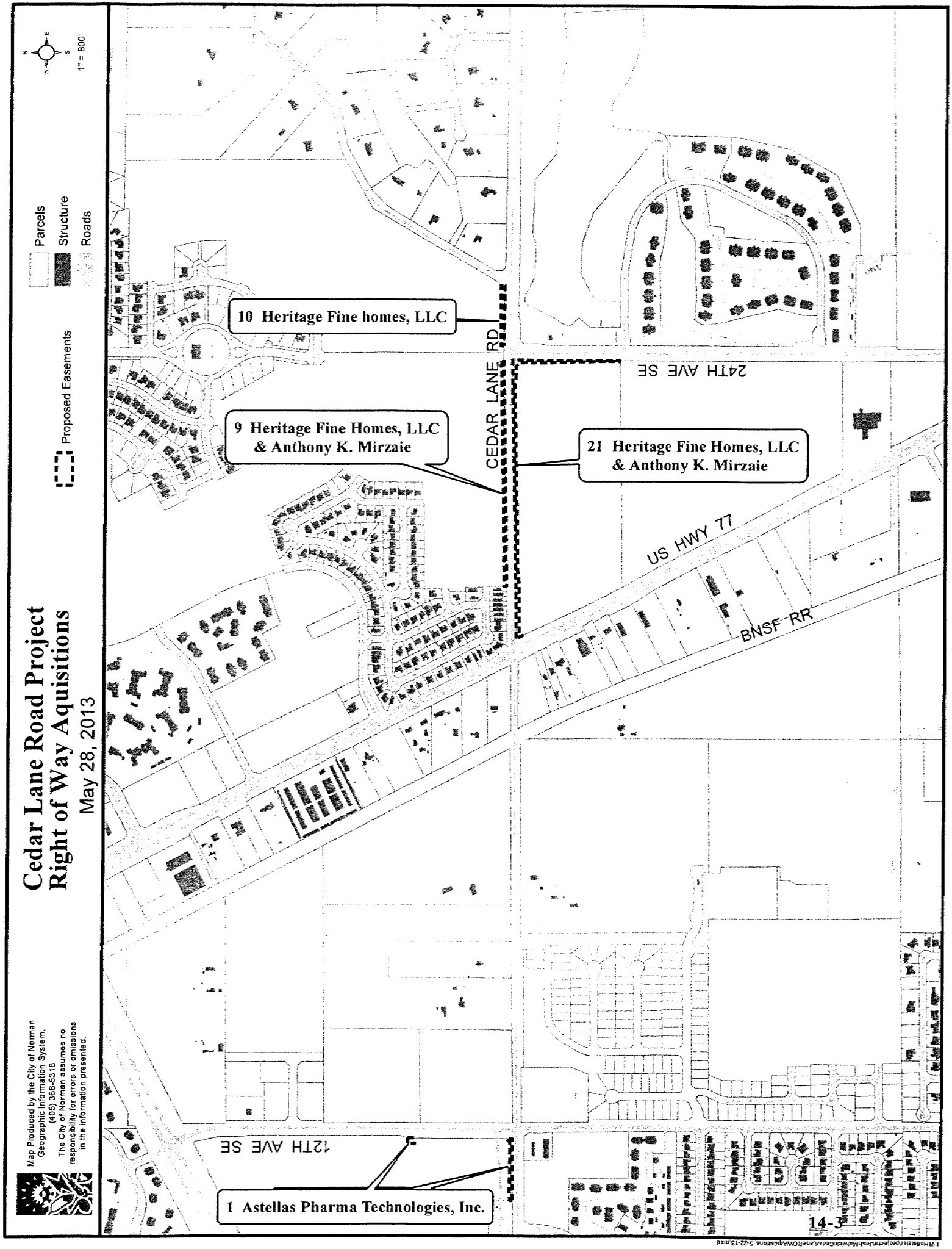
ATTEST:

_____
City Clerk
SEAL:



LEMKE LAND SURVEYING, Inc.	3226 BART CONNER DRIVE, NORMAN, OK 73072 PH:(405)366-6541 FAX(405)366-6540 CA # 2054 http://www.lemke-ls.com
Surveyed By:	
Drawn By:	TA
Approved By:	MB
Date:	05/22/2013
Scale:	1" = 200'
Project No:	11006
Project	EXHIBIT "A" – PARCEL 9.0 & 9.1 PROPOSED RIGHT-OF-WAY & UTILITY EASEMENT
Project Location	PART OF THE SE 1/4 OF SECTION 9-8N-2W NORMAN, CLEVELAND COUNTY, OKLAHOMA
Client	CITY OF NORMAN
Sheet Number	1
Sheet 1 of 1	

Cedar Lane Road Project
Right of Way Aquisitions
May 28, 2013



Map Produced by the City of Norman Geographic Information System. (405) 366-5316
The City of Norman assumes no responsibility for errors or omissions in the information presented.

Cedar Lane Road Widening Project
Right-of-Way Easement Table

City Council Meeting May 28, 2013

Parcel No.	Easement No.	Grantors	Easement Type	Cost	Comments
1.0	E-1213-26	Astellas Pharma Technologies, Inc.	Public Roadway, Drainage & Utilities	$ 7,700.00	0.14 acres Appraised value
1.1	E-1213-27	Astellas Pharma Technologies, Inc	Public Drainage	$ 2,900.00	0.07 acres – Appraised Value Includes damages to sod
9.0	E-1213-45	Heritage Fine Homes, LLC & Anthony K. Mirzaie	Public Roadway, Drainage & Utilities	Donated	0.62 acres
9.1	E-1213-46	Heritage Fine Homes, LLC & Anthony K. Mirzaie	Utility Easement	Donated	0.18 acres
10.0	E-1213-47	Heritage Fine Homes, LLC	Public Roadway, Drainage & Utilities	Donated	0.18 acres
10.1	E-1213-48	Heritage Fine Homes, LLC	Public Roadway, Drainage & Utilities	Donated	0.05 acres
16.0	E-1213-57	Eaglecliff Limited Partnership	Public Roadway, Drainage & Utilities	Donated	0.16 acres
18.0	E-1213-67	Eaglecliff Limited Partnership	Public Roadway, Drainage & Utilities	Donated	0.19 acres
19.0	E-1213-59	Cedar Lane, LLC	Public Roadway, Drainage & Utilities	Donated	0.5554 acres
19.1	E-1213-60	Cedar Lane, LLC	Temporary Construction Easement	Donated	0.25 acres
20.0	E-1213-61	Harold A. Henfling & Theresa P. Henfling (3/4 interest), Henfling Living Trust, Patricia Keithley (1/4 interest)	Public Roadway, Drainage & Utilities	$ 127,000.00	0.29 acres – Negotiated Price
21.0	E-1213-68	Heritage Fine Homes, LLC & Anthony K. Mirzaie	Public Roadway, Drainage & Utilities	Donated	1.04 acres
21.1	E-1213-62	Heritage Fine Homes, LLC & Anthony K. Mirzaie	Temporary Construction Easement	Donated	0.02 acres
21.2	E-1213-63	Heritage Fine Homes, LLC & Anthony K. Mirzaie	Temporary Construction Easement	Donated	0.05 acres
22.0	E-1213-64	Cedar Lane, LLC	Temporary Construction Easement	$ 12,500.00	0.18 acres – Appraised Value Includes damages to sod
22.1	E-1213-73	Cedar Lane, LLC	Utility Easement	$ 500.00	0.01 acres – Appraised Value
23.0	E-1213-65	The Links at Norman Golf Club	Temporary Construction Easement	Donated	0.03 acres

City of Norman, OK

Municipal Building Council
Chambers
201 West Gray Street
Norman, OK 73069

Master

File Number: E-1213-47

File ID:	E-1213-47	**Type:**	Easement	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 15	**In Control:**	City Council
Department:	Public Works	**Cost:**		**File Created:**	05/22/2013
File Name:	Cedar Lane Easement			**Final Action:**	

Title: PERMANENT EASEMENT NO. E-1213-47: CONSIDERATION OF ACCEPTANCE OF A PERMANENT PUBLIC ROADWAY, DRAINAGE AND UTILITIES EASEMENT DONATED BY HERITAGE FINE HOMES, L.L.C., FOR THE CEDAR LANE ROAD WIDENING PROJECT.

Notes: ACTION NEEDED: Motion to accept or reject Easement No. E-1213-47; and, if accepted, direct the filing thereof with the Cleveland County Clerk.

ACTION TAKEN: _____

Agenda Date: 05/28/2013

Agenda Number: 15

Attachments: Text File E-1213-47, E-1213-47.pdf, Map of Easements Heritage Astellas, Table of Easements

Project Manager: Josh Malwick, Capital Projects

Entered by: pam.jones@normanok.gov

Effective Date:

History of Legislative File

Ver-sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:

Text of Legislative File E-1213-47

body

BACKGROUND: The Cedar Lane Road Widening Project involves the construction of a new four-lane roadway between 12th Avenue SE and ½ mile east of 24th Avenue SE including five foot bike lines on each side of the road. The project will also include improvements to 12th Avenue SE and 24th Avenue SE as they approach Cedar Lane Road, improve the BNSF railroad crossing and resurface US-77 on the north and south sides of Cedar Lane Road. Signalization of the 12th Avenue SE and Cedar Lane Road intersection will also help relieve traffic congestion at peak travel times during the day.

On November 22, 2011 City Council approved programming Resolution No. R-1112-60 requesting federal funds to widen Cedar Lane Road to four lanes between 12th Avenue SE and ½ mile east of 24th Avenue SE. This resolution states the City's commitment to adhere to the terms and conditions of a federally funded project. Through the Association of Central Oklahoma Governments (ACOG), the Oklahoma Department of Transportation (ODOT) agrees to pay 80% of the construction cost with a 20% matching share from the City of Norman.

On August 28, 2012, the citizens of Norman voted in favor of a Bond Issue to finance the local share of eight transportation/storm water improvement projects. One of the eight 2012 bond projects is the Cedar Lane Road

Widening Project.

DISCUSSION: City Council recently authorized the first sale of General Obligation Bonds for the 2012 Bond Program. Staff has budgeted within the project for costs associated with acquiring right-of-way and thus funds are available for this project. The funds have been transferred into the Cedar Lane Road Widening Project, Right-of-Way account.

The City needs to acquire forty-seven (47) easements along Cedar Lane Road for temporary construction or roadway, drainage and utility easements. City Council was updated on the progress of acquiring necessary right of way for the Project on May 14, 2013 prior to its regularly scheduled meeting. Ten (10) easements were acquired and approved by City Council at its regularly scheduled meeting on May 14, 2013. Seventeen (17) additional easements have been secured bringing the total of easements acquired for this project to twenty-seven (27), thus far. Staff initially requested donations prior to making any offers of fair market value in an effort to keep Project costs at a minimum. The attached Right-of-Way Easement Table provides the details of each easement. Also attached is a map providing the location of each easement as well as the property owners. It is the goal of staff to acquire all the necessary easement for this Project by donation or agreed settlement. This easement was donated.

RECOMMENDATION: Staff recommends Easement No. E-1213-47 be accepted and the filing be directed thereof.

Parcel No: 10.0
Project No:
J/P No: 29261(04)

GRANT OF EASEMENT
City of Norman

Know all men by these presents:

That HERITAGE FINE HOMES, LLC, for and 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, do 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, the following described land to wit:
A strip, piece, or parcel of land lying in the Southwest Quarter (SW 1/4) of Section 10, Township 8 North, Range 2 West of the Indian Meridian, Cleveland County, Oklahoma. Said parcel of land being more particularly described as follows:

BEGINNING at the Southwest corner of said SW ¼, THENCE North 00°05'19" West along the West line of said SW 1/4, a distance of 50.00 feet, THENCE South 89°38'21" East parallel with the South line of said SW 1/4, a distance of 450.41 feet, THENCE North 70°00'32" East a distance of 19.58 feet, THENCE South 29°58'43" West a distance of 27.39 feet, THENCE South 00°21'39" West a distance of 33.00 feet to a point on the South line of said SW ¼, THENCE North 89°38'21" West along said South line, a distance of 454.84 feet to the POINT OF BEGINNING. Containing 7869.30 sq. ft. or 0.18 acres, more or less, of new Roadway Easement, the remaining area included in the above description being right-of-way occupied by the present roadway.

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 roadway, drainage structure or utility.

PUBLIC ROADWAY, DRAINAGE AND UTILITIES

To have and to hold the same unto the said city, its successors, and assigns forever.

Signed and delivered this _____ day of _____, 20__.

(OWNER NAME) by:

_____ _____
Title

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 _____ day of _____, 20__, personally appeared _____, to me known to be the identical person(s) who executed the foregoing grant of easement and acknowledged to me that _____ executed the same as _____ free and voluntary act and deed for the uses and purposes therein set forth.

WITNESS my hand and seal the day and year last above written.

My Commission Expires: _____ Notary Public: _____

Approved as to form and legality this _____ day of _____, 20___.

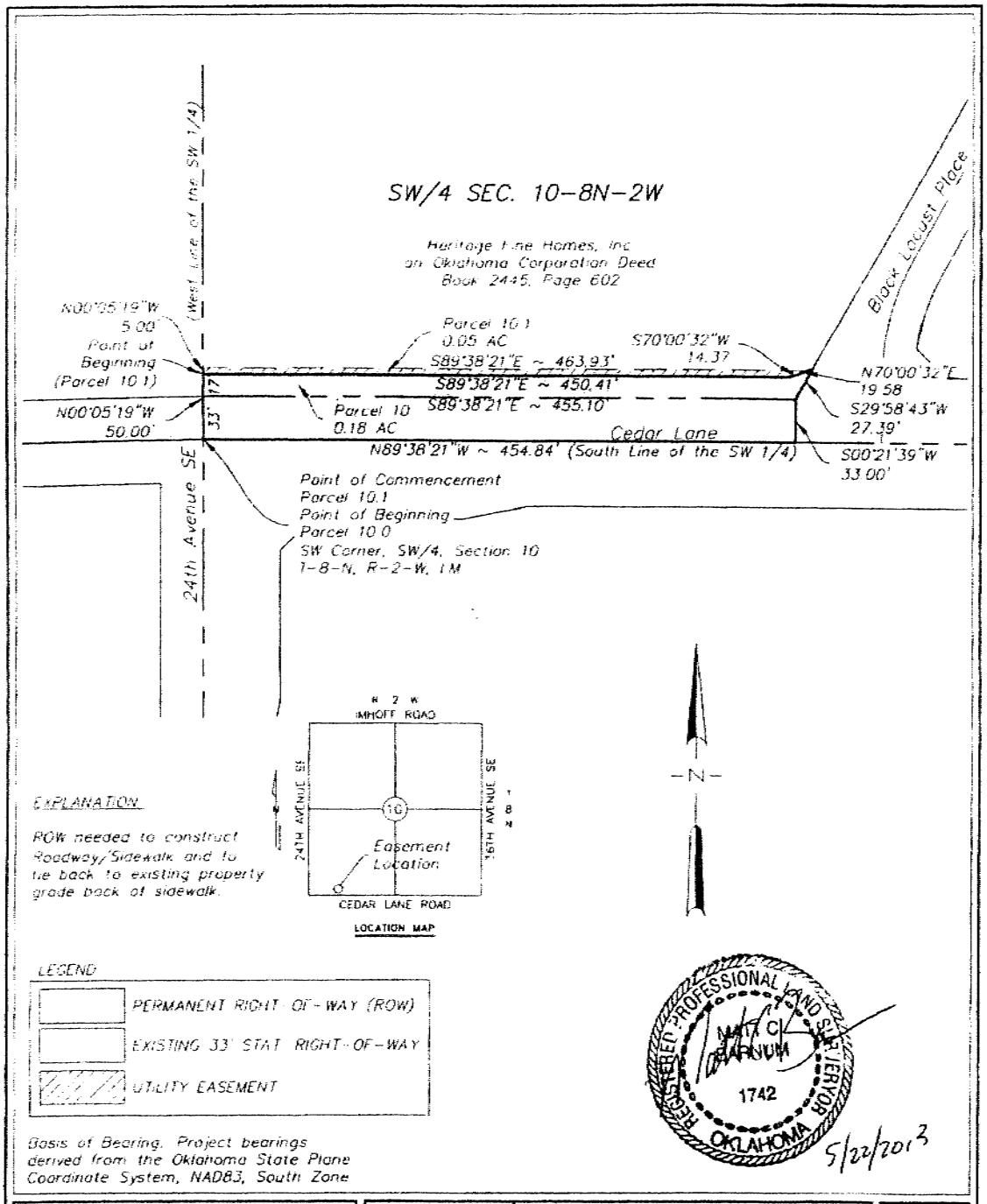
_____
City Attorney

Approved and accepted by the Council of the City of Norman, this _____ day of _____, 20___.

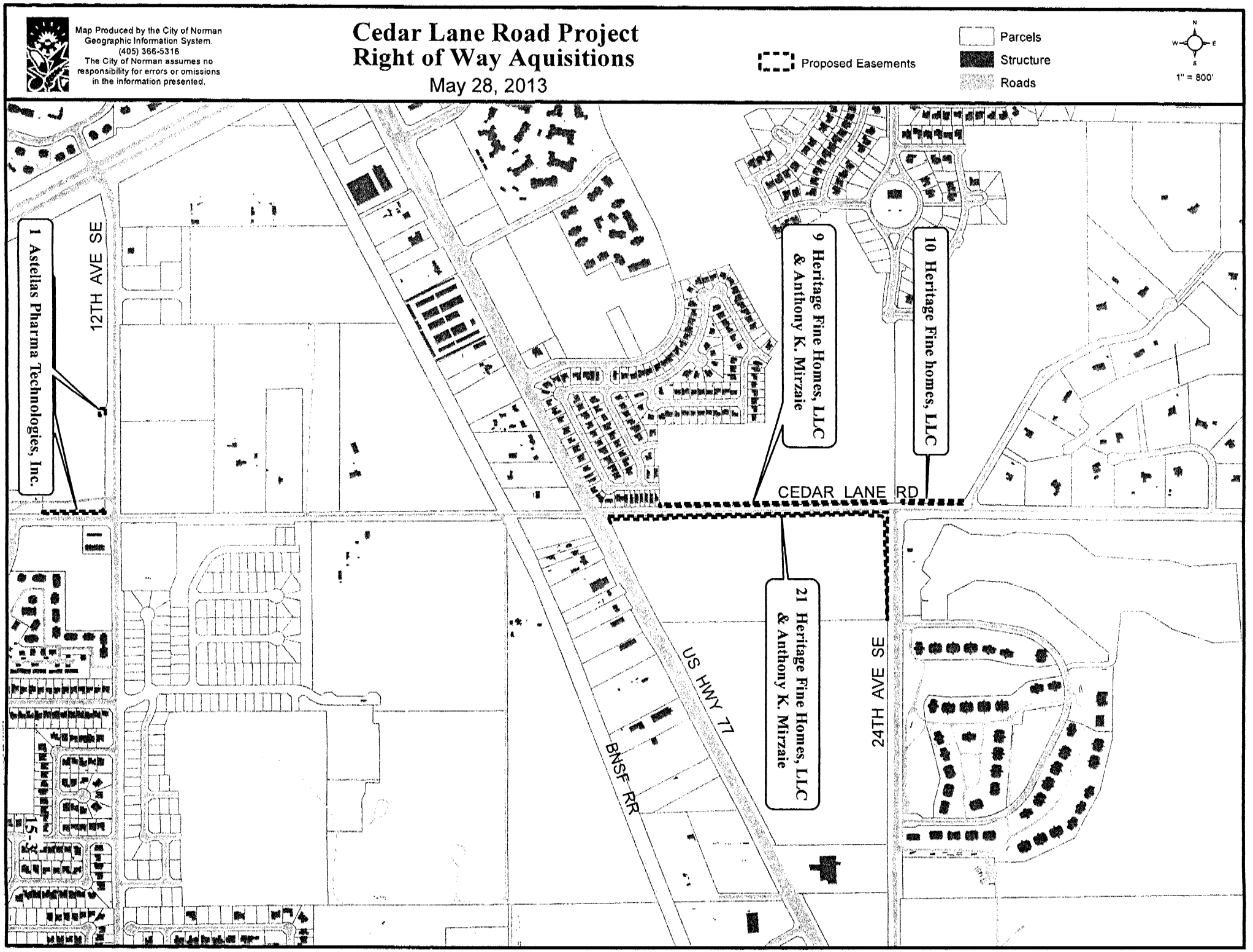
_____
Mayor

ATTEST:

_____
City Clerk
SEAL:



LEMKE LAND SURVEYING, Inc.	Surveyed By:	Project: EXHIBIT "A" – PARCEL 10.0 & 10.1 PROPOSED RIGHT-OF-WAY & UTILITY EASEMENT	Sheet Number: 1
3328 BART CONNER DRIVE, NORMAN, OK 73072 PH.(405)366-8541 FAX(405)366-8540 CA # 2054 http://www.lemke-ls.com	Drawn By: TA		
	Approved By: MB	Project Location: PART OF THE SW 1/4 OF SECTION 10-8N-2W NORMAN, CLEVELAND COUNTY, OKLAHOMA	
	Date: 05/22/2013		
	Scale: 1" = 100'	Client: CITY OF NORMAN	Sheet 1 of 1
	Project No: 11006		


Map Produced by the City of Norman
Geographic Information System.
(405) 366-5316
The City of Norman assumes no
responsibility for errors or omissions
in the information presented.
Cedar Lane Road Project
Right of Way Aquisitions
May 28, 2013
Proposed Easements
Parcels
Structure
Roads
N
W
E
S
1" = 800'
1 Astellas Pharma Technologies, Inc.
12TH AVE SE
9 Heritage Fine Homes, LLC & Anthony K. Mirzaie
10 Heritage Fine homes, LLC
CEDAR LANE RD
21 Heritage Fine Homes, LLC & Anthony K. Mirzaie
US HWY 77
BNSF RR
24TH AVE SE

Cedar Lane Road Widening Project
Right-of-Way Easement Table

City Council Meeting May 28, 2013

Parcel No.	Easement No.	Grantors	Easement Type	Cost	Comments
1.0	E-1213-26	Astellas Pharma Technologies, Inc.	Public Roadway, Drainage & Utilities	$ 7,700.00	0.14 acres Appraised value
1.1	E-1213-27	Astellas Pharma Technologies, Inc.	Public Drainage	$ 2,900.00	0.07 acres – Appraised Value Includes damages to sod
9.0	E-1213-45	Heritage Fine Homes, LLC & Anthony K. Mirzaie	Public Roadway, Drainage & Utilities	Donated	0.62 acres
9.1	E-1213-46	Heritage Fine Homes, LLC & Anthony K. Mirzaie	Utility Easement	Donated	0.18 acres
10.0	E-1213-47	Heritage Fine Homes, LLC	Public Roadway, Drainage & Utilities	Donated	0.18 acres
10.1	E-1213-48	Heritage Fine Homes, LLC	Public Roadway, Drainage & Utilities	Donated	0.05 acres
16.0	E-1213-57	Eaglecliff Limited Partnership	Public Roadway, Drainage & Utilities	Donated	0.16 acres
18.0	E-1213-67	Eaglecliff Limited Partnership	Public Roadway, Drainage & Utilities	Donated	0.19 acres
19.0	E-1213-59	Cedar Lane, LLC	Public Roadway, Drainage & Utilities	Donated	0.5554 acres
19.1	E-1213-60	Cedar Lane, LLC	Temporary Construction Easement	Donated	0.25 acres
20.0	E-1213-61	Harold A. Henfling & Theresa P. Henfling (3/4 interest), Henfling Living Trust, Patricia Keithley (1/4 interest)	Public Roadway, Drainage & Utilities	$ 127,000.00	0.29 acres – Negotiated Price
21.0	E-1213-68	Heritage Fine Homes, LLC & Anthony K. Mirzaie	Public Roadway, Drainage & Utilities	Donated	1.04 acres
21.1	E-1213-62	Heritage Fine Homes, LLC & Anthony K. Mirzaie	Temporary Construction Easement	Donated	0.02 acres
21.2	E-1213-63	Heritage Fine Homes, LLC & Anthony K. Mirzaie	Temporary Construction Easement	Donated	0.05 acres
22.0	E-1213-64	Cedar Lane, LLC	Temporary Construction Easement	$ 12,500.00	0.18 acres – Appraised Value Includes damages to sod
22.1	E-1213-73	Cedar Lane, LLC	Utility Easement	$ 500.00	0.01 acres – Appraised Value
23.0	E-1213-65	The Links at Norman Golf Club	Temporary Construction Easement	Donated	0.03 acres

City of Norman, OK

Municipal Building Council
Chambers
201 West Gray Street
Norman, OK 73069

Master

File Number: E-1213-48

File ID:	E-1213-48	**Type:**	Easement	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 16	**In Control:**	City Council
Department:	Public Works Department	**Cost:**		**File Created:**	05/22/2013
File Name:	Cedar Lane Easement			**Final Action:**	

Title: PERMANENT EASEMENT NO. E-1213-48: CONSIDERATION OF ACCEPTANCE OF A PERMANENT PUBLIC ROADWAY, DRAINAGE AND UTILITIES EASEMENT DONATED BY HERITAGE FINE HOMES, L.L.C., FOR THE CEDAR LANE ROAD WIDENING PROJECT.

Notes: ACTION NEEDED: Motion to accept or reject Easement No. E-1213-48; and, if accepted, direct the filing thereof with the Cleveland County Clerk.

ACTION TAKEN: _____

Agenda Date: 05/28/2013

Agenda Number: 16

Attachments: Text File E-1213-48, E-1213-48.pdf, Map of Easements Heritage Astellas, Table of Easements

Project Manager: Josh Malwick, Capital Projects Engineer

Entered by: pam.jones@normanok.gov

Effective Date:

History of Legislative File

Ver-sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:

Text of Legislative File E-1213-48

body

BACKGROUND: The Cedar Lane Road Widening Project involves the construction of a new four-lane roadway between 12th Avenue SE and ½ mile east of 24th Avenue SE including five foot bike lines on each side of the road. The project will also include improvements to 12th Avenue SE and 24th Avenue SE as they approach Cedar Lane Road, improve the BNSF railroad crossing and resurface US-77 on the north and south sides of Cedar Lane Road. Signalization of the 12th Avenue SE and Cedar Lane Road intersection will also help relieve traffic congestion at peak travel times during the day.

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transportation/storm water improvement projects. One of the eight 2012 bond projects is the Cedar Lane Road Widening Project.

DISCUSSION: City Council recently authorized the first sale of General Obligation Bonds for the 2012 Bond Program. Staff has budgeted within the project for costs associated with acquiring right-of-way and thus funds are available for this project. The funds have been transferred into the Cedar Lane Road Widening Project, Right-of-Way account.

The City needs to acquire forty-seven (47) easements along Cedar Lane Road for temporary construction or roadway, drainage and utility easements. City Council was updated on the progress of acquiring necessary right of way for the Project on May 14, 2013 prior to its regularly scheduled meeting. Ten (10) easements were acquired and approved by City Council at its regularly scheduled meeting on May 14, 2013. Seventeen (17) additional easements have been secured bringing the total of easements acquired for this project to twenty-seven (27), thus far. Staff initially requested donations prior to making any offers of fair market value in an effort to keep Project costs at a minimum. The attached Right-of-Way Easement Table provides the details of each easement. Also attached is a map providing the location of each easement as well as the property owners. It is the goal of staff to acquire all the necessary easement for this Project by donation or agreed settlement. This easement was donated.

RECOMMENDATION: Staff recommends Easement No. E-1213-48 be accepted and the filing be directed thereof.

Parcel No: 10.1
Project No:
J/P No: 29261(04)

UTILITY EASEMENT

Know all men by these presents:

That HERITAGE FINZ HOMES LLC, in consideration of the sum of One Dollar ($1.00), receipt of which is hereby acknowledged, and for other good and valuable considerations, do 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 premises situated in the City of Norman, Cleveland County, Oklahoma, to wit:
A strip, piece, or parcel of land lying in the Southwest Quarter (SW 1/4) of Section 10, Township 8 North, Range 2 West of the Indian Meridian, Cleveland County, Oklahoma. Said parcel of land being more particularly described as follows:

COMMENCING at the Southwest corner of said SW ¼, THENCE North 00°05'19" West along the West line of said SW 1/4, a distance of 50.00 feet to the POINT OF BEGINNING, THENCE continuing North 00°05'19" West along said West line, a distance of 5.00 feet, THENCE South 89°38'21" East parallel with the South line of said SW 1/4, a distance of 463.93 feet, THENCE South 70°00'32" West a distance of 14.37 feet, THENCE North 89°38'21" West parallel with the South line of said SW 1/4, a distance of 450.41 feet to the POINT OF BEGINNING. Containing 2285.84 sq. ft. or 0.05 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 utility.

UTILITY EASEMENT

To have and to hold the same unto the said city, its successors, and assigns forever.

Signed and delivered this _____ day of _____, 20__.

(OWNER NAME) by:

_____ _____
Title

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 _____ day of _____, 20__, personally appeared _____, to me known to be the identical person(s) who executed the foregoing grant of easement and acknowledged to me that _____ executed the same as _____ free and voluntary act and deed for the uses and purposes therein set forth.

WITNESS my hand and seal the day and year last above written.

My Commission Expires: _____ Notary Public: _____

Approved as to form and legality this _____ day of _____, 20___.

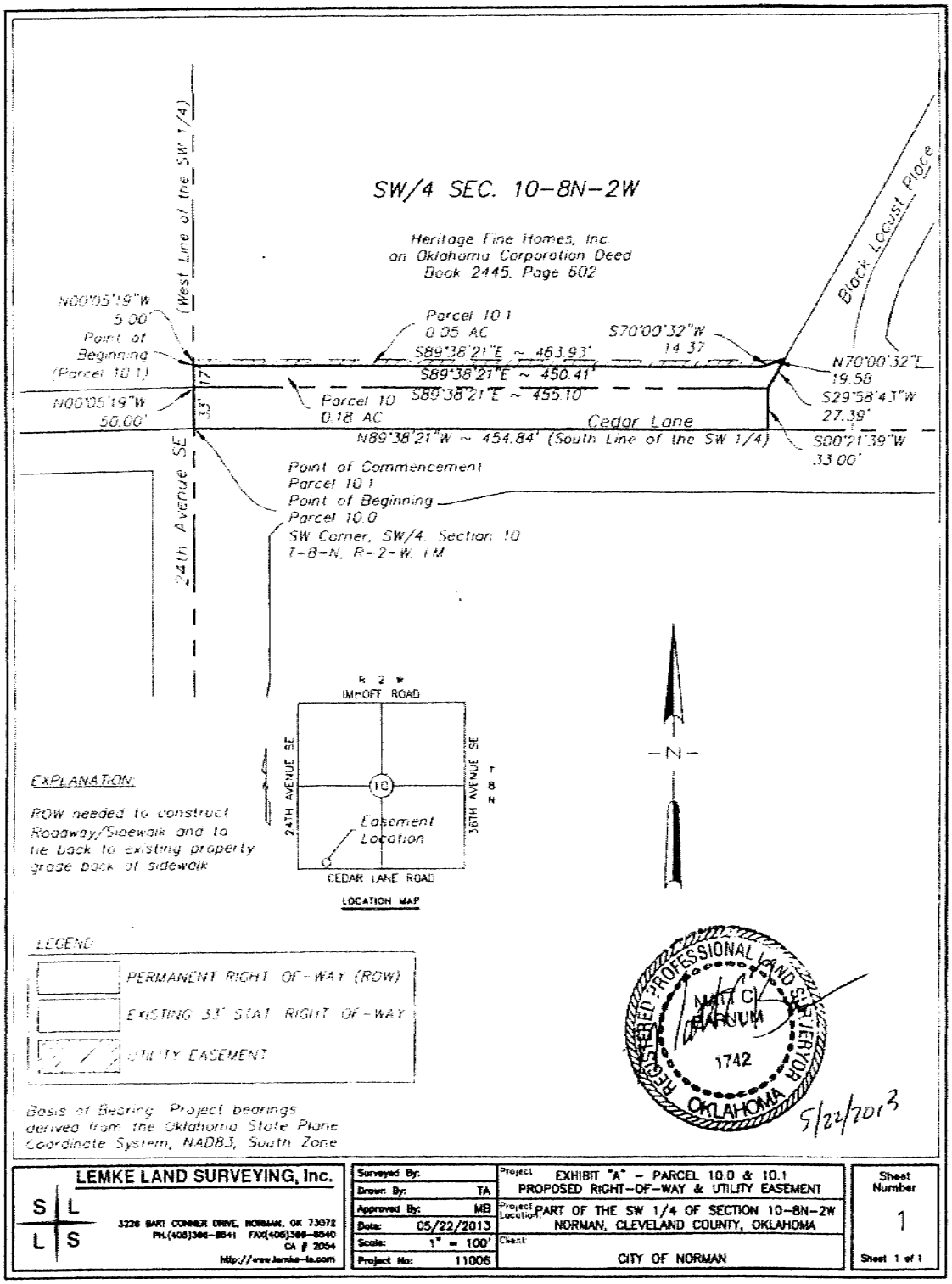
_____
City Attorney

Approved and accepted by the Council of the City of Norman, this _____ day of _____, 20___.

_____
Mayor

ATTEST:

_____
City Clerk
SEAL:


SW/4 SEC. 10-8N-2W
Heritage Fine Homes, Inc.
an Oklahoma Corporation Deed
Book 2445, Page 602
(West Line of the SW 1/4)
N00°05'19"W
5.00'
Point of
Beginning
(Parcel 10.1)
N00°05'19"W
50.00'
33'
17'
Parcel 10.1
0.05 AC
S89°38'21"E ~ 463.93'
S89°38'21"E ~ 450.41'
S89°38'21"E ~ 455.10'
Parcel 10
0.18 AC
S70°00'32"W
14.37'
Black Locust Place
N70°00'32"E
19.58'
S29°58'43"W
27.39'
S00°21'39"W
33.00'
Cedar Lane
N89°38'21"W ~ 454.84' (South Line of the SW 1/4)
24th Avenue SE
Point of Commencement
Parcel 10.1
Point of Beginning
Parcel 10.0
SW Corner, SW/4, Section 10
T-8-N, R-2-W, I.M.
R 2 W
IMHOFF ROAD
24TH AVENUE SE
36TH AVENUE SE
T 8 N
10
Easement
Location
CEDAR LANE ROAD
LOCATION MAP
N
EXPLANATION:
ROW needed to construct
Roadway/Sidewalk and to
tie back to existing property
grade back of sidewalk
LEGEND
PERMANENT RIGHT OF-WAY (ROW)
EXISTING 33' STAT RIGHT OF-WAY
UTILITY EASEMENT
Basis of Bearing: Project bearings
derived from the Oklahoma State Plane
Coordinate System, NAD83, South Zone
REGISTERED PROFESSIONAL LAND SURVEYOR
MATT C. BARNUM
1742
OKLAHOMA
5/22/2013
LEMKE LAND SURVEYING, Inc.
S L
L S
3226 BART CONNER DRIVE, NORMAN, OK 73072
PH.(405)366-8541 FAX(405)366-8540
CA # 2054
http://www.lemke-ls.com
Surveyed By:
Drawn By: TA
Approved By: MB
Date: 05/22/2013
Scale: 1" = 100'
Project No: 11006
Project: EXHIBIT "A" - PARCEL 10.0 & 10.1
PROPOSED RIGHT-OF-WAY & UTILITY EASEMENT
Project Location: PART OF THE SW 1/4 OF SECTION 10-8N-2W
NORMAN, CLEVELAND COUNTY, OKLAHOMA
Client: CITY OF NORMAN
Sheet Number
1
Sheet 1 of 1

Map Produced by the City of Norman
Geographic Information System.
(405) 366-5316
The City of Norman assumes no
responsibility for errors or omissions
in the information presented.

Cedar Lane Road Project
Right of Way Aquisitions

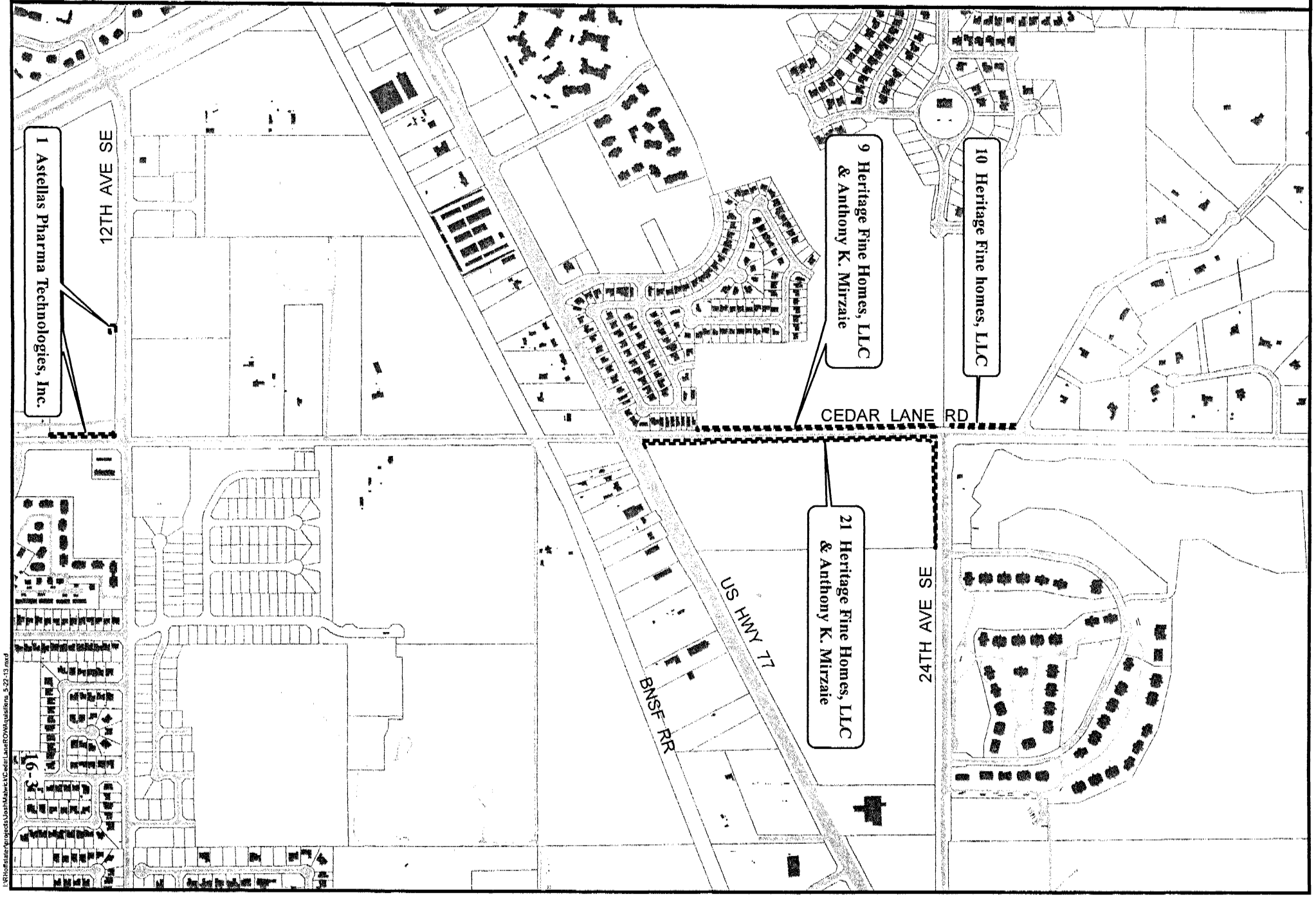
May 28, 2013

Proposed Easements

Parcels
Structure
Roads

N
W E
S

1" = 800'



I:\R\Hoffstetter\projects\JoshMathis\CedarLaneROWAquisitions_5-22-13.mxd

Cedar Lane Road Widening Project
Right-of-Way Easement Table

City Council Meeting May 28, 2013

Parcel No.	Easement No.	Grantors	Easement Type	Cost	Comments
1.0	E-1213-26	Astellas Pharma Technologies, Inc.	Public Roadway, Drainage & Utilities	$ 7,700.00	0.14 acres Appraised value
1.1	E-1213-27	Astellas Pharma Technologies, Inc.	Public Drainage	$ 2,900.00	0.07 acres – Appraised Value Includes damages to sod
9.0	E-1213-45	Heritage Fine Homes, LLC & Anthony K. Mirzaie	Public Roadway, Drainage & Utilities	Donated	0.62 acres
9.1	E-1213-46	Heritage Fine Homes, LLC & Anthony K. Mirzaie	Utility Easement	Donated	0.18 acres
10.0	E-1213-47	Heritage Fine Homes, LLC	Public Roadway, Drainage & Utilities	Donated	0.18 acres
10.1	E-1213-48	Heritage Fine Homes, LLC	Public Roadway, Drainage & Utilities	Donated	0.05 acres
16.0	E-1213-57	Eaglecliff Limited Partnership	Public Roadway, Drainage & Utilities	Donated	0.16 acres
18.0	E-1213-67	Eaglecliff Limited Partnership	Public Roadway, Drainage & Utilities	Donated	0.19 acres
19.0	E-1213-59	Cedar Lane, LLC	Public Roadway, Drainage & Utilities	Donated	0.5554 acres
19.1	E-1213-60	Cedar Lane, LLC	Temporary Construction Easement	Donated	0.25 acres
20.0	E-1213-61	Harold A. Henfling & Theresa P. Henfling (3/4 interest), Henfling Living Trust, Patricia Keithley (1/4 interest)	Public Roadway, Drainage & Utilities	$ 127,000.00	0.29 acres – Negotiated Price
21.0	E-1213-68	Heritage Fine Homes, LLC & Anthony K. Mirzaie	Public Roadway, Drainage & Utilities	Donated	1.04 acres
21.1	E-1213-62	Heritage Fine Homes, LLC & Anthony K. Mirzaie	Temporary Construction Easement	Donated	0.02 acres
21.2	E-1213-63	Heritage Fine Homes, LLC & Anthony K. Mirzaie	Temporary Construction Easement	Donated	0.05 acres
22.0	E-1213-64	Cedar Lane, LLC	Temporary Construction Easement	$ 12,500.00	0.18 acres – Appraised Value Includes damages to sod
22.1	E-1213-73	Cedar Lane, LLC	Utility Easement	$ 500.00	0.01 acres – Appraised Value
23.0	E-1213-65	The Links at Norman Golf Club	Temporary Construction Easement	Donated	0.03 acres

City of Norman, OK

Municipal Building Council Chambers
201 West Gray Street
Norman, OK 73069

Master

File Number: E-1213-57

File ID:	E-1213-57	**Type:**	Easement	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 17	**In Control:**	City Council
Department:	Public Works Department	**Cost:**		**File Created:**	04/22/2013
File Name:	Cedar Lane Easement Eaglecliff Partnership			**Final Action:**	

Title: EASEMENT NO. E-1213-57: CONSIDERATION OF ACCEPTANCE OF A PERMANENT PUBLIC ROADWAY, DRAINAGE AND UTILITY EASEMENT DONATED BY EAGLECLIFF LIMITED PARTNERSHIP FOR THE CEDAR LANE ROAD WIDENING PROJECT.

Notes: ACTION NEEDED: Motion to accept or reject Easement No. E-1213-57; and, if accepted, direct the filing thereof with the Cleveland County Clerk.

ACTION TAKEN: _____

Agenda Date: 05/28/2013

Agenda Number: 17

Attachments: Text File E-1213-57, E-1213-57, Map of Easements Heritage Astellas, Table of Easements

Project Manager: Josh Malwick, Capital Projects Engineer

Entered by: pam.jones@normanok.gov

Effective Date:

History of Legislative File

Ver-sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:

Text of Legislative File E-1213-57

body

BACKGROUND: The Cedar Lane Road Widening Project involves the construction of a new four-lane roadway between 12th Avenue SE and ½ mile east of 24th Avenue SE including five foot bike lines on each side of the road. The project will also include improvements to 12th Avenue SE and 24th Avenue SE as they approach Cedar Lane Road, improve the BNSF railroad crossing and resurface US-77 on the north and south sides of Cedar Lane Road. Signalization of the 12th Avenue SE and Cedar Lane Road intersection will also help relieve traffic congestion at peak travel times during the day.

On November 22, 2011 City Council approved programming Resolution No. R-1112-60 requesting federal funds to widen Cedar Lane Road to four lanes between 12th Avenue SE and ½ mile east of 24th Avenue SE. This resolution states the City's commitment to adhere to the terms and conditions of a federally funded project. Through the Association of Central Oklahoma Governments (ACOG), the Oklahoma Department of Transportation (ODOT) agrees to pay 80% of the construction cost with a 20% matching share from the City of Norman.

On August 28, 2012, the citizens of Norman voted in favor of a Bond Issue to finance the local share of eight transportation/storm water improvement projects. One of the eight 2012 bond projects is the Cedar Lane Road Widening Project.

DISCUSSION: City Council recently authorized the first sale of General Obligation Bonds for the 2012 Bond Program. Staff has budgeted within the project for costs associated with acquiring right-of-way and thus funds are available for this project. The funds have been transferred into the Cedar Lane Road Widening Project, Right-of-Way account.

The City needs to acquire forty-seven (47) easements along Cedar Lane Road for temporary construction or roadway, drainage and utility easements. City Council was updated on the progress of acquiring necessary right of way for the Project on May 14, 2013 prior to its regularly scheduled meeting. Ten (10) easements were acquired and approved by City Council at its regularly scheduled meeting on May 14, 2013. Seventeen (17) additional easements have been secured bringing the total of easements acquired for this project to twenty-seven (27), thus far. Staff initially requested donations prior to making any offers of fair market value in an effort to keep Project costs at a minimum. The attached Right-of-Way Easement Table provides the details of each easement. Also attached is a map providing the location of each easement as well as the property owners. It is the goal of staff to acquire all the necessary easement for this Project by donation or agreed settlement. This easement was donated.

RECOMMENDATION: Staff recommends Easement No. E-1213-57 be accepted and the filing be directed thereof.

Parcel No: 16.0
Project No:
E-1213-57 J/P No: 29261(04)

GRANT OF EASEMENT
City of Norman

Know all men by these presents:

That **Eaglecliff Limited Partnership**, for and 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, do 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, the following described land to wit:
A strip, piece, or parcel of land lying in the Northeast Quarter (NE 1/4) of Section 17, Township 8 North, Range 2 West of the Indian Meridian, Cleveland County, Oklahoma. Said parcel of land being more particularly described as follows:

COMMENCING at the Northeast corner of said NE ¼, THENCE South 89°39'27" West along the North line of said NE 1/4, a distance of 230.02 feet to the POINT OF BEGINNING, THENCE South 00°20'33" East a distance of 50.00 feet, THENCE South 89°39'27" West parallel with the North line of said NE 1/4, a distance of 404.93 feet, THENCE North 00°20'33" West to a point on the North line of said NE 1/4, a distance of 50.00 feet, THENCE North 89°39'27" East along the North line of said NE 1/4, a distance of 404.93 feet to the POINT OF BEGINNING. Containing 6883.81 sq. ft. or 0.16 acres, more or less, of new Roadway Easement, the remaining area included in the above description being right-of-way occupied by the present roadway.

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 roadway, drainage structure or utility.

PUBLIC ROADWAY, DRAINAGE AND UTILITIES

To have and to hold the same unto the said city, its successors, and assigns forever.

Signed and delivered this 21st day of MARCH, 2013.

Eaglecliff Limited Partnership

Gene McKown — General Partner
Title

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 MARCH, 2013, personally appeared GENE McKOWN, 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 for the uses and purposes therein set forth.

WITNESS my hand and seal the day and year last above written.

My Commission Expires: 2-27-2017 Notary Public:

Approved as to form and legality this 29 day of March, 2013.

NOTARY PUBLIC OKLAHOMA
OFFICIAL SEAL
BOB HAWKINS
Commission # 13001942
Expires February 27, 2017

City Attorney

Approved and accepted by the Council of the City of Norman, this _____ day of _____, 20___.

Mayor

ATTEST:

City Clerk
SEAL:

PROJECT: 01-441-01
J/P Number: 29261(04)
CITY: City of Norman
PARCEL NO: 16

E-1213-57

CONSENT OF OWNERS RIGHT OF ENTRY

Eaglecliff Limited Partnership on this 21st Day of MARCH 2013.

Legal Description:

A strip, piece, or parcel of land lying in the Northeast Quarter (NE 1/4) of Section 17, Township 8 North, Range 2 West of the Indian Meridian, Cleveland County, Oklahoma. Said parcel of land being more particularly described as follows:

COMMENCING at the Northeast corner of said NE ¼, THENCE South 89°39'27" West along the North line of said NE 1/4, a distance of 230.02 feet to the POINT OF BEGINNING, THENCE South 00°20'33" East a distance of 50.00 feet, THENCE South 89°39'27" West parallel with the North line of said NE 1/4, a distance of 404.93 feet, THENCE North 00°20'33" West to a point on the North line of said NE 1/4, a distance of 50.00 feet, THENCE North 89°39'27" East along the North line of said NE 1/4, a distance of 404.93 feet to the POINT OF BEGINNING

The undersigned owner(s) of said land herby do/does give permission to, City of Norman, Whose address is P.O. Box 370, Norman, Oklahoma, 73070.

to enter upon said land(s) for the purpose of :

Purposes of relocating utilities, providing a safe work area for construction and all construction activities necessary to complete the project. Six months Temporary Construction Easement.

Other terms or comments:

~Right of Entry Other Terms~

Authorized occupant / Owner(s):

Eaglecliff Limited Partnership

By: Gene McKown - General Partner

SUBSCRIBED and sworn to before me this 21st day of MARCH, 2013.

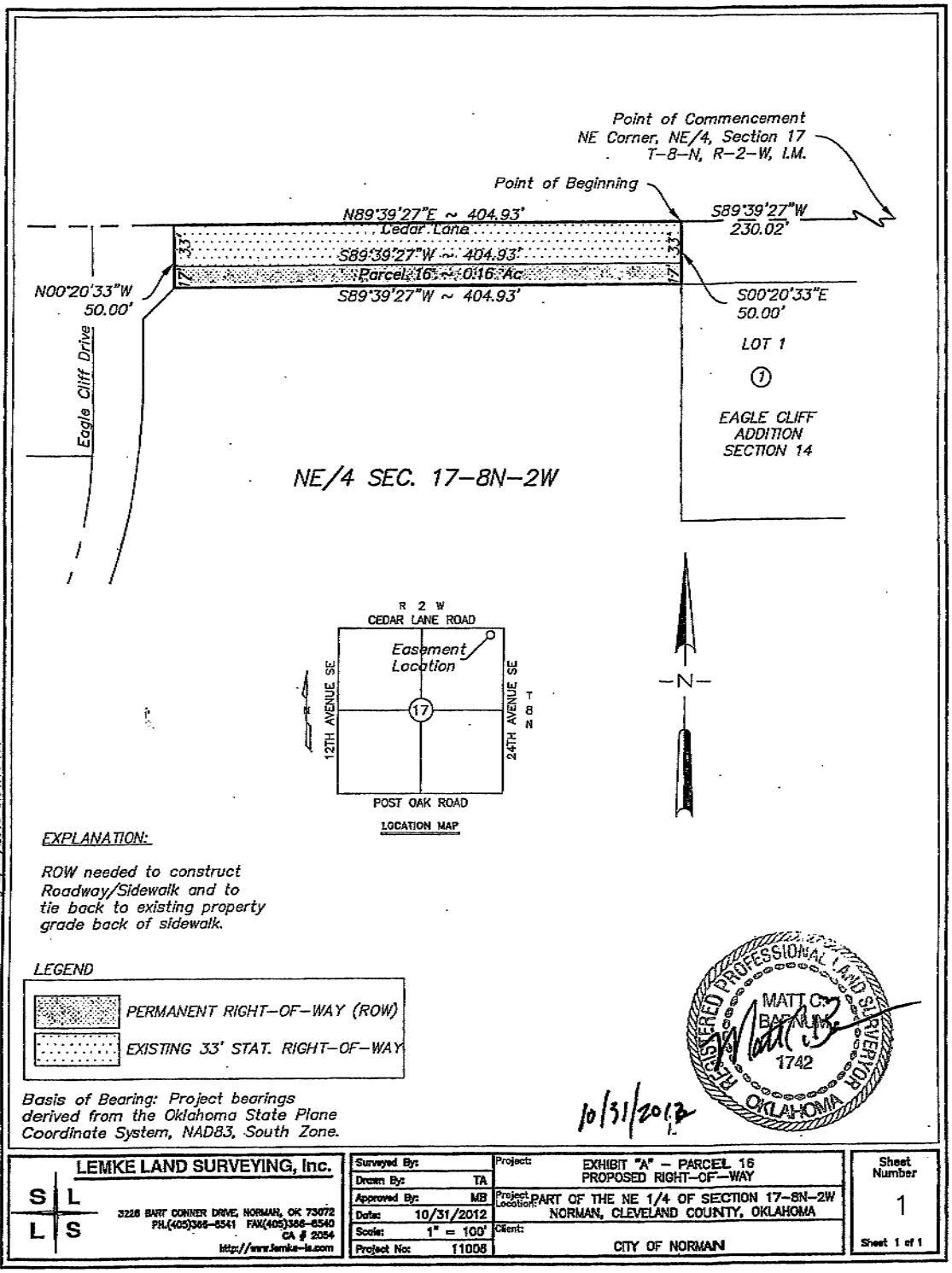
Notary Public

My commission expires: 2-27-2017

My Commission No: 13001942
(SEAL)

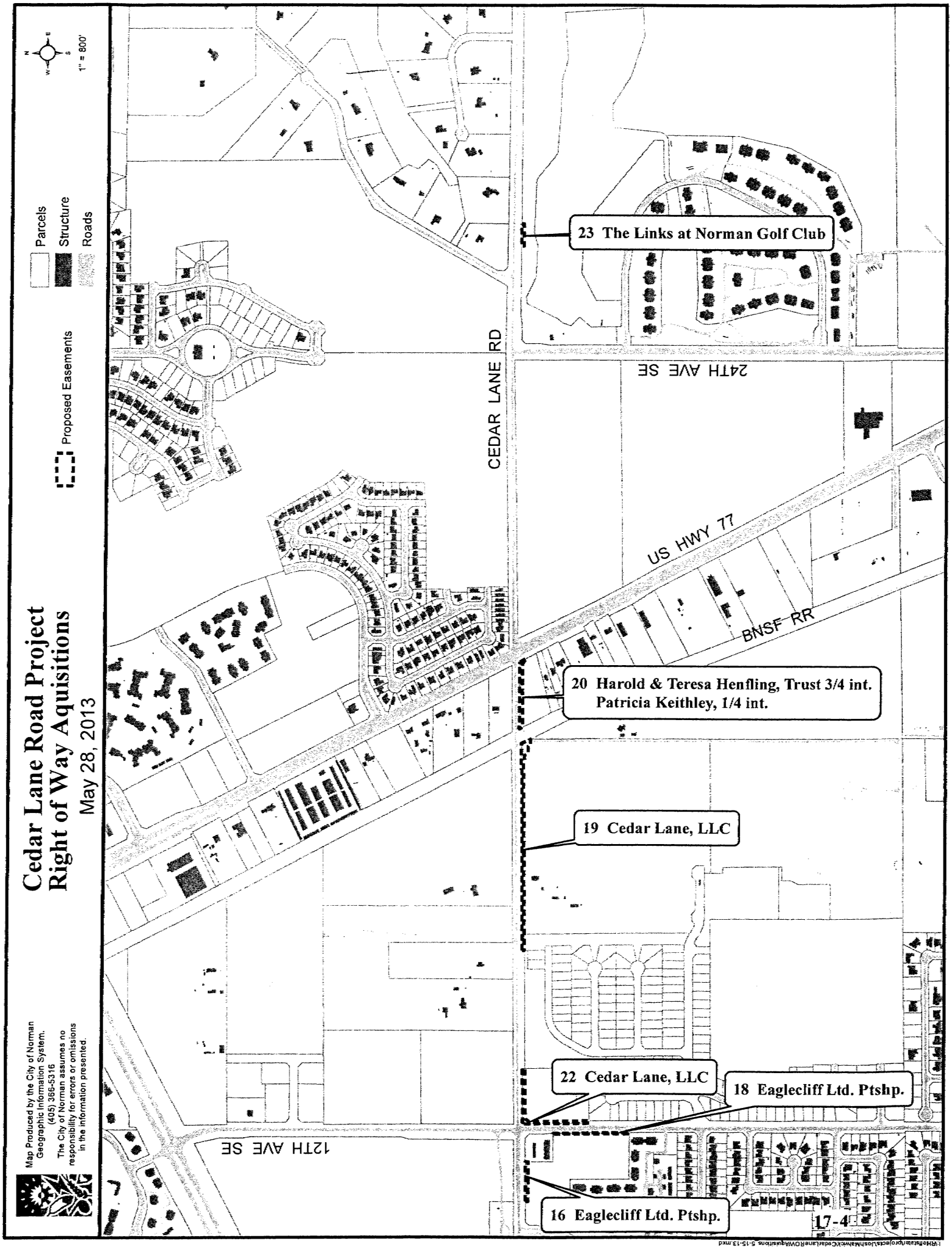
OFFICIAL SEAL
BOB HAWKINS
Commission # 13001942
Expires February 27, 2017

E-1213-57



G:\Projects\11006\LLS-DATA\Final\EX_11006_CEDAR LANE.dwg 2/15/2013 9:04:10 AM

LEMKE LAND SURVEYING, Inc. S L L S 3228 BART CONNER DRIVE, NORMAN, OK 73072 PH.(405)366-6541 FAX(405)366-6540 CA # 2054 http://www.lemke-ls.com	Surveyed By: Drawn By: TA Approved By: MB Date: 10/31/2012 Scale: 1" = 100' Project No: 11006	Project: EXHIBIT "A" – PARCEL 16 PROPOSED RIGHT-OF-WAY Project Location: PART OF THE NE 1/4 OF SECTION 17-8N-2W NORMAN, CLEVELAND COUNTY, OKLAHOMA Client: CITY OF NORMAN	Sheet Number 1 Sheet 1 of 1


Cedar Lane Road Project
Right of Way Aquisitions
May 28, 2013
Map Produced by the City of Norman Geographic Information System.
(405) 366-5316
The City of Norman assumes no responsibility for errors or omissions in the information presented.
Parcels
Structure
Roads
Proposed Easements
1" = 800'
23 The Links at Norman Golf Club
CEDAR LANE RD
24TH AVE SE
US HWY 77
BNSF RR
20 Harold & Teresa Henfling, Trust 3/4 int.
Patricia Keithley, 1/4 int.
19 Cedar Lane, LLC
22 Cedar Lane, LLC
18 Eaglecliff Ltd. Ptshp.
12TH AVE SE
16 Eaglecliff Ltd. Ptshp.

Cedar Lane Road Widening Project
Right-of-Way Easement Table

City Council Meeting May 28, 2013

Parcel No.	Easement No.	Grantors	Easement Type	Cost	Comments
1.0	E-1213-26	Astellas Pharma Technologies, Inc.	Public Roadway, Drainage & Utilities	$ 7,700.00	0.14 acres Appraised value
1.1	E-1213-27	Astellas Pharma Technologies, Inc.	Public Drainage	$ 2,900.00	0.07 acres – Appraised Value Includes damages to sod
9.0	E-1213-45	Heritage Fine Homes, LLC & Anthony K. Mirzaie	Public Roadway, Drainage & Utilities	Donated	0.62 acres
9.1	E-1213-46	Heritage Fine Homes, LLC & Anthony K. Mirzaie	Utility Easement	Donated	0.18 acres
10.0	E-1213-47	Heritage Fine Homes, LLC	Public Roadway, Drainage & Utilities	Donated	0.18 acres
10.1	E-1213-48	Heritage Fine Homes, LLC	Public Roadway, Drainage & Utilities	Donated	0.05 acres
16.0	E-1213-57	Eaglecliff Limited Partnership	Public Roadway, Drainage & Utilities	Donated	0.16 acres
18.0	E-1213-67	Eaglecliff Limited Partnership	Public Roadway, Drainage & Utilities	Donated	0.19 acres
19.0	E-1213-59	Cedar Lane, LLC	Public Roadway, Drainage & Utilities	Donated	0.5554 acres
19.1	E-1213-60	Cedar Lane, LLC	Temporary Construction Easement	Donated	0.25 acres
20.0	E-1213-61	Harold A. Henfling & Theresa P. Henfling (3/4 interest), Henfling Living Trust, Patricia Keithley (1/4 interest)	Public Roadway, Drainage & Utilities	$ 127,000.00	0.29 acres – Negotiated Price
21.0	E-1213-68	Heritage Fine Homes, LLC & Anthony K. Mirzaie	Public Roadway, Drainage & Utilities	Donated	1.04 acres
21.1	E-1213-62	Heritage Fine Homes, LLC & Anthony K. Mirzaie	Temporary Construction Easement	Donated	0.02 acres
21.2	E-1213-63	Heritage Fine Homes, LLC & Anthony K. Mirzaie	Temporary Construction Easement	Donated	0.05 acres
22.0	E-1213-64	Cedar Lane, LLC	Temporary Construction Easement	$ 12,500.00	0.18 acres – Appraised Value Includes damages to sod
22.1	E-1213-73	Cedar Lane, LLC	Utility Easement	$ 500.00	0.01 acres – Appraised Value
23.0	E-1213-65	The Links at Norman Golf Club	Temporary Construction Easement	Donated	0.03 acres

City of Norman, OK

Municipal Building Council Chambers
201 West Gray Street
Norman, OK 73069

Master

File Number: E-1213-59

File ID:	E-1213-59	**Type:**	Easement	**Status:**	Consent Item
Version:	2	**Reference:**	Item No. 18	**In Control:**	City Council
Department:	Public Works Department	**Cost:**		**File Created:**	03/18/2013
File Name:	Easement E-1213-59 Cedar Lane, LLC			**Final Action:**	

Title: EASEMENT NO. E-1213-59: CONSIDERATION OF ACCEPTANCE OF A PERMANENT PUBLIC UTILITY, DRAINAGE, AND ROADWAY EASEMENT DONATED BY CEDAR LANE L.L.C., FOR THE CEDAR LANE ROAD WIDENING PROJECT.

Notes: ACTION NEEDED: Motion to accept or reject Easement No. E-1213-59; and, if accepted, direct the filing thereof with the Cleveland County Clerk.

ACTION TAKEN: _____

Agenda Date: 05/28/2013

Agenda Number: 18

Attachments: Text File E-1213-59, E-1213-59.pdf, Map of Easements, Table of Easements

Project Manager: Josh Malwick, Capital Projects Engineer

Entered by: pam.jones@normanok.gov

Effective Date:

History of Legislative File

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:

Text of Legislative File E-1213-59

body

BACKGROUND: The Cedar Lane Road Widening Project involves the construction of a new four-lane roadway between 12th Avenue SE and ½ mile east of 24th Avenue SE including five foot bike lines on each side of the road. The project will also include improvements to 12th Avenue SE and 24th Avenue SE as they approach Cedar Lane Road, improve the BNSF railroad crossing and resurface US-77 on the north and south sides of Cedar Lane Road. Signalization of the 12th Avenue SE and Cedar Lane Road intersection will also help relieve traffic congestion at peak travel times during the day.

On November 22, 2011 City Council approved programming Resolution No. R-1112-60 requesting federal funds to widen Cedar Lane Road to four lanes between 12th Avenue SE and ½ mile east of 24th Avenue SE. This resolution states the City's commitment to adhere to the terms and conditions of a federally funded project. Through the Association of Central Oklahoma Governments (ACOG), the Oklahoma Department of Transportation (ODOT) agrees to pay 80% of the construction cost with a 20% matching share from the City of Norman.

On August 28, 2012, the citizens of Norman voted in favor of a Bond Issue to finance the local share of eight transportation/storm water improvement projects. One of the eight 2012 bond projects is the Cedar Lane Road

Widening Project.

DISCUSSION: City Council authorized the first sale of General Obligation Bonds for the 2012 Bond Program. Staff has budgeted within the project for costs associated with acquiring right-of-way and thus funds are available for this project. The funds have been transferred into the Cedar Lane Road Widening Project, Right-of-Way account.

The City needs to acquire forty seven (47) easements along Cedar Lane Road for temporary construction or roadway, drainage and utility easements. City Council was updated on the progress of acquiring necessary right of way for the project on May 14, 2013 prior to its regularly scheduled meeting. Ten (10) easements were acquired and approved by City Council at its regularly scheduled meeting on May 14, 2013. Seventeen (17) additional easements have been secured bringing the total of easements acquired for this project to twenty-seven (27), thus far. Staff requested donations prior to making any offers of fair market value. The attached Right-of-Way Easement Table provides the details of each easement. Also attached is a map providing the location and property owner of each easement. The goal of staff is to acquire all the necessary property for the Project through either donation or agreed settlement. This particular parcel is a donation.

RECOMMENDATION: Staff recommends Easement No. E-1213-59 be accepted and the filing be directed thereof.

E-1213-59

GRANT OF EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

THAT, CEDAR LANE, L.L.C. 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, do 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 EXHIBITS "A" AND "B"

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), drainage and/or roadway(s).

Additional Right-of-Way

To have and to hold the same unto the said City, its successors, and assigns forever.

SIGNED and delivered this 26th day of March, 2013.

BY:_____ BY:_____

MANAGER

REPRESENTATIVE ACKNOWLEDGMENT

STATE OF OKLAHOMA, COUNTY OF CLEVELAND, SS:

Before me, the undersigned, a Notary Public in and for said County and State, on this 26th dayof March, 2013, personally appeared Hunter Miller 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 for the uses and purposes therein set forth.

WITNESS my hand and seal the day and year last above written.

OFFICIAL SEAL
KEN DANNER
Commission # 03008747
Comm exp 6-27-2015
NOTARY PUBLIC SEAL STATE OF OKLAHOMA

Ken Danner
Notary Public

My Commission Expires: _____

Approved as to form and legality this 26 day of March, 2013.

City Attorney

Approved and accepted by the Council of the City of Norman, this _____ day of _____, 20____.

Mayor

ATTEST:

City Clerk

SEAL:

E-1213-59

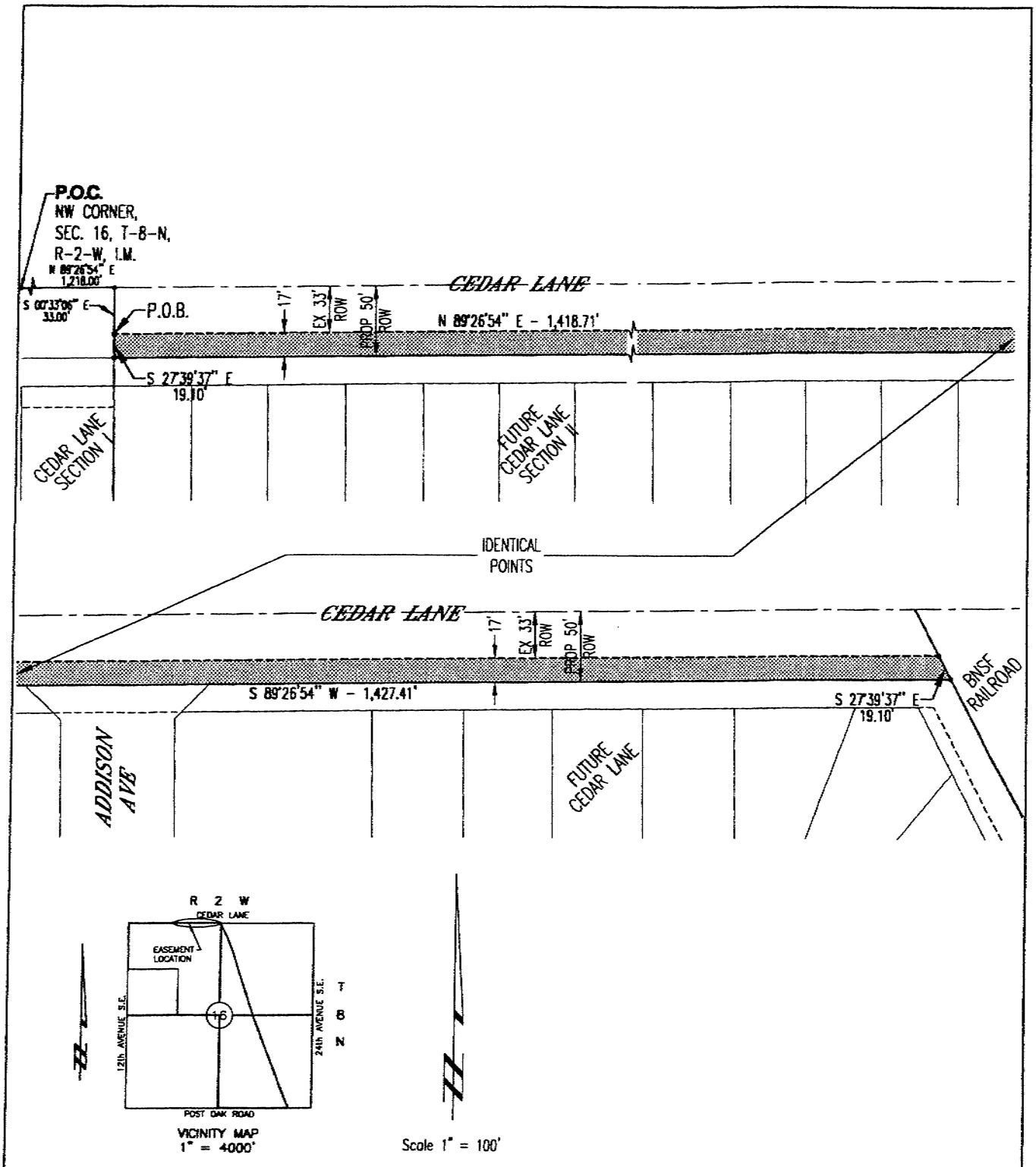
EXHIBIT "A"
LEGAL DESRCIPTION
FOR
ADDITIONAL RIGHT-OF-WAY

BASIS OF BEARING: North 89°26'54" East, being the North Line of said section:

A tract of land lying in Section Sixteen (16), Township Eight (8) North, Range Two (2) West of the Indian Meridian, Cleveland County, Oklahoma, being more particularly described as follows:

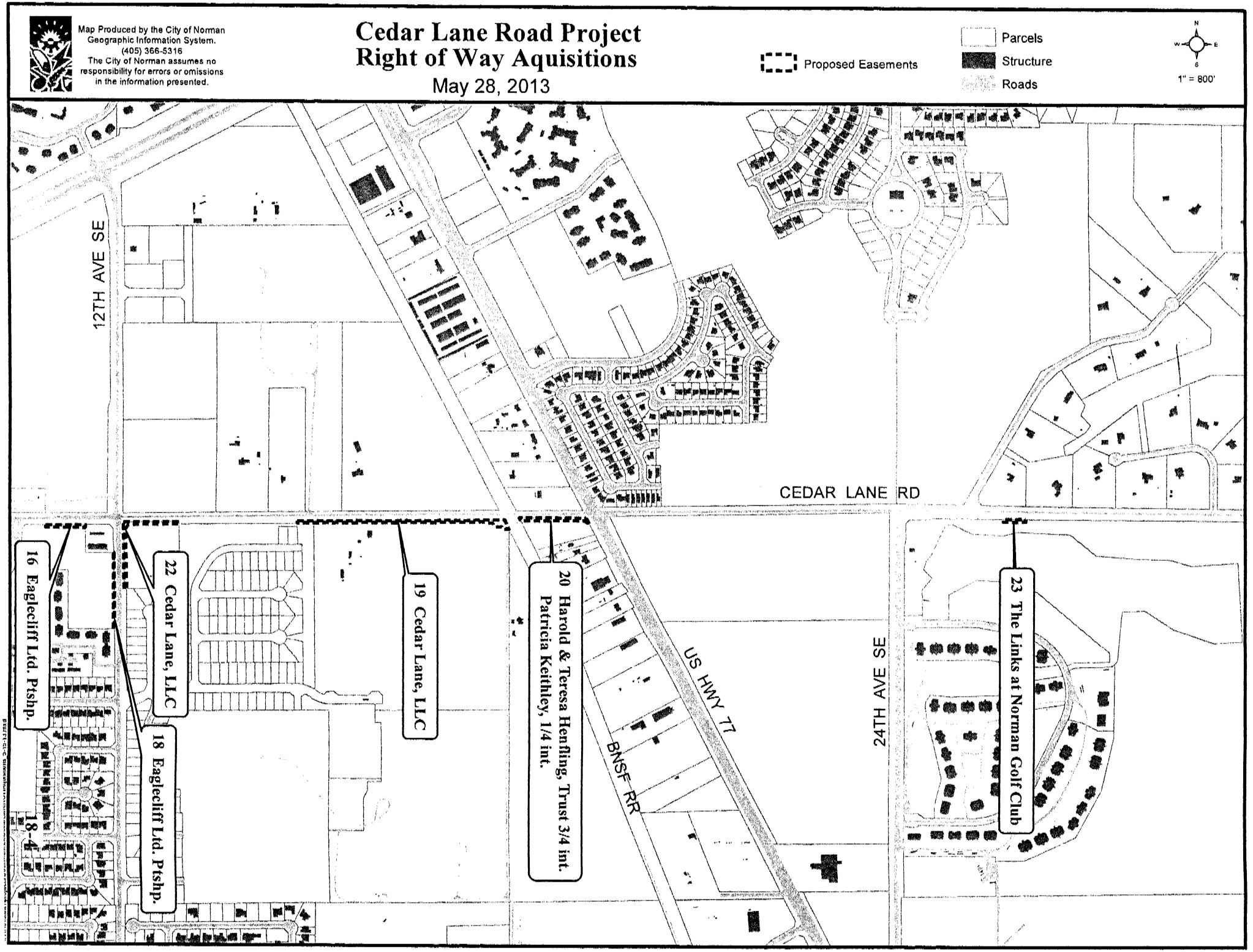
COMMENCING at the Northwest Corner of said Section 16; Thence North 89°26'54" East along the North line of said Northwest Quarter (NW/4) a distance of 1,218.00 feet; Thence South 00°33'06" East a distance of 33.00 feet to a point on the south statutory right-of-way of Cedar Lane, said point also being the Point of Beginning; thence from said POINT OF BEGINNING North 89°26'54" East along the south statutory right-of-way line of Cedar Lane a distance of 1,418.71 feet to a point on the west right-of-way of BNSF Railroad; Thence South 27°39'37" East along the west right-of –way line of BNSF Railroad a distance of 19.10 feet; Thence South 89°26'54" West a distance of 1,427.41 feet; Thence North 00°33'06" West a distance of 17.00 feet to a point on the south right-of-way of Cedar Lane, said point also being the Point of Beginning. Said tract contains 24,192.0642 sf or 0.5554 acres more or less.

SDR
Coon Engineering, Inc.
10/29/10



MIL64830\64830E10.DWG

PROJECT NO. MIL64830	DRAWN BY S.D.R.	**COON ENGINEERING, INC.** CA 1179 EXP. 6-30-12 CONSULTING ENGINEERS LAND SURVEYORS 2832 W. Wilshire Blvd. Suite 202 Oklahoma City, Okla. 405-842-0363 www.coonengineering.com	**EXHIBIT "B"**	SHEET 2 OF 2
DATE 10/29/10	APPROVED BY S.D.R.		CEDAR LANE ADDITIONAL RIGHT-OF-WAY A PART OF SEC 16, T-8-N, R-2-W, I.M. CITY OF NORMAN, CLEVELAND COUNTY, OKLAHOMA	
SCALE 1"=100'				


Map Produced by the City of Norman
Geographic Information System.
(405) 366-5316
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Cedar Lane Road Project
Right of Way Aquisitions
May 28, 2013
Proposed Easements
Parcels
Structure
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1" = 800'
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16 Eaglecliff Ltd. Ptshp.
22 Cedar Lane, LLC
18 Eaglecliff Ltd. Ptshp.
19 Cedar Lane, LLC
20 Harold & Teresa Henfling, Trust 3/4 int.
Patricia Keithley, 1/4 int.
US HWY 77
BNSF RR
24TH AVE SE
23 The Links at Norman Golf Club
18-4

Cedar Lane Road Widening Project
Right-of-Way Easement Table

City Council Meeting May 28, 2013

Parcel No.	Easement No.	Grantors	Easement Type	Cost	Comments
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9.1	E-1213-46	Heritage Fine Homes, LLC & Anthony K. Mirzaie	Utility Easement	Donated	0.18 acres
10.0	E-1213-47	Heritage Fine Homes, LLC	Public Roadway, Drainage & Utilities	Donated	0.18 acres
10.1	E-1213-48	Heritage Fine Homes, LLC	Public Roadway, Drainage & Utilities	Donated	0.05 acres
16.0	E-1213-57	Eaglecliff Limited Partnership	Public Roadway, Drainage & Utilities	Donated	0.16 acres
18.0	E-1213-67	Eaglecliff Limited Partnership	Public Roadway, Drainage & Utilities	Donated	0.19 acres
19.0	E-1213-59	Cedar Lane, LLC	Public Roadway, Drainage & Utilities	Donated	0.5554 acres
19.1	E-1213-60	Cedar Lane, LLC	Temporary Construction Easement	Donated	0.25 acres
20.0	E-1213-61	Harold A. Henfling & Theresa P. Henfling (3/4 interest), Henfling Living Trust, Patricia Keithley (1/4 interest)	Public Roadway, Drainage & Utilities	$ 127,000.00	0.29 acres – Negotiated Price
21.0	E-1213-68	Heritage Fine Homes, LLC & Anthony K. Mirzaie	Public Roadway, Drainage & Utilities	Donated	1.04 acres
21.1	E-1213-62	Heritage Fine Homes, LLC & Anthony K. Mirzaie	Temporary Construction Easement	Donated	0.02 acres
21.2	E-1213-63	Heritage Fine Homes, LLC & Anthony K. Mirzaie	Temporary Construction Easement	Donated	0.05 acres
22.0	E-1213-64	Cedar Lane, LLC	Temporary Construction Easement	$ 12,500.00	0.18 acres – Appraised Value Includes damages to sod
22.1	E-1213-73	Cedar Lane, LLC	Utility Easement	$ 500.00	0.01 acres – Appraised Value
23.0	E-1213-65	The Links at Norman Golf Club	Temporary Construction Easement	Donated	0.03 acres

City of Norman, OK

Municipal Building Council Chambers
201 West Gray Street
Norman, OK 73069

Master

File Number: E-1213-60

File ID:	E-1213-60	**Type:**	Easement	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 19	**In Control:**	City Council
Department:	Public Works Department	**Cost:**		**File Created:**	04/28/2013
File Name:	Cedar Lane Easement			**Final Action:**	

Title: TEMPORARY EASEMENT NO. E-1213-60: CONSIDERATION OF ACCEPTANCE OF A TEMPORARY CONSTRUCTION EASEMENT DONATED BY CEDAR LANE, L.L.C., FOR THE CEDAR LANE ROAD WIDENING PROJECT.

Notes: ACTION NEEDED: Motion to accept or reject Temporary Easement No. E-1213-60; and, if accepted, direct the filing thereof with the City Clerk.

.

ACTION TAKEN: _____

Agenda Date: 05/28/2013

Agenda Number: 19

Attachments: Text File E-1213-60, E-1213-60.pdf, Table of Easements, Map of Easements

Project Manager: Josh Malwick, Capital Projects Engineer

Entered by: pam.jones@normanok.gov

Effective Date:

History of Legislative File

Ver-sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:

Text of Legislative File E-1213-60

body

BACKGROUND: The Cedar Lane Road Widening Project involves the construction of a new four-lane roadway between 12th Avenue SE and ½ mile east of 24th Avenue SE including five foot bike lines on each side of the road. The project will also include improvements to 12th Avenue SE and 24th Avenue SE as they approach Cedar Lane Road, improve the BNSF railroad crossing and resurface US-77 on the north and south sides of Cedar Lane Road. Signalization of the 12th Avenue SE and Cedar Lane Road intersection will also help relieve traffic congestion at peak travel times during the day.

On November 22, 2011 City Council approved programming Resolution No. R-1112-60 requesting federal funds to widen Cedar Lane Road to four lanes between 12th Avenue SE and ½ mile east of 24th Avenue SE. This resolution states the City's commitment to adhere to the terms and conditions of a federally funded project. Through the Association of Central Oklahoma Governments (ACOG), the Oklahoma Department of Transportation (ODOT) agrees to pay 80% of the construction cost with a 20% matching share from the City of Norman.

On August 28, 2012, the citizens of Norman voted in favor of a Bond Issue to finance the local share of eight

transportation/storm water improvement projects. One of the eight 2012 bond projects is the Cedar Lane Road Widening Project.

DISCUSSION: City Council recently authorized the first sale of General Obligation Bonds for the 2012 Bond Program. Staff has budgeted within the project for costs associated with acquiring right-of-way and thus funds are available for this project. The funds have been transferred into the Cedar Lane Road Widening Project, Right-of-Way account.

The City needs to acquire forty-seven (47) easements along Cedar Lane Road for temporary construction or roadway, drainage and utility easements. City Council was updated on the progress of acquiring necessary right of way for the Project on May 14, 2013 prior to its regularly scheduled meeting. Ten (10) easements were acquired and approved by City Council at its regularly scheduled meeting on May 14, 2013. Seventeen (17) additional easements have been secured bringing the total of easements acquired for this project to twenty-seven (27), thus far. Staff initially requested donations prior to making any offers of fair market value in an effort to keep Project costs at a minimum. The attached Right-of-Way Easement Table provides the details of each easement. Also attached is a map providing the location of each easement as well as the property owners. It is the goal of staff to acquire all the necessary easement for this Project by donation or agreed settlement. This easement was donated.

RECOMMENDATION: Staff recommends Easement No. E-1213-60 be accepted and the filing be directed thereof.

E-1213-60

Parcel No: 19.1
Project No:
J/P No: 29261(04)

TEMPORARY CONSTRUCTION EASEMENT

Know all men by these presents:

That **Cedar Lane, LLC**, of Cleveland County, State of Oklahoma, for and in consideration of the sum of Ten Dollars ($10.00) and other good and, valuable consideration, has/have this day sold to the City of Norman, a temporary easement over the following described land to wit:

SEE ATTACHMENT 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 roadway, drainage structure or utility.

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.

TEMPORARY CONSTRUCTION EASEMENT

To have and to hold the same unto the said city, its successors, and assigns forever.

Signed and delivered this 17th day of APRIL, 2013

Cedar Lane, LLC

_____ MANAGER
Title

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 17th day of APRIL, 2013 personally appeared HUNTER MILLER, 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 for the uses and purposes therein set forth.

WITNESS my hand and seal the day and year last above written.

My Commission Expires: 10-17-2013 Notary Public: Carol Ann West

Approved as to form and legality this 24 day of April, 2013

_____
City Attorney

Approved and accepted by the Council of the City of Norman, this _____ day of _____, 20___.

_____
Mayor

ATTEST:

_____
City Clerk
SEAL:

E-1213-60

Exhibit "A"

A strip, piece, or parcel of land lying in the North Half (N 1/2) of Section 16, Township 8 North, Range 2 West of the Indian Meridian, Cleveland County, Oklahoma. Said parcel of land being more particularly described as follows:

COMMENCING at the Northeast corner of the NW 1/4 of said Section 16;

THENCE South 89°21'46" West along the North line of said NW 1/4, a distance of 44.28 feet to a point on the Westerly Right-of-Way line of the AT&SF Railroad;

THENCE South 27°45'53" East along the Westerly Right-of-Way line of the AT&SF Railroad, a distance of 56.18 feet to the POINT OF BEGINNING;

THENCE continuing South 27°45'53" East along the Westerly Right-of-Way line of the AT&SF Railroad, a distance of 95.51 feet;

THENCE South 89°21'46" West parallel with the North line of said NW 1/4, a distance of 61.48 feet;

THENCE North 40°35'12" West a distance of 39.13 feet;

THENCE South 89°21'46" West parallel with the North line of said NW 1/4, a distance of 81.16 feet;

THENCE North 24°48'21" West a distance of 49.32 feet;

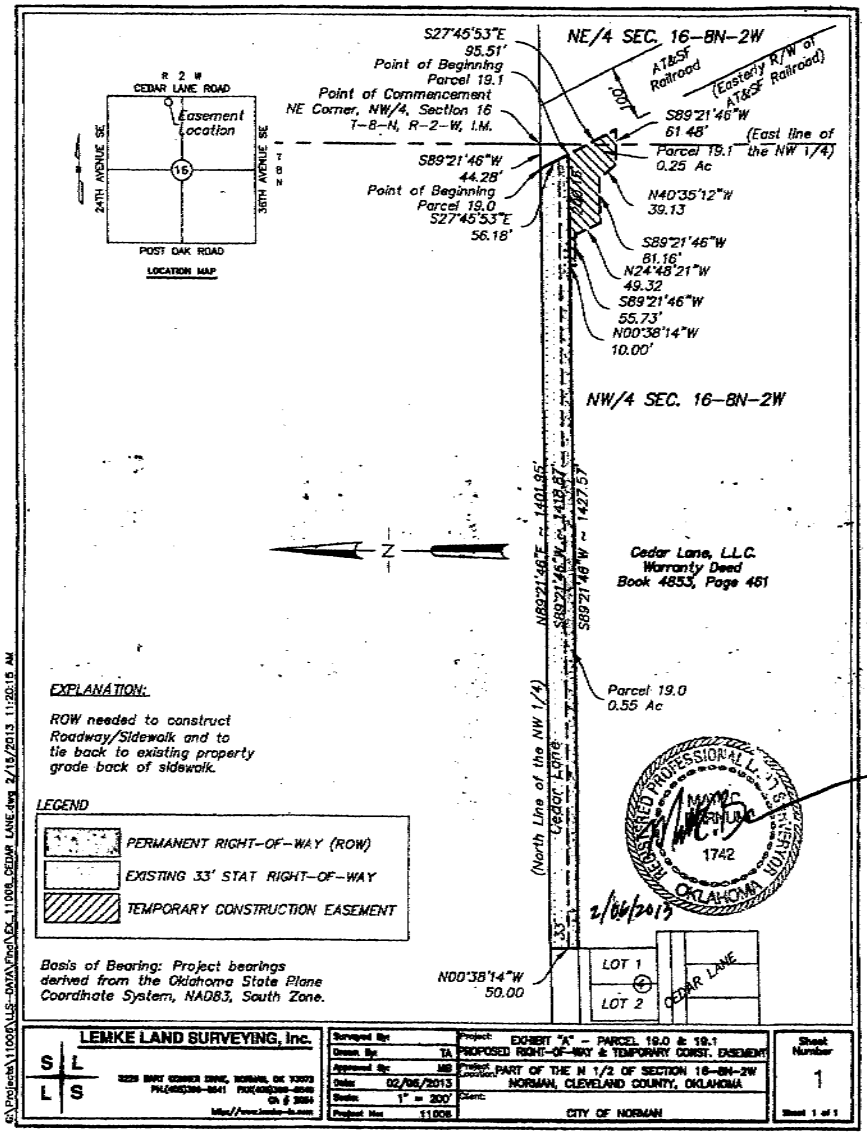
THENCE South 89°21'46" West parallel with the North line of said NW 1/4, a distance of 55.73 feet;

THENCE North 00°38'14" West a distance of 10.00 feet;

THENCE North 89°21'46" East parallel with the North line of said NW 1/4, a distance of 200.15 feet to the POINT OF BEGINNING.

Containing 10811.33 sq. ft. or 0.25 acres, more or less.

E-1213-60


R 2 W
CEDAR LANE ROAD
Easement Location
24TH AVENUE SE
36TH AVENUE SE
T 8 N
15
POST OAK ROAD
LOCATION MAP
S27°45'53"E
95.51'
Point of Beginning
Parcel 19.1
Point of Commencement
NE Corner, NW/4, Section 16
T-8-N, R-2-W, I.M.
S89°21'46"W
44.28'
Point of Beginning
Parcel 19.0
S27°45'53"E
56.18'
NE/4 SEC. 16-8N-2W
A T&SF Railroad
100'
(Eastern R/W of A T&SF Railroad)
S89°21'46"W
61.48'
(East line of the NW 1/4)
Parcel 19.1
0.25 Ac
N40°35'12"W
39.13
S89°21'46"W
81.16'
N24°48'21"W
49.32
S89°21'46"W
55.73'
N00°38'14"W
10.00'
NW/4 SEC. 16-8N-2W
N89°21'46"E ~ 1401.85'
S89°21'46"W ~ 1419.87'
S89°21'46"W ~ 1427.57'
Cedar Lane, L.L.C.
Warranty Deed
Book 4853, Page 461
Parcel 19.0
0.55 Ac
(North Line of the NW 1/4)
Cedar Lane
35'
EXPLANATION:
ROW needed to construct Roadway/Sidewalk and to tie back to existing property grade back of sidewalk.
LEGEND
PERMANENT RIGHT-OF-WAY (ROW)
EXISTING 33' STAT RIGHT-OF-WAY
TEMPORARY CONSTRUCTION EASEMENT
Basis of Bearing: Project bearings derived from the Oklahoma State Plane Coordinate System, NAD83, South Zone.
N00°38'14"W
50.00
LOT 1
LOT 2
CEDAR LANE
REGISTERED PROFESSIONAL L.S.
MARC
1742
OKLAHOMA
2/06/2013
LEMKE LAND SURVEYING, Inc.
Surveyed By:
Drawn By: TA
Approved By: MB
Date: 02/06/2013
Scale: 1" = 200'
Project No: 11008
Project: EXHIBIT "A" - PARCEL 19.0 & 19.1
PROPOSED RIGHT-OF-WAY & TEMPORARY CONST. EASEMENT
Project Location: PART OF THE N 1/2 OF SECTION 16-8N-2W
NORMAN, CLEVELAND COUNTY, OKLAHOMA
Client:
CITY OF NORMAN
Sheet Number
1
Sheet 1 of 1
G:\Projects\11008\LLS-DATA\Final\Ex_11008_CEDAR LANE.dwg 2/18/2013 11:20:15 AM

Map Produced by the City of Norman Geographic Information System.
(405) 366-5316
The City of Norman assumes no responsibility for errors or omissions in the information presented.

Cedar Lane Road Project
Right of Way Aquisitions

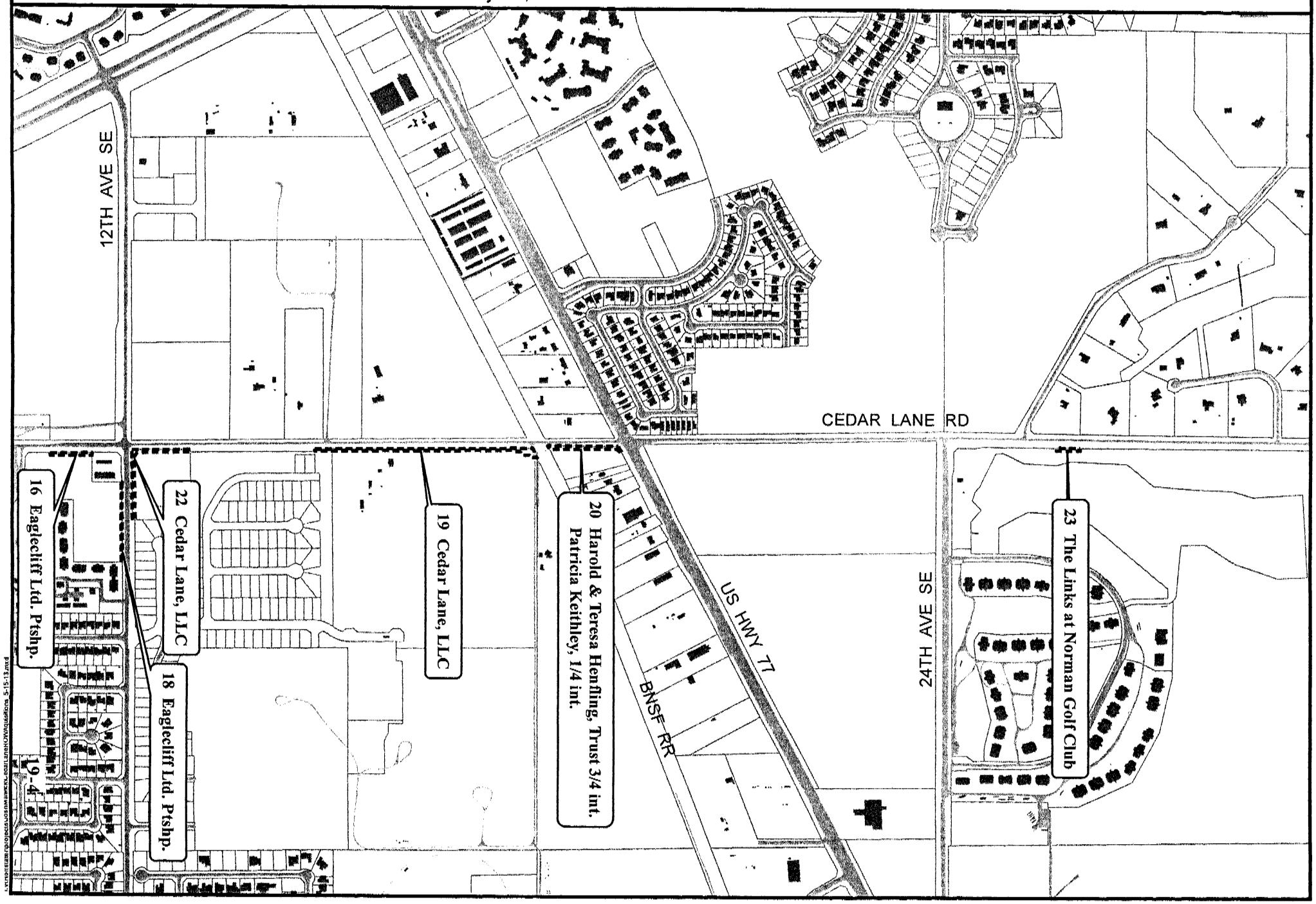
May 28, 2013

Proposed Easements

Parcels
Structure
Roads

N W E S

1" = 800'



19-4

Cedar Lane Road Widening Project
Right-of-Way Easement Table

City Council Meeting May 28, 2013

Parcel No.	Easement No.	Grantors	Easement Type	Cost	Comments
1.0	E-1213-26	Astellas Pharma Technologies, Inc.	Public Roadway, Drainage & Utilities	$ 7,700.00	0.14 acres Appraised value
1.1	E-1213-27	Astellas Pharma Technologies, Inc.	Public Drainage	$ 2,900.00	0.07 acres – Appraised Value Includes damages to sod
9.0	E-1213-45	Heritage Fine Homes, LLC & Anthony K. Mirzaie	Public Roadway, Drainage & Utilities	Donated	0.62 acres
9.1	E-1213-46	Heritage Fine Homes, LLC & Anthony K. Mirzaie	Utility Easement	Donated	0.18 acres
10.0	E-1213-47	Heritage Fine Homes, LLC	Public Roadway, Drainage & Utilities	Donated	0.18 acres
10.1	E-1213-48	Heritage Fine Homes, LLC	Public Roadway, Drainage & Utilities	Donated	0.05 acres
16.0	E-1213-57	Eaglecliff Limited Partnership	Public Roadway, Drainage & Utilities	Donated	0.16 acres
18.0	E-1213-67	Eaglecliff Limited Partnership	Public Roadway, Drainage & Utilities	Donated	0.19 acres
19.0	E-1213-59	Cedar Lane, LLC	Public Roadway, Drainage & Utilities	Donated	0.5554 acres
19.1	E-1213-60	Cedar Lane, LLC	Temporary Construction Easement	Donated	0.25 acres
20.0	E-1213-61	Harold A. Henfling & Theresa P. Henfling (3/4 interest), Henfling Living Trust, Patricia Keithley (1/4 interest)	Public Roadway, Drainage & Utilities	$ 127,000.00	0.29 acres – Negotiated Price
21.0	E-1213-68	Heritage Fine Homes, LLC & Anthony K. Mirzaie	Public Roadway, Drainage & Utilities	Donated	1.04 acres
21.1	E-1213-62	Heritage Fine Homes, LLC & Anthony K. Mirzaie	Temporary Construction Easement	Donated	0.02 acres
21.2	E-1213-63	Heritage Fine Homes, LLC & Anthony K. Mirzaie	Temporary Construction Easement	Donated	0.05 acres
22.0	E-1213-64	Cedar Lane, LLC	Temporary Construction Easement	$ 12,500.00	0.18 acres – Appraised Value Includes damages to sod
22.1	E-1213-73	Cedar Lane, LLC	Utility Easement	$ 500.00	0.01 acres – Appraised Value
23.0	E-1213-65	The Links at Norman Golf Club	Temporary Construction Easement	Donated	0.03 acres

City of Norman, OK

Municipal Building Council
Chambers
201 West Gray Street
Norman, OK 73069

Master

File Number: E-1213-61

File ID:	E-1213-61	**Type:**	Easement	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 20	**In Control:**	City Council
Department:	Public Works Department	**Cost:**	$127,000.00	**File Created:**	05/02/2013
File Name:	Cedar Lane Easement Henfling/Keithley			**Final Action:**	

Title: EASEMENT NO. E-1213-61: CONSIDERATION OF ACCEPTANCE OF A PERMANENT PUBLIC ROADWAY, DRAINAGE AND UTILITY EASEMENT FROM HAROLD A. AND THERESA P. HENFLING, TRUSTEES, HENFLING LIVING TRUST, AND PATRICIA A. KEITHLEY IN THE AMOUNT OF $127,000 FOR THE CEDAR LANE ROAD WIDENING PROJECT.

Notes: ACTION NEEDED: Motion to accept or reject Easement No. E-1213-61; and, if accepted, direct the filing thereof with the Cleveland County Clerk and payment in the amount of $127,000 to Harold A. and Theresa P. Henfling and Patricia A. Keithley.

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ACTION TAKEN: _____

Agenda Date: 05/28/2013

Agenda Number: 20

Attachments: Text File E-1213-61, E-1213-61, Map of Easements, Table of Easements, Henfling Keithley PR

Project Manager: Josh Malwick, Capital Projects Engineer

Entered by: pam.jones@normanok.gov **Effective Date:**

History of Legislative File

Ver-sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:

Text of Legislative File E-1213-61

body

BACKGROUND: The Cedar Lane Road Widening Project involves the construction of a new four-lane roadway between 12th Avenue SE and ½ mile east of 24th Avenue SE including five foot bike lines on each side of the road. The project will also include improvements to 12th Avenue SE and 24th Avenue SE as they approach Cedar Lane Road, improve the BNSF railroad crossing and resurface US-77 on the north and south sides of Cedar Lane Road. Signalization of the 12th Avenue SE and Cedar Lane Road intersection will also help relieve traffic congestion at peak travel times during the day.

On November 22, 2011 City Council approved programming Resolution No. R-1112-60 requesting federal funds to widen Cedar Lane Road to four lanes between 12th Avenue SE and ½ mile east of 24th Avenue SE. This resolution states the City's commitment to adhere to the terms and conditions of a federally funded project. Through the Association of Central Oklahoma Governments (ACOG), the Oklahoma Department of Transportation (ODOT) agrees to pay 80% of the construction cost with a 20% matching share from the City of

Norman.

On August 28, 2012, the citizens of Norman voted in favor of a Bond Issue to finance the local share of eight transportation/storm water improvement projects. One of the eight 2012 bond projects is the Cedar Lane Road Widening Project.

DISCUSSION: City Council recently authorized the first sale of General Obligation Bonds for the 2012 Bond Program. Staff has budgeted within the project for costs associated with acquiring right-of-way and thus funds are available for this project. The funds have been transferred into the Cedar Lane Road Widening Project, Right-of-Way account.

The City needs to acquire forty-seven (47) easements along Cedar Lane Road for temporary construction or roadway, drainage and utility easements. City Council was updated on the progress of acquiring necessary right of way for the Project on May 14, 2013 prior to its regularly scheduled meeting. Ten (10) easements were acquired and approved by City Council at its regularly scheduled meeting on May 14, 2013. Seventeen (17) additional easements have been secured bringing the total of easements acquired for this project to twenty-seven (27), thus far. Staff initially requested donations prior to making any offers of fair market value in an effort to keep Project costs at a minimum. The attached Right-of-Way Easement Table provides the details of each easement. Also attached is a map providing the location of each easement as well as the property owners. It is the goal of staff to acquire all the necessary easement for this Project by donation or agreed settlement. This Permanent Roadway, Drainage, and Utility Easement is being acquired for an agreed upon value of $127,000.

RECOMMENDATION: Staff recommends Easement No. E-1213-61 be accepted, payment be authorized and the filing be directed thereof.

E-1213-61

Parcel No: 20.0
Project No:
J/P No: 29261(04)

GRANT OF EASEMENT

City of Norman

Know all men by these presents:

That **Harold A. Henfling and Theresa P. Henfling, Trustees, Henfling Living Trust (3/4) and Patricia A. Keithley (1/4)**, for and 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, do 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, the following described land to wit:

SEE ATTACHMENT 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 roadway, drainage structure or utility.

PUBLIC ROADWAY, DRAINAGE AND UTILITIES

To have and to hold the same unto the said city, its successors, and assigns forever.

Signed and delivered this 30th day of APRIL, 2013

Harold A. Henfling and Theresa P. Henfling, Trustees, Henfling Living Trust (3/4)

Harold A Henfling — Trustee
Title

Patricia A. Keithley (1/4)

Patricia A. Keithley

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 30th day of APRIL, 2013, personally appeared HAROLD HENFLING & PATRICIA KEITHLEY 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 for the uses and purposes therein set forth.

WITNESS my hand and seal the day and year last above written.

My Commission Expires: 2-22-2017 Notary Public:

NOTARY PUBLIC OKLAHOMA OFFICIAL SEAL BOB HAWKINS Commission # 13001942 Expires February 27, 2017

Approved as to form and legality this 30 day of May, 2013.

City Attorney

Approved and accepted by the Council of the City of Norman, this _____ day of _____, 20___.

Mayor

ATTEST:

City Clerk
SEAL:

Exhibit "A"

A strip, piece, or parcel of land lying in the Northeast Quarter (NE 1/4) of Section 16, Township 8 North, Range 2 West of the Indian Meridian, Cleveland County, Oklahoma. Said parcel of land being more particularly described as follows:

COMMENCING at the Northwest corner of said NE 1/4;

THENCE North 89°06'58" East along the North line of said NE 1/4, a distance of 67.94 feet to the POINT OF BEGINNING, said point being on the East Right-of-Way line of the AT&SF Railroad;

THENCE continuing North 89°06'58" East along the North line of said NE 1/4, a distance of 440.20 feet to a point on the West Right-of-Way line of the Oklahoma State Highway 77;

THENCE South 27°36'37" East along the West Right-of-Way Line of the Oklahoma State Highway 77, a distance of 104.70 feet;

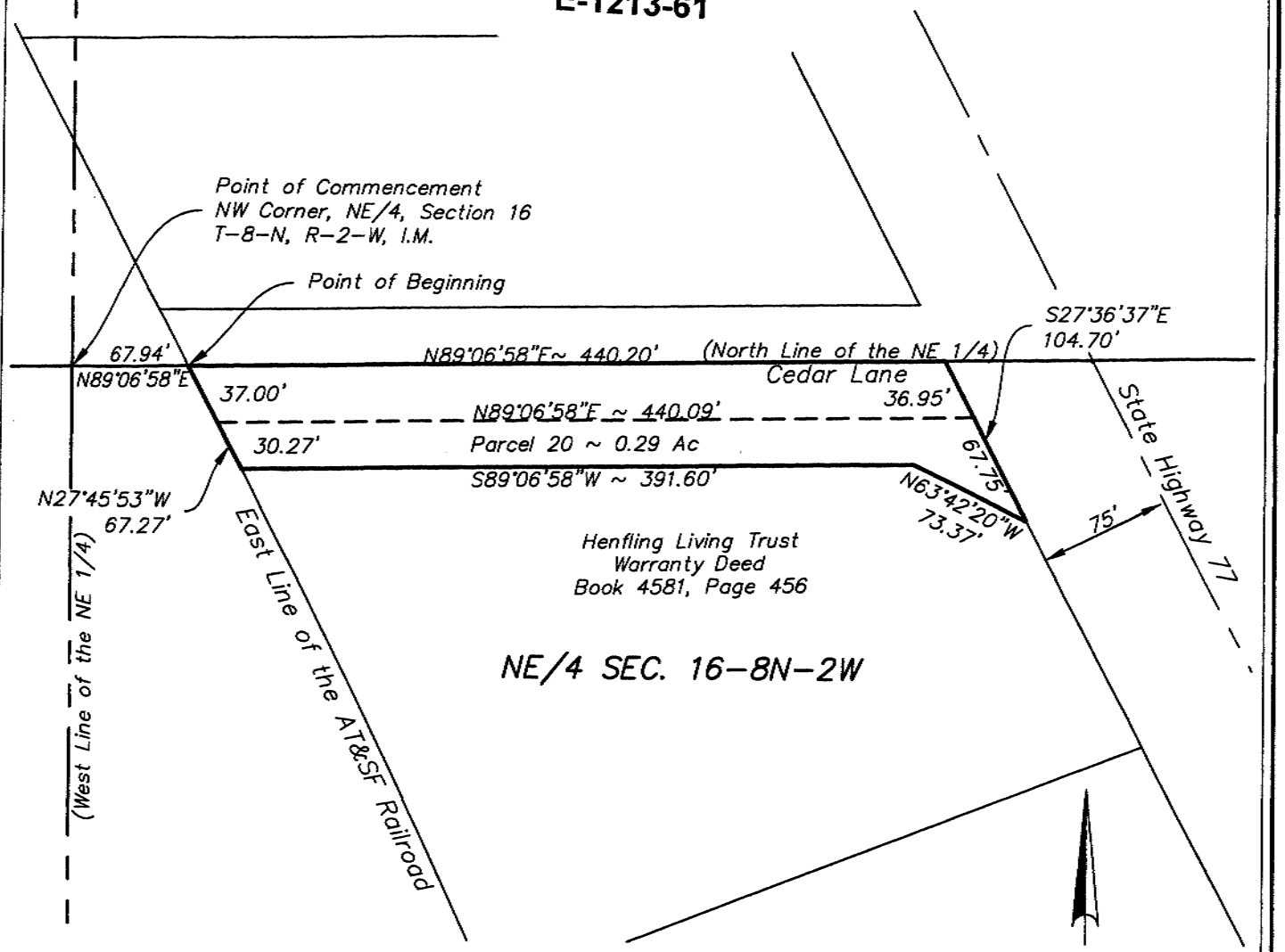
THENCE North 63°42'20" West, a distance of 73.37 feet;

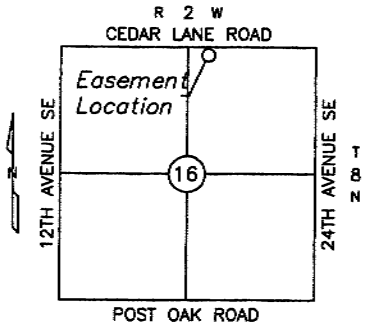
THENCE South 89°06'58" West parallel with the North line of said NE 1/4 and to a point on the East Right-of-Way line of the AT&SF Railroad, a distance of 391.60 feet;

THENCE North 27°45'53" West along the East Right-of-Way line of the AT&SF Railroad, a distance of 67.27 feet to the POINT OF BEGINNING.

Containing 12693.57 sq. ft. or 0.29 acres, more or less, of new Roadway Easement, the remaining area included in the above description being right-of-way occupied by the present roadway.

E-1213-61





LOCATION MAP

EXPLANATION:

ROW needed to construct Roadway/Sidewalk and to tie back to existing property grade back of sidewalk.

LEGEND

- PERMANENT RIGHT-OF-WAY (ROW)
- EXISTING 33' STAT. RIGHT-OF-WAY

Basis of Bearing: Project bearings derived from the Oklahoma State Plane Coordinate System, NAD83, South Zone.

4/23/2013

LEMKE LAND SURVEYING, Inc.	
3228 BART CONNER DRIVE, NORMAN, OK 73072	
PH.(405)366-8541 FAX(405)366-8540	
CA # 2054	
http://www.lemke-ls.com	
Surveyed By:	
Drawn By:	TA
Approved By:	MB
Date:	04/23/2013
Scale:	1" = 100'
Project No:	11006
Project:	EXHIBIT "A" - PARCEL 20 PROPOSED RIGHT-OF-WAY
Project Location:	PART OF THE NE 1/4 OF SECTION 16-8N-2W NORMAN, CLEVELAND COUNTY, OKLAHOMA
Client:	CITY OF NORMAN
Sheet Number	1
Sheet 1 of 1	

Map Produced by the City of Norman Geographic Information System.
(405) 366-5316
The City of Norman assumes no responsibility for errors or omissions in the information presented.

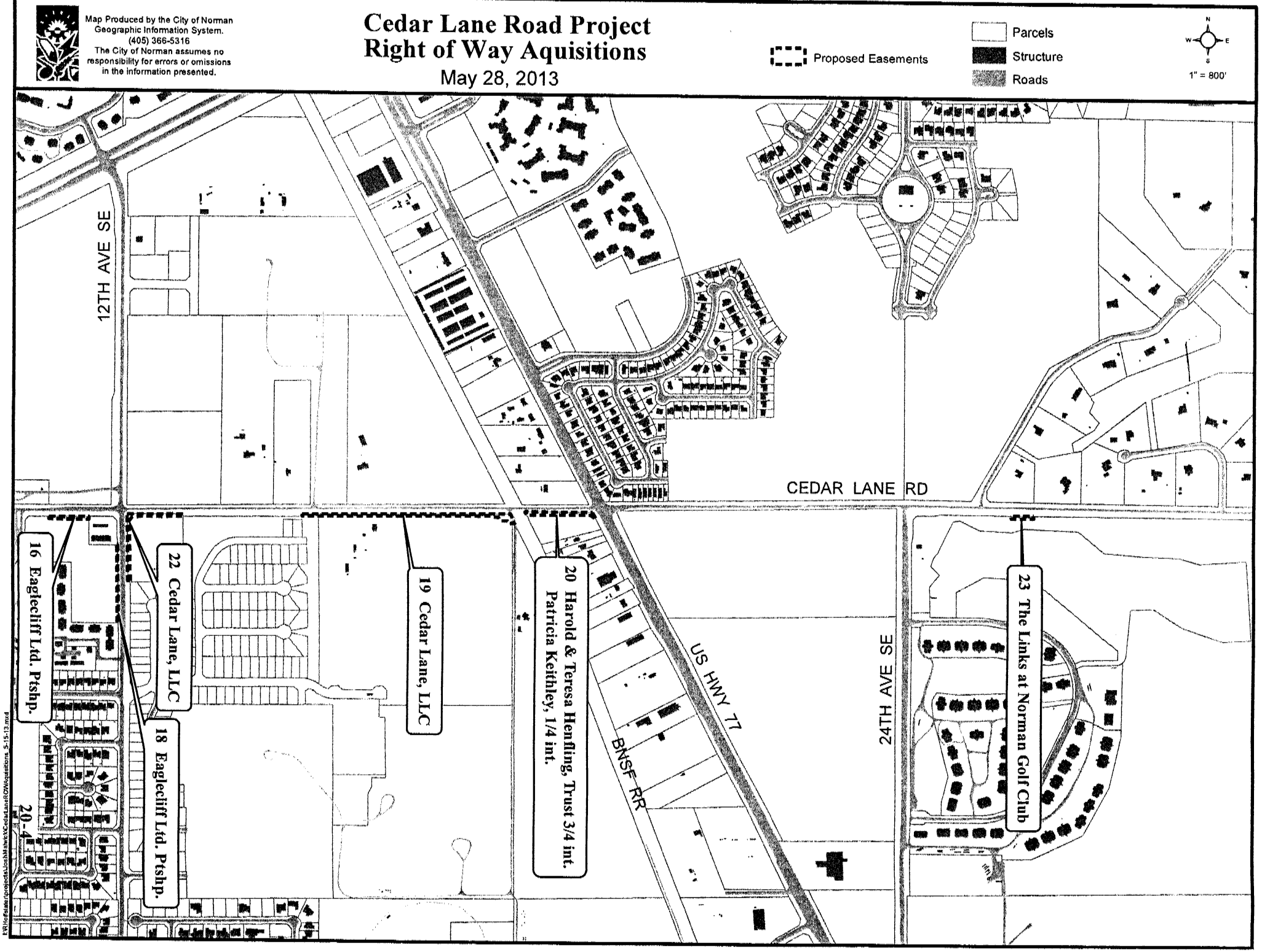
Cedar Lane Road Project
Right of Way Aquisitions

May 28, 2013

Proposed Easements

Parcels
Structure
Roads

1" = 800'



20-4

Cedar Lane Road Widening Project
Right-of-Way Easement Table

City Council Meeting May 28, 2013

Parcel No.	Easement No.	Grantors	Easement Type	Cost	Comments
1.0	E-1213-26	Astellas Pharma Technologies, Inc.	Public Roadway, Drainage & Utilities	$ 7,700.00	0.14 acres Appraised value
1.1	E-1213-27	Astellas Pharma Technologies, Inc.	Public Drainage	$ 2,900.00	0.07 acres – Appraised Value Includes damages to sod
9.0	E-1213-45	Heritage Fine Homes, LLC & Anthony K. Mirzaie	Public Roadway, Drainage & Utilities	Donated	0.62 acres
9.1	E-1213-46	Heritage Fine Homes, LLC & Anthony K. Mirzaie	Utility Easement	Donated	0.18 acres
10.0	E-1213-47	Heritage Fine Homes, LLC	Public Roadway, Drainage & Utilities	Donated	0.18 acres
10.1	E-1213-48	Heritage Fine Homes, LLC	Public Roadway, Drainage & Utilities	Donated	0.05 acres
16.0	E-1213-57	Eaglecliff Limited Partnership	Public Roadway, Drainage & Utilities	Donated	0.16 acres
18.0	E-1213-67	Eaglecliff Limited Partnership	Public Roadway, Drainage & Utilities	Donated	0.19 acres
19.0	E-1213-59	Cedar Lane, LLC	Public Roadway, Drainage & Utilities	Donated	0.5554 acres
19.1	E-1213-60	Cedar Lane, LLC	Temporary Construction Easement	Donated	0.25 acres
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21.1	E-1213-62	Heritage Fine Homes, LLC & Anthony K. Mirzaie	Temporary Construction Easement	Donated	0.02 acres
21.2	E-1213-63	Heritage Fine Homes, LLC & Anthony K. Mirzaie	Temporary Construction Easement	Donated	0.05 acres
22.0	E-1213-64	Cedar Lane, LLC	Temporary Construction Easement	$ 12,500.00	0.18 acres – Appraised Value Includes damages to sod
22.1	E-1213-73	Cedar Lane, LLC	Utility Easement	$ 500.00	0.01 acres – Appraised Value
23.0	E-1213-65	The Links at Norman Golf Club	Temporary Construction Easement	Donated	0.03 acres

PURCHASE REQUISITION NBR: 0000216639

REQUISITION BY: JOSH MALWICK
STATUS: DIVISION APPROVAL
REASON: CEDAR LANE ROAD WIDENING PROJECT EASEMENT
DATE: 5/06/13

SHIP TO LOCATION: PUB WKS- ENGINEERING
SUGGESTED VENDOR: NEW VENDOR, W9 FORTHCOMING
DELIVER BY DATE: 5/06/13

1	CEDAR LANE ROAD WIDENING PROJECT EASEMENT COMMODITY: ACQUISITIONS SUBCOMMOD: EASEMENTS	127000.00	EA	1.0000	127000.00

REQUISITION TOTAL: 127000.00

A C C O U N T I N F O R M A T I O N

LINE #	ACCOUNT		PROJECT	%	AMOUNT
1	05090794316001	Capital Projects Land	BP0196 Cedar Ln:12thSE 1/2m 24th	100.00	127000.00
					127000.00

REQUISITION IS IN THE CURRENT FISCAL YEAR.

REQUISITION COMMENTS:

MAKE CHECK PAYABLE TO: HAROLD A. HENFLING AND THER
ESA P. HENFLING, TRUSTEES, HENFLING LIVING TRUST (
3/4) AND PATRICIA A. KEITHLEY (1/4)
EASEMENT NO. E-1213-61
CONTINGENT ON COUNCIL APPROVAL 5/14/13

City of Norman, OK

Municipal Building Council
Chambers
201 West Gray Street
Norman, OK 73069

Master

File Number: E-1213-62

File ID:	E-1213-62	**Type:**	Easement	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 21	**In Control:**	City Council
Department:	Public Works Department	**Cost:**		**File Created:**	05/22/2013
File Name:	Cedar Lane Easement Hertiage Mirzaie			**Final Action:**	

Title: TEMPOARY EASEMENT NO. E-1213-62: CONSIDERATION OF ACCEPTANCE OF A TEMPORARY CONSTRUCTION EASEMENT DONATED BY HERITAGE FINE HOMES, L.L.C. AND ANTHONY K. MIRZAIE FOR THE CEDAR LANE ROAD WIDENING PROJECT.

Notes: ACTION NEEDED: Motion to accept or reject Easement No. E-1213-62; and, if accepted, direct the filing thereof with the Cleveland County Clerk.

ACTION TAKEN: _____

Agenda Date: 05/28/2013

Agenda Number: 21

Attachments: E-1213-62.pdf, Map of Easements Heritage Astellas, Table of Easements

Project Manager: Josh Malwick, Capital Projects Engineer

Entered by: pam.jones@normanok.gov

Effective Date:

History of Legislative File

Ver-sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:

Text of Legislative File E-1213-62

body

BACKGROUND: The Cedar Lane Road Widening Project involves the construction of a new four-lane roadway between 12th Avenue SE and ½ mile east of 24th Avenue SE including five foot bike lines on each side of the road. The project will also include improvements to 12th Avenue SE and 24th Avenue SE as they approach Cedar Lane Road, improve the BNSF railroad crossing and resurface US-77 on the north and south sides of Cedar Lane Road. Signalization of the 12th Avenue SE and Cedar Lane Road intersection will also help relieve traffic congestion at peak travel times during the day.

On November 22, 2011 City Council approved programming Resolution No. R-1112-60 requesting federal funds to widen Cedar Lane Road to four lanes between 12th Avenue SE and ½ mile east of 24th Avenue SE. This resolution states the City's commitment to adhere to the terms and conditions of a federally funded project. Through the Association of Central Oklahoma Governments (ACOG), the Oklahoma Department of Transportation (ODOT) agrees to pay 80% of the construction cost with a 20% matching share from the City of Norman.

On August 28, 2012, the citizens of Norman voted in favor of a Bond Issue to finance the local share of eight

transportation/storm water improvement projects. One of the eight 2012 bond projects is the Cedar Lane Road Widening Project.

DISCUSSION: City Council recently authorized the first sale of General Obligation Bonds for the 2012 Bond Program. Staff has budgeted within the project for costs associated with acquiring right-of-way and thus funds are available for this project. The funds have been transferred into the Cedar Lane Road Widening Project, Right-of-Way account.

The City needs to acquire forty-seven (47) easements along Cedar Lane Road for temporary construction or roadway, drainage and utility easements. City Council was updated on the progress of acquiring necessary right of way for the Project on May 14, 2013 prior to its regularly scheduled meeting. Ten (10) easements were acquired and approved by City Council at its regularly scheduled meeting on May 14, 2013. Seventeen (17) additional easements have been secured bringing the total of easements acquired for this project to twenty-seven (27), thus far. Staff initially requested donations prior to making any offers of fair market value in an effort to keep Project costs at a minimum. The attached Right-of-Way Easement Table provides the details of each easement. Also attached is a map providing the location of each easement as well as the property owners. It is the goal of staff to acquire all the necessary easement for this Project by donation or agreed settlement. This easement was donated.

RECOMMENDATION: Staff recommends Easement No. E-1213-62 be accepted and the filing be directed thereof.

Parcel No: 21.1
Project No:
J/P No: 29261(04)

TEMPORARY CONSTRUCTION EASEMENT

Know all men by these presents:
ANTHONY K MIRZAIE and

That HERITAGE FINE HOMES LLC, formerly, HERITAGE FINE HOMES INC., of Cleveland County, State of Oklahoma, for and in consideration of the sum of Ten Dollars ($10.00) and other good and, valuable consideration, has/have this day sold to the City of Norman, a temporary easement over the following described land to wit:
A strip, piece, or parcel of land lying in the Northeast Quarter (NE 1/4) of Section 16, Township 8 North, Range 2 West of the Indian Meridian, Cleveland County, Oklahoma. Said parcel of land being more particularly described as follows:

COMMENCING at the Northeast corner of said NE 1/4 of said Section 16, THENCE South 89°06'58" West along the North line of said NE 1/4, a distance of 95.83 feet, THENCE South 00°53'02" East a distance of 50.00 feet to the POINT OF BEGINNING, THENCE South 45°37'50" East a distance of 14.08 feet, THENCE South 89°06'58" West parallel with the North line of said NE 1/4, a distance of 100.00 feet, THENCE North 00°53'02" West a distance of 10.00 feet, THENCE North 89°06'58" East parallel with the North line of said NE 1/4, a distance of 90.09 feet to the POINT OF BEGINNING. Containing 950.44 sq. ft. or 0.02 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 roadway, drainage structure or utility.

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.

TEMPORARY CONSTRUCTION EASEMENT

To have and to hold the same unto the said city, its successors, and assigns forever.

Signed and delivered this 21st day of MAY, 2013.

(OWNER NAME) by:
HERITAGE FINE HOMES, LLC
by: MANAGER

(ANTHONY K. MIRZAIE)
MANAGER
Title

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 MAY, 2013, personally appeared Anthony Mirzaie & Don Cecvi, 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 for the uses and purposes therein set forth.

WITNESS my hand and seal the day and year last above written.

OFFICIAL SEAL
JULIE SHELTON
Commission #11000185
Expires January 7, 2015

My Commission Expires: January 7, 2015 Notary Public: Julie Shelton

Approved as to form and legality this _____ day of _____, 20___.

City Attorney

Approved and accepted by the Council of the City of Norman, this _____ day of _____, 20___.

Mayor

ATTEST:

City Clerk
SEAL:

Map Produced by the City of Norman Geographic Information System.
(405) 366-5316
The City of Norman assumes no responsibility for errors or omissions in the information presented.

Cedar Lane Road Project
Right of Way Aquisitions

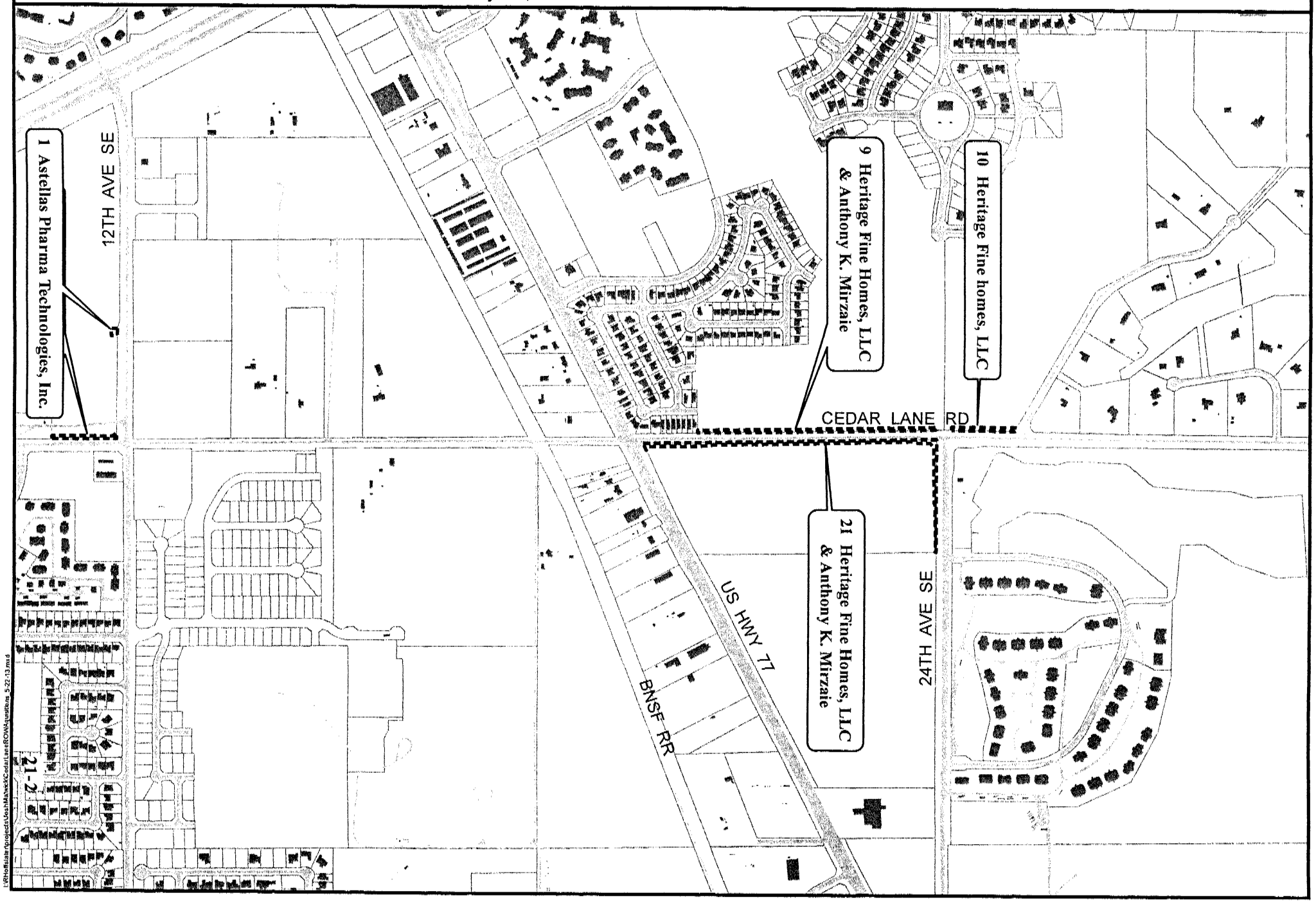
May 28, 2013

Proposed Easements

Parcels
Structure
Roads

N W E S

1" = 800'



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Cedar Lane Road Widening Project
Right-of-Way Easement Table

City Council Meeting May 28, 2013

Parcel No.	Easement No.	Grantors	Easement Type	Cost	Comments
1.0	E-1213-26	Astellas Pharma Technologies, Inc.	Public Roadway, Drainage & Utilities	$ 7,700.00	0.14 acres Appraised value
1.1	E-1213-27	Astellas Pharma Technologies, Inc.	Public Drainage	$ 2,900.00	0.07 acres – Appraised Value Includes damages to sod
9.0	E-1213-45	Heritage Fine Homes, LLC & Anthony K. Mirzaie	Public Roadway, Drainage & Utilities	Donated	0.62 acres
9.1	E-1213-46	Heritage Fine Homes, LLC & Anthony K. Mirzaie	Utility Easement	Donated	0.18 acres
10.0	E-1213-47	Heritage Fine Homes, LLC	Public Roadway, Drainage & Utilities	Donated	0.18 acres
10.1	E-1213-48	Heritage Fine Homes, LLC	Public Roadway, Drainage & Utilities	Donated	0.05 acres
16.0	E-1213-57	Eaglecliff Limited Partnership	Public Roadway, Drainage & Utilities	Donated	0.16 acres
18.0	E-1213-67	Eaglecliff Limited Partnership	Public Roadway, Drainage & Utilities	Donated	0.19 acres
19.0	E-1213-59	Cedar Lane, LLC	Public Roadway, Drainage & Utilities	Donated	0.5554 acres
19.1	E-1213-60	Cedar Lane, LLC	Temporary Construction Easement	Donated	0.25 acres
20.0	E-1213-61	Harold A. Henfling & Theresa P. Henfling (3/4 interest), Henfling Living Trust, Patricia Keithley (1/4 interest)	Public Roadway, Drainage & Utilities	$ 127,000.00	0.29 acres – Negotiated Price
21.0	E-1213-68	Heritage Fine Homes, LLC & Anthony K. Mirzaie	Public Roadway, Drainage & Utilities	Donated	1.04 acres
21.1	E-1213-62	Heritage Fine Homes, LLC & Anthony K. Mirzaie	Temporary Construction Easement	Donated	0.02 acres
21.2	E-1213-63	Heritage Fine Homes, LLC & Anthony K. Mirzaie	Temporary Construction Easement	Donated	0.05 acres
22.0	E-1213-64	Cedar Lane, LLC	Temporary Construction Easement	$ 12,500.00	0.18 acres – Appraised Value Includes damages to sod
22.1	E-1213-73	Cedar Lane, LLC	Utility Easement	$ 500.00	0.01 acres – Appraised Value
23.0	E-1213-65	The Links at Norman Golf Club	Temporary Construction Easement	Donated	0.03 acres

City of Norman, OK

Municipal Building Council Chambers
201 West Gray Street
Norman, OK 73069

Master

File Number: E-1213-63

File ID:	E-1213-63	**Type:**	Easement	**Status:**	Consent Item
Version:	2	**Reference:**	Item No. 22	**In Control:**	City Council
Department:	Public Works Department	**Cost:**		**File Created:**	05/03/2013
File Name:	Cedar Lane Easement Heritage Mirzaie			**Final Action:**	

Title: TEMPORARY EASEMENT NO. E-1213-63: CONSIDERATION OF ACCEPTANCE OF A TEMPORARY CONSTRUCTION EASEMENT DONATED BY HERITAGE FINE HOMES, L.L.C. AND ANTHONY K. MIRZAIE FOR THE CEDAR LANE ROAD WIDENING PROJECT.

Notes: ACTION NEEDED: Motion to accept or reject Easement No. E-1213-63; and, if accepted, direct the filing thereof with the Cleveland County Clerk.

ACTION TAKEN: _____

Agenda Date: 05/28/2013

Agenda Number: 22

Attachments: Text File E-1213-63, E-1213-63.pdf, Map of Easements Heritage Astellas, Table of Easements

Project Manager: John Clink, Capital Projects Engineer

Entered by: pam.jones@normanok.gov

Effective Date:

History of Legislative File

Ver-sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:

Text of Legislative File E-1213-63

body

BACKGROUND: The Cedar Lane Road Widening Project involves the construction of a new four-lane roadway between 12th Avenue SE and ½ mile east of 24th Avenue SE including five foot bike lines on each side of the road. The project will also include improvements to 12th Avenue SE and 24th Avenue SE as they approach Cedar Lane Road, improve the BNSF railroad crossing and resurface US-77 on the north and south sides of Cedar Lane Road. Signalization of the 12th Avenue SE and Cedar Lane Road intersection will also help relieve traffic congestion at peak travel times during the day.

On November 22, 2011 City Council approved programming Resolution No. R-1112-60 requesting federal funds to widen Cedar Lane Road to four lanes between 12th Avenue SE and ½ mile east of 24th Avenue SE. This resolution states the City's commitment to adhere to the terms and conditions of a federally funded project. Through the Association of Central Oklahoma Governments (ACOG), the Oklahoma Department of Transportation (ODOT) agrees to pay 80% of the construction cost with a 20% matching share from the City of Norman.

On August 28, 2012, the citizens of Norman voted in favor of a Bond Issue to finance the local share of eight

transportation/storm water improvement projects. One of the eight 2012 bond projects is the Cedar Lane Road Widening Project.

DISCUSSION: City Council recently authorized the first sale of General Obligation Bonds for the 2012 Bond Program. Staff has budgeted within the project for costs associated with acquiring right-of-way and thus funds are available for this project. The funds have been transferred into the Cedar Lane Road Widening Project, Right-of-Way account.

The City needs to acquire forty-seven (47) easements along Cedar Lane Road for temporary construction or roadway, drainage and utility easements. City Council was updated on the progress of acquiring necessary right of way for the Project on May 14, 2013 prior to its regularly scheduled meeting. Ten (10) easements were acquired and approved by City Council at its regularly scheduled meeting on May 14, 2013. Seventeen (17) additional easements have been secured bringing the total of easements acquired for this project to twenty-seven (27), thus far. Staff initially requested donations prior to making any offers of fair market value in an effort to keep Project costs at a minimum. The attached Right-of-Way Easement Table provides the details of each easement. Also attached is a map providing the location of each easement as well as the property owners. It is the goal of staff to acquire all the necessary easement for this Project by donation or agreed settlement. This easement was donated.

RECOMMENDATION: Staff recommends Easement No. E-1213-63 be accepted and the filing be directed thereof.

E-1213-63

Parcel No: 21.2
Project No:
J/P No: 29261(04)

TEMPORARY CONSTRUCTION EASEMENT

Know all men by these presents: ANTHONY K MIRZAIE and

That HERITAGE FINE HOMES LLC formerly HERITAGE FINE HOMES, INC., of Cleveland County, State of Oklahoma, for and in consideration of the sum of Ten Dollars ($10.00) and other good and, valuable consideration, has/have this day sold to the City of Norman, a temporary easement over the following described land to wit: 0.05 ACRES IN PART OF NE¼ OF SEC. 16-T8N-R2W as more particularly described on the [redacted] ATTACHMENT 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 roadway, drainage structure or utility.

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.

TEMPORARY CONSTRUCTION EASEMENT

To have and to hold the same unto the said city, its successors, and assigns forever.

Signed and delivered this 21st day of MAY, 2013.

(OWNER NAME) by:
HERITAGE FINE HOMES, LLC
by: [signature] MANAGER

[signature] (ANTHONY K. MIRZAIE)
MANAGER
Title

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 MAY, 2013, personally appeared Anthony Mirzaie & Don Cervi, 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 for the uses and purposes therein set forth.

WITNESS my hand and seal the day and year last above written.

OFFICIAL SEAL
JULIE SHELTON
Commission #11000185
Expires January 7, 2015

My Commission Expires: January 7, 2015 Notary Public: Julie Shelton

Approved as to form and legality this _____ day of _____, 20___.

City Attorney

Approved and accepted by the Council of the City of Norman, this _____ day of _____, 20___.

Mayor

ATTEST:

City Clerk
SEAL:

Parcel 21, 2 - 1111

E-1213-63

Exhibit "A"

A strip, piece, or parcel of land lying in the Northeast Quarter (NE 1/4) of Section 16, Township 8 North, Range 2 West of the Indian Meridian, Cleveland County, Oklahoma. Said parcel of land being more particularly described as follows:

COMMENCING at the Northeast corner of said NE 1/4 of said Section 16;

THENCE South 00°00'52" East along the East line of said NE 1/4, a distance of 200.69 feet;

THENCE South 89°59'08" West a distance of 60.00 feet to the POINT OF BEGINNING;

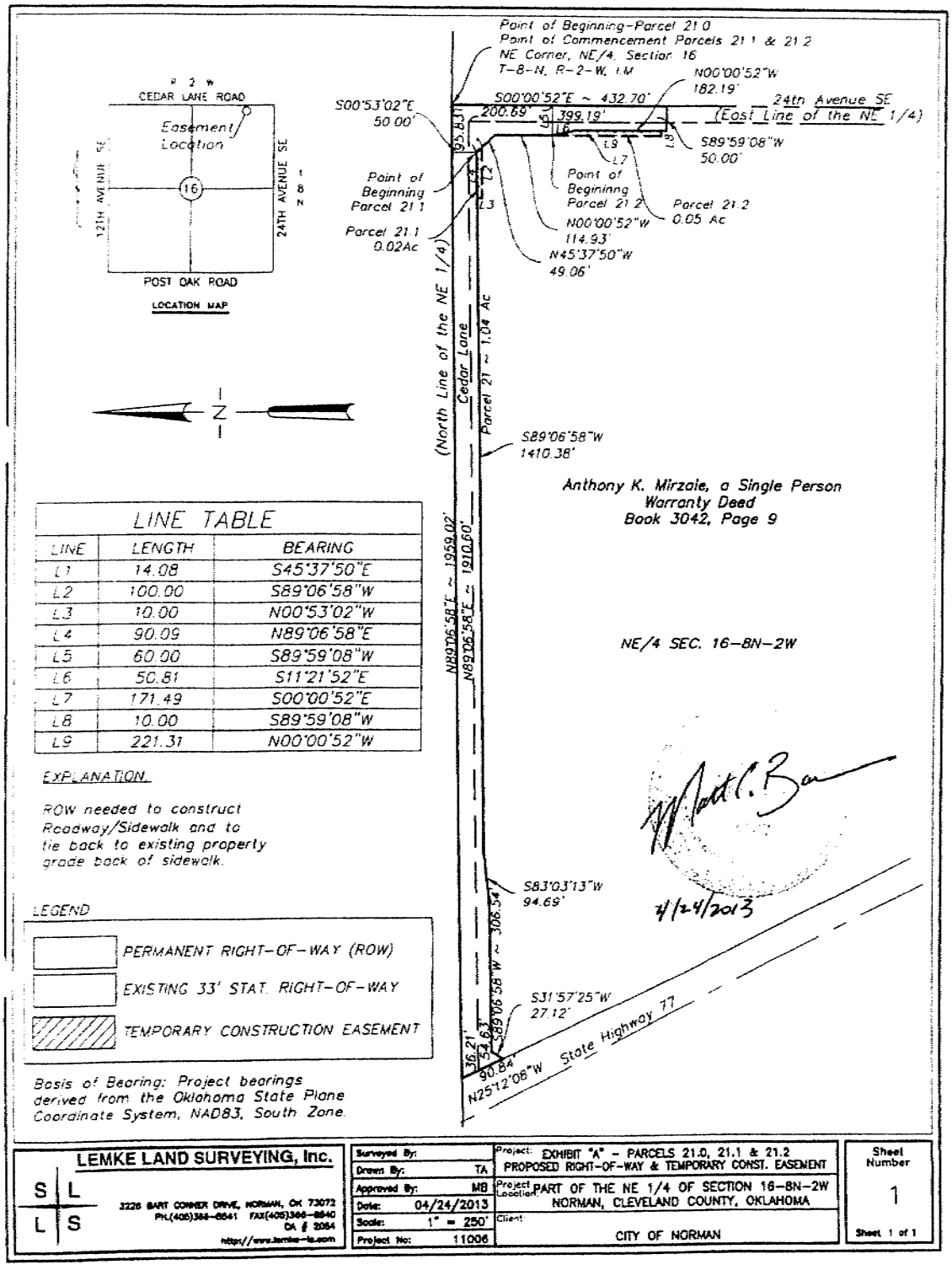
THENCE South 11°21'52" East a distance of 50.81 feet;

THENCE South 00°00'52" East parallel with the East line of said NE 1/4, a distance of 171.49 feet;

THENCE South 89°59'08" West a distance of 10.00 feet;

THENCE North 00°00'52" West parallel with the East line of said NE 1/4, a distance of 221.31 feet; to the POINT OF BEGINNING.

Containing 1963.99 sq. ft. or 0.05 acres, more or less.



LINE TABLE		
LINE	LENGTH	BEARING
L1	14.08	S45°37'50"E
L2	100.00	S89°06'58"W
L3	10.00	N00°53'02"W
L4	90.09	N89°06'58"E
L5	60.00	S89°59'08"W
L6	50.81	S11°21'52"E
L7	171.49	S00°00'52"E
L8	10.00	S89°59'08"W
L9	221.31	N00°00'52"W

EXPLANATION

ROW needed to construct Roadway/Sidewalk and to tie back to existing property grade back of sidewalk.

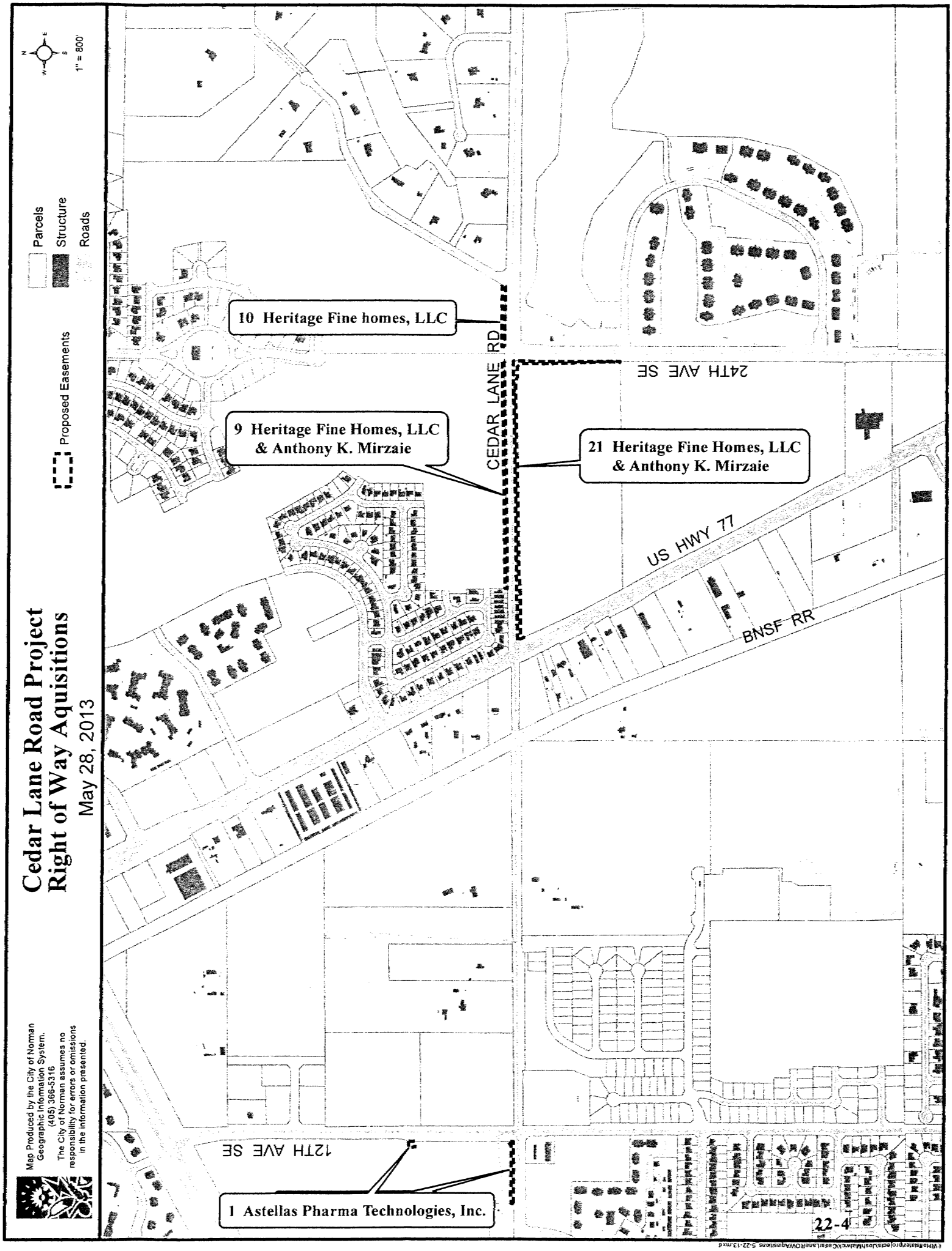
LEGEND

- PERMANENT RIGHT-OF-WAY (ROW)
- EXISTING 33' STAT. RIGHT-OF-WAY
- TEMPORARY CONSTRUCTION EASEMENT

Basis of Bearing: Project bearings derived from the Oklahoma State Plane Coordinate System, NAD83, South Zone.

LEMKE LAND SURVEYING, Inc.	
S L L S	3226 BART CONNER DRIVE, NORMAN, OK 73072 PH.(405)364-6541 FAX(405)366-8840 CA # 2064 http://www.lemke-ls.com
Surveyed By:	
Drawn By:	TA
Approved By:	MB
Date:	04/24/2013
Scale:	1" = 250'
Project No:	11006
Project:	EXHIBIT "A" - PARCELS 21.0, 21.1 & 21.2 PROPOSED RIGHT-OF-WAY & TEMPORARY CONST. EASEMENT
Project Location:	PART OF THE NE 1/4 OF SECTION 16-8N-2W NORMAN, CLEVELAND COUNTY, OKLAHOMA
Client:	CITY OF NORMAN
Sheet Number	1
Sheet 1 of 1	

Cedar Lane Road Project
Right of Way Aquisitions
May 28, 2013



Map Produced by the City of Norman Geographic Information System. (405) 366-5316
The City of Norman assumes no responsibility for errors or omissions in the information presented.

Cedar Lane Road Widening Project
Right-of-Way Easement Table

City Council Meeting May 28, 2013

Parcel No.	Easement No.	Grantors	Easement Type	Cost	Comments
1.0	E-1213-26	Astellas Pharma Technologies, Inc	Public Roadway, Drainage & Utilities	$ 7,700.00	0.14 acres Appraised value
1.1	E-1213-27	Astellas Pharma Technologies, Inc.	Public Drainage	$ 2,900.00	0.07 acres – Appraised Value Includes damages to sod
9.0	E-1213-45	Heritage Fine Homes, LLC & Anthony K. Mirzaie	Public Roadway, Drainage & Utilities	Donated	0.62 acres
9.1	E-1213-46	Heritage Fine Homes, LLC & Anthony K. Mirzaie	Utility Easement	Donated	0.18 acres
10.0	E-1213-47	Heritage Fine Homes, LLC	Public Roadway, Drainage & Utilities	Donated	0.18 acres
10.1	E-1213-48	Heritage Fine Homes, LLC	Public Roadway, Drainage & Utilities	Donated	0.05 acres
16.0	E-1213-57	Eaglecliff Limited Partnership	Public Roadway, Drainage & Utilities	Donated	0.16 acres
18.0	E-1213-67	Eaglecliff Limited Partnership	Public Roadway, Drainage & Utilities	Donated	0.19 acres
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19.1	E-1213-60	Cedar Lane, LLC	Temporary Construction Easement	Donated	0.25 acres
20.0	E-1213-61	Harold A. Henfling & Theresa P. Henfling (3/4 interest), Henfling Living Trust, Patricia Keithley (1/4 interest)	Public Roadway, Drainage & Utilities	$ 127,000.00	0.29 acres – Negotiated Price
21.0	E-1213-68	Heritage Fine Homes, LLC & Anthony K. Mirzaie	Public Roadway, Drainage & Utilities	Donated	1.04 acres
21.1	E-1213-62	Heritage Fine Homes, LLC & Anthony K. Mirzaie	Temporary Construction Easement	Donated	0.02 acres
21.2	E-1213-63	Heritage Fine Homes, LLC & Anthony K. Mirzaie	Temporary Construction Easement	Donated	0.05 acres
22.0	E-1213-64	Cedar Lane, LLC	Temporary Construction Easement	$ 12,500.00	0.18 acres – Appraised Value Includes damages to sod
22.1	E-1213-73	Cedar Lane, LLC	Utility Easement	$ 500.00	0.01 acres – Appraised Value
23.0	E-1213-65	The Links at Norman Golf Club	Temporary Construction Easement	Donated	0.03 acres

City of Norman, OK

Municipal Building Council Chambers
201 West Gray Street
Norman, OK 73069

Master

File Number: E-1213-64

File ID:	E-1213-64	**Type:**	Easement	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 23	**In Control:**	City Council
Department:	Public Works Department	**Cost:**	$12,500.00	**File Created:**	04/28/2013
File Name:	Cedar Lane Easement Cedar Lane LLC			**Final Action:**	

Title: TEMPORARY EASEMENT NO. E-1213-64: CONSIDERATION OF ACCEPTANCE OF A TEMPORARY CONSTRUCTION EASEMENT FROM CEDAR LANE, L.L.C., IN THE AMOUNT OF $12,500 FOR THE CEDAR LANE ROAD WIDENING PROJECT.

Notes: ACTION NEEDED: Motion to accept or reject Temporary Easement No. E-1213-64; and, if accepted, direct the filing thereof with the City Clerk and payment in the amount of $12,500 to Cedar Lane, L.L.C.

.

ACTION TAKEN: _____

Agenda Date: 05/28/2013

Agenda Number: 23

Attachments: Text File E-1213-64, E-1213-64, Map of Easements Heritage Astellas, Table of Easements, PR Cedar Lane

Project Manager: Josh Malwick, Capital Projects Engineer

Entered by: pam.jones@normanok.gov

Effective Date:

History of Legislative File

Ver-sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:

Text of Legislative File E-1213-64

body

BACKGROUND: The Cedar Lane Road Widening Project involves the construction of a new four-lane roadway between 12th Avenue SE and ½ mile east of 24th Avenue SE including five foot bike lines on each side of the road. The project will also include improvements to 12th Avenue SE and 24th Avenue SE as they approach Cedar Lane Road, improve the BNSF railroad crossing and resurface US-77 on the north and south sides of Cedar Lane Road. Signalization of the 12th Avenue SE and Cedar Lane Road intersection will also help relieve traffic congestion at peak travel times during the day.

On November 22, 2011 City Council approved programming Resolution No. R-1112-60 requesting federal funds to widen Cedar Lane Road to four lanes between 12th Avenue SE and ½ mile east of 24th Avenue SE. This resolution states the City's commitment to adhere to the terms and conditions of a federally funded project. Through the Association of Central Oklahoma Governments (ACOG), the Oklahoma Department of Transportation (ODOT) agrees to pay 80% of the construction cost with a 20% matching share from the City of Norman.

On August 28, 2012, the citizens of Norman voted in favor of a Bond Issue to finance the local share of eight transportation/storm water improvement projects. One of the eight 2012 bond projects is the Cedar Lane Road Widening Project.

DISCUSSION: City Council recently authorized the first sale of General Obligation Bonds for the 2012 Bond Program. Staff has budgeted within the project for costs associated with acquiring right-of-way and thus funds are available for this project. Staff has budgeted within the project for costs associated with acquiring right-of-way and thus funds are available for this project. The funds have been transferred into the Cedar Lane Road Widening Project, Right-of-Way account.

The City needs to acquire forty-seven (47) easements along Cedar Lane Road for temporary construction or roadway, drainage and utility easements. City Council was updated on the progress of acquiring necessary right of way for the Project on May 14, 2013 prior to its regularly scheduled meeting. Ten (10) easements were acquired and approved by City Council at its regularly scheduled meeting on May 14, 2013. Seventeen (17) additional easements have been secured bringing the total of easements acquired for this project to twenty-seven (27), thus far. Staff initially requested donations prior to making any offers of fair market value in an effort to keep Project costs at a minimum. The attached Right-of-Way Easement Table provides the details of each easement. Also attached is a map providing the location of each easement as well as the property owners. It is the goal of staff to acquire all the necessary easement for this Project by donation or agreed settlement. This Temporary Construction Easement is being transferred for an agreed upon value of $12,500.

RECOMMENDATION: Staff recommends Easement No. E-1213-64 be accepted and payment be authorized and the filing be directed thereof.

E-1213-64

Parcel No: 22.0
Project No:
J/P No: 29261(04)

TEMPORARY CONSTRUCTION EASEMENT

Know all men by these presents:

That CEDAR LANE, LLC, of Cleveland County, State of Oklahoma, for and in consideration of the sum of Ten Dollars ($10.00) and other good and, valuable consideration, has/have this day sold to the City of Norman, a temporary easement over the following described land to wit:

A strip, piece, or parcel of land lying in the Northwest Quarter (NW 1/4) of Section 16, Township 8 North, Range 2 West of the Indian Meridian, Cleveland County, Oklahoma. Said parcel of land being more particularly described as follows:

SEE ATTACHMENT 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 roadway, drainage structure or utility.

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.

TEMPORARY CONSTRUCTION EASEMENT

To have and to hold the same unto the said city, its successors, and assigns forever.

Signed and delivered this 17th day of APRIL, 2013

(OWNER NAME) by:

CEDAR LANE, LLC — MANAGER
Title

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 17th day of APRIL, 2013 personally appeared HUNTER MILLER, 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 for the uses and purposes therein set forth.

WITNESS my hand and seal the day and year last above written.

My Commission Expires: 10-17-2013 Notary Public: Carol Ann West

Approved as to form and legality this 26 day of April, 2013.

City Attorney

Approved and accepted by the Council of the City of Norman, this _____ day of _____, 20___.

Mayor

ATTEST:

City Clerk
SEAL:

E-1213-64

Exhibit "A"

A strip, piece, or parcel of land lying in the Northwest Quarter (NW 1/4) of Section 16, Township 8 North, Range 2 West of the Indian Meridian, Cleveland County, Oklahoma. Said parcel of land being more particularly described as follows:

COMMENCING at the Northwest corner of said NW 1/4;

THENCE North 89°21'46" East along the North line of said NW 1/4, a distance of 74.72 feet;

THENCE South 00°38'14" East a distance of 50.00 feet to the POINT OF BEGINNING;

THENCE North 89°21'46" East parallel with the North line of said NW 1/4 a distance of 335.28 feet to a point on the West line of Common Area A of Cedar Lane Addition, an addition to the City of Norman;

THENCE South 00°38'14" East along said West line a distance of 10.00 feet;

THENCE South 89°21'46" West parallel with the North line of said NW 1/4 a distance of 331.16 feet;

THENCE South 44°31'28" West a distance of 27.20 feet;

THENCE South 00°18'51" East parallel with the West line of said NW 1/4 a distance of 408.81 feet to a point on the North line of Lot 10, Block 1 of Cedar Lane Addition;

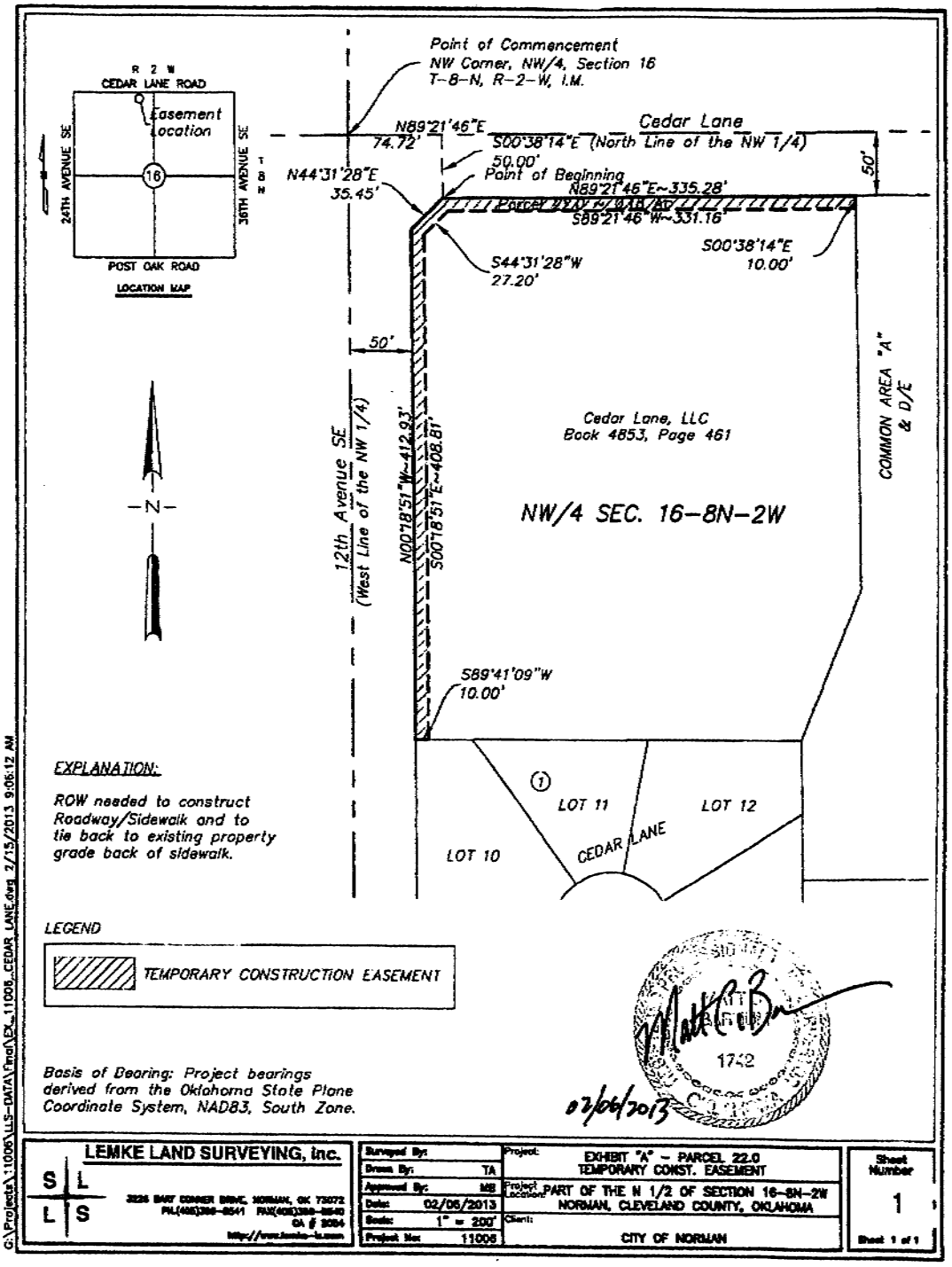
THENCE South 89°41'09" West along said North line a distance of 10.00 feet;

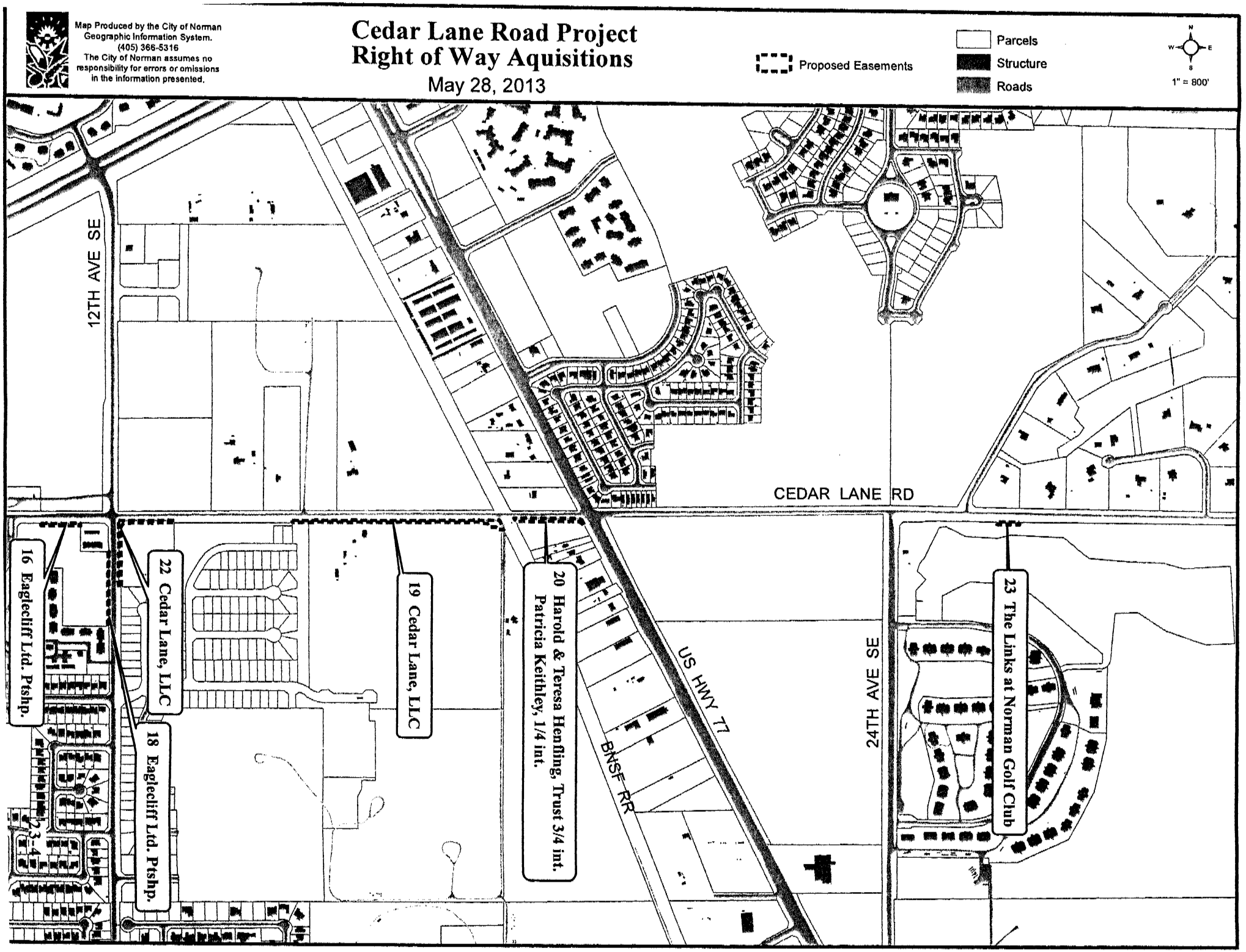
THENCE North 00°18'51" West parallel with the West line of said NW 1/4 a distance of 412.93 feet;

THENCE North 44°31'28" East a distance of 35.45 feet to the POINT OF BEGINNING.

Containing 7754.16 sq. ft. or 0.18 acres, more or less.

E-1213-64


R 2 W
CEDAR LANE ROAD
Easement Location
24TH AVENUE SE
36TH AVENUE SE
T 8 N
16
POST OAK ROAD
LOCATION MAP
Point of Commencement
NW Corner, NW/4, Section 16
T-8-N, R-2-W, I.M.
N89°21'46"E
74.72'
Cedar Lane
S00°38'14"E (North Line of the NW 1/4)
50.00'
Point of Beginning
N89°21'46"E~335.28'
S89°21'46"W~331.16'
50'
N44°31'28"E
35.45'
S44°31'28"W
27.20'
S00°38'14"E
10.00'
50'
12th Avenue SE
(West Line of the NW 1/4)
N00°18'51"W~412.93'
S00°18'51"E~408.81'
Cedar Lane, LLC
Book 4853, Page 461
NW/4 SEC. 16-8N-2W
COMMON AREA "A"
& D/E
S89°41'09"W
10.00'
EXPLANATION:
ROW needed to construct Roadway/Sidewalk and to tie back to existing property grade back of sidewalk.
1
LOT 11
LOT 12
LOT 10
CEDAR LANE
LEGEND
TEMPORARY CONSTRUCTION EASEMENT
Basis of Bearing: Project bearings derived from the Oklahoma State Plane Coordinate System, NAD83, South Zone.
1742
02/06/2013
LEMKE LAND SURVEYING, Inc.
S L
L S
Surveyed By:
Drawn By: TA
Approved By: MB
Date: 02/06/2013
Scale: 1" = 200'
Project No: 11006
Project: EXHIBIT "A" - PARCEL 22.0 TEMPORARY CONST. EASEMENT
Project Location: PART OF THE N 1/2 OF SECTION 16-8N-2W NORMAN, CLEVELAND COUNTY, OKLAHOMA
Client: CITY OF NORMAN
Sheet Number 1
Sheet 1 of 1
G:\Projects\11006\LLS-DATA\Final\EX_11006_CEDAR_LANE.dwg 2/15/2013 9:06:12 AM


Map Produced by the City of Norman
Geographic Information System.
(405) 366-5316
The City of Norman assumes no
responsibility for errors or omissions
in the information presented.
Cedar Lane Road Project
Right of Way Aquisitions
May 28, 2013
Proposed Easements
Parcels
Structure
Roads
N
W
E
S
1" = 800'
12TH AVE SE
CEDAR LANE RD
US HWY 77
BNSF RR
24TH AVE SE
16 Eaglecliff Ltd. Ptshp.
22 Cedar Lane, LLC
18 Eaglecliff Ltd. Ptshp.
19 Cedar Lane, LLC
20 Harold & Teresa Henfling, Trust 3/4 int.
Patricia Keithley, 1/4 int.
23 The Links at Norman Golf Club

Cedar Lane Road Widening Project
Right-of-Way Easement Table

City Council Meeting May 28, 2013

Parcel No.	Easement No.	Grantors	Easement Type	Cost	Comments
1.0	E-1213-26	Astellas Pharma Technologies, Inc.	Public Roadway, Drainage & Utilities	$ 7,700.00	0.14 acres Appraised value
1.1	E-1213-27	Astellas Pharma Technologies, Inc.	Public Drainage	$ 2,900.00	0.07 acres – Appraised Value Includes damages to sod
9.0	E-1213-45	Heritage Fine Homes, LLC & Anthony K. Mirzaie	Public Roadway, Drainage & Utilities	Donated	0.62 acres
9.1	E-1213-46	Heritage Fine Homes, LLC & Anthony K. Mirzaie	Utility Easement	Donated	0.18 acres
10.0	E-1213-47	Heritage Fine Homes, LLC	Public Roadway, Drainage & Utilities	Donated	0.18 acres
10.1	E-1213-48	Heritage Fine Homes, LLC	Public Roadway, Drainage & Utilities	Donated	0.05 acres
16.0	E-1213-57	Eaglecliff Limited Partnership	Public Roadway, Drainage & Utilities	Donated	0.16 acres
18.0	E-1213-67	Eaglecliff Limited Partnership	Public Roadway, Drainage & Utilities	Donated	0.19 acres
19.0	E-1213-59	Cedar Lane, LLC	Public Roadway, Drainage & Utilities	Donated	0.5554 acres
19.1	E-1213-60	Cedar Lane, LLC	Temporary Construction Easement	Donated	0.25 acres
20.0	E-1213-61	Harold A. Henfling & Theresa P. Henfling (3/4 Interest), Henfling Living Trust, Patricia Keithley (1/4 interest)	Public Roadway, Drainage & Utilities	$ 127,000.00	0.29 acres – Negotiated Price
21.0	E-1213-68	Heritage Fine Homes, LLC & Anthony K. Mirzaie	Public Roadway, Drainage & Utilities	Donated	1.04 acres
21.1	E-1213-62	Heritage Fine Homes, LLC & Anthony K. Mirzaie	Temporary Construction Easement	Donated	0.02 acres
21.2	E-1213-63	Heritage Fine Homes, LLC & Anthony K. Mirzaie	Temporary Construction Easement	Donated	0.05 acres
22.0	E-1213-64	Cedar Lane, LLC	Temporary Construction Easement	$ 12,500.00	0.18 acres – Appraised Value Includes damages to sod
22.1	E-1213-73	Cedar Lane, LLC	Utility Easement	$ 500.00	0.01 acres – Appraised Value
23.0	E-1213-65	The Links at Norman Golf Club	Temporary Construction Easement	Donated	0.03 acres

PURCHASE REQUISITION NBR: 0000216655

STATUS: DIVISION APPROVAL

REQUISITION BY: PJONES
REASON: CEDAR LANE WIDENING PROJECT-E-1213-64
DATE: 5/06/13

SHIP TO LOCATION: PUB WKS- ENGINEERING
SUGGESTED VENDOR: CEDAR LANE, LLC
DELIVER BY DATE: 5/30/13

LINE NBR	DESCRIPTION	QUANTITY	UOM	UNIT COST	EXTEND COST	VENDOR PART NUMBER
1	CEDAR LANE EASEMENT ACQUISITION COMMODITY: ACQUISITIONS SUBCOMMOD: EASEMENTS	12500.00	EA	1.0000	12500.00	

REQUISITION TOTAL: 12500.00

A C C O U N T I N F O R M A T I O N

LINE #	ACCOUNT		PROJECT	%	AMOUNT
1	05090794316001	Capital Projects Land	BP0196 Cedar Ln:12thSE-1/2m 24th	100.00	12500.00
					12500.00

REQUISITION IS IN THE CURRENT FISCAL YEAR.

REQUISITION COMMENTS:

NEW VENDOR-W-9 FORTHCOMING
MAKE CHECK PAYABLE TO CEDAR LANE, LLC.
E-1213-64 $12,500
CONTINGENT UPON CITY COUNCIL APPROVAL ON 5-28-13

City of Norman, OK

Municipal Building Council Chambers
201 West Gray Street
Norman, OK 73069

Master

File Number: E-1213-65

File ID:	E-1213-65	**Type:**	Easement	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 24	**In Control:**	City Council
Department:	Public Works Department	**Cost:**		**File Created:**	05/15/2013
File Name:	Cedar Lane Easement The Links			**Final Action:**	

Title: TEMPORARY EASEMENT NO. E-1213-65: CONSIDERATION OF ACCEPTANCE OF A TEMPORARY CONSTRUCTION EASEMENT DONATED BY THE LINKS AT NORMAN GOLF CLUB FOR THE CEDAR LANE ROAD WIDENING PROJECT.

Notes: ACTION NEEDED: Motion to accept or reject Temporary Easement No. E-1213-65; and, if accepted, direct the filing thereof with the City Clerk.

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ACTION TAKEN: _____

Agenda Date: 05/28/2013

Agenda Number: 24

Attachments: Text File E-1213-65, E-1213-65.pdf, Map of Easements, Table of Easements

Project Manager: Josh Malwick, Capital Projects Engineer

Entered by: pam.jones@normanok.gov

Effective Date:

History of Legislative File

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:

Text of Legislative File E-1213-65

body

BACKGROUND: The Cedar Lane Road Widening Project involves the construction of a new four-lane roadway between 12th Avenue SE and ½ mile east of 24th Avenue SE including five-foot bike lines on each side of the road. The project will also include improvements to 12th Avenue SE and 24th Avenue SE as they approach Cedar Lane Road, improve the BNSF railroad crossing and resurface US-77 on the north and south sides of Cedar Lane Road. Signalization of the 12th Avenue SE and Cedar Lane Road intersection will also help relieve traffic congestion at peak travel times during the day.

On November 22, 2011 City Council approved programming Resolution No. R-1112-60 requesting federal funds to widen Cedar Lane Road to four lanes between 12th Avenue SE and ½ mile east of 24th Avenue SE. This resolution states the City's commitment to adhere to the terms and conditions of a federally funded project. Through the Association of Central Oklahoma Governments (ACOG), the Oklahoma Department of Transportation (ODOT) agrees to pay 80% of the construction cost with a 20% matching share from the City of Norman.

On August 28, 2012, the citizens of Norman voted in favor of a Bond Issue to finance the local share of eight

transportation/storm water improvement projects. One of the eight 2012 bond projects is the Cedar Lane Road Widening Project.

DISCUSSION: City Council recently authorized the first sale of General Obligation Bonds for the 2012 Bond Program. Staff has budgeted within the project for costs associated with acquiring right-of-way and thus funds are available for this project. The funds have been transferred into the Cedar Lane Road Widening Project, Right-of-Way account.

The City needs to acquire forty-seven (47) easements along Cedar Lane Road for temporary construction or roadway, drainage and utility easements. City Council was update on the progress of acquiring necessary right of way for the Project on May 14, 2013 prior to its regularly scheduled meeting. Ten (10) easements were acquired and approved by City Council at its regularly scheduled meeting on May 14, 2013. Seventeen (17) additional easements have been secured bringing the total of easements acquired for this project to twenty-seven (27), thus far. Staff initially requested donations prior to making any offers of fair market value in an effort to keep Project costs at a minimum. The attached Right-of-Way Easement Table provides the details of each easement. Also attached is a map providing the location of each easement as well as the property owners. It is the goal of staff to acquire all the necessary easement for this Project by donation or agreement settlement. This easement was donated.

RECOMMENDATION: Staff recommends Easement No. E-1213-65 be accepted and the filing be directed thereof.

Parcel No: 23.0
Project No:
J/P No: 29261(04)

TEMPORARY CONSTRUCTION EASEMENT

Know all men by these presents:

That **The Links at Norman Golf and Country Club, LLC**, of Cleveland County, State of Oklahoma, for and in consideration of the sum of Ten Dollars ($10.00) and other good and, valuable consideration, has/have this day sold to the City of Norman, a temporary easement over the following described land to wit:

SEE ATTACHMENT 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 roadway, drainage structure or utility.

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.

TEMPORARY CONSTRUCTION EASEMENT - ALL WORK TO OCCUR OUTSIDE THE LINKS FENCE.

To have and to hold the same unto the said city, its successors, and assigns forever.

Signed and delivered this 8th day of MAY, 2013

The Links at Norman Golf and Country Club, LLC.
BY: THE LINKS AT NORMAN GOLF MANAGEMENT COMPANY, INC., ITS MANAGER

BY: _____ PRESIDENT
Title

REPRESENTATIVE ACKNOWLEDGEMENT

STATE OF ~~OKLAHOMA~~ Arkansas, COUNTY OF ~~CLEVELAND~~ Washington, SS:

Before me, the undersigned, a Notary Public in and for said County and State, on this 8th day of May, 2013 personally appeared James E. Lindsey, 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 for the uses and purposes therein set forth.

WITNESS my hand and seal the day and year last above written.

OFFICIAL SEAL
JOY L. HOOPS
NOTARY PUBLIC . ARKANSAS
WASHINGTON COUNTY
COMMISSION EXP. 09/01/2014

My Commission Expires: 9-1-2014 Notary Public: Joy L Hoops

Approved and accepted by the Council of the City of Norman, this 17th day of May, 2013.

_____
City Attorney

Approved and accepted by the Council of the City of Norman, this _____ day of _____, 20___.

_____
Mayor

ATTEST:

_____
City Clerk
SEAL:

Exhibit "A"

A strip, piece, or parcel of land lying in Block B of The Links of Norman, an addition to the City of Norman and being in the Northwest Quarter (NW 1/4) of Section 15, Township 8 North, Range 2 West of the Indian Meridian, Cleveland County, Oklahoma. Said parcel of land being more particularly described as follows:

COMMENCING at the Northwest corner of said NW 1/4;

THENCE South 89°38'21" East along the North line of said NW 1/4, a distance of 739.24 feet;

THENCE South 00°21'39" West a distance of 50.00 feet to a point on the North line of said Block B, said point also being the POINT OF BEGINNING;

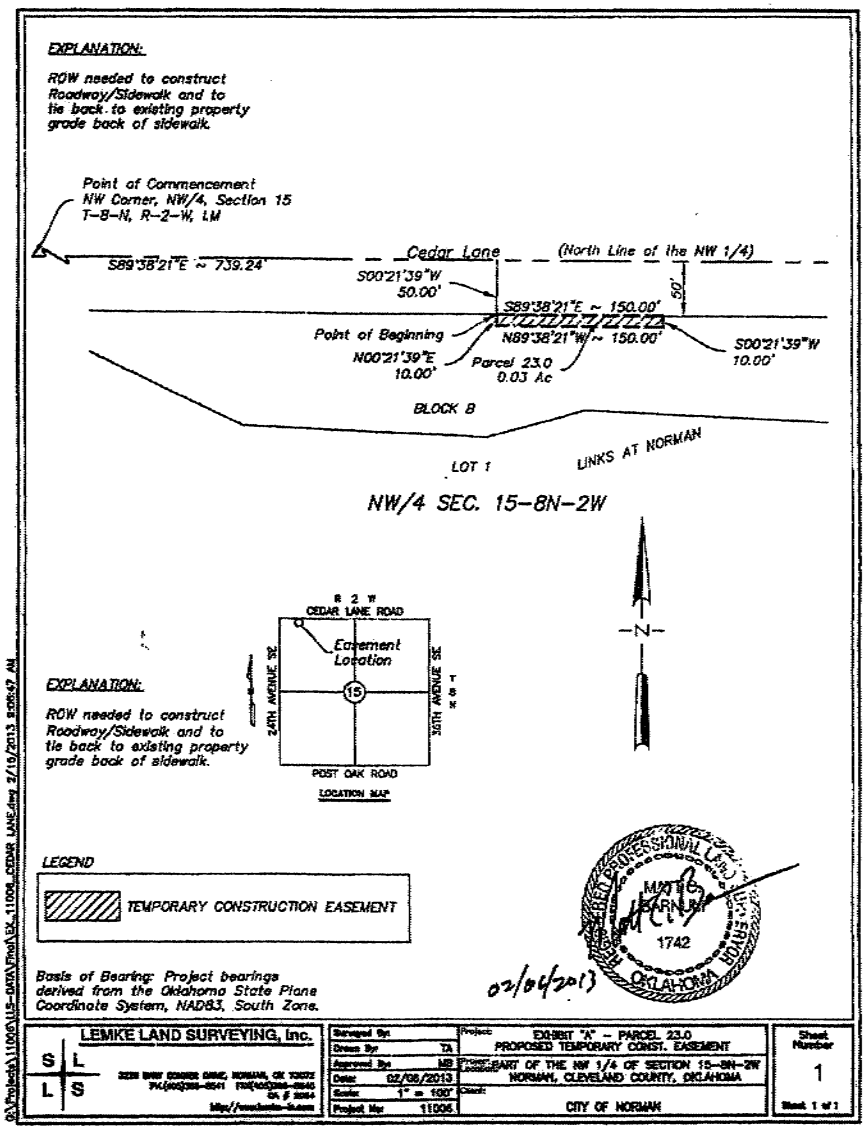
THENCE South 89°38'21" East parallel with the North line of said NW 1/4 and along the North line of said Block B, a distance of 150.00 feet;

THENCE South 00°21'39" West a distance of 10.00 feet;

THENCE North 89°38'21" West parallel with the North line of said NW 1/4, a distance of 150.00 feet;

THENCE North 00°21'39" East a distance of 10.00 feet to the POINT OF BEGINNING.

Containing 1500.00 sq. ft. or 0.03 acres, more or less.


EXPLANATION:
ROW needed to construct Roadway/Sidewalk and to tie back to existing property grade back of sidewalk.
Point of Commencement
NW Corner, NW/4, Section 15
T-8-N, R-2-W, LM
Cedar Lane
(North Line of the NW 1/4)
S89°38'21"E ~ 739.24'
S00°21'39"W
50.00'
50'
S89°38'21"E ~ 150.00'
Point of Beginning
N89°38'21"W ~ 150.00'
S00°21'39"W
10.00'
N00°21'39"E
10.00'
Parcel 23.0
0.03 Ac
BLOCK B
LOT 1
LINKS AT NORMAN
NW/4 SEC. 15-8N-2W
N
R 2 W
CEDAR LANE ROAD
Easement Location
24TH AVENUE SE
36TH AVENUE SE
T 8 N
15
POST OAK ROAD
LOCATION MAP
EXPLANATION:
ROW needed to construct Roadway/Sidewalk and to tie back to existing property grade back of sidewalk.
LEGEND
TEMPORARY CONSTRUCTION EASEMENT
Basis of Bearing: Project bearings derived from the Oklahoma State Plane Coordinate System, NAD83, South Zone.
02/06/2013
MATTHEW BARNUM
1742
OKLAHOMA
LEMKE LAND SURVEYING, Inc.
S L
L S
Surveyed By:
Drawn By: TA
Approved By: MB
Date: 02/06/2013
Scale: 1" = 100'
Project No: 11006
Project: EXHIBIT "A" – PARCEL 23.0
PROPOSED TEMPORARY CONST. EASEMENT
Project Location: PART OF THE NW 1/4 OF SECTION 15-8N-2W
NORMAN, CLEVELAND COUNTY, OKLAHOMA
Client: CITY OF NORMAN
Sheet Number
1
Sheet 1 of 1

Cedar Lane Road Widening Project
Right-of-Way Easement Table

City Council Meeting May 28, 2013

Parcel No.	Easement No.	Grantors	Easement Type	Cost	Comments
1.0	E-1213-26	Astellas Pharma Technologies, Inc.	Public Roadway, Drainage & Utilities	$ 7,700.00	0.14 acres Appraised value
1.1	E-1213-27	Astellas Pharma Technologies, Inc.	Public Drainage	$ 2,900.00	0.07 acres – Appraised Value Includes damages to sod
9.0	E-1213-45	Heritage Fine Homes, LLC & Anthony K. Mirzaie	Public Roadway, Drainage & Utilities	Donated	0.62 acres
9.1	E-1213-46	Heritage Fine Homes, LLC & Anthony K. Mirzaie	Utility Easement	Donated	0.18 acres
10.0	E-1213-47	Heritage Fine Homes, LLC	Public Roadway, Drainage & Utilities	Donated	0.18 acres
10.1	E-1213-48	Heritage Fine Homes, LLC	Public Roadway, Drainage & Utilities	Donated	0.05 acres
16.0	E-1213-57	Eaglecliff Limited Partnership	Public Roadway, Drainage & Utilities	Donated	0.16 acres
18.0	E-1213-67	Eaglecliff Limited Partnership	Public Roadway, Drainage & Utilities	Donated	0.19 acres
19.0	E-1213-59	Cedar Lane, LLC	Public Roadway, Drainage & Utilities	Donated	0.5554 acres
19.1	E-1213-60	Cedar Lane, LLC	Temporary Construction Easement	Donated	0.25 acres
20.0	E-1213-61	Harold A. Henfling & Theresa P. Henfling (3/4 interest), Henfling Living Trust, Patricia Keithley (1/4 interest)	Public Roadway, Drainage & Utilities	$ 127,000.00	0.29 acres – Negotiated Price
21.0	E-1213-68	Heritage Fine Homes, LLC & Anthony K. Mirzaie	Public Roadway, Drainage & Utilities	Donated	1.04 acres
21.1	E-1213-62	Heritage Fine Homes, LLC & Anthony K. Mirzaie	Temporary Construction Easement	Donated	0.02 acres
21.2	E-1213-63	Heritage Fine Homes, LLC & Anthony K. Mirzaie	Temporary Construction Easement	Donated	0.05 acres
22.0	E-1213-64	Cedar Lane, LLC	Temporary Construction Easement	$ 12,500.00	0.18 acres – Appraised Value Includes damages to sod
22.1	E-1213-73	Cedar Lane, LLC	Utility Easement	$ 500.00	0.01 acres – Appraised Value
23.0	E-1213-65	The Links at Norman Golf Club	Temporary Construction Easement	Donated	0.03 acres

Map Produced by the City of Norman Geographic Information System. (405) 366-5316
The City of Norman assumes no responsibility for errors or omissions in the information presented.

Cedar Lane Road Project
Right of Way Aquisitions

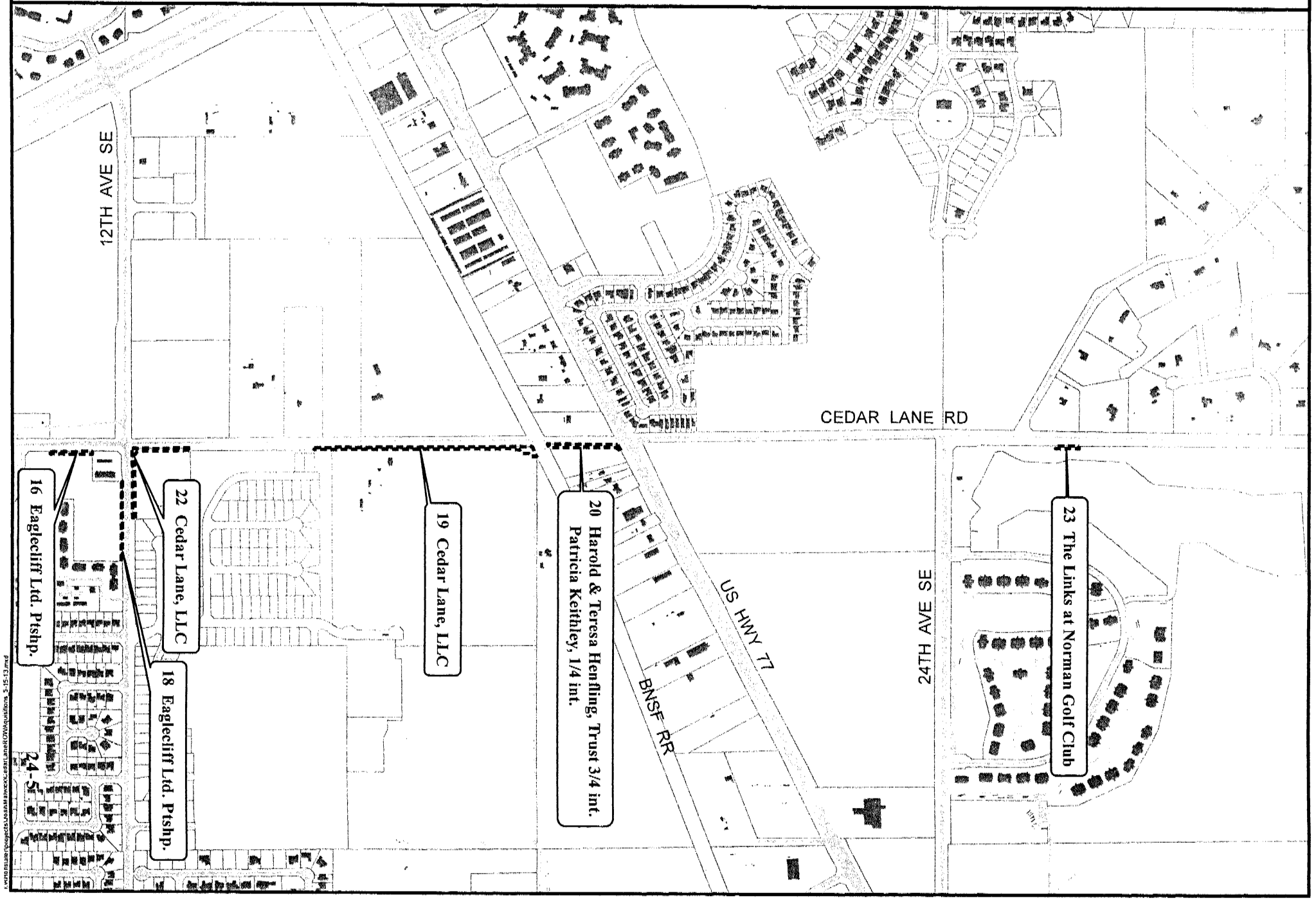
May 28, 2013

Proposed Easements

Parcels
Structure
Roads

N W E S

1" = 800'



24-5

City of Norman, OK

Municipal Building Council Chambers
201 West Gray Street
Norman, OK 73069

Master

File Number: E-1213-67

File ID:	E-1213-67	**Type:**	Easement	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 25	**In Control:**	City Council
Department:	Public Works Department	**Cost:**		**File Created:**	04/22/2013
File Name:	Cedar Lane Easement Eagiecliff Limited Partnership			**Final Action:**	

Title: EASEMENT NO. E-1213-67: CONSIDERATION OF ACCEPTANCE OF A PERMANENT PUBLIC ROADWAY, DRAINAGE AND UTILITY EASEMENT DONATED BY EAGLECLIFF LIMITED PARTNERSHIP FOR THE CEDAR LANE ROAD WIDENING PROJECT.

Notes: ACTION NEEDED: Motion to accept or reject Easement No. E-1213-67; and, if accepted, direct the filing thereof with the Cleveland County Clerk.

ACTION TAKEN: _____

Agenda Date: 05/28/2013

Agenda Number: 25

Attachments: Text File E-1213-67, E-1213-67, Map of Easements, Table of Easements

Project Manager: Josh Malwick, Capital Projects Engineer

Entered by: pam.jones@normanok.gov

Effective Date:

History of Legislative File

Ver-sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:

Text of Legislative File E-1213-67

body

BACKGROUND: The Cedar Lane Road Widening Project involves the construction of a new four-lane roadway between 12th Avenue SE and ½ mile east of 24th Avenue SE including five foot bike lines on each side of the road. The project will also include improvements to 12th Avenue SE and 24th Avenue SE as they approach Cedar Lane Road, improve the BNSF railroad crossing and resurface US-77 on the north and south sides of Cedar Lane Road. Signalization of the 12th Avenue SE and Cedar Lane Road intersection will also help relieve traffic congestion at peak travel times during the day.

On November 22, 2011 City Council approved programming Resolution No. R-1112-60 requesting federal funds to widen Cedar Lane Road to four lanes between 12th Avenue SE and ½ mile east of 24th Avenue SE. This resolution states the City's commitment to adhere to the terms and conditions of a federally funded project. Through the Association of Central Oklahoma Governments (ACOG), the Oklahoma Department of Transportation (ODOT) agrees to pay 80% of the construction cost with a 20% matching share from the City of Norman.

On August 28, 2012, the citizens of Norman voted in favor of a Bond Issue to finance the local share of eight transportation/storm water improvement projects. One of the eight 2012 bond projects is the Cedar Lane Road Widening Project.

DISCUSSION: City Council recently authorized the first sale of General Obligation Bonds for the 2012 Bond Program. Staff has budgeted within the project for costs associated with acquiring right-of-way and thus funds are available for this project. The funds have been transferred into the Cedar Lane Road Widening Project, Right-of-Way account.

The City needs to acquire forty-seven (47) easements along Cedar Lane Road for temporary construction or roadway, drainage and utility easements. City Council was updated on the progress of acquiring necessary right of way for the Project on May 14, 2013 prior to its regularly scheduled meeting. Ten (10) easements were acquired and approved by City Council at its regularly scheduled meeting on May 14, 2013. Seventeen (17) additional easements have been secured bringing the total of easements acquired for this project to twenty-seven (27), thus far. Staff initially requested donations prior to making any offers of fair market value in an effort to keep Project costs at a minimum. The attached Right-of-Way Easement Table provides the details of each easement. Also attached is a map providing the location of each easement as well as the property owners. It is the goal of staff to acquire all the necessary easement for this Project by donation or agreed settlement. This easement was donated.

RECOMMENDATION: Staff further recommends Easement No. E-1213-67 be accepted and the filing be directed thereof.

Parcel No: 18.0
E-1213-67 Project No:
J/P No: 29261(04)

GRANT OF EASEMENT
City of Norman

Know all men by these presents:

That **Eaglecliff Limited Partnership**, for and 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, do 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, the following described land to wit:
A strip, piece, or parcel of land lying in the Northeast Quarter (NE 1/4) of Section 17, Township 8 North, Range 2 West of the Indian Meridian, Cleveland County, Oklahoma. Said parcel of land being more particularly described as follows:

COMMENCING at the Northeast corner of said NE ¼, THENCE South 00°18'51" East along the East line of said NE 1/4, a distance of 240.00 feet to the POINT OF BEGINNING, THENCE continuing South 00°18'51" East along the East line of said NE 1/4, a distance of 509.56 feet, THENCE South 89°34'25" West a distance of 50.00 feet, THENCE North 00°18'51" West to a point on the South line of Lot 1, Block 1 Eagle Cliff Addition Section 14 an addition to the City of Norman, a distance of 509.65 feet, THENCE North 89°39'16" East along the South line of said Lot 1, a distance of 50.00 feet, to the POINT OF BEGINNING. Containing 8626.63 sq. ft. or 0.19 acres, more or less, of new Roadway Easement, the remaining area included in the above description being right-of-way occupied by the present roadway.

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 roadway, drainage structure or utility.

PUBLIC ROADWAY, DRAINAGE AND UTILITIES

To have and to hold the same unto the said city, its successors, and assigns forever.

Signed and delivered this 21st day of MARCH, 2013.

Eaglecliff Limited Partnership

Gene McKown — General Partner
Title

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 MARCH, 2013, personally appeared GENE McKOWN, 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 for the uses and purposes therein set forth.

WITNESS my hand and seal the day and year last above written.

My Commission Expires: 2-27-2017 Notary Public: [signature]

NOTARY PUBLIC OKLAHOMA — OFFICIAL SEAL BOB HAWKINS Commission # 13001942 Expires February 27, 2017

Approved as to form and legality this 29 day of March, 2013.

City Attorney

Approved and accepted by the Council of the City of Norman, this _____ day of _____, 20___.

Mayor

ATTEST:

City Clerk
SEAL:

PROJECT: 01-441-01
J/P Number: 29261(04)
CITY: City of Norman
PARCEL NO: 18

E-1213-67

CONSENT OF OWNERS RIGHT OF ENTRY

Eaglecliff Limited Partnership on this 21st Day of MARCH 2013.

Legal Description:

A strip, piece, or parcel of land lying in the Northeast Quarter (NE 1/4) of Section 17, Township 8 North, Range 2 West of the Indian Meridian, Cleveland County, Oklahoma. Said parcel of land being more particularly described as follows:

COMMENCING at the Northeast corner of said NE ¼, THENCE South 00°18'51" East along the East line of said NE 1/4, a distance of 240.00 feet to the POINT OF BEGINNING, THENCE continuing South 00°18'51" East along the East line of said NE 1/4, a distance of 509.56 feet, THENCE South 89°34'25" West a distance of 50.00 feet, THENCE North 00°18'51" West to a point on the South line of Lot 1, Block 1 Eagle Cliff Addition Section 14 an addition to the City of Norman, a distance of 509.65 feet, THENCE North 89°39'16" East along the South line of said Lot 1, a distance of 50.00 feet, to the POINT OF BEGINNING.

The undersigned owner(s) of said land herby do/does give permission to, City of Norman, Whose address is P.O. Box 370, Norman, Oklahoma, 73070.

to enter upon said land(s) for the purpose of :

Purposes of relocating utilities, providing a safe work area for construction and all construction activities necessary to complete the project. Six months Temporary Construction Easement.

Other terms or comments:

~Right of Entry Other Terms~

Authorized occupant / Owner(s):

Eaglecliff Limited Partnership

By: Gene McKeon General Partner

SUBSCRIBED and sworn to before me this 21st day of MARCH, 2013.

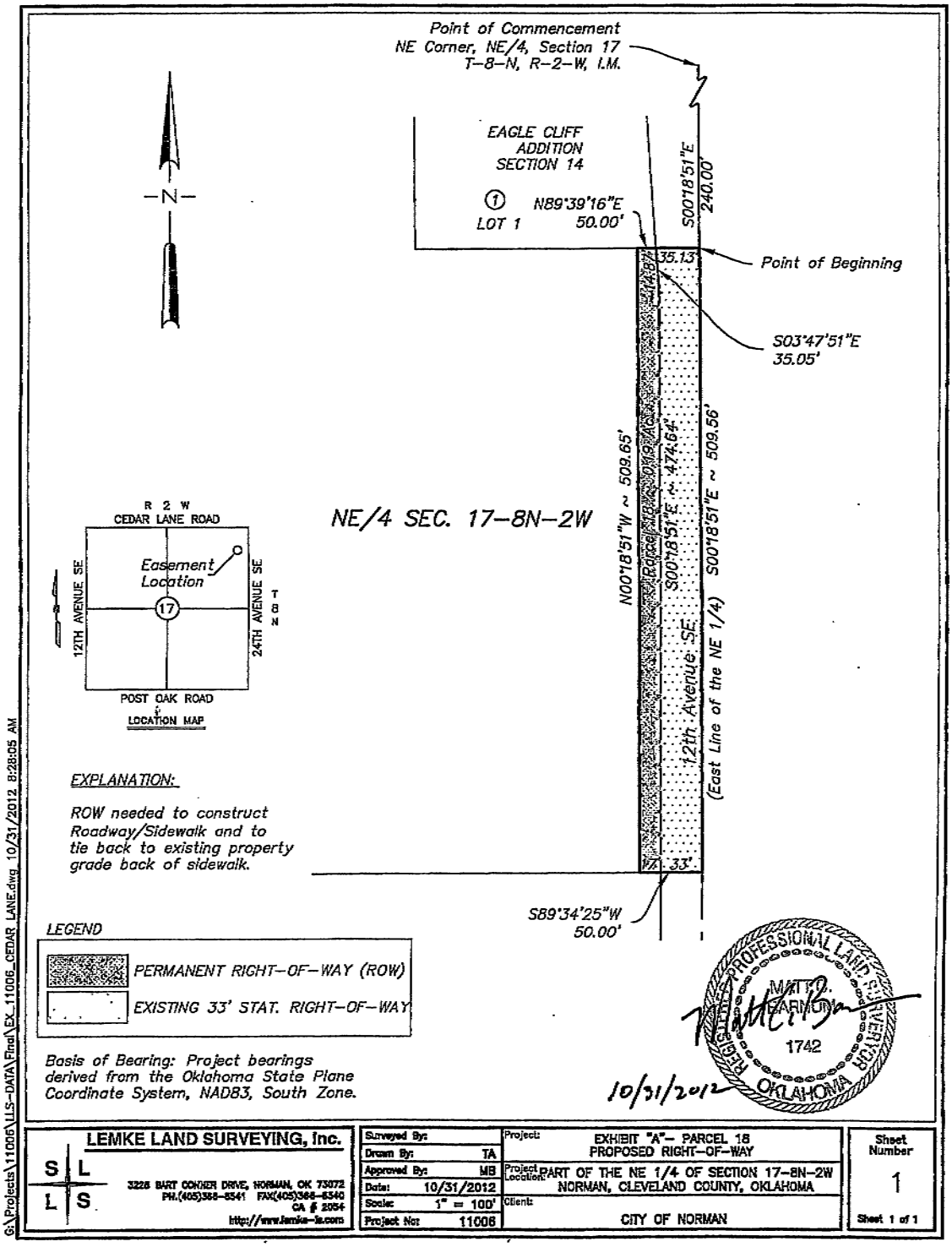
Notary Public

My commission expires: 2-27-2017

My Commission No: 13001942
(SEAL)

NOTARY PUBLIC OKLAHOMA
OFFICIAL SEAL
BOB HAWKINS
Commission # 13001942
Expires February 27, 2017

E-1213-67

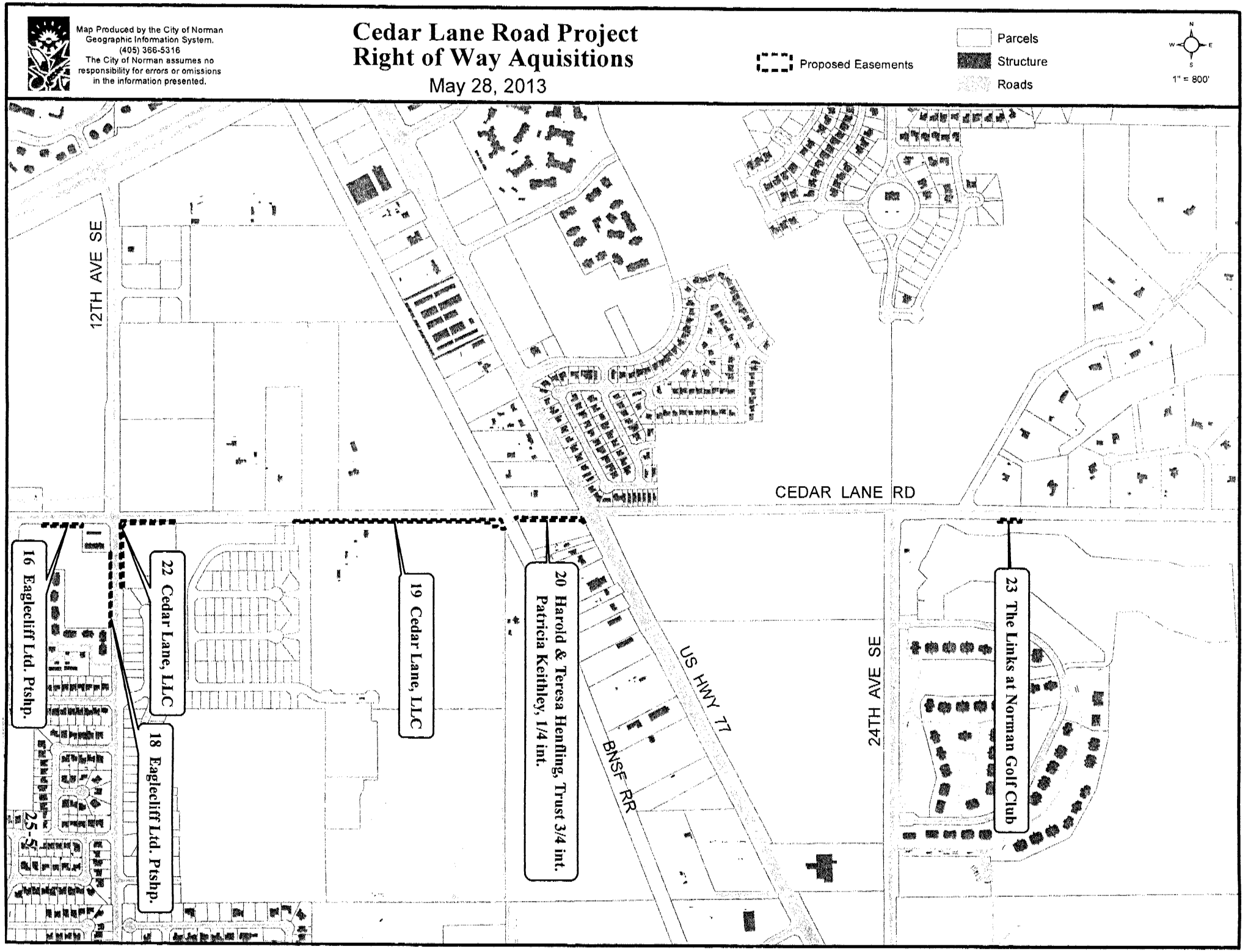


Point of Commencement
NE Corner, NE/4, Section 17
T-8-N, R-2-W, I.M.
EAGLE CLIFF
ADDITION
SECTION 14
1
LOT 1
N89°39'16"E
50.00'
S00°18'51"E
240.00'
35.13'
Point of Beginning
S03°47'51"E
35.05'
N
NE/4 SEC. 17-8N-2W
N00°18'51"W ~ 509.65'
S00°18'51"E ~ 474.64'
S00°18'51"E ~ 509.56'
12th Avenue SE
(East Line of the NE 1/4)
33'
S89°34'25"W
50.00'
R 2 W
CEDAR LANE ROAD
Easement
Location
17
12TH AVENUE SE
24TH AVENUE SE
T 8 N
POST OAK ROAD
LOCATION MAP
EXPLANATION:
ROW needed to construct Roadway/Sidewalk and to tie back to existing property grade back of sidewalk.
LEGEND
PERMANENT RIGHT-OF-WAY (ROW)
EXISTING 33' STAT. RIGHT-OF-WAY
Basis of Bearing: Project bearings derived from the Oklahoma State Plane Coordinate System, NAD83, South Zone.
REGISTERED PROFESSIONAL LAND SURVEYOR
MATT D. BARNUM
1742
OKLAHOMA
10/31/2012
LEMKE LAND SURVEYING, Inc.
S L
L S
3228 BART CONNER DRIVE, NORMAN, OK 73072
PH.(405)366-8541 FAX(405)366-8540
CA # 2054
http://www.lemke-ls.com
Surveyed By:
Drawn By: TA
Approved By: MB
Date: 10/31/2012
Scale: 1" = 100'
Project No: 11006
Project: EXHIBIT "A"- PARCEL 18
PROPOSED RIGHT-OF-WAY
Project Location: PART OF THE NE 1/4 OF SECTION 17-8N-2W
NORMAN, CLEVELAND COUNTY, OKLAHOMA
Client: CITY OF NORMAN
Sheet Number
1
Sheet 1 of 1
G:\Projects\11006\LLS-DATA\Final\EX_11006_CEDAR_LANE.dwg 10/31/2012 8:28:05 AM

Cedar Lane Road Widening Project
Right-of-Way Easement Table

City Council Meeting May 28, 2013

Parcel No.	Easement No.	Grantors	Easement Type	Cost	Comments
1.0	E-1213-26	Astellas Pharma Technologies, Inc	Public Roadway, Drainage & Utilities	$ 7,700.00	0.14 acres Appraised value
1.1	E-1213-27	Astellas Pharma Technologies, Inc.	Public Drainage	$ 2,900.00	0.07 acres – Appraised Value Includes damages to sod
9.0	E-1213-45	Heritage Fine Homes, LLC & Anthony K. Mirzaie	Public Roadway, Drainage & Utilities	Donated	0.62 acres
9.1	E-1213-46	Heritage Fine Homes, LLC & Anthony K. Mirzaie	Utility Easement	Donated	0.18 acres
10.0	E-1213-47	Heritage Fine Homes, LLC	Public Roadway, Drainage & Utilities	Donated	0.18 acres
10.1	E-1213-48	Heritage Fine Homes, LLC	Public Roadway, Drainage & Utilities	Donated	0.05 acres
16.0	E-1213-57	Eaglecliff Limited Partnership	Public Roadway, Drainage & Utilities	Donated	0.16 acres
18.0	E-1213-67	Eaglecliff Limited Partnership	Public Roadway, Drainage & Utilities	Donated	0.19 acres
19.0	E-1213-59	Cedar Lane, LLC	Public Roadway, Drainage & Utilities	Donated	0.5554 acres
19.1	E-1213-60	Cedar Lane, LLC	Temporary Construction Easement	Donated	0.25 acres
20.0	E-1213-61	Harold A. Henfling & Theresa P. Henfling (3/4 interest), Henfling Living Trust, Patricia Keithley (1/4 interest)	Public Roadway, Drainage & Utilities	$ 127,000.00	0.29 acres – Negotiated Price
21.0	E-1213-68	Heritage Fine Homes, LLC & Anthony K. Mirzaie	Public Roadway, Drainage & Utilities	Donated	1.04 acres
21.1	E-1213-62	Heritage Fine Homes, LLC & Anthony K. Mirzaie	Temporary Construction Easement	Donated	0.02 acres
21.2	E-1213-63	Heritage Fine Homes, LLC & Anthony K. Mirzaie	Temporary Construction Easement	Donated	0.05 acres
22.0	E-1213-64	Cedar Lane, LLC	Temporary Construction Easement	$ 12,500.00	0.18 acres – Appraised Value Includes damages to sod
22.1	E-1213-73	Cedar Lane, LLC	Utility Easement	$ 500.00	0.01 acres – Appraised Value
23.0	E-1213-65	The Links at Norman Golf Club	Temporary Construction Easement	Donated	0.03 acres


Map Produced by the City of Norman
Geographic Information System.
(405) 366-5316
The City of Norman assumes no
responsibility for errors or omissions
in the information presented.
Cedar Lane Road Project
Right of Way Aquisitions
May 28, 2013
Proposed Easements
Parcels
Structure
Roads
N
W
E
S
1" = 800'
12TH AVE SE
CEDAR LANE RD
16 Eaglecliff Ltd. Ptshp.
22 Cedar Lane, LLC
18 Eaglecliff Ltd. Ptshp.
19 Cedar Lane, LLC
20 Harold & Teresa Henfling, Trust 3/4 int.
Patricia Keithley, 1/4 int.
US HWY 77
BNSF RR
24TH AVE SE
23 The Links at Norman Golf Club
25-5

City of Norman, OK

Municipal Building Council Chambers
201 West Gray Street
Norman, OK 73069

Master

File Number: E-1213-68

File ID:	E-1213-68	**Type:**	Easement	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 26	**In Control:**	City Council
Department:	Public Works Department	**Cost:**		**File Created:**	05/22/2013
File Name:	Cedar Lane Easement Heritage Mirzaie			**Final Action:**	

Title: EASEMENT NO. E-1213-68: CONSIDERATION OF ACCEPTANCE OF A PERMANENT PUBLIC ROADWAY, DRAINAGE AND UTILITIES EASEMENT DONATED BY HERITAGE FINE HOMES, L.L.C. AND ANTHONY K. MIRZAIE FOR THE CEDAR LANE ROAD WIDENING PROJECT.

Notes: ACTION NEEDED: Motion to accept or reject Easement No. E-1213-68; and, if accepted, direct the filing thereof with the Cleveland County Clerk.

ACTION TAKEN: _____

Agenda Date: 05/28/2013

Agenda Number: 26

Attachments: Text File E-1213-68, E-1213-68.pdf, Map of Easements Heritage Astellas, Table of Easements

Project Manager: Josh Malwick, Capital Projects Engineer

Entered by: pam.jones@normanok.gov

Effective Date:

History of Legislative File

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:

Text of Legislative File E-1213-68

body

BACKGROUND: The Cedar Lane Road Widening Project involves the construction of a new four-lane roadway between 12th Avenue SE and ½ mile east of 24th Avenue SE including five foot bike lines on each side of the road. The project will also include improvements to 12th Avenue SE and 24th Avenue SE as they approach Cedar Lane Road, improve the BNSF railroad crossing and resurface US-77 on the north and south sides of Cedar Lane Road. Signalization of the 12th Avenue SE and Cedar Lane Road intersection will also help relieve traffic congestion at peak travel times during the day.

On November 22, 2011 City Council approved programming Resolution No. R-1112-60 requesting federal funds to widen Cedar Lane Road to four lanes between 12th Avenue SE and ½ mile east of 24th Avenue SE. This resolution states the City's commitment to adhere to the terms and conditions of a federally funded project. Through the Association of Central Oklahoma Governments (ACOG), the Oklahoma Department of Transportation (ODOT) agrees to pay 80% of the construction cost with a 20% matching share from the City of Norman.

On August 28, 2012, the citizens of Norman voted in favor of a Bond Issue to finance the local share of eight

transportation/storm water improvement projects. One of the eight 2012 bond projects is the Cedar Lane Road Widening Project.

DISCUSSION: City Council recently authorized the first sale of General Obligation Bonds for the 2012 Bond Program. Staff has budgeted within the project for costs associated with acquiring right-of-way and thus funds are available for this project. The funds have been transferred into the Cedar Lane Road Widening Project, Right-of-Way account.

The City needs to acquire forty-seven (47) easements along Cedar Lane Road for temporary construction or roadway, drainage and utility easements. City Council was updated on the progress of acquiring necessary right of way for the Project on May 14, 2013 prior to its regularly scheduled meeting. Ten (10) easements were acquired and approved by City Council at its regularly scheduled meeting on May 14, 2013. Seventeen (17) additional easements have been secured bringing the total of easements acquired for this project to twenty-seven (27), thus far. Staff initially requested donations prior to making any offers of fair market value in an effort to keep Project costs at a minimum. The attached Right-of-Way Easement Table provides the details of each easement. Also attached is a map providing the location of each easement as well as the property owners. It is the goal of staff to acquire all the necessary easement for this Project by donation or agreed settlement. This easement was donated.

RECOMMENDATION: Staff recommends Easement No. E-1213-68 be accepted and the filing be directed thereof.

Parcel No: 21.0
Project No:
J/P No: 29261(04)

GRANT OF EASEMENT
City of Norman

Know all men by these presents: ANTHONY K. MIRZAIE and

That HERITAGE FINE HOMES, LLC, formerly HERITAGE FINE HOMES, INC, for and 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, do 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, the following described land to wit:

PART OF NE ¼ of SEC. 16-T8N-R2W as more particularly described on [redacted] ATTACHMENT 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 roadway, drainage structure or utility.

PUBLIC ROADWAY, DRAINAGE AND UTILITIES

To have and to hold the same unto the said city, its successors, and assigns forever.

Signed and delivered this 21st day of MAY, 2013

(OWNER NAME): HERITAGE FINE HOMES, LLC

By: [signature] MANAGER

[signature] ANTHONY K. MIRZAIE

MANAGER
Title

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 MAY, 2013, personally appeared Anthony Mirzaie & Don Cecil, 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 for the uses and purposes therein set forth.

WITNESS my hand and seal the day and year last above written.

My Commission Expires: January 7, 2015 Notary Public: [signature]

OFFICIAL SEAL
JULIE SHELTON
Commission #11000185
Expires January 7, 2015

Approved as to form and legality this _____ day of _____, 20___.

City Attorney

Approved and accepted by the Council of the City of Norman, this _____ day of _____, 20___.

Mayor

ATTEST:

City Clerk
SEAL:

Exhibit "A"

A strip, piece, or parcel of land lying in the Northeast Quarter (NE 1/4) of Section 16, Township 8 North, Range 2 West of the Indian Meridian, Cleveland County, Oklahoma. Said parcel of land being more particularly described as follows:

BEGINNING at the Northeast corner of said NE 1/4;

THENCE South 00°00'52" East along the East line of said NE 1/4, a distance of 432.70 feet;

THENCE South 89°59'08" West a distance of 50.00 feet;

THENCE North 00°00'52" West parallel with the East line of said NE 1/4, a distance of 182.19 feet;

THENCE North 11°21'52" West a distance of 50.81 feet;

THENCE North 00°00'52" West parallel with the East line of said NE 1/4, a distance of 114.93 feet;

THENCE North 45°37'50" West a distance of 49.06 feet;

THENCE South 89°06'58" West parallel with the North line of said NE 1/4, a distance of 1410.38 feet;

THENCE South 83°03'13" West a distance of 94.69 feet;

THENCE South 89°06'58" West parallel with the North line of said NE 1/4, a distance of 306.54 feet;

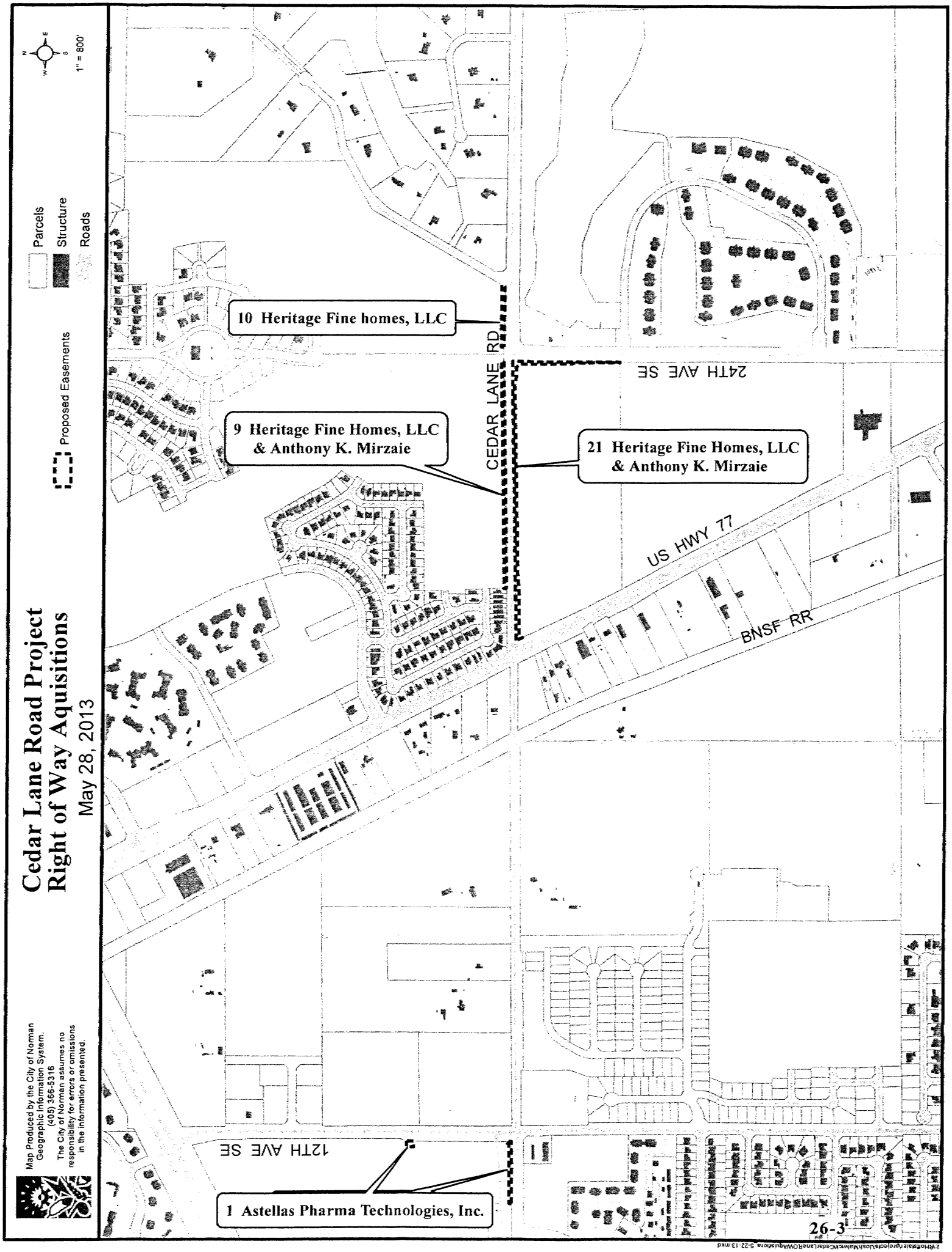
THENCE South 31°57'25" West a distance of 27.12 feet to a point on the Easterly Right-of-Way line of the Oklahoma State Highway 77;

THENCE North 25°12'08" West along the Easterly Right-of-Way line of the Oklahoma State Highway 77, a distance of 90.84 feet;

THENCE North 89°06'58" East along North line of said NE 1/4, a distance of 1959.02 feet to the POINT OF BEGINNING.

Containing 45359.72 sq. ft. or 1.04 acres, more or less, of new Roadway Easement, the remaining area included in the above description being right-of-way occupied by the present roadway

Cedar Lane Road Project
Right of Way Aquisitions
May 28, 2013



Map Produced by the City of Norman Geographic Information System. (405) 366-5316
The City of Norman assumes no responsibility for errors or omissions in the information presented.

Cedar Lane Road Widening Project
Right-of-Way Easement Table

City Council Meeting May 28, 2013

Parcel No.	Easement No.	Grantors	Easement Type	Cost	Comments
1 0	E-1213-26	Astellas Pharma Technologies, Inc	Public Roadway, Drainage & Utilities	$ 7,700 00	0 14 acres Appraised value
1 1	E-1213-27	Astellas Pharma Technologies, Inc	Public Drainage	$ 2,900 00	0 07 acres – Appraised Value Includes damages to sod
9.0	E-1213-45	Heritage Fine Homes, LLC & Anthony K. Mirzaie	Public Roadway, Drainage & Utilities	Donated	0 62 acres
9.1	E-1213-46	Heritage Fine Homes, LLC & Anthony K. Mirzaie	Utility Easement	Donated	0 18 acres
10.0	E-1213-47	Heritage Fine Homes, LLC	Public Roadway, Drainage & Utilities	Donated	0 18 acres
10.1	E-1213-48	Heritage Fine Homes, LLC	Public Roadway, Drainage & Utilities	Donated	0 05 acres
16.0	E-1213-57	Eaglecliff Limited Partnership	Public Roadway, Drainage & Utilities	Donated	0 16 acres
18.0	E-1213-67	Eaglecliff Limited Partnership	Public Roadway, Drainage & Utilities	Donated	0 19 acres
19.0	E-1213-59	Cedar Lane, LLC	Public Roadway, Drainage & Utilities	Donated	0 5554 acres
19.1	E-1213-60	Cedar Lane, LLC	Temporary Construction Easement	Donated	0.25 acres
20.0	E-1213-61	Harold A Henfling & Theresa P. Henfling (3/4 interest), Henfling Living Trust, Patricia Keithley (1/4 interest)	Public Roadway, Drainage & Utilities	$ 127,000.00	0.29 acres – Negotiated Price
21.0	E-1213-68	Heritage Fine Homes, LLC & Anthony K. Mirzaie	Public Roadway, Drainage & Utilities	Donated	1 04 acres
21 1	E-1213-62	Heritage Fine Homes, LLC & Anthony K. Mirzaie	Temporary Construction Easement	Donated	0 02 acres
21.2	E-1213-63	Heritage Fine Homes, LLC & Anthony K. Mirzaie	Temporary Construction Easement	Donated	0.05 acres
22.0	E-1213-64	Cedar Lane, LLC	Temporary Construction Easement	$ 12,500.00	0 18 acres – Appraised Value Includes damages to sod
22.1	E-1213-73	Cedar Lane, LLC	Utility Easement	$ 500.00	0.01 acres – Appraised Value
23.0	E-1213-65	The Links at Norman Golf Club	Temporary Construction Easement	Donated	0.03 acres

City of Norman, OK

Municipal Building Council Chambers
201 West Gray Street
Norman, OK 73069

Master

File Number: E-1213-73

File ID:	E-1213-73	**Type:**	Easement	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 27	**In Control:**	City Council
Department:	Public Works Department	**Cost:**		**File Created:**	05/03/2013
File Name:	Cedar Lane Easement Cedar Lane			**Final Action:**	

Title: EASEMENT NO. E-1213-73: CONSIDERATION OF ACCEPTANCE OF A PERMANENT UTILITY EASEMENT FROM CEDAR LANE, L.L.C., IN THE AMOUNT OF $500 FOR THE CEDAR LANE ROAD WIDENING PROJECT.

Notes: ACTION NEEDED: Motion to accept or reject Easement No. E-1213-73; and, if accepted, direct the filing thereof with the Cleveland County Clerk.

ACTION TAKEN: _____

Agenda Date: 05/28/2013

Agenda Number: 27

Attachments: Text File E-1213-73, E-1213-73.pdf, Map of Easements, Table of Easements, PR Cedar Lane 2

Project Manager: John Clink, Capital Projects Engineer

Entered by: pam.jones@normanok.gov

Effective Date:

History of Legislative File

Ver-sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:

Text of Legislative File E-1213-73

body

BACKGROUND: The Cedar Lane Road Widening Project involves the construction of a new four-lane roadway between 12th Avenue SE and ½ mile east of 24th Avenue SE including five-foot bike lines on each side of the road. The project will also include improvements to 12th Avenue SE and 24th Avenue SE as they approach Cedar Lane Road, improve the BNSF railroad crossing and resurface US-77 on the north and south sides of Cedar Lane Road. Signalization of the 12th Avenue SE and Cedar Lane Road intersection will also help relieve traffic congestion at peak travel times during the day.

On November 22, 2011 City Council approved programming Resolution No. R-1112-60 requesting federal funds to widen Cedar Lane Road to four lanes between 12th Avenue SE and ½ mile east of 24th Avenue SE. This resolution states the City's commitment to adhere to the terms and conditions of a federally funded project. Through the Association of Central Oklahoma Governments (ACOG), the Oklahoma Department of Transportation (ODOT) agrees to pay 80% of the construction cost with a 20% matching share from the City of Norman.

On August 28, 2012, the citizens of Norman voted in favor of a Bond Issue to finance the local share of eight transportation/storm water improvement projects. One of the eight 2012 bond projects is the Cedar Lane Road Widening Project.

DISCUSSION: City Council recently authorized the first sale of General Obligation Bonds for the 2012 Bond Program. Staff has budgeted within the project for costs associated with acquiring right-of-way and thus funds

are available for this project. However, the funds have not been transferred into the Cedar Lane Road Widening Project, Right-of-Way account. Funds are needed at this time to compensate property owners for the necessary right-of-way.

The City needs to acquire forty-seven (47) easements along Cedar Lane Road for temporary construction or roadway, drainage and utility easements. City Council was updated on the progress of acquiring necessary right of way for the Project on May 14, 2013 prior to its regularly scheduled meeting. Ten (10) easements were acquired and approved by City Council at its regularly scheduled meeting on May 14, 2013. Seventeen (17) additional easements have been secured bringing the total of easements acquired for this project to twenty-seven (27), thus far. Staff initially requested donations prior to making any offers of fair market value in an effort to keep Project costs at a minimum. The attached Right-of-Way Easement Table provides the details of each easement. Also attached is a map providing the location of each easement as well as the property owners. It is the goal of staff to acquire all the necessary easement for this Project by donation or agreed settlement. This Permanent Utility Easement is being acquired for an agreed upon value of $500.

RECOMMENDATION: Staff recommends Easement No. E-1213-73 be accepted and payment be authorized and the filing be directed thereof.

E-1213-73

Parcel No: 22.1
Project No:
J/P No: 29261(04)

UTILITY EASEMENT

Know all men by these presents:

That Cedar Lane, LLC., in consideration of the sum of One Dollar ($1.00), receipt of which is hereby acknowledged, and for other good and valuable considerations, do 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 premises situated in the City of Norman, Cleveland County, Oklahoma, to wit:

A strip, piece, or parcel of land lying in the Northwest Quarter (NW 1/4) of Section 16, Township 8 North, Range 2 West of the Indian Meridian, Cleveland County, Oklahoma. Said parcel of land being more particularly described as follows:

COMMENCING at the Northwest corner of said NW 1/4; THENCE North 89°21'46" East along the North line of said NW 1/4, a distance of 73.63 feet; THENCE South 00°38'14" East a distance of 65.18 feet to the POINT OF BEGINNING; THENCE South 00°18'51" East parallel with the West line of said NW 1/4 a distance of 38.75 feet; THENCE South 89°41'09" West a distance of 14.00 feet; THENCE North 00°18'51" West parallel with the West line of said NW 1/4 a distance of 24.67 feet; THENCE North 44°31'28" East a distance of 19.86 feet to the POINT OF BEGINNING. Containing 443.97 sq. ft. or 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 utility.

UTILITY EASEMENT

To have and to hold the same unto the said city, its successors, and assigns forever.

Signed and delivered this 2nd day of May, 2013.

Cedar Lane, LLC.

Craig D. Bodenhamer — Operations Manager
Title

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 2nd day of MAY, 2013, personally appeared CRAIG D. BODENHAMER, 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 for the uses and purposes therein set forth.

WITNESS my hand and seal the day and year last above written.

My Commission Expires: 2-27-2017 Notary Public:

NOTARY PUBLIC OKLAHOMA OFFICIAL SEAL BOB HAWKINS Commission # 13001942 Expires February 27, 2017

Approved as to form and legality this 31st day of May, 2013.

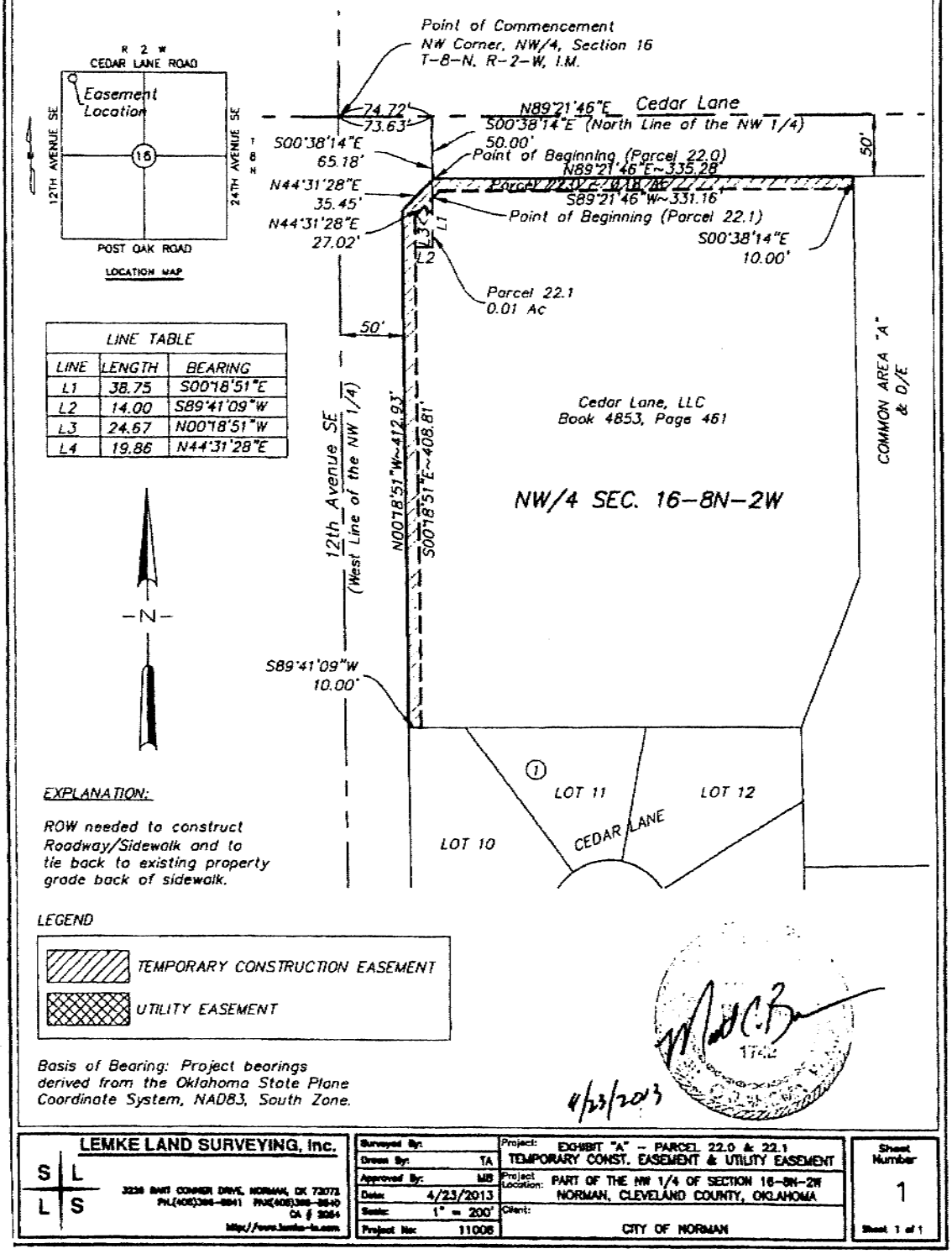
City Attorney

Approved and accepted by the Council of the City of Norman, this _____ day of _____, 20___.

Mayor

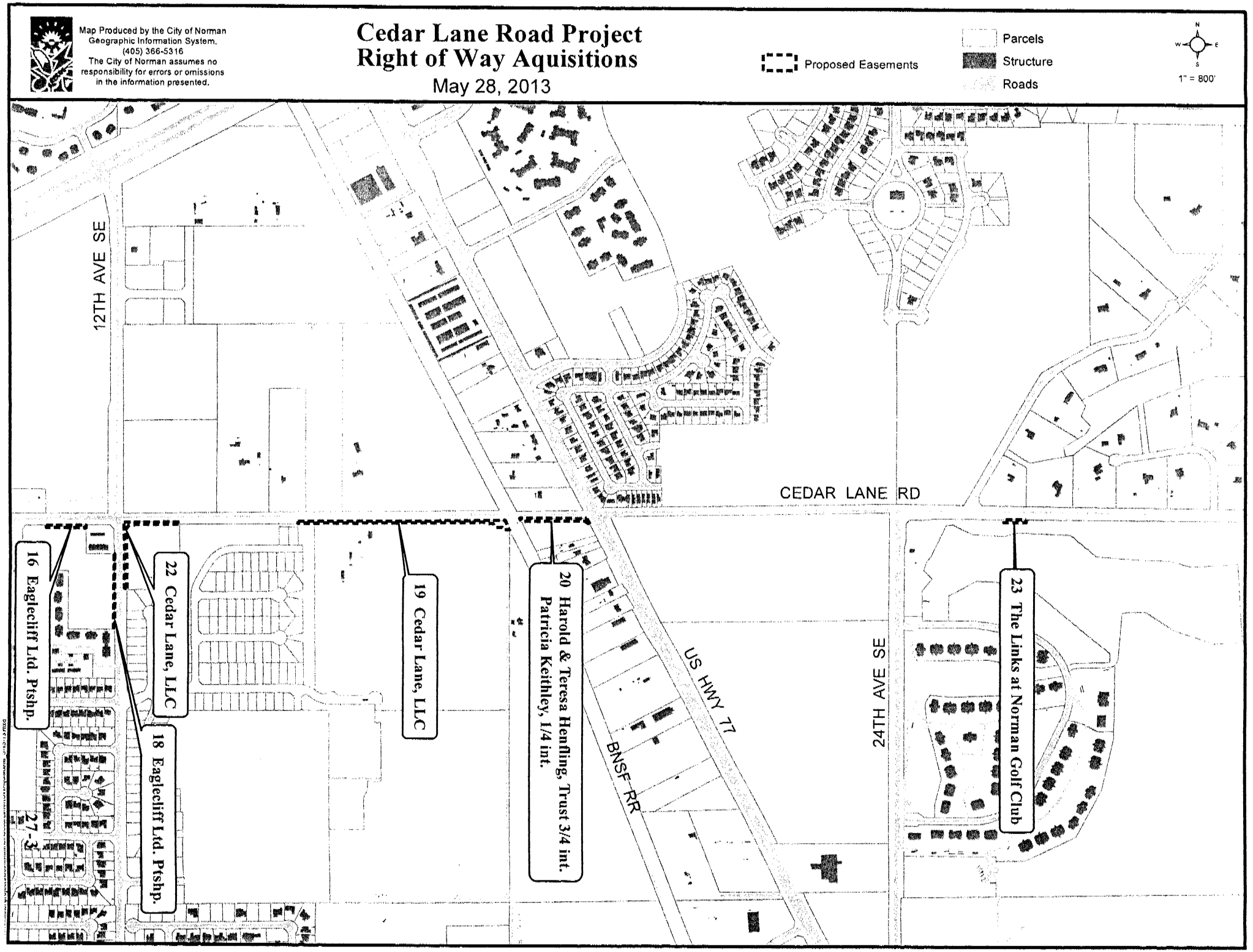
ATTEST:

City Clerk
SEAL:



LEMKE LAND SURVEYING, Inc.

Surveyed By:	
Drawn By:	TA
Approved By:	MB
Date:	4/23/2013
Scale:	1" = 200'
Project No:	11006
Project:	EXHIBIT "A" – PARCEL 22.0 & 22.1 TEMPORARY CONST. EASEMENT & UTILITY EASEMENT
Project Location:	PART OF THE NW 1/4 OF SECTION 16-8N-2W NORMAN, CLEVELAND COUNTY, OKLAHOMA
Client:	CITY OF NORMAN
Sheet Number	1
Sheet 1 of 1	


Map Produced by the City of Norman
Geographic Information System,
(405) 366-5316
The City of Norman assumes no
responsibility for errors or omissions
in the information presented.
Cedar Lane Road Project
Right of Way Aquisitions
May 28, 2013
Proposed Easements
Parcels
Structure
Roads
N
W
E
S
1" = 800'
12TH AVE SE
CEDAR LANE RD
24TH AVE SE
US HWY 77
BNSF RR
16 Eaglecliff Ltd. Ptshp.
22 Cedar Lane, LLC
18 Eaglecliff Ltd. Ptshp.
19 Cedar Lane, LLC
20 Harold & Teresa Henfling, Trust 3/4 int.
Patricia Keithley, 1/4 int.
23 The Links at Norman Golf Club
27-3

Cedar Lane Road Widening Project
Right-of-Way Easement Table

City Council Meeting May 28, 2013

Parcel No.	Easement No.	Grantors	Easement Type	Cost	Comments
1 0	E-1213-26	Astellas Pharma Technologies, Inc	Public Roadway, Drainage & Utilities	$ 7,700 00	0 14 acres Appraised value
1 1	E-1213-27	Astellas Pharma Technologies, Inc	Public Drainage	$ 2,900 00	0 07 acres – Appraised Value Includes damages to sod
9.0	E-1213-45	Heritage Fine Homes, LLC & Anthony K. Mirzaie	Public Roadway, Drainage & Utilities	Donated	0 62 acres
9.1	E-1213-46	Heritage Fine Homes, LLC & Anthony K. Mirzaie	Utility Easement	Donated	0 18 acres
10.0	E-1213-47	Heritage Fine Homes, LLC	Public Roadway, Drainage & Utilities	Donated	0 18 acres
10.1	E-1213-48	Heritage Fine Homes, LLC	Public Roadway, Drainage & Utilities	Donated	0.05 acres
16.0	E-1213-57	Eaglecliff Limited Partnership	Public Roadway, Drainage & Utilities	Donated	0 16 acres
18.0	E-1213-67	Eaglecliff Limited Partnership	Public Roadway, Drainage & Utilities	Donated	0 19 acres
19.0	E-1213-59	Cedar Lane, LLC	Public Roadway, Drainage & Utilities	Donated	0 5554 acres
19.1	E-1213-60	Cedar Lane, LLC	Temporary Construction Easement	Donated	0.25 acres
20.0	E-1213-61	Harold A Henfling & Theresa P. Henfling (3/4 interest), Henfling Living Trust, Patricia Keithley (1/4 interest)	Public Roadway, Drainage & Utilities	$ 127,000.00	0.29 acres – Negotiated Price
21.0	E-1213-68	Heritage Fine Homes, LLC & Anthony K. Mirzaie	Public Roadway, Drainage & Utilities	Donated	1 04 acres
21 1	E-1213-62	Heritage Fine Homes, LLC & Anthony K. Mirzaie	Temporary Construction Easement	Donated	0 02 acres
21.2	E-1213-63	Heritage Fine Homes, LLC & Anthony K. Mirzaie	Temporary Construction Easement	Donated	0.05 acres
22.0	E-1213-64	Cedar Lane, LLC	Temporary Construction Easement	$ 12,500.00	0.18 acres – Appraised Value Includes damages to sod
22.1	E-1213-73	Cedar Lane, LLC	Utility Easement	$ 500.00	0.01 acres – Appraised Value
23.0	E-1213-65	The Links at Norman Golf Club	Temporary Construction Easement	Donated	0.03 acres

PURCHASE REQUISITION NBR: 0000217310

STATUS: DIVISION APPROVAL

REQUISITION BY: PJONES

REASON: CEDAR LANE WIDENING PROJECT-E-1213-73

DATE: 5/16/13

SHIP TO LOCATION: PUB WKS: ENGINEERING

SUGGESTED VENDOR: 11705 CEDAR LANE LLC

DELIVER BY DATE: 6/30/13

1	EASEMENT ACQUISITION-CEDAR LANE PROJECT COMMODITY: ACQUISITIONS SUBCOMMOD: EASEMENTS	500.00	EA	1.0000	500.00

REQUISITION TOTAL: 500.00

A C C O U N T I N F O R M A T I O N

LINE #	ACCOUNT		PROJECT	%	AMOUNT
1	0509079431600_	Capital Projects Land	RP1196 Cedar Ln:12thSE-1/2m 24th	100.00	500.00
					500.00

REQUISITION IS IN THE CURRENT FISCAL YEAR

REQUISITION COMMENTS

E 1213 73 CONTINGENT UPON COUNCIL APPROVAL 6 28 13

City of Norman, OK

Municipal Building Council Chambers
201 West Gray Street
Norman, OK 73069

Master

File Number: GID-1213-130

File ID:	GID-1213-130	**Type:**	Acceptance of Funds	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 28	**In Control:**	City Council
Department:	Fire Department	**Cost:**		**File Created:**	05/02/2013
File Name:	FMAG Reimbursement - Goldsby fire			**Final Action:**	

Title: ACCEPTANCE OF REIMBURSEMENT OF FUNDS IN THE AMOUNT OF $1,802.81 TO THE NORMAN FIRE DEPARTMENT FROM THE CITY OF PURCELL, OKLAHOMA, FOR MUTUAL AID FIRE ASSISTANCE IN FIGHTING A WILD FIRE IN GOLDSBY, OKLAHOMA, ELIGIBLE UNDER THE FIRE MUTUAL AID ASSISTANCE GRANT (FMAG) PROGRAM.

Notes: ACTION NEEDED: Motion to accept or reject reimbursement of funds in the amount of $1,802.81 to the Norman Fire Department from the City of Purcell, Oklahoma, for mutual aid fire assistance in fighting a wild fire in Goldsby, Oklahoma, elibible under the FMAG Program.

.

ACTION TAKEN: _____

Agenda Date: 05/28/2013

Agenda Number: 28

Attachments: Text File Wild Fire Reimbursement, Reimbursement from the City of Purcell

Project Manager: James Fullingim, Fire Chief

Entered by: devra.smith@normanok.gov

Effective Date:

History of Legislative File

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:

Text of Legislative File GID-1213-130

body

Background: In March of 2011, a wildfire occurred in Goldsby, Oklahoma and the Norman Fire Department responded to a mutual aid request as a member of Cleveland County Task Force.

Discussion: During the stated timeframe, the Norman Fire Department responded to a mutual aid call involving a wildfire near Goldsby Oklahoma. The Fire Department utilized equipment and overtime labor to respond. The response was eligible for reimbursement under the Fire Mutual Aid Assistance Grant (FMAG) Program. The reimbursable amount was $1,802.81.

Recommendation: It is recommended that City Council accept reimbursement in the amount of $1,802.81 and receipt funds into the General Fund, Other Agency Reimbursements account (010-0000-366.12-39).

CITY OF PURCELL - PURCELL PUBLIC WORKS AUTHORITY

99-06398 ** NORMAN FIRE DEPARTMENT ** 077986 02/26/2013

DATE	I.D.	PO #	DESCRIPTION	G/L NUMBER	G/L DISTRIBUTION	AMOUNT
02/26/2013	201302263954		DR - 2871 FEMA REIMBURSEMENT			1,802.81

FM-2871

CHECK TOTAL 1,802.81

WLCK8S1118 THE THOMPSON COMPANY 405-321-4000 / FAX 405-321-4339 PRINTED IN U.S.A.

THIS DOCUMENT HAS LINEMARK™ LINES IN THE PAPER • HOLD TO LIGHT TO VIEW.

CITY OF PURCELL
PURCELL PUBLIC WORKS AUTHORITY
230 WEST MAIN
PURCELL, OK 73080-0071

VOID AFTER 90 DAYS

MCLAIN COUNTY NATIONAL BANK
PURCELL, OKLAHOMA
86-1161/1031

BANK	IDENTIFICATION NUMBER	DATE	CHECK NUMBER	NET AMOUNT
AP	VENDOR: 99-06398	02/26/2013	077986	$*****1,802.81

---- ONE THOUSAND EIGHT HUNDRED TWO & 81/100 DOLLARS ----

PAY TO THE ORDER OF
** NORMAN FIRE DEPARTMENT **
ATTN: GRANT DEASON
415 E MAIN
NORMAN, OK 73071

ATTEST: This Warrant, the Authority to Issue, the Availability of Appropriated Funds, and the Mayor's signature are hereby certified.

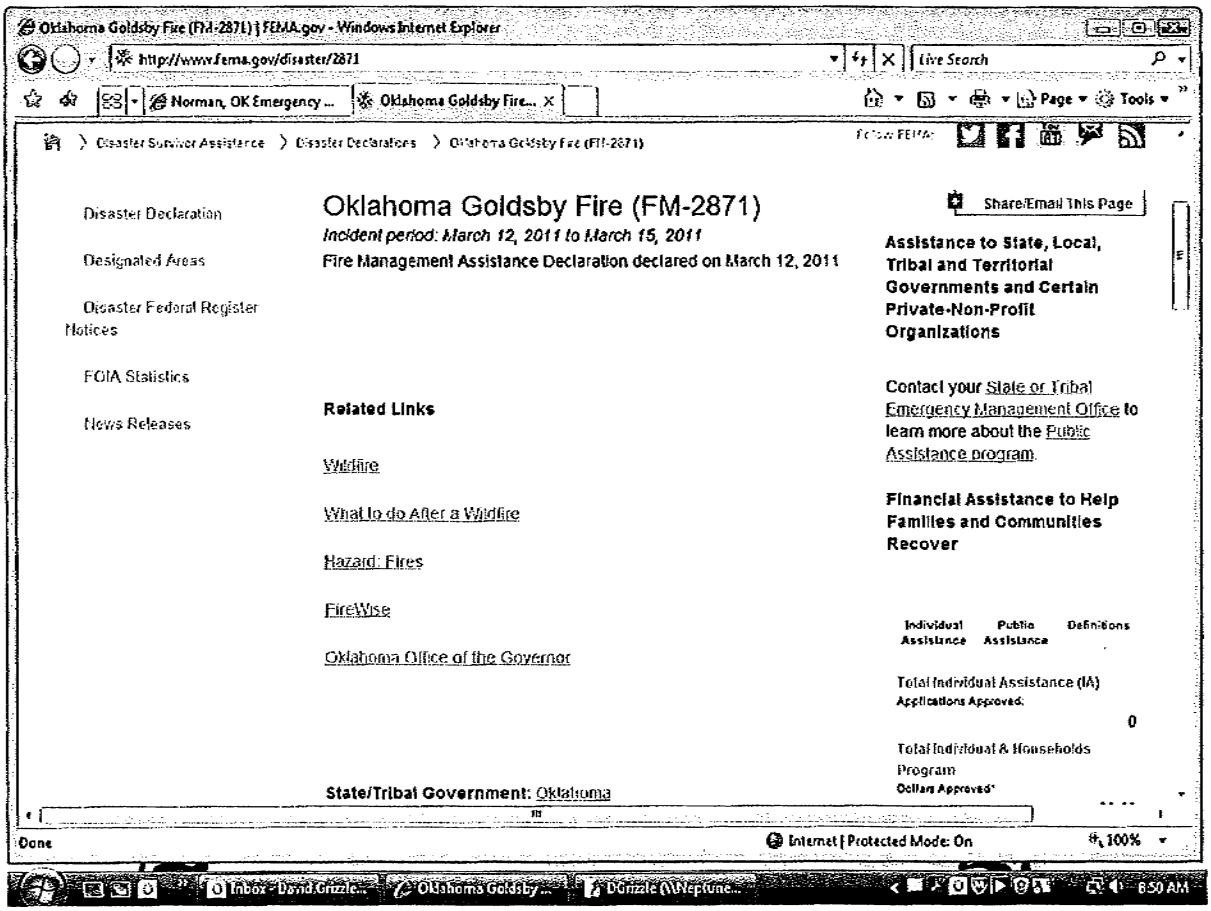
COUNCIL

CLERK / TREASURER

SECURITY FEATURES INCLUDED. DETAILS ON BACK.

W2226915C-06-11

28-1


Oklahoma Goldsby Fire (FM-2871) | FEMA.gov - Windows Internet Explorer
http://www.fema.gov/disaster/2871
Live Search
Norman, OK Emergency ...
Oklahoma Goldsby Fire...
Page
Tools
Disaster Survivor Assistance
Disaster Declarations
Oklahoma Goldsby Fire (FM-2871)
Disaster Declaration
Designated Areas
Disaster Federal Register Notices
FOIA Statistics
News Releases
Oklahoma Goldsby Fire (FM-2871)
Incident period: March 12, 2011 to March 15, 2011
Fire Management Assistance Declaration declared on March 12, 2011
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Related Links
Wildfire
What to do After a Wildfire
Hazard: Fires
FireWise
Oklahoma Office of the Governor
State/Tribal Government: Oklahoma
Assistance to State, Local, Tribal and Territorial Governments and Certain Private-Non-Profit Organizations
Contact your State or Tribal Emergency Management Office to learn more about the Public Assistance program.
Financial Assistance to Help Families and Communities Recover
Individual Assistance
Public Assistance
Definitions
Total Individual Assistance (IA)
Applications Approved:
0
Total Individual & Households Program
Dollars Approved:
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City of Norman, OK

Municipal Building Council Chambers
201 West Gray Street
Norman, OK 73069

Master

File Number: GID-1213-131

File ID:	GID-1213-131	**Type:**	Acceptance of Funds	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 29	**In Control:**	City Council
Department:	Fire Department	**Cost:**		**File Created:**	05/03/2013
File Name:	Donation - JM Williams			**Final Action:**	

Title: CONSIDERATION OF THE ACCEPTANCE OF A DONATION IN THE AMOUNT OF $500 FROM J.M. WILLIAMS REVOCABLE TRUST TO BE USED BY THE FIRE DEPARTMENT AND BUDGET APPROPRIATION.

Notes: ACTION NEEDED: Motion to accept or reject a donation in the amount of $500 from J.M. Williams Revocable Trust to be used by the Fire Department; and if accepted, increase Liabilities Other: Fire Miscellaneous (10-0000-227.24-38) by $500 and appropriate $500 to Fire Suppression, Maintenance and Repair; Plant and Operating Equipment (10-6443-422.42-11).

ACTION TAKEN: _____

Agenda Date: 05/28/2013

Agenda Number: 29

Attachments: Text File Donation

Project Manager: James Fullingim, Fire Chief

Entered by: devra.smith@normanok.gov

Effective Date:

History of Legislative File

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:

Text of Legislative File GID-1213-131

Body

Background: Section 8-111 of the City Code requires that the City Council accept all donations in an amount in excess of $250 received by the City prior to the use or disbursement of same. Therefore, it is requested that Council review and consider the following item for acceptance and use by the Norman Fire Department.

Discussion: The Fire Department has received a donation of $500 from the J.M. Williams Revocable Trust. The money will be deposited into the Fire Miscellaneous liability account and subsequently appropriated into expenditures to be used to make repairs to the "Jaws of Life" extrication/rescue tool at Fire Station 3.

Recommendation: It is recommended that City Council accept the donation of $500 from the J.M. Williams Revocable Trust to be used for repairing the "Jaws of Life" extrication/rescue tool and the money be deposited into Fire Miscellaneous (account 010-0000-227.24-38) and appropriated to Plant and Operating Equipment (account 010-6443-422.42-11).

City of Norman, OK

Municipal Building Council
Chambers
201 West Gray Street
Norman, OK 73069

Master

File Number: SC-1213-10

File ID:	SC-1213-10	**Type:**	Special Claim	**Status:**	Consent Item
Version:	2	**Reference:**	Item No. 30	**In Control:**	City Council
Department:	Legal Department	**Cost:**	$3,896.85	**File Created:**	05/14/2013
File Name:	Claim from Cox Communications-Rotary Park, 1531 West Boyd, Norman, Oklahoma			**Final Action:**	

Title: SPECIAL CLAIM NO. SC-1213-10: A CLAIM IN THE AMOUNT OF $3,896.85 SUBMITTED BY COX COMMUNICATIONS FOR DAMAGES TO A FIBER OPTIC LINE BY PARK MAINTENANCE STAFF IN ROTARY PARK.

Notes: ACTION NEEDED: Motion to approve or reject Special Claim No. SC-1213-10; and, if approved, direct payment in the amount of $3,896.85 contingent upon obtaining a Release and Covenant Not to Sue from Cox Communications.

ACTION TAKEN: _____

Agenda Date: 05/28/2013

Agenda Number: 30

Attachments: Text File Special Claim, Memo from Clerk, Cox Communications Claim Form, Cox Communications Damage Invoice

Project Manager: Jeanne Snider, Assistant City Attorney

Entered by: jayme.rowe@normanok.gov

Effective Date:

History of Legislative File

Ver-sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:

Text of Legislative File SC-1213-10

Body

BACKGROUND: A claim has been filed by Cox Communications for damages to a fiber optic line on April 25, 2012 in the amount of $3,896.85. Cox alleges that City employees were clearing tornado damage at Rotary Park at 1531 West Boyd Street when the bed of a dump truck was elevated and ripped down a span of fiber optic line.

DISCUSSION: This incident was investigated by Bill Ulch, Parks and Recreation Superintendent. According to his investigation, Park Maintenance staff was delivering dirt to Rotary Park for an outside contractor. While dumping the load of dirt, the elevated bed of the truck came into contact with a Cox Communications cable line which was pulled down. At the time of the incident, Parks and Recreation staff contacted Cox Communications and reported the incident.

As indicated above, there appears to be possible negligence on the part of the City in this matter and,

consequently, potential liability on the City. The amount claimed by Cox Communications appears to be reasonable.

RECOMMENDATION: Based upon the above and foregoing, it is the recommendation of the City Attorney's Office that the claim by Cox Communications for damage to their fiber optic line at 1531 West Boyd Street in the amount of $3,896.85, as above set forth, be approved.

office memorandum

DATE: June 22, 2012

TO: Jeff Bryant, City Attorney
Shawn O'Leary, Director of Public Works
Jud Foster, Director of Parks and Recreation

FROM: Brenda Hall, City Clerk

SUBJECT: Claim from Outside Plant Damage Recovery for Cox Communications

I am in receipt of a claim from Outside Plant Damage Recovery for Cox Communications in the amount of $3,896.85 for damages to a fiber optic line due to their claim that the City of Norman was clearing tornado damage at 1531 West Boyd on April 25, 2012, when they elevated the bed of the dump truck ripping down a span of fiber optic line.

Shawn or Jud, I would appreciate your checking with your staff regarding verification of the problem. Please report your findings by written memorandum to me with a copy to Jeff.

Jeff, if it is determined the City has liability in this matter, please signify by writing a report of your recommendations in order that we may schedule this claim as an agenda item.

BH:smr
attachments

CITY OF NORMAN
POST OFFICE BOX 370
NORMAN, OKLAHOMA 73070

NOTICE OF TORT CLAIM

CLAIMANT: Outside Plant Damage Recovery for Cox Communications DATE: 6-2012
ADDRESS: 9984B West Jewell Ave CITY Lakewood
STATE: CO ZIP: 80232 PHONE: (H) 866-227-4112 (W) 720-457-4630
DATE OF INCIDENT: 4/25/12
LOCATION OF INCIDENT: 1531 W Boyd, Norman, OK

STATEMENT OF CIRCUMSTANCES / REASONS YOU BELIEVE CITY IS LIABLE:

City of Norman was clearing tornado damage. Elevated bed of dump truck ripped down span of Cox Communications fiber optic line.

(use additional pages if necessary)

MONETARY STATEMENT: List of expenses claimed for payment:

	$		$ 3,896.85
	$		$
	$		$

TOTAL AMOUNT CLAIMED: $ 3,896.85

NAME AND ADDRESS OF INSURANCE COMPANY: N/A

AGENT:

THIS FORM MUST BE SIGNED AND RETURNED WITH ALL REQUESTED INFORMATION IN ORDER TO BE PROCESSED.

I SWEAR AND/OR AFFIRM THE INFORMATION PROVIDED ABOVE IS TRUE AND CORRECT.

Martha Cook
CLAIMANT'S SIGNATURE

FILED IN THE OFFICE OF THE CITY CLERK ON 6/22/12

Outside Plant Damage Recovery
9984B West Jewell Avenue
Lakewood, CO 80232
Toll Free (866) 727-4100

INVOICE

City of Norman
P.O. Box 370
Norman, OK 73070

Date: 6/12/2012
Claim Number: 25649
Claim Rep: Martha Cook

Address of Damage: 1531 W Boyd
Norman, OK

Date of Damage: 4/25/2012

Locate Ticket No:

CONF/GL Number JC02

Description of Damage: Damaged COX aerial fiber.

Date	Qty	UOM	Type	Description	Unit Cost	Total
4/25/2012	2	HR	Labor	FNT TECH W/TRUCK - OK	$125.90	$251.80
4/25/2012	8	HR	Labor	FIBER TECH W/TRUCK	$105.96	$847.68
4/25/2012	4	HR	Labor	CONSTRUCTION SUPERVISOR W/TRUCK	$150.00	$600.00
4/25/2012	1	EA	Labor	EMERGENCY CALL OUT - OK	$240.00	$240.00
4/25/2012	1	EA	Materials	FIBER ENCLOSURE	$220.50	$220.50
4/25/2012	2	EA	Materials	GROUND BONDING FIBER	$1.03	$2.06
4/25/2012	4	EA	Materials	FIBER TRAY	$38.32	$153.28
4/25/2012	48	EA	Materials	FIBER SLEEVE	$1.89	$90.72
4/25/2012	1	EA	C-Labor	CONTRACT LABOR INVOICED	$888.92	$888.92
4/25/2012	1	HR	Labor	COORDINATOR	$51.00	$51.00
4/25/2012	1	EA	Other	LOSS OF USE AMOUNT	$49.00	$49.00
4/25/2012	1	EA	Other	ADMIN FEE - 15%	$501.89	$501.89
Balance Due:						**$3,896.85**

For Questions Contact: Martha Cook
Office: (720) 457-4630
Fax: (303) 736-4185
Email: mcook@paragonrmg.com

Mail Payment to:
9984B West Jewell Avenue
Lakewood, CO 80232

Or go to www.paragonrmg.com
to make a payment using your credit card.

To insure proper credit, please write the claim # shown above on your check or money order and make payable to Outside Plant Damage Recovery

Contact your homeowner/business/auto liability insurance for coverage.

Outside Plant Damage Recovery is an agent for COX

City of Norman, OK

Municipal Building Council
Chambers
201 West Gray Street
Norman, OK 73069

Master

File Number: K-0910-34 FINAL

File ID:	K-0910-34 FINAL	**Type:**	Contract	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 31	**In Control:**	City Council
Department:	Utilities Department	**Cost:**		**File Created:**	05/16/2013
File Name:	final acceptance Lift Station D Project			**Final Action:**	

Title: CONSIDERATION OF FINAL ACCEPTANCE AND FINAL PAYMENT OF CONTRACT NO. K-0910-34 BY AND BETWEEN THE NORMAN UTILITIES AUTHORITY AND WALTERS-MORGAN CONSTRUCTION, INC. FOR THE LIFT STATION D REHABILITATION PROJECT.

Notes: ACTION NEEDED: Acting as the Norman Utilities Authority, motion to accept or reject the project; and, if accepted, direct final payment in the amount of $10,000 to Walters Morgan Construction, Inc.

ACTION TAKEN: _____

Agenda Date: 05/28/2013

Agenda Number: 31

Attachments: Text File Final Acceptance, PO Walters Morgan

Project Manager: Mark Daniels, Utilities Engineer

Entered by: mark.daniels@normanok.gov

Effective Date:

History of Legislative File

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:

Text of Legislative File K-0910-34 FINAL

Body

BACKGROUND: On January 22, 2008, the Norman Utilities Authority (NUA) approved Resolution R-0708-78 directing staff to implement an interim sewer solution for northern Norman, meeting the needs identified in the Wastewater Master Plan (WWMP) but delaying construction of a second wastewater treatment plant (WWTP). A new system of sewer interceptors has been constructed to convey wastewater to a rehabilitated Lift Station D that provides a pumping capacity of 6 million gallons per day (MGD) for delivery into the Bishop Creek sewer basin and the Water Reclamation Facility (WRF).

On February 26, 2008, the NUA approved Contract K-0708-111 with HDR authorizing completion of the preliminary design, final design, and bidding phases for Lift Station D Rehabilitation project. On April 28, 2009, the NUA approved Amendment No. 1 to the contract authorizing HDR to proceed with construction phase services for the project.

This project qualified for American Recovery and Reinvestment Act (ARRA or "Federal Stimulus") funding. On April 14, 2009, the NUA authorized submission of a Clean Water State Revolving Fund (CWSRF) loan application to the Oklahoma Water Resources Board (OWRB). As a part of the CWSRF loan process, 20% of

the loan amount will be forgiven up to a maximum of $2 million. The CWSRF loan application was submitted on May 8, 2009 and the OWRB approved our loan application for $7,640,000 on June 9, 2009.

On August 25, 2009, the NUA approved Contract K-0910-34 with Walters-Morgan Construction Inc. of Manhattan, Kansas for $5,840,000 with a contract time of 548 calendar days. Construction began September 28, 2009 and was scheduled for completion on March 30, 2011.

On February 22, 2011, the NUA approved Change Order No. 1 increasing the contract amount by $65,185.28 to $5,905,185.28 and extending the contract time by 54 calendar days to May 23, 2011. On May 25, 2012, the City Manager approved Change Order No. 2 increasing the contract amount by $22,325.68 to $5,927,510.96 and extending the contract time by 93 calendar days to August 24, 2011. This was the final change order for the project. The two change orders combined are equivalent to an overall cost increase of 1.5% of the original contract amount.

DISCUSSION: The project consisted of rehabilitation of the existing wetwell/drywell structure, new influent screens, screening conveyors and washers, two 2.25 MGD variable speed pumps, one 6 MGD variable speed pump, excess flow pumping into two concrete equalization basins totaling 4.8 million gallons (MG), yard piping, an emergency generator, and associated HVAC, electrical, instrumentation improvements. The project was substantially complete and operable on August 24, 2011. Since that time, Walters-Morgan Construction Inc. has continued to correct minor deficiencies contained on the final punch list. The Lift Station D Rehabilitation project is complete and operable in accordance with the approved plans and specifications.

The final contract amount is $5,927,510.96. To date, the contractor has been paid $5,917,510.96. Staff and HDR recommend final acceptance of the improvements effective the contract end date of August 24, 2011 and authorization to make final payment of $10,000 to Walters-Morgan Construction, Inc. The consultant's recommendation letter utilizing the OWRB preferred form is attached.

RECOMMENDATION: Recommend the NUA approve acceptance of Lift Station D Rehabilitation project and authorization to make final payment in the amount of $10,000 to Walters-Morgan Construction, Inc.

PURCHASE ORDER

PAGE: 1

The City of NORMAN

INVOICE TO:
City of Norman
P W - UTILITIES DIRECTOR
201-C WEST GRAY STREET
NORMAN, OK 73069

P.O. #: 178415
DATE: 09/25/09

VENDOR #
9307

WALTERS MORGAN CONSTRUCTION IN
2616 TUTTLE CREEK BLVD
MANHATTAN, KS 66502

SHIP TO:
City of Norman
P W - UTILITIES DIRECTOR
201-C WEST GRAY STREET
NORMAN, OK 73069

DELIVER BY:	SHIP VIA:	F.O.B.	TERMS
09/30/09	BEST WAY	DESTINATION	NET

CONFIRM BY

FREIGHT

ACCOUNT NO.	REQUISITIONED BY	REQ. NO.	REQ. DATE
32293824326101	WEBB G	160896	08/17/09

LINE#	QUANTITY	UOM	ITEM NO. AND DESCRIPTION	UNIT COST	EXTENDED COST
1	5840000.00	DOL	LIFT STATION D REHABILITATION PROJECT	1.0000	5840000.00

SUB-TOTAL	5840000.00
TOTAL	5840000.00

Change Order No. 1	Approved by NUA 02/22/11	$65,185.28
Change Order No. 2	Approved by City Manager 05/25/12	$22,325.68
	revised total with change orders =	$5,927,510.96
	less payments to vendors =	$2,897,438.79
	less payments to contractor =	$3,020,072.17
	final payment to contractor =	$10,000.00

]

City of Norman, OK

Municipal Building Council Chambers
201 West Gray Street
Norman, OK 73069

Master

File Number: K-1112-129 Chg #1

File ID:	K-1112-129 Chg #1	**Type:**	Contract	**Status:**	ATS Paused
Version:	1	**Reference:**		**In Control:**	City Council
Department:	Utilities Department	**Cost:**	$26,653.30	**File Created:**	05/17/2013
File Name:	K-1112-129 Change Order #1			**Final Action:**	

Title: CHANGE ORDER ONE TO CONTRACT K-1112-129: BY AND BETWEEN THE NORMAN UTILITIES AUTHORITY AND CENTRAL CONTRACTING SERVICES, INC., INCREASING THE CONTRACT AMOUNT BY $26,653.30 FOR THE HALL PARK WATER LINE PROJECT AND THE HALL PARK GREENBELT DRAINAGE PROJECT, FINAL ACCEPTANCE OF THE PROJECT, AND BUDGET APPROPRIATION.

Notes: ACTION NEEDED: Acting as the Norman Utilities Authority, motion to approve or reject Change Order No. One to Contract No. K-1112-129 with Central Contracting Services, Inc., increasing the contract amount by $26,653.30; and, if approved, authorize the execution thereof, accept the project, transfer $1,953 from Project No. WA0149, Hall Park Water Line Replacement, Land (031-9683-462.60-01) to Construction (031-9683-462.61-01), and direct final payment in the amount of $31,528.72 to Central Contracting Services, Inc.

ACTION TAKEN: _____

Agenda Date: 05/28/2013

Agenda Number:

Attachments: Change Order Central, Hall Park Waterline PO Final

Project Manager: Mark Daniels, Utlities Engineer

Entered by: Ellen.Usry@mccinnovations.com

Effective Date:

History of Legislative File

Ver-sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:

Text of Legislative File K-1112-129 Chg #1

Body

BACKGROUND: The Hall Park Waterline Replacement project (WA0149) will replace dilapidated 4-inch and 6-inch ductile iron water line and construct a new water line in the greenbelt to loop dead-end water lines on five cul-de-sacs in the area. The project area is generally along and west of 24th Avenue NE and south of Creighton Drive. The project will install approximately 3,100 linear feet (LF) of 6-inch; 2,100 LF of 8-inch; and 880 LF of 12-inch water line in the project area including fire hydrants, gate valves, and household meters. Additionally, public streets and private sidewalks and driveways will be replaced or repaired.

In conjunction with funding provided by the Department of Parks and Recreation, approximately 1,800 LF of drainage swale/trail will be removed and replaced within the green belt south of Creighton between 24th Avenue NE and Montclair Circle.

On August 25, 2009, the Norman Utilities Authority (NUA) approved Contract K-0910-54 with Garver LLC (Garver) and Contract K-0910-55 with Lemke Land Surveying, Inc. (Lemke) to perform on-call design and surveying services, respectively. Lemke provided surveying services while Garver provided preliminary design, final design, bidding, and construction management services.

The Oklahoma Department of Environmental Quality (ODEQ) approved the design plans on November 16, 2010 and the NUA noted receipt of ODEQ Permit WL000014100746 on December 14, 2010.

The advertisement for bids was published in April 2012 and bids were received from four contractors on May 24, 2012. The bidding documents included a base bid for the water line improvements (WA0149) and an alternate bid to include the greenbelt drainage swale improvements (PR0124). Central Contracting Services, Incorporated (Central Contracting) was the low bidder at $452,964 for the base bid and $524,273 for the base bid plus alternates. On June 12, 2012, the NUA approved Contract K-1112-129 with Central Contracting of Norman, Oklahoma.

The contract time began July 23, 2012 with final completion required within 240 calendar days or by March 20, 2013. All waterlines were placed into service and the drainage swale was complete by March 20, 2013.

DISCUSSION: During the construction period, two additions to the project scope occurred as identified in items 1 and 2 below. Additionally, the final adjustment of quantities is included in the change order. Final Change Order Number 1 will incorporate the following changes:

1) Compensate Central Contracting for installing an additional 289 feet of 12-inch waterline and fittings along 24th Avenue NE between Lindenwood and Cottonwood at a cost of $16,665 as directed by staff;

2) Compensate Central Contracting for installing ADA-compliant sidewalks and ramps at six (6) corners along 24th Avenue NE at a cost of $11,360 as directed by staff; and

3) Reconcile the estimated bid quantities to as-built quantities resulting in a deduction of $1,371.70.

The change order will not increase the contract time and will increase the overall contract amount by $26,653.30 to a revised total of $550,926.30; this is an increase of 5.1% for the project. The unit prices for the ADA compliant sidewalks and detectable warning surface were not included in the original scope of this project; as such, Central Contracting agreed to utilize the unit price of these items from the FYE2012 Citywide Sidewalk Construction Project as reflected in the change order. As noted above and shown in the attached change order, the quantities for several unit price bid items will also be adjusted.

As shown on the change order, the Water Fund (project WA0149) will fund $24,562.30 and the Capital Fund (project PR0124) will fund $2,091 of the change order amount. The Fiscal Year Ending 2013 budget for Hall Park Water Line Replacement (WA0149) contains unencumbered funds totaling $22,610 in Construction (account 031-9683-462.61-01). To fully fund the Water Fund portion of this change order, $1,953 is requested to be transferred from the Land account (031-9683-462.60-01) in the same project. The Fiscal Year Ending 2013 Capital Fund budget for Trails: Hall Park Greenbelt (PR0124) contains unencumbered funds totaling $38,801 in Construction (account 50-9985-452.61-01) to fund the parks portion of this change order.

Sodding and other cleanup work has been proceeding since construction was completed on March 20, 2013. All work is now complete and acceptable to both the Department of Utilities and the Department of Parks and Recreation. Staff recommends approval of Final Change Order 1, acceptance of the project and authorization to make final payment of $31,528.72 to the contractor.

RECOMMENDATION: Staff recommends transfer of $1,953 from Land (account 031-9683-462.60-01) to Construction (account 031-9683-462.61-01). Staff further recommends the NUA approve Change Order 1 to Contract K-1112-129 with Central Contracting Services, Inc. increasing the contract amount by $26,653.30 to $550,926.30. Staff also recommends that the NUA accept the Hall Park Water Line Replacement Project and authorize final payment in the amount of $31,528.72 to the contractor.

CHANGE ORDER SUMMARY
NORMAN UTILITIES AUTHORITY
CITY OF NORMAN
CLEVELAND COUNTY, OKLAHOMA

DATE: May 15, 2013

CHANGE ORDER NO.: 1 (Final)

CONTRACT NO.: Contract K-1112-129

PROJECT: Hall Park Waterline Replacement

CONTRACTOR: Central Contracting Services, Inc.
17301 S. Sunny Lane
Norman, OK 73071

	Contract Time	Contract Amount
ORIGINAL:	240 calendar days	$524,273.00
PREVIOUS CHANGE ORDERS:	0 calendar days	$0.00
THIS CHANGE ORDER:	0 calendar days	$26,653.30
REVISED AMOUNT:	240 calendar days	$550,926.30

ORIGINAL START DATE: July 23, 2012

ORIGINAL COMPLETION DATE: March 20, 2013

PREVIOUS COMPLETION DATE: March 20, 2013

NEW COMPLETION DATE: March 20, 2013

DESCRIPTION:	$ Increase	$ Decrease
Extend 12-inch waterline by 289 feet along 24th Avenue NE from Lindenwood to Cottonwood.	$16,665.00	
Install ADA compliant sidewalks and ramps at six (6) corners along 24th Avenue NE	$11,360.00	
Reconcile as-bid to as-built quantities as detailed on Attachment 1		-$1,371.70

SUBMITTED BY CONTRACTOR: Central Contracting Services, Inc. Date: 05-15-13

RECOMMENDED BY CONSULTING ENGINEER: Mark Daniels, Utilities Engineer Date: 05-15-13

APPROVED AS TO FORM AND LEGALITY: City Attorney Date: 5/22/13

ACCEPTED BY NORMAN UTILITIES AUTHORITY: Chairman Date: _____

Attachment 1

Item	Item Description	Unit	Original Contract Qty.	Unit Price	Cost	Final Quantities Qty.	Unit Price	Cost	Final Change Order Qty.	Cost
1	OPEN CUT 6-INCH PVC PIPE	LF	3,100	$20	$62,000	3,052	$20	$61,040.00	-48	-$960.00
2	OPEN CUT 8-INCH PVC PIPE	LF	2,100	$25	$52,500	2,077	$25	$51,925.00	-23	-$575.00
3	OPEN CUT 12-INCH PVC PIPE	LF	800	$35	$28,000	1,089	$35	$38,115.00	289	$10,115.00
4	BORING 12-INCH PIPE WITH CASING	LF	80	$255	$20,400	89	$255	$22,695.00	9	$2,295.00
5	6-INCH GATE VALVE	EA	14	$1,000	$14,000	15	$1,000	$15,000.00	1	$1,000.00
6	8-INCH GATE VALVE	EA	6	$1,400	$8,400	7	$1,400	$9,800.00	1	$1,400.00
7	12-INCH GATE VALVE	EA	7	$2,250	$15,750	7	$2,250	$15,750.00	0	$0.00
8	AIR RELIEF VALVE & VAULT	EA	1	$3,000	$3,000	2	$3,000	$6,000.00	1	$3,000.00
9	6-INCH TAPPING VALVE	EA	1	$1,000	$1,000	1	$1,000	$1,000.00	0	$0.00
10	12-INCH TAPPING VALVE	EA	1	$2,500	$2,500	1	$2,500	$2,500.00	0	$0.00
11	12" X 16" TAPPING SLEEVE	EA	1	$2,500	$2,500	1	$2,500	$2,500.00	0	$0.00
12	6" X 16" TAPPING SLEEVE	EA	1	$2,000	$2,000	1	$2,000	$2,000.00	0	$0.00
13	6-INCH 11-1/4° BEND	EA	12	$400	$4,800	17	$400	$6,800.00	5	$2,000.00
14	6-INCH 22-1/2° BEND	EA	23	$400	$9,200	33	$400	$13,200.00	10	$4,000.00
15	6-INCH 45° BEND	EA	21	$400	$8,400	11	$400	$4,400.00	-10	-$4,000.00
16	6-INCH 90° BEND	EA	1	$400	$400	1	$400	$400.00	0	$0.00
17	8-INCH 11-1/4° BEND	EA	6	$400	$2,400	6	$400	$2,400.00	0	$0.00
18	8-INCH 22 -1/2° BEND	EA	12	$425	$5,100	12	$425	$5,100.00	0	$0.00
19	8-INCH 45° BEND	EA	4	$425	$1,700	4	$425	$1,700.00	0	$0.00
20	12-INCH 11-1/4° BEND	EA	2	$500	$1,000	2	$500	$1,000.00	0	$0.00
21	12-INCH 45° BEND	EA	2	$500	$1,000	10	$500	$5,000.00	8	$4,000.00
22	6" X 8" CROSS	EA	1	$600	$600	1	$600	$600.00	0	$0.00
23	6" X 12" CROSS	EA	1	$800	$800	2	$800	$1,600.00	1	$800.00
24	6" X 6" TEE	EA	13	$400	$5,200	13	$400	$5,200.00	0	$0.00
25	6" X 8" TEE	EA	5	$450	$2,250	5	$450	$2,250.00	0	$0.00
26	6" X 12" TEE	EA	3	$600	$1,800	4	$600	$2,400.00	1	$600.00
27	6" X 12" REDUCER	EA	1	$400	$400	1	$400	$400.00	0	$0.00
28	8" X 12" TEE	EA	2	$800	$1,600	3	$800	$2,400.00	1	$800.00
29	12" X 12" CROSS	EA	1	$900	$900	1	$900	$900.00	0	$0.00
30	FIRE HYDRANT ASSEMBLY	EA	12	$3,400	$40,800	12	$3,400	$40,800.00	0	$0.00
31	METER INSTALLATION	EA	60	$100	$6,000	61	$100	$6,100.00	1	$100.00
32	METER BOX	EA	27	$150	$4,050	28	$150	$4,200.00	1	$150.00
33	SINGLE SHORT SERVICE	EA	28	$600	$16,800	29	$600	$17,400.00	1	$600.00
34	SINGLE LONG SERVICE	EA	3	$750	$2,250	3	$750	$2,250.00	0	$0.00
35	DOUBLE SHORT SERVICE	EA	4	$750	$3,000	4	$750	$3,000.00	0	$0.00
36	DOUBLE LONG SERVICE	EA	11	$850	$9,350	11	$850	$9,350.00	0	$0.00
37	SIDEWALK REPAIR	SY	130	$40	$5,200	213	$40	$8,516.00	83	$3,316.00
38	DRIVEWAY REPAIR	SY	171	$55	$9,405	228	$55	$12,515.30	57	$3,110.30
39	STREET REPAIR	SY	66	$55	$3,630	66	$55	$3,641.00	0	$11.00
40	CURB AND GUTTER REPAIR	LF	73	$35	$2,555	73	$35	$2,555.00	0	$0.00
41	SLAB SODDING	SY	9,612	$2	$19,224	2,222	$2	$4,444.00	-7,390	-$14,780.00
42	PLUG WATERLINE	EA	10	$150	$1,500	10	$150	$1,500.00	0	$0.00
43	DRAINAGE CHANNEL	SY	475	$48	$22,800	475	$48	$22,800.00	0	$0.00
44	DRAINAGE CHANNEL REPAIR	SY	9	$100	$900	0	$100	$0.00	-9	-$900.00
45	AGGREGATE BASE	TONS	476	$25	$11,900	476	$25	$11,900.00	0	$0.00
46	PRESSURE TESTING	LS	1	$2,000	$2,000	1	$2,000	$2,000.00	0	$0.00
47	DISINFECTION	LS	1	$2,000	$2,000	1	$2,000	$2,000.00	0	$0.00
48	CONSTRUCTION STAKING	LS	1	$6,000	$6,000	1	$6,000	$6,000.00	0	$0.00
49	TRAFFIC CONTROL	LS	1	$4,500	$4,500	1	$4,500	$4,500.00	0	$0.00
50	MOBILIZATION	LS	1	$10,000	$10,000	1	$10,000	$10,000.00	0	$0.00
51	REPAIR AREA INLET	LS	1	$2,500	$2,500	1	$2,500	$2,500.00	0	$0.00
52	REMOVE DCV VAULT	LS	1	$1,000	$1,000	1	$1,000	$1,000.00	0	$0.00
53	EROSION CONTROL	LS	1	$3,000	$3,000	1	$3,000	$3,000.00	0	$0.00
54	TRENCH SAFETY	LS	1	$3,000	$3,000	1	$3,000	$3,000.00	0	$0.00
New*	ADA Sidewalk Ramps	SY	0	$80	$0	88	$80	$7,040.00	88	$7,040.00
New*	ADA Detectable Warning Surface	SF	0	$30	$0	48	$30	$1,440.00	48	$1,440.00
Total Base Bid					$452,964			$477,526.30		$24,562.30
Add Alternate Bid, Drainage Channel										
A1	DRAINAGE CHANNEL "A"	SY	493	$51	$25,143	493	$51	$25,143.00	0	$0.00
A2	DRAINAGE CHANNEL "B"	SY	416	$51	$21,216	416	$51	$21,216.00	0	$0.00
A3	OTHER DRAINAGE CHANNEL	SY	450	$51	$22,950	491	$51	$25,041.00	41	$2,091.00
A4	EROSION CONTROL	LS	1	$2,000	$2,000	1	$2,000	$2,000.00		$0.00
Total Alternate Bid					$71,309			$73,400.00		$2,091.00
Total Base Bid + Alternate Bid					$524,273			$550,926.30		$26,653.30

* Unit prices for ADA Sidewalk Ramp and Detectible Warning Surface taken from Contract K-1011-174, FYE2012 Citywide Sidewalk Reconstruction Projects.
Contractor agrees that the above changes to unit quantites are final and that no additional claims will be considered by the NUA.

The City of **NORMAN**

INVOICE TO:
City of Norman
P W - UTILITIES DIRECTOR
201-C WEST GRAY STREET
NORMAN, OK 73069

P.O. #: 218169
DATE: 06/27/12
CHANGE #:
DATE CHG: 10/16/

VENDOR #
2892

CENTRAL CONTRACTING SERVICES
C/O DALE TIPTON
17301 S SUNNYLANE
NORMAN, OK 73071

SHIP TO:
City of Norman
P W - UTILITIES DIRECTOR
201-C WEST GRAY STREET
NORMAN, OK 73069

DELIVER BY:	SHIP VIA:	F.O.B.	TERMS
06/30/12	BEST WAY	DESTINATION	NET

CONFIRM BY
DALE - CELL 370-1621
ACCOUNT NO.
SEE BELOW

FREIGHT

REQUISITIONED BY

REQ. NO.

REQ. DATE

LINE#	QUANTITY	UOM	ITEM NO. AND DESCRIPTION	UNIT COST	EXTENDED COST
			********** CHANGE ORDER **********		
1	321147.62	DOL	HALL PARK WATER LINE REPLACEMENT CONSTRUCTION	1.0000	321147.62
2	71309.00	DOL	HALL PARK GREENBELT DRAINAGE IMPROVEMENT	1.0000	71309.00

SUB-TOTAL 392456.62

TOTAL 392456.62

Original

Hall Park Waterline Replacement (WA0149) = $452,964.00
Hall Park Greenbelt Drainage Improvement (PR0124) = $71,309.00
$524,273.00

CO#1 Contingent on NUA approval 05/28/13

Hall Park Waterline Replacement (WA0149) + $24,562.30
Hall Park Greenbelt Drainage Improvement (PR0124) + $2,091.00
change order total = $26,653.30

Revised Totals

Hall Park Waterline Replacement (WA0149) = $477,526.30
Hall Park Greenbelt Drainage Improvement (PR0124) = $73,400.00
revised total with change orders $550,926.30

Payments to Vendors to Date = $131,816.38
Payments to Contractor to Date = $387,581.20
Final Payment to Contractor = $31,528.72

City of Norman, OK

Municipal Building Council
Chambers
201 West Gray Street
Norman, OK 73069

Master

File Number: K-1213-193

File ID:	K-1213-193	**Type:**	Contract	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 33	**In Control:**	City Council
Department:	Planning and Community Development Department	**Cost:**	$55,263.00	**File Created:**	05/03/2013
File Name:	Contract No. K-1213-193 with Norman Affordable Housing Corporation			**Final Action:**	

Title: CONTRACT NO. K-1213-193: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND NORMAN AFFORDABLE HOUSING CORPORATION, IN THE AMOUNT OF $55,263 ACTING AS A COMMUNITY HOUSING DEVELOPMENT ORGANIZATION (CHDO) AS AGREED UPON UNDER THE 39TH YEAR CDBG PROGRAM AND THE HOME INVESTMENT PARTNERSHIPS PROGRAM.

Notes: ACTION NEEDED: Motion to approve or reject Contract No. K-1213-193 with Norman Affordable Housing Corporation in the amount of $55,263; and, if approved, authorize the execution thereof.

ACTION TAKEN: _____

Agenda Date: 05/28/2013

Agenda Number: 33

Attachments: Text File K-1213-193, K-1213-193, PR Affordable

Project Manager: Linda Price, Revitalization Manager

Entered by: linda.price@normanok.gov **Effective Date:**

History of Legislative File

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:

Text of Legislative File K-1213-193

Body

BACKGROUND: As a part of the Consolidated Planning process which provides funding from the U.S. Department of Housing & Urban Development for the Community Development Block Grant and HOME Investment Partnership Programs, federal regulations require that fifteen percent (15%) of the HOME funds be set aside for activities by Community Housing Development Organizations (CHDO). The CHDO must have the provision in the organization's charter, articles of incorporation, by-laws, or resolutions to provide decent housing that is affordable to low and moderate income persons. Additionally the organization must have a tax exemption ruling form the Internal Revenue Service (IRS) under Section 501(c) of the Internal Revenue Code of 1986, evidenced by a 501(c) certificate form the IRS. On October 23, 2001, City Council approved Resolution No. R-0102-45 that designated Norman Affordable Housing Corporation (NAHC) as the approved CHDO in Norman.

DISCUSSION: A total of $55,263 was included in the FYE 2013 budget of the HOME grant for CHDO activities that was approved by the City Council in April of 2012. NAHC has requested the funds to use in the development of affordable housing. Due to changes in federal regulations in regard to the structure of CHDOs, staff has been working with the U.S. Department of Housing & Urban Development and the Norman Affordable Housing Corporation to insure that NAHC meets the standards in the new regulations to continue as a CHDO. That determination was made on May 1, 2013 by HUD, thereby allowing the City to pursue the contract and obligate the funds to NAHC.

RECOMMENDATION: Staff recommends approval of contract K-1213-193 with Norman Affordable Housing Corporation in the amount of $55,263. Funds for this project are available in CHDO Activity (account 021-4076-463.47-98).

Contract No. K-1213-193

This Agreement, made and entered into this, **28th day of May, 2013** by and between the **City of Norman, Oklahoma**, a municipal corporation, hereinafter referred to as "City" and **Norman Affordable Housing Corporation**, hereinafter referred to as "Agency."

WHEREAS, the City has received grant funds from the U.S. Department of Housing and Urban Development in conjunction with the HOME Investment Partnerships Program under Grant Number M-12-MC-40-0204, a portion of which are to be distributed to Agency for the uses provided herein;

For and in consideration of the activities agreed to be performed herein, by Agency, City agrees to distribute to Agency as its portion of the funds received, the total sum of $55,263.00. Said funds to be distributed by City to Agency pursuant to the terms and conditions of Grant Number M-12-MC-40-0204 by and between the U.S. Department of Housing and Urban Development and the City for the funding period not to exceed three (3) years from date of contract.

As further consideration for the disbursement of said funds by City to Agency, Agency agrees to abide by all the terms and conditions of the HOME Investment Partnership Program and the OMB Circular A-122 entitled Cost Principles for Non-Profit Organizations to use funds distributed pursuant to this contract to improve the quality of services to program participants. Particular attention should be paid to purchasing and record-keeping requirements.

It is further understood by and between the parties hereto that all the provisions of the HOME Investment Partnership Program Contract described above are incorporated herein by reference and made a part of this contract and specifically that all provisions regarding modification, termination, and/or suspension of said HOME Investment Partnership Program Contract are applicable hereto.

Budget

CHDO		$55,263
	Total Budget	$55,263

General Provisions -- Records & Reports:

Agency shall maintain financial records documenting actual expenditures related to HOME activities performed under this contract. Records must also be maintained by Agency documenting all activities required under this contract. These records shall be kept for a period of five (5) years after completion of this Contract.

Agency will make all records available for inspection by the City of Norman Community Development Division for monitoring purposes.

Agency shall ensure recognition of the role of the grantor Agency in providing services through this contract. All activities, facilities and items utilized pursuant to this contract shall be prominently labeled as to funding source. In addition, Agency will include a reference to the support provided herein in all publications made possible with funds made available under this contract.

Program Income:

Program income generated by Agency from the use of City of Norman HOME funds shall be recorded. Agency may retain program income and expend it only on those activities noted in this contract. Any program income on hand when this contract expires, or received after the contract expiration, shall be paid to the City of Norman; or if a subsequent contract is executed, shall be applied to the terms of the subsequent contract. (In accordance with 24 CFR 570.504(c).)

Uniform Administrative Requirement:

Agency shall carry out all activities in compliance with all Federal laws and regulations described in Sub-part & of 24 CPR Part 560 except 570.604. Agency does not assume responsibility of 24 CFR Part 52.

Suspension and Termination:

In accordance with 24 CFR 85.43, suspension or termination may occur if Agency materially fails to comply with any term of the award, and the award may be terminated for convenience in accordance with 24 CFR 85.44.

Reversion of Assets:

Upon expiration of this contract Agency shall transfer to the City of Norman any HOME funds on hand at the time of expiration and any accounts receivable attributable to the use of City of Norman HOME funds. Any real property under Agency control that was acquired or improved in whole or in part with City of Norman HOME funds in excess of $25,000 must either:

> *"Be used to meet one of the national objectives in 570.208 until five years after expiration of this contract; or disposed of in a manner that results in the City of Norman being reimbursed in the amount of the current fair market value of the property less any portion of the value attributable to expenditures of non-City of Norman HOME funds for acquisition of or improvements to, the property. (Reimbursement is not required five years front date of expiration of this contract.)"*

Payment:

Agency agrees to submit an invoice which reflects the direct costs under this Contract. The City will make payments from these invoices. Each invoice in excess of $12,500 must be accompanied by a notarized affidavit provided by the City. The City will provide to Agency invoices to be used with payment requests.

This contract made and entered into by and between the parties the day and year first above written and shall be binding upon the successors and assigns thereof.

Norman Affordable Housing Corporation

X _____
President

Attest:

_____
Secretary

Subscribed and sworn to before me this 8 day of May, 2013.

KATHRYN JORDAN NOTARY PUBLIC 12004352 EXP 5/2/16 STATE OF OKLAHOMA

_____
Notary Public

My Commission expires: 5/2/2016

The City of Norman, Oklahoma

_____
Cindy Rosenthal, Mayor

Attest:

_____
Brenda Hall, City Clerk

Approved as to form and legality this 16th day of May, 2013.

_____
City Attorney's Office

PURCHASE REQUISITION NBR: 0000216587

STATUS: ALL ITEMS ON ORDER

REQUISITION BY: JMCCART REASON: AFFORDABLE HOUSING DATE: 5/06/13

SHIP TO LOCATION: COMMUNITY DEVELOPMENT SUGGESTED VENDOR: 4335 NORMAN AFFORDABLE HOUSING DELIVER BY DATE: 5/06/13

1	AFFORDABLE HOUSING COMMODITY: GRANTS SUBCOMMOD: CDBG	55263.00	DOL	1.0000	55263.00

REQUISITION TOTAL: 55263.00

A C C O U N T I N F O R M A T I O N

LINE #	ACCOUNT		PROJECT	%	AMOUNT
1	02140764634798	Miscellaneous Services CHDO		100.00	55263.00
					55263.00

REQUISITION I$ IN THE CURRENT FISCAL YEAR.

AFFORDABLE HOUSING

City of Norman, OK

Municipal Building Council Chambers
201 West Gray Street
Norman, OK 73069

Master

File Number: K-1213-194

File ID:	K-1213-194	**Type:**	Contract	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 34	**In Control:**	City Council
Department:	Planning and Community Development Department	**Cost:**		**File Created:**	05/03/2013
File Name:	Mowing Contract with Aces Landscaping LLC			**Final Action:**	

Title: CONTRACT NO. K-1213-194: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND ACES LANDSCAPING, L.L.C., FOR MOWING, SECURING OF STRUCTURES, AND THE REMOVAL OF HEALTH NUISANCES FOR THE REVITALIZATION DIVISION THROUGH MARCH 31, 2014.

Notes: ACTION NEEDED: Motion to approve or reject Contract No. K-1213-194 with Aces Landscaping through March 31, 2014; and, if approved, authorize the execution thereof.

ACTION TAKEN: _____

Agenda Date: 05/28/2013

Agenda Number: 34

Attachments: Text File K-1213-194, K-1213-194 with Aces Landscaping LLC 5-13

Project Manager: Linda Price, Revitalization Manager

Entered by: linda.price@normanok.gov

Effective Date:

History of Legislative File

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:

Text of Legislative File K-1213-194

Body

BACKGROUND: On March 21, 2013 a public notice was printed with a Request for Qualifications (RFQ) from contractors to provide abatement services related to mowing, securing of structures, and removal of health nuisances on private properties. Abatement work orders are issued upon failure of the property owners to abate nuisances after notification by the City Code Compliance Inspectors. Fees for service have been established by the City and the Request for Qualifications allows Staff to determine if the interested contractors have sufficient equipment and employees to address the City's work orders. The City prefers to have two abatement contractors under contract to be able to address abatement in a timely manner.

DISCUSSION: A mandatory pre-submittal meeting was held on Thursday, March 28, 2013 at which time two contractors were in attendance. Both expressed an interest in working for the City, and Complete Lawn Maintenance submitted his qualifications at that time. That company has been under contract with the City of Norman for many years. The other company intended to submit their qualifications, but failed to do so by the

deadline on April 4, 2013 due to illness. Therefore, a contract for Complete Lawn Maintenance was forwarded to City Council, and was approved on April 23, 2013, to insure that the City had at least one abatement contractor.

Because it is preferable to have two abatement contractors under contract, Staff initiated another RFQ process in an effort to retain a second abatement contractor. A notice was published on April 18, 2013, a mandatory pre-submittal meeting was held on 25, 2013, and qualifications were due May 2, 2013. Only one contractor attended the pre-submittal meeting, Aces Landscaping LLC, the contractor who had failed to submit previously due to illness. After reviewing the qualifications, it was determined that Aces Landscaping LLC meets the standards required to be a City of Norman abatement contractor.

RECOMMENDATION: Staff recommends that based on the submitted qualifications and positive work history, that Contract K-1213-194 with Aces Landscaping LLC be approved as a City of Norman mowing/securing/nuisance abatement contractor for the contract period May 29, 2013 through March 31, 2014. Funds are budgeted for abatement in account number 010-4052-424.41-14 (Mowing).

MOWING, SECURING OF STRUCTURES AND REMOVAL OF HEALTH NUISANCES CONTRACT

THIS CONTRACT made and entered into this 28th day of May, 2013, by and between **Aces Landscaping LLC** as party of the First Part, hereinafter designated as the CONTRACTOR, and the City of Norman, a municipal corporation, hereinafter designated as the CITY, party of the Second Part.

WITNESSETH

WHEREAS, the CITY has caused to be prepared in accordance with law, specifications, and other bidding and/or request for qualifications documents for the work hereinafter described and has received, approved and adopted all of said bidding and/or request for qualifications documents, and has caused Notice to Bidders and/or request for qualifications 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:

MOWING, SECURING OF STRUCTURES, AND REMOVAL OF HEALTH NUISANCES

As outlined and set out in the request for proposals of work and in accordance with the terms and provisions of said CONTRACT; and,

WHEREAS: the CONTRACTOR in response to said request for qualifications, has submitted to the CITY on the manner and at the time specified, a qualification statement in accordance with the terms of this CONTRACT and the CITY has declared the above-named CONTRACTOR to be qualified as the successful applicant(s) and has duly awarded this contract to said CONTRACTOR:

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) **TERM/RENEWAL**

A. This CONTRACT shall be effective from May 29, 2013 through March 31, 2014 when it shall terminate automatically, unless terminated by either party as set forth in section (1) (B) of this Agreement.

B. This CONTRACT may be renewable for additional one-year periods at the option of the CITY. Should the CITY desire to renew the CONTRACT, a written preliminary notice will be furnished to the CONTRACTOR prior to the expiration date of the CONTRACT. Such preliminary notice shall not be considered to be a commitment to contract with the CONTRACTOR as all contracts must be approved by the Norman City Council and sufficient appropriations shall have been made for the particular fiscal year for which the renewal is sought.

C. Should the CITY exercise this option for renewal, the CONTRACT as renewed shall be deemed to include this option provision for the total duration of this CONTRACT, including renewals.

D. Either party may terminate this Agreement with (30) days advanced written notice to the other party, with or without cause.

2) STATEMENT OF WORK/PURPOSE AND GENERAL REQUIREMENTS

A. 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 said work in strict accordance with this CONTRACT. Request for Qualifications, Contract Specifications, Area Identification Maps, and Bonds thereto, all of which is hereby made a part of this CONTRACT as fully as if the same were set out at length.

B. The services to be provided under these specifications shall be accomplished in a prompt and timely manner as set forth in the Request for Qualifications. The CITY reserves the right to assess a 10% per day penalty against the mowing CONTRACTOR should the work not be performed within the period for completion specified by the work order as specified in section 6) of this CONTRACT.

C. The CONTRACTOR shall, at all times, observe and comply with all Federal and State laws and all City ordinances, rules and regulations which in any manner affect the conduct of the work to be performed pursuant to these specifications and in accordance with the terms of the CONTRACT.

3) ORDER OF PRECEDENCE

In the event of an inconsistency between provisions of this CONTRACT, the inconsistency shall be resolved by giving precedence in the following order:

(1) Contract articles, (2) Request for qualifications, (3) Other references.

4) CHARGES AND REIMBURSEMENT

A. Mowing and Cutting Charge includes removal and disposal of up to ½ ton pick-up truck load of trash, litter and/or rubble and debris before mowing. The area to be cleaned and/or mowed for purposes of billing will be defined by City staff upon giving the assignment to the CONTRACTOR.

B. Other expenses not usually incurred in regular health-hazard clean-ups may be reimbursable at the sole discretion of the Revitalization Manager or their designee. Any other expenses must be approved prior to the start of the job in order to be reimbursable.

C. The CONTRACT specifications are included herein by reference. Areas will be defined by City planning staff based on the adopted zoning codes and shall be stated on the work order.

D. Payment Schedule:

I. Urbanized and Rural Areas (Contract Specification Section I, II, III)
(This amount is intended to include a basic set-up charge for mileage, time, equipment use and other incidental costs not otherwise accepted under this CONTRACT)

1. 1-7,500 sq. ft.
$60.00

2. 7,501 –10,000 sq. ft.	$85.00
3. 10,001-15,000 sq. ft.	$135.00
4. 15,001-20,000 sq. ft.	$185.00
5. 20,001 sq. ft. to 1 Acre	$235.00

II. Strip Mowing (Contract Specification II, III)

1. Per 5,000 sq. ft $75.00

III. Commercial Lots (Contract Specification I, II)

1. Commercial Lots with structures and obstructions per 5,000 sq. ft. $85.00
2. Commercial lots with no obstructions/structures per 5,000 sq. ft. $75.00

IV. Health Abatement

1. Minimum Removal & Clean Up of Health Nuisances $75.00
(Contract Specification IV)
Hourly rate per employee $25.00 (more than 2 employees per assignment must be approved by the Revitalization Manager or his/her designee or designated on the work order before work begins).

2. Minimum Security of Structures Charge (Contract Specification V) $75.00

3. Hourly rate per employee $25.00 (more than 2 employees per assignment must be approved by the Revitalization Manager or his/her designee or designated on the work order before work begins).

V. Reimbursement for landfill and other miscellaneous charges.

The CONTRACTOR shall be reimbursed for actual costs incurred for landfill dumping and tire and appliance disposal charges upon verification of a receipt included with the billing.

1. Per tire reimbursement $10.00

5) DETERMINATION OF COMPLETION OF WORK AND PAYMENT

A. On completion of the work but prior to the acceptance thereof by the CITY, it shall be the duty of the Project Manager to determine that said work has been satisfactorily completed and fully performed in accordance with said CONTRACT documents; and upon making such determination shall so notify the CITY that payment is to be made. Photographs of property before and after clean-up, with the addresses, must be submitted with invoice for the CITY's records.

B. Invoices for payment will be processed within ten business days of acceptance of the work in the form of a payment authorization form that will be submitted to the Purchasing Division for payment.

6) TIME REQUIREMENT FOR COMPLETION OF WORK

The CONTRACTOR shall complete work within ten (10) calendar days following the receipt of a Work Order. The time for completion may be extended by the Revitalization Manager or their designee. A penalty of 10% will be assessed from the CONTRACTOR'S payment for each calendar day thereafter that the work is not complete. Whether or not the work is completed shall be determined solely by the Revitalization Manager or their designee.

7) SUBMISSION OF PERFORMANCE BOND

A. The CONTRACTOR shall execute and deliver the required documents, bonds and proof of insurance. Each successful bidder shall post a performance bond with a surety company or in cash in the amount of $1,500.00 to insure performance in accordance with specifications. The performance bond shall be for the entire term of the CONTRACT.

B. The performance bond must be posted within 10 business days after the approval of the CONTRACT.

8) PROOF OF INSURANCE

A. The CONTRACTOR and his/her surety shall defend, indemnify and hold harmless the CITY, its officers and employees, from all suits, actions or claims of any character brought for or on account of any injuries or damages received or sustained by any person or persons or property caused by or from the CONTRACTOR or his/her employees or by or in consequence of any negligence in safeguarding the work or by or on account of any act or omission, neglect or misconduct of the said CONTRACTOR, of his/her employees, or from any claims or amounts arising or recovered under the Worker's Compensation Law or any other law, ordinances, order or decree; an so much of the money due the said CONTRACTOR, under and by virtue of his/her CONTRACT, shall be considered necessary by the Department in the defense or discharge of any such suits, actions or claims may be retained for the use of the Department; or in case no money is due, his/her surety shall be held until such suit or suits, action or actions, claim or claims for injury or damages as aforesaid, shall have been settled and satisfactory evidence to that effect furnished to the CITY.

B. The CONTRACTOR shall not commence work under this CONTRACT until he/she has obtained all insurance required under these specifications, and such insurance has been approved by the Revitalization Manager; nor shall the CONTRACTOR allow any SUBCONTRACTOR to commence work on his/her subcontract until all similar insurance has been received and approved by the CITY.

C. No provision of the CONTRACT or of any such aforementioned document shall be interpreted or given legal effect to create any obligation on the part of the CITY to third persons, including, but not limited to, 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 CITY or in any such way to restrict the freedom of the CITY to exercise full discretion in its dealing with the CONTRACTOR.

9) NO SEPARATE LEGAL ENTITY

No separate legal entity or organization shall be deemed created by virtue hereof.

10) SEVERAL LIABILITY

A. This Agreement shall not be construed as creating any agency or third party beneficiary agreements in any form or manner whatsoever.

B. Both parties assume responsibility for its personnel, and will make all deductions for social security and withholding taxes, and contributions for employment compensation funds, and shall comply with all requirements of the Oklahoma Workers Compensation Act and the Oklahoma Governmental Tort Claims Act.

C. Both parties herein, shall be exclusively liable for loss resulting from its torts of its employees acting within the scope of their employment.

11) MULTIPLE COUNTERPARTS

This Agreement shall be executed in multiple counterparts, each of which shall be deemed an original.

12) COMPLETE AGREEMENT

This Agreement is the complete agreement of the Parties regarding matters addressed herein, no oral agreements or representations shall be considered binding on the Parties.

13) SEVERABILITY

If any section, subsection, sentence, clause, phrase, or portion of this CONTRACT 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 the CONTRACT.

14) FORCE MAJEURE

No party shall be held responsible for any delay or failure in performance of any part of the work to be performed to the extent that such delay or failure is caused by fire, flood, explosion, war, strike, embargo, federal or state government requirement, court order, civil or military authorities, Acts of God or by the public enemy, acts or omissions of carriers or other causes beyond the control of the parties. If any such force majeure condition occurs, the party delayed or unable to perform shall give immediate notice to the other party. If any party is delayed or unable to perform due to the occurrence of such force majeure condition, performance of the work hereunder shall automatically be suspended for the duration of the force majeure condition and shall be resumed once the force majeure condition ceases.

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

STATE OF: Oklahoma)
) ss.
COUNTY OF: Cleveland)

Brandon Shinn, of lawful age, being first duly sworn, on oath says that she/he is the agent authorized by CONTRACTOR to submit the above CONTRACT to the CITY. Affiant further states that CONTRACTOR has not paid, given, donated, or agreed to pay any officer or employee of the CITY any money or other thing of value, either directly or indirectly, in the procuring of the CONTRACT.

CONTRACTOR

Subscribed and sworn to before me this 7th day of May, 2013.

Pamula S. Jones
Notary Public

OFFICIAL SEAL
PAMULA S JONES
Commission #
Expires August 16, 2015

August 16, 2015
My Commission Expires

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

(Corporate Seal) (where applicable)

ATTEST:

Aces Landscaping LLC
Contractor

Signed:
Authorized Representative

Print: Brandon Shinn
Authorized Representative

Owner
Title
Address: PO Box 651
Noble, OK 73068
Telephone: 405-872-8972

990-5053

CITY OF NORMAN:

Approved as to form and legality this 15th day of May, 2013.

City Attorney

Approved by the City Council of Norman this _____ day of_____, _____.

ATTEST:

City Clerk

Mayor

City of Norman, OK

Municipal Building Council Chambers
201 West Gray Street
Norman, OK 73069

Master

File Number: K-1213-198

File ID:	K-1213-198	**Type:**	Contract	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 35	**In Control:**	City Council
Department:	Public Works Department	**Cost:**	$173,347.00	**File Created:**	05/15/2013
File Name:	ONEOK Contract K-1213-198			**Final Action:**	

Title: CONTRACT NO. K-1213-198: A RELOCATION AGREEMENT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND ONEOK GAS TRANSPORTATION, L.L.C., IN THE AMOUNT OF $173,347 FOR THE RELOCATION OF A NATURAL GAS PIPELINE IN CONNECTION WITH THE FRANKLIN ROAD BRIDGE REPLACEMENT PROJECT AND BUDGET APPROPRIATION.

Notes: ACTION NEEDED: Motion to approve or reject Contract No. K-1213-198 with ONEOK Gas Transportation in the amount of $173,347; and, if approved, authorize the execution thereof and appropriate $448,907 from the Capital Fund Balance, (050-0000-253.20-00) to Project No. BP0195, Franklin Road Bridge Replacement Project, Utilities (050-9352-431.67-01).

ACTION TAKEN: _____

Agenda Date: 05/28/2013

Agenda Number: 35

Attachments: Text File K-1213-198, K-1213-198, Franklin Rd Bridge Location Map.pdf, PR ONEOK

Project Manager: John Clink, Capital Projects Engineer

Entered by: pam.jones@normanok.gov

Effective Date:

History of Legislative File

Ver-sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:

Text of Legislative File K-1213-198

body

BACKGROUND: On January 27, 2009, the Norman City Council approved programming Resolution R-0809-99 requesting federal funds to replace the Franklin Road Bridge over Little River and to construct roadway approaches. The resolution states the City's commitment to adhere to the terms and conditions of a federally funded project. Through the Association of Central Oklahoma Governments (ACOG), the Oklahoma Department of Transportation (ODOT) agrees to provide 80% of the project funding and to administer the construction with a 20% matching share from the City of Norman. In order to receive federal funding, the City of Norman was required to enter into an agreement with ODOT to complete the design, acquire all necessary rights-of-way and relocate utilities and encroachments, at the City's cost. This agreement must also be adopted by resolution.

On June 23, 2009, Council approved Contract K-0809-165 with CP&Y, Inc., a local design firm, for the

engineering services to complete the Franklin Road Bridge Project. The amount of that contract is $245,880. On August 23, 2011, Council approved Amendment No. 1, selecting the proposed design alternative of building a relief channel on the east side of the Little River. The relief channel is located outside of the riparian buffer so it does not affect the existing river channel. This amendment increased the contract amount with CP &Y, Inc. by $48,440 for a total contract value of $294,320.

On August 28, 2012, Norman voters approved a Bond Issue for eight major transportation/storm water projects throughout Norman in the amount of $42.5 million dollars. The Franklin Road Bridge Project is one of those eight infrastructure projects. The total estimated cost of the project is $4,520,827 of which federal funds will pay $2,560,000 or 56.6%.

On February 12, 2013, Council approved Contract K-1213-153, a Right-of-Way, Utility and Encroachment Agreement in which the City agrees to acquire all the right-of-way necessary for the project, grant ODOT access to and use of the right-of-way and to relocate all of the utilities that conflict with the proposed project.

DISCUSSION: Utilities are being relocated as required by the above-mentioned contract for the Franklin Road Bridge over the Little River Project. ONEOK Gas Transportation, LLC (ONEOK) is requesting the City sign the agreement to relocate a 12-inch gas pipeline within their private right-of-way, which crosses the City's 66 foot statutory right-of-way on Franklin Road. The relocation will require ONEOK to install 188 feet of steel pipeline of which the City will be responsible for the cost of relocating 83 feet or 44.1% of the total relocation due to ONEOK's pre-existing easement.

The cost for relocating ONEOK's pipeline is estimated at $392,633, of which the City will be responsible for 44.1% or $173,347. The relocation of ONEOK's pipeline is within the project budget of $448,907 for utility relocations for the Franklin Road Bridge Replacement Project. City Council recently authorized the first sale of General Obligation Bonds for the 2012 Bond Program. Funds are available for this project but have not been transferred into the Franklin Road Bridge Replacement Project, Utility account. Transferring the bond funds to this account will allow for the relocation of the ONEOK facilities and the remaining utility relocations.

RECOMMENDATION 1: Staff recommends approval of Contract K-1213-198 with ONEOK Gas Transportation, LLC.

RECOMMENDATION 2: Staff recommends appropriating $448,907 from the Capital Fund Balance, (account 050-0000-253.20-00) to the Capital Fund, Franklin Road Bridge Replacement Project, Utility (account 050-9352-431.67-01; project BP0195).

RELOCATION AGREEMENT

THIS RELOCATION AGREEMENT (the "Agreement") is entered into this 24th day of April, 2013, by and between ONEOK Gas Transportation, LLC, a Delaware limited liability company ("ONEOK") and the City of Norman an Oklahoma municipality ("City").

WHEREAS, ONEOK is the successor and current owner of all rights, title and interest in and to that certain Right of Way Agreement dated May 14, 1942 which was filed May 22, 1942 and recorded in Book 98 at Page 5 of the records of the County Clerk of Cleveland County, Oklahoma and that certain Right of Way Agreement dated April 8th, 1942 which was filed April 16, 1942 and recorded in Book 97 at Page 357 of the records of the County Clerk of Cleveland County, Oklahoma subject to that Partial Release of Right of Way dated May 24, 1972 which was filed May 30, 1942 and recorded in Book 536 at Page 337 of the records of the County Clerk of Cleveland County, Oklahoma (collectively the "Easement") which Easement covers that certain property described on Exhibit A attached hereto (the "Easement Property").

WHEREAS, ONEOK is operating a twelve inch (12") natural gas pipeline (the "Pipeline") over and through a portion of the Easement which crosses Franklin Road, Norman, Oklahoma (the "Street") owned by City where the City intends to complete certain renovations in the area where the Pipeline crosses the Street as depicted and described on Exhibit B attached hereto and made a part hereof; and

WHEREAS, City has requested ONEOK relocate the Pipeline within the Easement for which portions of such relocation will be within the Street and portions of such relocation will be within private property, and ONEOK has agreed to relocate the Pipeline, provided that City shall pay a proportionate share of the costs of such relocation as more particularly set out herein; and

NOW, THEREFORE, in consideration of the premises and of the terms, covenants and conditions hereinafter set forth, it is agreed by and among the parties hereto as follows:

1. Subject to the terms set out in this Agreement, ONEOK (or a subcontractor of ONEOK) agrees to relocate the Pipeline to a new site on the Easement Property as more specifically shown and described on Exhibit B attached hereto and made a part hereof (the "Pipeline Relocation Area"), the design and specifications for which shall be subject to ONEOK's discretion and approval. ONEOK will be responsible for that portion of the cost of the relocation within the existing public right of way (105 ft. out of 188 ft.) and City agrees to pay that portion of the relocation costs within private right of way (83 feet out of 188 ft.). ONEOK's total estimated cost to accomplish such relocation is $392,633.00 and City's proportionate share is estimated to be $173,347.00 (the "Estimate") as shown on the attached Exhibit C. City agrees to pay half of its proportionate share (Partial Payment) of the Estimate within 15 days of execution of this Agreement (said half being $86,673.50). Notwithstanding the Estimate, City agrees to pay the total of its proportionate cost to relocate the Pipeline (including but not limited to materials, labor, reasonable overhead, insurance, incidentals, the cost of a double stopple and bypass to support flow, if necessary, and all other costs and expenses relating to its proportionate costs of the relocation of the Pipeline) (the "Final Cost"), less the Partial Payment within ten (10) days from written demand therefore, provided such demand shall be accompanied with such invoices, purchase orders or other documentation to reasonably evidence such Final Cost.

2. Subject to the terms set out in this Agreement, ONEOK agrees to move and relocate the Pipeline to the Pipeline Relocation Area. ONEOK further agrees to complete such relocation work in compliance with the applicable statutes, rules and regulations of all federal, state and local governmental entities having jurisdiction. ONEOK shall use reasonable efforts to keep City fully informed regarding the progress and status of the relocation work. ONEOK agrees to

commence the relocation upon the City of Norman's written notice to proceed and estimates that such work shall be substantially completed and operational within 270 days after such commencement, subject to adequate weather conditions and events of force majeure.

3. City hereby authorizes ONEOK and its contractors and representatives to enter upon the Street and surrounding area for the purpose of performing all work and construction activities necessary to relocate the Pipeline as contemplated by this Agreement.

4. This Agreement is not intended and shall not be construed to create the relationship of agent, servant, employee, partnership, joint venture or association as between ONEOK and City nor between any officer, employee, contractor or representative of ONEOK or City. No joint employment is intended or created by this Agreement for any purpose. ONEOK and City agree to so inform their respective employees, agents, contractors and subcontractors, who are involved in the implementation of or construction under this Agreement.

5. If any party defaults in the performance of any provision contained herein, the non-defaulting party shall have all remedies available at law or equity, including, without limitation, the remedy of specific performance, to the extent available. No remedy shall exclude any other remedy. All remedies shall be cumulative.

6. All notices and communications required or permitted to be given hereunder shall be in writing and mailed by certified or registered mail, postage prepaid, or by Federal Express, Airborne Express, or similar overnight delivery service, addressed as follows:

If to ONEOK:

ONEOK Gas Transportation, L.L.C.
100 West 5th Street
Tulsa, OK 74103
Attn: General Counsel

If to City:

Norman, OK
Attn:

Notice shall be deemed to have been given upon receipt or refusal.

7. Each party represents to the other that this Agreement and all documents to be executed in connection herewith, have been duly authorized, and each party has the corporate power necessary for, the execution and delivery of each of such documents and the performance of their respective terms and the individuals executing this Agreement and all other documents to be delivered hereto on behalf of the applicable party hereto have been duly appointed and authorized to do so.

8. This Agreement shall be construed under the laws of the State of Oklahoma.

9. This Agreement constitutes the entire agreement between the parties hereto.

10. This Agreement may be executed in counterparts, each of which for all purposes shall be deemed an original, and all of which shall constitute collectively one agreement.

11. Contemporaneously with the execution hereof, for no further permit fees or consideration, the City shall grant and does hereby grant to ONEOK all permits and approvals necessary for the construction, location, operation and maintenance of the Pipeline within the Street, as relocated pursuant to this Agreement.

12. This Agreement shall be binding upon and shall inure to the benefit of the parties hereto and their respective successors and assigns.

EXECUTED this 24th day of April, 2013.

"ONEOK"	"CITY"
ONEOK GAS TRANSPORTATION, L.L.C.	CITY OF NORMAN, OK
By: Craig Forsander	By:
Name: Craig Forsander	Name:
Title: Vice President	Title:

REVIEWED BY GABLEGOTWALS

ONEOK LEGAL APPROVED

APPROVED BY CITY OF NORMAN LEGAL DEPARTMENT
BY _____ DATE 5/7/13

ATTEST:

_____
City Clerk

ACKNOWLEDGEMENTS

State of Oklahoma §
§
County of Tulsa §

This instrument was acknowledged before me this 30th day of April, 2013, by Craig Jorgensen as Vice President of ONEOK GAS TRANSPORTATION, L.L.C., on behalf of said Limited Liability Company.

Witness my hand and official seal.

Notary Public
State of Oklahoma
KRISTY L. SMITH
TULSA COUNTY
COMMISSION #01010980
Comm. Exp. 08-14-2013

Kristy L Smith
Notary Public

My commission expires: 8/14/13

State of Oklahoma §
§
County of _____ §

This instrument was acknowledged before me this _____ day of _____, 2013, by _____, _____ of CITY OF NORMAN, OK on behalf of said Municipality.

Witness my hand and official seal.

_____
Notary Public

My commission expires: _____

EXHIBIT A

Easement Property

1. 63.9 acres being a tract of land in the West Half of Section 1, Township 9 North, Range 3 West described as follows: Beginning at a point 1051.2 ft. North of SW corner of said half section, thence easterly to a point 1061.1 ft North of SE corner of said half Section thence South 1061.1 ft. to SE corner of said Half Section, thence West 2635 ft. to SW corner of said half section, thence North 1051.2 ft to place of beginning, Cleveland County, Oklahoma.

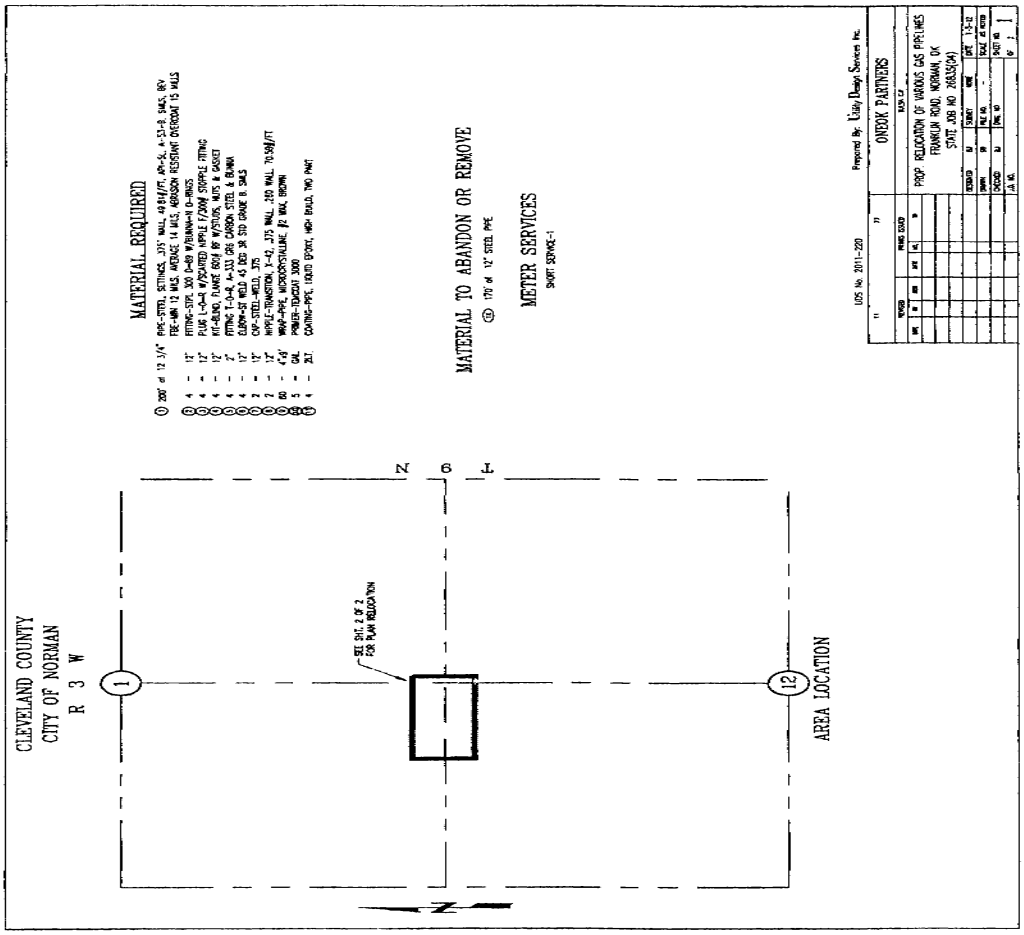
2. Northwest Quarter of Section 12, Township 9 North, Range 3 West, Cleveland County, Oklahoma except as modified by the following release:

a. [Released]That part of the NW1/4 Section 12-9N-3W lying Easterly and Northerly of the AT & SF Railroad right of way, EXCEPT: A 66 foot right of way, 33 feet either side of the center line, beginning at the NE/c NW1/4 Section 12-9N-3W; thence West along the North line of said NW1/4 311.7 feet to the point of beginning; thence South 51° 45' West a distance of 167.3 feet; thence South 71° 41' West a distance of 1422.6 feet; thence South 58° 44' West a distance of 370.4 feet to a point on the Easterly right of way line of the AT & SF Railroad.

EXHBIT B

Pipeline Relocation Area

See attached Plats


MATERIAL REQUIRED
MATERIAL TO ABANDON OR REMOVE
METER SERVICES
CLEVELAND COUNTY
CITY OF NORMAN
R 3 W
AREA LOCATION
ONEOK PARTNERS
PROP. RELOCATION OF VARIOUS GAS PIPELINES
FRANKLIN ROAD, NORMAN, OK

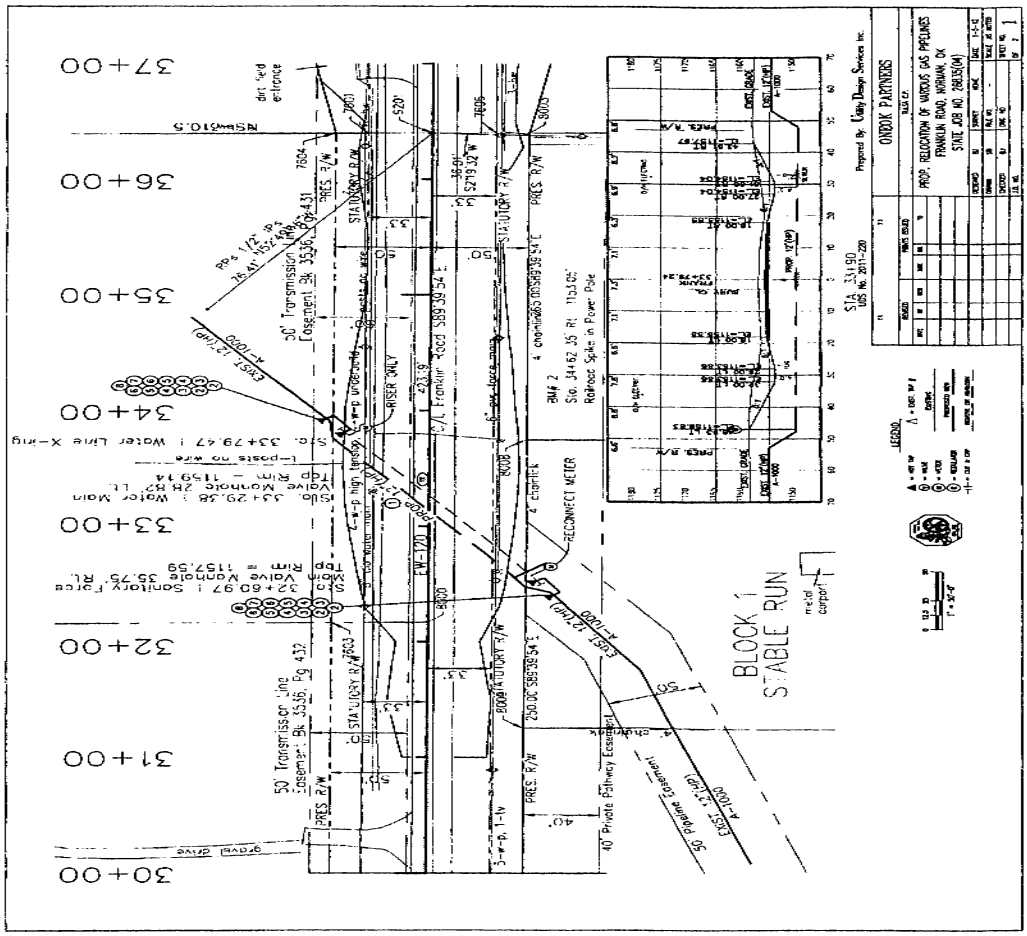

37+00
36+00
35+00
34+00
33+00
32+00
31+00
30+00
BLOCK 1
STABLE RUN
ONDOK PARTNERS
PROP. RELOCATION OF VARIOUS GAS PIPELINES
FRANKLIN ROAD, NORMAN, OK
STATE JOB NO. 28035(04)
Prepared By: Utility Design Services Inc.
STA. 33+90
UDS No. 2011-220
LEGEND
RECONNECT METER
RISER ONLY
50' Transmission Line Easement Bk 3536, Pg 432
40' Private Pathway Easement
50' Pipeline Easement
PRES. R/W
STATUTORY R/W
C/L Franklin Road S89°39'54"E
BM# 2
Railroad Spike in Power Pole
Sta. 33+79.47 ; Water Line X-ing
Sta. 33+29.38 ; Water Main Valve Manhole 28.82' Lt.
Top Rim = 1159.14
Sta. 32+60.97 ; Sanitary Force Main Valve Manhole 35.75' Rt.
Top Rim = 1157.59
dirt field entrance
gravel drive
metal carport

Exhibit C

See Attached Cost Estimate

ONEOK
ESTIMATED GAS FACILITIES RELOCATION COST
FRANKLIN ROAD, NORMAN, OK
STATE PROJ. NO. 26835(04)

MATERIAL COST:	QTY		UNIT COST	AMOUNT
12 3/4" PIPE-STEEL, .375 WALL, 49.81#/FT, API-5L, A-53-B, SMLS, BEV, ARO	200	ft.	49.59	$9,918
12" FITTING-STPL 600 D-88 W/BUNA-N O-RINGS	4	ea.	14,268.00	$57,072
12" PLUG L-O-R W/SCARTED NIPPLE F/600# STOPPLE FITTING	4	ea.	3,109.00	$12,436
12" KIT-BLIND FLANGE 600# RF W/STUDS, NUTS & GASKET	4	ea.	3,348.00	$13,392
2" FITTING T-O-R, A-333 GR6 CARBON STEEL & BUNNA	4	ea.	1,500.00	$6,000
12" ELBOW-ST-WELD 45 DEG LR STD GRADE B, SMLS	4	ea.	892.77	$3,572
12" CAP-STEEL-WELD .375	2	ea.	117.59	$236
12" NIPPLE-TRANSITION X-42, .375 WALL-.280 WALL 70.58#/FT	2	ea.	500.00	$1,000
4"x9' WRAP-PIPE, MICROCRYSTALLINE #2 WAX, BROWN	80	ea.	9.11	$547
PRIMER-TEMCOAT 300 PRIMER	4	gal.	29.38	$118
COATING-PIPE, LIQUID EPOXY, HIGH BUILD, TWO PART KIT, 2LT	3	ea.	46.25	$139
MISC. MATERIAL				$20,835
TOTAL ESTIMATED MATERIAL COST				$125,265

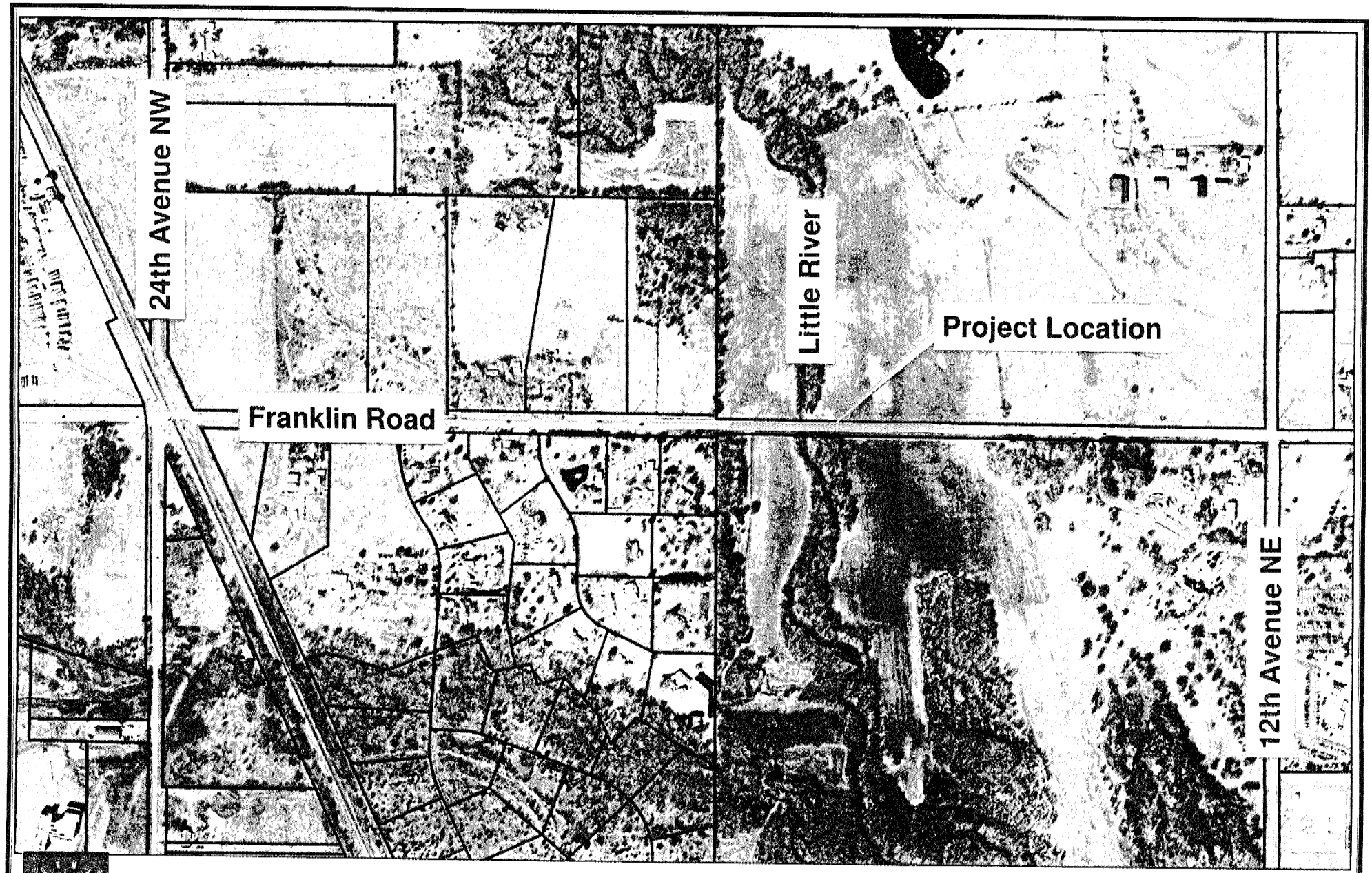
INSTALLATION COST:	AMOUNT
Stores Expense	$32,457
Contract Labor	$79,900
Contract Design & Drafting Services	$8,389
Company Labor	$11,985
Indirect Labor, Payroll, Insurance, and Taxes	$4,580
Automotive Expense	$2,397
Right of Way Damages	$1,500
TOTAL	$266,473
Administrative and General Expense	$66,619
Omissions and Contingencies	$49,084
ESTIMATED INSTALLATION COST	$257,781
ESTIMATED MATERIAL COST	$125,265
ESTIMATED ABANDONMENT COST	$9,577
TOTAL ESTIMATED RELOCATION COST	$392,633

FINANCIAL RESPONSIBILITY
Total within Private Right of Way = 83 ft.
Total within Public Right of Way = 105 ft.

City Share 83 ft. within additional required R/W 188 ft. within total required R/W	44.15%	=	$173,347
ONEOK Share 105 ft. within present public R/W 188 ft. within total required R/W	55.85%	=	$219,285

Operations Engineer(Brandon Johnson)

Prepared By:
Utility Design Services Inc. (Shelby Baughn)
4/2/2013


24th Avenue NW
Little River
Project Location
Franklin Road
12th Avenue NE
Franklin Road Bridge Replacement Project
N
0 300 600 1,200 Feet

35-13

PURCHASE REQUISITION NBR: 0000217109

STATUS: DIVISION APPROVAL

REQUISITION BY: JCLINK
REASON: ONEOK UTILITY RELOCATION
DATE: 5/13/13

SHIP TO LOCATION: PUB WKS- ENGINEERING
SUGGESTED VENDOR: ONEOK GAS TRANSPORTATION
DELIVER BY DATE: 5/13/13

LINE NBR	DESCRIPTION	QUANTITY	UOM	UNIT COST	EXTEND COST	VENDOR PART NUMBER
1	ONEOK UTILITY RELOCATION COMMODITY: CONSTRUCTION SERVICES, HE SUBCOMMOD: CONSTRUCTION, UTILITY/UND	173347.00	EA	1.0000	173347.00	

REQUISITION TOTAL: 173347.00

A C C O U N T I N F O R M A T I O N

LINE #	ACCOUNT		PROJECT	%	AMOUNT
1	05093524316701	Capital Projects Utilities	BP0195 Bridge-Franklin W 12thNW	100.00	173347.00
					173347.00

REQUISITION IS IN THE CURRENT FISCAL YEAR.

REQUISITION COMMENTS:

CONTINGENT ON COUNCIL APPROVAL ON 5/28/13
NEW VENDOR, GETTING W-9

City of Norman, OK

Municipal Building Council
Chambers
201 West Gray Street
Norman, OK 73069

Master

File Number: K-1213-199

File ID:	K-1213-199	**Type:**	Contract	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 36	**In Control:**	City Council
Department:	Public Works Department	**Cost:**	$21,750.00	**File Created:**	05/15/2013
File Name:	Contract for Lindsey Street Bond Project			**Final Action:**	

Title: CONTRACT NO. K-1213-199: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND GATEWAY PLANNING GROUP, INC., IN THE AMOUNT OF $21,750 FOR PLANNING AND CONSULTING SERVICES ON THE WEST LINDSEY STREET BOND PROJECT AND BUDGET APPROPRIATION

Notes: ACTION NEEDED: Motion to approve or reject Contract No. K-1213-199 with Gateway Planning Group, L.L.C., in the amount of $21,750; and, if approved, authorize the execution thereof and appropriate $21,750 from the Capital Fund Balance, (050-0000-253.20-00) to Project No. BP0189, Lindsey Street - 24th Avenue S.W. to Berry Widening Project, Construction (050-9352-431.61-01).

ACTION TAKEN: _____

Agenda Date: 05/28/2013

Agenda Number: 36

Attachments: Gateway OU Lindsey Street contract v2, Lindsey Street Location Map, PR Gateway

Project Manager: Shawn O'Leary, Director of Public Works

Entered by: julie.shelton@normanok.gov **Effective Date:**

History of Legislative File

Ver-sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:

Text of Legislative File K-1213-199

Body

BACKGROUND: On August 28, 2013, the citizens of Norman voted in favor of a Bond Issue to finance the local share of eight transportation/storm water improvement projects. One of the eight 2012 Bond Projects is the West Lindsey Street Corridor Project from 24th Avenue West to east of Berry Road.

On December 18, 2012, City Council approved Contract No. K-1213-126 with SAIC and Poe & Associates for the design services needed to prepare the West Lindsey Street Corridor Project for construction in 2016. One of the key commitments made to Norman citizens during the 2012 Bond Election was that the West Lindsey Street Corridor Project will be constructed simultaneously with the I-35 and Lindsey Street Interchange Project which is currently under design by the Oklahoma Department of Transportation (ODOT). The purpose of the coordinated schedule is to minimize negative impacts to the Lindsey Street property owners and merchants.

DISCUSSION: In late August 2012, officials with the University of Oklahoma approached city staff with a proposal to collaborate on certain design elements proposed for the West Lindsey Street Corridor Project. Our University partners view this portion of West Lindsey Street as the "front door" or "gateway" to the campus. In particular, University officials are advocating for maximum open, green space including trees along the corridor; easy access for bicycles and pedestrians; and gateway features consistent with the University aesthetics.

Approximately four years ago, the University of Oklahoma created the Institute for Quality Communities (IQC) and appointed Mr. Blair Humphreys as the Director. One of the missions of IQC is to promote "placemaking" in Oklahoma communities. IQC recently worked with the City of Shawnee on a downtown project and the City of Oklahoma City on the Western Avenue Project. Placemaking is defined by IQC as "the intersection of community engagement, urban design and economic development; creating places that add to the long term value and identity of the community".

Since August 2012, city staff has been working with Mr. Humphreys to explore placemaking opportunities in Norman including the West Lindsey Street Corridor Project. At the recommendation of Mr. Humphreys, city staff interviewed the owners of Gateway Planning Group, Inc. from Dallas, Texas in the Fall of 2012 to ascertain their possible contributions to the West Lindsey Street Corridor Project design process. Gateway Planning Group specializes in placemaking and corridor planning with a focus on economic development within a commercial corridor.

In April 2013, Gateway Planning Group in collaboration with the University of Oklahoma Institute for Quality Communities proposed the attached contract for consulting services for the West Lindsey Street Corridor Project on a 50/50 cost sharing basis between the City and the University. City staff has reviewed the proposed contract and recommends approval on the following basis:

- Collaboration between the City of Norman and the University of Oklahoma is favorable and prudent regarding the West Lindsey Street Corridor
- Gateway Planning Group is a qualified consultant in the field of commercial corridor planning, design and placemaking.
- The services of Gateway Planning Group can bring value to the West Lindsey Street property owners/merchants, the City of Norman and the University of Oklahoma
- Gateway Planning Group will serve as a liaison between the City's Project Design Team (SAIC/Poe & Associates) and the private property owners in the areas of land planning and access management
- Gateway Planning Group will join the project design process without causing delays in the project schedule
- The University of Oklahoma has agreed to pay 50% of the fees for Gateway Planning Group or $21,750

STAFF RECOMMENDATION NO 1: It is recommended that the City Council approve Contract No. K-1213-199 with Gateway Planning Group, Inc. for consulting services on the West Lindsey Street Bond Project.

STAFF RECOMMENDATION NO 2: It is recommended that funds be appropriated from the Capital Fund Balance, (account 050-0000-253.20-00) to the Capital Fund, Lindsey Street- 24th Avenue S.W. to Berry Widening Project (account 050-9552-431.62-01; project BP0189) to pay for the City's share of $21,750 of this contract.

GATEWAYPLANNING
A VIALTA GROUP PARTNER

PROFESSIONAL SERVICES AGREEMENT

THIS PROFESSIONAL SERVICES AGREEMENT (the "Agreement") is entered into as of the effective date, by and between GATEWAY PLANNING GROUP, INC. ("Contractor"), located at 3100 McKinnon Street, 7th Floor, Dallas TX 75201, and The CITY OF NORMAN OK, 201 West Gray, Bldg A, Norman, OK 73069, attention Mr. Shawn O'Leary, PE, Director of Public works..

1. ENGAGEMENT. Client hereby retains Contractor and Contractor hereby accepts engagement from Client to provide services including but not limited to consulting support for the design and engineering of the Lindsey Street Corridor and other services as directed by client (the "Services").

2. COMPENSATION. Client shall pay Contractor on a fixed fee basis for the tasks and fees delineated in EXHIBIT I, attached hereto and incorporated by reference, as well as on an hourly basis for those items designated as "hourly" or as directed by client in writing at the rate of $295.00 per hour for senior principals, $245 for senior planners, $195 for planners, $150.00 per hour for associate planners, and $95 per hour for professional staff unless other arrangements are made by mutual agreement. Contractor shall invoice client on a monthly basis, on a percent complete basis for fixed fee tasks and hourly, as indicated, along with reimbursable expenses. All invoices shall be due upon presentation and payable within twenty (20) business days. Any local, state or federal taxes applicable to any of the services provided by Contractor shall be added to the amount due.

3. PROFESSIONAL STANDARDS. Contractor shall be responsible, to the level of competency presently maintained by other practicing professionals in the same type of work in Client's community, for the professional and technical soundness, accuracy, and adequacy of the work and work product furnished under this Agreement.

4. TERMINATION. Either Client or Contractor may terminate this Agreement by giving 30 days written notice to the other party. In such event, Client shall forthwith pay Contractor in full for all work previously authorized and performed prior to the effective date of termination. If no notice of termination is given, relationships and obligations created by this Agreement shall be terminated upon completion of all applicable requirements of this Agreement.

5. ACCESS TO RECORDS and WORKPRODUCT. Contractor agrees that Client shall, until expiration of one (1) year after final payment by Client to Contractor, have access to and the right to examine and photocopy directly pertinent documents, papers and records of Contractor involving transactions relating to this Agreement. Upon forty-eight (48) hours notice, Contractor shall give Client access during normal working hours to all necessary facilities and shall be provided adequate and appropriate work space in order to conduct audits in compliance with the provisions of this section. Contractor at all times shall retain co-ownership of all final work product resulting from this Agreement and may utilize it for any purposes including, without limitation, marketing. Contractor shall retain sole ownership of source files, digital files, drafts and working documents for all work product. If Contractor displays contractor's logo or copyright designation on any draft or final workproduct provided to Client, Client shall continue to utilize and display on the workproduct that logo or copyright designation if the workproduct is reproduced, used, disseminated or displayed publicly or disseminated to any third party, unless other arrangements have been made by mutual agreement. Contractor reserves the right to enforce its copyright through all legal means including common law, statutory and equitable remedies.

6. INSURANCE. During the term of this Agreement, Contractor shall keep in force General Liability and Professional Liability Insurance coverage up to $1,000,000.00 per occurrence and $1,000,000.00 in aggregate total coverage, respectively.

7. ENTIRE AGREEMENT/ MODIFICATION. This Agreement, including **Schedule "1"**, attached, is the entire agreement between the parties and supersedes all prior negotiations, agreements and understanding relating to the subject matter of this Agreement. This Agreement may only be modified or amended in writing executed by all parties. Email communication constitutes as in writing.

8. ASSIGNMENT. Client understands that it may not assign this Agreement or its rights hereunder, or delegate any or all of its duties under this Agreement without written authorization from Contractor. Except for the use of sub-contractors to perform services, Contractor understands that it may not assign this Agreement or its rights hereunder, without written authorization from Client.

9. LEGAL EXPENSES. In the event that legal action is taken by either party to enforce any rights or remedies under this Agreement, it is hereby agreed that the successful or prevailing party shall be entitled to receive any costs, disbursements and reasonable attorney's fees.

10. SEVERABILITY. In the event that any one or more of the provisions contained in this Agreement shall be held invalid, illegal

or unenforceable in any respect, this Agreement shall be construed as if such invalid, illegal or unenforceable provisions had never been contained herein, and the enforceability of the remaining provisions contained herein shall not be impaired thereby.

11. BINDING EFFECT. The parties to this Agreement further agree that the promises, covenants, and conditions herein shall be binding upon the parties to this Agreement, their heirs, assigns, successors, administrators, and representatives forever.

12. INDEMNIFICATION AND HOLD HARMLESS. Each party agrees to indemnify and hold the other party, its heirs, assigns, successors, administrators, and representatives harmless of and from any and all claims, actions, liabilities, losses, damages, suits or causes of action brought by any third party, person or entity as a result of any incident, event or occurrence giving rise to such claims, to the extent such claims, actions, liabilities, losses, damages, suits or causes of action are caused by any negligent act, error or omission of the indemnifying party or any person or organization for whom indemnifying party is legally liable.

13. LIMITATION OF LIABILITY. Contractor's liability for any cause or combination of causes is, in the aggregate, limited to an amount no greater than the fee paid to Contractor hereunder or available insurance coverage delineated herein, whichever is greater.

14. GOVERNING LAW. It is understood and agreed by the parties that this Agreement shall be governed by and enforced in accordance with the laws of the State of Oklahoma.

GATEWAYPLANNING
A VIALTA GROUP PARTNER

IN WITNESS WHEREOF, this Agreement was executed by the parties as of the Effective Date.

GATEWAY PLANNING GROUP, INC. a VIALTA GROUP PARTNER

By: _____ Date: May 15, 2013
(Authorized signature)
Scott Polikov
Its: President

By: _____ Date: _____
(Client Authorized signature)

_____ **ATTEST:**
(Client Printed name)

Its: _____

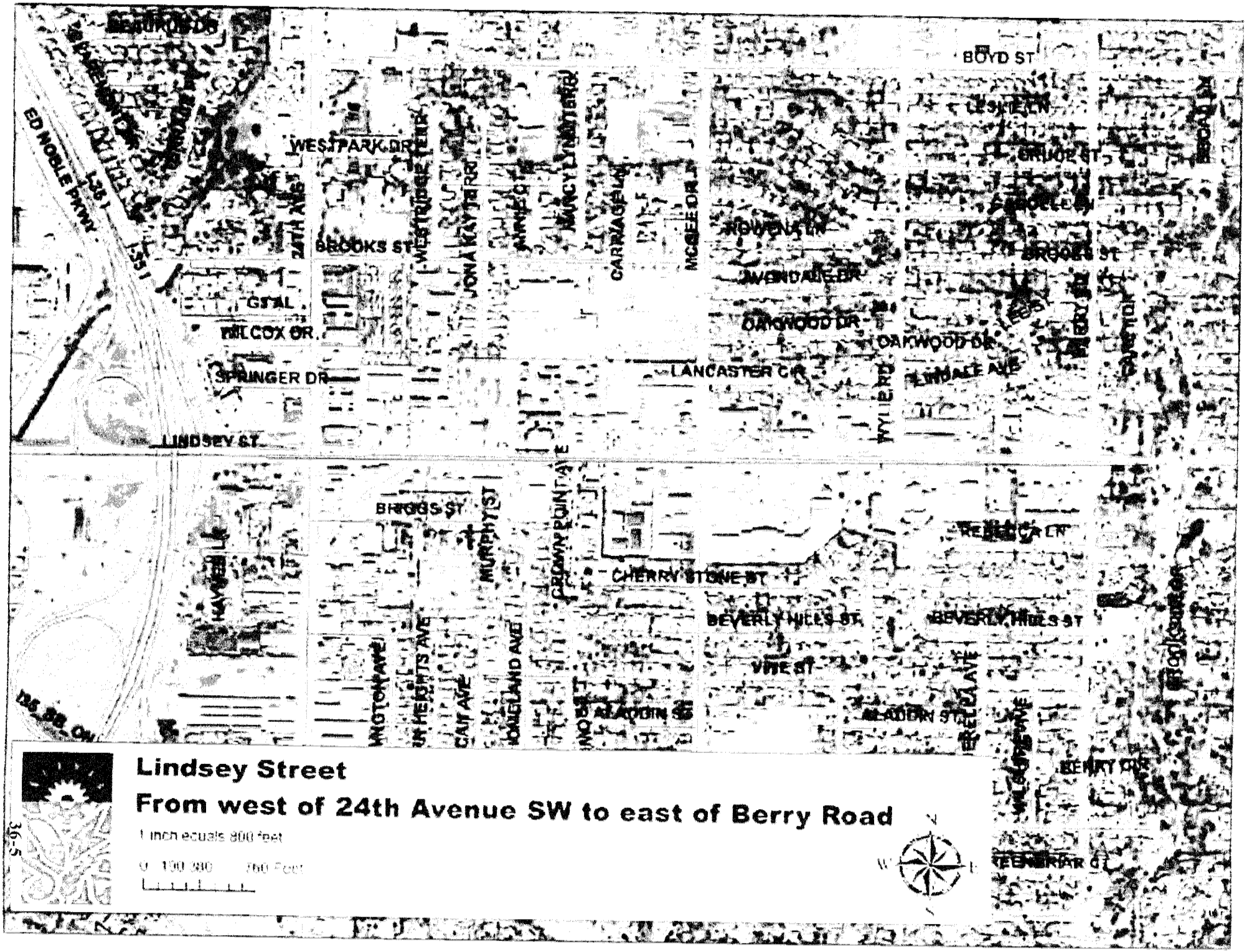
APPROVED BY CITY OF NORMAN LEGAL DEPARTMENT
BY _____ DATE 9/7/13

City Clerk

EXHIBIT I

Task	Total
1. Assessment & Initial Engagement	
1.1 Assess current status of design process and project goals (review and 1-day visit, including key stakeholder interviews)	$ 4,500
1.2 preparation for and facilitation of 1-day internal design team workshop exploring issues of traffic design goals, access management goals, neighborhood redevelopment goals and gateway goals in terms of linkages to OU Campus	$ 6,000
1.3 Preparation of policy considerations and implications for design process (deliverable = memorandum)	$ 2,500
2. Develop Conceptual Redevelopment Schematic	
2.1 In coordination of evolving design schematic and details, prepare a conceptual neighborhood redevelopment concept	$ 5,000
2.2 ½-Day meeting with Design team to review conceptual neighborhood redevelopment concept and 1 revision based on team meeting	$ 3,500
2.3 – Prepare for and facilitate a 1-day community workshop to secure feedback on the conceptual neighborhood redevelopment concept in context of evolving street design	$ 6,000
3. Implementation Integration	

3.1 – Review 60% and 90% design in context of neighborhood redevelopment concept and two respective meetings with Design Team	$ 6,000
3.2 – Meet with City Staff in ½-day workshop to develop redevelopment policy and regulatory analysis	$ 1,500
3.3 – Prepare implementation report of necessary policies, general infrastructure needs and zoning changes to implement redevelopment opportunities in context of final street design	$ 3,500
Reimbursements for ordinary out of pocket expenses such as travel and reprographics not to exceed $5000	**$ 5,000**
Total Fee	**$ 43,500**



Lindsey Street

From west of 24th Avenue SW to east of Berry Road

1 inch equals 800 feet

0 400 800 1600 Feet

36-5

PURCHASE REQUISITION NBR: 0000217562

REQUISITION BY: JCLINK

STATUS: DIVISION APPROVAL
REASON: CONSULTING SERVICES

DATE: 5/22/13

SHIP TO LOCATION: PUB WKS- ENGINEERING

SUGGESTED VENDOR: GATEWAY PLANNING GROUP

DELIVER BY DATE: 5/22/13

LINE NBR	DESCRIPTION	QUANTITY	UOM	UNIT COST	EXTEND COST	VENDOR PART NUMBER
1	PLANNING CONSULTANT COMMODITY: ARCHITECTURAL SERVICES, P SUBCOMMOD: PLANNING, URBAN (COMMUNIT	21750.00	EA	1.0000	21750.00	
2	PLANNING CONSULTANT OU REIMBURSEMENT COMMODITY: ARCHITECTURAL SERVICES, P SUBCOMMOD: PLANNING, URBAN (COMMUNIT	21750.00	EA	1.0000	21750.00	

REQUISITION TOTAL: 43500.00

ACCOUNT INFORMATION

LINE #	ACCOUNT		PROJECT	%	AMOUNT
1	05095524316201	Capital Projects Design	BP0189 Lindsey-24thSW to E Berry	100.00	21750.00
2	05095524316201	Capital Projects Design	TR0193 Lindsey:24th SW-Berry Rd	100.00	21750.00
					43500.00

REQUISITION IS IN THE CURRENT FISCAL YEAR.

REQUISITION COMMENTS:

CONTINGENT ON COUNCIL APPROVAL ON 5/28/13

City of Norman, OK

Municipal Building Council
Chambers
201 West Gray Street
Norman, OK 73069

Master

File Number: GID-1213-200

File ID:	GID-1213-200	**Type:**	Settlement	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 37	**In Control:**	City Council
Department:	Legal Department	**Cost:**	$4,103.00	**File Created:**	05/17/2013
File Name:	Jose Chavez v. City of Norman			**Final Action:**	

Title: CONSIDERATION OF A RECOMMENDATION FROM THE CITY ATTORNEY THAT THE CITY COUNCIL APPROVE A SETTLEMENT IN THE AMOUNT OF $4,103 IN JOSE CHAVEZ VS. THE CITY OF NORMAN, CLEVELAND COUNTY DISTRICT COURT CASE NO. CJ-2010-2021 AND OKLAHOMA SUPREME COURT CASE NO. DF-111249.

Notes: ACTION NEEDED: Motion to approve or reject the City Attorney's recommendation; and, if approved, authorize the City Attorney's Office to effectuate the settlement in the amount of $4,103.

ACTION TAKEN: _____

Agenda Date: 05/28/2013

Agenda Number: 37

Attachments: Text File Settlement

Project Manager: Rick Knighton, Assistant City Attorney

Entered by: jayme.rowe@normanok.gov

Effective Date:

History of Legislative File

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:

Text of Legislative File GID-1213-200

Body

BACKGROUND: This case was brought by former Norman Police Officer Jose Chavez seeking payment for a percentage of his unused sick leave. The City denied the claim as not being consistent with the City/FOP Union Contract. Rather than pursue Grievance Arbitration, the case was filed in District Court. The District Court had previously ruled in favor of Mr. Chavez. The City had appealed the ruling. An appellate settlement conference was scheduled for April 25, 2013. Because this matter involves pending litigation, the merits were discussed during an executive session on April 19, 2013, prior to the settlement conference. After the settlement conference, Mr. Chavez tentatively agreed to settle his case for $4,103. This agreement includes a joint request to vacate the district court judgment. The proposed settlement is consistent with Council feedback received by the City Attorney's office in Executive Session. The proposed settlement is being presented to City Council at this time for consideration.

RECOMMENDATION: As stated, the proposed settlement offer is consistent with Council feedback received by the City Attorney's office in the prior Executive Session. It is believed the proposed settlement is fair, reasonable and in the best interest of the City. If you have questions or need additional information, please let me know.

City of Norman, OK

Municipal Building Council Chambers
201 West Gray Street
Norman, OK 73069

Master

File Number: R-1213-144

File ID:	R-1213-144	**Type:**	Resolution	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 38	**In Control:**	City Council
Department:	City Manager Department	**Cost:**		**File Created:**	05/21/2013
File Name:	Resolution allowing temporary dwellings			**Final Action:**	

Title: RESOLUTION NO. R-1213-144: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA ESTABLISHING POLICIES, DUE TO THE RECENT TORNADOES, FOR ALLOWING AFFECTED RESIDENTS TO INHABIT TEMPORARY DWELLINGS WHILE REBUILDING HOUSES DAMAGED BY THE TORNADOES AS A MEANS OF DISASTER RELIEF.

Notes: ACTION NEEDED: Motion to adopt or reject Resolution No. R-1213-144.

ACTION TAKEN: _____

Agenda Date: 05/28/2013

Agenda Number: 38

Attachments: Text File R-1213-144, Tornado Resolution

Project Manager: Terry Floyd, Development Coordinator

Entered by: terry.floyd@normanok.gov

Effective Date:

History of Legislative File

Ver-sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:

Text of Legislative File R-1213-144

Body

BACKGROUND: Beginning on May 19, 2013, the City of Norman and surrounding jurisdictions began to experience a series of damaging tornadoes.

As a result of these tornadoes, over 30 structures in the City of Norman have sustained damage. In light of the severity of the damage and the impact on the citizens of the City of Norman, the attached Resolution has been proposed as a means of disaster relief.

DISCUSSION: City Staff, both in the City Manager's Office and the Planning Department, have spoken with municipalities throughout the region about the rebuilding efforts and disaster relief methods those municipalities encountered when affected by severe storms, tornadoes, fires, or other natural disasters. Often, municipalities enact some type of ordinance and/or resolution to allow occupancy of temporary structures by displaced citizens while their houses were rebuilt.

The attached Resolution allows affected citizens to live in temporary dwellings, when located on the same lot as

the permanent dwelling that has been rendered uninhabitable by tornadoes, while the permanent dwelling is repaired or reconstructed. Currently, the City of Norman does not have any regulations permitting any type of habitation of temporary dwellings. This Resolution, if enacted, would allow victims of the May 19, 2013, tornado to reside in temporary structures during their rebuilding efforts. This Resolution is the same Resolution that Council enacted at the August 14, 2012, meeting to assist victims of the August 2012 wildfires during their rebuilding efforts.

In furtherance of this, the Resolution directs the City Manager (or his designee) to allow affected residents to occupy temporary dwellings when the following criteria are met:

- Prior to occupation of a temporary dwelling, the safety of the dwelling must be considered.
- Temporary dwellings are limited to mobile homes, recreational vehicles, travel trailers, and structures permanently affixed to the ground.
- Temporary dwellings may only be located in A-1, A-2, and RE zoning districts.
- Temporary dwellings must have adequate water, wastewater disposal systems, and electricity.
- Temporary dwellings may not be located within ten feet of property lines, within site triangles or over utility easements.

In addition to these requirements, in order to encourage rebuilding efforts, the affected property owners must apply for and receive a building permit within a year from the date of the destruction of their permanent residence in order to be able to continue to occupy the temporary dwelling. Also, once the permanent residence is rebuilt, a property owner shall remove the temporary dwelling or make the necessary changes for the property to be in conformance with the regulations of the district in which the property is located within a time limit established by the City Manager (or his designee) or prior to the issuance of a Certificate of Occupancy for the new permanent structure on the subject property. The City Manager (or his designee) can extend the time limit of either or both of these requirements upon the showing of good cause by the affected citizen.

RECOMMENDATION: The attached Resolution allows the habitation of temporary dwellings by citizens affected by the recent tornadoes while those citizens rebuild their permanent residences. In addition, it creates standards for such occupations in order to protect the health and safety of those citizens and surrounding property owners. If City Council wishes to allow the habitation of temporary structures as a means of disaster relief, Staff recommends the adoption of the attached Resolution R-1213-144.

Resolution

R-1213-144

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA ESTABLISHING POLICIES, DUE TO THE RECENT TORNADOES, FOR ALLOWING AFFECTED RESIDENTS TO INHABIT TEMPORARY DWELLINGS WHILE REBUILDING HOUSES DAMAGED BY THE TORNADOES AS A MEANS OF DISASTER RELIEF.

§ 1. WHEREAS, the City of Norman, and many neighboring jurisdictions, have recently been affected by serious and widespread tornadoes that have caused significant damage to homes located in Norman; and

§ 2. WHEREAS, the City of Norman City Council desires to provide disaster relief by allowing affected residents to live in temporary dwellings, when located on the same lot as the permanent dwelling which has been rendered uninhabitable by tornadoes, in order to permit the persons who were residing in the permanent dwelling immediately prior to the tornadoes to continue to reside on the lot while the permanent dwelling is repaired or reconstructed; and

§ 3. WHEREAS, the City of Norman currently does not have regulations in place to permit temporary dwellings.

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

§ 4. That City of Norman City Manager (or his designee) is directed to allow temporary dwellings when a temporary dwelling is needed to house the owners of a property affected by the recent tornadoes before a building permit for a new permanent dwelling can be issued and before that new permanent dwelling is completed for occupancy.

§ 5. That the affected property owner must notify the City of Norman Planning and Community Development Department prior to habitation of such a temporary dwelling to ensure compliance with the requirements listed below.

§ 6. That prior to authorizing occupancy of a temporary dwelling, the City Manager (or designee) shall take into account the safety of the proposed temporary dwelling.

§ 7. That the temporary dwelling units are limited to mobile homes, recreational vehicles, travel trailers, and other structures as defined by Chapter 22 of the Code of Ordinances.

§ 8. That these temporary dwelling units may only be located in A-1, A-2, and RE zoning districts and must have adequate water and wastewater disposal systems and be connected to electricity prior to habitation by the affected property owners.

§ 9. That these temporary dwellings units may not be located within ten feet of property lines, within sight triangles, or over utility easements.

§ 10. That affected property owners residing in temporary dwelling units must apply for and receive a building permit within a year from the date of the destruction of their permanent residence in order to continue to be able to reside within the temporary dwelling; however, this time limit may be amended upon showing good cause for such an extension.

§ 11. That property owners shall remove the temporary dwelling or make the necessary changes for the property to be in conformance with the regulations of the district in which the property is located within a time limit established by the City Manager (or his designee) or prior to the issuance of a Certificate of Occupancy for the new permanent structure on the subject property; however, these time limits may be amended upon showing good cause for such an extension.

§ 12. That the City Manager (or his designee) is authorized to promulgate additional procedures for implementation of this Resolution in furtherance of the intent of the Resolution.

PASSED AND ADOPTED this _____ day of _____, 2013.

_____
Mayor

ATTEST:

_____
City Clerk

City of Norman, OK

Municipal Building Council Chambers
201 West Gray Street
Norman, OK 73069

Master

File Number: GID-1213-82

File ID:	GID-1213-82	**Type:**	Public Hearing	**Status:**	Non-Consent Items
Version:	1	**Reference:**	Item No. 39	**In Control:**	City Council
Department:	City Council Finance Committee	**Cost:**		**File Created:**	05/13/2013
File Name:	Public Hearnig on 2014 Budget			**Final Action:**	

Title: PUBLIC HEARING REGARDING THE FYE 2014 CITY OF NORMAN PROPOSED OPERATING AND CAPITAL BUDGETS AND THE NORMAN CONVENTION AND VISITORS BUREAU, INC., BUDGET WITH DETAILED ANNUAL PLAN OF WORK.

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

ACTION TAKEN: _____

ACTION NEEDED: Motion to close a public hearing.

ACTION TAKEN: _____

ACTION NEEDED: Motion to schedule an agenda item on June 11, 2013, to adopt the FYE 2014 City of Norman Budget and the Norman Convention and Visitors Bureau, Inc., Budget with Detailed Annual Plan of Work.

ACTION TAKEN: _____

Agenda Date: 05/28/2013

Agenda Number: 39

Attachments: Text File Public Hearing Budget, Legal Publication, Revised NCVB FYE 2014 Budget, 2014 Destination Marketing Plan

Project Manager: Anthony Francisco, Director of Finance

Entered by: Ellen.Usry@mccinnovations.com

Effective Date:

History of Legislative File

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:

Text of Legislative File GID-1213-82

Body

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, 2014,

(FYE 2014) Operating and Capital Budgets and the Norman Convention and Visitors Bureau Budget. Council discussion and debate will take place at the June 11, 2013, City Council meeting. City Council held one retreat,four study sessions, and one conference on the FYE 2014 budget documents. A copy of the public notice and the budget summary for FYE 2014 is attached and a copy of the proposed FYE 2014 budget has been previously distributed. A copy of the Norman Convention and Visitors Bureau FYE 14 Budget and Annual Management Plan is also attached.

CITY OF NORMAN, OKLAHOMA
FISCAL YEAR ENDING 2014 ANNUAL BUDGET
SUMMARY OF FUND BALANCES

CITY FUND CLASSIFICATION	BEGINNING FUND BALANCE	REVENUES			EXPENDITURES					REVENUES OVER (UNDER) EXPENSES	ENDING FUND BALANCE
		OPERATING REVENUES	INTERFUND TRANSFERS	TOTAL REVENUES	OPERATING EXPENSES	INTERFUND TRANSFERS	SUBTOTAL EXPENSES	EMP TURNOVER SAVINGS	TOTAL EXPENSES		
GOVERNMENTAL FUNDS											
General	$3,759,143	$64,203,602	$4,506,600	$68,710,202	$72,340,170	$79,978	$72,420,148	($800,000)	$71,620,148	(2,909,946)	849,197
SPECIAL REVENUE FUNDS											
Public Safety Sales Tax	7,804,548	9,340,298	0	9,340,298	10,179,073	45,000	10,224,073		10,224,073	(883,775)	6,920,773
Room Tax	331,002	1,551,500		1,551,500	1,345,262	202,884	1,548,146		1,548,146	3,354	334,356
Seizures and Restitutions	614,928	92,500		92,500	151,731		151,731		151,731	(59,231)	555,697
Cleet	30,568	32,000		32,000	30,705		30,705		30,705	1,295	31,863
Tax Increment District	0	0		0	0		0		0	0	0
Art in Public Places	2,206	12,000		12,000	12,000		12,000		12,000	0	2,206
Park Land and Development	846,016	100,000		100,000	35,000		35,000		35,000	65,000	911,016
Westwood Park	0	1,150,929	357,862	1,508,791	1,508,791		1,508,791		1,508,791	0	0
Net Revenue Stabilization	1,503,429	0		0			0		0	0	1,503,429
GRANT FUNDS											
Community Development	147,221	1,118,388		1,118,388	1,118,388		1,118,388		1,118,388	0	147,221
Special Grants	634,635	64,982		64,982	64,982		64,982		64,982	0	634,635
ENTERPRISE FUNDS											
Water	6,440,397	16,982,900		16,982,900	20,165,967	750,228	20,916,195	(58,917)	20,857,278	(3,874,378)	2,566,019
Water Reclamation	1,205,623	39,366,051		39,366,051	21,439,624	7,693,473	29,133,097	(26,091)	29,107,006	10,259,045	11,464,668
Sewer Maintenance	0	3,502,843	7,312,247	10,815,090	10,837,038		10,837,038	(21,948)	10,815,090	0	0
New Development Excise	11,191,092	13,050,000		13,050,000	9,127,019		9,127,019		9,127,019	3,922,981	15,114,073
Sewer Sales Tax Capital	5,782,853	0		0	13,009		13,009		13,009	(13,009)	5,769,844
Sanitation	2,285,057	12,452,437		12,452,437	12,627,007		12,627,007		12,627,007	(174,569)	2,110,487
INTERNAL SERVICE FUNDS											
Risk Management / Insurance	1,555,342	13,289,098	824,062	14,113,160	14,786,662		14,786,662		14,786,662	(673,502)	881,840
CAPITAL PROJECTS FUND											
Capital Improvements	21,607,438	12,761,467	45,000	12,806,467	26,002,890	3,450,146	29,453,036		29,453,036	(16,646,569)	4,960,869
University North Park TIF	5,582,518	4,260,006		4,260,006	1,043,809	0	1,043,809		1,043,809	3,216,197	8,798,715
Arterial Roads Recoupment	181,708			0			0		0	0	181,708
DEBT SERVICE FUNDS											
General Debt Service	7,986,636	10,089,379		10,089,379	10,205,837	824,062	11,029,899		11,029,899	(940,520)	7,046,116
G. O. Bonds	0			0			0		0	0	0
GRAND TOTAL ALL FUNDS	$79,492,360	$203,420,380	$13,045,771	216,466,151	$213,034,964	$13,045,771	$226,080,735	($906,956)	$225,173,779	($8,707,627)	$70,784,732
Less: Interfund Transfers	0	0	(13,045,771)	(13,045,771)	0	(13,045,771)	(13,045,771)	0	(13,045,771)	0	0
Internal Service Charges	0	(7,317,884)		(7,317,884)	(7,317,884)	0	(7,317,884)	0	(7,317,884)	0	0
Cost Allocation Charges	0	(4,562,700)	0	(4,562,700)	(4,562,700)	0	(4,562,700)	0	(4,562,700)	0	0
Total Deductions	$0	($11,880,584)	($13,045,771)	(24,926,355)	($11,880,584)	($13,045,771)	($24,926,355)	$0	($24,926,355)	$0	$0
NET TOTAL ALL FUNDS	$79,492,360	$191,539,796	$0	191,539,796	$201,154,380	$0	$201,154,380	($906,956)	$200,247,424	($8,707,627)	$70,784,732

A public hearing will be held on Tuesday, May 28th 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 and on the City's website (cityofnorman.com) for review. All interested citizens have the opportunity to give written and oral comments.

NORMAN
VisitNorman.com

NORMAN CONVENTION & VISITORS BUREAU
Fiscal Year 2013-14 Budget

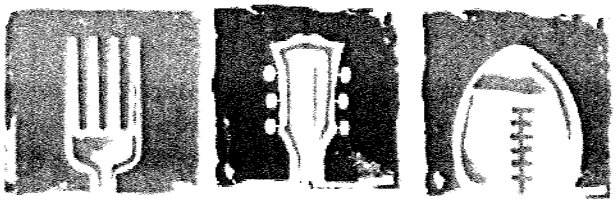
REVENUES:

	2013-14	(2012-13)
Transient Guest Tax	752,478	(550,000)
Advertising	71,000	(12,100)
Special Events	10,000	(10,000)
Interest	1,500	(1,500)
Other/Reserves	0	(00)
TOTAL REVENUES	$834,978	(573,600)

EXPENSES:

Marketing/Advertising	413,449	(196,270)
Research	9,250	(3,250)
Special Events	8,000	(10,000)
Operations	73,955	(81,461)
Personnel	330,324	(282,619)
TOTAL EXPENSES	$834,978	(573,600)

THE NORMAN CONVENTION AND VISITORS BUREAU



NORMAN

Visit Norman.com

Destination Marketing Plan
Fiscal Year 2014
(July 2013-June 2014)

Norman Convention & Visitors Bureau

Destination Marketing Plan
Fiscal Year 2014
(July 2013-June 2014)

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Executive Summary

Tourism as an industry in Oklahoma is estimated to generate $6.3 billion dollars in annual direct traveler expenditures making tourism the third largest industry in Oklahoma. $971 million dollars in federal, state, and local economy tax revenues are brought in by travelers to Oklahoma. These dollars help fund jobs and public programs such as police, firefighters, education and road projects. 77,000 jobs are secured by Oklahoma tourism, supporting the economies of all 77 counties in Oklahoma. This represents 4.9% of the state's total non-farm employment. Specifically in Norman, the tourism industry provides about 1,330 careers and has an estimated annual economic impact of more than $146 million dollars.

All forecasts predict increased travel and tourism in 2013 and 2014. Smith Travel Research, Inc. shared at a recent Oklahoma Hotel & Lodging Summit that the U.S. hotel industry is projected to increase in 2013 in all three key performance measurements – average daily rate, occupancy and revenue over per available room. The State of The American Traveler says 34.2% of Americans plan to travel more this year and 33% of Americans plan to increase their leisure travel spending in the next 12 months. Data from ConventionSouth, Meeting Professionals International, Global Business Travel Association & others show that corporations & businesses are expected to increase their spending on face-to-face business meetings in 2013, and American Express Meetings & Events forecasts no change in the number of meetings in North America in 2013.

Norman has continued to see growth in four key indicators. As of December 2012, hotel room occupancy was up 4.4%, ADR is up nearly a dollar, guest tax collections are up 11% and sales tax collections are up 4.6%.

The Norman Convention and Visitors Bureau (NCVB) is the Official Destination Marketing Organization for Norman, Oklahoma. We are the only entity solely marketing Norman's tourism attributes to a regional and national audience. The NCVB's primary mission is to improve the local economy by attracting overnight 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. This Destination Management Plan outlines how the NCVB looks to continue to reach key goals and fulfill our mission.

Through strategic, research-based sales, promotions and public relations initiatives, the NCVB marketing goal is to show growth in the following key indicators:

- Occupancy rates of Norman hotels
- Average daily rates of Norman hotels
- Transient guest tax collections
- Sales tax collections

Through proper execution of the following objectives, Norman will see growth in the four key indicators above. Marketing objectives:

1. Aid in the continued development of Norman as a destination
2. Continue to collect secondary research and pursue primary research to aid in our marketing and branding effectiveness
3. Create a genuine brand encompassing the entire destination experience
4. Execute promotions to meetings/conventions, sports and leisure target markets

This Destination Marketing Plan for Fiscal Year 2014 outlines the key strategies to be executed related to each marketing objective.

Situation Analysis

The temporary movement of people to destinations outside their normal place of work and residence, and the activities undertaken en route to and during their stay at these destinations and the facilities / services created to cater to their needs leads to economic impacts generated by these activities.

That's Tourism! Tourists going to destinations, doing tourism activities and creating economic impact in those destinations.

Tourism Industry Overview

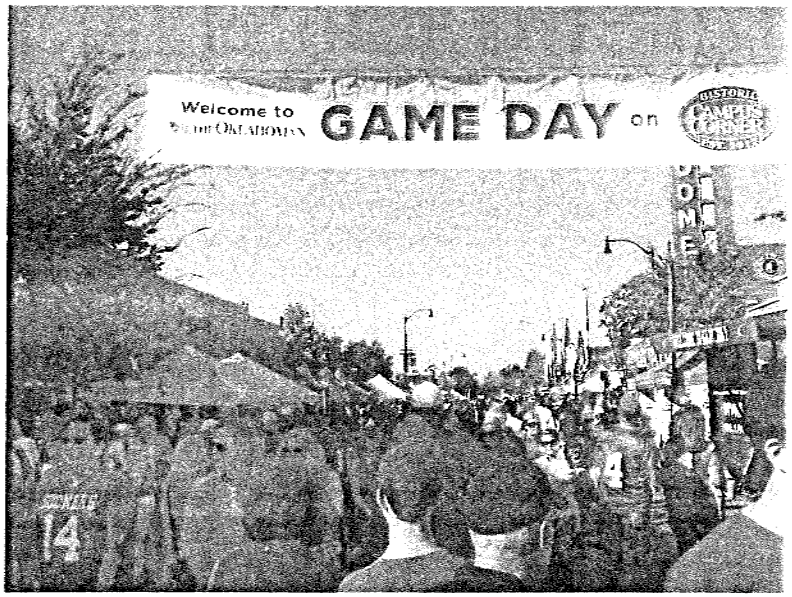
Travel and tourism is a $6.3-billion industry in Oklahoma. Travel and tourism generates $971 million in tax revenue for local, state and federal governments. Each U.S. household would pay $950 more in taxes without the tax revenue generated by the travel and tourism industry.

The travel and tourism industry is one of the state's third-largest employers with 77,000 direct travel-generated jobs with a direct travel-generated payroll of $1,757.9 million. This represents 4.9% of the state's total non-farm employment. Additionally, 1 out of every 8 U.S. non-farm jobs is created directly, indirectly, or is induced by travel and tourism.

A recent study unveiled the quality of a job in tourism. Workers who begin their careers in travel achieve higher wages, have greater access to educational opportunities and enjoy better career progression, according to a first-of-its-kind study of more than 30 years of longitudinal data collected by the U.S. Bureau of Labor Statistics (BLS) and analyzed by Oxford Economics and the U.S. Travel Association.

Key findings from *Fast Forward: Travel Creates Opportunities and Launches Careers* include:

- Earning Higher Wages: The average maximum salary for employees who start their career in the travel industry reaches $81,900 - significantly more than other industries.
- Promoting Educational Opportunities: One-third of the 5.6 million Americans who are employed part time to support themselves while they further their education work in the travel industry. Among workers who began their careers in the travel industry, 33 percent earned at least a bachelor's degree.
- Building the Middle Class: The travel industry is one of the top 10 largest employers of middle-class wage earners in the U.S. More than half of all travel industry employees (53 percent) earn a middle-class salary or higher.
- Leading to Rewarding Careers: Employees who work in travel jobs build valuable skills that can translate into rewarding careers, both in travel and other industries. Two out of five workers who start their careers in the travel industry go on to earn more than $100,000 per year.



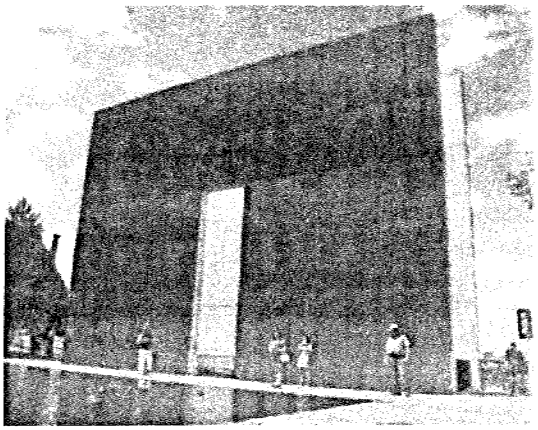
Industry indicators shared at a recent Oklahoma Hotel & Lodging Summit by Smith Travel Research, Inc. point to a healthy industry statewide:

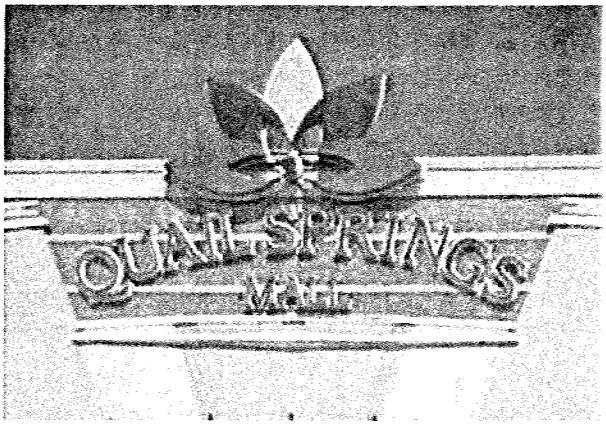
- Occupancy in Oklahoma hotels is at 61% - **UP** 6% year over year
- The Average Daily Rate (ADR) of those hotel rooms has reached the 2009 peak and is at $73.80 - **UP** 4.1%
- Revenue Per Available Room (RevPar) is at $44.99 - **UP** 10.4%
- Room demand is **UP** 6.7% in Oklahoma
- Transient Rooms sold-to-date is outpacing prior years

- Transient ADR has surpassed peak years
- Group Rooms sold to date has outpaced prior years (through June 2012)
- Group Rooms ADR has surpassed peak years
- Occupancy has surpassed prior peaks both weekdays and weekends (65% and 73%)
- The Tourism Promotion Tax Collection Benchmark is up more than 8% in FY13 (through November)
- Tourism Information Center visitation is up more than 12% through November, 2012

The attraction base around the State continues to develop:

- The Oklahoma City National Memorial desires to build out the Journal Record Building
- A new Bedre Chocolate Factory was completed in Sulphur
- The OK Pop Museum in Tulsa continues to be discussed
- Kevin Durant's restaurant has broken ground
- Winstar Casino is building an 18-Story hotel
- Osage Nation is building two casinos
- Retailers Michal Kors Lifestyle and L'Occitane En Provence are considering opening in the Penn Square Mall and retailer Von Maur in the Quail Springs Mall





All national forecasts predict increased travel and tourism in 2013 and 2014.

- Smith Travel Research, Inc. shared at a recent Oklahoma Hotel & Lodging Summit that the U.S. hotel industry is projected to increase in 2013 in all three key performance measurements – average daily rate (4.4%), occupancy (1.7%) and revenue over per available room (6.2%).
- The *State of The American Traveler* says 34.2% of American plan to travel more this year and 33% of Americans plan to increase their leisure travel spending in the next 12 months.
- Data from ConventionSouth, MPI, GBTA & others show that corporations & businesses are expected to increase their spend on face-to-face business meetings in 2013.
- American Express Meetings & Events forecasts no change in the number of meetings in North America in 2013.

Norman Tourism Industry Overview

Indicators point to a healthy tourism industry in Norman. Through December 2012, four key indicators showed increases:

- Occupancy in Norman hotels was at 64.5% (vs. 60.1%)
- ADR of those rooms is up to $80.96 (vs. $80.25)
- Guest Tax collections are up 11%
- Sales Tax collections are up 4.6%

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 more than $146 million dollars and provides an estimated 1,330 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

Market Overview

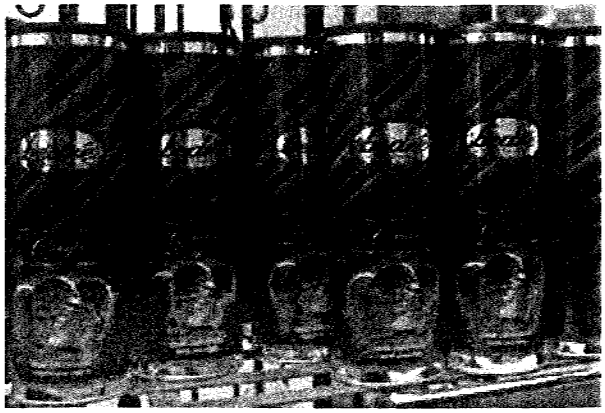
The Norman tourism market is strong. According to recent research, virtually everyone who chooses Norman as a destination would return. Our central location in the state, proximity to Oklahoma City and access to Interstate 35 can be used as marketing advantages. The community is seen as friendly, easy-to-navigate, affordable and attractive by visitors. The University of Oklahoma campus, its athletic facilities and museums all have strong community and visitor appreciation. The Downtown Norman revitalization efforts have paid off as the area has been listed among the top Norman destinations two years running. Additionally, Embassy Suites' conference facilities are recognized by the community as a tremendous asset for attracting groups.

A further positive is that the community appears to have vision for continued improvement as well as a general drive to improve Norman for both residents and visitors alike. This is important because leisure travelers are faced with an astonishing array of options in how to spend their time and money. The growth of Oklahoma City's Bricktown as a destination and the recent completion of an IMAX theatre in Moore is competition for Norman in attracting drive market visitors.

Further consider the recent announcements of attraction developments around Norman:

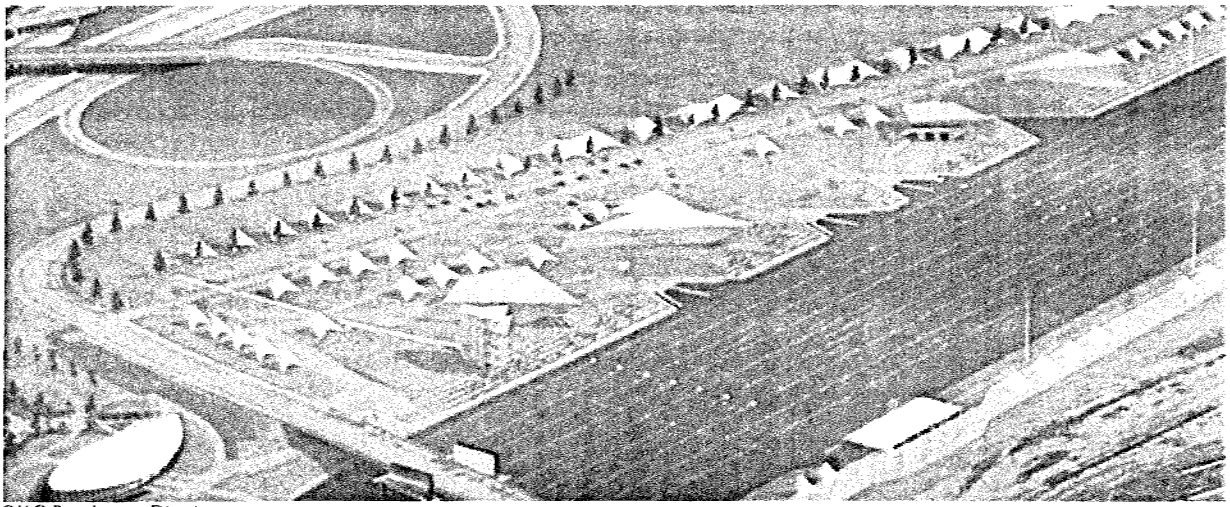
- Oklahoma City National Memorial / Journal Record Building
- Quail Ridge Hunting & Sporting Clays skeet-shooting facility
- Bedre Chocolate Factory in Sulphur
- Tulsa Raceway Park
- OK Pop Museum
- Kevin Durant's Restaurant
- KOSU Film Row studio

- Winstar's 18-Story hotel
- Osage Nation's two casinos
- Kialegee Red Clay Casino
- Retailers Michal Kors Lifestyle and L'Occitane En Provence in the Penn Square Mall
- Retailer Von Maur in the Quail Springs Mall
- OKC Century Center (downtown mall)



And the success of attractions that have opened or improved around Norman:

- Oklahoma City Outlet Mall / Westgate Market Place
- Retail outlets (Dick's Sporting Goods) in Moore
- Warren Theatres IMAX
- Frontier City water attraction
- Remington Park
- Hard Rock Casino
- Boathouse District in Oklahoma City
- Chickasaw Cultural Center in Sulphur
- State Fairgrounds Equestrian facilities
- OneOK Field in Tulsa
- Oklahoma City Redhawks

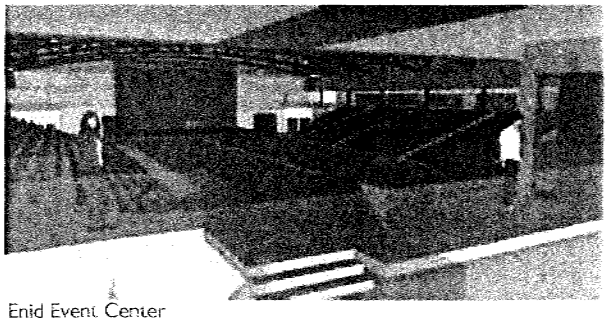


OKC Boathouse District

The NCVB has been 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 attractions such as the Arbuckle Mountains or the Chickasaw Culture Center. Recent surveys indicate the Norman community recognizes visitors to Norman are likely to visit regional attractions. Research affirmed that two of three visitors to Norman are visiting OKC attractions. With 2 million visitors to OKC National Memorial & Museum, it would behoove

Norman to continue to market ourselves in relationship to the close proximity to the state's highest traffic attraction and a growing assembly of regional attractions.

However, while Norman celebrates that the attraction base around us continues to develop, the contrast is recognizing the increased competition for visitor spending from surrounding Oklahoma communities and from the increase in these leisure and group opportunities in general. Additionally, there will be increased competition in the meetings and conventions industry as Oklahoma City continues with site selection for the $280 million convention center approved through MAPS 3. An additional 27,000 square foot banquet space is being developed in Bricktown. Choctaw Casino and Resort has included meeting space. The Ardmore Convention Center, Frisco Conference Center in Clinton and Hard Rock Casino and Hotel in Tulsa have all recently opened. The Tulsa Technology Center Campus in Owasso is now welcoming groups. Enid is soon to open the Enid Expo Center.

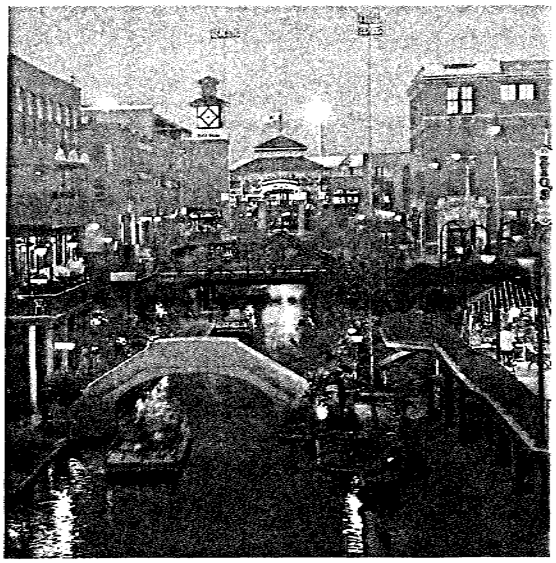


Enid Event Center

While community citizens have championed an aquatics center for years now in Norman, Moore and Edmond have moved forward with construction of swim facilities.

At a recent luncheon presented by the Norman Chamber of Commerce, Oklahoma City Mayor Mick Cornett shared two key successes to the Oklahoma City economy:

1. A diversified economy
2. A strong tourism industry



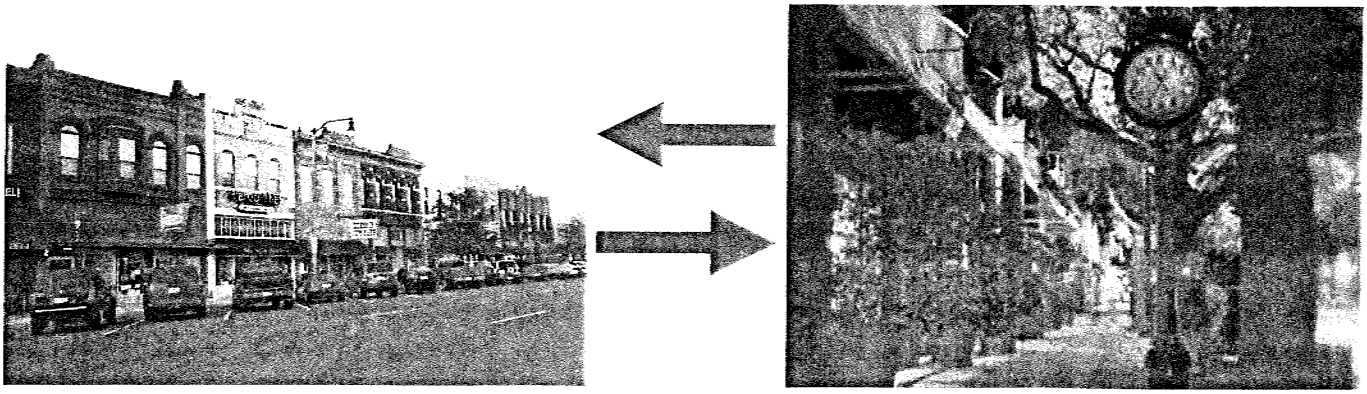
Numerous attractions have been the vision of Norman residents for years:

- National Weather Museum
- Upgraded competitive sport facilities including a competitive swim facility as identified in the Parks and Recreation Master Plan
- Cheer competition facilities
- University North Park including Legacy Park and destination shopping
- Parks and recreation offerings beyond neighborhood parks

While we celebrate the recent opening of Andy Alligator's Water Park and the ever-closer development of Legacy Park, we must continue to discuss development of our own attractions and enhancements of the attractions we have.

Recent feedback from the community showed support for further initiatives that could attract more visitors: 84.5% of those surveyed expressed interest in new nightlife options; 83% expressed interest in high-end shopping options; 81% expressed interest in more unique boutique shopping options; nearly 80% expressed interest in additional fine dining options.

Further community input showed support of the continued development of Norman, specifically through beautification and transportation. We applaud the Norman voters for passing the Transportation Bond that will expand Lindsey Street in addition to the other seven projects. We compliment the City on embarking on a Comprehensive Transportation Master Plan and look forward to participating on its development. Also, 93.5% expressed interest in community beautification initiatives. More than 88% expressed interest in connecting various districts in the city. (For example, connecting Historic Downtown to Campus Corner.)



Concepts that have been the vision of Norman residents include:

- Enhancements to entry points and corridors within Norman – Porter, Flood, Main Street, Lindsey, South Classen
- Development of Front Street concepts from Robinson into Downtown
- Continued beautification of Downtown Norman and Campus Corner in line with the 'Central Initiative' as proposed by Imagine Norman
- Beautification Master Plan as proposed by Imagine Norman

As the community looks to further develop Norman as an attraction, the city must continue to foster a pro-business and development environment. We must cultivate a development process that is as expeditious and manageable as possible. Additionally, we must continue to explore and use tax incentives as development tools. (TIF, BID, sales tax abatements, etc.) All interested parties working together for this common goal will exponentially increase opportunities for destination experiences in Norman.

It's as Maura Gast, Irving Texas CVB Executive Director, said at the 2012 Annual Tourism Luncheon:

"If you build a place people want to visit, you build a place where people want to live.
"If you build a place where people want to live, you'll build a place where people want to work.
"If you build a place where people want to work, you'll build a place where business has to be.
"And if you build a place where business has to be, you'll build a place where people have to visit."

In addition to increased competition with attraction and meeting space development, Norman continues to face increasing competition from communities regionally and across the nation with similar make-up: 85- to 130,000 in population, within a metropolitan area, and home to major university. Consider the following:

City	Population	DMO Budget
Ann Arbor, MI	114,000	$2,600,000
Gainesville, FL	124,000	$2,000,000
Las Cruces, NM	93,570	$1,549,000
Waco, TX	126,000	$1,300,000
Columbia, MO	101,100	$1,300,000
St. Joseph, MO	76,200	$1,300,000
Fort Smith, AR	86,200	$ 894,500
Odessa, TX	90,900	$ 870,000
Boulder, CO	94,200	$ 727,000
Lawrence, KS	92,000	$ 685,000
Stillwater	39,000	$ 580,400
Norman	**113,000**	**$ 557,500**
Edmond	81,000	$ 452,350

*excerpt from benchmark comparison of 27 communities. For full list, see Appendix A.

The marketing initiatives outlined in this plan are those that are budgeted at this time, with our limited budget, many initiatives have been left out of the budget. To date, more than $350,000 worth of marketing initiatives we have identified as sure-fire opportunities remain unfunded.

NCVB Overview

NCVB 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.

NCVB 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 17-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 taxes 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 NCVB By-laws and Contract K-9293-136 stipulate how the 17 members of the Board of Directors are elected. The 17 members shall be composed of the following:

- Seven Directors elected by the NCVB Board of Directors nominated from the following organizations or industries:
  - The University of Oklahoma Athletic Department;
  - The Norman Public Schools;
  - The Norman Chamber of Commerce;
  - The Norman Arts Council;
  - The Norman hotels and hospitality industry (2); and/or
  - The Norman restaurant and entertainment industry.

- Two Directors appointed by the Mayor of the City of Norman representing the University of Oklahoma and organized athletic groups.

- Four Directors elected by the NCVB Board of Directors to serve in "at-large" capacities.

- Four Ex-Officio representatives as follows:
  - The Mayor of the City of Norman or a City Councilmember appointee;
  - The City Manager of the City of Norman or a designee;
  - The Executive Director of the Norman Chamber of Commerce; and
  - The Executive Director of the Norman Economic Development Coalition, Inc.

Fiscal Year 2013 Board of Directors members are:

Chair: Kris Glenn, Tyler Outdoor Media
Vice Chair: Suzanne M. McAuley, Norman Chamber of Commerce, First American Bank
Treasurer: William Murray, CTA, Norman hospitality industry, Montford Inn Bed & Breakfast
Secretary: Michael Vance, CTA, At-Large, Embassy Suites Hotel and Conference Center
Past-Chair: Joe Sparks, Norman restaurant industry, Legends Restaurant
Dr. Roger Brown, Norman Public Schools
Sherry Brown, Norman Arts Council, Republic Bank & Trust
Sandy Huse, At-Large, Sooner Mall
Randy Laffoon, Mayoral Appointment – organized athletics, SportsTalk 1400
Jay Potter, Norman hospitality industry, Hampton Inn
Juna Stovall, Mayoral Appointment – OU, OU OCCE
Charlie Taylor, OU Athletics
Paige Williams, At-Large, Chickasaw Nation

Ex-Officio
Brenda Hall, City Manager Designee
Linda Lockett, Mayor/City Council Designee
Don Wood, Norman Economic Development Coalition, Inc.
John Woods, Chamber of Commerce

NCVB Staff and Titles

Stephen Koranda, Executive Director, CTA
Susan Bash, Sales Manager, CTA
Stefanie Brickman, Communications Manager, CTA
Taylor Mauldin, Services Specialist, CTA
Michelle Samp, Sales Manager, CMP, CTA
Sarah Jay, Marketing Assistant, CTA (PT)

Target Audience Overview

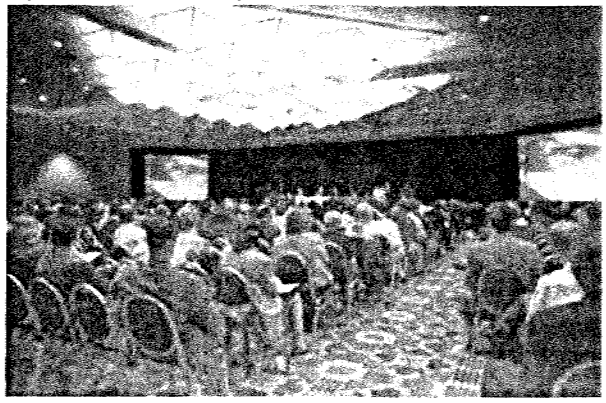
The Norman Convention and Visitors Bureau targets three audiences as outlined in our Mission Statement - overnight meeting, convention, sport and tourism business (or leisure travelers).

Meeting/Convention

Meetings contribute greatly to the economy. The U.S. Travel Association prepared a report – *Economic Significance of Meetings to the U.S. Economy.* It reported 1.8 million meetings are held in the United States annually and contribute $263 billion in direct spending to the U.S. economy. According to the study, the meetings industry accounts for a total of 1.7 million jobs and generates $60 billion in U.S. labor income, $14.3 billion in federal taxes and $11.3 billion in state and local taxes.

Meeting and convention opportunities are 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.

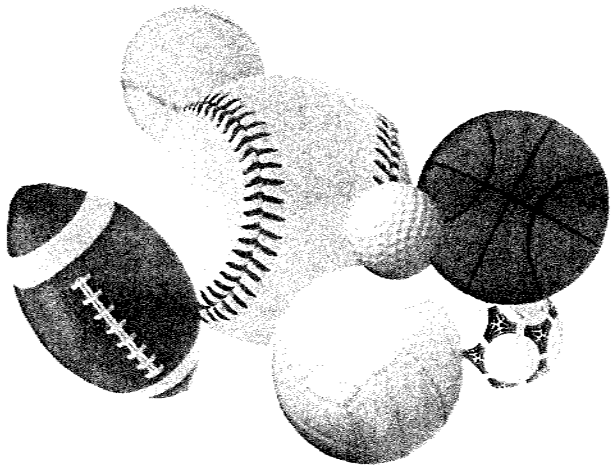
Research through the brand realignment found that presently Norman is only considered a destination among Oklahoma-based meeting planners. A strategy must be implemented to market to regional meeting planners outside of Oklahoma to bring Norman to the forefront of their considerations.



The same research identified that meeting planners tend to be women between the ages of 30 and 60. Any strategy must recognize this and the design of advertisements or materials and the messages they contain must be created appropriately.

Sports

The sports market are selected sport 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.



Networking is a major strategy to attract events to Norman. Major influencers in the community who can assist in bringing events to Norman are the local sports associations. Results are more successful when these associations are partners with the NCVB in bidding on events.

Tourism (Leisure)

The tourism market is defined as the leisure traveler or any visitor traveling to Norman outside of an organized convention or meeting with interest in Norman's attractions, history, culture, and/or accommodations.

Recently the NCVB database of more than 80,000 potential leisure visitors was "scrubbed" by a research firm. RUF Strategic Solutions was able to match the names in our database to information available to them. The members of the database represented household clusters and the descriptions of those clusters provide us insights as to the typical visitor to Norman:

- The head of the household is 45 to 75+; one cluster well represented trended younger at 35- to 54-years-of-age
- The household income is $50,000 to 150,000; one cluster well represented trended higher at $75,000 to $250,000
- They have completed high school and most likely graduate school
- They are married
- They have been in their home for 16 years or more
- They generally do not have children in their home. However, two clusters well represented show a strong propensity to having kids 13- to 18-years-of-age in the home.
- They are strong magazine and newspaper readers and television watchers. Although some clusters well represented suggest the exact opposite – weak propensity to listen to the radio, watch TV, read magazines and newspaper and pay attention to advertising outside the home.
- Magazines they most likely read are Smithsonian, AARP, Better Homes and Garden, Southern Living and Golf Digest
- Serves or has served in the military
- Belongs to a social, fraternal or civic group

Specific to travel

- They took a domestic trip in the last year
- Most will travel twice a quarter
- Stay 4 to 8+ nights

- Spend $900 or more per trip
- Most likely visit in the fall. The clusters with kids in the household will visit in the summer.
- On the trips they will golf, gamble, visit historic places, museums and beaches, participate in water activities
- The clusters with kids in the household attended a theme park in the last year and attend sporting and other events. They also hike/bike, boat/sail, and hunt/fish.

The interest in Norman comes primarily from Oklahoma and Texas. Missouri, Illinois, Kansas, California, Ohio, Wisconsin, Michigan, Arkansas and Indiana are the other states in the top 10 with regards to states represented most by leisure inquiries.

Marketing Goals and Objectives

Marketing Goals

Through strategic, research based sales, promotions and public relations initiatives, the NCVB marketing goal is to show growth in the following key indicators:

1. Occupancy rates of Norman hotels
2. Average daily rates of Norman hotels
3. Transient guest tax collections
4. Sales tax collections

Performance and Activity Measures that lead to the growth of the above key indicators include:

1. Number of leisure promotions programs
2. Number of gross impressions of those programs
3. Number of conversions through those programs
4. Number of leisure media placements
5. Number of gross impressions of those media placements
6. Number of leads sent to hotels for meeting/sport groups
7. Number of room nights booked for meeting/sport groups
8. Number of room nights serviced for meeting/sport groups
9. Room nights booked for group tours

Marketing Objectives

The following marketing objectives will be the concentration of the CVB in FY 2014:

1. Aid in the continued development of Norman as a destination
2. Continue to collect secondary research and pursue primary research to aid in our marketing and branding effectiveness
3. Create a genuine brand encompassing the entire destination experience
4. Execute promotions to meetings/conventions, sports and leisure target markets

Proper execution of the above objectives will assure growth in the four key indicators above.

Marketing Objectives

Destination Development

Marketing 101 teaches the Four Ps of Marketing – Product, Price, Place and Promotion. Clearly Product drives the other three P's of the Marketing Mix. Without a quality Product, no matter the Price, Place or Promotion, the Product will not satisfy the consumer. Just as Apple, Chevy and Proctor & Gamble concentrate on the quality, design, features, sizes and services of their products, a destination must concentrate on the quality of the destination and the features it offers to the tourist. The NCVB Board of Directors and staff recognize development of the Product – Norman as a destination – is our first and foremost concentration.

Refer back to the Market Overview and specifically the list of attractions being developed – museums, sport facilities, destination restaurants, retail, entertainment outlets, etc. As previously stated, while Norman celebrates that the attraction base around us continues to be developed, the contrast is recognizing the increased competition for visitor spending from surrounding Oklahoma communities and from the increase in these leisure and group opportunities in general.

Key Objectives

Aid in the continued development of Norman as a destination. Focus areas to include:

A. Development of new attractions (i.e., National Weather Museum)
B. Development of an events center in University North Park
C. Development of upgraded competitive or new sport facilities
D. Development of a Travel Information Center along Interstate 35
E. Continued development of districts within Norman as destinations (i.e., Downtown, Campus Corner, University North Park etc.)
F. Redevelopment of distressed districts (i.e., Main Street, Ed Noble Parkway, Porter corridor etc.)
G. Continued beautification of Norman
H. Enhancement of current attractions
I. Development and promotion of existing festivals and events
J. Development of new festivals and events
K. Engagement in transportation enhancements
L. Expansion of the Certified Tourism Ambassador program

Development of new attractions (i.e., National Weather Museum)

Key Strategy - The NCVB will continue to look for ways we can assist with the development of new attractions. NCVB staff presently sits on the board of directors for the long envisioned National Weather Museum. We constantly monitor activities and discussions related to other possible attractions in Norman. More attractions than the National Weather Museum are being discussed.

Development of an events center in University North Park

Key Strategy - The NCVB will continue to advocate for an events center in University North Park. There have been discussions of a feasibility study to be done for such a project. The NCVB will push for such a study to be conducted towards the development of an events center to compliment the Embassy Suites Hotel and Conference Center and neighboring hotels.

Development of upgraded competitive or new sport facilities

Key Strategy - The NCVB will continue to look for ways we can assist with the upgrading or development of new competitive sport facilities, specifically facilities able to host lucrative weekend tournaments. The Parks and Recreation Master Plan outlined initiatives. A group has long advocated for a competitive swim facility. We constantly monitor activities and discussions related to each and will advocate for their development.

Development of a Travel Information Center along Interstate 35

The need for Travel Information Centers (visitor or welcome centers) is growing, at least according to a recent survey of DMO professionals conducted by Destination Marketing Association International. 16% of destinations indicated an increase in the number of visitor centers they manage. With 81% of DMOs indicating they manage at least one visitor center, one perspective for this growth is that today's centers are finding fresh ways to draw in visitors. From touch-screen technology to ticket sales, today's evolving TICs are producing new ways to engage tourists. While the storm damage to the NCVB Downtown office provided the opportunity to locate closer to Interstate 35, we must continue to explore opportunities to establish a very visible presence on I-35 through a Travel Information Center.

The NCVB Executive Director attended a seminar on Travel Information Centers. With this information from DMAI's Certified Destination Marketing Executive program, Norman now has a blueprint for developing the long envisioned Travel Information Center along Interstate 35.

Key Strategy – continue to explore opportunities to establish a very visible presence on Interstate 35 through a Travel Information Center.

Continued development of districts within Norman as destinations (i.e., Downtown, Campus Corner, University North Park etc.)

Key Strategy - The NCVB will continue to look for ways we can assist with the development of districts within Norman as destinations. NCVB staff presently sits on the board of directors for the Downtowners Association. We remain in communications with key Campus Corner tenants and owners. We constantly monitor activities and discussions related to other all districts and remain prepared to work with those entities to advocate for the further enhancement of those districts.

Redevelopment of distressed districts (i.e., Main Street, Ed Noble Parkway, Porter Corridor etc.)

Key Strategy – Recognizing there are districts or corridors that perhaps are not the most attractive, the NCVB maintains public enhancements should be explored that will drive private investments. Whether those be beautification efforts such as streetscape or landscaping, or putting in place incentives such as tax increment financing or tax abatements, with public investment, private investment will follow.

Continued beautification of Norman

Almost every aspect of your physical destination presents an opportunity to make favorable impressions. You have a captive audience and a controlled environment where you can communicate your marketing message any way you choose. What will you do with it?

- Explore design and beautification initiatives
- Explore signage and way-finding programs
- And in general, work on the Norman mojo and ambiance

Key Strategy - The NCVB will continue to look for ways we can assist with the beautification of corridors and gateways to Norman. NCVB staff presently sits on boards and committee for numerous entities and through those will advocate for beautification efforts. The NCVB co-funded a wayfinding study that lead to a plan being prepared. We will work with City staff on the implementation of that plan.

Enhancement of current attractions

Key Strategy - The NCVB will continue to look for ways we can assist with the further enhancement of current attractions. Naturally, the key way to do that is with research-based, targeted promotions. Through constant communication with personnel at Norman's attractions, we can continue to understand other ways we can assist.

Development and promotion of existing festivals and events

Key Strategy - The NCVB will continue to look for ways we can assist with the further development of existing festivals or events. Naturally, the key way to do that is with research-based, targeted promotions of the festivals and events. Another is that we will continue our involvement with community events and send media releases about such events. At present, the Communications Manager is actively involved with the organizing committee or lends media support to more than 15 community events. But whether that be a new feature of a parade, new offering at a festival, or the expansion of an event to include an additional day, the NCVB is ever ready to assist with opportunities to enhance one of our iconic events.

Development of new festivals and events

Key Strategy - The NCVB will continue to look for ways we can assist with the development of new festivals or events. We constantly monitor activities and discussions related to such and remain ever ready to assist with opportunities to add a new festival or event to our ever popular line-up.

Engagement in transportation enhancements

Key Strategy – While research indicates the overwhelming majority of tourists drive a vehicle into Norman when visiting, providing them with transportation, the NCVB recognizes there are visitors who do not have transportation and could use public transit. We will continue our engagement in public transit initiatives such as the current bus system and discussions of future expanded rail service and remain ready to advocate for expansion or development of systems to move visitors conveniently from one attraction to another.

Expansion of the Certified Tourism Ambassador program

Recognizing one can always improve customer service, the NCVB partnered with the Oklahoma City and Edmond CVBs to bring the Certified Tourism Ambassador program to the OKC metro. This national program trains and certifies people who work in front-line industries with the skills to enhance a visitor experience to increase tourism, from hotel employees to convenience-store clerks to taxi drivers and museum guides. The CTA program goes well beyond basic customer service training; it gives participants the opportunity to build upon their knowledge of the local region, enhance their skills in serving customers, increase their awareness of information resources and discover the power of tourism. A summary of the program is included as Appendix B.

Key Strategy – The NCVB will continue the promotion of the program in hopes more front-line staff will become certified.

Research

Research is imperative to the overall success of destination marketing initiatives. Without research you do not know what share of travelers' minds you own, could own or potentially never could own. Through destination brand research, you can uncover how to increase mind share in order to grow and maintain visitation. You will also have accountability measures to address stakeholders' questions and concerns.

Due to budget restraints, the NCVB has been limited to secondary research in which to expand our knowledge of visitor needs and desires which would maximize our marketing effectiveness. Through Oklahoma Tourism and Recreation Department, U.S. Travel Association, Destination Marketing Association International and other industry resources, we are able to collect national and state-wide psychographics and demographics of current and potential visitors. If the NCVB were to understand the Norman-specific visitor psychographics and demographics, we would be able to segment the databases into niche markets and maximize our marketing effectiveness.

As of the writing of this marketing plan, a proposed increase in the transient guest tax ("hotel/motel tax") would significantly increase the CVB budget. With the increase, more research can be funded. If the increase in the guest tax is approved by Norman voters, the CVB will prepare for multiple research studies to be conducted. Possible studies as outlined in the BrandScience Guide for Destination.

Research could include:

1. Determining how all types of visitors perceive and feel about Norman as a destination.
Asking visitors questions such as how they perceive the destination in terms of getting better, staying the same or becoming worse, or do they feel the destination is equal to or better than other destinations, can uncover attitudes and perceptions.

2. Gathering perceptions from all visitor segments related to Norman's brand promise.
Once a brand promise is drafted, it can be tested with visitors and prospective visitors (as well as stakeholder segments) in focus groups, in on-site interviews or via an on-line research methodology.

3. Surveying to engage consumers' feelings.
Conducting a survey to elicit and measure/gauge visitor feelings and attitudes are just as or more important than behavioral questions designed to measure frequency of visit, expenditure patterns, etc. How visitors "feel" is of paramount importance to know and understand.

4. Monitoring brand effectiveness.
This will measure and benchmark satisfaction and loyalty levels. Research will identify critical elements of the destination experience as well as competitors' relative performance. Routine, periodic research is required to gauge the destination brand's ability to deliver on its promise over time and track changes toward any of its inherent brand attributes.

5. Evaluating VisitNorman.com's effectiveness.
The evaluation is designed to provide an objective measurement to gauge the "brand" effectiveness of VisitNorman.com by taking into consideration some important applications of basic brand-building principles. The evaluation will also examine VisitNorman.com from the perspective of its intended target audience. The criterion used in the evaluation process is designed to assess the visitor's experience and potential to meet brand expectations.

Additionally, a future studies will look to determine the conversion of potential visitors into actual visitors to Norman.

In the interim, memberships in Destination Marketing Association International, National Association of Sports Commissions, and Oklahoma Travel Industry Association allow the NCVB access to secondary research.

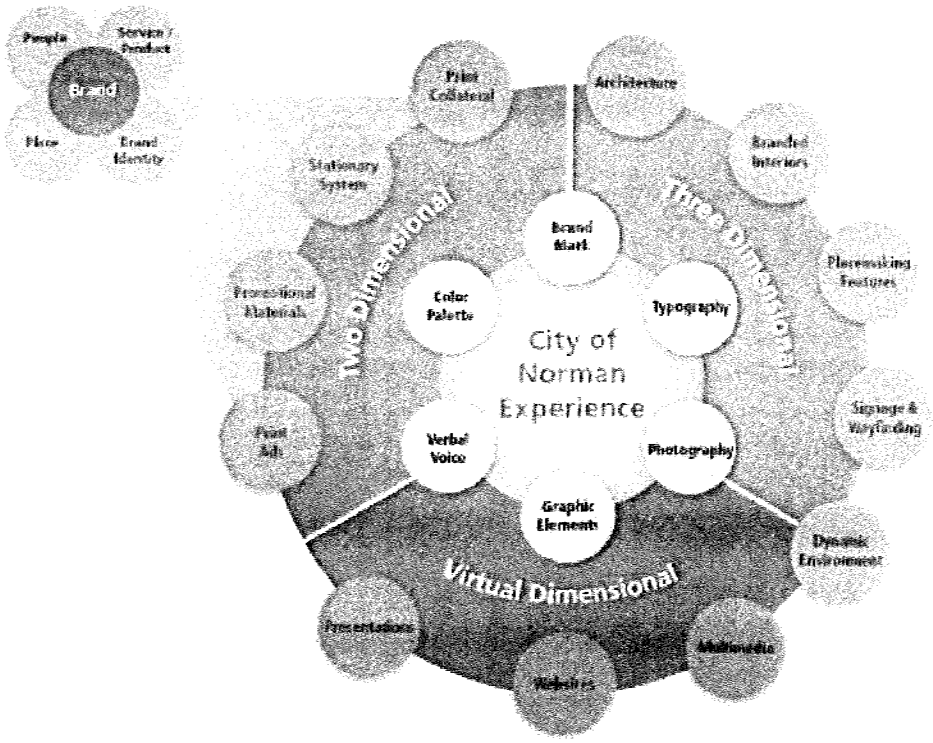
Brand Image

Any business professional knows one of the most important assets one can develop for a business is a powerful brand. It is the same for destinations.

Brands are not just logos or tag lines. Brands are the culmination of who you are, how you are different from your competition, and why a tourist should visit your destination.

A brand instills confidence, creates loyalty, and many times can command a premium price. Most of all, a great brand reduces a buyer's perception of risk and makes the purchase choice easy.

Developing a brand is much more than just deciding on a name or picking some colors. A brand is the sum of all Norman does. It's derived from all of our touch points with our customers and prospects. Developing a brand requires having a plan that consistently communicates what Norman is and does, along with our distinct attributes, image, and personality. For example, see the image below from the Norman Wayfinding Plan.



The Norman CVB took a step towards developing a genuine brand for Norman with the "brand realignment" completed in 2010. But as the Norman Wayfinding Plan was being prepared, it became apparent that Norman is not consistently communicating what Norman is and does. We need to continue developing brand Norman.

If we think that developing a strategic direction for brand Norman is basically "image building," "positioning" and advertising, then we will miss out on many other opportunities and benefits. Too often, destination brand initiatives are focused on naming, logo makeover, advertising slogans and media spend. Without the umbrella of an overarching strategy for the destination brand experience, tactics such as the aforementioned may garner short-term gains in building awareness, but may lack the staying power vital to the long-term good health and wellbeing of a brand.

Key Objective

To create a genuine brand – brand Norman. Genuine brands are not designed. Genuine brands are the result of a comprehensive, well thought-out and carefully crafted strategy that encompasses the entire destination *experience* reflecting visitors' needs and expectations. It is for this reason that the destination brand-building process must focus on strategic development of a brand versus individual tactics focused on identity, image, awareness and promotion.

Strategy Towards Key Objective

To create a distinctive, long-lasting, one-of-a-kind brand is a process that comes from within. The Norman CVB will lead a team of stakeholders representing a cross section of key constituents. This "brand commission" will own and direct the destination brand development and implementation process.

The first task of the "brand commission" will be to conduct a brand assessment that will objectively evaluate perceptions of the destination brand's current brand position, building toward consensus among the organization's primary stakeholders with the brand's reality: where and how the destination is perceived today.

However, an objective assessment of the organization's destination brand cannot be accomplished without quality research. Effective destination brand research gets inside consumers' minds to discover the primary motivating or influential factors driving tourism and visitor decision-making. The "brand commission" will be reviewing options for conducting the research needed for a brand assessment.

Consumer and customer satisfaction must be understood from an absolute standpoint: "How satisfied are customers with our destination's products, accommodations and service?" It is also important to gain a high level of understanding of satisfaction relative to other competitors and from a macro point of view. In other words, determine what is reasonable, acceptable or the norm in a particular market or market segment. Studying best-demonstrated practices helps identify the industry's "gold standard" or top performance (inside or outside the industry) to help establish benchmarking targets.

Any research will coincide with the research mentioned above. (See pages 21-22.)

Promotions

Meetings/Convention and Sports

The NCVB will continue to work with conference centers, hotels and the University of Oklahoma's Center for Continuing Education to increase the number of meetings, conferences, and events-related spending in Norman – particularly during off-peak time periods.

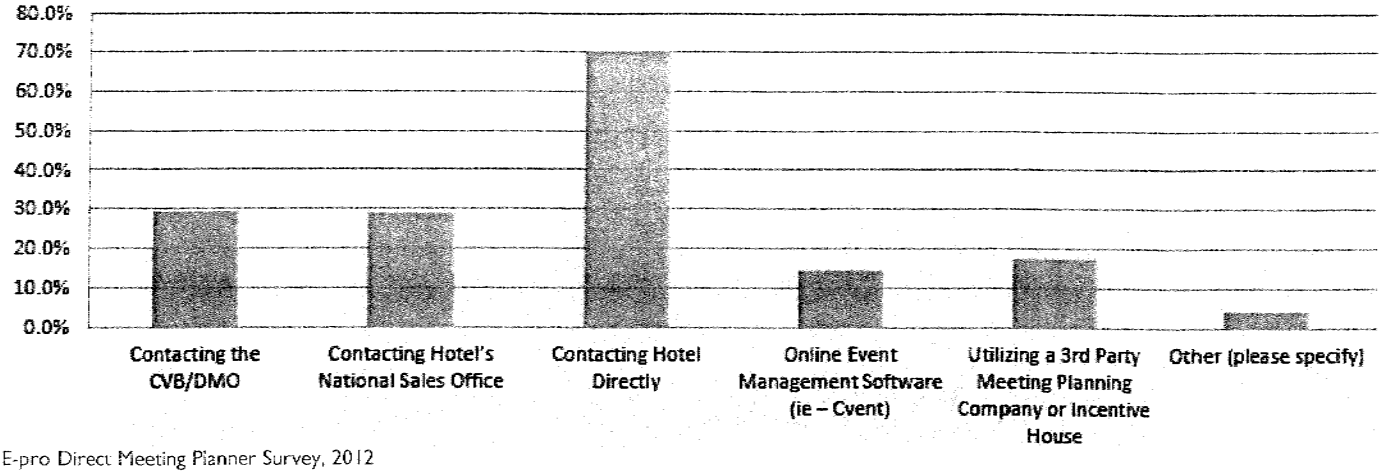
Key Objectives towards Meetings, Conventions and Sports

1. Brand Norman, enhance awareness and expand promotion of Norman as a convention, meetings and sports destination
2. Continue to develop Norman as a destination for meetings/conventions and sports
3. Expand our digital activities
4. Enhance the servicing of groups meeting or hosting a sports event in Norman

Branding the Destination for Meetings

Recent research has revealed that we, as a DMO, must continue to re-find our niche in the ever-growing meetings, conventions and sports industries. Whereas in the past a meeting planner had two resources available to them – the hotel/conference center or the DMO – today the online world has made available countless websites (Cvent.com, ASAEBuyersGuide.com) providing hotel, conference space and destination information. Third-party meeting planning / site-selection companies like HelmsBriscoe, Conference Direct and Experient have also "crowded our space."

A most telling statistic from a recent study revealed that the preferred method of meeting planners when submitting a request for proposal is contacting hotels directly (70.1%). 29.1% contact the hotel's national sales office. 14.4% use online event management software (i.e. Cvent.com) and 17.5% use a third-party meeting planning company. Only 29.3% of meeting planners contact a DMO. (Respondents could respond to multiple options.)



E-pro Direct Meeting Planner Survey, 2012

Key Strategy

Thus, a key strategy in the meetings/conventions and sports markets is that we must take a more "promotions-oriented" strategy towards group business through branding Norman and enhancing the awareness of Norman as a convention and meetings destination, while also establishing a strong regional and state presence in the meetings and sport industries.

In an article in Successful Meetings, the late Gary Sain, then the Visit Orlando President and CEO, stated he was *less concerned about his (DMO) generating leads and more concerned about booked business, however that is accomplished.*

"We believe our first job is to brand the destination. We don't care if a lead goes through us or directly to the hotel. As long as they're coming to Orlando, we don't care."

Another industry colleague emphasized the need for additional promotions centered around sales by stating, *"No sales person can close the deal if there isn't ad awareness or desire for our destination." (Don't recall source.)*

As the CVB further enhances our promotions to the meeting planners, we in return, expect to see a direct economic impact through increased room-night production for our area hotel partners.

In addition to promotions to meeting planners, we must promote Norman to third-party meeting planning companies and build relationships with their associates. John Cychol of the Fort Worth CVB stated, *"It's important for (Fort Worth) to partner with (third-party companies) to make sure the planner gets the best impression of our destination when going through a third party."*

"We don't care if a lead goes through us or directly to the hotel. As long as they're coming to Orlando."

Gary Sain, President and CEO, Visit Orlando

Our message to the third-party meeting planners: *CVBs offer a depth of knowledge that helps planners sell the destination to their attendees, and CVB staff has the relationships within the community that can resolve problems when they arrive and the best relationships with the hotel community third-party companies are representing.*

When the opportunity arises to actually sell Norman with an individual meeting planner, the CVB will target "city-wides." We must capitalize on the fact that *(DMOs) are the undisputed kings in marketing destinations to groups holding city-wide conventions. The knowledge about the destination that the (DMOs) have is also crucial to creating a complete package for a large meeting.*

(DMOs) can enjoy a competitive edge for city-wides by coordinating all the hospitality and travel components in the destination, negotiating vendor discounts or subsidies on behalf of groups, and providing groups a housing bureau at a discounted price.

Destination Development

Meetings are not just about the conference center or hotel. Open evenings or off-site functions can provide the attendees with an experience which may entice them to visit the destination with family or friends again. By working with local partners, the CVB can help deliver an experience to our visitors that is distinctly Norman. Our goal is to add value and maximize the group visitor's experience. If we build strong relationships and provide wonderful experiences this will affect repeat and referral business.

"Planners have to create an experience as well as a meeting, and that's created by what goes on outside of the education, reception, and convention hall," Heidi Longton, Meeting Industry Experts Inc.

Key Strategy

The CVB will engage in the initiatives outlined above. (See pages 19-22.)

Expand Digital Activities

Our industry has been charged that *today's (DMOs) have to strive to distinguish themselves from a host of digitally empowered competitors.* That means continuing to add meaningful content to the Meeting Professionals' section on VisitNorman.com

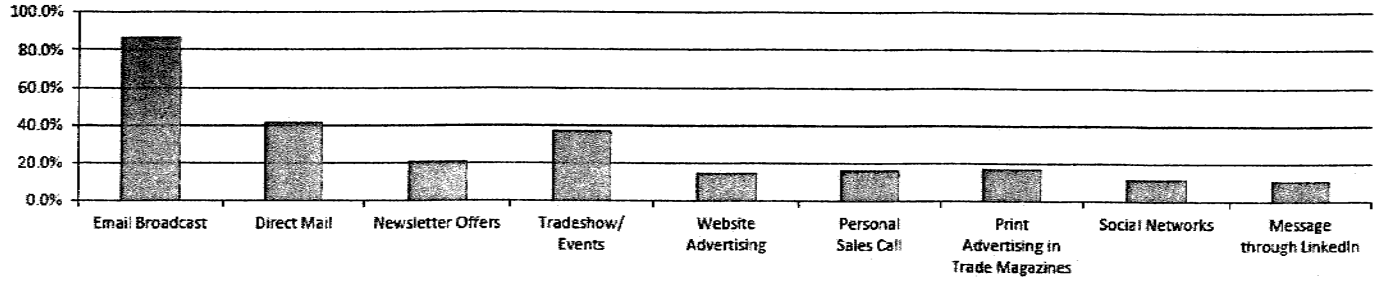
Brian John Riggs, Association Headquarters, recommends that (DMOs) act as curators for their destinations, a reference to the gaining concept that people researching a subject online want a single trusted source. "As the official voice for their destinations, (DMOs) are well-positioned to fulfill that role."

(DMOs) must aggressively embrace the new communications technology. "It is fast becoming a component of our everyday life. The impressions made through electronic platforms are almost decision points. There has to be a 'capture experience' at the point of contact. If (DMOs) can leverage the culture of their destination and let it shine in that 'capture moment,' then I think they take a leap ahead." (Riggs)

It's not just VisitNorman.com. We must develop strategies to use Social Media in the branding and promotion of Norman as a meetings and sport destination. Recent best practices include *people posting favorable expressions about Vancouver (Canada) on various social-networking websites (after a disturbance) and the (DMOs) advertising agency deployed software to automatically aggregate those postings into a single site, ThisIsOurVancouver.com. The effort helped restore some of the city's battered pride and presented a more positive image to the public.*

Another example includes the Long Beach (DMO) *using its Facebook page to run contests that promote attendance for groups meeting in the city. "It has been very effective in driving attendance for the events we've done it for." Steve Goodling*

A survey of meeting planners unveiled how planners prefer to receive meeting supplier information. *Email broadcast was by far, the most preferred (86.2%). Direct mail and Tradeshow/Events followed at 41.6 and 36.4%.*



E-pro Direct Meeting Planner Survey, 2012

It is no surprise, then, that a different survey showed the top three most common online and digital marketing activities used by DMOs to reach event producers and group clients are, in order, social media, email blasts, and e-newsletters.

	DMOs	Convention Centers
Social media (Facebook, Twitter, blogs)	85%	61%
Email blasts	75%	61%
E-newsletters	71%	67%
Dedicated website	69%	83%
Search marketing, key words	67%	39%
Online video promoting destination and/or hotels, venues, activities/ YouTube, etc.	56%	39%
Banner ads on other websites	54%	44%

Key Strategy

The Norman CVB will concentrate on these proven promotion strategies to promote Norman to meeting planners.

As the database of meeting planners expands, regular communication through email will promote new enhancements to meeting facilities, hotels, and attractions – exactly what a meeting planner suggested they wanted in these communications – *quarterly e-newsletters that give a quick update on (a destination's) facilities and promotions.* Another desires *constant updates on services/properties so I know that the information I am seeing is up to date and current.*

The emails will also promote our office's services and the value proposition of a destination marketing organization to a meeting planner. We will additionally look to publications with greater databases in which to "e-blast" Norman's message. Direct mail pieces will complement the emails. And social media will further promote VisitNorman.com.

Servicing

It's not just sales either. It's service, too! Convention services enhance the visitor experience through customer service excellence and differentiated product development and delivery.

Many recognize that *"(DMOs) offer a depth of knowledge that helps planners sell the destination to their attendees, and we have the relationships within the community that can resolve problems when they arise." Steve Goodling, Long Beach CVB*

What type of services? A recent survey unveiled *that a considerable 85% of DMOs provide event organizers with attendance marketing support or assistance.* See the chart below for the most common types of attendance marketing support provided:

	DMOs	Convention Centers
Public relations support	91%	71%
Liaison with city, state or regional affiliated groups or government agencies	88%	64%
Adding event information to the DMO and/or venue website(s)	74%	64%
Emails to potential local attendees	67%	29%
Airport signage and around the destination before the event	64%	29%
Hotel discounts/rebates	55%	14%
Assistance securing event speakers, keynoters	55%	7%
Entertainment, sports, cultural event or facility discounts	50%	50%
Cash payments/rebates/marketing support fees	48%	21%

Key Strategy

Staff will also look to expand a new Attendance Generation Program. The program offer tools to help groups generate attendance. Studies show *85% of DMOs provide event organizers with attendance marketing support or assistance. Norman needs to expand our attendance marketing support.*

Tradeshows

"People-based" marketing, including the sales force and participating at industry trade shows and conferences, account for a total of 44% of the average DMO's total marketing expenditure. Strong investments as the industry reports *the marketing mediums and activities that drive the highest quality leads are attending industry trade shows and events and the sales force.* And competitors are investing more in those mediums: *The marketing mediums that received the most increased investment recently have been industry trade shows, conventions and conferences, according to half of the DMOs responding to the survey.*

The Norman CVB will continue to invest significant resources in the sales force and our presence at trade shows and conferences. Collaborate, Connect, NASC, OSAE, PCMA, RCMA, Red Carpet Travel

Show, Rejuvenate, Small Market Meetings, SGMP and TEAMS are all shows that we are budgeting to attend.

Other shows under consideration include: Christian Meetings and Conferences Association Trade Show (CMCA), Chuck Cooke & Associates Trade Show, Destination Showcase, Fraternity Executives Association, HelmsBriscoe Annual Business Conference Trade Show, NIRSA (intramurals), National Panhellenic Conference, Reunion Friendly Network, Smart Meetings, and Student Youth Travel Association.

Digital Activities

DMOs are finding value in digital activities. *The online and digital marketing activities considered the most effective by DMOs are their dedicated website, banner ads on other websites, email blasts and social media.* And with success, are investing more in digital.

More than 30% of DMOs increased their spending on their internal sales force, websites and digital activities by more than 5%. Sixty-two percent of convention centers say they increased their budget for their website and digital activities by more than 5% in this fiscal year.

As shared above, we must look to expand our digital activities. In addition to electronic communications, the NCVB will continue to expand and enhance VisitNorman.com. Photos, videos, a digital marketing tool kit, will look to be added among the expansion of information already provided. Meeting professionals have offered feedback on what additional tools and resources they would welcome in a destination's website:

- *The total number of rooms, suites, etc. clearly stated*
- *A dedicated conference website*
- *Make websites user-friendly – make sure floorplans are downloadable and printable*
- *More online 360 tours*
- *Easy to access hotel listing with group sales contacts*
- *Online meeting kits – photos of meeting rooms, hotel/resort layouts, etc.*

Additional digital activities will include the monitoring of Norman's web presence on other online listings and the expansion of Social Media as a promotions tool for meetings and sports. Careful consideration will be made for targeted advertising on websites for meeting planners.

Sales

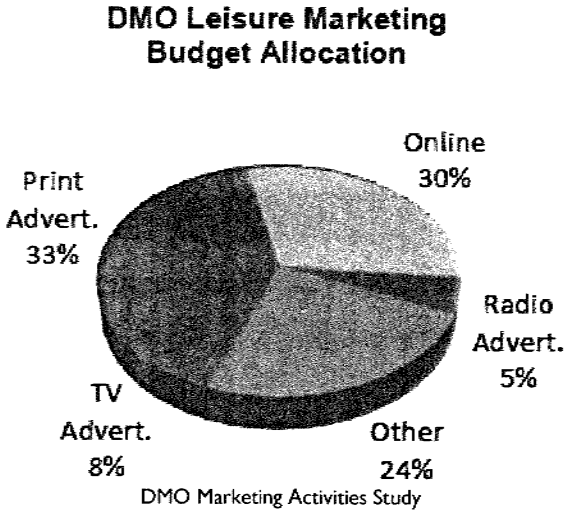
Not to be lost in all of the above is the importance of "people-based" marketing including direct sales. The Norman CVB will continue to start and build relationships through all the outlets presently being employed. A planner shared *one of the most effective services offered by (DMOs) is one of the oldest – a hosted site inspection of the destination,* the CVB will budget resources to be able to provide site inspections to meeting planners as identified.

One other consideration is the discovery that *37% of DMOs maintain a separate fund to cover discounts and incentives for qualified events and groups that book local hotels. The average incentive fund size is $156,000 at DMOs. These incentives and discounts are mainly used to cover convention center rent and provide transportation for attendees.* The NCVB Executive Director was told by a colleague that another shared "he had to provide some incentive to every piece of business booked (in 2012.)" Incentives are becoming more and more prevalent in the meetings and sports industries. We must look to develop a fund and identify resources to continue to feed the fund.

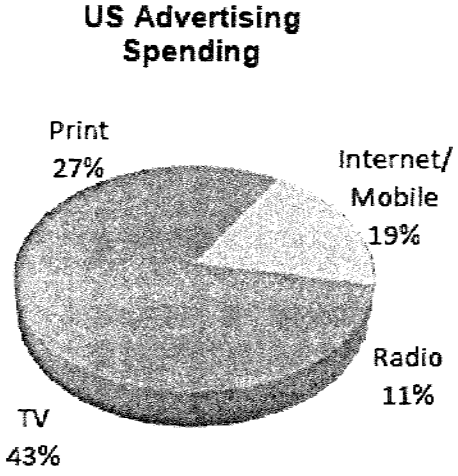
Tourism (Leisure) Advertising

Leisure travel makes up 76% of all travel and tourism. It's no wonder DMOs commit two-thirds of their marketing budget to the lucrative leisure market segment.

A recent study by DMAI revealed how DMOs are allocating their leisure marketing budget:



Interesting when compared to U.S. adult weekly media consumption:



This is especially interesting when one considers the average leisure traveler to Norman has a weak propensity to pay attention to advertisements on television and radio, in magazines and newspapers, or those found outside the home.

Past data has revealed :

- Travel plans are done online: 66% use the internet for travel information; 42% word-of-mouth; 33 % state travel websites; 21% brochures; and 18% travel books and magazines.
- Family travelers are more likely to have taken a vacation in their local area (less than 50 miles from home) as an alternative to vacationing in a destination that would have required traveling a greater distance.
- 31% of families took a "last-minute" trip last year, departing an average of just six days after deciding to take the trip.
- All family travelers surveyed have access to the Internet at home and practically all have gone online to get information about travel suppliers and make reservations.
- Online search remains the No. 1 planning source for leisure travel. There also has been significant growth in search throughout the purchase funnel, as one-third of travelers say search prompted them to book travel. Search-engine users most often search for overnight accommodations, destinations, vacation activities, road trips and air travel.
- Online video use for travel is growing significantly among travelers. Throughout the travel planning process, 41% of personal travelers, 63% of business travelers and 58% of affluent travelers specifically watch travel-related video online. YouTube remains the most popular source of online video for these travelers, as 81% of travelers who watch videos visit YouTube.
- Substantiated with the report that YouTube is the second largest search engine in the U.S. (after Google), YouTube is processing more than 3.5 billion searches on the site each month.
- Personal travelers more than doubled their usage of mobile devices for travel purposes in the past year alone. Research also shows significant increases in the use of mobile devices for specific behaviors like booking and checking in. Mobile continues to offer immense growth opportunities, as one-third of travelers who currently do not use their mobile device for travel will likely do so in the next year.
- In the last 15 years, the Internet has become the foremost influence on the consumer's decision-and-purchase process and continues to grow every year. How big is the Internet's influence? According to a June 2007 report titled, "Frames of Reference: Online Video Advertising, Content and Consumer Behavior" (from Online Publishers Association and OTX) the Internet influenced 48-57% of purchase decisions at varying stages of consideration, compared to 20-26% influenced by word-of-mouth and just 18-29% for all other media (radio, magazines, newspapers and television) combined.
- Advance Travel Planning: 19% plan their trip one month out; 80% plan their trip less than 6 months out. (2009 SMRI indicates that 64% plan their trip less than one month out.)

The aforementioned DMAI marketing activity study shared *DMOs have fully embraced a wide variety of online activities into their overall destination marketing efforts. Banner ads and search engine marketing/adwords dominate, comprising more than half of DMO online budgets. (See chart below)*

(% of Online Marketing Budget)	Total	Less than $500,000	$500,000-$999,999	$1,000,000-$1,999,999	$2,000,000-$3,999,999
Banner ads	30	18	32	22	32
Adwords/Search Engine Mktg	28	8	25	31	41
% spent on Google	*72*	*55*	*70*	*68*	*72*
Social Media Campaigns/Sites	18	32	23	18	12
OTA Campaigns	6	3	4	5	4
Mobile Campaigns	5	6	5	8	3
Email List Acquisition	3	5	3	6	2
App Development	2	1	4	2	1
Other*	6	10	5	8	4

* online video, consumer sites, microsites, webinar sponsorships, development, lead generation, retargeting (one mention each)

DMO Marketing Activities Study

All of the above suggests the need for year-round advertising – with more online – instead of the conventional thought of advertising late-winter/early spring as the traveler plans for the traditional summer vacation. As budget allows, we can do more year-round advertising. The above findings further suggest a tremendous shift in strategy – away from 'Bought Media' as the only outlet – and more towards 'Owned Media' – channels that one develops and manages themselves, i.e., website, blog, Facebook page, Twitter feed, YouTube channel, and even the destination itself (as already mentioned on page 11.)

Key Objectives towards Leisure Travel

1. Continue to expand and enhance our Owned Media
2. Continue to assess and select Paid Media for maximum return on investment
3. Continue to take advantage of and maximize the effort from Earned Media coverage

Strategies Towards Key Objectives

Owned Media

We must continue to build-out VisitNorman.com by adding tools and resources utilized by the visitor.

DMO websites continue to command a high level of investment as market expectations for more sophisticated content and functionality increase. Content or functions present on DMO websites:

Present on Website:	
Calendar of Events	99
Deals and Discounts	78
Mapping Technology	75
Online Booking Engine for Lodging	59
Trip or Itinerary Builder	47
User-generated Content	42

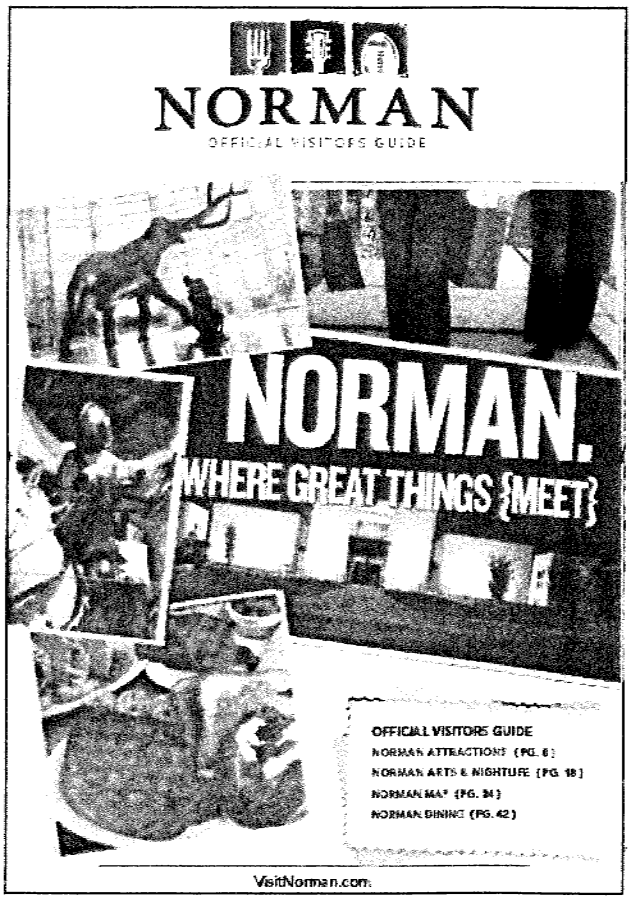
VisitNorman.com features a calendar of events and an online booking engine for lodging. The 2013-14 year will bring a "deals and discounts" function, more robust mapping technology – specifically on the mobile site – and itinerary builder. VisitNorman.com will also spotlight partner brochures and will also allow the visitor to request those partners' brochures in addition to the *Official Visitors Guide for Norman.*

We will continue to look to leverage search-engine optimization and keyword rankings to attract the right audience to the site as well as develop a content strategy that continuously provides key information and optimize the site to the fullest by way of pictures, video, blogs, and functionality. These photos, videos and itineraries will work to fuel the imagination, and in turn, create a desire for Norman that will ultimately convert prospects to customers.

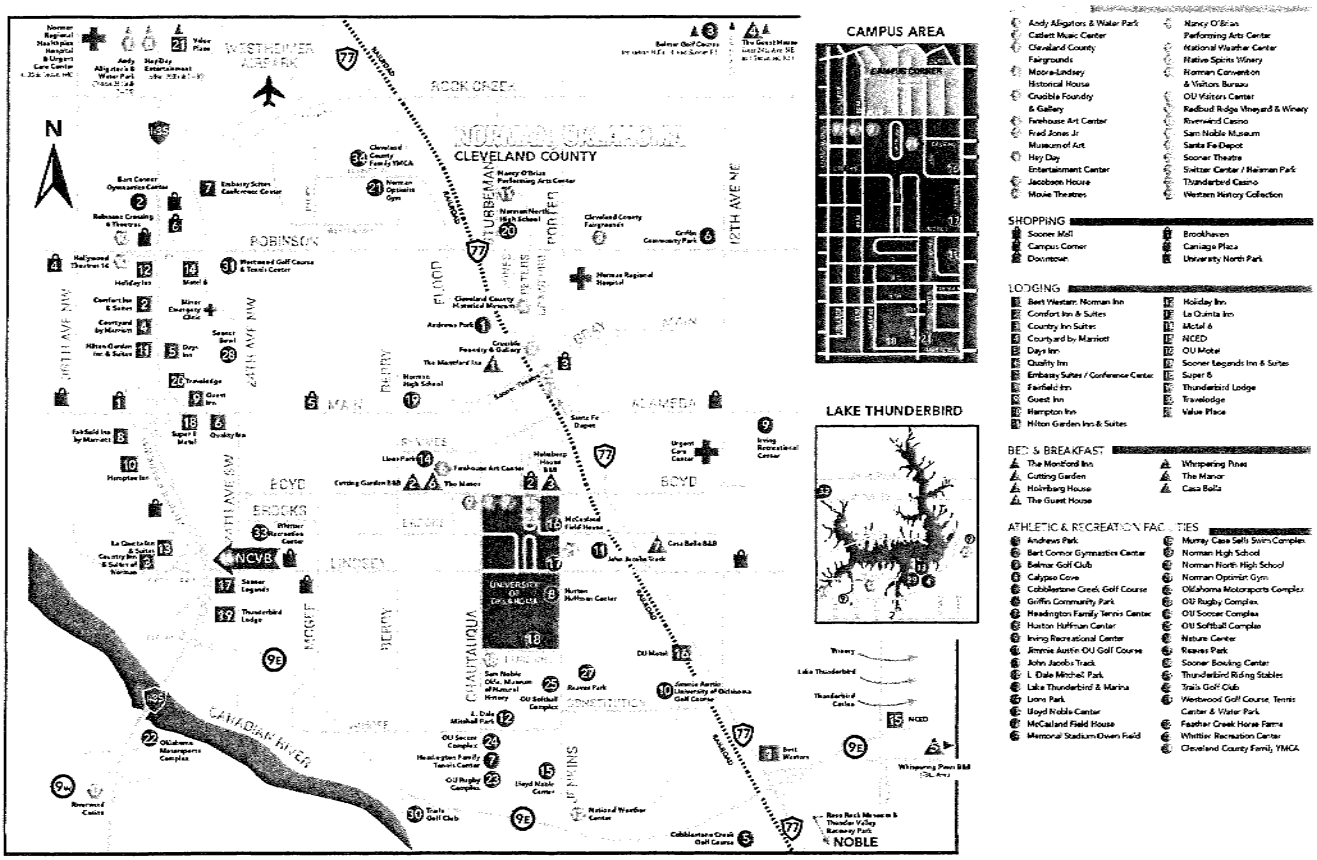
Beyond VisitNorman.com, the NCVB will continue to focus on Norman's online presence. As the 'brand police' for Norman, we will monitor other sites to see how they 'sell' Norman and suggest edits as needed to guard our brand.

As a result, this may include assisting community partners with their websites. Presently, the NCVB maintains the Downtown Association website (DowntownNorman.org), and the Main Street Christmas Parade site (NormanChristmasParade.com). As needed, we will maintain other partners' sites to assure the visitor is accessing the best image of Norman and the most recent information.

As for non-digital outlets, the NCVB will continue to publish the *Official Visitors Guide for Norman* and the popular "pad-map." See images of each below.



Cover of Official Visitors Guide for Norman



Norman "Pad Map"

Moreover, we will continue to work with community partners on the development of their collateral. We have recently assisted in the editing and publishing of the guide for Downtown as well as a brochure spotlighting the public art on display.

While maintaining the Welcome Center near 24th Ave. NW and Lindsey Ave., in addition to the service desk at the Sooner Mall, we must continue to discuss the future of state-approved Oklahoma Travel Information Center in Norman. Discussions with community leaders have indicated support for a TIC in Norman. Staff and the Board will continue their efforts to establish one. There have also been discussions of a Mobile Welcome Center that would travel to both local and regional events to promote Norman.

"Norman as a destination" is another part of the NCVB owned media strategy. In addition to those destination enhancements outlined in pages 18-21, we must provide greater customer service. The NCVB will continue the promotion of the Certified Tourism Ambassador program. See page 21 and Appendix B for more on the program. Out hope is that more entity staffs go through the training.

CTA
CERTIFIED TOURISM AMBASSADOR

In addition, the NCVB will continue to monitor municipal and state issues that affect community and economic development – i.e. the Storm Water and Greenway Master Plan, Greenbelt Commission, waste water treatment, and water supply.

Paid Media

In early 2013, the Norman CVB launched the "Be The First" campaign. This campaign seeks to provide a "call-to-action" for the visitor that drives traffic to VisitNorman.com and helps the CVB grow its database for ongoing marketing efforts. A summary of the campaign can be found in Appendix C.

Upon completion of the campaign and review of its analytics, staff will then outline the 2014 spring campaign.

The above are the initiatives budgeted at this time. With our limited budget as cited previously (see page 12), many initiatives have been left out of the budget. To date, more than $350,000 worth of marketing initiatives remain unfunded. As budget allows, staff will explore more non-traditional paid tactics including advertising on social networks, rich media banner advertising, cinema advertising in feeder markets, long-form video-on-demand delivered through cable networks, guerilla strategies at concerts and other large venues, contextual advertising and digital billboard advertising.

Earned Media

A recent article affirmed *some of the most trustworthy and reliable recommendations a resort or destination can receive are those of the free press, the unbiased reviews from guests or the opinions of established bloggers. These are the earned media outlets – you don't control them, but if you deliver an authentic, honest brand experience, you'll earn their attention and support.*

In addition to assisting with owned media initiatives the NCVB will also:

A. Participate in media blitzes offered through the Frontier Country Marketing Association.
B. Plan four additional media blitzes
C. Host targeted media for familiarization tours
D. Continue to establish working relationships with media to promote editorial coverage about Norman and calculate advertising equivalence of generated coverage
E. Monitor comments of online media coverage and bloggers to acknowledge critics, correct mistakes, thank fans and encourage/inspire dialogue
F. Continue involvement with community events and send media releases about such events. At present, the Communications Manager is actively involved with the organizing committee or lends media support to more than 15 community events.
G. With further development of the site, look to provide visitors the opportunity to share their experiences as testimonials and advocacy
H. Sponsor the Norman, Oklahoma, 'front page' on TripAdvisor to control content provided to the visitor to the page
I. Explore development of Norman content other social networks like Yelp and AroundMe
J. Post current news releases, story ideas and pictures on VisitNorman.com for use by media as an online press kit

V. Fiscal Year 2014 Budget

NORMAN
VisitNorman.com

NORMAN CONVENTION & VISITORS BUREAU
Fiscal Year 2013-14 Budget

REVENUES:

	2013-14	(2012-13)
Transient Guest Tax	752,478	(550,000)
Advertising	71,000	(12,100)
Special Events	10,000	(10,000)
Interest	1,500	(1,500)
Other/Reserves	0	(00)
TOTAL REVENUES	$834,978	(573,600)

EXPENSES:

Marketing/Advertising	413,449	(196,270)
Research	9,250	(3,250)
Special Events	8,000	(10,000)
Operations	73,955	(81,461)
Personnel	330,324	(282,619)
TOTAL EXPENSES	$834,978	(573,600)

Appendix A

Big XII Conference and other Comparable Communities*

City	Population	DMO Annual Budget	TGT Rate	Percentage of TGT DMO Receives
1. Austin, TX	790,300	$9,000,000	15%	66%
2. Ann Arbor, MI	114,000	$2,600,000	5%	67%
3. Lubbock, TX	225,000	$2,500,000	13%	50%
4. Tempe, AZ	175,500	$2,381,000	5%	60%
5. Gainesville, FL	124,000	$2,000,000	5%	40%
6. Bryan/College Station, TX	184,000	$1,250,000	13%	35%; 27%
7. Lincoln, NE	254,000	$1,100,000	4%	50%
8. Ames, IA	50,700	$978,000	7%	71%
9. Manhattan, KS	52,800	$883,077	6%	88%
10. Norman, OK	**113,000**	**$557,500**	**4%**	**50%**
11. Berkeley, CA	102,000	$365,000	12%	75%

*population of 100,000 + with a major University within major metro

City of Norman Benchmark Communities

City	Population	DMO Annual Budget	TGT Rate	Percentage of TGT DMO Receives
1. Oklahoma City, OK	560,000	$4,980,000	5.5%	45%
2. Las Cruces, NM	93,570	$1,549,000 ('09)	unknown	unknown
3. Columbia, MO	101,100	$1,300,000	4%	100%
4. St. Joseph, MO	76,200	$1,300,000	N/A***	N/A
5. Waco, TX	126,000	$1,300,000	13%	90%
6. Fort Smith, AR	86,200	$894,500	3%	100%
7. Odessa, TX	90,900	$870,000	13%	51%
8. Lawton, OK	93,000	$780,000*	5%	unknown
9. Boulder, CO	94,200	$727,000	N/A***	N/A
10. Lawrence, KS	92,000	$685,000	6%	80%
11. Denton, TX	119,450	$650,076	13%	51%
12. Stillwater, OK	39,000	$580,400	4%	100%
13. Norman, OK	**113,000**	**$557,500**	**4%**	**50%**
14. Edmond, OK	81,000	$452,350	4%	100%
15. Broken Arrow, OK	92,000	$350,000	4%	100%
16. Enid, OK	47,000	$250,000	8%	0
17. Midwest City, OK	54,000	$185,000 ('09)	unknown	unknown
18. Westminster, CO	108,850	N/A**	N/A	N/A

*includes Economic Development
**Westminster, CO has no DMO
***St. Joseph, MO and Boulder, CO's funding structures differ greatly

Appendix B

Greater Oklahoma City Area TOURISM AMBASSADORS

CTA Network
CERTIFIED TOURISM AMBASSADOR™

THOUSANDS OF CTAs...
TURNING EVERY VISITOR ENCOUNTER
INTO A POSITIVE EXPERIENCE

Turning Front-Line Employees & Volunteers into Certified Tourism Ambassadors

Greater Oklahoma City area tourism leaders have partnered to unite our front-line tourism representatives not only to serve our current visitors, but also to prepare for the future. This program demonstrates our dedication to promoting our destination as one of the best, with a high level of commitment to our visitors.

Why Choose the Greater Oklahoma City Area Tourism Ambassadors?

For Employers Tourism is big business not only to large cities, but also to small communities in the United States and around the world. Visitors spend money attending to business, touring attractions, or learning about the history of the area. This infusion of "new money" into the local economy often holds local tax increases at bay and gives the Greater Oklahoma City Area extra money to enhance its infrastructure—making the destination more appealing over time. As a result, destinations spend lots of money courting convention and leisure travelers.

But in reality, no amount of money will make up for the visitor having a bad experience, which negatively impacts our region's brand and overall image as a destination.

This program teaches front-line employees and volunteers best practices and ensures that they understand their role in increasing tourism. GOKCA CTA helps your front-line increase their knowledge of the region; provides answers to the variety of questions received from visitors; and gives your front-line a chance to meet one another, learn from each other's experiences and celebrate together!

For Employees & Volunteers What separates the Greater Oklahoma City Area Certified Tourism Ambassadors program from other training programs is that it's certification, not just training. Employees and volunteers who complete the program receive a credential and accompanying initials that can be used behind the person's name to denote their commitment to their profession as a *Certified Tourism Ambassador*™ (e.g., Jim Smith, CTA). The CTA logo may also be used on your website and business cards/communications with approval.

As an Accredited Provider, the Oklahoma City Convention and Visitors Bureau presents the official CTA designation on behalf of the *Tourism Ambassador Institute*™, the national oversight body for the certification program.

CTA™
CERTIFIED TOURISM AMBASSADOR™
Enhancing the Visitor Experience™

What's in it for you?

☐ Provides a meaningful credential

☐ Increased business, higher tips

☐ Builds valuable skills

☐ Career advancement

☐ Networking opportunities

☐ Receive regular advice & updates

☐ Rewards and incentives

By becoming a *Certified Tourism Ambassador*™ you'll have the tools and knowledge necessary to create a more memorable visitor experience and you'll reap the benefits. Being a CTA is a great achievement. It is a national designation to add to your resume.

Program Curriculum

Module 1: The Power of Tourism
Module 2: Discovering the Greater Oklahoma City Area
Module 3: Knowing, Finding, Using Resources
Module 4: Exceeding Customer Expectations
The curriculum is delivered through reading assignments and in-class participation.

Program Requirements

Every certification program requires successful completion of a core curriculum. The following recaps the requirements to earn the CTA designation:

☐ Complete required reading

☐ Attend half-day classroom session

☐ Complete learning assignments

☐ Complete open-book examination

Upon successful completion, participants will earn the *Certified Tourism Ambassador*™ designation and receive a CTA certificate and lapel pin. An annual renewal process of certification is also necessary to maintain your certification.

Cost

There is a one-time non-refundable, non-transferable application fee of $49 per person and an annual renewal fee of $25 (if you renew by October 31; $35 between November 1 and December 31.)

How to Enroll

To access the class schedule and enroll in the program, visit **www.CTANetwork.com**, or call the Norman CVB at 405-637-6225.

Appendix C

NORMAN
VisitNorman.com

Spring, 2013 Call-to-Action Campaign

Cubic Creative was retained to assist in the development of a 'call-to-action' campaign for Norman. The goal of the campaign is to provide a 'call-to-action' for the visitor driving traffic to VisitNorman.com and building a database for ongoing marketing efforts.

Cubic suggested further brand review – further understanding of what differentiates Norman from similar destinations and thus, help determine what would help Norman stand out. Through review is existing data, online research, in-person interviews, onsite ethnography and personal stories, the following was developed.

Brand DNA

The Norman DNA crystallized when "Sooners" were clever enough to find a way to be first in the First Land Run of 1889. While other Oklahoma towns were battling to be the capitol, Norman's Mayor, T.R. Waggoner, directed a bill through the Territorial Legislature to become home of the state's first institution of higher learning.

It's Good To Be First

This concept acknowledges the thirst to be first that lies at the heart of Norman. This is what drives the city and those who love it to excel at everything. Norman is bold, clever and charming. This is what our marketing messages are evolving to express in an even more striking way.

The *Be The First* campaign makes a connection with the audience that likes to be first, a little competitive and ultimately engaged. Norman's Sooner spirit, to be first, is with which something a lot of people can identify with. The integrated marketing approach will entice people to register to win *Be The First* packages that bring people to Norman and can be tracked in many ways.

Campaign Execution

- Continue print advertising in budgeted outlets
- Direct mail to 45,000 in database
- Social media – teaser messages on Facebook
- Online – build search ads and replace ads on TravelOK.com
- Travel shows / expos

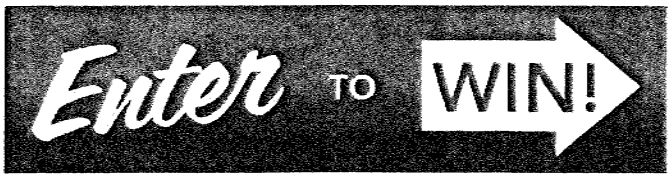
VisitNorman.com Landing Page:

BE THE FIRST IN NORMAN

ShareThis Print Friendly

Norman is a special place where it pays to be first. Enter to win a special Norman experience, from private, behind-the-scenes tours to special activities that are not open to the public. You never know what we might be offering. But you can't win if you don't enter. And, of course, sooner is better than later.

In Norman, it's good to be first.

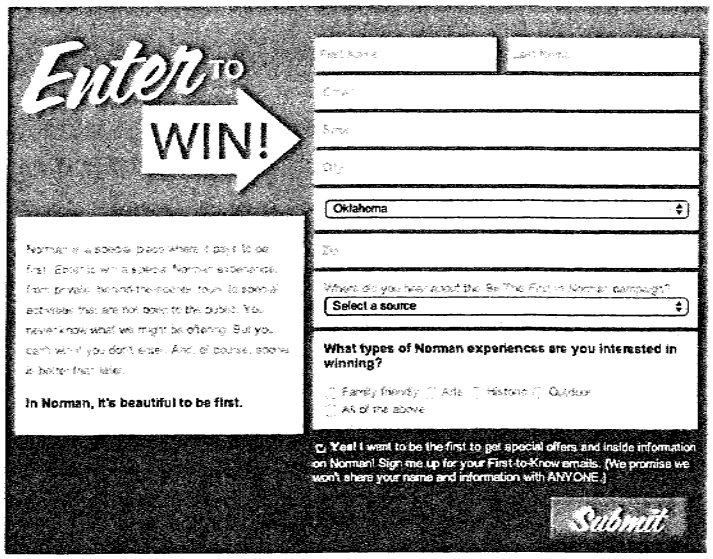


THE EXPERIENCES

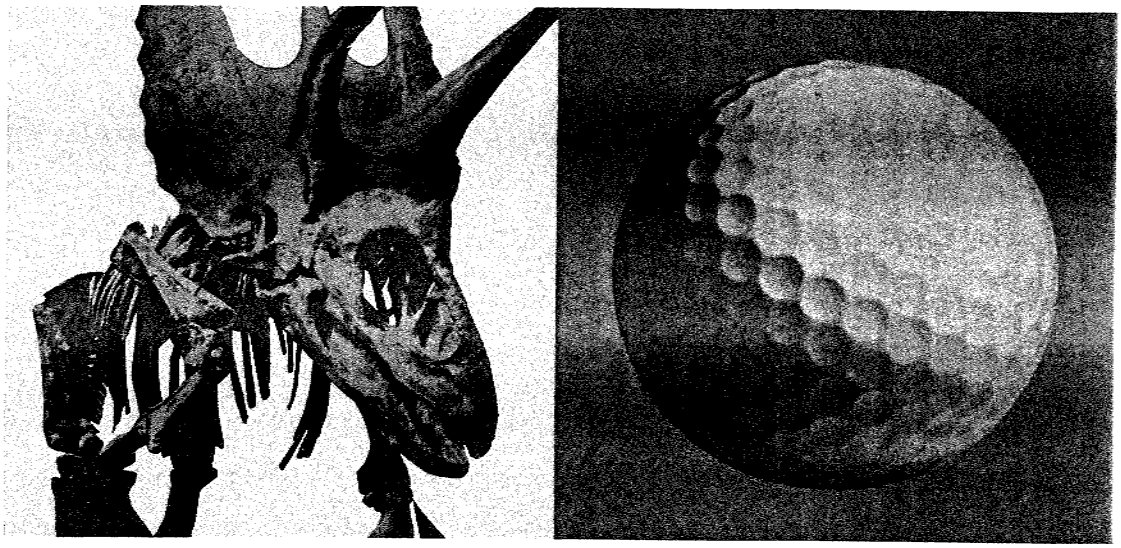
Be The First... at Andy Alligator's Water Park's 2013 Season!

A family of four will be the first four to go down the water slides to open the 2013 season at Andy Alligator's Waterpark. In addition, you'll receive VIP treatment in one of Andy's Cabanas. (Includes private area with upgraded furnishings, flat screen TV, lunch for four, 4

Online Registration Form:



Print Ad:



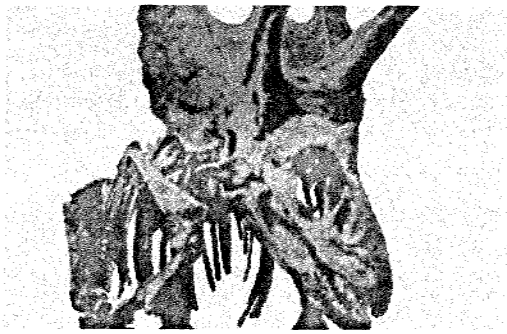
BRING YOUR CURIOSITY AND YOUR GOLF CLUBS.
JUST BRING THEM EARLY. IN NORMAN, IT'S GOOD TO BE FIRST.

Have you ever seen a Pentaceratops skull? It's the largest dinosaur skull ever found. And it's in Norman at the Sam Noble Oklahoma Museum of Natural History. Did you know Toby Keith owned a golf course? It's the Belmar Golf Club and it's in Norman. So pack your bags and your interests and get here early. Better yet, check the web address for our current, limited-edition special offers. In **Norman, it's big to be first.**

NORMAN

VisitNorman.com/**BeTheFirst**

Online Ad:



TO SEE A REAL
DINOSAUR UP CLOSE,
IT'S GOOD TO BE FIRST.

NORMAN

FROM ART SHOWS
TO LIVE MUSIC,
IT'S GOOD TO BE FIRST.

NORMAN

Why the look?

It's BOLD (more into Norman's brand.)
It's artistic.
It's easily identifiable.
It conveys art / artistic.
It's sophisticated.
It appeals to the sophisticated, artistic person.
It's different!

City of Norman, OK

Municipal Building Council
Chambers
201 West Gray Street
Norman, OK 73069

Master

File Number: R-1213-142

File ID:	R-1213-142	**Type:**	Resolution	**Status:**	Non-Consent Items
Version:	1	**Reference:**	Item No. 40	**In Control:**	City Council
Department:	Finance Department	**Cost:**		**File Created:**	05/22/2013
File Name:	R-1213-142 NMA Financing for Sanitation Carts			**Final Action:**	

Title: RESOLUTION R-1213-142: A RESOLUTION AUTHORIZING THE NORMAN MUNICIPAL AUTHORITY (THE "AUTHORITY") TO ISSUE ITS SANITATION SYSTEM REVENUE NOTE, SERIES 2013 (THE "NOTE") IN THE AGGREGATE PRINCIPAL AMOUNT OF $1,620,000, WAIVING COMPETITIVE BIDDING AND AUTHORIZING THE NOTE TO BE SOLD ON A NEGOTIATED BASIS; APPROVING AND AUTHORIZING EXECUTION OF A SERIES 2013 SUPPLEMENTAL NOTE INDENTURE, AS IT SUPPLEMENTS AND AMENDS A GENERAL BOND INDENTURE (COLLECTIVELY, THE "INDENTURE"), AUTHORIZING THE ISSUANCE AND SECURING THE PAYMENT OF THE NOTE; PROVIDING THAT THE TRUST INDENTURE CREATING THE AUTHORITY IS SUBJECT TO THE PROVISIONS OF THE INDENTURE; RATIFYING AND CONFIRMING A LEASE AGREEMENT AND OPERATION AND MAINTENANCE CONTRACT BETWEEN THE AUTHORITY AND THE CITY OF NORMAN, OKLAHOMA (THE "CITY") PERTAINING TO THE LEASING OF THE CITY'S SANITATION SYSTEM TO THE AUTHORITY; AUTHORIZING AND DIRECTING THE EXECUTION OF THE NOTE AND OTHER DOCUMENTS RELATING TO THE TRANSACTION; AND CONTAINING OTHER PROVISIONS RELATING THERETO.

Notes: ACTION NEEDED: Acting as the Norman Municipal Authority, motion to adopt or reject Resolution No. R-1213-142.

ACTION TAKEN: _____

Agenda Date: 05/28/2013

Agenda Number: 40

Attachments: Text File R-1213-142, R-1213-142

Project Manager: Anthony Francisco, Director of Finance

Entered by: Ellen.Usry@mccinnovations.com

Effective Date:

History of Legislative File

Ver-sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:

Text of Legislative File R-1213-142

Body

BACKGROUND: On March 26, 2013, the Council, acting as the Norman Municipal Authority (NMA), approved a contract with Allied Waste Systems for the curbside collection of recyclable materials using 95-gallon rolling polycarts. It was agreed at this time that the City of Norman would purchase and own the polycarts, to replace

the recycling bins provided by the previous curbside recycling collection contractor. On May 14, 2013, the NMA awarded a bid in the amount of $1,584,748 to Rehrig Pacific Company for the purchase and delivery of the specified polycarts.

DISCUSSION: In discussions leading to the award of the curbside recycling collection contract, the NMA directed that the Sanitation Utility enter into a financing arrangement to pay for the recycling polycarts. Financing bid proposals and specifications were sent to local, regional and national banking and financing firms for bids on financing packages for the purchase of the polycarts. Bidders quotes will be received on May 28, and the staff will recommend that the financing be awarded to the lowest and best bidder based on the responses received at that time. Information on the tabulated bids will be distributed at the meeting, as an attachment to this memorandum.

Several actions are accomplished by the attached Resolutions, if approved. Resolution R-1213-142 is generally a Resolution of the NMA to issue the debt, and R-1213-143 is a Resolution of the City of Norman authorizing the issuance of the debt by the NMA in an aggregate amount of $1,620,000. The NMA Resolution (R-1213-142) would authorize the following actions:

- Authorize the Issuance of the Sanitation System Revenue Notes;
- Pledge the Revenues of the Sanitation Utility to the Repayment of the Note Indebtedness, on an equal repayment obligation basis as the outstanding Series 2010 Sanitation Notes;
- Waive Competitive Bidding and Authorize the Note to be Sold on a Negotiated Basis;
- Restate the Lease Agreement between the City of Norman and the Norman Municipal Authority for the City's Sanitation System;
- Establish the Tax-Exempt Nature of the Note and the Reasonable Expectation of Calendar Year Debt Issuance by the NMA; and
- Authorize the Chair of the NMA to Execute Final Documents Related to the Financing

The City of Norman Resolution (R-1213-143) would authorize the following actions:

- Approve the Incurrence of the Indebtedness by the NMA;
- Waive Competitive Bidding and Authorize the Note to be Sold on a Negotiated Basis;
- Ratifying the Lease Agreement between the City of Norman and the NMA for the City's Sanitation System;
- Establish the Tax-Exempt Nature of the Note and the Reasonable Expectation of Calendar Year Debt Issuance by the City of Norman.

Upon the favorable consideration of these resolutions by the Council and NMA Trustees, staff will then proceed with the closing of the financing as executed by the Chairperson/Mayor.

RECOMMENDATION: It is recommended that the resolutions be adopted.

R-1213-142

Resolution

A RESOLUTION AUTHORIZING THE NORMAN MUNICIPAL AUTHORITY (THE "AUTHORITY") TO ISSUE ITS SANITATION SYSTEM REVENUE NOTE, SERIES 2013 (THE "NOTE") IN THE AGGREGATE PRINCIPAL AMOUNT OF $1,620,000, WAIVING COMPETITIVE BIDDING AND AUTHORIZING THE NOTE TO BE SOLD ON A NEGOTIATED BASIS; APPROVING AND AUTHORIZING EXECUTION OF A SERIES 2013 SUPPLEMENTAL NOTE INDENTURE, AS IT SUPPLEMENTS AND AMENDS A GENERAL BOND INDENTURE (COLLECTIVELY, THE "INDENTURE"), AUTHORIZING THE ISSUANCE AND SECURING THE PAYMENT OF THE NOTE; PROVIDING THAT THE TRUST INDENTURE CREATING THE AUTHORITY IS SUBJECT TO THE PROVISIONS OF THE INDENTURE; RATIFYING AND CONFIRMING A LEASE AGREEMENT AND OPERATION AND MAINTENANCE CONTRACT BETWEEN THE AUTHORITY AND THE CITY OF NORMAN, OKLAHOMA (THE "CITY") PERTAINING TO THE LEASING OF THE CITY'S SANITATION SYSTEM TO THE AUTHORITY; AUTHORIZING AND DIRECTING THE EXECUTION OF THE NOTE AND OTHER DOCUMENTS RELATING TO THE TRANSACTION; AND CONTAINING OTHER PROVISIONS RELATING THERETO.

NOW, THEREFORE, BE IT RESOLVED BY THE TRUSTEES OF THE NORMAN MUNICIPAL AUTHORITY:

SECTION 1. INDEBTEDNESS AUTHORIZED. The Authority is authorized to incur an indebtedness by the issuance of its Sanitation System Revenue Note, Series 2013 for and on behalf of The City of Norman, Oklahoma (the "City"), in the aggregate principal amount of $1,620,000 (the "Note") for the purpose of (i) financing the purchase of polycarts for the curbside recycling collection system, along with related costs (the "Project"), and (ii) paying certain costs associated with the issuance of the Note. The Note shall bear interest at the rate of ____% per annum. The principal installments on the Note shall be paid as set forth on Exhibit "A" hereto.

SECTION 2. COMPETITIVE BIDDING WAIVED; APPROVAL OF SALE PROCEEDINGS. Competitive bidding on the sale of said Note is waived and the Note is authorized to be sold to _____ (the "Purchaser"), at a price of par.

SECTION 3. BOND INDENTURE. The Authority hereby approves and authorizes execution and delivery of a Series 2013 Supplemental Note Indenture, as it supplements and amends a General Bond Indenture dated as of March 1, 2010 (collectively, the "Indenture"), both by and between BancFirst, as trustee (the "Trustee") and the Authority, authorizing the issuance of and securing the payment of the Note approved in Section 1 hereof. The Chairman or Vice Chairman

and Secretary or Assistant Secretary of the Authority are authorized and directed to execute and deliver the Series 2013 Supplemental Note Indenture for and on behalf of the Authority.

SECTION 4. TRUST INDENTURE SUBJECT TO THE INDENTURE. The Trust Indenture dated as of April 13, 1965, creating the Authority is subject to the provisions of the Indenture referenced in Section 3 hereof.

SECTION 5. LEASE AGREEMENT AND OPERATION AND MAINTENANCE CONTRACT. The Lease Agreement and Operation and Maintenance Contract dated as of December 1, 2000, whereby the City leased its existing and after acquired sanitation system to the Authority and whereby the City agreed to operate and maintain the same (the "Lease Agreement"), is hereby ratified and confirmed, and the term of said lease shall extend until the Note is paid.

SECTION 7. EXECUTION OF NECESSARY DOCUMENTS. The Chairman or Vice Chairman and Secretary or Assistant Secretary of the Authority are hereby authorized and directed on behalf of the Authority to execute and deliver the Note to the Purchaser upon receipt of the purchase price and are further authorized and directed to execute all necessary closing and delivery papers required by Bond Counsel; approve the disbursement of the proceeds of the Note, including any costs of issuance; to approve and make any changes to the documents approved by this Resolution, for and on behalf of the Authority, the execution and delivery of such documents being conclusive as to the approval of any changes contained therein by the Authority; and to execute, record and file any and all the necessary documents, financing statements and security instruments, including but not limited to the documents approved hereby, and to consummate the transaction contemplated hereby.

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Resolution No. R-1213-142

PASSED AND ADOPTED THIS 28TH DAY OF MAY, 2013.

NORMAN MUNICIPAL AUTHORITY

_____
Chairman

ATTEST:

_____
Secretary

(SEAL)

Resolution No. R-1213-142

CERTIFICATE
OF
AUTHORITY ACTION

I, the undersigned, hereby certify that I am the duly qualified and acting Secretary of the Norman Municipal Authority.

I further certify that the Trustees of the Norman Municipal Authority held a Regular Meeting at 6:30 o'clock p.m. on May 28, 2013, after due notice was given in full compliance with the Oklahoma Open Meeting Act.

I further certify that attached hereto is a full and complete copy of a Resolution that was passed and approved by said Trustees at said meeting as the same appears in the official records of my office and that said Resolution is currently in effect and has not been repealed or amended as of this date.

I further certify that below is listed those Trustees present and absent at said meeting; those making and seconding the motion that said Resolution be passed and approved, and those voting for and against such motion:

PRESENT:

ABSENT:

MOTION MADE BY:

MOTION SECONDED BY:

AYE:

NAY:

WITNESS MY HAND THIS 28TH DAY OF MAY, 2013.

NORMAN MUNICIPAL AUTHORITY

(SEAL)

Secretary of Authority

EXHIBIT "A"

[Principal Payment Schedule]

City of Norman, OK

Municipal Building Council
Chambers
201 West Gray Street
Norman, OK 73069

Master

File Number: R-1213-143

File ID:	R-1213-143	**Type:**	Resolution	**Status:**	Non-Consent Items
Version:	1	**Reference:**	Item No. 41	**In Control:**	City Council
Department:	Finance Department	**Cost:**		**File Created:**	05/22/2013
File Name:	Resolution approving indebtedness NMA			**Final Action:**	

Title: RESOLUTION R-1213-143: A RESOLUTION APPROVING THE INCURRENCE OF INDEBTEDNESS BY THE NORMAN MUNICIPAL AUTHORITY (THE "AUTHORITY") ISSUING ITS SANITATION SYSTEM REVENUE NOTE, SERIES 2013 (THE "NOTE"); PROVIDING THAT THE TRUST INDENTURE CREATING THE AUTHORITY IS SUBJECT TO THE PROVISIONS OF THE GENERAL BOND INDENTURE, AS SUPPLEMENTED AND AMENDED, AUTHORIZING THE ISSUANCE OF SAID NOTE; WAIVING COMPETITIVE BIDDING AND APPROVING THE PROCEEDINGS OF THE AUTHORITY PERTAINING TO THE SALE OF SAID NOTE; RATIFYING AND CONFIRMING A LEASE AGREEMENT AND OPERATION AND MAINTENANCE CONTRACT (THE "LEASE AGREEMENT") BETWEEN THE CITY OF NORMAN, OKLAHOMA (THE "CITY") AND THE AUTHORITY WHEREBY THE CITY LEASES ITS SANITATION SYSTEM TO THE AUTHORITY; AND CONTAINING OTHER PROVISIONS RELATING THERETO.

Notes: ACTION NEEDED: Motion to adopt or reject Resolution No. R-1213-143.

ACTION TAKEN: _____

Agenda Date: 05/28/2013

Agenda Number: 41

Attachments: R-1213-143

Project Manager: Anthony Francisco, Director of Finance

Entered by: Ellen.Usry@mccinnovations.com **Effective Date:**

History of Legislative File

Ver-sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:

Text of Legislative File R-1213-143

Body

BACKGROUND: On March 26, 2013, the Council, acting as the Norman Municipal Authority (NMA), approved a contract with Allied Waste Systems for the curbside collection of recyclable materials using 95-gallon rolling polycarts. It was agreed at this time that the City of Norman would purchase and own the polycarts, to replace the recycling bins provided by the previous curbside recycling collection contractor. On May 14, 2013, the NMA awarded a bid in the amount of $1,584,748 to Rehrig Pacific Company for the purchase and delivery of the specified polycarts.

DISCUSSION: In discussions leading to the award of the curbside recycling collection contract, the NMA

directed that the Sanitation Utility enter into a financing arrangement to pay for the recycling polycarts. Financing bid proposals and specifications were sent to local, regional and national banking and financing firms for bids on financing packages for the purchase of the polycarts. Bidders quotes will be received on May 28, and the staff will recommend that the financing be awarded to the lowest and best bidder based on the responses received at that time. Information on the tabulated bids will be distributed at the meeting, as an attachment to this memorandum.

Several actions are accomplished by the attached Resolutions, if approved. Resolution R-1213-142 is generally a Resolution of the NMA to issue the debt, and R-1213-143 is a Resolution of the City of Norman authorizing the issuance of the debt by the NMA in an aggregate amount of $1,620,000. The NMA Resolution (R-1213-142) would authorize the following actions:

- Authorize the Issuance of the Sanitation System Revenue Notes;
- Pledge the Revenues of the Sanitation Utility to the Repayment of the Note Indebtedness, equal to the obligation for the repayment of the outstanding 2010 NMA Sanitation Notes;
- Waive Competitive Bidding and Authorize the Note to be Sold on a Negotiated Basis;
- Restate the Lease Agreement between the City of Norman and the Norman Municipal Authority for the City's Sanitation System;
- Establish the Tax-Exempt Nature of the Note and the Reasonable Expectation of Calendar Year Debt Issuance by the NMA; and
- Authorize the Chair of the NMA to Execute Final Documents Related to the Financing

The City of Norman Resolution (R-1213-143) would authorize the following actions:

- Approve the Incurrence of the Indebtedness by the NMA;
- Waive Competitive Bidding and Authorize the Note to be Sold on a Negotiated Basis;
- Ratifying the Lease Agreement between the City of Norman and the NMA for the City's Sanitation System;
- Establish the Tax-Exempt Nature of the Note and the Reasonable Expectation of Calendar Year Debt Issuance by the City of Norman.

Upon the favorable consideration of these resolutions by the Council and NMA Trustees, staff will then proceed with the closing of the financing as executed by the Chairperson/Mayor.

RECOMMENDATION: It is recommended that the resolutions be adopted.

R-1213-143

Resolution

A RESOLUTION APPROVING THE INCURRENCE OF INDEBTEDNESS BY THE NORMAN MUNICIPAL AUTHORITY (THE "AUTHORITY") ISSUING ITS SANITATION SYSTEM REVENUE NOTE, SERIES 2013 (THE "NOTE"); PROVIDING THAT THE TRUST INDENTURE CREATING THE AUTHORITY IS SUBJECT TO THE PROVISIONS OF THE GENERAL BOND INDENTURE, AS SUPPLEMENTED AND AMENDED, AUTHORIZING THE ISSUANCE OF SAID NOTE; WAIVING COMPETITIVE BIDDING AND APPROVING THE PROCEEDINGS OF THE AUTHORITY PERTAINING TO THE SALE OF SAID NOTE; RATIFYING AND CONFIRMING A LEASE AGREEMENT AND OPERATION AND MAINTENANCE CONTRACT (THE "LEASE AGREEMENT") BETWEEN THE CITY OF NORMAN, OKLAHOMA (THE "CITY") AND THE AUTHORITY WHEREBY THE CITY LEASES ITS SANITATION SYSTEM TO THE AUTHORITY; AND CONTAINING OTHER PROVISIONS RELATING THERETO.

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

SECTION 1. INDEBTEDNESS AUTHORIZED. The Norman Municipal Authority (the "Authority") is hereby authorized to incur an indebtedness by the issuance of its Sanitation System Revenue Note, Series 2013 in the principal amount of $1,620,000 (the "Note"), according to the terms and conditions of a Series 2013 Supplemental Note Indenture, as it supplements and amends a General Bond Indenture dated as of March 1, 2010 (collectively, the "Indenture"), both by and between the Authority and BancFirst, as trustee (the "Trustee"), provided that said Note shall never constitute a debt of The City of Norman, Oklahoma (the "City").

SECTION 2. TRUST INDENTURE SUBJECT TO INDENTURE. The Trust Indenture dated as of April 13, 1965, creating the Authority, is hereby made subject to the terms of the Indenture authorizing the issuance and securing the payment of the Note as more fully described in Section 1 hereof.

SECTION 3. WAIVING COMPETITIVE BIDDING; APPROVAL OF SALE PROCEEDINGS. The waiving of Competitive Bidding for the sale of said Note and the sale of said Note by the Authority to _____ (the "Purchaser"), is hereby approved. The Note shall be sold to the Purchaser at a price of par.

SECTION 4. LEASE AGREEMENT. The Lease Agreement and Operation and Maintenance Contract dated as of December 1, 2000, whereby the City leased its existing and after acquired sanitation system to the Authority and whereby the City agreed to operate and maintain the same (the "Lease Agreement"), is hereby ratified and confirmed, and the term of said lease shall extend until the Note is paid.

SECTION 5. AUTHORIZING EXECUTION. The Mayor or Mayor Pro Tem of the City representing the City at the closing of the above-referenced note issue is hereby authorized to execute and deliver on behalf of the City any and all certifications and documentation necessary or attendant to the delivery of the Note, as directed by Bond Counsel.

[Remainder of Page Left Blank Intentionally]

Resolution No. R-1213-142

PASSED AND ADOPTED THIS 28TH DAY OF MAY, 2013.

THE CITY OF NORMAN, OKLAHOMA

(SEAL)
ATTEST:

Mayor

City Clerk

Resolution No. R-1213-142

CERTIFICATE
OF
CITY COUNCIL ACTION

I, the undersigned, hereby certify that I am the duly qualified and acting City Clerk of The City of Norman, Oklahoma.

I further certify that the City Council of The City of Norman, Oklahoma, held a Regular Meeting at 6:30 o'clock p.m., on May 28, 2013, after due notice was given in full compliance with the Oklahoma Open Meeting Act.

I further certify that attached hereto is a full and complete copy of a Resolution that was passed and approved by said City Council at said meeting as the same appears in the official records of my office and that said Resolution is currently in effect and has not been repealed or amended as of this date.

I further certify that below is listed those Council Members present and absent at said meeting; those making and seconding the motion that said Resolution be passed and approved; and those voting for and against such motion:

PRESENT:

ABSENT:

MOTION MADE BY:

MOTION SECONDED BY:

AYE:

NAY:

WITNESS MY HAND THIS 28TH DAY OF MAY, 2013.

THE CITY OF NORMAN, OKLAHOMA

(SEAL)

City Clerk

City of Norman, OK

Municipal Building Council Chambers
201 West Gray Street
Norman, OK 73069

Master

File Number: R-1213-111

File ID:	R-1213-111	**Type:**	Resolution	**Status:**	Non-Consent Items
Version:	1	**Reference:**	Item No. 42	**In Control:**	City Council
Department:	Planning and Community Development Department	**Cost:**		**File Created:**	03/13/2013
File Name:	Fountain View North 2025			**Final Action:**	

Title: RESOLUTION NO. R-1213-111: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING THE NORMAN 2025 LAND USE AND TRANSPORTATION PLAN, LAND USE PLAN AMENDMENT NO. LUP-1213-8, SO AS TO PLACE A TRACT OF LAND LYING IN THE NORTHWEST QUARTER OF SECTION FIFTEEN (15), TOWNSHIP NINE (9) NORTH, RANGE THREE (3) WEST OF THE INDIAN MERIDIAN, CLEVELAND COUNTY, OKLAHOMA, IN THE LOW DENSITY RESIDENTIAL DESIGNATION AND A TRACT IN THE VERY LOW DENSITY RESIDENTIAL DESIGNATION AND REMOVE THE SAME FROM THE FLOODPLAIN DESIGNATION FOR THE HEREINAFTER DESCRIBED PROPERTY. (GENERALLY LOCATED AT THE SOUTHEAST CORNER OF 48TH AVENUE N.W. AND TECUMSEH ROAD)

Notes: ACTION NEEDED: Motion to adopt or reject Resolution No. R-1213-111, Land Use Plan Amendment No. LUP-1213-8; and, if adopted, amend the NORMAN 2025 Land Use and Transportation Plan according thereto

ACTION TAKEN: _____

Agenda Date: 05/28/2013

Agenda Number: 42

Attachments: Text File R-1213-111, R-1213-111 Fountain View North, FountainViewNorth2025, Fountain View 2025 Staff Report, Fountain View N Exhibit A, Sassan Moghadam PD 13-02, 4-11-13 PC Minutes - Fountain View North

Project Manager: Jane Hudson, Principal Planner

Entered by: rone.tromble@normanok.gov

Effective Date:

History of Legislative File

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Planning Commission	04/11/2013	Recommended for Adoption at a subsequent City Council Meeting	City Council	05/28/2013		Pass

Action Text: Recommend approval of Resolution No. R-1213-111, Ordinance No. O-1213-35, PP-1213-13, the Preliminary Plat for FOUNTAIN VIEW NORTH ADDITION, A Planned Unit Development, and FP-1213-36, the Final Plat for FOUNTAIN VIEW NORTH ADDITION, SECTION 1, A Planned Unit Development, with deferral of street improvements for 48th Avenue N.W., to the City Council.

Text of Legislative File R-1213-111

Body

SUMMARY OF REQUEST: The Fountain View North Addition was previously approved as a PUD (Planned Unit Development) by the City Council in March of 2012. Since that time, the developer acquired additional land to the north and east of the originally approved site and is hereby submitting a revised PUD and 2025 Land Use Plan amendment for inclusion of the additional land areas, see "Exhibit A".

STAFF ANALYSIS: These tracts, like most of the land in this area along the east side of 48th Avenue NW, were placed under a Floodplain designation by the 2020 and 2025 Land Use Plans. In 2008, after an extensive study of the Ten Mile Flat Creek, the city adopted new floodplain maps. These new maps limit the extent of floodplain to the properties along the west side of 48th Avenue NW, and thus open this area along the east side of 48th Avenue NW for urbanization. However, although the changes in the floodplain maps from 2008 are recognized, that floodplain designation was never taken off the 2025 Land Use and Transportation Plan, therefore the newly acquired area still remains designated as floodplain. This amendment is a continuation to the application from March of 2012, removing the floodplain designation from the newly acquired property and designating the area as Very Low Density Residential and Low Density Residential. Water and sewer lines have been extended to this area in conjunction with the development of single-family subdivisions immediately to the south.

Within this PUD the applicant proposes to develop two separate areas totaling 25.43 acres; one area will consist of an active adult gated residential community with smaller lots clustered around central open spaces, and the second area will focus on seven large individual single family lots with larger homes and an eighth lot will include a water feature abutting Tecumseh Road and 48th Avenue NW. For the first site the target market is an active adult that is seeking low maintenance home sites along with the security of a gated community. The second site is gated as well, focusing on families seeking larger lots which will require more maintenance.

The 2025 Plan identifies two criteria that must be examined before a land use change is approved.

There has been a change in circumstances resulting from properties in the general vicinity which suggest that the proposed change will not be contrary to the public interest. Beginning with the development of the Ashton Grove subdivision at Rock Creek Road and 48th Avenue NW, several subdivisions have been authorized along 48th Avenue NW in the last several years. The two immediately south of this request are nearing completion, and have provided the necessary utility extensions to also serve both sections of this new addition. At the same time, the city has investigated the impact of floodplains in the area, and the adoption of new maps clarifies which properties have been removed from any regulatory flood plains. With the updates to the maps this property is now located outside any such floodplain area.

There is a determination that the proposed change would not result in adverse land use or traffic impacts to surrounding properties or the vicinity. There are several homes on large lots east of this tract and north across Tecumseh Road, as well as the new single-family dwellings nearing completion to the south of this request. The proposed uses are compatible; 48th Avenue NW as well as Tecumseh Road have been developed adequately to handle the expected traffic from of these subdivisions.

STAFF RECOMMENDATION: The areas to the south of this proposed development are single family and to the north and east are large lot developments. With the existing uses similar to the proposal, staff considers the request to amend the 2025 Land Use and Transportation Plan is warranted. The increase in traffic can be accommodated, and the proposed residential use is compatible with nearby developments. Staff has taken into account the amendment criteria required in the 2025 Land Use and Transportation Plan and considers those criteria met. Staff supports R-1213-111 to amend the 2025 Land Use and Transportation Plan from Floodplain designation to Very Low Density Residential and Low Density Residential. At their April 11, 2013 meeting, the Planning Commission recommended adoption of Resolution No. R-1213-111 by a vote of 8-0.

Resolution

R-1213-111
LUP-1213-8

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING THE NORMAN 2025 LAND USE AND TRANSPORTATION PLAN SO AS TO PLACE A TRACT OF LAND LYING IN THE NORTHWEST QUARTER OF SECTION FIFTEEN (15), TOWNSHIP NINE (9) NORTH, RANGE THREE (3) WEST OF THE INDIAN MERIDIAN, CLEVELAND COUNTY, OKLAHOMA, IN THE LOW DENSITY RESIDENTIAL DESIGNATION AND A TRACT IN THE VERY LOW DENSITY RESIDENTIAL DESIGNATION AND REMOVE THE SAME FROM THE FLOODPLAIN DESIGNATION FOR THE HEREINAFTER DESCRIBED PROPERTY. (Generally located at the southeast corner of 48th Avenue N.W. and Tecumseh Road)

§ 1. WHEREAS, the Council of the City of Norman recognizes citizens' concerns about the future development of Norman; and

§ 2. WHEREAS, the City Council at its meeting of December 19, 2004, reviewed and adopted the NORMAN 2025 Land Use and Transportation Plan; and

§ 3. WHEREAS, Sassan Moghadam has requested that the following described property be moved from the Floodplain Designation and placed in the Very Low Density Residential Designation for the hereinafter described property, to wit:

A tract of land lying in the Northwest Quarter of Section 15, Township Nine (9) North, Range Three (3) West, of the Indian Meridian, Cleveland County, Oklahoma, and being more particularly described as follows:
BEGINNING at the northwest corner of the Northwest Quarter of said Section 15;
THENCE North 89°36'51" East, along the north line of said Northwest Quarter, a distance of 670.14 feet (674.03 feet – Record);
THENCE South 00°19'40" East, parallel with the west line of said Northwest Quarter, a distance of 613.00 feet;
THENCE South 89°36'51" West, parallel with the north line of said Northwest Quarter, a distance of 670.14 feet to a point on the west line of said Northwest Quarter;
THENCE North 00°19'40" West, along the west line of said Northwest Quarter, a distance of 613.00 feet to the point of beginning.

Said described tract of land contains an area of 410,795 square feet or 9.4306 acres, more or less.

§ 4. WHEREAS, Sassan Moghadam has requested that the following described property be moved from the Floodplain Designation and placed in the Low Density Residential Designation for the hereinafter described property, to wit:

A tract of land lying in the Northwest Quarter of Section 15, Township Nine (9) North, Range Three (3) West, of the Indian Meridian, Cleveland County, Oklahoma, and being more particularly described as follows:
COMMENCING at the northwest corner of the Northwest Quarter of said Section 15;
THENCE South 00°19'40" East, along the west line of said Northwest Quarter, a distance of 613.00 feet to the POINT OF BEGINNING;
THENCE North 89°36'51" East, parallel with the north line of said Northwest Quarter, a distance of 670.14 feet (674.03 feet – Record);
THENCE South 00°19'40" East, parallel with the west line of said Northwest Quarter, a distance of 377.00 feet;
THENCE North 89°36'51" East, parallel with the north line of said Northwest Quarter, a distance of 310.00 feet;
THENCE South 00°19'40" East, parallel with the west line of said Northwest Quarter, a distance of 330.37 feet to a point on the north line of FOUNTAIN VIEW ADDITION SECTION 1 according to the plat recorded in Book 23 of Plats, Page 49;
THENCE along the north line of said FOUNTAIN VIEW ADDITION SECTION 1 the following five (5) courses:

1. South 89°37'43" West a distance of 410.41 feet;
2. South 00°36'24" East a distance of 214.90 feet;
3. North 89°30'44' West a distance of 182.82 feet;
4. North 89°46'57" West a distance of 198.92 feet;
5. South 89°32'05" West a distance of 189.06 feet to a point on the west line of said Northwest Quarter;

THENCE North 00°19'40" West, along the west line of said Northwest Quarter, a distance of 917.54 feet to the POINT OF BEGINNING.

Said described tract of land contains an area of 696,997 square feet or 16.0008 acres, more or less.

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

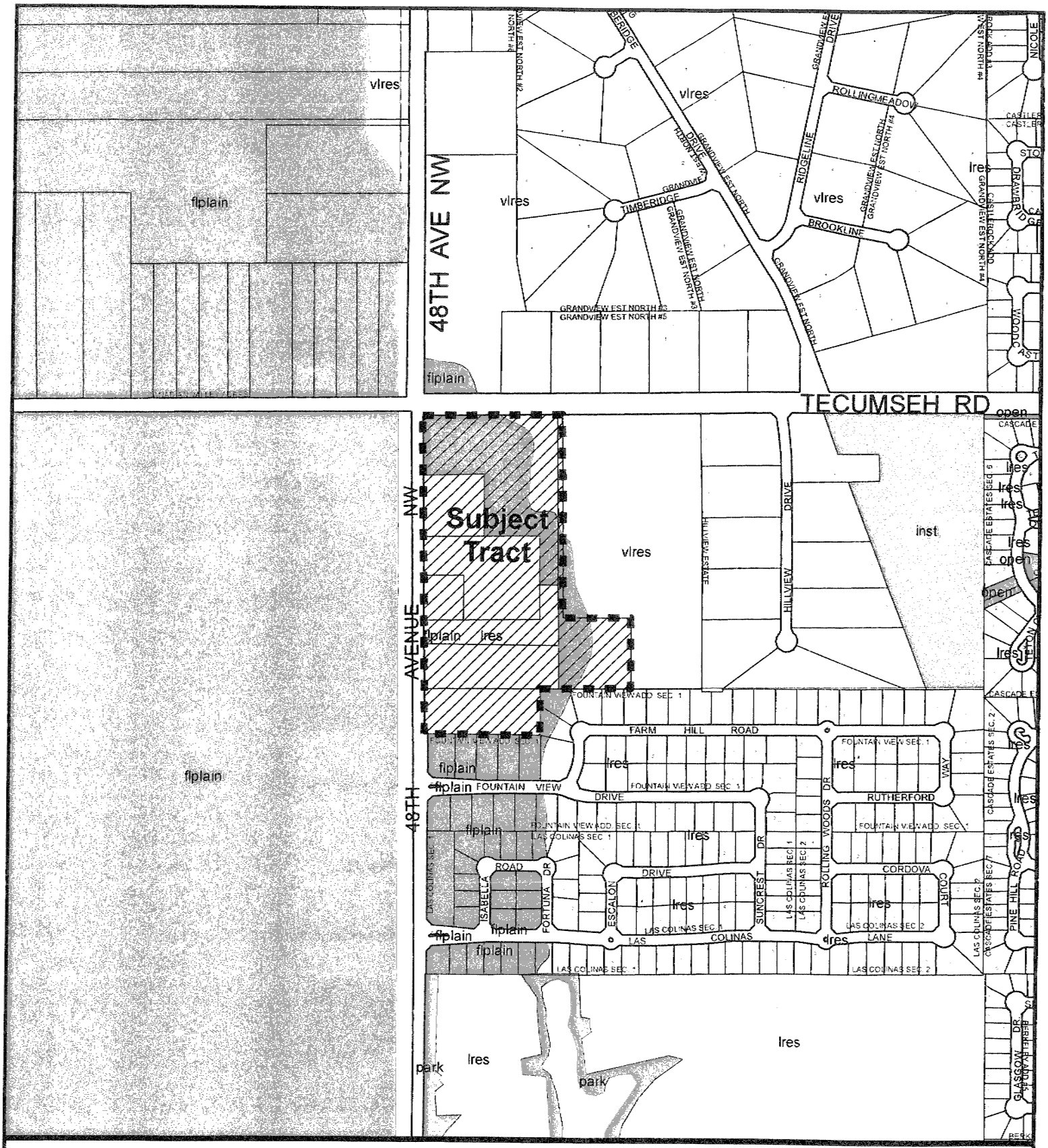
§ 5. That the Council of the City of Norman recognizes the need to control the future growth of the City of Norman; and, that after due consideration has determined that requested amendment to the NORMAN 2025 Land Use and Transportation Plan should be adopted, and does hereby approve the requested designation.

PASSED AND ADOPTED this _____day of_____, 2013.

_____
(Mayor)

ATTEST:

_____
(City Clerk)



Norman 2025 Land Use Plan

Map Produced by the City of Norman
Geographic Information System.
(405) 366-5316
The City of Norman assumes no
responsibility for errors or omissions
in the information presented.

N W E S

March 12, 2013

0 300 600 Ft.

Subject Tract

Zoni 42-4

RESOLUTION NO. R-1213-111 ITEM NO. 13a

STAFF REPORT

ITEM: Sassan Moghadam requests amendment of the NORMAN 2025 Land Use and Transportation Plan (LUP-1213-8) to remove the Floodplain Designation, amend a portion of the property from Very Low Density Residential Designation to Low Density Residential Designation, and amend a portion of the property from Low Density Residential Designation to Very Low Density Residential Designation, for property generally located at the southeast corner of 48th Avenue N.W. and Tecumseh Road.

SUMMARY OF REQUEST: The Fountain View North Addition was previously approved as a PUD (Planned Unit Development) by the City Council in March of 2012. Since that time, the developer acquired additional land to the north and east of the originally approved site and is hereby submitting this revised PUD and 2025 Land Use Plan amendment for inclusion of the additional land areas, see "Exhibit A".

STAFF ANALYSIS: These tracts, like most of the land in this area along the east side of 48th Avenue NW, were placed under a Floodplain designation by the 2020 and 2025 Land Use Plans. In 2008, after an extensive study of the Ten Mile Flat Creek, the city adopted new floodplain maps. These new maps limit the extent of floodplain to the properties along the west side of 48th Avenue NW, and thus open this area along the east side of 48th Avenue NW for urbanization. However, although the changes in the floodplain maps from 2008 are recognized, that floodplain designation was never taken off the 2025 Land Use and Transportation Plan, therefore the newly acquired area still remains designated as floodplain. This amendment is a continuation to the application from March of 2012, removing the floodplain designation from the newly acquired property and designating the area as Very Low Density Residential and Low Density Residential. Water and sewer lines have been extended to this area in conjunction with the development of single-family subdivisions immediately to the south.

Within this PUD the applicant proposes to develop two separate areas totaling 25.43 acres; one area will consist of an active adult gated residential community with smaller lots clustered around central open spaces, and the second area will focus on seven large individual single family lots with larger homes and an eighth lot will include a water feature abutting Tecumseh Road and 48th Avenue NW. For the first site the target market is an active adult that is seeking low maintenance home sites along with the security of a gated community. The second site is gated as well, focusing on families seeking larger lots which will require more maintenance.

The 2025 Plan identifies two criteria that must be examined before a land use change is approved.

1. ***There has been a change in circumstances resulting from properties in the general vicinity which suggest that the proposed change will not be contrary to the public interest.*** Beginning with the development of the Ashton Grove subdivision at Rock

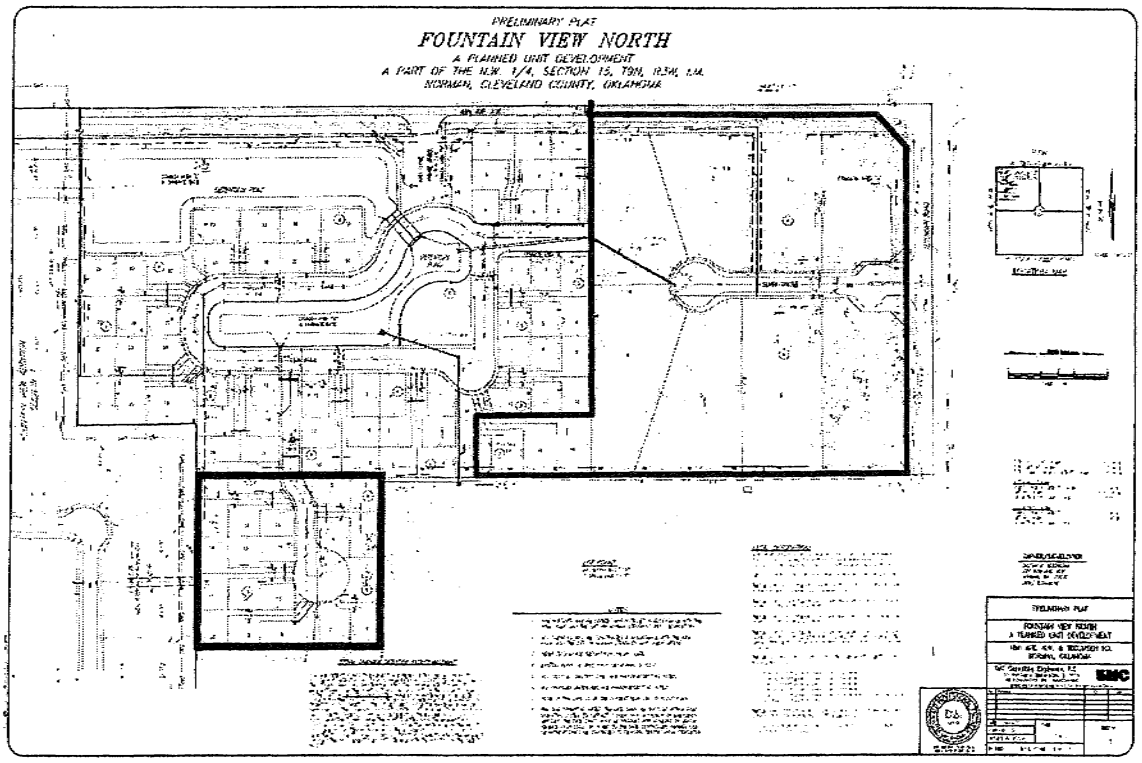
Creek Road and 48th Avenue NW, several subdivisions have been authorized along 48th Avenue NW in the last several years. The two immediately south of this request are nearing completion, and have provided the necessary utility extensions to also serve both sections of this new addition. At the same time, the city has investigated the impact of floodplains in the area, and the adoption of new maps clarifies which properties have been removed from any regulatory flood plains. With the updates to the maps this property is now located outside any such floodplain area.

2. ***There is a determination that the proposed change would not result in adverse land use or traffic impacts to surrounding properties or the vicinity.*** There are several homes on large lots east of this tract and north across Tecumseh Road, as well as the new single-family dwellings nearing completion to the south of this request. The proposed uses are compatible; 48th Avenue NW as well as Tecumseh Road are adequate to handle the expected traffic from all of these subdivisions.

STAFF RECOMMENDATION: The areas adjacent to this proposed development are single family and large lot developments. With the existing uses similar to the proposal, staff considers the request to amend the 2025 Land Use and Transportation Plan is warranted. The increase in traffic can be accommodated, and the proposed residential use is compatible with nearby developments. Staff has taken into account the amendment criteria required in the 2025 Land Use and Transportation Plan and considers those criteria have been met. Staff supports R-1213-111 to amend the 2025 Land Use and Transportation Plan from Floodplain designation to Very Low Density Residential and Low Density Residential.

EXHIBIT A

Areas outlined in red below are added or revised in this PUD from the originally approved Fountain View North Addition.



City of Norman Predevelopment **January 24, 2013**

Applicant Sassan Moghadam/Fountain View North

Location East side of 48th Avenue NW and south of Tecumseh Road

Case Number PD 13-02

Time 6:00-6:30 PM

Attendee	Stakeholder	Address	email	phone
Joey Wishnuck	Applicant's staff	Fountain View Development	jmw@wishnuck.com	761-5639
Sean Rieger	Applicant's attorney	136 Thompson Dr	sp@riegerllc.com	329-6070
Ole Marcussen	Applicant's engineer	SMC Engineers 815 W Main OKC		232-7715
Richard Mulligan	neighbor	4550 W Tecumseh	richardmulligan@yahoo.com	203-6401
Ryan Viers	Neighbor	4631 W Tecumseh	ryan@drroofing.org	628-7133
Lander Bethel	Neighbor	201 Merkle Dr		203-0250
Robert and Tracy Calvert	Neighbors	4831 W Tecumseh	robert.calvert@sbcglobal.net	321-6068
Joel Hammond	Neighbor	4521 W Tecumseh	Torquedandtwisted@yahoo.com	996-6886
Joe Seay	neighbor	4609 W Tecumseh	aaao@coxinet.net	819-8112
Susan Atkinson	City Facilitator			366-5392
Jane Hudson	City staff			366-5344
Leah Messner	City Staff			217-7748
Terry Floyd	City Staff			366-5446
Ken Danner	City staff			366-5459

Application Summary. The applicant is seeking a Preliminary Plat, a zoning change and a Norman 2025 Plan Amendment for a 25 ± parcel in NW Norman. The parcel is currently zoned A-2 and the current Plan designation is Very Low Density Residential. The applicant is seeking Planned Unit Development (PUD) for an R-1 use and also seeking to rezone a portion of an adjacent parcel to the southwest to PUD for Active Adult Community. These parcels flank a previously approved plat for an Active Adult Community.

Applicant's Opportunity. The applicant seeks to create a seven-lot gated community for single family use, accessed via drive from Tecumseh Road, and constructed around a cul-de-sac. He is also seeking to expand the Active Adult Community by 21 units. These expanded units would be accessed through the existing community street network.

Neighbors' Concerns. Neighbors in attendance stated general support for the proposed land uses but expressed concern about two issues:

Stormwater runoff. Neighbors expressed concern about poor existing drainage and worried that additional building would exacerbate the situation.

> **Engineer's Response**. The engineer explained that a drainage culvert of sufficient size to drain the additional impervious surface was planned but not yet been installed. He assured neighbors it would be built.

Fence or wall. Adjacent neighbors expressed a strong desire for a wall to be built separating the active adult community from adjacent land. Neighbors stated they wanted something more than just a board fence. A neighboring owner expressed his concern about people wandering

Traffic.

NORMAN PLANNING COMMISSION
REGULAR SESSION MINUTES

APRIL 11, 2013

The Planning Commission of the City of Norman, Cleveland County, State of Oklahoma, met in Regular Session in the Council Chambers of the Norman Municipal Building, 201 West Gray Street, on the 11th day of April 2013. Notice and agenda of the meeting were posted at the Norman Municipal Building and online at http://www.normanok.gov/content/boards-commissions at least twenty-four hours prior to the beginning of the meeting.

Chairman Chris Lewis called the meeting to order at 6:30 p.m.

* * *

Item No. 1, being:
ROLL CALL

MEMBERS PRESENT	Curtis McCarty Jim Gasaway Roberta Pailes Cindy Gordon Dave Boeck Sandy Bahan Tom Knotts Chris Lewis
MEMBERS ABSENT	Andy Sherrer

A quorum was present.

STAFF MEMBERS PRESENT	Susan Connors, Director, Planning & Community Development Jane Hudson, Principal Planner Ken Danner, Subdivision Development Manager Roné Tromble, Recording Secretary Leah Messner, Asst. City Attorney Larry Knapp, GIS Analyst II Terry Floyd, Development Coordinator

* * *

Item No. 13, being:
CONSIDERATION OF AN APPLICATION SUBMITTED BY SASSAN MOGHADAM FOR FOUNTAIN VIEW NORTH ADDITION, GENERALLY LOCATED AT THE SOUTHEAST CORNER OF 48TH AVENUE N.W. AND TECUMSEH ROAD.

Item No. 13a, being:
RESOLUTION NO. R-1213-111 – SASSAN MOGHADAM REQUESTS AMENDMENT OF THE NORMAN 2025 LAND USE AND TRANSPORTATION PLAN (LUP-1213-8) TO REMOVE THE FLOODPLAIN DESIGNATION, AMEND A PORTION OF THE PROPERTY FROM VERY LOW DENSITY RESIDENTIAL DESIGNATION TO LOW DENSITY RESIDENTIAL DESIGNATION, AND AMEND A PORTION OF THE PROPERTY FROM LOW DENSITY RESIDENTIAL DESIGNATION TO VERY LOW DENSITY RESIDENTIAL DESIGNATION, FOR PROPERTY GENERALLY LOCATED AT THE SOUTHEAST CORNER OF 48TH AVENUE N.W. AND TECUMSEH ROAD.

ITEMS SUBMITTED FOR THE RECORD:
1. 2025 Map
2. Staff Memo
3. Exhibit A
4. Pre-Development Summary

Item No. 13b, being:
ORDINANCE NO. O-1213-35 – SASSAN MOGHADAM REQUESTS REZONING FROM PUD, PLANNED UNIT DEVELOPMENT, AND A-2, RURAL AGRICULTURAL DISTRICT, TO PUD, PLANNED UNIT DEVELOPMENT, FOR PROPERTY GENERALLY LOCATED AT THE SOUTHEAST CORNER OF 48TH AVENUE N.W. AND TECUMSEH ROAD.

ITEMS SUBMITTED FOR THE RECORD:
1. Location Map
2. Staff Memo
3. PUD Narrative
4. March 14, 2013 Planning Commission Minutes

Item No. 13c, being:
PP-1213-13 – CONSIDERATION OF A REVISED PRELIMINARY PLAT SUBMITTED BY SASSAN MOGHADAM (SMC CONSULTING ENGINEERS, P.C.) FOR FOUNTAIN VIEW NORTH ADDITION, A PLANNED UNIT DEVELOPMENT GENERALLY LOCATED AT THE SOUTHEAST CORNER OF 48TH AVENUE N.W. AND TECUMSEH ROAD.

ITEMS SUBMITTED FOR THE RECORD:
1. Location Map
2. Preliminary Plat
3. Staff Memo
4. Transportation Impacts
5. Preliminary Site Plan
6. March 14, 2013 Planning Commission Minutes

Item No. 13d, being:
FP-1213-36 – CONSIDERATION OF A FINAL PLAT SUBMITTED BY SASSAN MOGHADAM (SMC CONSULTING ENGINEERS, P.C.) FOR FOUNTAIN VIEW NORTH ADDITION, SECTION 1, A PLANNED UNIT DEVELOPMENT GENERALLY LOCATED ON THE EAST SIDE OF 48TH AVENUE N.W. APPROXIMATELY ¼ MILE SOUTH OF TECUMSEH ROAD.

ITEMS SUBMITTED FOR THE RECORD:
1. Location Map
2. Final Plat
3. Staff Memo
4. Memo – Deferral of Street Improvements
5. Final Site Development Plan

PRESENTATION BY STAFF:

1. Jane Hudson – The application before you is actually one that you've seen before. The applicant is here for a Land Use Plan amendment as well as rezoning and placing a PUD for the entire property. You can see the subject tract here. Currently, he has got the approval already for the low density residential area designated there. The additional area outlined there is in a floodplain. If approved, the area to the north will become very low density residential, and then he will also expand out to the east in this yellow area with the low density residential. The additional application is for rezoning from A-2 to a Planned Unit Development. Again, there's the existing Planned Unit Development with this additional area that the applicant has acquired since getting the original Fountain View approved. This is currently vacant now – all these homes have been cleared out. This home will remain in the large acre lot area. This is a photo of the site looking back to the east at the corner of 48th and Tecumseh. This is looking east on Tecumseh – you've got large acre lots across the street to the north as well. This is the site looking to the east. Single family home – large acre lots back over on the east side. To the west is floodplain – agricultural area. Staff is in support of this application. The applicant's representative is here as well with a presentation and available for questions.

2. Mr. Knotts – On page 13a-6, the Pre-Development Summary, appears to be incomplete at the end.

PRESENTATION BY THE APPLICANT:

1. Tom McCaleb, engineer for the applicant – At the Pre-Development Meeting, there were a few people there who were a little bit concerned. One was a guy across the street wondering about wanderers. One was about taking care of some issues. And one was just taking care of stuff. After that meeting, I got a love letter from one of the lawyers and I responded to that and we now are a happy family. The issues that were a concern, particularly that landowner to the east, were some traffic and some stuff. We now have worked all those issues out and they are not here tonight. That has been resolved.

2. Ms. Pailes – I'm curious about areas that say Common Area in the north corner and along the northwest boundary. This presently is under water. Is that a concern? It's actually a pond.

Ms. Hudson – That's going to remain is my understanding.

Ms. Pailes – And along 48th Avenue where it says Common Area in kind of a long strip. That's presently under water, too. Is the whole common area likely to be inundated? It's not always under water, but presently.

Ms. Hudson – Tom might be able to answer that as well, but there are actually two detention ponds there. One is for the Fountain View Addition to the south – the single family. The one to the north is for the gated adult community that you saw previously under the original Fountain View PUD that came through.

Ms. Pailes – Is there dry land that is also common area, or is it all likely to be damp?

Mr. McCaleb – The current pond that you're talking about stays. It will be a common area; it will be part of the amenity package for the whole project. That's a pond that Mr. Dake has manicured for a long time, and they're going to stay there for quite a while, and he wants to continue playing with his pond, so we're going to allow that to happen.

3. Mr. Boeck – Just eliminating floodplain status – how does that work? I mean, you just go ahead and say I don't want floodplain any more so I can get rid of it.

Ms. Hudson – That was actually updated with the new FEMA maps and it wasn't taken off of the 2025 Plan. That's all we're doing is just taking that designation off.

Mr. Boeck – What's the data as far as water elevations that says we can take that off the floodplain?

Mr. McCaleb – The City retained a consulting firm a few years ago – I can't remember the name of the company. They went through the whole analysis and prepared the floodplain

analysis and took it out of the floodplain. It has been done by FEMA. It's done. The City adopted that process.

Mr. Boeck – I just think about the weather patterns and we talk about we're in a drought right now, but I've known that place down there to be flooded. I know we've developed other neighborhoods in what used to be floodplain by raising the elevation and saying we can do this because we get it up to a certain level. Is there a difference between floodplain and floodway?

Mr. McCaleb – Absolutely. This is not floodway. Floodway means stay out; you're going to get wet. Floodplain doesn't mean that. Floodplain means that you have the capability to take it out of the floodplain if you can demonstrate that it's not going to flood, and that's what has occurred. This whole application is just a revision of what you've already approved before. The area to the east or the south of it – the single family that we've got constructed and recorded. We've learned a lot during that construction of some of the issues you're talking about. We were digging the pond down at the bottom of 48th Street. I had below the pond to put in some CKD to solidify the bottom so it would hold the water. At the elevation that we had projected to be CKD, it was H_2O. It was water and it was the constant level, so we've maintained that elevation, and that was last summer when it didn't rain at all. So we have found the water table. It is wet, but not wet above it. We're working with that elevation.

Mr. Boeck – How does that work as far as floodplain insurance, too?

Mr. McCaleb – That's underground. That's sub-surface conditions. Sub-surface doesn't have anything to do with floodplain. It's just working with the geology of the land. It's not in the floodplain. That was just something that got overlooked before by staff, and now this is correcting that. It was done quite a while ago; the Comp Plan was never advanced to that approval. It's a clean-up area for the Comp Plan right now. As far as the engineering, that's resolved and one. The pond that Ms. Pailes talked about has to be fed – he has to feed water to that pond, because it doesn't get water naturally.

4. Sean Rieger, representing the applicant – Most of the questions on this have been stormwater and you've probably just heard all the answers, so I'll be very quick on this. You're being asked tonight – you see on the left this was approved unanimously by the City Council in that configuration on the left. So that is done – that is approved – that's a plat that is complete. The only thing that happened here was this developer purchased additional land right next to it, so they're back tonight. I've tried to diagram it for you. This little piece right here is being changed to that – so two large lots instead of a whole bunch of little ones. This is the other piece of land that he bought – so if you can imagine, we're kind of taking that little piece right there and sticking it over here, and then the rest of the new land he bought is very large lot single-family homes with one little cul-de-sac gated entry. That's it. That's the extent of the change you're being asked to approve tonight. The rest was already approved previously. I won't waste your time to go through all the rest. I'll quickly glance through. These were some images of what you already approved last time. This was already approved, platted by City Council – basically a senior living area. I'll leave it at that to save your time. Happy to answer any questions.

5. Mr. McCarty – We've had issues with stacking in entries of gated communities. Has the design or the entryway been discussed with City staff, and where is that in the process for this gated community?

Mr. Rieger – Well, I'll tell you what's happened with gated entries – the short answer to that is this one will be in line with what staff requires us to do gated entries as. That all changed with Ashton Grove. If you'll recall, Ashton Grove did a gated entry that a lot of people didn't like – still don't like – and they're still in the courts about it today. But after Ashton Grove, the City adopted a standard. So we're done with this – we're going to find a standard for a gated entry and that's what it's going to be and that's what you're going to do and that's what we're doing.

AUDIENCE PARTICIPATION:

1. Tracy Calvert, 4831 West Tecumseh Road – It's just to the northeast of this area that's being built. I would like to just show you some pictures of last week's rain that we had. And this is the ditches that they're building. And that's just one of the three. I don't know exactly how deep they are, but I know if I stood in the middle of it, it would cover my head. And that was just four inches of rain. My concern is I am in the floodplain and it has come into my garage. My only concern is, with me living in the floodplain, and them building dirt up as high as they have so far. I don't have anything wrong with them building there. But the water that's going to be standing – and if we got 10 inches of rain – in Oklahoma, you can get some wet springs and falls. Is it going to flow over into the creek and cause a lot of mosquitoes with the livestock and all that? That's our biggest concern. We want to see if the City will help flow that water down towards the river where it should go naturally. That's all my concerns. Thank you.

2. Ms. Pailes – Could you indicate where the ditch is that you had pictures of?

Ms. Calvert – The pictures that I had were in these retaining ponds that were all along here, and they're completely full.

Ms. Pailes – That's my experience.

3. Mr. Gasaway – Mr. Chairman, since that has come up, can we address that a little further? It seems like there are two totally different opinions and we need to make an educated vote. I think most of us have driven along there and seen that. But you all seem to think there's a solution. Could you elaborate just a little further?

Mr. McCaleb – We're not finished, yet. The construction is done for the single-family with the ponds, and now we're interconnecting the other retention ponds. This is not finished. This structure is built. This is not finished. We haven't connected all this into there. And we haven't connected all the storm drain systems into this piece of land. But this whole designed system has been designed, reviewed, and approved to detain the water before it's released down here – it's off the picture here. It comes across the land owned by the horse ranch. I've watched that during the rains, too, and it stays nicely. Because that gentleman we met with a long time ago, when there was a lot of concern about flooding in all this area, and we had to make sure we accommodate his horses and the way he services horses. And we did that. He has been a real gentleman; he hasn't complained. He said his problem just does not exist. If you recall, at one point in time we suggested no detention here – that we shouldn't have any detention and that hydraulically it would be better off if the water would get on down to the river and act as a bypass. And we demonstrated that to Council that we should do that – it's a better hydraulic solution. Council rejected that and said put your detention in. We have. And so that's why it's there. And it work. And we haven't finished the whole project, but we will.

4. Chairman Lewis – The detention pond that looks like it is to the south and the west – that is actually not in place, then, currently as we speak?

Mr. McCaleb – It's not finished. We had to enlarge this area right here. We had to dig this out and we're putting in some walls along this thing to contain it. This is not finished, and all the infrastructure is not completed yet. When this is built, this cul-de-sac will take this water and this will be an underground system and discharge into that pond. There is an existing pond on the east that Lander owns. We've met with Lander. We're going to put a structure there and we're going to take the water that goes down to a hole, pick it up in this pipe, take that water over and into this system, so his existing pond will maintain the way the pond was designed and built. In doing so, he has about six pine trees that he was concerned about, and we have agreed to relocate those six pine trees way to the west on his other farm. So that took care of that issue. He was concerned about his pond; he built a pond that doesn't drain. There's no structure; it just fills up and spills out around both sides. So he was concerned about his pond being overloaded. We surveyed it, got the elevations, and came up with this solution. We did not have this in there before. We added it. It's a 24-inch RCP. He agreed and let us put an inlet right there to take his water and let his pond continue to work as it has and the water that drains

down his access road to his pond will be picked up in this inlet. There is surface water that drains from his house that goes back to the west, and in this area right there we would do nothing to impede that water from going back to the west. So it would go as it is today. That was one of his concerns. So we're not going to build any structure or berm or anything from about right there back to Tecumseh Road. What sheds to the west will continue to shed to the west. Drain across these lots, picked up into the street, and taken like this and then work its way down. As the lady said, it will be detained, retarded, and slowed down.

Chairman Lewis – And since that system is not completed, it's not functioning the way it's intended to function, and that's why we're seeing the pictures that Ms. Calvert showed us – the water is being retained in other places.

Mr. McCaleb – That's possible. It's probable. I didn't see her pictures.

5. Ms. Gordon – So do we know when that's going to be done? Is the manipulation of this area causing more flooding for what she's going through now, or it hasn't affected it at all? Does that make sense?

Mr. McCaleb – The timing – the change order plans that we turned in for this project – and you're approving the final plat tonight – those plans – we went with a change order to amend. Those plans were approved today. So I can release my contractor to finish. I had to pull him off the site to make sure we got approved plans so they had been reviewed, instead of trying to do the work before the approval had taken place. So, if you've driven by there, you've seen some equipment sitting there, doing nothing. I want to get them doing something and finish up.

6. Mr. McCarty – So the entryway to the adult active community – north of that – that area has been raised approximately 3 feet recently. They keep bringing more and more dirt in. Going north, that drops off significantly to where the pond is up on the corner. Will that pond always stay there?

Mr. McCaleb – Yes, it will. There are two ponds there. There's a north pond and there's a little pond south of it. The north pond will stay.

Mr. McCarty – With that grade elevation – it drops 3 to 4 foot – it's pretty significant. Are all those lots along 48th going to be raised up to that same elevation?

Mr. McCaleb – This one will not be and this one will not be. This one will have some raised here. This lot here will be.

Mr. McCarty – My concern is the bar ditch on 48th, because right now in this last rain it's filling up and lapping onto 48th. There's nowhere for that water to go. So how is that going to be addressed? I'm not worried about the detention ponds; those are going to flow and do what they're doing. But the water in the bar ditch doesn't get to the ponds.

Mr. McCaleb – No, it does not. The water in the bar ditch of 48th Street does not get into the ponds. That's correct.

Mr. McCarty – So where is it going to go?

Mr. McCaleb – It will go where it goes. I mean, 48th Street has no grade whatsoever, and for years we've had the City and the County out there cleaning the bar ditches. And the bar ditches – it doesn't take much.

Mr. McCarty – In this last rain, I mean it wasn't dangerously, like hydroplaning type, but it was getting pretty close to that.

Mr. McCaleb – The plat for this will have the same responsibility as the plat for this, and that is construction of that system – that road – is going to be deferred to a massive City project to build the whole road system all the way from there down to a mile, so it does function, with curb and gutter and with proper drainage. That's not an arterial road. It is a project that is planned. We deferred pavement for Fountain View. We deferred pavement for Las Colinas. And the City has elected to make a comprehensive plan. I don't know the date, but it's not going to be an arterial design.

Mr. McCarty – That intersection is going to be signaled in August.

Mr. McCaleb – If you'll recall, when Ashton Grove was done, that half mile was not to be built – period. So I can't answer that question. But in the years past, what we've been able to do is get the County up there to clean up the bar ditches. And when they clean the bar ditches out, it drains better, but it's very flat.

Mr. McCarty – Lastly, any traffic concern with the proximity to the intersection of that exit of the gated community?

Mr. McCaleb – No.

Mr. McCarty – You're not very far from where the stop light is going to be.

Mr. McCaleb – There is a transition – a striping transition in this area and the traffic engineer has requested that we restripe that, so that's our commission to restripe that to make sure that is accommodated.

Mr. McCarty – That's not there currently, is it?

Mr. McCaleb – It is. It's a painted transition.

7. Mr. Boeck – I have concerns about drainage in this part of town, but City Council has already approved what's there, so what we're doing has no bearing on issues of drainage. It just has to do with moving some land around and changing the zoning.

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

Tom Knotts moved to recommend approval of Resolution No. R-1213-111, Ordinance No. O-1213-35, PP-1213-13, the Preliminary Plat for FOUNTAIN VIEW NORTH ADDITION, A Planned Unit Development, and FP-1213-36, the Final Plat for FOUNTAIN VIEW NORTH ADDITION, SECTION 1, A Planned Unit Development, with deferral of street improvements for 48th Avenue N.W., to the City Council. Curtis McCarty seconded the motion.

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

YEAS	Curtis McCarty, Jim Gasaway, Roberta Pailes, Cindy Gordon, Dave Boeck, Sandy Bahan, Tom Knotts, Chris Lewis
NAYES	None
MEMBERS ABSENT	Andy Sherrer

Ms. Tromble announced that the motion to recommend approval of Resolution No. R-1213-111, Ordinance No. O-1213-35, PP-1213-13 and FP-1213-36 to City Council, passed by a vote of 8-0.

* * *

City of Norman, OK

Municipal Building Council Chambers
201 West Gray Street
Norman, OK 73069

Master

File Number: O-1213-35

File ID:	O-1213-35	**Type:**	Ordinance	**Status:**	Non-Consent Items
Version:	1	**Reference:**	Item No. 43	**In Control:**	City Council
Department:	Planning and Community Development Department	**Cost:**		**File Created:**	02/12/2013
File Name:	Revised Fountain View North Ordinance			**Final Action:**	

Title: ORDINANCE NO. O-1213-35 UPON SECOND AND FINAL READING: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING ORDINANCE NO. O-1112-23, THE FOUNTAIN VIEW NORTH PLANNED UNIT DEVELOPMENT, TO ADD TO THE AREA OF THE PROPERTY LOCATED WITHIN THE NORTHWEST QUARTER OF SECTION FIFTEEN (15), TOWNSHIP NINE (9) NORTH, RANGE THREE (3) WEST OF THE INDIAN MERIDIAN, CLEVELAND COUNTY, OKLAHOMA; AND PROVIDING FOR THE SEVERABILITY THEREOF. (GENERALLY LOCATED AT THE SOUTHEAST CORNER OF 48TH AVENUE N.W. AND TECUMSEH ROAD)

Notes: ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1213-35 upon Second Reading section by section.

ACTION TAKEN: _____

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1213-35 upon Final Reading as a whole.

ACTION TAKEN: _____

Agenda Date: 05/28/2013

Agenda Number: 43

Attachments: Text File O-1213-35, O-1213-35 - Fountain View North PUD Amend, Fountain View North Location Map, FOUNTAIN VIEW NORTH PUD Rev 4-30-13, Staff Report O-1213-35, 3-14-13 PC Minutes - O-1213-35 - PP-1213-13, 4-11-13 PC Minutes - Fountain View North

Project Manager: Jane Hudson, Principal Planner

Entered by: rone.tromble@normanok.gov

Effective Date:

History of Legislative File

Ver-sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Planning Commission	03/14/2013	Postponed		04/11/2013		Pass

Action Text: A motion was made by Commissioner McCarty, seconded by Commissioner Gasaway, that this Zoning Ordinance be Postponed . The motion carried by the following vote: 6-0.

1	Planning Commission	04/11/2013	Recommended for Adoption at a subsequent City Council Meeting	City Council	05/14/2013	Pass
	Action Text:	Recommend approval of Resolution No. R-1213-111, Ordinance No. O-1213-35, PP-1213-13, the Preliminary Plat for FOUNTAIN VIEW NORTH ADDITION, A Planned Unit Development, and FP-1213-36, the Final Plat for FOUNTAIN VIEW NORTH ADDITION, SECTION 1, A Planned Unit Development, with deferral of street improvements for 48th Avenue N.W., to the City Council.				
1	City Council	05/14/2013	Introduced and adopted on First Reading by title only			Pass
	Action Text:	That this Ordinance be Introduced and adopted on First Reading by title only. by consent roll call				

Text of Legislative File O-1213-35

Body

SYNOPSIS: The Fountain View North Addition was previously approved as a PUD (Planned Unit Development) by the City Council in March of 2012. Since that time, the developer acquired additional land to the north and east of the originally approved site. The developer is hereby submitting this revised PUD for inclusion of the additional land area, see "Exhibit A". The applicant proposes to develop two separate areas, totaling 25.43 acres. One area will be approximately 15 acres, and consists of a gated active adult residential community with smaller lots clustered around central open spaces. A second area consisting of approximately 8 acres will feature seven large individual single-family lots with larger homes and a large open space area consisting of about one acre with a water feature. For the first site the target market is the "active adult" seeking a low maintenance home site along with the security of a gated community. The interior street will be private. The main road into the development will provide access to all of the homes, which are either detached or attached single-family units. Each home is on an individual lot. There is a community building, with amenities, located in the centrally located common area. Some of the common areas have been designed to detain storm water and will eventually accommodate vegetative filtration. These areas also provide the opportunity for trails around the different open spaces. The second site for this PUD, to the north, is gated as well and focuses on families seeking larger, higher maintenance lots consisting of approximately one acre per lot.

ANALYSIS: The particulars of this PUD include:

USE

Gated Active Adult Community: Other than the community amenities associated with the clubhouse, only single-family dwellings are permitted in this subdivision. The PUD narrative specifically prohibits in-home family day care businesses. Eighty-four residential lots are proposed for this portion of the development. This yields a density of 5.25 dwelling units per acre.

Gated Single-Family Large Lots: Similar to the active adult community, the PUD narrative specifically prohibits in-home family day care business for this section. The large lot single-family area of the development will consist of seven residential lots. This yields a density of 0.79 dwelling units per acre.

OPEN SPACE

Gated Active Adult Community: Several common lots comprise approximately seven acres of open space area, which yields 50% common open space, far in excess of the 10-15% suggested by the PUD Ordinance. Trails will be constructed around the detention ponds within some of the common lots.

Gated Single-Family Large Lots: There is a .81 acre lot adjacent to Tecumseh Road and 48th Avenue NW that has been set aside as open space area for this section of the PUD.

LOT DESIGN

Gated Active Adult Community: Individual lots are clustered in groups of four to six homes, which will share a common driveway. Attached units are permitted as shown on the Site Development Plan. Side yards will be at least five feet in width, unless otherwise shown on the site development plan. Front and rear building setbacks will be at least ten feet (unless impacted by a larger utility easement). Because of the large amount of open

space, the individual lots are relatively small, with the smallest lots around 2800-3000 square feet. A relatively high coverage factor of 75% is proposed, to allow more building flexibility. Total impervious area may be up to 85% of the lot area. The depth of driveways will be minimum 20'.

Gated Single-Family Large Lots: The design of the large lots will follow the same setbacks and coverage limitations as established in the R-1, Single Family Dwelling District.

HOME DESIGN

Gated Active Adult Community: Homes will be at least 1,000 square feet of living area (not including garages), and will be limited to two stories in height. Masonry will comprise at least 50% of the exterior.

Gated Single-Family Large Lots: Homes will be at least 2,500 square feet of living area (not including garages). There is no height limitation stated in the large lot development. Masonry will comprise 50% of the exterior.

SALES TRAILER

The PUD will allow one sales trailer for each development area. The sales trailer will be located within 500 feet of the entrance for each development area. The sales trailer will be removed 12 months from the date it is permitted.

PHASES

The narrative states that phasing for the development areas is unknown at this time, this is not a concern to staff.

ALTERNATIVES/ISSUES:

IMPACTS The proposed uses are single-family dwellings, these developments will complement the newer nearby single-family subdivisions currently under development. According to the traffic analysis for the active adult development area, approximately 45-50 peak hour trips are expected, all of these trips will directly access 48th Avenue. No adverse traffic impacts are expected from this development area. The large single-family lots will access Tecumseh Road. No adverse traffic impacts are expected from this development area.

ACCESS Both development areas in this PUD will be gated. The gate design meets the city standard for private gates. Both developments will accommodate a turnaround area for vehicles to return to the street without entering the development.

SITE PLAN The design of the plat resulted in six lots directly abutting 48th Avenue, where the highest impact from road noise would occur. Three of these lots are in the active adult community and three are in the large lot single-family development. A large open space/detention pond provides a buffer along the southern portion of the active adult community development area, adjacent to 48th Avenue NW, for all the other lots, which have their rear yards oriented to the west. The home sites are small "lot clusters" which share a driveway. Each driveway connects to a curvilinear private street, which surrounds a large central open space. The three lots in the large single-family development area that abut 48th Avenue NW will have large setbacks; this will create a buffer from the traffic/noise from the street.

OTHER AGENCY COMMENTS:

PARK BOARD The February 2012 the Board of Park Commissioners recommended fee-in-lieu of land to fulfill the parkland dedication requirement. The Park Board decision will also cover the additional lots in the active adult development as well as the new single-family lots, per the Park Planning Department.

PUBLIC WORKS The interior private streets have been designed to a local 26-foot width standard.

STAFF RECOMMENDATION: This PUD proposal is slightly different than the previously approved PUD in March of 2012. The total increase of lots is 19; 12 new in the active adult community and 7 new in the large acre development. The previously approved gated active adult development offers a smaller lot, single-family alternative housing variety just to the north of the development for Fountain View Addition, an area of traditional

single-family lots. The large lot development to the north of the active adult community provides area for those looking for more square footage in both lots as well as homes. This PUD development meets the broad goal of neighborhood diversity. No negative impacts on adjacent properties are expected should this zoning be approved. Staff supports this rezoning request, including the PUD narrative and preliminary Site Development Plan. Staff recommends approval of Ordinance No. O-1213-35.

At their meeting of April 11, 2013, the Planning Commission recommended adoption of Ordinance No. O-1213-35 by a vote of 8-0.

O-1213-35

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING ORDINANCE NO. O-1112-23, THE FOUNTAIN VIEW NORTH PLANNED UNIT DEVELOPMENT, TO ADD TO THE AREA OF THE PROPERTY LOCATED WITHIN THE NORTHWEST QUARTER OF SECTION FIFTEEN (15), TOWNSHIP NINE (9) NORTH, RANGE THREE (3) WEST OF THE INDIAN MERIDIAN, CLEVELAND COUNTY, OKLAHOMA; AND PROVIDING FOR THE SEVERABILITY THEREOF. (GENERALLY LOCATED AT THE SOUTHEAST CORNER OF 48TH AVENUE N.W. AND TECUMSEH ROAD)

§ 1. WHEREAS, Sassan Moghadam, the owner of the hereinafter described property, has made application to amend the Planned Unit Development approved by Ordinance No. O-1112-23 so as to add additional tracts of land and amend the PUD Narrative; 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 amendment; 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 amendment.

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 Planned Unit Development approved by Ordinance No. O-1112-23 so as to add additional tracts, to wit:

A tract of land lying in the Northwest Quarter (NW/4) of Section Fifteen (15), Township Nine (9) North, Range Three (3) West of the Indian Meridian, Cleveland County, Oklahoma, being more particularly described as follows:
BEGINNING at the northwest corner of the Northwest Quarter of said Section 15;
THENCE North 89°36'51" East, along the north line of said Northwest Quarter, a distance of 670.14 feet (674.03 feet – Record);
THENCE South 00°19'40" East, parallel with the west line of said Northwest Quarter, a distance of 990.00 feet;
THENCE North 89°36'51" East, parallel with the north line of said Northwest Quarter, a distance of 310.00 feet;
THENCE South 00°19'40" East, parallel with the west line of said Northwest Quarter, a distance of 330.37 feet to a point on the north line of FOUNTAIN VIEW ADDITION SECTION 1 according to the plat recorded in Book 23 of Plats, Page 49;
THENCE along the north line of said FOUNTAIN VIEW ADDITION SECTION 1 the following five (5) courses:

1. South 89°37'43" West a distance of 410.41 feet;
2. South 00°36'24" East a distance of 214.90 feet;
3. North 89°30'44" West a distance of 182.82 feet;

4. North 89°46'57" West a distance of 198.92 feet;
5. South 89°32'05" West a distance of 189.06 feet to a point on the west line of said Northwest Quarter;

THENCE North 00°19'40" West, along the west line of said Northwest Quarter, a distance of 1530.54 feet to the POINT OF BEGINNING.

Said described tract of land contains an area of 1,107,792 square feet or 25.4314 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 Preliminary Site Plan and PUD Narrative, approved April 11, 2013, 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

_____, 2013.

_____
(Mayor)

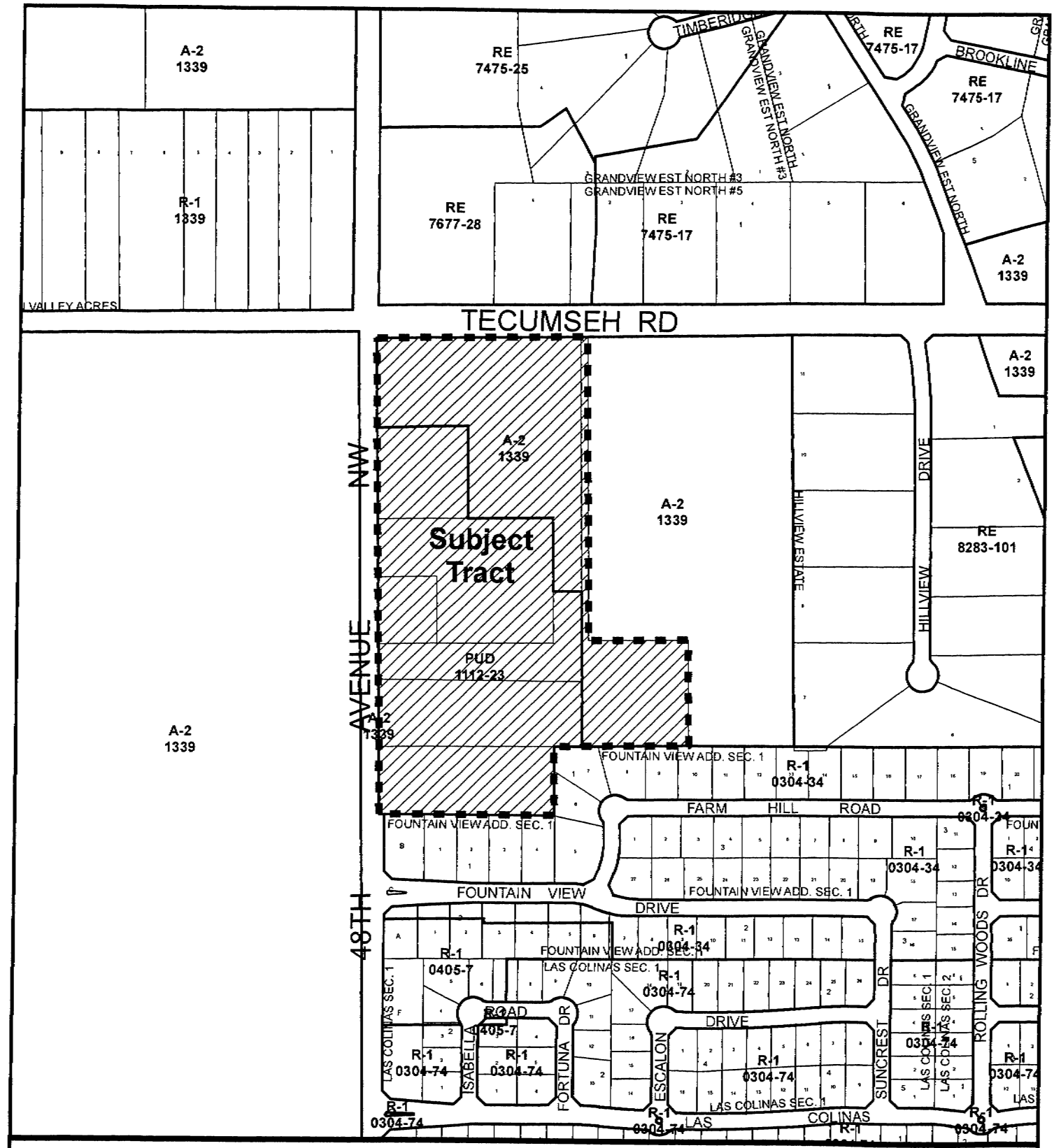
ATTEST:

_____
(City Clerk)

NOT ADOPTED this _____day of

_____, 2013.

_____
(Mayor)



Location Map

Map Produced by the City of Norman
Geographic Information System.
(405) 366-5316
The City of Norman assumes no
responsibility for errors or omissions
in the information presented.

N
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February 15, 2013

0 200 400 Ft.

Subject Tract

Zoning

FOUNTAIN VIEW NORTH ADDITION

Norman, Oklahoma

SASSAN K. MOGHADAM

Developer

A PLANNED UNIT DEVELOPMENT
APPLICATION FOR REZONING AND
PRELIMINARY DEVELOPMENT
PLAN/PLAT

Originally Approved 13 March 2012
Revised PUD submitted 11 February 2013

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G. Traffic Circulation and Access

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C. Traffic Access, Circulation, Sidewalks

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A. Graphic showing revised/added areas
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I. INTRODUCTION

The Fountain View North Addition was previously approved as a Planned Unit Development by the Norman City Council on 13 March 2012. Since that date, the developer has acquired additional land areas to the north and east of the originally approved site and thus Developer is hereby submitting this revised PUD for inclusion of the additional land areas. The additional land areas added are as shown on attached **EXHIBIT A**.

This Planned Unit Development (the "**PUD**") is being submitted for the development of the Fountain View North Addition (the "**Addition**"), consisting of two gated communities in the City of Norman, Oklahoma. The total Addition encompasses approximately 25.431 acres located generally on the southeast corner of 48th Ave. NW and West Tecumseh Road. This PUD is intended to provide for greater flexibility in the careful design of the residential lots, homes, open space, utilities, drainage, recreational amenities, and circulation within the Addition. Upon completion, the PUD will provide more sustainable and environmentally friendly designs for open areas than would otherwise be attainable under conventional practices and regulations of the development guidelines of the City of Norman.

The PUD is intended to allow that necessary flexibility in order to create a distinctive open space and environmentally friendly development. Therefore, flexibility in the design and construction of roads and lot sizes is critical. This efficient compaction of developed areas within the property will allow for large amounts of natural open space.

This PUD will enhance the R-1 zoning provisions to allow for planning guidelines as further set forth herein. This PUD District will allow the necessary flexibility to create a highly desirable open-space community featuring high quality residential units, enhanced open space areas, and circulation patterns on the private roads and central common open areas. The intent of the plans will allow for two separate gated communities. One of the gated communities will focus on the needs of adult residents for small lots of minimal yard areas within a highly secure gated facility, and with common area exterior maintenance throughout the Addition. The other gated community will feature seven large individual single family lots of larger homes.

In order to accomplish these goals, the applicant hereby requests a rezoning of the Property. The rezoning being requested is for a Planned Unit Development (PUD). The Applicant is submitting a Rezoning Application, Preliminary Site Development Plan and Preliminary Plat for approval.

II. PROPERTY DESCRIPTIONS; EXISTING CONDITIONS

A. Location

Fountain View North Addition is bordered on the west by 48th Avenue NW. To the west, across 48th Ave. NW is raw land zoned A-2 Rural agricultural and covered by the ten mile flat conservation area and flood plain. To the north of the Addition is West Tecumseh Road, and beyond that are single family homes on large sites. To the east of the Addition are several large parcel tracts of single family home sites. To the south of the Addition are two R-1 single family residential additions recently approved and now under construction.

B. Existing Land Use and Zoning

The Property is currently zoned as the Fountain View North PUD Addition, along with the added areas of a single family home site to the north and open land to the east. The two additional areas being added are zoned A-2 Rural Agricultural. The added properties are unplatted.

The Property is currently designated as low density residential and open space on Norman 2025. The open space designation was eliminated for the original approved Fountain View North Addition and for other additions to the south of this Addition as far south as Rock Creek Road and Ashton Grove Addition, as the flood plain areas have been recognized to not affect or cover these areas in this Addition or to the south. The property is eligible for 2025 amendment to current urban service area due to the ongoing extension of sanitary sewer and water service to this area of Norman, and due to extensive residential single family development now occurring immediately to the south of this Addition.

C. Elevation and Topography

The Property primarily consists of relatively minimal slope land, and therefore presents a good opportunity to carefully design and implement development methodologies that will allow tightly compact residential housing lots around large open space common areas. The end result of such strategies will be additional open space and a more natural and beautified residential experience in a sustainable framework. No portion of the Property is in the 100-year flood plain.

D. Drainage

A Drainage Impact Analysis has been prepared to better illustrate the detention requirements that are required and the solutions planned. This Addition is intended to be designed and developed substantially under similar principals of sustainable low impact development as has been previously and successfully done in recent developments in northwest Norman by this developer and residential subdivision designer. Such strategies include large amounts of open space and

detention areas in the center of the Addition that will provide efficiency in filtration of runoff water and decrease in velocity of runoff as it travels through the Addition and beyond.

A goal will be to nurture drainage areas to grow and develop into ideal drainage and filtration mechanisms within the Property. Such filtration will provide much more improved quality of water runoff than would be provided from runoff through improved artificial surfaces. In addition, the natural systems encompassing large areas of permeable natural ground where the water is drained toward and collected will allow some of the storm water to naturally filter back into the ground aquifer.

The significant care and focus on the drainage plan will feature large interior natural areas that will capture the storm water within the Property. In order to best accomplish this, lots will be planned densely in the adult living areas of the Addition such that it will allow for the large natural areas, which also serve as open space for recreation.

E. Utility Services

Many of the required utility systems for the project (including water, gas, telephone, and electric) are currently being developed in relatively nearby proximity to the Property, particularly to the immediate south of this Addition in the residential subdivisions being built currently.

F. Fire Protection Services

Fire protection services will be provided by the City of Norman Fire Department and by developer installed fire hydrants at locations per the City of Norman regulations for such.

G. Traffic Circulation and Access

The Addition will be served with primary vehicular access to the Property by way of the immediately adjacent 48th Avenue NW right of way on the west and by West Tecumseh Road on the north. The Addition will be a gated Addition with gated entries and approach designs that conform to the City of Norman's gated entry requirements, and will feature internal private streets.

III. DEVELOPMENT PLAN AND DESIGN CONCEPT

A. Single-Family Residential Community

As put forth on the proposed Preliminary Plat on **EXHIBIT B**, the Addition will consist of residential housing in two different areas within the Addition:

1. Residential Lots – Small Senior Adult Lots

The adult living area in the Addition will feature roughly 84 residential lots within 22.489acres in the Planned Unit Development, which will result in a density of roughly 3.73 units per acre.

The Uses permitted on the residential lots shall be as put forth under the R-1 Single Family Dwelling District in the City of Norman Zoning Ordinance, 22:421.1, except that a family day care home shall not be an allowed use.

Homes in the Addition will be standard construction, single family homes. The proposed Preliminary Site Development Plan is as shown on the attached **EXHIBIT C**. The site development plan features a tightly compact design of residential single family lots with certain homes planned to be attached at a zero setback side yard lot line, and other perimeters of the lots to maintain minimal setback yards as shown on the preliminary site development plan. Where not shown as zero lot lines, the side yard setback will be a minimum of five (5) feet, but with the allowance for chimney enclosures and stacks to protrude into the setbacks. The rear and front yard setbacks shall be a minimum of ten (10) feet, except where there is an easement that is deeper in dimension and in such case the easement depth shall be the setback.

Uncovered paved patios may extend to the property lines, except where conflicts with utility easements. Houses will be of standard wood frame construction, and will not exceed two stories in height above grade.

The minimum square foot area requirements for homes in the adult living areas of the Addition shall be 1,000 square feet. This minimum figure is for living space and is exclusive of garages, covered and open porches, basements, detached structures, and breezeways.

The principal exterior of any residential structure shall be at least fifty percent (50%) masonry and/or stone. Each residence may include up to a two car garage.

Coverage of building and impervious areas on each lot shall be allowed up the areas as shown on the Preliminary Site Development Plan submitted

herewith. This includes building coverages on each lot of floor area of the residential dwelling structure up to 75% of the lot area. Total impervious area may be up to 85% of the lot area. While the individual lot coverages are on the upper end, they are offset substantially by way of the vast green space and open areas in the Addition, which account for 50.348% of the total area of the adult living areas of the Addition.

No improvements on any lot in the Addition may be issued a permit by the City of Norman unless and until all such improvements to be permitted have been approved in writing in advance by the applicable Property Owners Association "POA" architectural review committee, and all such improvements adhere to the restrictive covenants that encumber the Addition.

2. Residential Lots – Large Single Family Lots

The large lot single family area of the Addition shall feature roughly 7 residential lots within 8.834 acres in the Planned Unit Development, which will result in a density of roughly 0.79 units per acre.

The Uses permitted on the residential lots shall be as put forth under the R-1 Single Family Dwelling District in the City of Norman Zoning Ordinance, 22:421.1, except that a family day care home shall not be an allowed use.

Homes in the Addition will be standard construction, single family homes. The proposed Preliminary Site Development Plan is as shown on the attached **EXHIBIT C**.

The minimum square foot area requirements for homes in the large lot single family areas of the Addition shall be 2,500 square feet. This minimum figure is for living space and is exclusive of garages, covered and open porches, basements, detached structures, and breezeways.

The principal exterior of any residential structure shall be at least fifty percent (50%) masonry and/or stone.

No improvements on any lot in the Addition may be issued a permit by the City of Norman unless and until all such improvements to be permitted have been approved in writing in advance by the applicable Property Owners Association "POA" architectural review committee, and all such improvements adhere to the restrictive covenants that encumber the Addition.

2. Signage

The entrances to the Addition, as located at the section line road of 48th Avenue NW, and also on West Tecumseh Road, may contain entryway signs and associated walls, fences and decorative features that will identify the Addition. The signs will conform to current City signage requirements (16 square feet per sign, for a total of 32 square feet). The signs may be lighted and landscaped with appropriate vegetation and planters designed so as not to interfere with traffic sight lines.

3. Fencing

A fence or wall will be constructed along the lot lines of the residential lots that abut the perimeter boundaries of the Addition in these gated communities. Construction material may be a combination of masonry, metal/iron, and/or wood, so long as the design of all such fencing is approved by the applicable Property Owners Association "POA" architectural review committee prior to installation. Construction of fencing may be phased along with the development of the PUD.

The streetscape along 48th Ave. NW, as it faces the home sites north of the entryway to the adult living areas of the Addition shall feature the fencing as required and landscaping as necessary to provide adequate screening along the arterial.

4. Amenities

The Addition is planned to feature large private interior open spaces with walking trails. These trails are planned to be of varying widths and styles, from unpaved natural type with minimal artificial improvement to constructed trails of hard paved surface.

Park land will be provided as required per the City of Norman ordinances. The proposed parkland will be fee in lieu of, in accordance with the City of Norman calculations.

Block 5 within the Addition, may be used for a common area clubhouse facility. Such facility may include uses typical with common homeowner neighborhood association clubhouse facilities, such as but not limited to, swimming pool, office, fitness center, meeting rooms, party rooms, kitchen, dining areas, restrooms, storage areas, equipment rooms, parking lots, recreational uses, game rooms, and other uses as related to such.

5. Sales Trailers

The Developer shall have the option of placing no more than one temporary trailer (manufactured units will meet City code) will be allowed for use by sales representatives for the new homes being built in the

Addition. Any such facility will have a reasonable parking area for customers per City specifications. The trailers will be removed 12 months from the date they are placed on the Addition. The trailer will be located within 500 feet of the Addition entrance.

6. **Drive lanes**

The drive lanes from the interior private streets into each garage and driveway on each lot in the adult living areas of the Addition shall provide for cross access by right of easement across each lot as necessary for each lot to fully access the private streets of circulation in the Addition.

The Property Owners Association in the Addition shall be vested with the right to prohibit parking along certain areas of the interior streets.

B. Open space and green space

As shown on **EXHIBIT D** hereto, large open space areas are located throughout the Addition. Open space totals roughly 8.349 acres in the 25.431 acre Addition, or roughly 32.83% of the total Addition gross land area. Within the adult living areas of the Addition, there is 50.348% open space. Within the single family large lot areas of the Addition, there is 10.205% open space.

A homeowners association will be formed in order to provide a tool to manage the common areas of the Addition and to provide heightened governance of the residents and construction within the Addition.

Any lighting over any common area will be shielded from adjacent single-family homes and will have no taller than 30 foot tall poles. Decorative street lights will be allowed, at the option of the Developer, within the PUD, in the common areas, and along the streets of the PUD.

C. Traffic access/circulation/sidewalks

Primary vehicular access to the Property will be provided by way of the adjacent 48th Avenue NW and West Tecumseh Road right of ways. The entries will be gated with controlled access. The gated entryways will be designed according to City of Norman standards and will accommodate turnaround space for vehicles to return to the public right of ways without entering the gates if necessary.

Landscape buffers will accommodate all City of Norman traffic department sight triangle requirements. All internal streets will have adequate circulation necessary for the fire department and City Waste Management Services.

A five-foot wide City sidewalk will be provided along 48th Avenue NW and West Tecumseh Road, constructed to City of Norman Standards.

D. Development Phasing

Market demand will be the determining factor in the number of units constructed and phases of such.

EXHIBIT A

Areas outlined in red below are added or revised in this PUD from the originally approved Fountain View North Addition.

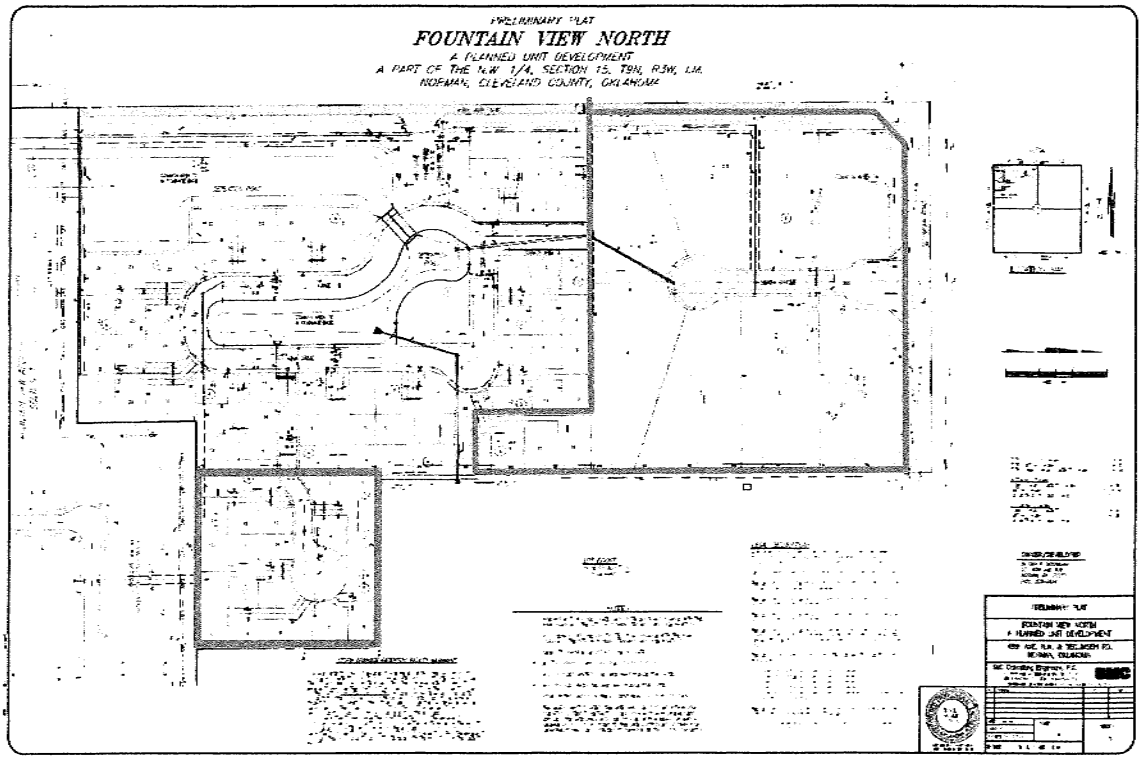


EXHIBIT B

Proposed Preliminary Plat

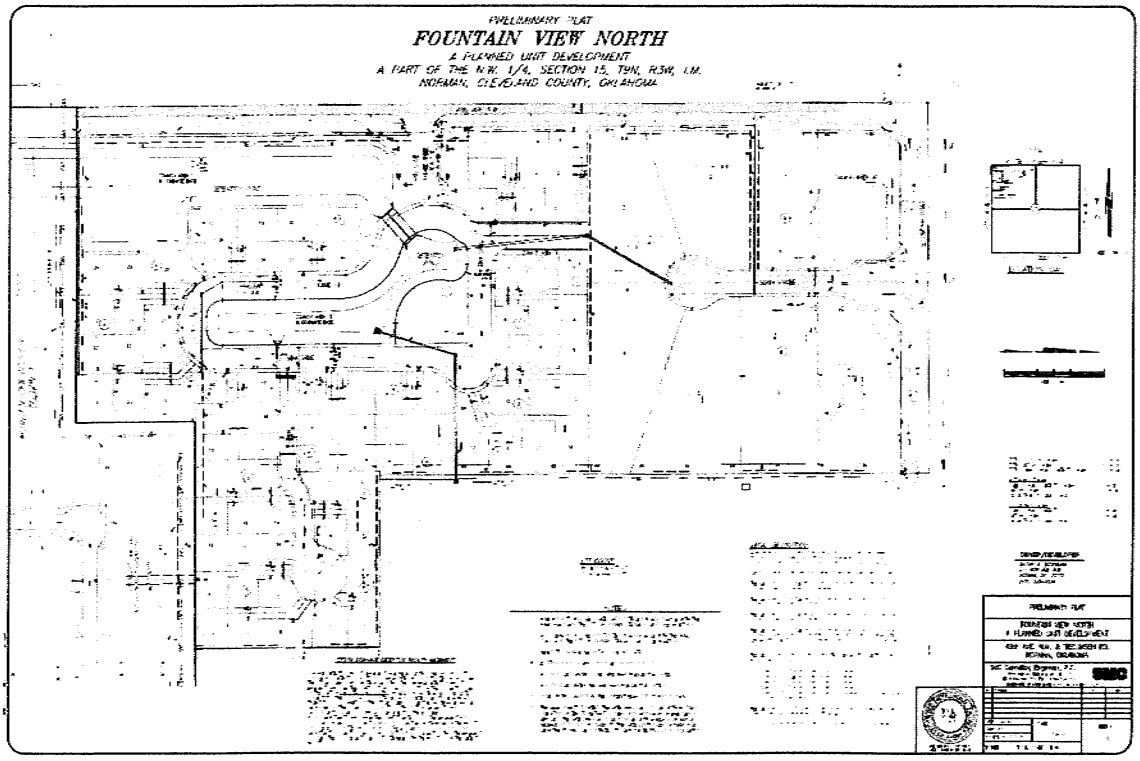


EXHIBIT C

Site Development Plan

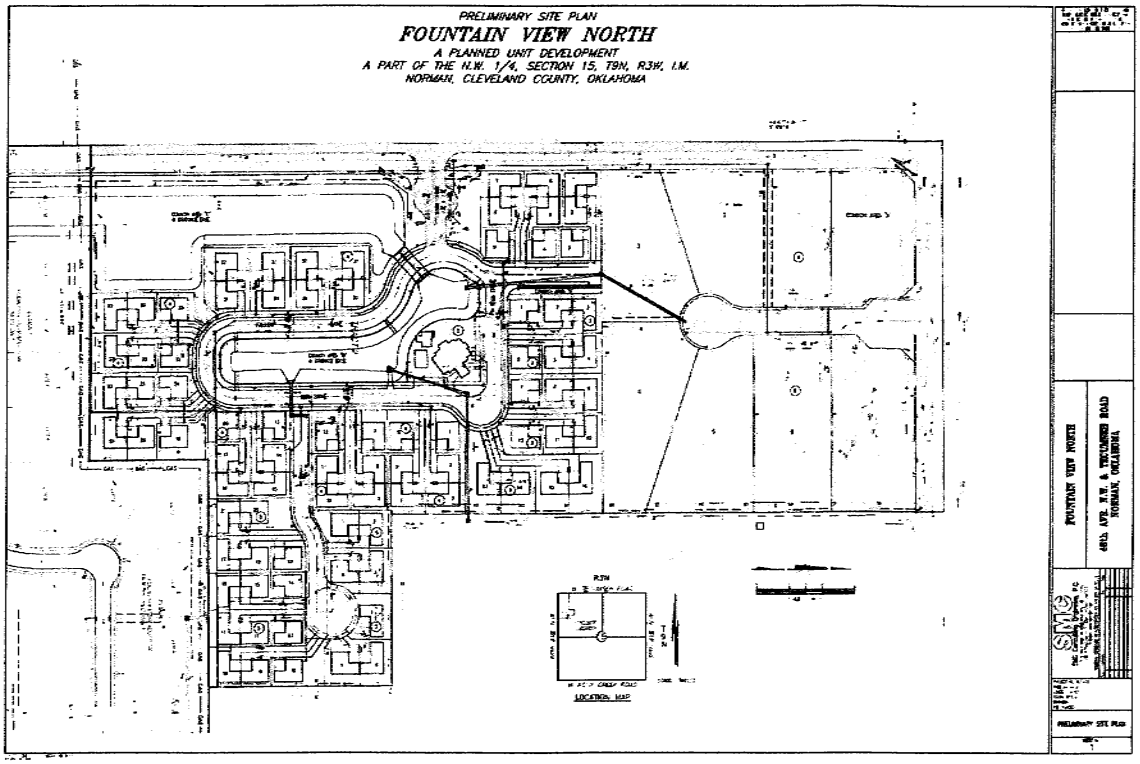
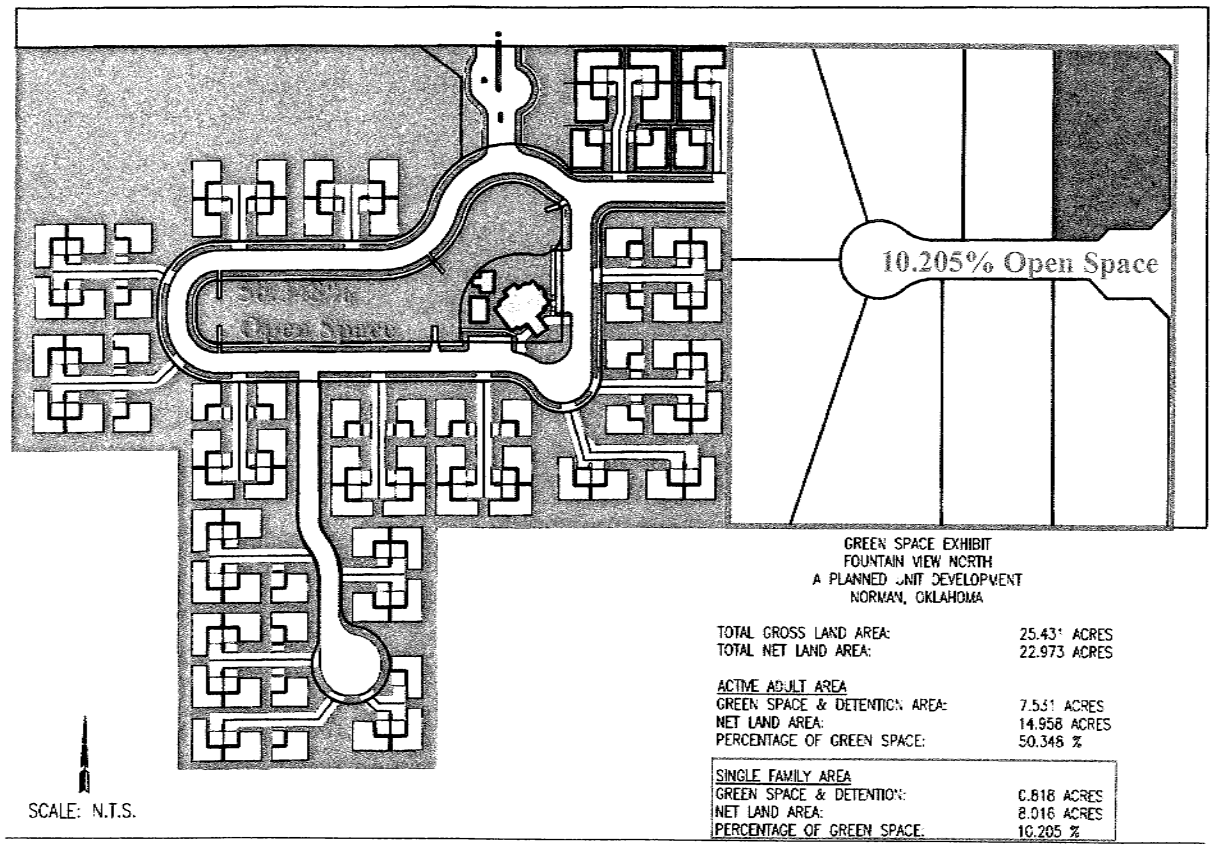


EXHIBIT D
Proposed Open Space Diagram



ORDINANCE NO. O-1213-35 ITEM NO. 13b

STAFF REPORT

GENERAL INFORMATION

APPLICANT	Sassan Moghadam
REQUESTED ACTION	Rezoning to PUD, Planned Unit Development District
EXISTING ZONING	A-2, Rural Agricultural District and PUD, Planned Unit Development District
SURROUNDING ZONING	North: RE, Residential Estates East: A-2, Rural Agricultural District South: R-1, Single Family District West: A-2, Rural Agricultural District
LOCATION	Generally located at the southeast corner of 48th Avenue N.W.
SIZE	25.43 acres
PURPOSE	Active Adult Community and Large Lot Single Family Homes
EXISTING LAND USE	Vacant
SURROUNDING LAND USE	North: Single-Family Dwelling East: Single-Family Dwellings South: (proposed) Single-Family Dwellings West: Single-Family Dwelling/Farmland

SYNOPSIS: The Fountain View North Addition was previously approved as a PUD (Planned Unit Development) by the City Council in March of 2012. Since that time, the developer acquired additional land to the north and east of the originally approved site. The developer is hereby submitting this revised PUD for inclusion of the additional land area see, "Exhibit A". The applicant proposes to develop two separate areas, totaling 25.43 acres. One area will be approximately 15 acres, and consist of a gated active adult residential community with smaller lots clustered around central open spaces. A second area consisting of approximately 8 acres will feature seven large individual single-family lots with larger homes and a large open space area consisting of about one acre with a water feature. For the first site the target market is the "active adult" seeking an area of low maintenance home sites along with the security of a gated community. The community would be gated and the interior street would

be private. That road would provide access to all of the homes, which are either detached or attached single-family units. Each home is on an individual lot. There is a central community building, with amenities, located in one of the common areas. The common areas have been designed to detain stormwater and eventually accommodate vegetative filtration, and provide the opportunity for trails around the different open spaces. The second site is gated as well and focuses on families seeking larger, higher maintenance lots.

ANALYSIS: The particulars of this PUD include:

1. USE

    - Gated Active Adult Community: Other than the community amenities associated with the clubhouse, only single-family dwellings are permitted in this subdivision. The PUD narrative specifically prohibits in-home family day care businesses. Eighty-four residential lots are proposed for this portion of the development. This yields a density of 5.25 dwelling units per acre, within the 3-6 typically seen in single-family developments.

    - Gated Single-Family Large Lots: The PUD narrative specifically prohibits in-home family day care business for this section as well. The large lot single-family area of the development will consist of seven residential lots. This yields a density of 0.74 lots per acre. The uses permitted will be as put forth under the R-1, Single Family Dwelling District.

2. OPEN SPACE

    - Gated Active Adult Community: Several common lots comprise approximately seven acres of open space area, which yields fifty-percent common open space, far in excess of the 10-15 percent suggested by the PUD ordinance. Trails will be constructed around the detention ponds within some of the common lots.

    - Gated Single-Family Large Lots: There is a .81 acre lot adjacent to Tecumseh Road and 48th Avenue NW that has been set aside as open space area for this section of the PUD.

3. LOT DESIGN

    - Gated Active Adult Community: Individual lots are clustered in groups of four to six homes, which will share a common driveway. Attached units are permitted as shown on the Site Development Plan. Side yards will be at least five feet in width, unless otherwise shown on the site development plan. Front and rear building setbacks will be at least ten feet (unless impacted by a larger utility easement). Garages should maintain a twenty foot setback, to accommodate guest parking. Because of the large amount of open space, the individual lots are relatively small, with the smallest lots around 2800-3000 square feet. A relatively high coverage factor of 75% is proposed, to allow more building flexibility. Total impervious area may be up to 85% of the lot area.

    - Gated Single-Family Large Lots: The design of the large lots will be controlled by a Property Owners Association.

4. HOME DESIGN

   - Gated Active Adult Community: Homes will be at least 1000 square feet of living area (not including garages), and will be limited to two stories in height. Masonry will comprise at least 50 percent of the exterior.

   - Gated Single-Family Large Lots: Homes will be at least 2,500 square feet of living area (not including garages). There is no height limitation stated in the large lot development. Masonry will comprise 50 percent of the exterior.

5. SALES TRAILER The PUD would allow one sales trailer for each development area. The sales trailer will be located within 500 feet of the entrance for each development area. The sales trailer will be removed 12 months from the date they are permitted.

6. PHASES The narrative states that phasing for the development areas is unknown at this time, which is not a concern to staff.

ALTERNATIVES/ISSUES:

- **IMPACTS** The proposed uses are single-family dwellings, these developments will complement the newer nearby subdivisions currently under development. According to the traffic analysis for the active adult development area, approximately 45-50 peak hour trips are expected, all of these trips will directly access 48th Avenue. No adverse traffic impacts are expected from this development area. The large single-family lots will access Tecumseh Road. No adverse traffic impacts are expected from this development area.

- **ACCESS** Both development areas in this PUD will be gated. The gate design meets the city standard for private gates. Both developments will accommodate turnaround area for vehicles to return to the street without entering the gates.

- **SITE PLAN** The design of the plat resulted in six lots directly abutting 48th Avenue, where the highest impact from road noise would occur. Three of these lots are in the active adult community and three are in the large lot single-family development. A large open space/detention pond provides a buffer along the southern portion of the active adult community development area, adjacent to 48th Avenue NW, for all the other lots, which have their rear yards oriented to the west. The home sites are small "lot clusters" which share a driveway. Each driveway connects to a curvilinear private street, which surrounds a large central open space. The three lots in the large single-family development area that abut 48th Avenue NW will have large setbacks; this will create a buffer from the traffic/noise from the street.

OTHER AGENCY COMMENTS:

- **PARK BOARD** For the active adult development area private parkland is proposed within the subdivision. At the time of building permit issuance, each lot owner will contribute to the community park fund. The large single-family development parkland request will go to Parks Board April 4, 2013.

- **PUBLIC WORKS** The internal roads have been designed as local streets, with 26 feet of pavement.

STAFF RECOMMENDATION: This PUD is just slightly different than the previously approved PUD in March of 2012. The total increase of lots is 19; 12 in the active adult community and 7 in the large acre development. This development offers a smaller single-family alternative housing variety near an area of single-family lots, as well as a large lot single-family development for those looking for more square footage, therefore meeting the broad goal of neighborhood diversity. No negative impacts are expected should this zoning be approved. Staff supports this rezoning request, including the PUD narrative and preliminary Site Development Plan. Staff recommends approval of Ordinance No. O-1213-35.

office memorandum

TO: Norman Planning Commission

FROM: Jane Hudson, Principal Planner
Planning & Community Development

DATE: March 4, 2013

RE: Items No. 7a and 7b – Consideration of a Request Submitted by Sassan Moghadam

The following applications were submitted without the related 2025 Land Use and Transportation Plan amendment application. This discrepancy was not found until it was too late for staff to advertise the 2025 request. These cases cannot be heard by the Planning Commission at the March 14, 2013 hearing and must be postponed in order to advertise the 2025 application properly.

The applicant has requested that the following items be postponed until the April 11, 2013 public hearing. The applicant's letter is attached.

O-1213-35 Sassan Moghadam requests rezoning from PUD, Planned Unit Development, and A-2, Rural Agricultural District, to PUD, Planned Unit Development, for property generally located at the southeast corner of 48th Avenue N.W. and Tecumseh Road.

PP-1213-13 Consideration of a Revised Preliminary Plat submitted by Sassan Moghadam (SMC Consulting Engineers, P.C.) for FOUNTAIN VIEW NORTH ADDITION, A Planned Unit Development generally located at the southeast corner of 48th Avenue N.W. and Tecumseh Road.

March 4, 2013

RE: Planning Commission Application Postponement – O-1213-35

Dear All:

Please accept this notice as my request to postpone the application O-1213-35 from the March 14th Planning Commission to April 11th Planning Commission.

Respectfully,

Sassan Moghadam
Owner

NORMAN PLANNING COMMISSION
REGULAR SESSION MINUTES

MARCH 14, 2013

The Planning Commission of the City of Norman, Cleveland County, State of Oklahoma, met in Regular Session in the Council Chambers of the Norman Municipal Building, 201 West Gray Street, on the 14th day of March 2013. Notice and agenda of the meeting were posted at the Norman Municipal Building and online at http://www.normanok.gov/content/boards-commissions at least twenty-four hours prior to the beginning of the meeting.

Chairman Chris Lewis called the meeting to order at 6:30 p.m.

* * *

Item No. 1, being:
ROLL CALL

MEMBERS PRESENT	Curtis McCarty Jim Gasaway Roberta Pailes Sandy Bahan Tom Knotts Chris Lewis
MEMBERS ABSENT	Andy Sherrer Cindy Gordon Dave Boeck

A quorum was present.

STAFF MEMBERS PRESENT	Susan Connors, Director, Planning & Community Development Jane Hudson, Principal Planner Janay Greenlee, Planner II Ken Danner, Subdivision Development Manager Roné Tromble, Recording Secretary Leah Messner, Asst. City Attorney Larry Knapp, GIS Analyst II Terry Floyd, Development Coordinator

* * *

Item No. 7, being:
FOUNTAIN VIEW NORTH

Item No. 7a, being:
ORDINANCE NO. O-1213-35 – SASSAN MOGHADAM REQUESTS REZONING FROM PUD, PLANNED UNIT DEVELOPMENT, AND A-2, RURAL AGRICULTURAL DISTRICT, TO PUD, PLANNED UNIT DEVELOPMENT, FOR PROPERTY GENERALLY LOCATED AT THE SOUTHEAST CORNER OF 48TH AVENUE N.W. AND TECUMSEH ROAD.

and
Item No. 7b, being:
PP-1213-13 – CONSIDERATION OF A REVISED PRELIMINARY PLAT SUBMITTED BY SASSAN MOGHADAM (SMC CONSULTING ENGINEERS, P.C.) FOR FOUNTAIN VIEW NORTH ADDITION, A PLANNED UNIT DEVELOPMENT GENERALLY LOCATED AT THE SOUTHEAST CORNER OF 48TH AVENUE N.W. AND TECUMSEH ROAD.

ITEMS SUBMITTED FOR THE RECORD:
1. Location Map
2. Staff Memo
3. Applicant's Request for Postponement

Chairman Lewis noted the request by the applicant to postpone these items for one month to the April 11, 2013 Planning Commission meeting.

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:
Curtis McCarty moved to postpone Ordinance No. O-1213-35 and PP-1213-13 for one month. Jim Gasaway seconded the motion.

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

YEAS	Curtis McCarty, Jim Gasaway, Roberta Pailes, Sandy Bahan, Tom Knotts, Chris Lewis
NAYES	None
MEMBERS ABSENT	Andy Sherrer, Cindy Gordon, Dave Boeck

Ms. Tromble announced that the motion, to postpone Ordinance No. O-1213-35 and PP-1213-13 for one month, passed by a vote of 6-0.

* * *

NORMAN PLANNING COMMISSION
REGULAR SESSION MINUTES

APRIL 11, 2013

The Planning Commission of the City of Norman, Cleveland County, State of Oklahoma, met in Regular Session in the Council Chambers of the Norman Municipal Building, 201 West Gray Street, on the 11th day of April 2013. Notice and agenda of the meeting were posted at the Norman Municipal Building and online at http://www.normanok.gov/content/boards-commissions at least twenty-four hours prior to the beginning of the meeting.

Chairman Chris Lewis called the meeting to order at 6:30 p.m.

* * *

Item No. 1, being:
ROLL CALL

MEMBERS PRESENT	Curtis McCarty Jim Gasaway Roberta Pailes Cindy Gordon Dave Boeck Sandy Bahan Tom Knotts Chris Lewis
MEMBERS ABSENT	Andy Sherrer

A quorum was present.

STAFF MEMBERS PRESENT	Susan Connors, Director, Planning & Community Development Jane Hudson, Principal Planner Ken Danner, Subdivision Development Manager Roné Tromble, Recording Secretary Leah Messner, Asst. City Attorney Larry Knapp, GIS Analyst II Terry Floyd, Development Coordinator

* * *

Item No. 13, being:
CONSIDERATION OF AN APPLICATION SUBMITTED BY SASSAN MOGHADAM FOR FOUNTAIN VIEW NORTH ADDITION, GENERALLY LOCATED AT THE SOUTHEAST CORNER OF 48TH AVENUE N.W. AND TECUMSEH ROAD.

Item No. 13a, being:
RESOLUTION NO. R-1213-111 – SASSAN MOGHADAM REQUESTS AMENDMENT OF THE NORMAN 2025 LAND USE AND TRANSPORTATION PLAN (LUP-1213-8) TO REMOVE THE FLOODPLAIN DESIGNATION, AMEND A PORTION OF THE PROPERTY FROM VERY LOW DENSITY RESIDENTIAL DESIGNATION TO LOW DENSITY RESIDENTIAL DESIGNATION, AND AMEND A PORTION OF THE PROPERTY FROM LOW DENSITY RESIDENTIAL DESIGNATION TO VERY LOW DENSITY RESIDENTIAL DESIGNATION, FOR PROPERTY GENERALLY LOCATED AT THE SOUTHEAST CORNER OF 48TH AVENUE N.W. AND TECUMSEH ROAD.

ITEMS SUBMITTED FOR THE RECORD:
1. 2025 Map
2. Staff Memo
3. Exhibit A
4. Pre-Development Summary

Item No. 13b, being:
ORDINANCE NO. O-1213-35 – SASSAN MOGHADAM REQUESTS REZONING FROM PUD, PLANNED UNIT DEVELOPMENT, AND A-2, RURAL AGRICULTURAL DISTRICT, TO PUD, PLANNED UNIT DEVELOPMENT, FOR PROPERTY GENERALLY LOCATED AT THE SOUTHEAST CORNER OF 48TH AVENUE N.W. AND TECUMSEH ROAD.

ITEMS SUBMITTED FOR THE RECORD:
1. Location Map
2. Staff Memo
3. PUD Narrative
4. March 14, 2013 Planning Commission Minutes

Item No. 13c, being:
PP-1213-13 – CONSIDERATION OF A REVISED PRELIMINARY PLAT SUBMITTED BY SASSAN MOGHADAM (SMC CONSULTING ENGINEERS, P.C.) FOR FOUNTAIN VIEW NORTH ADDITION, A PLANNED UNIT DEVELOPMENT GENERALLY LOCATED AT THE SOUTHEAST CORNER OF 48TH AVENUE N.W. AND TECUMSEH ROAD.

ITEMS SUBMITTED FOR THE RECORD:
1. Location Map
2. Preliminary Plat
3. Staff Memo
4. Transportation Impacts
5. Preliminary Site Plan
6. March 14, 2013 Planning Commission Minutes

Item No. 13d, being:
FP-1213-36 – CONSIDERATION OF A FINAL PLAT SUBMITTED BY SASSAN MOGHADAM (SMC CONSULTING ENGINEERS, P.C.) FOR FOUNTAIN VIEW NORTH ADDITION, SECTION 1, A PLANNED UNIT DEVELOPMENT GENERALLY LOCATED ON THE EAST SIDE OF 48TH AVENUE N.W. APPROXIMATELY ¼ MILE SOUTH OF TECUMSEH ROAD.

ITEMS SUBMITTED FOR THE RECORD:
1. Location Map
2. Final Plat
3. Staff Memo
4. Memo – Deferral of Street Improvements
5. Final Site Development Plan

PRESENTATION BY STAFF:

1. Jane Hudson – The application before you is actually one that you've seen before. The applicant is here for a Land Use Plan amendment as well as rezoning and placing a PUD for the entire property. You can see the subject tract here. Currently, he has got the approval already for the low density residential area designated there. The additional area outlined there is in a floodplain. If approved, the area to the north will become very low density residential, and then he will also expand out to the east in this yellow area with the low density residential. The additional application is for rezoning from A-2 to a Planned Unit Development. Again, there's the existing Planned Unit Development with this additional area that the applicant has acquired since getting the original Fountain View approved. This is currently vacant now – all these homes have been cleared out. This home will remain in the large acre lot area. This is a photo of the site looking back to the east at the corner of 48th and Tecumseh. This is looking east on Tecumseh – you've got large acre lots across the street to the north as well. This is the site looking to the east. Single family home – large acre lots back over on the east side. To the west is floodplain – agricultural area. Staff is in support of this application. The applicant's representative is here as well with a presentation and available for questions.

2. Mr. Knotts – On page 13a-6, the Pre-Development Summary, appears to be incomplete at the end.

PRESENTATION BY THE APPLICANT:

1. Tom McCaleb, engineer for the applicant – At the Pre-Development Meeting, there were a few people there who were a little bit concerned. One was a guy across the street wondering about wanderers. One was about taking care of some issues. And one was just taking care of stuff. After that meeting, I got a love letter from one of the lawyers and I responded to that and we now are a happy family. The issues that were a concern, particularly that landowner to the east, were some traffic and some stuff. We now have worked all those issues out and they are not here tonight. That has been resolved.

2. Ms. Pailes – I'm curious about areas that say Common Area in the north corner and along the northwest boundary. This presently is under water. Is that a concern? It's actually a pond.

Ms. Hudson – That's going to remain is my understanding.

Ms. Pailes – And along 48th Avenue where it says Common Area in kind of a long strip. That's presently under water, too. Is the whole common area likely to be inundated? It's not always under water, but presently.

Ms. Hudson – Tom might be able to answer that as well, but there are actually two detention ponds there. One is for the Fountain View Addition to the south – the single family. The one to the north is for the gated adult community that you saw previously under the original Fountain View PUD that came through.

Ms. Pailes – Is there dry land that is also common area, or is it all likely to be damp?

Mr. McCaleb – The current pond that you're talking about stays. It will be a common area; it will be part of the amenity package for the whole project. That's a pond that Mr. Dake has manicured for a long time, and they're going to stay there for quite a while, and he wants to continue playing with his pond, so we're going to allow that to happen.

3. Mr. Boeck – Just eliminating floodplain status – how does that work? I mean, you just go ahead and say I don't want floodplain any more so I can get rid of it.

Ms. Hudson – That was actually updated with the new FEMA maps and it wasn't taken off of the 2025 Plan. That's all we're doing is just taking that designation off.

Mr. Boeck – What's the data as far as water elevations that says we can take that off the floodplain?

Mr. McCaleb – The City retained a consulting firm a few years ago – I can't remember the name of the company. They went through the whole analysis and prepared the floodplain

analysis and took it out of the floodplain. It has been done by FEMA. It's done. The City adopted that process.

Mr. Boeck – I just think about the weather patterns and we talk about we're in a drought right now, but I've known that place down there to be flooded. I know we've developed other neighborhoods in what used to be floodplain by raising the elevation and saying we can do this because we get it up to a certain level. Is there a difference between floodplain and floodway?

Mr. McCaleb – Absolutely. This is not floodway. Floodway means stay out; you're going to get wet. Floodplain doesn't mean that. Floodplain means that you have the capability to take it out of the floodplain if you can demonstrate that it's not going to flood, and that's what has occurred. This whole application is just a revision of what you've already approved before. The area to the east or the south of it – the single family that we've got constructed and recorded. We've learned a lot during that construction of some of the issues you're talking about. We were digging the pond down at the bottom of 48th Street. I had below the pond to put in some CKD to solidify the bottom so it would hold the water. At the elevation that we had projected to be CKD, it was H_2O. It was water and it was the constant level, so we've maintained that elevation, and that was last summer when it didn't rain at all. So we have found the water table. It is wet, but not wet above it. We're working with that elevation.

Mr. Boeck – How does that work as far as floodplain insurance, too?

Mr. McCaleb – That's underground. That's sub-surface conditions. Sub-surface doesn't have anything to do with floodplain. It's just working with the geology of the land. It's not in the floodplain. That was just something that got overlooked before by staff, and now this is correcting that. It was done quite a while ago; the Comp Plan was never advanced to that approval. It's a clean-up area for the Comp Plan right now. As far as the engineering, that's resolved and one. The pond that Ms. Pailes talked about has to be fed – he has to feed water to that pond, because it doesn't get water naturally.

4. Sean Rieger, representing the applicant – Most of the questions on this have been stormwater and you've probably just heard all the answers, so I'll be very quick on this. You're being asked tonight – you see on the left this was approved unanimously by the City Council in that configuration on the left. So that is done – that is approved – that's a plat that is complete. The only thing that happened here was this developer purchased additional land right next to it, so they're back tonight. I've tried to diagram it for you. This little piece right here is being changed to that – so two large lots instead of a whole bunch of little ones. This is the other piece of land that he bought – so if you can imagine, we're kind of taking that little piece right there and sticking it over here, and then the rest of the new land he bought is very large lot single-family homes with one little cul-de-sac gated entry. That's it. That's the extent of the change you're being asked to approve tonight. The rest was already approved previously. I won't waste your time to go through all the rest. I'll quickly glance through. These were some images of what you already approved last time. This was already approved, platted by City Council – basically a senior living area. I'll leave it at that to save your time. Happy to answer any questions.

5. Mr. McCarty – We've had issues with stacking in entries of gated communities. Has the design or the entryway been discussed with City staff, and where is that in the process for this gated community?

Mr. Rieger – Well, I'll tell you what's happened with gated entries – the short answer to that is this one will be in line with what staff requires us to do gated entries as. That all changed with Ashton Grove. If you'll recall, Ashton Grove did a gated entry that a lot of people didn't like – still don't like – and they're still in the courts about it today. But after Ashton Grove, the City adopted a standard. So we're done with this – we're going to find a standard for a gated entry and that's what it's going to be and that's what you're going to do and that's what we're doing.

AUDIENCE PARTICIPATION:

1. Tracy Calvert, 4831 West Tecumseh Road – It's just to the northeast of this area that's being built. I would like to just show you some pictures of last week's rain that we had. And this is the ditches that they're building. And that's just one of the three. I don't know exactly how deep they are, but I know if I stood in the middle of it, it would cover my head. And that was just four inches of rain. My concern is I am in the floodplain and it has come into my garage. My only concern is, with me living in the floodplain, and them building dirt up as high as they have so far. I don't have anything wrong with them building there. But the water that's going to be standing – and if we got 10 inches of rain – in Oklahoma, you can get some wet springs and falls. Is it going to flow over into the creek and cause a lot of mosquitoes with the livestock and all that? That's our biggest concern. We want to see if the City will help flow that water down towards the river where it should go naturally. That's all my concerns. Thank you.

2. Ms. Pailes – Could you indicate where the ditch is that you had pictures of?

Ms. Calvert – The pictures that I had were in these retaining ponds that were all along here, and they're completely full.

Ms. Pailes – That's my experience.

3. Mr. Gasaway – Mr. Chairman, since that has come up, can we address that a little further? It seems like there are two totally different opinions and we need to make an educated vote. I think most of us have driven along there and seen that. But you all seem to think there's a solution. Could you elaborate just a little further?

Mr. McCaleb – We're not finished, yet. The construction is done for the single-family with the ponds, and now we're interconnecting the other retention ponds. This is not finished. This structure is built. This is not finished. We haven't connected all this into there. And we haven't connected all the storm drain systems into this piece of land. But this whole designed system has been designed, reviewed, and approved to detain the water before it's released down here – it's off the picture here. It comes across the land owned by the horse ranch. I've watched that during the rains, too, and it stays nicely. Because that gentleman we met with a long time ago, when there was a lot of concern about flooding in all this area, and we had to make sure we accommodate his horses and the way he services horses. And we did that. He has been a real gentleman; he hasn't complained. He said his problem just does not exist. If you recall, at one point in time we suggested no detention here – that we shouldn't have any detention and that hydraulically it would be better off if the water would get on down to the river and act as a bypass. And we demonstrated that to Council that we should do that – it's a better hydraulic solution. Council rejected that and said put your detention in. We have. And so that's why it's there. And it work. And we haven't finished the whole project, but we will.

4. Chairman Lewis – The detention pond that looks like it is to the south and the west – that is actually not in place, then, currently as we speak?

Mr. McCaleb – It's not finished. We had to enlarge this area right here. We had to dig this out and we're putting in some walls along this thing to contain it. This is not finished, and all the infrastructure is not completed yet. When this is built, this cul-de-sac will take this water and this will be an underground system and discharge into that pond. There is an existing pond on the east that Lander owns. We've met with Lander. We're going to put a structure there and we're going to take the water that goes down to a hole, pick it up in this pipe, take that water over and into this system, so his existing pond will maintain the way the pond was designed and built. In doing so, he has about six pine trees that he was concerned about, and we have agreed to relocate those six pine trees way to the west on his other farm. So that took care of that issue. He was concerned about his pond; he built a pond that doesn't drain. There's no structure; it just fills up and spills out around both sides. So he was concerned about his pond being overloaded. We surveyed it, got the elevations, and came up with this solution. We did not have this in there before. We added it. It's a 24-inch RCP. He agreed and let us put an inlet right there to take his water and let his pond continue to work as it has and the water that drains

down his access road to his pond will be picked up in this inlet. There is surface water that drains from his house that goes back to the west, and in this area right there we would do nothing to impede that water from going back to the west. So it would go as it is today. That was one of his concerns. So we're not going to build any structure or berm or anything from about right there back to Tecumseh Road. What sheds to the west will continue to shed to the west. Drain across these lots, picked up into the street, and taken like this and then work its way down. As the lady said, it will be detained, retarded, and slowed down.

Chairman Lewis – And since that system is not completed, it's not functioning the way it's intended to function, and that's why we're seeing the pictures that Ms. Calvert showed us – the water is being retained in other places.

Mr. McCaleb – That's possible. It's probable. I didn't see her pictures.

5. Ms. Gordon – So do we know when that's going to be done? Is the manipulation of this area causing more flooding for what she's going through now, or it hasn't affected it at all? Does that make sense?

Mr. McCaleb – The timing – the change order plans that we turned in for this project – and you're approving the final plat tonight – those plans – we went with a change order to amend. Those plans were approved today. So I can release my contractor to finish. I had to pull him off the site to make sure we got approved plans so they had been reviewed, instead of trying to do the work before the approval had taken place. So, if you've driven by there, you've seen some equipment sitting there, doing nothing. I want to get them doing something and finish up.

6. Mr. McCarty – So the entryway to the adult active community – north of that – that area has been raised approximately 3 feet recently. They keep bringing more and more dirt in. Going north, that drops off significantly to where the pond is up on the corner. Will that pond always stay there?

Mr. McCaleb – Yes, it will. There are two ponds there. There's a north pond and there's a little pond south of it. The north pond will stay.

Mr. McCarty – With that grade elevation – it drops 3 to 4 foot – it's pretty significant. Are all those lots along 48th going to be raised up to that same elevation?

Mr. McCaleb – This one will not be and this one will not be. This one will have some raised here. This lot here will be.

Mr. McCarty – My concern is the bar ditch on 48th, because right now in this last rain it's filling up and lapping onto 48th. There's nowhere for that water to go. So how is that going to be addressed? I'm not worried about the detention ponds; those are going to flow and do what they're doing. But the water in the bar ditch doesn't get to the ponds.

Mr. McCaleb – No, it does not. The water in the bar ditch of 48th Street does not get into the ponds. That's correct.

Mr. McCarty – So where is it going to go?

Mr. McCaleb – It will go where it goes. I mean, 48th Street has no grade whatsoever, and for years we've had the City and the County out there cleaning the bar ditches. And the bar ditches – it doesn't take much.

Mr. McCarty – In this last rain, I mean it wasn't dangerously, like hydroplaning type, but it was getting pretty close to that.

Mr. McCaleb – The plat for this will have the same responsibility as the plat for this, and that is construction of that system – that road – is going to be deferred to a massive City project to build the whole road system all the way from there down to a mile, so it does function, with curb and gutter and with proper drainage. That's not an arterial road. It is a project that is planned. We deferred pavement for Fountain View. We deferred pavement for Las Colinas. And the City has elected to make a comprehensive plan. I don't know the date, but it's not going to be an arterial design.

Mr. McCarty – That intersection is going to be signaled in August.

Mr. McCaleb – If you'll recall, when Ashton Grove was done, that half mile was not to be built – period. So I can't answer that question. But in the years past, what we've been able to do is get the County up there to clean up the bar ditches. And when they clean the bar ditches out, it drains better, but it's very flat.

Mr. McCarty – Lastly, any traffic concern with the proximity to the intersection of that exit of the gated community?

Mr. McCaleb – No.

Mr. McCarty – You're not very far from where the stop light is going to be.

Mr. McCaleb – There is a transition – a striping transition in this area and the traffic engineer has requested that we restripe that, so that's our commission to restripe that to make sure that is accommodated.

Mr. McCarty – That's not there currently, is it?

Mr. McCaleb – It is. It's a painted transition.

7. Mr. Boeck – I have concerns about drainage in this part of town, but City Council has already approved what's there, so what we're doing has no bearing on issues of drainage. It just has to do with moving some land around and changing the zoning.

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

Tom Knotts moved to recommend approval of Resolution No. R-1213-111, Ordinance No. O-1213-35, PP-1213-13, the Preliminary Plat for FOUNTAIN VIEW NORTH ADDITION, A Planned Unit Development, and FP-1213-36, the Final Plat for FOUNTAIN VIEW NORTH ADDITION, SECTION 1, A Planned Unit Development, with deferral of street improvements for 48th Avenue N.W., to the City Council. Curtis McCarty seconded the motion.

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

YEAS	Curtis McCarty, Jim Gasaway, Roberta Pailes, Cindy Gordon, Dave Boeck, Sandy Bahan, Tom Knotts, Chris Lewis
NAYES	None
MEMBERS ABSENT	Andy Sherrer

Ms. Tromble announced that the motion to recommend approval of Resolution No. R-1213-111, Ordinance No. O-1213-35, PP-1213-13 and FP-1213-36 to City Council, passed by a vote of 8-0.

* * *

City of Norman, OK

Municipal Building Council Chambers
201 West Gray Street
Norman, OK 73069

Master

File Number: PP-1213-13

File ID:	PP-1213-13	**Type:**	Preliminary Plat	**Status:**	Non-Consent Items
Version:	1	**Reference:**	Item No. 44	**In Control:**	City Council
Department:	Public Works Department	**Cost:**		**File Created:**	02/14/2013
File Name:	Fountain View North PUD			**Final Action:**	

Title: CONSIDERATION OF A REVISED PRELIMINARY PLAT FOR FOUNTAIN VIEW NORTH ADDITION, A PLANNED UNIT DEVELOPMENT. (GENERALLY LOCATED AT THE SOUTHEAST CORNER OF 48TH AVENUE N.W. AND WEST TECUMSEH ROAD)

Notes: ACTION NEEDED: Motion to approve or reject the revised preliminary plat for Fountain View North Addition, a Planned Unit Development.

ACTION TAKEN: _____

Agenda Date: 05/28/2013

Agenda Number: 44

Attachments: Text File Fountain View North, Attachment A.pdf, FountainViewNorth Location Map, Prelim Plat Fountain View North, Fountain View N Prelim Plat Staff Report, Fountain View N Transportation Impacts, Prelim Site Plan Fountain View North, 3-14-13 PC Minutes - O-1213-35 - PP-1213-13, 4-11-13 PC Minutes - Fountain View North, Fountain View North Postponement

Project Manager: Ken Danner, Subdivision Manager

Entered by: rone.tromble@normanok.gov

Effective Date:

History of Legislative File

Ver-sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Planning Commission	03/14/2013	Postponed		04/11/2013		Pass
	Action Text:	A motion was made by Commissioner McCarty, seconded by Commissioner Gasaway, that this Preliminary Plat be Postponed . The motion carried by the following vote: 6-0.					
1	Planning Commission	04/11/2013	Recommended for Adoption at a subsequent City Council Meeting	City Council	05/28/2013		Pass
	Action Text:	Recommend approval of Resolution No. R-1213-111, Ordinance No. O-1213-35, PP-1213-13, the Preliminary Plat for FOUNTAIN VIEW NORTH ADDITION, A Planned Unit Development, and FP-1213-36, the Final Plat for FOUNTAIN VIEW NORTH ADDITION, SECTION 1, A Planned Unit Development, with deferral of street improvements for 48th Avenue N.W., to the City Council.					

Text of Legislative File PP-1213-13

body

BACKGROUND: This item is a revised preliminary plat for Fountain View North Addition, a Planned Unit Development (PUD), and is located at the southeast corner of the intersection of West Tecumseh Road and 48th Avenue N.W. This property consists of approximately 25.43 acres. The 84 senior adult residential lots consist of 16.01 acres including club house and several open space common areas that include storm water detention ponds and landscaping. The 7 large single family residential lots consist of 9.42 acres.

The Norman Board of Parks Commissioners, at its meeting of February 2, 2012, recommended fee in lieu of park land dedication.

City Council, at its meeting of March 13, 2012, adopted Ordinance No. O-1112-23 placing a portion of this property in the Low Density Residential Designation from Flood Plain Designation and that this property be placed in a Planned Unit Development (PUD) and removed from A-2 zoning classification. Also, City Council approved the preliminary plat for Fountain View North Addition, a Planned Unit Development.

Planning Commission, at its meeting of June 14, 2012, approved the final plat for Fountain View North Addition, a Planned Unit Development. The developer has hired contractors to install public improvements that were approved for 14.89 acres. Since that time, the owner/developer purchased an additional 10.54 acres for a total of 25.43 acres which will include additional public improvements.

Planning Commission, at its meeting of April 11, 2013, recommended to City Council that the remainder of this property be placed in the "Low Density Residential Designation and Very Low Density Residential Designation from Flood Plain Designation and that this property be placed in a Planned Unit Development (PUD) and removed from A-2, Rural Agricultural District. Also, the Planning Commission recommended approval of the revised preliminary plat for Fountain View North Addition, a Planned Unit Development.

DISCUSSION: The Fountain View North Addition is located in the southeast corner of the West Tecumseh Road intersection with 48th Avenue N.W. The proposed 8 single-family detached housing lots and the 84 senior adult housing detached units are expected to generate 508 trips on an average weekday, 60 trips during the AM peak hour, and 50 trips during the PM peak hour. Traffic impact fees were established in previous studies of this general area which remain applicable to the current plan for build out of this addition. As such, no revised or updated traffic impact study was required. Traffic capacities on nearby arterial roadways exceed the demand for existing and proposed trips as a result of this development. No negative traffic impacts are anticipated. See Attachment A.

All access to the single-family detached housing lots will be by way of Tecumseh Road and all access to the senior adult housing detached units will be by way of 48th Avenue NW. Traffic impact fees of $21.31 per peak hour trip were previously calculated for the Fountain View Addition for improvements at 48th Avenue NW and Tecumseh Road. Consequently, an impact fee of $1,278.60 ($21.31 per peak hour trip * 60(peak hour trips) = $1,278.60) should be collected with the filing of the final plat.

Public improvements for this property consist of the following:

1. Fencing. Fencing (screening) will be installed adjacent to 48th Avenue N.W.

2. Fire Hydrants. Fire hydrants will be installed in accordance with approved plans. Their locations have been approved by the Fire Department.

3. Sanitary Sewers. Sanitary sewer mains will be installed in accordance with accepted plans and City and Department of Environmental Quality standards.

4. Sidewalks. Although private streets, the owner/developer proposes interior sidewalks. Sidewalks will be constructed adjacent to 48th Avenue N.W.

5. Drainage. Storm sewers and appurtenant drainage structures will be installed in accordance with accepted plans and City drainage standards. Privately maintained detention facilities will be constructed for the conveyance of storm water. A property owners association will be established for the maintenance of the detention facilities.

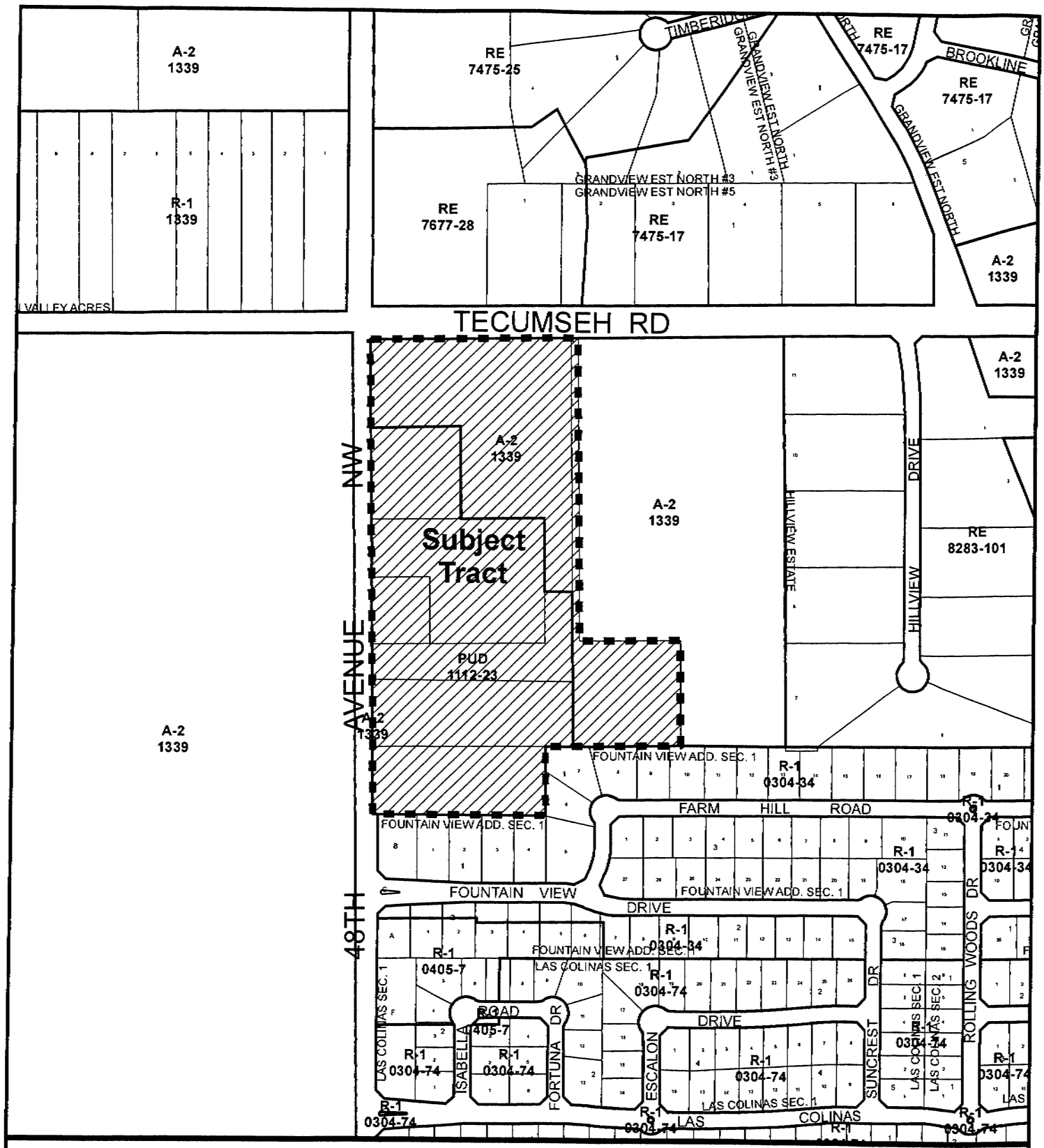
6. Streets. Forty-eighth Avenue N.W. will be constructed in accordance with accepted plans and City paving standards. A determination for deferral of 48th Avenue N.W. will be made with final platting. The proposed private interior streets will be installed to City standards.

7. Traffic Signal and Intersection Improvements. The applicant will be required to fund a portion of the cost of improvements to signalize the intersection of Tecumseh Road with 48th Avenue NW. Traffic impact fees of $21.31 per peak hour trip were previously calculated for the Fountain View Addition for improvements at 48th Avenue NW and Tecumseh Road. Consequently, an impact fee of $1,278.60 ($21.31 per peak hour trip * 60(peak hour trips) = $1,278.60) should be collected with the filing of the final plat.

8. Water Mains. Water mains will be installed in accordance with approved plans and City and Department of Environmental Quality standards. A 12" water main has been installed adjacent to 48th Avenue N.W. and is connected to a 12-inch water main at Tecumseh Road. Interior water lines will be installed in accordance with accepted plans and City and State Department of Environmental Quality standards.

9. Public Dedications. All rights-of-way and easements will be dedicated to the City with final platting. The Property Owners Association will be responsible for mowing the right-of-way.

STAFF RECOMMENDATION: This property is proposed as a gated development. Private streets will be constructed to City paving standards. The main entrance to 48th Avenue N.W. utilizes the private gate design approved with previous developments. The large seven (7) lots development will be a gated development with access to West Tecumseh Road. Staff recommends approval of the revised preliminary plat for Fountain View North Addition, a Planned Unit Development, subject to the approvals of R-1213-111 and Ordinance No. O-1213-35.



Location Map

Map Produced by the City of Norman
Geographic Information System.
(405) 366-5316
The City of Norman assumes no
responsibility for errors or omissions
in the information presented.

N
W E
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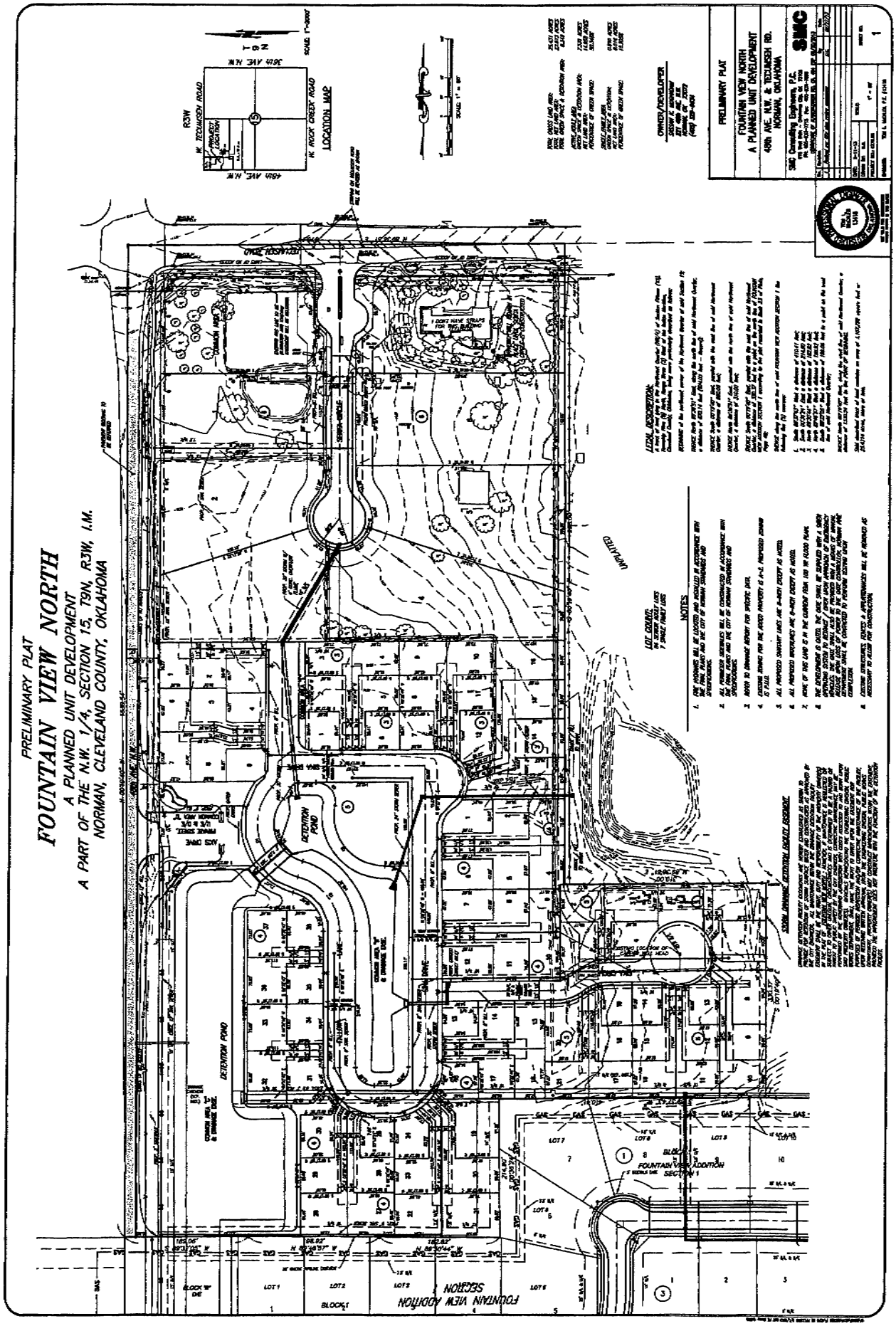
February 15, 2013

0 200 400 Ft.

Subject Tract

Zoning


PRELIMINARY PLAT
FOUNTAIN VIEW NORTH
A PLANNED UNIT DEVELOPMENT
A PART OF THE N.W. 1/4, SECTION 15, T9N, R3W, I.M.
NORMAN, CLEVELAND COUNTY, OKLAHOMA
LOCATION MAP
OWNER/DEVELOPER
PRELIMINARY PLAT
FOUNTAIN VIEW NORTH
A PLANNED UNIT DEVELOPMENT
48th AVE. N.W. & TECUMSEH RD.
NORMAN, OKLAHOMA
SMC
LEGAL DESCRIPTION
NOTES
DETENTION POND
UNPLATTED
FOUNTAIN VIEW ADDITION SECTION 1

REVISED PRELIMINARY PLAT
PP-1213-13

ITEM NO. 13c

STAFF REPORT

ITEM: Consideration of a Revised Preliminary Plat for FOUNTAIN VIEW NORTH ADDITION, A PLANNED UNIT DEVELOPMENT.

LOCATION: Located at the southeast corner of the intersection of 48th Avenue N. E. and West Tecumseh Road

INFORMATION:

1. Owners. Sassan Moghadam.

2. Developer. Sassan Moghadam.

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

HISTORY:

1. October 21, 1961. City Council adopted Ordinance No. 1320 annexing this property into the City of Norman.

2. December 19, 1961. Planning Commission recommended that this property be placed in the A-2, Rural Agricultural District.

3. January 23, 1962. City Council adopted Ordinance No. 1339 placing this property in A-2, Rural Agricultural District.

4. February 2, 2012. The Norman Board of Parks Commissioners, on a vote of 8-0, recommended fee in lieu of park land.

5. February 9, 2012. Planning Commission, on a vote of 7-0, recommended to City Council amending the NORMAN 2025 Land Use and Transportation Plan from Flood Plain Designation and Very Low Density Residential Designation to Low Density Residential Designation.

6. February 9, 2012. Planning Commission, on a vote of 7-0, recommended to City Council that a portion of this property be placed in the Planned Unit Development and removed from A-2, Rural Agricultural District.

7. February 9, 2012. Planning Commission, on a vote of 9-0, recommended approval of the preliminary plat for Fountain View North Addition.

8. March 13, 2012. City Council amended the NORMAN 2025 Land Use and Transportation Plan removing a portion of this property from Flood Plain Designation and Very Low Density Residential Designation to Low Density Residential Designation.

9. March 13, 2012. City Council adopted Ordinance No. O-1112-23 placing a portion of this property in the Planned Unit Development and removing it from A-2, Rural Agricultural District.

10. March 13, 2012. City Council approved the preliminary plat for Fountain View North Addition, a Planned Unit Development.

11. June 14, 2012. Planning Commission, on a vote of 9-0, approved the final plat for Fountain View North Addition, a Planned Unit Development.

12. March 14, 2013. Planning Commission, on a vote of 8-0, postponed a request to place a portion of this property in the Planned Unit Development and remove it from A-2, Rural Agricultural District.

13. March 14, 2013. Planning Commission, on a vote of 8-0, postponed the revised preliminary plat for Fountain View North Addition, a Planned Unit Development.

14. April 11, 2013. The applicant has made a request to amend the NORMAN 2025 Land Use and Transportation Plan from Flood Plain Designation, amend a portion of the property from Very Low Residential to Low Density Residential Designation and amend a portion of the property from Low Density Residential Designation to Very Low Density Residential Designation.

15. April 11, 2013. The applicant has made a request to place a portion of this property in the Planned Unit Development and remove it from A-2, Rural Agricultural District.

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.

4. Sidewalks. Sidewalks will be constructed adjacent to 48th Avenue N.W. The owner/developer proposes sidewalks adjacent to the private streets.

5. Storm Sewers. Storm sewers and appurtenant drainage structures will be installed in accordance with approved plans and City drainage standards. Detention facilities will be constructed throughout the development. They will be maintained by a Property Owners Association.

6. Streets. Although private, interior streets will be constructed in accordance with approved plans and City paving standards. Currently 48th Avenue N.W. is designated as a minor arterial street and will be constructed as a collector street. Tecumseh Road is existing. The private street accessing Tecumseh Road serving the large residential lots is proposed to be gated development.

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 has been extended and connected to an existing 12-inch main parallel to West Tecumseh Road.

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, preliminary site development plan and revised preliminary plat are included in the Agenda Book.

STAFF COMMENTS AND RECOMMENDATION: This property consists of 84 senior adult residential lots, several open space lots that will be maintained by a mandatory Property Owners' Association and 7 single family residential lots. Staff recommends approval of the revised preliminary plat for Fountain View North Addition subject to the approval of the rezoning request.

ACTION NEEDED: Recommend approval or disapproval of the revised preliminary plat for Fountain View North Addition to City Council.

ACTION TAKEN: _____

CITY OF NORMAN
Development Review Form
Transportation Impacts

DATE: February 18, 2013

STAFF REVIEW BY: David R. Riesland, P.E.
City Traffic Engineer

PROJECT NAME: Fountain View North Addition Preliminary

PROJECT TYPE: Residential

Owner: Sassan Moghadam
Developer's Engineer: SMC
Developer's Traffic Engineer: TEC

SURROUNDING ENVIRONMENT (Streets, Developments)
Low density residential exists to the south of the project location along with some floodplain to the west.

ALLOWABLE ACCESS:
Proposed access will be a single point of access for the single family residential along Tecumseh Road and a single point of access for the senior adult housing along 48th Avenue NW.

EXISTING STREET CHARACTERISTICS (Lanes, Speed Limits, Sight Distance, Medians)
Tecumseh Road : 4 lanes (existing) / 4 lanes (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 for the development is in compliance with what is allowed in the subdivision regulations.

TRIP GENERATION

Time Period	Total	In	Out
Weekday	508	254	254
A.M. Peak Hour	60	20	40
P.M. Peak Hour	50	31	19

TRANSPORTATION IMPACT STUDY REQUIRED? YES ☐ NO ■

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 Fountain View North Addition is located in the southeast corner of the Tecumseh Road intersection with 48th Avenue NW. The proposed 8 single-family detached housing lots and the 84 senior adult housing detached units are expected to generate 508 trips on an average weekday, 60 trips during the AM peak hour, and 50 trips during the PM peak hour. Traffic impact fees were established in previous studies of this general area which remain applicable to the current plan for build out of this addition. As such, no revised or updated traffic impact study was required. Traffic capacities on nearby arterial roadways exceed the demand for existing and proposed trips as a result of this development. No negative traffic impacts are anticipated.

All access to the single-family detached housing lots will be by way of Tecumseh Road and all access to the senior adult housing detached units will be by way of 48th Avenue NW. Proper access to the single-family detached housing lots from Tecumseh Road will require restriping of the existing transition into the westbound left-turn lane on Tecumseh Road at 48th Avenue NW. This is necessary because the proposed access is located within this transition. A conceptual plan for this restriping was forwarded to the owner's engineer. Traffic impact fees of $21.31 per peak hour trip were previously calculated for the Fountain View Addition for improvements at 48th Avenue NW and Tecumseh Road. Consequently, an impact fee of $1,278.60 ($21.31 per peak hour trip * 60(peak hour trips) = $1,278.60) should be collected with the filing of the final plat.

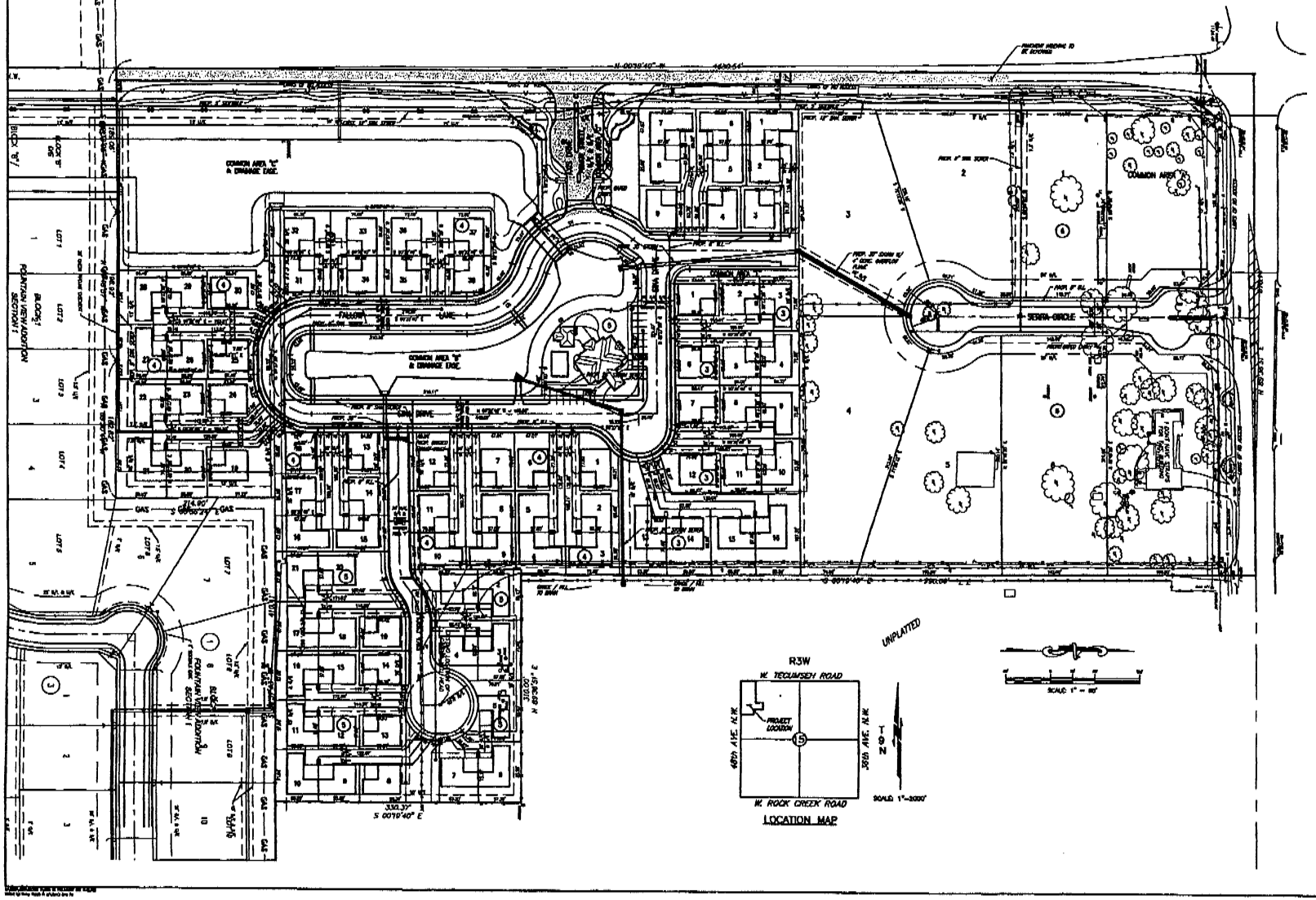
PRELIMINARY SITE PLAN

FOUNTAIN VIEW NORTH

A PLANNED UNIT DEVELOPMENT

A PART OF THE N.W. 1/4, SECTION 15, T9N, R3W, I.M.

NORMAN, CLEVELAND COUNTY, OKLAHOMA



FOUNTAIN VIEW NORTH

48th AVE. N.W. & TECUMSEH ROAD

NORMAN, OKLAHOMA

SMC Consulting Engineers, P.C.

PRELIMINARY SITE PLAN

SHEET NO. 1

City of Norman, OK

Municipal Building Council Chambers
201 West Gray Street
Norman, OK 73069

Master

File Number: O-1213-40

File ID:	O-1213-40	**Type:**	Ordinance	**Status:**	Non-Consent Items
Version:	1	**Reference:**	Item No. 45	**In Control:**	City Council
Department:	Planning and Community Development Department	**Cost:**		**File Created:**	03/13/2013
File Name:	Christian Brothers Rezone			**Final Action:**	

Title: ORDINANCE NO. O-1213-40 UPON SECOND AND FINAL READING: 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 ALL OF LOT 2 AND THE NORTH 5 FEET OF LOT 1, BLOCK 1, LITTLE RIVER GREEN ADDITION, NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN THE C-2, GENERAL COMMERCIAL DISTRICT, AND REMOVE THE SAME FROM THE PUD, PLANNED UNIT DEVELOPMENT DISTRICT, OF SAID CITY; AND PROVIDING FOR THE SEVERABILITY THEREOF. (WEST SIDE OF INTERSTATE DRIVE IMMEDIATELY NORTH OF ROCK CREEK ROAD)

Notes: ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1213-40 upon Second Reading section by section.

ACTION TAKEN: _____

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1213-40 upon Final Reading as a whole.

ACTION TAKEN: _____

Agenda Date: 05/28/2013

Agenda Number: 45

Attachments: Text File O-1213-40, O-1213-40 Christian Brothers Rezone, ChristianBrothers Location Map, Christian Brother Rezone Staff Report, Preliminary Development Map Christian Brothers, Christian Bros Proposal, 4-11-13 PC Minutes - Christian Bros

Project Manager: Jane Hudson, Principal Planner

Entered by: rone.tromble@normanok.gov

Effective Date:

History of Legislative File

Ver-sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Planning Commission	04/11/2013	Recommended for Adoption at a subsequent City Council Meeting	City Council	05/14/2013		Pass

	Action Text:	Recommend adoption of Ordinance No. O-1213-40 to City Council.		
1	City Council	05/14/2013	Introduced and adopted on First Reading by title only	Pass
	Action Text:	That this Ordinance be Introduced and adopted on First Reading by title only. by consent roll call		

Text of Legislative File O-1213-40

Body

SYNOPSIS: The existing site is undeveloped. The site was previously approved for a PUD but never developed. The request for this site is to rezone to C-2, General Commercial District. The current land use is designated as Commercial in the NORMAN 2025 Land Use and Transportation Plan. The proposed use is a light automotive service facility which is congruent with the current land use designation.

ANALYSIS: C-2, General Commercial District, zoning allows automobile sales and service.

ALTERNATIVES/ISSUES:

IMPACTS The proposed use is an automobile service center. Christian Brothers Automotive is a light automotive service facility that will operate between the hours of 7am and 7pm Monday through Friday. Christian Brothers Automotive does not complete heavy duty auto repairs, tire work or body repair. Those activities are key noise and storage generators and are not a component of the scope of work. All vehicles left overnight are stored within the secure bays of the facility for customer peace of mind and insurance parameters.

ACCESS The egress/ingress for this development will be from Yarbough Way, a new east/west street to be developed with this business. No access will be allowed off of Rock Creek Road. There will be an emergency access off of Interstate Drive to serve the Fire Department.

SITE PLAN The plat submitted shows two lots proposed, a north lot and a south lot. The specific use for the south lot is for the vehicle service center and parking is adequate for this lot. The use for the building proposed on the north lot has not been designated at this time.

OTHER AGENCY COMMENTS:

PARK BOARD: Parkland dedication is not required for commercial development. The Greenbelt Commission approved the application unanimously during the February 18, 2013 meeting.

PUBLIC WORKS: Public Works has reviewed the site plan and public improvements and recommends approval of the platting. The applicant requested a waiver for public sidewalks. However, at the Planning Commission meeting the applicant's representative agreed to submit a cash surety to secure the sidewalks. It was agreed that the sidewalks could be installed at the time the City installs their portion of the sidewalks located under the Rock Creek Road overpass. As part of the contract with the owners and the City of Norman, the existing detention pond will be utilized for storm water run-off for this site. Concerns were raised at the Planning Commission meeting regarding the existing wetlands to the west of this site. The wetlands are located outside of the existing detention pond.

STAFF RECOMMENDATION: Staff recommends approval of the rezoning request from PUD to C-2, General Commercial District. The C-2 district is congruent with the NORMAN 2025 Land Use & Transportation Plan.

At their meeting of April 11, 2013, the Planning Commission recommended adoption of Ordinance No. O-1213-40 by a vote of 8-0.

O-1213-40

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 ALL OF LOT 2 AND THE NORTH 5 FEET OF LOT 1, BLOCK 1, LITTLE RIVER GREEN ADDITION, NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN THE C-2, GENERAL COMMERCIAL DISTRICT, AND REMOVE SAME FROM THE PUD, PLANNED UNIT DEVELOPMENT DISTRICT, OF SAID CITY; AND PROVIDING FOR THE SEVERABILITY THEREOF.
(West side of Interstate Drive immediately north of Rock Creek Road)

§ 1. WHEREAS, Christian Brothers Automotive has made application to have the same placed in the C-2, General Commercial District, and to have the same removed from the PUD, Planned Unit Development 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 C-2, General Commercial District, and to remove the same from the PUD, Planned Unit Development District, to wit:

A tract of land being all of Lot 2 and the north 5 feet of Lot 1, Block 1, LITTLE RIVER GREEN ADDITION, A Planned Unit Development in the City of Norman, Cleveland County, Oklahoma, according to the plat thereof recorded in Book 22 of Plats, Page 30.

Said described tract of land contains an area of 56,028 square feet or 1.2862 acres, more or less.

§ 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

_____, 2013.

_____
(Mayor)

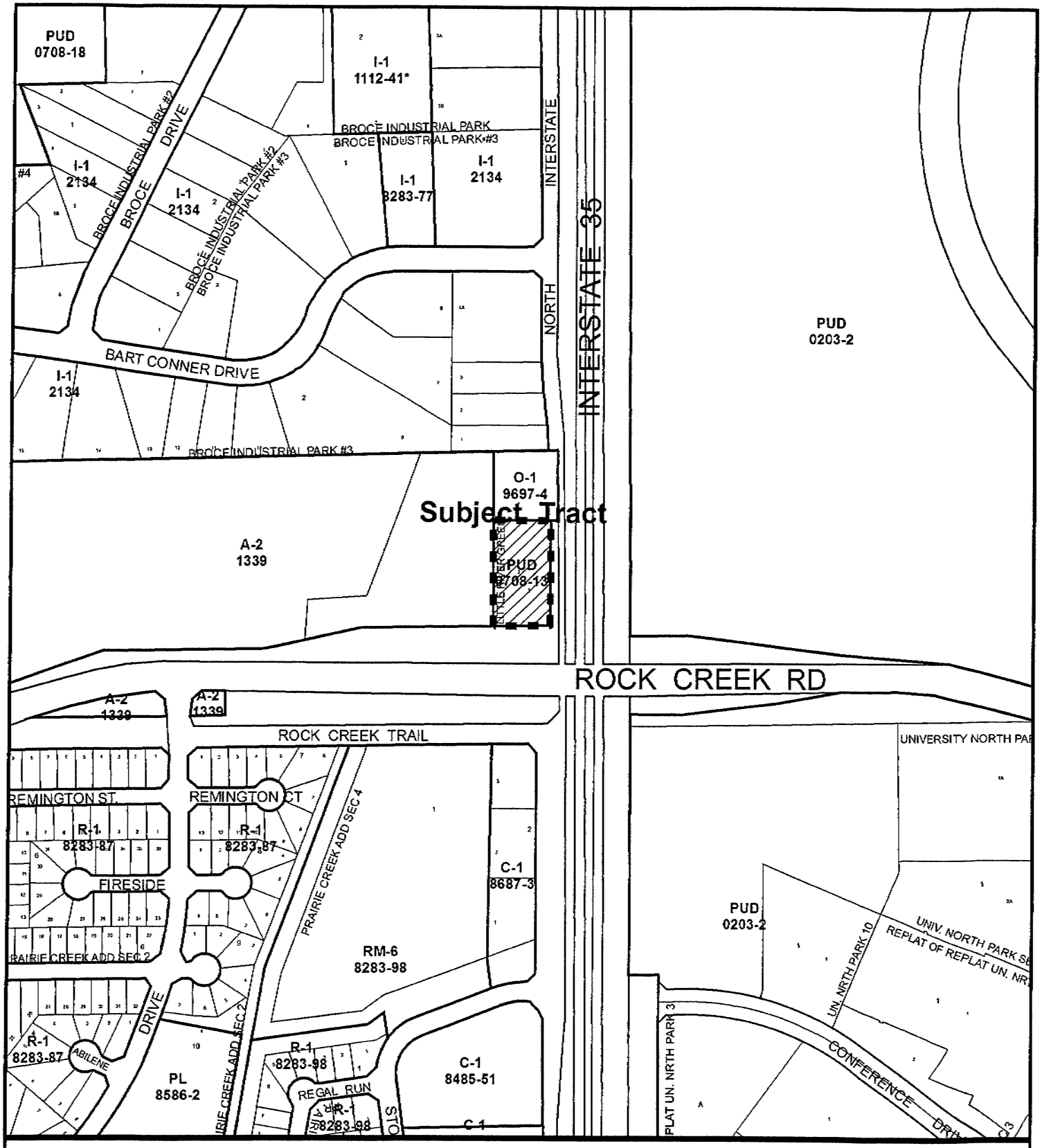
ATTEST:

_____
(City Clerk)

NOT ADOPTED this _____day of

_____, 2013.

_____
(Mayor)



Location Map

Map Produced by the City of Norman
Geographic Information System.
(405) 366-5316
The City of Norman assumes no
responsibility for errors or omissions
in the information presented.

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February 12, 2013

0 200 400 Ft.

Subject Tract

Zoning

ORDINANCE NO. O-1213-40 ITEM NO. 14a

STAFF REPORT

GENERAL INFORMATION

APPLICANT	Christian Brothers Automotive
REQUESTED ACTION	Rezoning to C-2, General Commercial District
EXISTING ZONING	PUD, Planned Unit Development
SURROUNDING ZONING	North: O-1, Office Institutional East: I-35 and PUD South: C-1, Local Commercial West: A-2, Rural Agricultural
LOCATION	West side of Interstate Drive immediately North of Rock Creek Road
SIZE	1.28 acres, more or less
PURPOSE	Automotive repair facility
EXISTING LAND USE	Vacant
SURROUNDING LAND USE	North: Commercial East: I-35, Mixed Use on E. of I-35 South: Commercial & High Density Residential West: Commercial
LAND USE PLAN DESIGNATION	Commercial

SYNOPSIS: The existing site is undeveloped and previously approved as a PUD but never developed. The request for this site is to rezone to C-2. The current land use is designated as Commercial in the NORMAN 2025 Land Use and Transportation Plan. The proposed use is a light automotive service facility which is congruent with the current land use designation.

ANALYSIS: This site is designated as commercial in the NORMAN 2025 Land Use and Transportation Plan. C-2, General Commercial District, zoning allows automobile service stations and the proposed development is within those parameters.

ALTERNATIVES/ISSUES:

- **IMPACTS** The proposed use is an automobile service center. Christian Brothers Automotive is a light automotive service facility that will operate between the hours of 7am and 7pm Monday through Friday. This facility will not do heavy duty auto repairs, tires or body work which generate major noise. All vehicles that require an overnight stay will be located inside the facility during the evening hours.

- **ACCESS** The egress/ingress for this development will be off of Interstate Drive north of Rock Creek Road on a proposed road to service this development and future development west of this site. No access will be allowed off of Rock Creek Road.

- **SITE PLAN** The proposed development's site plan details two proposed buildings with required setbacks and parking adequate to support the use. The site plan includes adequate drainage with a flume for drainage.

OTHER AGENCY COMMENTS:

- **PARK BOARD**: Parkland dedication is not required for commercial development. The Greenbelt Commission approved the application unanimously during the February 18, 2013 meeting.

- **PUBLIC WORKS**: Public works has approved the transportation plan. The applicant has requested a waiver for public sidewalks.

STAFF RECOMMENDATION: Staff recommends approval of the rezoning request from PUD to C-2 designation. The C-2 designation is congruent with the 2025 Land Use & Transportation Plan.

Christian Brothers

AUTOMOTIVE

From: Christian Brothers Automotive Corporation
15995 N. Barkers Landing, #145
Houston, TX 77079

To: City of Norman

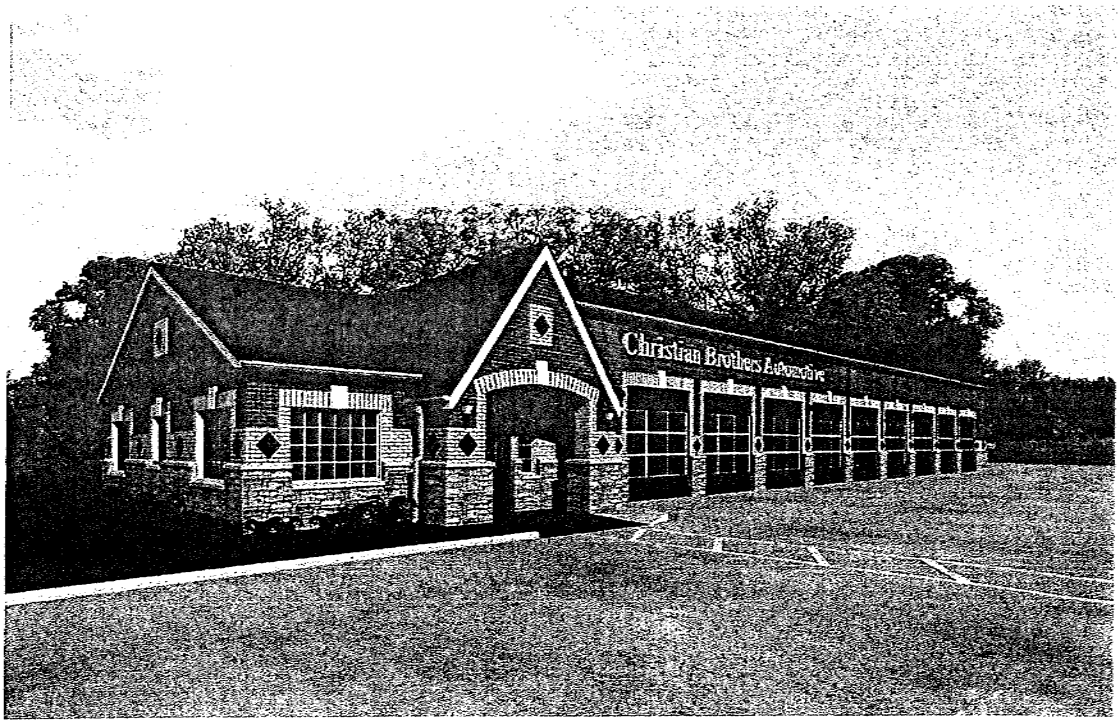
RE: Letter of Intent - Christian Brothers Automotive

It is our hope that following your review of our intent we will be granted permission to continue the development process. Thank you for your time and consideration.

Architecture:

All plans, specifications, and uses will be in compliance with local code, ordinances and are in keeping with the neighboring developments or higher in standard. Variances will be addressed on case by case basis with City Staff and Reviewing Agencies.

The artist's rendering below is an exact representation of our standard prototype.



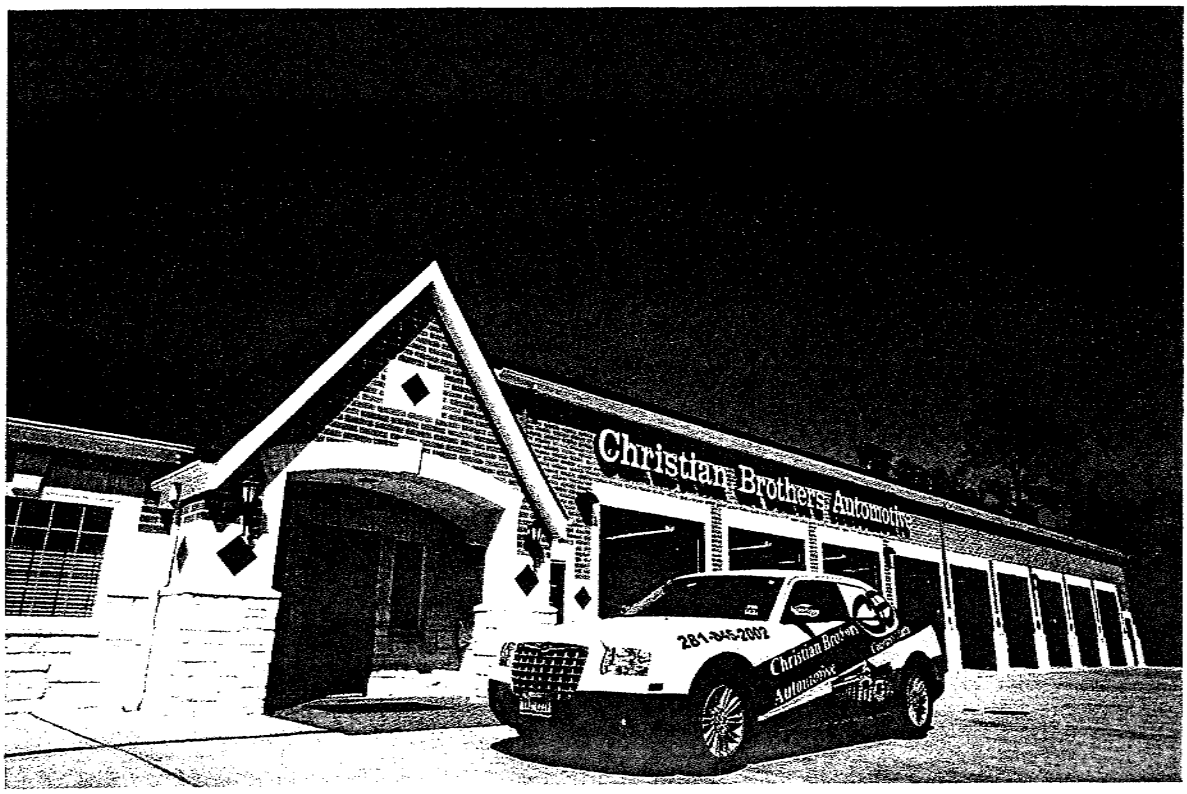
Nice difference.

15995 N. BARKERS LANDING RD., SUITE 145, HOUSTON, TX 77079 • 281.870.8900 •
CHRISTIANBROTHERSAUTO.COM

Christian Brothers

AUTOMOTIVE

This finished store is 100% representative of our standard prototype.



Hours of Operation and Standard Procedures

Unlike most other light automotive service facilities, Christian Brothers keep a more conservative schedule. We open at 7 am and close no later than 7 pm, Monday through Friday. All vehicles left overnight are stored within our secure bays for customer peace of mind and insurance parameters. We do not do tire work or body repair. These two activities are major noise and storage generators and are not a component of our scope of work.

Additionally, work designated as Heavy Vehicle Services are not a major component of our scope of work, comprising less than 1% of all work performed. Typically this level of service is only offered if a vehicle is brought to us in an unsafe or otherwise terminal condition. In the majority of cases, the customer will be referred to a specialist auto repair facility.

Nice difference.

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CHRISTIANBROTHERSAUTO.COM

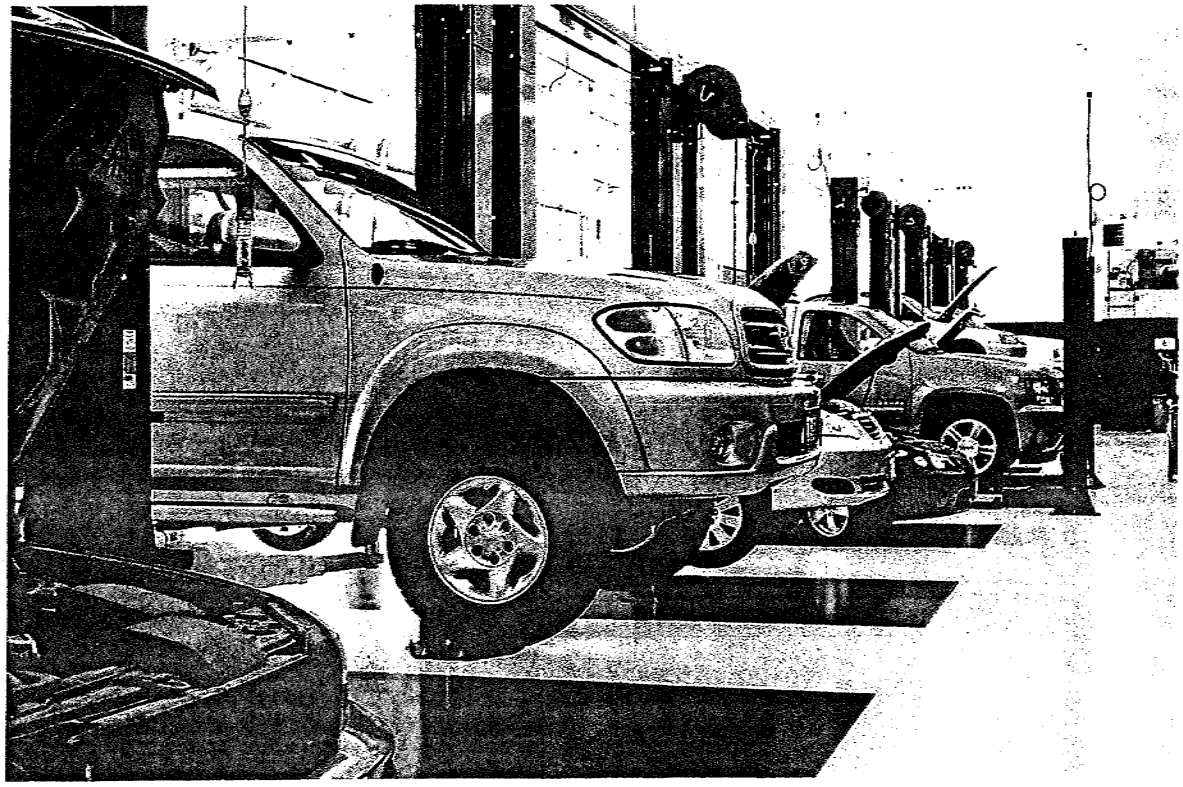
Christian Brothers

AUTOMOTIVE

The business in manned by 3 to 4 employees and the owner / franchisee.

The City of Norman will find that we operate our stores to the highest possible standards. Our shop floors are cleaned with a Zamboni style machine and no pollutants are ever released into the environment. All automotive fluids are contained in federal and state compliant EPA containment vessels.

Working Interior Photos



Nice difference.

15995 N. BARKERS LANDING RD., SUITE 145, HOUSTON, TX 77079 • 281.870.8900 •
CHRISTIANBROTHERSAUTO.COM

Christian Brothers

AUTOMOTIVE

Office Interior

Summary:

Based on architecture alone, we are essentially a small cottage with a nine car garage. Our footprint is very non-intrusive and fits well with any neighboring residential. We truly believe our development brings a unique experience to the automotive repair arena. Since our lobby and reception more closely resemble something you would find in a doctor's office, the maintenance and conditioning process becomes less threatening to people of all walks of life.

It is our hope that the City of Norman will truly appreciate our presence and will find us to be a valued member of the community.

Thank you,

Jonathan Wakefield
CBAC Director, New Store Development

Nice difference.

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CHRISTIANBROTHERSAUTO.COM

Christian Brothers

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NORMAN PLANNING COMMISSION
REGULAR SESSION MINUTES

APRIL 11, 2013

The Planning Commission of the City of Norman, Cleveland County, State of Oklahoma, met in Regular Session in the Council Chambers of the Norman Municipal Building, 201 West Gray Street, on the 11th day of April 2013. Notice and agenda of the meeting were posted at the Norman Municipal Building and online at http://www.normanok.gov/content/boards-commissions at least twenty-four hours prior to the beginning of the meeting.

Chairman Chris Lewis called the meeting to order at 6:30 p.m.

* * *

Item No. 1, being:
ROLL CALL

MEMBERS PRESENT	Curtis McCarty Jim Gasaway Roberta Pailes Cindy Gordon Dave Boeck Sandy Bahan Tom Knotts Chris Lewis
MEMBERS ABSENT	Andy Sherrer

A quorum was present.

STAFF MEMBERS PRESENT	Susan Connors, Director, Planning & Community Development Jane Hudson, Principal Planner Ken Danner, Subdivision Development Manager Roné Tromble, Recording Secretary Leah Messner, Asst. City Attorney Larry Knapp, GIS Analyst II Terry Floyd, Development Coordinator

* * *

Item No.14, being:
CONSIDERATION OF AN APPLICATION SUBMITTED BY CHRISTIAN BROTHERS AUTOMOTIVE FOR PROPERTY GENERALLY LOCATED ON THE WEST SIDE OF INTERSTATE DRIVE IMMEDIATELY NORTH OF ROCK CREEK ROAD.

Item No.14a, being:
O-1213-40 – CHRISTIAN BROTHERS AUTOMOTIVE REQUESTS REZONING FROM PUD, PLANNED UNIT DEVELOPMENT, TO C-2, GENERAL COMMERCIAL DISTRICT, FOR PROPERTY GENERALLY LOCATED ON THE WEST SIDE OF INTERSTATE DRIVE IMMEDIATELY NORTH OF ROCK CREEK ROAD.

ITEMS SUBMITTED FOR THE RECORD:
1. Location Map
2. Staff Report
3. Site Plan
4. Project Proposal

Item No.14b, being:
PP-1213-15 – CONSIDERATION OF A PRELIMINARY PLAT SUBMITTED BY CHRISTIAN BROTHERS AUTOMOTIVE (SMC CONSULTING ENGINEERS, P.C.) FOR CHRISTIAN BROTHERS AUTOMOTIVE ADDITION, A REPLAT OF PART OF LOT 1 AND ALL OF LOT 2, BLOCK 1, LITTLE RIVER GREEN ADDITION, A PLANNED UNIT DEVELOPMENT, GENERALLY LOCATED ON THE WEST SIDE OF INTERSTATE DRIVE AND NORTH OF ROCK CREEK ROAD.

ITEMS SUBMITTED FOR THE RECORD:
1. Location Map
2. Preliminary Plat
3. Staff Report
4. Transportation Impacts
5. Request for Alley Waiver
6. Request for Waiver of Sidewalk
7. Preliminary Site Development Plan
8. Greenbelt Commission Comments
9. Pre-Development Summary

PRESENTATION BY STAFF:
1. Jane Hudson – The application before you is for rezoning from a Planned Unit Development to C-2, General Commercial District. This is the subject tract on the north side of Rock Creek Road. As you can see, there's Office to the north. On the other side of Rock Creek there are some apartments and there's some C-1, a strip mall there to the south. There is a single-family home to the north. This is a photo of the site looking to the north. This is looking over to the west. There's the walking trail there and a little further on will be where the neighborhood Wal-Mart store is going to be. This is a photo of the commercial strip mall that is south of Rock Creek Road, and you can see the multi-family area there in the distance. Staff does support this rezoning request. The applicant's representative is here if you have any questions of him. I'd be happy to answer any questions you might have.

PRESENTATION BY THE APPLICANT:
1. Tom McCaleb, representing the applicant – This is a fairly simple application on a very difficult piece of property. In your staff report, I think staff is recommending approval with an issue on the sidewalk. There's a sidewalk that's normally constructed along the frontage of the property. This piece of property has no connection to sidewalks, either north or south. South is requesting that the sidewalk be accommodated. My client has agreed to build the sidewalk to nowhere, or we will be glad to put up a bond and let the City build it when they build the rest from somewhere. So we don't object to constructing the sidewalk. We think it's silly to do that right now, because it doesn't connect to nothing and sometimes when you connect to nothing,

when you try to connect to something, it don't work very well. So we're obliged to either build it or give you a cash surety and a bond of some sort to give that guarantee that it can be given to the City so that when they construct it – and I believe staff said they may construct one starting at Rock Creek Road and going north one of these day, and they'll have the money to put that in then. So we're agreeable to go either way. So that exception of the sidewalk, we will gladly dismiss that requirement and acquiesce to either way. We're not going to ignore the sidewalk; it just don't go nowhere. I prefer it to be hooked up to something. Anyway, my client is agreeable to either put it in or give you the surety to guarantee it be put in when the City builds the sidewalk from Point X to this location to continue it. With that, Mr. Chairman, I'd be glad to answer any questions.

2. Ms. Pailes – This drains into the pond that is part of the park.

Mr. McCaleb – That is correct.

Ms. Pailes – Any place with a lot of cars parked, the parking lot is just greasy. Is there any plan to do something to filter the water before it hits the City pond?

Mr. McCaleb – If you'll look in your staff report, I think you'll see an accommodation. There's a report about how they operate their facilities. "The City of Norman will find that we operate our stores to the highest possible standards. Our shops floors are cleaned with a Zamboni style machine and no pollutants are ever released into the environment. All automotive fluids are contained in federal and state compliant EPA containment vessels." So they contain all that stuff. Grease jobs and oil changes is not what they really work on. They only work on a car or a truck that's in bad shape and has an emergency to get in and get out. Their main support is electronics in your automobile – fixing your computer, fixing that kind of stuff. That's the main forte. But as far as taking care of anything that could get in the pond, they have assured that that's not going to happen. It's on page 14a-7.

3. Ms. Gordon – I have a quick question. The sidewalk to nowhere. So, if I understand you correctly, you guys are willing to pay to build it now, when there's no other sidewalks around, or when the City decides to finish their sidewalks later, you'll be happy to pony up the money then to pay for your portion of the sidewalk.

Mr. McCaleb – We'll put the money up now. We'll give the cost – it's a 5-foot sidewalk and so the cost per foot – we'll give them a CD, a surety or a bond – any surety that satisfies staff and give it to them right now before we do the final plat – or at the final plat, which is the next step.

Ms. Gordon – And is the reason they want you to build it now is because potentially, if they decide to wait and build it later, if the cost increased, then the money you put up now won't cover the cost. Is that the reason?

Mr. McCaleb – Well, that's why you put the bond. We got the cost per foot is what the City allows and so the cost per foot – that number we agree to and say we'll give them that check, which we have done before.

4. Mr. Danner – The sidewalk is part of the public improvements and, thereby, it's part of the platting process. However, visiting with the City Engineer, we have agreed to what we would classify as a deferral. If they'll post the money, we'll take the money, apply it to this part of the property with the project that we intend to do south of this, under the overpass.

5. Mr. Boeck – I guess the one question I have – it gets back to the drainage thing, because there's a big pond at that corner and I've almost considered it kind of a wetlands, and I was driving around there looking at where that stuff goes, and we've got that big creek and wetlands that run all the way along 36th, all the way down to the river from there. It kind of starts up there. I guess that would be the question I have. They say they're a real clean company and they use a Zamboni, and that's great. But how do we know that they're not going to leak stuff – because car repair places just leak stuff – into parking lots, and parking lots go into drainage ditches, and drainage ditches go downstream.

Mr. Danner – I know, through the Building Officials, there will be required a mud and grease trap that collects the fluids from that facility.

6. Ms. Pailes – I'm not contesting that or anything, but I've watched just a parking lot – I mean, it's not a mechanical parking lot – cars are just parked there – that killed a creek. Twenty years ago it had fish in it. It had herons. It had everything. Now it's got grease and oil. And it's not from things done there; it's just from cars parking there and dripping the stuff that cars drip and it runs straight into the creek with no filtering, no bales, no swales, no nothing. And it has ruined it. Any parking lot next to a body of water is going to impact that body of water if you don't put a swale in between it. I'm sorry – it just does. There's nothing that says legally you have to do that, so it's okay.

Mr. Danner – We understand that this was intended for commercial activities, so there will be parking no matter what facility it is. I do know the detention pond was designed – and part of the contractual agreement with the City is that storm water would go into that detention pond from this facility.

AUDIENCE PARTICIPATION:

1. Neil Suneson, 1803 Peter Pan Street – Ms. Pailes and Dr. Boeck have sort of taken the wind out of my sails a little bit. But I would like to read something from the floodplain permit application number 517. It states that on March 15, 2010, the Floodplain Permit Committee approved floodplain permit blah-blah-blah-blah. These permits were for the construction of the Rock Creek Road overpass, the Brookhaven Creek Wetlands and improvement project, and access road from Interstate Drive to the S&S Family Properties land on the west side of the retention pond. And that's the Brookhaven – capital B – Creek – capital C – Wetlands – capital W. When I see the word wetlands, I kind of get interested and especially when it's a capital letter – it sounds like this is some sort of officially designated wetlands area. My concern, very similar to Ms. Pailes and Dr. Boeck here, is that any car repair facility is going to have fluids. They're going to have cleaning chemicals – it's going to have grease, be it in the parking lot, be it under the shelter where they're working on cars. My concern is that there be something to keep rain water washing on the parking lot – anything accidentally that gets hosed into the parking lot – be prevented, in some way, from getting into evidently what is officially designated as a wetlands. I was over there as part of the Floodplain Permit Committee process and there are ducks in that pond. There are turtles in that pond. I don't know what else is in that pond, but it is a lively place for wildlife. Thank you.

2. Bobby Sharp, 201 NW 63rd, Phillips 66 Pipeline Company – We have a 12-inch cross-country line that goes along the front of the property that has been an oversight in this project. We have not reviewed any of the plans to this point to know exactly what is going to be put on top of us – the sidewalk, the landscaping, and also from what I've seen, preliminarily, the building may be too close to this pipeline, because it is a DOT pipeline.

3. Harold Heiple, 218 E. Eufaula, attorney for the owner – I asked to speak last because I knew of two potential problems with this application, and I've heard a third one now. As the attorney for the owner, who has a contract to sell this to Christian Brothers, perhaps I can give you some historical background, and also some attention to the three points that have been raised tonight. If you will look at the map on your page 14a-1 – let me give you a little historical background. The proposed tract for Christian Brothers along the service road is shown cross-hatched called the subject tract. The staff report says that zoning to the west is A-2, Agricultural, but if you will look at the map it requires some explanation because the irregular shaped tract immediately left of the subject tract on the map is actually a drainage pond with a City-created trail and park area surrounding it. That's what Neil Suneson just had reference to. I would tell you that that is there and in the configuration that it is because of agreements that my clients made at the outset in order when Bob Hanger was the City Engineer and trying desperately to upgrade the status of this more from a simple drainage structure to what it has become – both

wetlands and something that you could have people walking around and enjoying. And as it says, it's a lively place.

I hadn't heard the concern about the drainage from the parking lots, but – and I don't dispute that cars in parking lots, some of them, drip fluids. What better tenant to have in there than one who uses a Zamboni on his interior shop and certainly has the capability of – upon being made aware of don't let your parking lot foul up the pond over there – and the pond is needed for the drainage of this property as well as the drainage of a whole lot of other area. It's draining from here to Texas and back.

Ms. Pailes – If the Zamboni uses soap, that's actually another concern.

Mr. Heiple – Well, thank you. I'm glad you pointed that out. We'll take that up with CB. You can't – one thing you can't do, Ms. Pailes – you can't create anything on that lot – any use at all without a parking lot. Because if somebody doesn't have a parking – well, I take it back. The genius who bought this thing first and had the sense to plat it as a PUD for a tree farm, which enabled him to absolutely make a killing when the City condemned it, as opposed to being – it was platted, as opposed to being in its A-2 configuration – that might not require a parking lot. But it never was a tree farm – never will be a tree farm. But you've got to have a parking lot. So let's, as Mr. McCaleb has said, he's talked to the Christian Brothers people about the sidewalk, and I'm sure we can address things that will at least do everything we can to mitigate any problems from the parking lot. I'm not going to say that there won't be some problems, but if you're going to lay that on me, let's go down and shut Highway 9 down, because it's tearing up Lake Thunderbird. Being realistic and practical and as honest as we can, I think that, all things considered, the applicant who proposes to go in there is probably best equipped to try to maintain the integrity of that pond of anybody that we could possibly put in there.

The tract was created because of the fact that the City did not have the money that it needed to pay for the land that it needed to condemn in order to install what was first the bridge to nowhere and to widen Rock Creek Road. And because they paid so much money to the former owner of this tract, they did not have the money to pay market value to my clients, so this is where this very unique contract in 2009 came from between my clients and the City – the likes of which you've never seen before and probably will never see again in the City of Norman. But, among other things, our clients agreed to take this particular piece of land as compensation – take the title to it directly from the former owner, rather than being paid by the City of Norman for all of the land which the City acquired, much of which was this drainage pond – drainage structure. You see, the City now owns that. The City now owns the land that widened Rock Creek Road and relocated Rock Creek Road. And, because of that contract, at the time the City Council colored the whole area to the west – all the way over to 36th Avenue – the 27 acres remaining that my client owned originally – colored it red on the Comp Plan with the understanding that it would be – it was intended to be commercial and included this piece in the same manner. So the intention of the City for the last four years has always been there could be solid commercial development both on this tract and on the remaining tracts to the west. Now, there was no rezoning done on the other tract, because we did not know what uses might be made of the other 27 acres. And the first that happened on that was recently when the 5 acres at the corner of 36th and Rock Creek was rezoned and was purchased by Wal-Mart where they're constructing a supermarket. This, likewise, requires a C-2 rezoning and, as the staff report says, the staff supports the rezoning, because it's consistent with the 2025 Plan and other developments along the service road. As part of this, as a matter of fact, this applicant is required as a part of this contract, to build a public street along the north boundary of this which will connect the service road to the interior piece to the west, and that's because the City demanded that, when they gave Wal-Mart two curb cuts on its five acres out on the corner, that there be only one other curb cut all along Rock Creek Road for the rest of this tract. One curb cut for 20-some acre tract is most unusual, but my clients agreed to that, because there was this agreement that the street would be built out – not at City expense – but would be built out privately to the service road in order to have further access – ingress and egress – to the interior property that still remains to be developed.

The second question, about the sidewalk – I was the one who put in a letter to the City asking for a waiver. My client is not the applicant; my client is the seller. But I put in a request for a waiver, and my justification was all the conditions and facts that went along with the 2009 contract. I won't belabor you with all of it, but it's on file with the City, and you may even have a copy of the application in your book – I don't know whether you do or not. But the point is that, while City staff – particularly the Engineering Department – wants a sidewalk out there, and they say they want to connect from the south, as they have acknowledged, they can't point to any plans that are now appropriated in any project that will guarantee that there's going to be a sidewalk built under that bridge to connect to the south boundary of the property. I said to them let's just, at best, bond it so that if you ever do get one in the next five years the money will be there and this client can build it on up. But, because of the current situation on capital funds in Norman and the priority of spending for those capital funds, I would be very surprised if the City does, in fact, build a sidewalk under that bridge to connect to the south road. If they do, this piece of property then will have a sidewalk along its east side. If they don't, then the money will ultimately come out of escrow, like it does on any deferred construction project. So that was the second item that I wanted to discuss with you.

The third item I found out about at 4:30 this afternoon, and that was the statement by Conoco that this building may be too close to their pipeline. It was the first we've heard of it. I tried to go online to the City's website to download some aerial photographs and the website was down for maintenance – the map site was down for maintenance this afternoon. I did go out there in my effort just about 5:30 to take some pictures to show various configurations. Make a long story short – and I've got a copy of the 1952 easement that the gentleman from Conoco was talking about here and I don't believe that – well, I know it doesn't say anything at all about a requirement for a 50' separation between the pipeline and a building. When you look up and down the road, you can see examples that there certainly are buildings that are closer than 50' to this thing. You can certainly see that the supports for that bridge, which is immediately south of our tract and go quite deep in the ground, are certainly within 50' of where this pipeline is going to go. As a lawyer standing up here talking about harmonic waves, I know just enough to know that maybe sometimes they can rattle the ground and tear up a structure and if you get harmonic waves out of a bridge structure, it could do just as much damage to a pipeline. So the bottom line is I don't agree with Conoco's belief that they have a legitimate complaint about the proximity of the building to that. But I've learned that, in a situation like this, always write the other side – which I'm going to give the man my card tonight as soon as I leave this stand – and I'm going to write the Conoco lawyers and I'm going to say, okay, here's the facts as I see them and here's the law that I believe applies, so you tell me what you disagree with or if you do disagree with any of this, and let's try to resolve it. Because the one thing I learned a long time ago is, if there is going to be litigation that my client is likely to lose, I want to know about it up front and not after the jury comes in, and if that be the case, make every effort to settle it. But, if I'm correct in this, I want Conoco to realize that and acknowledge it. So we will address that, just as we will address the sidewalk. By the time we get to the City Council, we'll have the sidewalk issue taken – and, by the way, the City Engineer told me, when I suggested the business about putting up a bond for the sidewalk, that that was satisfactory as far as they were concerned.

The reason I'm standing up here is to say please consider, from the Planning Commission requirements and the subdivision regulations, this application and don't get hung up on either the easement that's talked about or the sidewalk. Now, the third thing that's come up that we will also have to say will be resolved or addressed before we get to the City Council is going to be this question about the parking lot possibly polluting the pond over there. I can't guarantee 100% compliance, but I can tell you that these people will work in good faith and good effort and do a better job than anybody else would do. So that's the best I can say. With that, I would respectfully second the request that you recommend approval to the City Council. Thank you.

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

1. Ms. Gordon – I just want to mention that I'm not comfortable voting yes on something when there could potentially be a 12-inch – this isn't like an issue of whether or not we put in a sidewalk and when we put one in. We're talking about a potential pipeline here that we're not sure if we're going to interfere with or where it's at, based on you going out there and looking at plans from the 1950s. I mean, that's a lot of maybes.

Mr. Heiple – I said that there is no reference in that easement to a 50' required separation between a structure and the pipeline, and there's not. I've got a copy of the easement here. In my opinion, our building site is exactly in conformance with all applicable laws and regulations, including what is required under the easement.

2. Chairman Lewis – I want the City to address, specifically, the pipeline and was that taken into consideration when the application was reviewed?

Mr. Danner – If I'm not mistaken, a representative was at the Pre-Development meeting regarding the pipeline, so they were aware of the platting process.

Mr. McCarty – If you read the email, it's from the City to them dated back in February. They knew it was there.

Mr. Danner – The pipeline is shown on the preliminary plat.

Chairman Lewis – What is the City's stance on this, again?

Mr. Danner – City's stance is recommending approval. What we were objecting to was the waiver of the sidewalk. That was the only objection. We were in favor of the waiver of the alley.

Chairman Lewis – Is the City recommending approval, knowing full well that the pipeline is underneath this piece of property?

Mr. Danner – That's correct. From our understanding of what the engineer has shown is that the pipeline is near the frontage road – the location of it. This property has been previously platted with the plat filed of record relating to this property. So this is news to me in regards to the fact that they have come up with the 50' setback requirement.

Chairman Lewis – I guess, again, I'm clarifying the City was aware that this pipeline was there when this was proposed.

Mr. Danner – Yes. Pipeline is north/south, goes from Sooner Fashion Mall all the way up to probably Tecumseh Road and beyond, possibly.

3. Mr. McCarty – He didn't say 50', but if you look at what was presented to us, the pipeline goes behind some other buildings. It looks like it is within 10 or 15'. I would say that, if there's a 50' easement, there are a lot of buildings that have been built recently that are not complying with that.

Mr. Danner – If I'm not mistaken, there was a house on this property originally that was more than likely closer than that 50'. It is shown. We're aware of the pipeline.

4. Mr. Knotts – Do we need to include in this some recommendation for how the sidewalk is treated? Whether it's built or waived?

Ms. Messner – You're welcome to word the motion however you'd like. So if the person that makes the motion wants to stipulate that a bond be posted, or the sidewalks be put in prior to acceptance of the final plat – however you want the motion to read. Make the motion that way.

Ms. Connors – I think the question, Leah, is if we don't make the stipulation for the bond, and waive the sidewalk, then they don't have to put up the bond. That was the question.

Ms. Messner – If you make the motion that's written in the agenda book, the sidewalk would be waived.

Ms. Connors – And the bond would not be required.

Ms. Messner – So you would want to take that part of the motion out.

5. Mr. Gasaway – I will make the motion to approve Item 14a, and add to that, since there's some concern about the pipeline, but we want to move this project on and not hold it up, subject to the meeting of the actual legal requirements of the pipeline agreement.

Chairman Lewis – Let me ask clarification. I don't mean to hold this up, but that was my specific question for Mr. Danner, and maybe Leah wants to comment to this – hold on, Mr. Heiple. Maybe Leah wants to comment to this. That's why I asked specifically if staff was aware of this pipeline and if it met all the requirements of their proposal.

Ms. Messner – I don't want to put words in Mr. Danner's mouth, but staff is certainly aware of the pipeline and has reviewed its location prior to bringing this item to you all tonight. I do not believe staff has reviewed the easement that's been mentioned.

Mr. Gasaway – So do we need to address the easement?

Ms. Messner – That would certainly be your option to do so.

Mr. McCarty – Leah, if we approved it how it is as 14a and it moves on to Council, the pipeline is going to be addressed before any final plat could ever be done. If there's a building in violation of an existing easement, it would not be allowed to be permitted. So, really, we don't need to address that at this point, the way I understand it – but we can. I'm just saying that that's how it would work.

Ms. Messner – While the City is involved in this process, it's certainly an issue between the easement holder and the property owner and they have to come to a meeting of the minds and comply with the terms of the easement. Staff has not reviewed the easement, cannot speak to what the easement does or does not require. So staff is in the position of recommending this application tonight based on our code and our requirements, but if they then want to build this building and it violates the terms of the easement, that would be something that those two parties would have to resolve amongst themselves.

Mr. Heiple – That's why, Jim, I would encourage you and ask you to please make your motion subject to compliance with City of Norman regulations and laws with respect to pipelines. But don't make it subject to the easement agreement, because the chances are very, very good that two lawyers are going to disagree and they're going to end up in litigation. We'd like to move this forward and put the burden – if they think they've got a lawsuit and we don't, let them take us to court. But if you'll make it just subject to compliance with City regulations and laws regarding pipelines, that's fine.

Mr. Gasaway – I don't even think we need to do that; that's just assumed.

Jim Gasaway moved to recommend adoption of Ordinance No. O-1213-40 to City Council. Curtis McCarty seconded the motion.

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

YEAS	Curtis McCarty, Jim Gasaway, Roberta Pailes, Cindy Gordon, Dave Boeck, Sandy Bahan, Tom Knotts, Chris Lewis
NAYES	None
MEMBERS ABSENT	Andy Sherrer

Ms. Tromble announced that the motion, to recommend adoption of Ordinance No. O-1213-40 to City Council, passed by a vote of 8-0.

6. Mr. Heiple – Just for the record, we have no objection if you remove the waiver of the sidewalk requirements from your recommendation. That way you're not recommending one way or the other on that, and it lets us go forward and work out whatever we'll work out. Because it's either going to be built or it's going to be bonded. But if you just remove that from your recommendation, then you're not recommending a waiver of our sidewalk requirements.

Curtis McCarty moved to recommend approval of PP-1213-15, the Preliminary Plat for CHRISTIAN BROTHERS AUTOMOTIVE ADDITION, with waiver of alley improvements, but that the sidewalk bond is not waived, to City Council. Roberta Pailes seconded the motion.

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

YEAS	Curtis McCarty, Jim Gasaway, Roberta Pailes, Cindy Gordon, Dave Boeck, Sandy Bahan, Tom Knotts, Chris Lewis
NAYES	None
MEMBERS ABSENT	Andy Sherrer

Ms. Tromble announced that the motion, to recommend approval of PP-1213-15, with waiver of the alley improvements, but no waiver to sidewalk bonding, to City Council, passed by a vote of 8-0.

* * *

City of Norman, OK

Municipal Building Council Chambers
201 West Gray Street
Norman, OK 73069

Master

File Number: PP-1213-15

File ID:	PP-1213-15	**Type:**	Preliminary Plat	**Status:**	Non-Consent Items
Version:	1	**Reference:**	Item No. 46	**In Control:**	City Council
Department:	Public Works Department	**Cost:**		**File Created:**	03/14/2013
File Name:	Christian Brothers Preliminary Plat			**Final Action:**	

Title: CONSIDERATION OF A PRELIMINARY PLAT FOR CHRISTIAN BROTHERS AUTOMOTIVE ADDITION, A REPLAT OF PART OF LOT 1 AND ALL OF LOT 2, BLOCK 2, LITTLE RIVER GREEN ADDITION, A PLANNED UNIT DEVELOPMENT, AND WAIVER OF ALLEY REQUIREMENTS. (GENERALLY LOCATED ON THE WEST SIDE OF INTERSTATE DRIVE AND NORTH OF ROCK CREEK ROAD)

Notes: ACTION NEEDED: Motion to approve or reject the preliminary plat and waiver of alley requirements for Christian Brothers Automotive Addition, a replat of part of Lot 1 and all of Lot 2, Block 2, Little River Addition, a Planned Unit Development.

ACTION TAKEN: _____

Agenda Date: 05/28/2013

Agenda Number: 46

Attachments: Text File Prelim Christian Bros, Attachment A.pdf, ChristianBrothers Location Map, Preliminary Plat Christian Brothers, Chrisitan Bros Prelim Plat Staff Report, Preliminary Site Dev Plan Christian, Christian Bros Transportation Impacts, Christian Bros Alley Waiver, Greenbelt Comments Christian Brothers, Christian Bros Automotive PD 13-03, 4-11-13 PC Minutes - Christian Bros

Project Manager: Ken Danner, Subdivision Manager

Entered by: rone.tromble@normanok.gov **Effective Date:**

History of Legislative File

Ver-sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Planning Commission	04/11/2013	Recommended for Adoption at a subsequent City Council Meeting	City Council	05/28/2013		Pass

Action Text: Recommend approval of PP-1213-15, the Preliminary Plat for CHRISTIAN BROTHERS AUTOMOTIVE ADDITION, with waiver of alley improvements, but that the sidewalk bond is not waived, to City Council.

Text of Legislative File PP-1213-15

body

BACKGROUND: This item is a preliminary plat for Christian Brothers Automotive Addition and is located on the west side of Interstate Drive and north of West Rock Creek Road. This property consists of 1.3 acres and two (2) lots, an automotive repair facility on Lot 2 and retail or support facility on Lot 1. Planning Commission, at its meeting of April 11, 2013 recommended to City Council the approval of Ordinance No. O-1213-40 placing this property in C-2, General Commercial, and removing it from PUD, Planned Unit Development. In addition, Planning Commission recommended approval of a request for a waiver in alley requirements, the submittal of a cash surety securing sidewalk improvements adjacent to Interstate Drive and approval of the preliminary plat for Christian Brothers Automotive Addition.

DISCUSSION: The proposed 4,500-square foot automotive care facility and the 3,200-square foot specialty retail in this addition are expected to generate approximately 354 trips per day, 23 AM peak hour trips, and 52 PM peak hour trips. Traffic capacities on 36th Avenue NW, Rock Creek Road, and North Interstate Drive exceed the demand for existing and proposed trips as a result of this development. No negative traffic impacts are anticipated. See Attachment A.

The development proposed with this addition was analyzed as part of a larger traffic impact study prepared by Traffic Engineering Consultants, Inc., for S&S Family Properties and submitted in March, 2012. One of the findings of the S&S Family Properties traffic impact study was that a traffic signal will eventually be warranted at the intersection of Rock Creek Road with Pendleton Drive. This signal will be warranted by the combination of existing traffic, site traffic generated by the proposed supermarket and fueling station, traffic generated by the remaining commercial property in the S&S Family Properties, and undeveloped portions of the University North Park development across I-35. Accordingly, traffic impact fees were calculated as part of the traffic impact study for the S&S Family Properties Addition. The fees attributable to the 19.32 acre share (east of the Wal-Mart Neighborhood store) were determined to be $41,040 based upon 528 pm peak hour trips. For the Christian Brothers Automotive Preliminary Plat, the two proposed lots will generate a total of 52 trips during the PM peak hour which represents 9.85% of the total for the 19.32 acres. This equates to $4,042.44 to be collected in traffic impact fees with the filing of this Final Plat for Christian Brothers Automotive.

Public improvements for this property consist of the following:

Alley. The engineers for the applicant have made a request to waive alley requirements. The proposed site plan shows circulation for delivery trucks and sanitation vehicles. Emergency vehicles will have the opportunity to utilize an emergency access to Interstate Drive through Lot 2.

Fire Hydrants. Fire hydrants will be installed in accordance with approved plans. Their locations have been approved by the Fire Department.

Sanitary Sewers. Sanitary sewer is existing.

Sidewalks. Sidewalks will be constructed adjacent to Yarbrough Way on the south side of the street. At Planning Commission meeting of April 11, 2013, the developer agreed to post a cash surety for sidewalks adjacent to Interstate Drive.

At this time, there are no existing sidewalks to connect to extending north or south of the property along North Interstate Drive. However, in the near future the City will propose a sidewalk from the old alignment of Rock Creek Road to the south property line of Christian Brothers Automotive property. The cash surety will be used at that time to extend the sidewalk to the north side of this plat.

Storm Sewers. Storm sewers and appurtenant drainage structures will be installed in accordance with accepted plans and City drainage standards. Storm water will be conveyed to the existing detention facility constructed for the City of Norman.

During the Planning Commission meeting, concerns were raised by members of the Planning Commission concerning the contamination of the storm water upon the wetlands that were created with a City project. The automotive facility will be required to install mud and grease traps to capture these contaminants. Also, with all changes, the oil waste is retrieved and recycled. Additionally, the wetlands are not incorporated within the detention pond but located in a separate area upstream of the site.

Streets. Yarbrough Way will be constructed as a City local street serving future development of the S&S Family Properties.

Traffic. One of the findings of the S&S Family Properties traffic impact study was that a traffic signal will eventually be warranted at the intersection of Rock Creek Road with Pendleton Drive. Accordingly, traffic impact fees were calculated as part of the traffic impact study for the S&S Family Properties Addition. The fees attributable to the 19.32 acre share (east of the Wal-Mart Neighborhood store) were determined to be $41,040 based upon 528 pm peak hour trips. For the Christian Brothers Automotive Preliminary Plat, the two uses will generate a total of 52 trips during the PM peak hour which represents 9.85% of the total for the 19.32 acres. This equates to $4,042.44 to be collected in traffic impact fees with the filing of this Final Plat for Christian Brothers Automotive.

Water Mains. A twelve-inch (12") water main will be extended from the south (near the old alignment of Rock Creek Road) to the northern boundary of the property. An eight-inch (8") water main will be installed adjacent to Yarbrough Way.

Public Dedications. All rights-of-way and easements will be dedicated to the City with final platting.

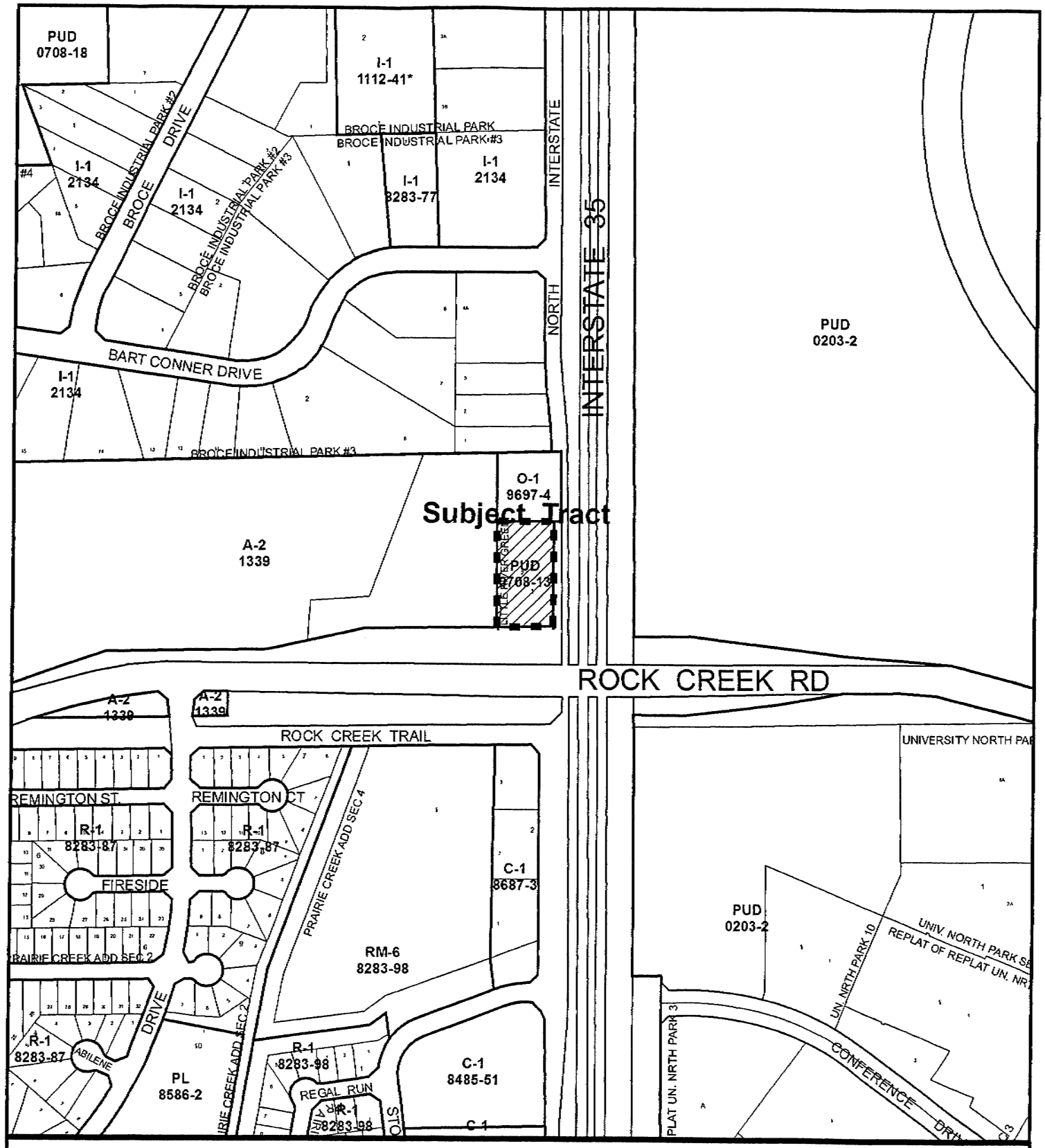
Concerns have been raised by the Phillips 66 pipeline company regarding the setback of the proposed building in relation to the location of their petroleum pipeline. City Code Section 19-406 D1 requires a fifty-foot (50') wide petroleum pipeline easement on raw subdivision plats. The attorney for the applicant has indicated that requirement has been met. The pipeline is currently located in a fifty-foot (50') private pipeline easement wherein the actual underground pipeline is located twenty-feet (20') east of the proposed Christian Brothers building.

RECOMMENDATION: Staff recommends approval of the request to waive alley requirements subject to approval of the preliminary plat for Christian Brothers Automotive Addition.

ATTACHMENT A

Christian Brothers Automotive Addition
Preliminary Plat

STREET	NO. OF LANES	EXISTING TRAFFIC (Veh/day)	PROJECTED TRAFFIC (Veh/day)	TOTAL PROJECTED TRAFFIC (Veh/day)	ROADWAY CAPACITY L.O.S. "E"	% CAPACITY USED (EXISTING)	% CAPACITY USED (PROJECTED)
36th Avenue NW	5	16,332	138	16,470	36,000	45.37	45.75
Rock Creek Road	4	5,488	172	5,660	34,200	16.05	16.55
North Interstate Drive	4	3,320	172	3,492	17,100	19.42	20.42



Location Map

Map Produced by the City of Norman
Geographic Information System.
(405) 366-5316
The City of Norman assumes no
responsibility for errors or omissions
in the information presented.

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W E
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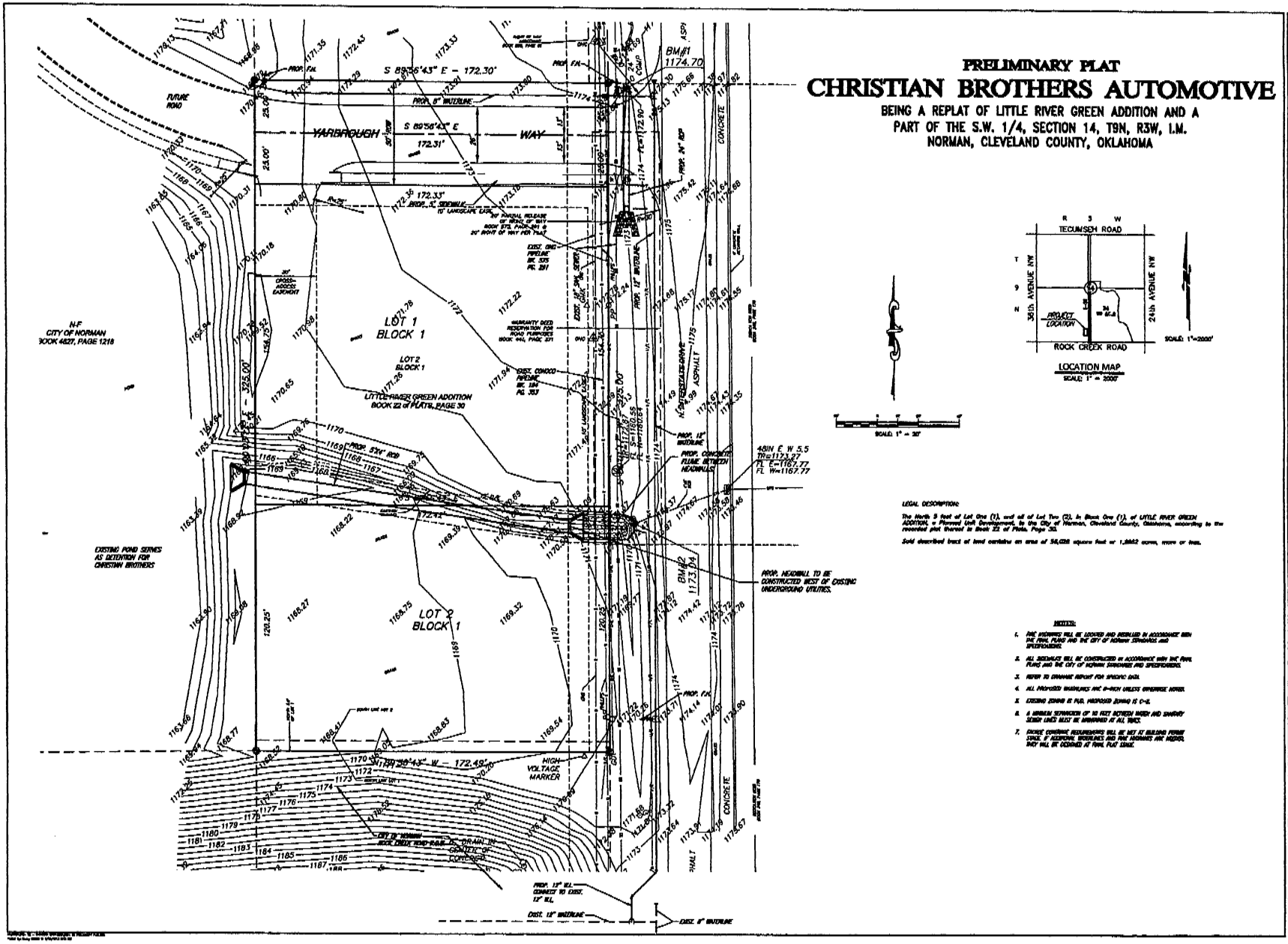
February 12, 2013

0 200 400 Ft.

Subject Tract

Zoning


PRELIMINARY PLAT
CHRISTIAN BROTHERS AUTOMOTIVE
BEING A REPLAT OF LITTLE RIVER GREEN ADDITION AND A
PART OF THE S.W. 1/4, SECTION 14, T9N, R3W, I.M.
NORMAN, CLEVELAND COUNTY, OKLAHOMA
LOCATION MAP
SCALE: 1" = 2000'
TECUMSEH ROAD
ROCK CREEK ROAD
36th AVENUE NW
24th AVENUE NW
PROJECT LOCATION
SCALE: 1" = 20'
LOT 1 BLOCK 1
LOT 2 BLOCK 1
LITTLE RIVER GREEN ADDITION BOOK 22 of PLATS, PAGE 30
YARBROUGH WAY
FUTURE ROAD
N-F CITY OF NORMAN BOOK 4827, PAGE 1218
EXISTING POND SERVES AS DETENTION FOR CHRISTIAN BROTHERS
HIGH VOLTAGE MARKER
PROP. HEADWALL TO BE CONSTRUCTED WEST OF EXISTING UNDERGROUND UTILITIES.
48IN E W 5.5
TR=1173.27
FL E=1167.77
FL W=1167.77
LEGAL DESCRIPTION:
NOTES:
CHRISTIAN BROTHERS AUTOMOTIVE
INTERSTATE DRIVE & ROCK CREEK ROAD
NORMAN, OKLAHOMA
SMC
PRELIMINARY PLAT
SHEET NO.
1

PRELIMINARY PLAT
PP-1213-15

ITEM NO. 14b

STAFF REPORT

ITEM: Consideration of a Preliminary Plat for CHRISTIAN BROTHERS AUTOMOTIVE ADDITION, A Replat of Part of Lot 1 and all of Lot 2, Block 1, Little River Green Addition, a Planned Unit Development.

LOCATION: Generally located on the west side of Interstate Drive and north of West Rock Creek Road.

INFORMATION:

1. Owner. Christian Brothers Automotive.
2. Developer. Christian Brothers Automotive.
3. Engineer. SMC Consulting Engineers, P.C.

HISTORY:

1. July 11, 1996. Planning Commission, on a vote of 8-0, recommended to City Council amending the Land Use Plan from agricultural to commercial designation.
2. July 11, 1996. Planning Commission, on a vote of 8-0, recommended to City Council that this property be placed in C-1 and O-1, and removed from A-2 classification.
3. July 11, 1996. Planning Commission, on a vote of 8-0, approved a request to waive the alley requirements and approved the preliminary plat for Young's Addition.
4. November 12, 1996. City Council adopted Ordinance No. O-9697-4 placing this property in C-1 and O-1, and removing it from A-2 zoning classification.
5. June 13, 2002. Planning Commission, on a vote of 7-0, recommended to City Council that the preliminary plat for Young's Addition be approved.
6. October 11, 2007. Planning Commission, on a vote of 8-0, recommended to City Council amending the NORMAN 2025 Land Use and Transportation Plan to designate the property as Commercial Designation.
7. October 11, 2007. Planning Commission, on a vote of 8-0, recommended to City Council that this property be placed in Planned Unit Development and removed from C-1 and O-1 zoning classification.

8. October 11, 2007. Planning Commission, on a vote of 8-0, recommended to City Council that the preliminary plat for Little River Green Addition be approved with alley waiver.

9. November 27, 2007. City Council amended the NORMAN 2025 Land Use and Transportation Plan to designate this property as Commercial Designation.

10. November 27, 2007. City Council adopted O-0708-13 placing this property in Planned Unit Development and removing it from C-1 and O-1 zoning classification.

11. November 27, 2007. City Council approved the preliminary plat for Little River Green Addition with alley waiver.

12. February 14, 2008. Planning Commission on a vote of 8-0 approved the final plat for Little River Green Addition and recommended deferral of street paving, drainage, water and sidewalk improvements for West Rock Creek Road and Interstate Drive.

13. April 22, 2008. City Council approved deferral of street paving, drainage, water and sidewalk for West Rock Road and Interstate Drive and approved the final plat for Little River Green Addition.

14. December 29, 2008. The final plat for Little River Green Addition was filed of record with the Cleveland County Clerk.

15. April 1, 2013. The Flood Plain Permit Committee approved Flood Plain Permit Application No. 517 allowing the construction of a building, parking lot, reinforced concrete box culvert and perform grading.

16. April 11, 2013. The applicant has made a request to place this property in the C-2, General Commercial District and remove it from the Planned Unit Development (PUD).

IMPROVEMENT PROGRAM:

1. Alleys. The engineer for the applicant has made a request to waive alley requirements.

2. Fire Hydrants. Fire hydrants will be installed in accordance with approved plans. Their locations have been approved by the Fire Department.

3. Permanent Markers. Permanent markers will be installed prior to filing of the final plat.

4. Sanitary Sewers. Sanitary sewer is existing.

5. Sidewalks. The engineer for the applicant is requesting waiver of the sidewalk requirement adjacent to Interstate Drive. A sidewalk will be installed on the south side of Yarbrough Way.

6. Storm Sewers. Storm sewers and appurtenant drainage structures will be installed in accordance with approved plans and City drainage standards. Storm water will be conveyed to an existing City-owned detention facility located west of this property.

7. Streets. Interstate Drive is existing.

8. 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 main will be extended from the south to this property and across the frontage of this property.

PUBLIC DEDICATIONS:

1. Easements. All required easements will be dedicated to the City on the final plat.

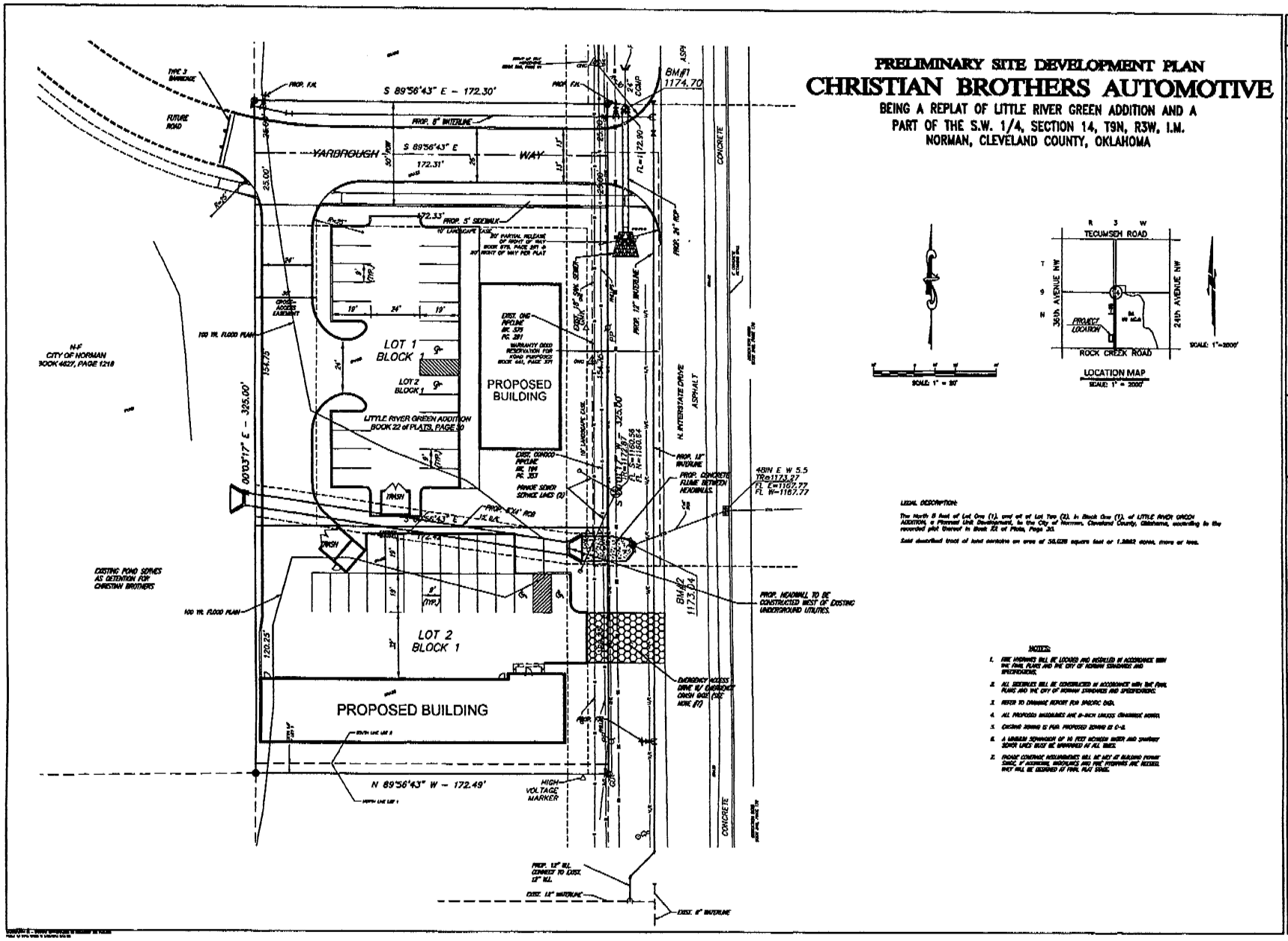
2. Rights-of-Way. Street rights-of-way will be dedicated to the City on the final plat.

SUPPLEMENTAL MATERIAL: Copies of a location map, preliminary plat, site plan, letter of request from the engineer for the applicant and letter of request from the attorney for the applicant are included in the Agenda Book.

STAFF COMMENTS AND RECOMMENDATION: This property consists of 1.3 acres and two (2) lots. This proposal is an automotive repair facility on the south lot, Lot 2, and retail or support facility on the north lot, Lot 1. The engineer for the applicant has requested waiver of the alley requirement. Staff can support this request based on the fact there are no existing alleys to connect to for an alley to function. There is a proposed "crash gate" emergency access located on Lot 2 for emergency vehicles entering or exiting Interstate Drive. The attorney for the applicant has requested waiver of a public sidewalk adjacent to Interstate Drive based on the fact there are no existing sidewalks. Staff cannot support this request. There is an existing sidewalk from Robinson Street all the way to the old Rock Creek Road alignment located adjacent to Interstate Drive except for an unplatted commercial property located between Stoney Brook Drive and Dove Crossing Drive. There is existing sidewalk from north of Broce Drive to south of Bart Conner Drive. With these existing sidewalks, the City has established precedent for sidewalks along Interstate 35 Service Road. It is agreed a sidewalk north of the old Rock Creek Road alignment does not exist. However, the City does intend to install a sidewalk from the existing sidewalk located south of the old Rock Creek Road alignment to the south property line of this plat. The property to the north has not platted. A sidewalk would be required with the platting of that property. Whenever all of the properties plat a sidewalk in the future could be continuous from Robinson Street to the Norman Healthplex property. Staff is of the opinion this could contribute to the proposed business and provide customers the ability to walk to and from their home and the business.

ACTION NEEDED: Recommend approval or disapproval of the request to waive alley requirements, recommend approval or disapproval of the request to waive sidewalk requirements adjacent to Interstate Drive and recommend approval or disapproval of the preliminary plat for Christian Brothers Automotive Addition, a Replat of Part of Lot 1, and all of Lot 2, Block 1, Little River Green Addition to City Council.

ACTION TAKEN:_____


PRELIMINARY SITE DEVELOPMENT PLAN
CHRISTIAN BROTHERS AUTOMOTIVE
BEING A REPLAT OF LITTLE RIVER GREEN ADDITION AND A
PART OF THE S.W. 1/4, SECTION 14, T9N, R3W, I.M.
NORMAN, CLEVELAND COUNTY, OKLAHOMA
S 89°56'43" E - 172.30'
YARBROUGH WAY
S 89°56'43" E
172.31'
PROP. 8" WATERLINE
PROP. 5' SIDEWALK
LOT 1
BLOCK 1
LOT 2
BLOCK 1
LITTLE RIVER GREEN ADDITION
BOOK 22 of PLATS, PAGE 30
PROPOSED BUILDING
PROPOSED BUILDING
LOT 2
BLOCK 1
N 89°56'43" W - 172.49'
N-F
CITY OF NORMAN
BOOK 4627, PAGE 1218
EXISTING POND SERVES AS DETENTION FOR CHRISTIAN BROTHERS
100 YR. FLOOD PLAIN
TYPE 3 BARRICADE
FUTURE ROAD
N. INTERSTATE DRIVE
ASPHALT
CONCRETE
BM#1
1174.70
BM#2
1173.04
48IN E W 5.5
TR=1173.27
FL E=1167.77
FL W=1167.77
PROP. HEADWALL TO BE CONSTRUCTED WEST OF EXISTING UNDERGROUND UTILITIES.
HIGH VOLTAGE MARKER
EXIST. 8" WATERLINE
TECUMSEH ROAD
ROCK CREEK ROAD
36th AVENUE NW
24th AVENUE NW
PROJECT LOCATION
LOCATION MAP
SCALE: 1" = 2000'
LEGAL DESCRIPTION:
NOTES:
CHRISTIAN BROTHERS AUTOMOTIVE
INTERSTATE DRIVE & ROCK CREEK ROAD
NORMAN, OKLAHOMA
SMC Consulting Engineers, P.C.
PRELIMINARY SITE DEVELOPMENT PLAN
SHEET NO.
1

CITY OF NORMAN
Development Review Form
Transportation Impacts

DATE: March 14, 2013 **STAFF REVIEW BY:** David R. Riesland, P.E.
City Traffic Engineer

PROJECT NAME: Christian Brothers Automotive Preliminary **PROJECT TYPE:** Commercial

Owner:	Christian Brothers Automotive
Developer's Engineer:	SMC
Developer's Traffic Engineer:	None

SURROUNDING ENVIRONMENT (Streets, Developments)
Low-density residential developments surround the project location with the exception of some commercial located at the Rock Creek Road intersection with 36th Avenue NW. There is some high density residential located between the site and I-35

ALLOWABLE ACCESS:
A variance has been requested relative to driveway spacing for the access points to this project. The variance relates to Section 4018 of the City's Engineering Design Criteria. Staff supports this variance.

EXISTING STREET CHARACTERISTICS (Lanes, Speed Limits, Sight Distance, Medians)
Rock Creek Road: 4 lanes (existing) / 4 lanes (future). Speed Limit - 40 mph. No sight distance problems. No medians.
36th Avenue NW: 5 lanes (existing) / 5 lanes (future). Speed Limit - 45 mph. No sight distance problems. No medians.

ACCESS MANAGEMENT CODE COMPLIANCE: YES ■ NO ☐

Proposed number of access points for the development is in compliance with what is allowed in the subdivision regulations.

TRIP GENERATION

Time Period	Total	In	Out
Weekday	354	172	172
A.M. Peak Hour	23	14	9
P.M. Peak Hour	52	24	28

TRANSPORTATION IMPACT STUDY REQUIRED? YES ☐ NO ■
The proposed development in this addition was included in the larger traffic impact study for S&S Family Properties prepared by Traffic Engineering Consultants, Inc., and submitted in March, 2012. No new analysis was required.

RECOMMENDATION: APPROVAL ■ DENIAL ☐ N/A ☐ STIPULATIONS ☐

Recommendations for Approval refer only to the transportation impact and do not constitute an endorsement from City Staff.
One of the findings of the S&S Family Properties traffic impact study was that a traffic signal will eventually be warranted at the intersection of Rock Creek Road with Pendleton Drive. This signal will be warranted by the combination of existing traffic, site traffic generated by the proposed supermarket and fueling station, traffic generated by the remaining commercial property in the S&S Family Properties, and undeveloped portions of the University North Park development across I-35. Accordingly, traffic impact fees were calculated as part of the traffic impact study for the S&S Family Properties Addition. The fees attributable to the 19.32 acre share (east of the Wal-Mart Neighborhood store) were determined to be $41,040 based upon 528 pm peak hour trips. For the Christian Brothers Automotive Preliminary Plat, the building sizes were scaled off the drawing submitted and assumed to be a 4,500 square foot Automotive Care Facility and a 3,200 square foot Specialty Retail building. These two uses will generate a total of 52 trips during the pm peak hour which represents 9.85% of the total for the 19.32 acres. This equates to $4,042.44 to be collected in traffic impact fees with the filing of this Final Plat for Christian Brothers Automotive.

SMC
Your Civil Engineering Solution

Consulting Engineers, P.C.
815 West Main
Oklahoma City, OK 73106
405-232-7715
FAX 405-232-7859
www.smcokc.com

Civil Engineering
Land Development
Storm Water Management

Tom L. McCaleb
Terence L. Haynes
Christopher D. Anderson
Ole M. Marcussen

April 1, 2013

Mr. Andy Sherrer, Chairman
Planning Commission
City of Norman
P.O. Box 370
Norman, Oklahoma 73070

RE: Preliminary Plat
Christian Brothers Addition
SMC No. 5384.00

Dear Mr. Sherrer:

As agent for the applicant, we respectfully request a waiver of the alley requirements for the above referenced addition for all commercial, industrial, and office areas in accordance with Section 19-402 of the City of Norman. The plat has large tracts that can be designed adequately without the use of an alley. All utilities, sanitation access, emergency access, and fire protection will be provided and identified without the use of an alley.

Please accept this request and grant the alley waiver.

Sincerely,

SMC Consulting Engineers, P.C.

Tom L. McCaleb, P.E.

cc: Curtis Cain - Client
SMC file

G:\Documents\Jill\03 March 13\Christian Brothers Addition - 2013 Alley Waiver.doc

GBC 13-3

Applicant: Christian Brothers Automotive
Location: On the northwest corner of I-35 and Rock Creek Road
Proposal: Preliminary Plat

Greenbelt Commission Final Comments - GBC 13-3
Meeting of February 18, 2013

The Greenbelt Commission approved the application unanimously with no additional comments or references to the Greenbelt Ordinance criteria.

City of Norman Predevelopment **February 28, 2013**

Applicant Christian Brothers Automotive

Location Rock Creek Rd and I-35

Case Number PD 13-03

Time 5:30-6:00 PM

Attendee	Stakeholder	Address	email	phone
Curtis Cane	Applicant	Christian Bros. Auto. 15995 N Barkers Landing Suite 145 Houston, TX 77079	ccain@cbac.com	832-598-0405
Tom McCaleb	Applicant's engineer	SMC Engineers 815 W Main OKC	Tom.mccaleb@smcokc.com	232-7715
Wiley Madole	Interested citizen	1401 Cedar Lane		321-9695
Dorothy Armstrong	Interested citizen	1501 Cedar Lane		329-0066
Henry Bluejacket	ONG Rep	4901 N Santa Fe	hbluejacket@oneok.com	530-2531
Susan Atkinson	City Facilitator			366-5392
Jane Hudson	City Staff			366-5344
Leah Messner	City Staff			217-7748
Terry Floyd	City Staff			366-5446
Ken Danner	City Staff			366-5459

Application Summary. The applicants are seeking a Preliminary Plat and rezoning for a 1.28-acre parcel in northwest Norman. They seek Planned Unit Development (PUD) zoning for C-2 Commercial land uses. The current zoning for the parcel is PUD. The current *Norman 2025 Land Use Plan* designation for this parcel is Commercial. The property was platted as a PUD named Little Green River Addition in December 2008.

Applicant's Opportunity. The applicants' representative presented the company's basic mission which is to provide automotive service and repair for late-model cars in a high-quality environment. The company is a franchise but the franchisee is locally based, and has been in business since 1982. Most of the repairs are done by computer.

The representative explained the business would service under 30 cars per day. The waiting room is designed with only 6 chairs. He stated that office hours would be limited to Monday-Friday from 7AM-6PM after the first 6 months.

There were no neighboring owners in attendance.

City of Norman, OK

Municipal Building Council
Chambers
201 West Gray Street
Norman, OK 73069

Master

File Number: PP-1213-14

File ID:	PP-1213-14	**Type:**	Preliminary Plat	**Status:**	Non-Consent Items
Version:	1	**Reference:**	Item No. 47	**In Control:**	City Council
Department:	Public Works Department	**Cost:**		**File Created:**	03/14/2013
File Name:	Monterey Addition Preliminary Plat			**Final Action:**	

Title: CONSIDERATION OF A PRELIMINARY PLAT FOR MONTEREY ADDITION. (GENERALLY LOCATED AT THE SOUTHEAST CORNER OF 12TH AVENUE S.E. AND CEDAR LANE)

Notes: ACTION NEEDED: Motion to approve or reject the preliminary plat for Monterey Addition.

ACTION TAKEN: _____

Agenda Date: 05/28/2013

Agenda Number: 47

Attachments: Text File Monterey, Attachment A.pdf, Monterey Location Map, Preliminary Plat Monterey Addition, Staff Report.pdf, Monterey Transportation Impacts, OIL WELL EXHIBIT 5, Monterey PD 13-05, MONTEREY OIL WELL SITE REVISED, 4-11-13 PC Minutes - PP-1213-14, April 23 Protest withdrawn May 14

Project Manager: Ken Danner, Subdivision Manager

Entered by: rone.tromble@normanok.gov

Effective Date:

History of Legislative File

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Planning Commission	04/11/2013					

Text of Legislative File PP-1213-14

body

BACKGROUND: This item is a preliminary plat for Monterey Addition (previously a part of Cedar Lane Addition) and is generally located east of 12th Avenue S.E. and south of Cedar Lane Road.

The Norman Board of Parks Commissioners, at its meeting of November 3, 2005, recommended park land dedication for Monterey Addition.

Planning Commission, at its meeting of February 9, 2006, recommended to City Council that this property be placed in the Current Urban Service Area from Future Urban Service Area and that this property be placed in R-1, Single Family Dwelling District and removed from A-2, Rural Agricultural District.

The preliminary plat expired on April 25, 2011, per the five (5) year term established in the Subdivision Regulations.

Planning Commission, at its meeting of April 11, 2013, recommended approval of the preliminary plat for Monterey Addition.

The original preliminary plat for the area of Monterey Addition consisted of 42.74 acres and 157 residential lots.

The property that has been previously final platted consists of 11.81 acres and 37 residential lots with one common area (detention) filed of record. Therefore, the current preliminary plat consists of the remaining 30.93 acres and 120 residential lots.

DISCUSSION: The proposed 120 single-family residential lots in this addition are expected to generate approximately 1,242 trips per day, 94 AM peak hour trips, and 124 PM peak hour trips. Traffic capacities on 12th Avenue SE and Cedar Lane Road exceed the demand for existing and proposed trips as a result of this development. No negative traffic impacts are anticipated. See Attachment A.

The development proposed with this addition was analyzed as part of a larger traffic impact study prepared for the Cedar Lane Addition Preliminary Plat. This study previously identified traffic impact fees for improvements to the Cedar Lane Road intersection with 12th Avenue SE ($138,965), the 12th Avenue SE intersection with State Highway 9 ($9,998), and the Classen Boulevard intersection with Post Oak Road ($4,025). The Monterey Preliminary Plat represents 9.45% of the daily trip generation of the overall Cedar Lane Addition Preliminary Plat. Accordingly, the portion of those fees attributable to the Monterey Preliminary Plat is $13,128.05, $944.51, and $380.24, respectively. Total impact fees attributable to the Monterey Preliminary Plat are $14,452.80.
Public improvements for this property consist of the following:

Fire Hydrants. Fire hydrants will be installed in accordance with accepted plans. Their locations have been approved by the Fire Department.

Sanitary Sewers. Eight inch (8") sanitary sewer mains (or larger) are proposed for this development.

Sidewalks. Sidewalks will be constructed on each lot prior to occupancy.

Drainage. Storm sewers and appurtenant drainage structures will be installed in accordance with accepted plans and City drainage standards and conveyed to existing or proposed privately maintained detention facilities.

Streets. Streets will be constructed in accordance with accepted plans and City paving standards.

Traffic Signal and Intersection Improvements. Based upon the traffic study for the Cedar Lane Addition Preliminary Plat, this applicant will be required to fund a portion of the cost of improvements to the Cedar Lane Road intersection with 12th Avenue SE ($13,128.05), the 12th Avenue SE intersection with State Highway 9 ($944.51), and the Classen Boulevard intersection with Post Oak Road ($380.24). Total impact fees attributable to the Monterey Preliminary Plat are $14,452.80.

Water Mains. Water mains will be installed in accordance with accepted plans and City and Department of Environmental Quality standards.

Public Dedications: All rights-of-ways and easements will be dedicated to the City with final platting.

There have been some minor changes made to the preliminary plat regarding the existing oil well. The operator has requested a larger fenced area than what was submitted to Planning Commission. The developer has agreed to make the requested changes and the engineer for the developer has prepared a revised preliminary plat with the changes. The current oil well operator, Trinity Resources, Inc., submitted a letter of protest regarding this preliminary plat on April 24, 2013. However, on May 14, 2013, Trinity Resources, Inc. withdrew their protest following a settlement of their differences with the developer.

STAFF RECOMMENDATION: Based on the above information, staff recommends approval of the preliminary plat for Monterey Addition.

ATTACHMENT A

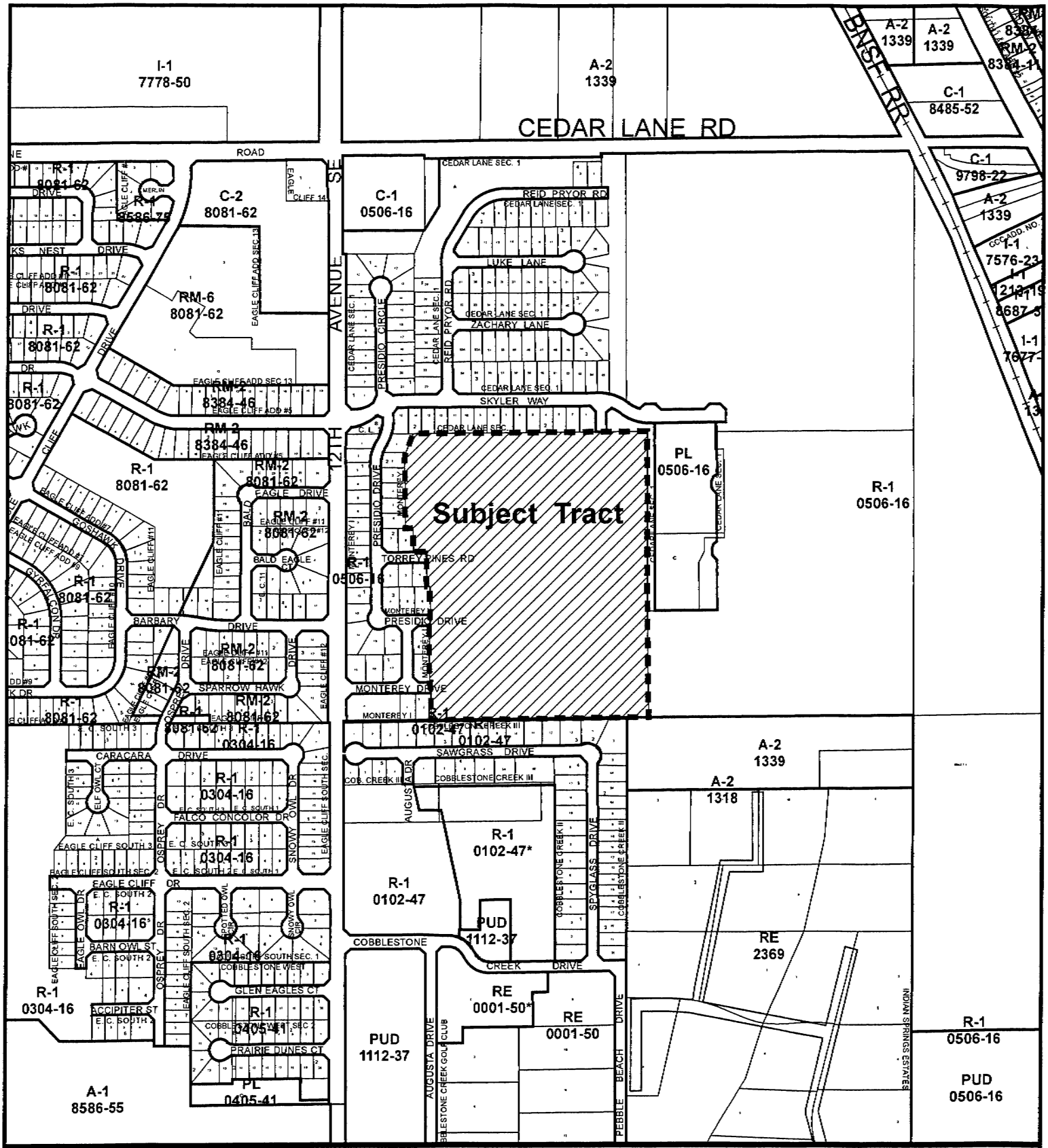
Monterey Addition

Preliminary Plat

STREET	NO. OF LANES	EXISTING TRAFFIC (Veh/day)	PROJECTED TRAFFIC (Veh/day)	TOTAL PROJECTED TRAFFIC (Veh/day)	ROADWAY CAPACITY L.O.S. "E"	% CAPACITY USED (EXISTING)	% CAPACITY USED (PROJECTED)
12th Avenue S.E.	4*	15,793	636	16,429	34,200	46.18	48.04
Cedar Lane Road	4*	9,131	794	9,925	34,200	26.70	29.02
State Highway 9	6**	40,260	636	40,896	58,000	69.41	70.51

* Improvements are planned to widen 12th Ave SE from SH 9 to Cedar Lane and Cedar Lane from 12th Ave SE to just east of 24th Ave SE

** Improvements are planned to widen State Highway 9 to six lanes in the ODOT plans



Location Map

Map Produced by the City of Norman
Geographic Information System.
(405) 366-5316
The City of Norman assumes no
responsibility for errors or omissions
in the information presented.

N
W E
S

March 11, 2013

0 300 600 Ft.

Subject Tract

Zoning
47-2

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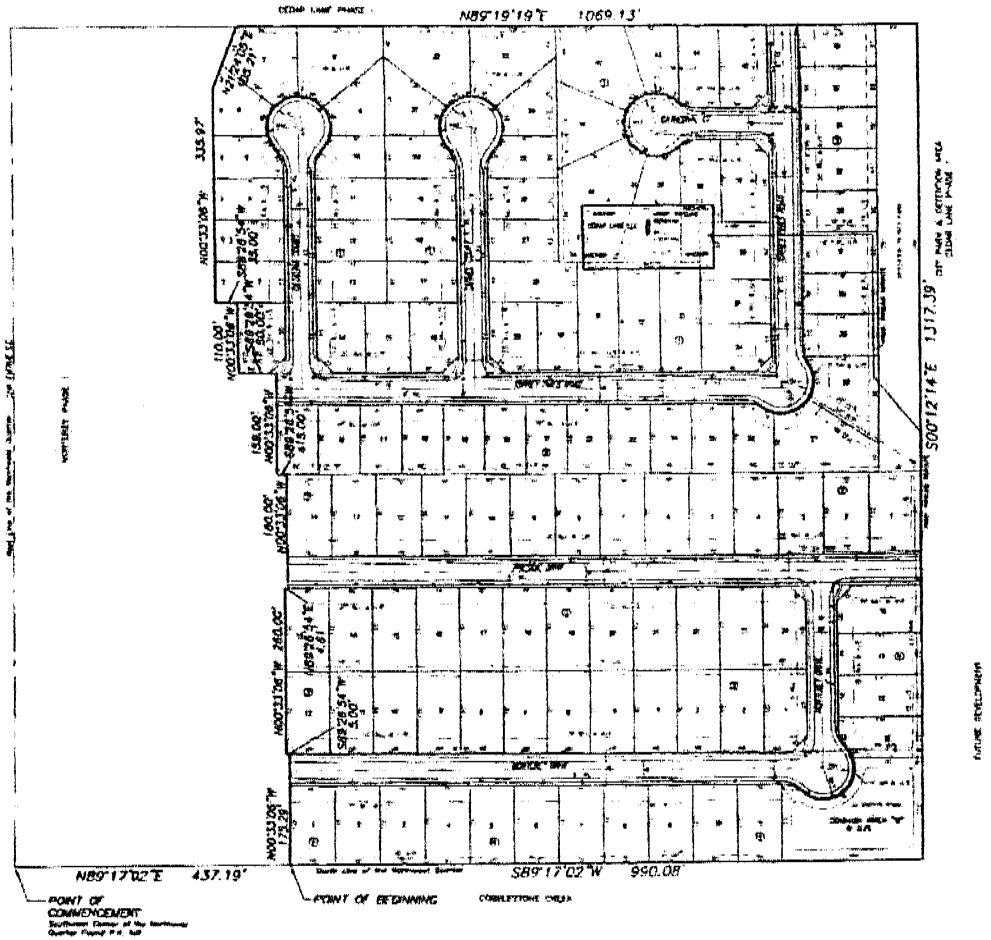
PRELIMINARY PLAT OF

MONTEREY
SW/4 NW/4, T 8 N, R 2 W, SEC. 16
NORMAN, CLEVELAND COUNTY, OK



KNOW ALL MEN BY THESE PRESENTS:

THAT MONTEREY DEVELOPMENT COMPANY, LLC, hereby certify that it is the owner of and the only person or entity having any right, title, or interest in a tract of land shown on the Preliminary Plat of Monterey, an Addition to the City of Norman, Oklahoma and located in the Southwest Quarter of the Northwest Quarter of Section 16, Township 8 North, Range 2 West, I.M., Cleveland County, Oklahoma and being more particularly described by metes and bounds as follows (Note – the basis of bearing is the west line of Oklahoma State Plane – South Zone – Grid North – NAD83):

Commencing at the Southeast corner of said Northwest Quarter, said point being the Point of Commencement;

1. Thence North 89°17'02" East, a distance of 437.19 feet to the Point of Beginning;
2. Thence North 00°33'06" West, a distance of 175.29 feet;
3. Thence South 89°26'54" West, a distance of 5.00 feet;
4. Thence North 00°33'06" West, a distance of 260.00 feet;
5. Thence North 89°26'54" East, a distance of 5.00 feet;
6. Thence North 00°33'06" West, a distance of 180.00 feet;
7. Thence South 89°26'54" West, a distance of 15.00 feet;
8. Thence North 00°33'06" West, a distance of 158.00 feet;
9. Thence South 89°26'54" West, a distance of 60.00 feet;
10. Thence North 00°33'06" West, a distance of 110.00 feet;
11. Thence South 89°26'54" West, a distance of 30.00 feet;
12. Thence North 00°33'06" West, a distance of 335.97 feet;
13. Thence North 31°24'05" East, a distance of 105.21 feet;
14. Thence North 89°19'19" East along the North line of the Southwest Quarter of said Northwest Quarter a distance of 1069.13 feet;
15. Thence South 00°12'14" East, a distance of 1317.39 feet;
16. Thence South 89°17'02" West along the South line of said Northwest Quarter, a distance of 990.08 feet to the Point of Beginning

Said tract of land contains 31.403 acres, more or less

Less and except the following tract and also for the Private Tuition No. 3 tract:
Commencing at the Northeast corner of the Southwest Quarter (SW/4) of the Northwest Quarter (NW/4);

Thence North 89°19'19" East along the North line of said Southwest Quarter of the Northwest Quarter (SW/4 NW/4), a distance of 889.41 feet;
Thence South 00°40'23" East, a distance of 283.08 feet to the Point of Beginning;
Thence North 89°19'37" East, a distance of 205.00 feet;
Thence South 00°40'23" East, a distance of 100.00 feet;
Thence South 89°19'37" West, a distance of 205.00 feet;
Thence North 00°40'23" West, a distance of 100.00 feet to the Point of Beginning;
Said tract containing 0.471 acres, more or less

Total Acreage of tract being preliminarily platted is 30.932 acres, more or less

NOTES:

1. PROPERTY CONSISTS OF 120 RESIDENTIAL LOTS WITH ONE COMMON AREA. PROPERTY IS ZONED R-1
2. SIDEWALKS TO BE CONSTRUCTED ALONG ALL PUBLIC STREETS.
3. FENCE CONSTRUCTION WITHIN ACCESS EASEMENTS SHALL BE PROHIBITED.
4. COMMON AREA "B" AND D/E SHALL BE MAINTAINED BY PROPERTY OWNER'S ASSOCIATION.
5. THE CROSS HATCHED LOTS SHALL BE UNBUILDABLE FOR CONSTRUCTION SINCE THE OIL WELL PROPERTY HAS BEEN ACQUIRED AND PLUGGED AND THE GROUND HAS BEEN REDUCED TO AS FLAT AND CITY OF NORMAN SPECIFICATIONS. UNTIL SUCH TIME, LOTS CAN BE USED AS ACCESS TO THE WELL SITE. IN THE EVENT THAT THE OIL AND GAS LESSEE, TRINITY RESOURCES, INC. AND/OR ITS ASSIGNEE, SAINT RESOURCES, INC., FAILS TO FENCE ADEQUATELY THE WELL SITE AND TO CONSTRUCT THE LEASE ROAD, MONTEREY DEVELOPMENT COMPANY, L.L.C. SHALL EXCEPT THE RESPONSIBILITY FOR CONSTRUCTION OF THE LEASE ROAD, THE APPROACH, AND THE FENCING OF THE WELL SITE. NOTHING IN THIS ACCEPTANCE SHALL IN ANY WAY ACT AS A WAIVER OF MONTEREY DEVELOPMENT COMPANY, L.L.C.'S RIGHT TO BRING AN ACTION FOR DECLARATORY JUDGMENT IN THE DISTRICT COURT OF CLEVELAND COUNTY, STATE OF OKLAHOMA, TO DETERMINE THE OBLIGATION OF THE CONSTRUCTION OF THE LEASE ROAD, THE APPROACH AND THE FENCING FOR THE WELL SITE, AND/OR TO SEEK INDEMNIFICATION OR OR CONTRIBUTION TOWARDS THIS RESPONSIBILITY FROM THOSE PARTIES WHO ARE DETERMINED RESPONSIBLE FOR THE PERFORMANCE OF THIS WORK. THE APPROACH, LEASE ROAD AND FENCING SHALL BE COMPLETED PRIOR TO ACCEPTANCE OF THE SECTION OF THE FINAL PLAT (WHICH THE OIL WELL IS LOCATED) FOR MONTEREY ADDITION. (SEE SEPARATE SUBMITTED SITE PLAN FOR DETAIL OF THIS AREA)

STORM DRAINAGE DETENTION FACILITY EASEMENT

DRAINAGE DETENTION FACILITY EASEMENTS ARE HEREBY ESTABLISHED AS SHOWN TO PROVIDE FOR DETENTION OF STORM SURFACE WATER AND CONSTRUCTED AS APPROVED BY THE CITY ENGINEER. ALL MAINTENANCE WITHIN THE DRAINAGE DETENTION FACILITY EASEMENT SHALL BE THE RIGHT, DUTY AND RESPONSIBILITY OF THE PROPERTY OWNER(S) IN THE PLAT OF MONTEREY. HOWEVER, IF MAINTENANCE IS NEGLECTED OR SUBJECT TO OTHER UNUSUAL CIRCUMSTANCES AND IS DETERMINED TO BE A HAZARD OR THREAT TO PUBLIC SAFETY BY THE CITY ENGINEER, CORRECTIVE MAINTENANCE MAY BE PERFORMED BY THE DEVELOPING JURISDICTION WITH COSTS ASSESSED TO AND BORNE UPON SAID PROPERTY OWNER(S). OFFICIALS REPRESENTING THE ENGINEERING DIVISION, PUBLIC WORKS DEPARTMENT SHALL HAVE THE RIGHT TO ENTER UPON THE EASEMENT FOR PURPOSES OF PERIODIC INSPECTION AND/OR CORRECTIVE MAINTENANCE OF THE FACILITY, UPON RECEIVING WRITTEN APPROVAL FROM THE ENGINEERING DIVISION, PUBLIC WORKS DEPARTMENT, PROPERTY OWNER(S) MAY CONSTRUCT IMPROVEMENTS WITHIN THE EASEMENT, PROVIDED THE IMPROVEMENT DOES NOT INTERFERE WITH THE FUNCTION OF THE DETENTION FACILITY.

DEVELOPER:

MONTEREY DEVELOPMENT COMPANY, LLC
P.O. BOX 722349
NORMAN, OK 73070

Surveying By: Kyle J. Henderson PLS #1389 of

LEMKE LAND SURVEYING, INC.

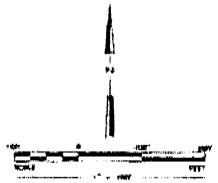
A PERSONAL CORPORATION
3320 SAINT CHARLES DRIVE
NORMAN, OK 73072
PH (405) 366-9547
FAX (405) 366-9548
CA # 2724 EXP DATE 6/30/2011
http://www.LEMKE-LS.com

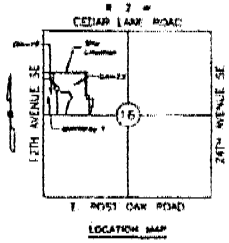
HORIZONTAL DATUM:
BEARINGS AND DISTANCES SHOWN ARE BASED ON THE OKLAHOMA STATE PLANE COORDINATE SYSTEM (NAD83) SOUTH ZONE

VERTICAL DATUM: NAVD 88
BENCHMARK: USGS BRASS CAP #181
NORTHING: 885,585.751
EASTING: 2,145,475.748
ELEVATION: 1155.41

LEGEND

	EASEMENT LINE
	LOT LINE
	PROPERTY LINE
	BUILDING LINE
U/E	UTILITY EASEMENT
P/E	PEDESTRIAN EASEMENT
D/E	DRAINAGE EASEMENT
B/L	BUILDING LINE





LOCATION MAP

NOTE:
ALL CONSTRUCTION SHALL BE DONE ACCORDING TO THE CITY OF NORMAN STANDARDS AND SPECIFICATIONS.
ALL LANDSCAPING SHALL CONFORM TO THE CITY OF NORMAN REQUIREMENTS AND SPECIFICATIONS.
CONTRACTOR TO FIELD VERIFY ALL UTILITY LOCATIONS AND DEPTHS PRIOR TO CONSTRUCTION.

47-3

PRELIMINARY PLAT
PP-1213-14

ITEM NO. 11

STAFF REPORT

ITEM: Consideration of a Preliminary Plat for MONTEREY ADDITION, (previously a part of the preliminary plat for Cedar Lane Addition).

LOCATION: Located at the southeast corner of the intersection of 12th Avenue S.E. and Cedar Lane Road.

INFORMATION:

1. Owners. Monterey Development Company, LLC

2. Developer. Monterey Development Company, LLC

3. Engineer. Cardinal Engineering

HISTORY:

1. November 3, 2005. The Norman Board of Parks Commissioners reviewed the preliminary plat for Cedar Lane Addition and, on a vote of 6-0, recommended park land.

2. February 9, 2006. The owners made a request to amend the NORMAN 2025 Land Use and Transportation Plan from Future Urban Service Area to Current Urban Service Area and from Very Low Density Residential to Low Density Residential and Commercial Designations.

3. July 14, 2005. The owners made a request to place this property in the R-1, Single Family Dwelling District and remove it from A-2, Rural Agricultural District zoning classification.

4. February 9, 2006. Planning Commission, on a vote of 8-0, recommended to City Council the amending of the NORMAN 2025 Land Use and Transportation Plan from Future Urban Service Area to Current Urban Service Area Designation and from Very Low Density Residential to Low Density Residential Designation.

5. February 9, 2006. Planning Commission, on a vote of 8-0, recommended to City Council that this property be placed in R-1, Single Family Dwelling District and removed from A-2, Rural Agricultural District zoning classification.

6. February 9, 2006. Planning Commission, on a vote of 8-0, recommended to City Council that the preliminary plat for Cedar Lane Addition be approved.

7. April 25, 2006. City Council amended the Norman 2025 Land Use and Transportation Plan from Future Urban Service Area to Current Urban Service Area Designation and from Very Low Density Residential to Low Density Residential Designation.

8. April 25, 2006. City Council adopted Ordinance No. O-0506-16 placing this property in R-1, Single Family Dwelling District and removed from A-2, Agricultural District zoning classification.

9. April 25, 2006. City Council approved the preliminary plat for Cedar Lane Addition.

10. April 25, 2011. In accordance with the City Code approval of the preliminary plat for Cedar lane Addition became null and void.

IMPROVEMENT PROGRAM:

1. Fire Hydrants. Fire hydrants will be installed in accordance with approved plans. Their locations will be reviewed by the Norman Fire Department.

2. Permanent Markers. Permanent markers will be installed prior to filing of the final plat.

3. Sanitary Sewers. Sanitary sewer improvements will be constructed in accordance with approved plans and City and State Department of Environmental Quality standards.

4. Sidewalks. Sidewalks will be constructed on each residential lot prior to occupancy.

5. Storm Sewers. Storm sewers and appurtenant drainage structures will be installed in accordance with approved plans and City drainage standards. Privately maintained detention facilities will be constructed for the conveyance of storm water. A property owners association will be established for the maintenance of the detention facilities.

6. Streets. Streets will be constructed in accordance with approved plans and City paving standards.

7. Water Mains. Water mains will be installed in accordance with approved plans and City and Department of Environmental Quality standards.

PUBLIC DEDICATIONS:

1. Easements. All required easements will be dedicated to the City on the final plat.

2. Rights-of-Way. 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 30.93 acres, 120 residential lots and one common area. The owners propose open space areas throughout the development that will be maintained by a Mandatory Property Owners Association. There is an active oil well within this development. Phasing of the development will take this oil well into consideration.

ACTION NEEDED: Recommend approval or disapproval of the preliminary plat for Monterey Addition to the City Council.

ACTION TAKEN:_____

CITY OF NORMAN
Development Review Form
Transportation Impacts

DATE: March 15, 2013 **STAFF REVIEW BY:** David R. Riesland, P.E.
City Traffic Engineer

PROJECT NAME: Monterey Addition **PROJECT TYPE:** Residential
Owner: Monterey Development Co., LLC
Developer's Engineer: Cardinal Engineering
Developer's Traffic Engineer: None

SURROUNDING ENVIRONMENT (Streets, Developments)
Agricultural to the north and south, commercial to the east, and industrial to the west. 12th Avenue SE is the main north/ south roadway. Cedar Lane Road is the main east/west roadway.

ALLOWABLE ACCESS:
All access to this addition will be by way of a residential street connecting to 12th Avenue SE.

EXISTING STREET CHARACTERISTICS (Lanes, Speed Limits, Sight Distance, Medians)
12th Avenue SE: 2 lanes (existing)/4 lanes (future). Speed Limit - 35 mph. No sight distance problems. No medians.
State Highway 9: 4 lanes (existing)/6 lanes (future). Speed Limit - 50 mph. No sight distance problems. Grass median.
Cedar Lane Road: 2 lanes (existing)/4 lanes (future). Speed Limit - 35 mph. No sight distance problems. No medians.

ACCESS MANAGEMENT CODE COMPLIANCE: **YES** ■ **NO** ☐
The proposed access point onto 12th Avenue SE will have adequate separation and intersection corner clearance.

TRIP GENERATION

Time Period	Total	In	Out
Weekday	1,242	621	621
AM Peak Hour	94	23	71
PM Peak Hour	124	78	46

TRANSPORTATION IMPACT STUDY REQUIRED? **YES** ☐ **NO** ■

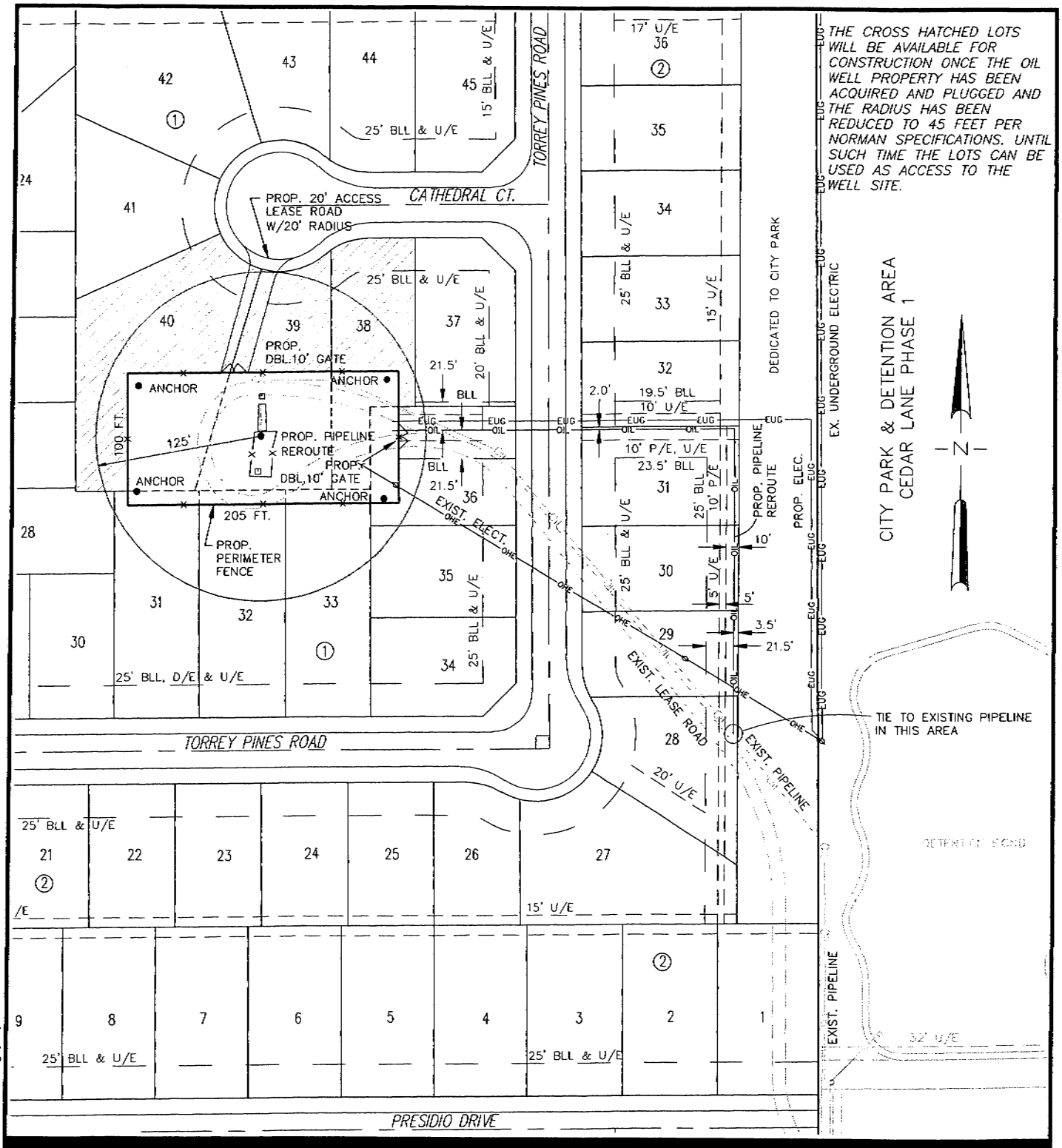
The trip generation potential is slightly above the traditional threshold for when a traffic impact study is normally required. However, this development is part of a previously submitted traffic impact study for the Cedar Lane Addition.

RECOMMENDATION: **APPROVAL** ■ **DENIAL** ☐ **N/A** ☐ **STIPULATIONS** ☐

Recommendations for Approval refer only to the transportation impact and do not constitute an endorsement from City Staff.

Traffic capacities on 12th Avenue SE and Cedar Lane Road exceed the demand for existing and proposed trips as a result of this development. No negative traffic impacts are anticipated.

The development proposed with this addition was analyzed as part of a larger traffic impact study prepared for the Cedar Lane Addition Preliminary Plat. This study previously identified traffic impact fees for improvements to the Cedar Lane Road intersection with 12th Avenue SE ($138,965), the 12th Avenue SE intersection with State Highway 9 ($9,998), and the Classen Boulevard intersection with Post Oak Road ($4,025). The Monterey Preliminary Plat represents 9.45% of the daily trip generation of the overall Cedar Lane Addition Preliminary Plat. Accordingly, the portion of those fees attributable to the Monterey Preliminary Plat is $13,128.05, $944.51, and $380.24, respectively. Total impact fees attributable to the Monterey Preliminary Plat are $14,452.80.



CARDINAL ENGINEERING
1015 N. Broadway Avenue, 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 06.30.2013

DRAWING TITLE
WELL SITE PLAN

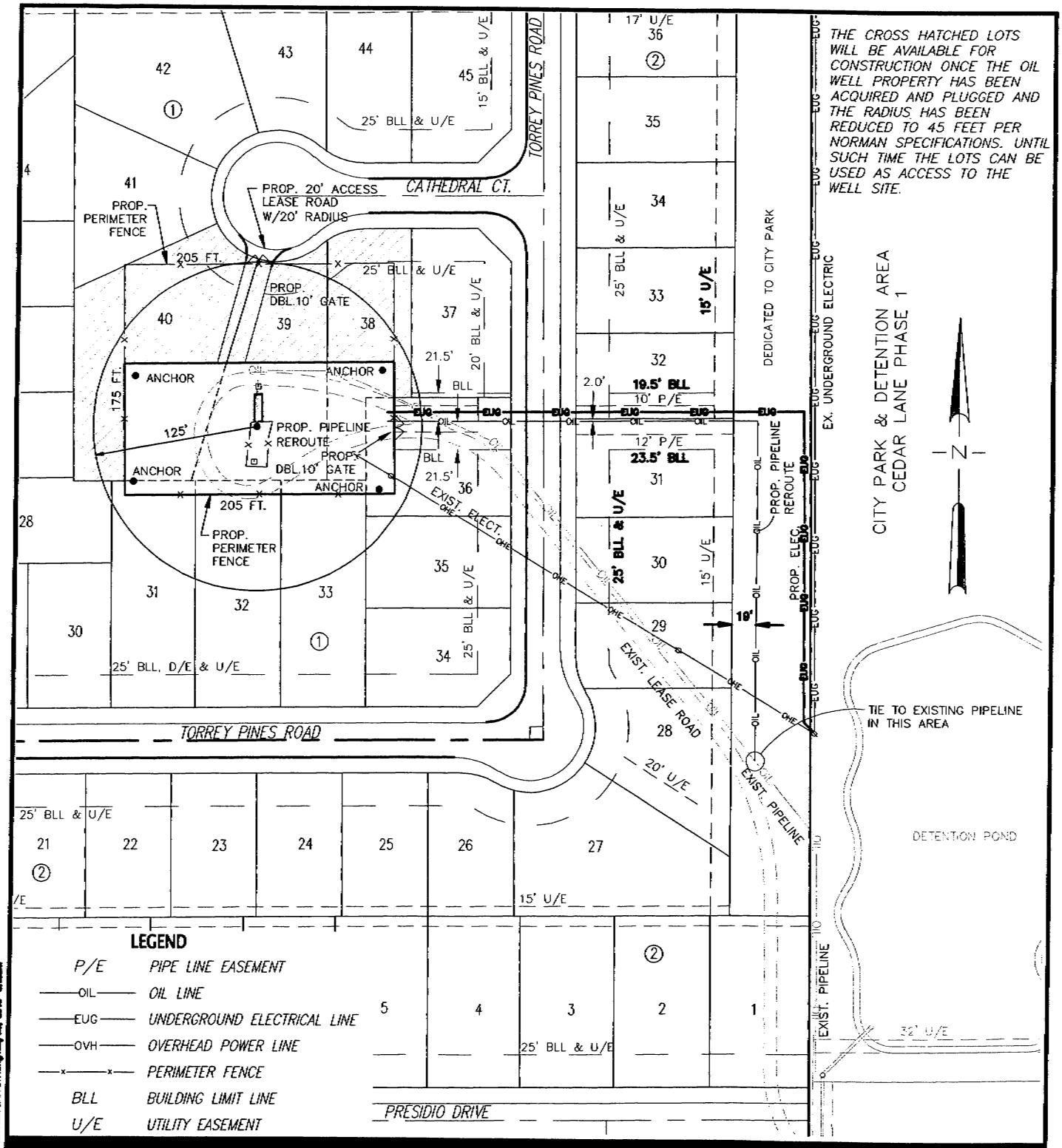
Project
MONTEREY ADDITION

Location
SE 12TH AVE. AND CEDAR LANE
NORMAN, OK

Prepared For
MONTEREY DEVELOPMENT CO., INC.
NORMAN, OK

SIGNATURE/SEAL:

Project No.	06174
Drawn By	BNH
Checked By	EOR
Date	4-5-13
Scale	1"=100'
Issued For	APPROVAL
Drawing No.	EXHIBIT



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Phone 405.579.0655 Fax 405.366.8540
http://www.cardinalengineers.com
CA# 2054, expiration date 06.30.2013

DRAWING TITLE: WELL SITE PLAN

Project: MONTEREY ADDITION

Location: SE 12TH AVE. AND CEDAR LANE NORMAN, OK

Prepared For: MONTEREY DEVELOPMENT CO., INC. NORMAN, OK

SIGNATURE/SEAL:

REVISED 5/23/13

Project No.	06174
Drawn By	BNH
Checked By	EOR
Date	4-5-13
Scale	1"=100'
Issued For	APPROVAL
Drawing No.	EXHIBIT

City of Norman Predevelopment **March 28, 2013**

Applicant Monterey Development Company LLC

Location East side of 12th Avenue SE, approximately ¼ mile south of Cedar Lane Road

Case Number PD 13-05

Time 5:30-6:00 PM

Attendee	Stakeholder	Address	email	phone
Mike Rainer	Applicant	Monterey Development PO Box 722348 Norman 73070	Rainer522@sbcglobal.net	360-8800
Neil Robinson	Applicant's engineer	Cardinal Engineering 3226 Bart Connor Dr Norman	nr@cardinalengineering.com	579-0655
Chris Edwards	Applicant's associate	Monterey Development PO Box 722348 Norman 73070	cedwards@storehouse-investments.com	360-8800
Robert Arrowood	Oil well owner/ operator	Trinity Resources Inc. 701 Wall Street Norman 73070	rob@thetrinitygroup.com	321-8740
Susan Atkinson	City Facilitator			366-5392
Jane Hudson	City Staff			366-5344
Leah Messner	City Staff			217-7748
Terry Floyd	City Staff			366-5446
Ken Danner	City Staff			366-5459
Drew Norlin	City Staff			366-5459

Application Summary. The applicants are seeking to renew an expired Preliminary Plat for a 30.8-acre parcel in southeast Norman. The current zoning is R-1. The *Norman 2025 Land Use Plan* designation for this parcel is low density residential.

Applicant's Opportunity. The owner is seeking to plat 120 lots in a residential subdivision of single family houses. He anticipates developing the housing 10 acres at a time over the next 7 years.

Neighbors. There were no neighbors in attendance.

Oil and Gas Issues. There is an active oil well, flow lines, overhead electrical lines and a lease road on this site. These structures must be relocated to conform with the plat as presented. The City of Norman's Oil and Gas Ordinance requires that oil wells must be fenced and that the party responsible for erecting such a fence and carrying out any necessary relocations be named on the Preliminary Plat application before that application can proceed to the Planning Commission. The land owner and the well owner/operator disagree about who has responsibility to build the fence and relocate lines and the lease road. Both parties agreed to consult with their respective counsel and the City Attorney's Office to reach an agreement.

NORMAN PLANNING COMMISSION
REGULAR SESSION MINUTES

APRIL 11, 2013

The Planning Commission of the City of Norman, Cleveland County, State of Oklahoma, met in Regular Session in the Council Chambers of the Norman Municipal Building, 201 West Gray Street, on the 11th day of April 2013. Notice and agenda of the meeting were posted at the Norman Municipal Building and online at http://www.normanok.gov/content/boards-commissions at least twenty-four hours prior to the beginning of the meeting.

Chairman Chris Lewis called the meeting to order at 6:30 p.m.

* * *

Item No. 1, being:
ROLL CALL

MEMBERS PRESENT	Curtis McCarty Jim Gasaway Roberta Pailes Cindy Gordon Dave Boeck Sandy Bahan Tom Knotts Chris Lewis
MEMBERS ABSENT	Andy Sherrer

A quorum was present.

STAFF MEMBERS PRESENT	Susan Connors, Director, Planning & Community Development Jane Hudson, Principal Planner Ken Danner, Subdivision Development Manager Roné Tromble, Recording Secretary Leah Messner, Asst. City Attorney Larry Knapp, GIS Analyst II Terry Floyd, Development Coordinator

* * *

Item No. 2, being:
CONSENT DOCKET
Chairman Lewis announced that the Consent Docket is designed to allow the Planning Commission to approve a number of items by one motion and vote. The Consent Docket consisted of the following items:

Item No. 3, being:
APPROVAL OF THE MARCH 14, 2013 REGULAR SESSION MINUTES

Item No. 4, being:
COS-1213-6 – CONSIDERATION OF A CERTIFICATE OF SURVEY SUBMITTED BY CHERYL BRUCKER (MORRIS ENGINEERING AND SURVEYING) FOR BRUCKER FARMS GENERALLY LOCATED AT THE NORTHEAST CORNER OF EAST FRANKLIN ROAD AND 175TH AVENUE N.E. (PRIVATE ROAD).

Item No. 5, being:
FP-1213-30 – CONSIDERATION OF A FINAL PLAT SUBMITTED BY SWITZER'S LOCKER ROOM OF NORMAN, L.L.C. (ARC ENGINEERING CONSULTANTS, L.L.C.) FOR SWITZER'S LOCKER ROOM EXPANSION ADDITION GENERALLY LOCATED ON THE WEST SIDE OF CLASSEN BOULEVARD APPROXIMATELY ¼ MILE NORTH OF CEDAR LANE ROAD.

Item No. 6, being:
FP-1213-31 – CONSIDERATION OF A FINAL PLAT SUBMITTED BY CIES PROPERTIES, INC. (CLOUR PLANNING & ENGINEERING SERVICES) FOR BROOKHAVEN NO. 43 ADDITION GENERALLY LOCATED APPROXIMATELY ¼ MILE SOUTH OF WEST ROCK CREEK ROAD ON THE EAST SIDE OF BROOKHAVEN BOULEVARD.

Item No. 7, being:
FP-1213-32 – CONSIDERATION OF A FINAL PLAT SUBMITTED BY ROSE ROCK SCHOOL FOUNDATION (PRIORITY LAND SURVEYING, L.L.C.) FOR ROSE ROCK SCHOOL ADDITION LOCATED AT 1515 WEST MAIN STREET.

Item No. 8, being:
FP-1213-33 – CONSIDERATION OF A FINAL PLAT SUBMITTED BY KENT CONNALLY (SMC CONSULTING ENGINEERS, P.C.) FOR FOUNDERS PARK ADDITION, SECTION 1, A PLANNED UNIT DEVELOPMENT FOR PROPERTY GENERALLY LOCATED ON THE NORTH SIDE OF TECUMSEH ROAD APPROXIMATELY ¼ MILE WEST OF 12TH AVENUE N.W.

Item No. 9, being:
FP-1213-34 – CONSIDERATION OF A FINAL PLAT SUBMITTED BY ST. JAMES PARK, L.L.C. (CRAFTON TULL) FOR ST. JAMES PARK ADDITION, SECTION 5 FOR PROPERTY GENERALLY LOCATED ON THE EAST SIDE OF 24TH AVENUE S.E. APPROXIMATELY ½ MILE SOUTH OF STATE HIGHWAY NO. 9.

Item No. 10, being:
FP-1213-35 – CONSIDERATION OF A FINAL PLAT SUBMITTED BY ST. JAMES PARK, L.L.C. (CRAFTON TULL) FOR ST. JAMES PARK ADDITION, SECTION 6 FOR PROPERTY GENERALLY LOCATED ON THE WEST SIDE OF 24TH AVENUE S.E. APPROXIMATELY ½ MILE SOUTH OF STATE HIGHWAY NO. 9.

Item No. 11, being:
PP-1213-14 – CONSIDERATION OF A PRELIMINARY PLAT SUBMITTED BY MONTEREY DEVELOPMENT COMPANY, L.L.C. (LEMKE LAND SURVEYING) FOR MONTEREY ADDITION FOR PROPERTY GENERALLY LOCATED AT THE SOUTHEAST CORNER OF 12TH AVENUE S.E. AND CEDAR LANE ROAD.

*

Chairman Lewis asked if any member of the Commission wished to remove any item from the Consent Docket. There being none, he asked if any member of the audience wished to have an item removed. There being none, he asked for discussion by the Planning Commission.

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:
Jim Gasaway moved to place approval of Item Nos. 3 through 6 and 8 through 11, and postponement of Item No. 7 indefinitely at the request of the applicant, on the Consent Docket and approve by one unanimous vote. Dave Boeck seconded the motion.

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

YEAS	Curtis McCarty, Jim Gasaway, Roberta Pailes, Cindy Gordon, Dave Boeck, Sandy Bahan, Tom Knotts, Chris Lewis
NAYES	None
MEMBERS ABSENT	Andy Sherrer

Ms. Tromble announced that the motion, to place approval of Item Nos. 3 through 6 and 8 through 11, and postponement of Item No. 7 indefinitely at the request of the applicant, on the Consent Docket and approve by one unanimous vote, passed by a vote of 8-0.

* * *

Item No. 11, being:
PP-1213-14 – CONSIDERATION OF A PRELIMINARY PLAT SUBMITTED BY MONTEREY DEVELOPMENT COMPANY, L.L.C. (LEMKE LAND SURVEYING) FOR MONTEREY ADDITION FOR PROPERTY GENERALLY LOCATED AT THE SOUTHEAST CORNER OF 12TH AVENUE S.E. AND CEDAR LANE ROAD.

ITEMS SUBMITTED FOR THE RECORD:
1. Location Map
2. Preliminary Plat
3. Staff Report
4. Transportation Impacts
5. Oil Well Exhibit
6. Pre-Development Summary

PP-1213-14, the Preliminary Plat for MONTEREY ADDITION was approved on the Consent Docket by a vote of 8-0.

* * *

TRINITY RESOURCES, INC

FILED IN THE OFFICE OF THE CITY CLERK ON 4/24/13

April 24, 2013

City Council of Norman
Attn: City Clerk
PO Box 370
Norman, OK 73070

RE: Protest of Monterey Development Company, LLC's Preliminary Development Plat – In a portion of NW/4, Sec 16-8N-2W, Cleveland County

Dear City Clerk:

Trinity Resources, Inc. protests the Monterey Development Company, LLC's Preliminary Development Plat located in a portion of NW/4, Sec 16-8N-2W, Cleveland County. The Planning Commission approved the preliminary plat on April 11, 2013. Trinity Resources, Inc. is the operator of an existing oil well, Frank Tullius #3, within the proposed development area and also is the mineral leaseholder with oil and gas development rights for additional drilling across the South Half of the NW/4 of Sec 16-8N-2W and NE/4 of the NW/4 of Sec 16-8N-2W. The Frank Tullius #3 has been producing 1959. By virtue of the mineral lease, Trinity has easements for access to the existing well site as well as the existing production flow line from the well to the tank battery, and an electric easement to power the well's electric motor. Monterey's plat does not recognize the existing easements nor adequately provide for those easements. Additionally, the area around the Frank Tullius #3 is not sufficient for safe and necessary well operations. The attachment indicates an enlarged area required for operations around the well. Also, attached is a Google Map aerial photo of the existing operating area of the Okland Tullius Trust well which was drilled in 2004 and meets with city regulations. The Okland Tullius Trust well is located just north of the Frank Tullius #3 well within the same section. Please understand there may be more issues as Trinity continues its review of the plat.

Respectfully submitted,

Rob Arrowood
President

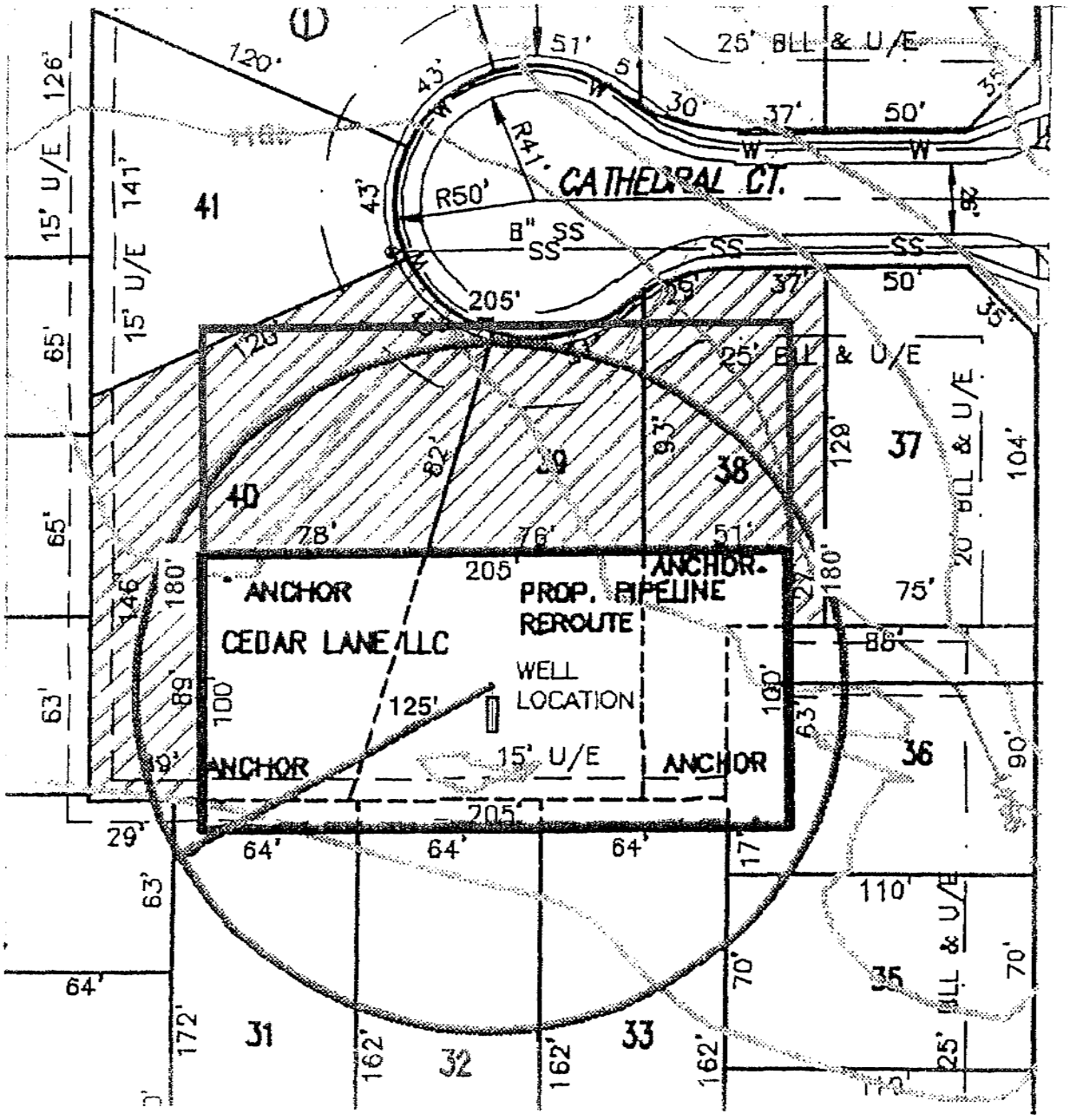
RA:bh

CC: Gregory Tontz
Ray Ledesma

Oklahoma Office
PO Box 722158
701 Wall Street
Norman, OK 73070

Metro 405 321 8740
Toll Free 800 747 4443
Fax 405 360 6698

TRINITY RESOURCES, INC.
FRANK TULLIUS #3



REQUIRED WELL PAD AREA

100 ft

04/11/2013

4/11/13

OKLAND TULLIUS TRUST
NW,NW,NW of SEC 16-8N-2W
DRILLED IN 2004

City of Norman, OK

Municipal Building Council Chambers
201 West Gray Street
Norman, OK 73069

Master

File Number: R-1213-108

File ID:	R-1213-108	**Type:**	Resolution	**Status:**	Non-Consent Items
Version:	1	**Reference:**	Item No. 48	**In Control:**	City Council
Department:	Public Works Department	**Cost:**		**File Created:**	03/18/2013
File Name:	Cedar Lane Recoupment			**Final Action:**	

Title: RESOLUTION NO. R-1213-108: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, DECLARING A RECOUPMENT PROJECT FOR COSTS ASSOCIATED WITH IMPROVEMENTS ON CEDAR LANE ROAD, AN ARTERIAL ROAD, FROM 400 FEET WEST OF 12TH AVENUE S.E. TO 1/2 MILE EAST OF 24TH AVENUE S.E.

Notes: ACTION NEEDED: Motion to adopt or reject Resolution No. R-1213-108.

ACTION TAKEN: _____

Agenda Date: 05/28/2013

Agenda Number: 48

Attachments: Text File R-1213-108, R-1213-108.pdf, Exhibit A, Map, Exhibit B, Recoupment List (5-16-2013)

Project Manager: Josh Malwick, Capital Projects Engineer

Entered by: pam.jones@normanok.gov

Effective Date:

History of Legislative File

Ver-sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:

Text of Legislative File R-1213-108

body

BACKGROUND: On February 8, 2011, City Council approved engineering services Contract No. K-1011-135 with Cardinal Engineering Inc. for the design of the Cedar Lane Road Widening Project. The Cedar Lane Road Widening Project involves the construction of a new four-lane roadway that will include five foot bike lines on each side of the road. The project will also include improvements to 12th Avenue SE and 24th Avenue SE as they approach Cedar Lane Road, improve the BNSF railroad crossing and resurface U.S. Highway 77 on the north and south sides of Cedar Lane Road. Signalization of the 12th Avenue SE and Cedar Lane Road intersection will also help relieve traffic congestion at peak travel times during the day.

On November 22, 2011, the Norman City Council approved programming Resolution No. R-1112-60 requesting federal funds to widen Cedar Lane Road. The resolution states the City's commitment to adhere to the terms and conditions of a federally funded project. Through the Association of Central Oklahoma Governments (ACOG), the Oklahoma Department of Transportation (ODOT) agrees to provide 80% of the project funding and to administer the construction with a 20% matching share from the City of Norman. In order to receive federal funding, the City of Norman was required to enter into an agreement with ODOT to complete the

design, acquire all necessary rights-of-way and relocate utilities and encroachments, at the City's cost. This agreement was adopted by resolution.

On August 28, 2012, the citizens of Norman voted in favor of a Bond Issue to finance the local share of eight transportation/storm water improvement projects. Please see Attachment A for the list of the bond projects with their estimated cost. Attachment B is a map of the Bond Projects. One of the eight 2012 bond projects is the Cedar Lane Road Widening Project. As indicated in Attachment A the cost of the Cedar Lane Road Widening Project is projected to be approximately $9.8 million. The City's share, after projected Federal funds are acquired, is estimated to be approximately $3.6 million.

Currently, staff, along with Cardinal Engineering and ODOT, has been able to fulfill the requirements necessary to complete the environmental study and begin the process of right-of-way acquisition. The right of way acquisition costs included in the City's share of this project associated with undeveloped property is currently estimated to be approximately $800,000. Under City development regulations, improvement of arterial roadways is a cost normally paid by the developer when property adjoining the roadway is developed. However, in this instance, since the roadway is being improved prior to development of adjoining land, a mechanism to require the developer to pay the development costs that would normally be paid by the developer is applicable. Section 16-603 of the Norman Code, adopted by Council on February 11, 1997, established a recoupment process to recover costs associated with the widening of arterial streets. Recoupment will allow the City of Norman to recover funds used to purchase right-of-way. Recoupment will also allow the City to recover funds used to cover the cost of design, utility relocation, and construction to the extent that those costs are not paid from bonds or federal grants. This Recoupment ordinance applies to unplatted parcels along and adjacent to Cedar Lane Road.

DISCUSSION: There are thirteen (13) unplatted parcels along Cedar Lane Road; part of which will be needed as right-of-way for the project. Exhibit A is a map of the unplatted parcels and Exhibit B is a table of the recoupment parcels. By adopting Resolution No. R-1213-108, the City will be able to recover the appropriate costs for the Cedar Lane Road improvements when the parcel is platted and developed in the future. According to the City's Recoupment Ordinance, if any of the thirteen (13) parcels do not develop within 20 years, the recoupment fee is waived. If any of the parcels develop between years 15 and 20, then the Recoupment assessment will be reduced proportionately each year down to zero at the twentieth year.

All thirteen (113) property owners will be notified at least ten (10) days before Council considers adopting the recoupment resolution for the Cedar Lane Widening Project. If approved, the attached Resolution will be filed with Cleveland County to provide notice to all future property owners and their agents. When the Cedar Lane Road Widening Project is completed, another Resolution will be prepared for Council's consideration, indicating the actual cost of the project and the associated recoupment fee per parcel. Recoupment fees are collected by the City upon approval by Council of a final plat of the property that is developed after the initial recoupment resolution is adopted.

RECOMMENDATION: As outlined above, the Recoupment Resolution presented with this item is somewhat routine, as outlined in Section 16-603 of the Norman Code, to preserve the right of the City to collect normal arterial roadway development costs that would normally be paid by the property developer, if the unplatted property is developed over the next twenty years. Staff recommends that Council approve Resolution No. R-1213-108.

Resolution

R-1213-108

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, DECLARING A RECOUPMENT PROJECT FOR COSTS ASSOCIATED WITH IMPROVEMENTS TO CEDAR LANE ROAD, AN ARTERIAL ROAD, FROM 400 FEET WEST OF 12TH AVENUE SE TO 1/2 MILE EAST OF 24TH AVENUE SE.

§ 1. WHEREAS, the City Council of the City of Norman, Oklahoma, has identified a need for improvements to be made to Cedar Lane Road from 400 feet west of 12th Avenue SE to ½ mile east of 24th Avenue SE and to provide for the equitable distribution of the costs of said improvements which are more particularly hereinafter described; and

§ 2. WHEREAS, Sections 16-601 through 16-603 of Article VI, Chapter 16, of the Code of the City of Norman, provide for public improvements to streets, curbs, driveways and intersections, and

§ 3. WHEREAS, such improvements should be made and recoupment of all associated costs from the benefited abutting property be provided at the time the abutting property is developed.

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

§ 4. That a recoupment project is hereby declared and established for the purposes and at the locations specified on Cedar Lane Road from 400 feet west of 12th Avenue SE to ½ mile east of 24th Avenue SE, as more particularly described and defined in Exhibits "A" and "B" attached hereto and made a part thereof.

§ 5. Further, that the City has delineated the boundaries and scope of the project as shown in Exhibit "A", the map, and Exhibit "B", the list, prepared and made a part of this declaration, which together show all abutting properties subject to recoupment, be filed of record in the office of the City Clerk and in the office of County Clerk of Cleveland County giving notice of this recoupment project, all pursuant to Sections 16-601 through 16-603 of Article VI, Chapter 16, of the Code of the City of Norman.

PASSED AND ADOPTED THIS_____ day of _____, 2013.

_____
Mayor

ATTEST:

_____
City Clerk

EXHIBIT A

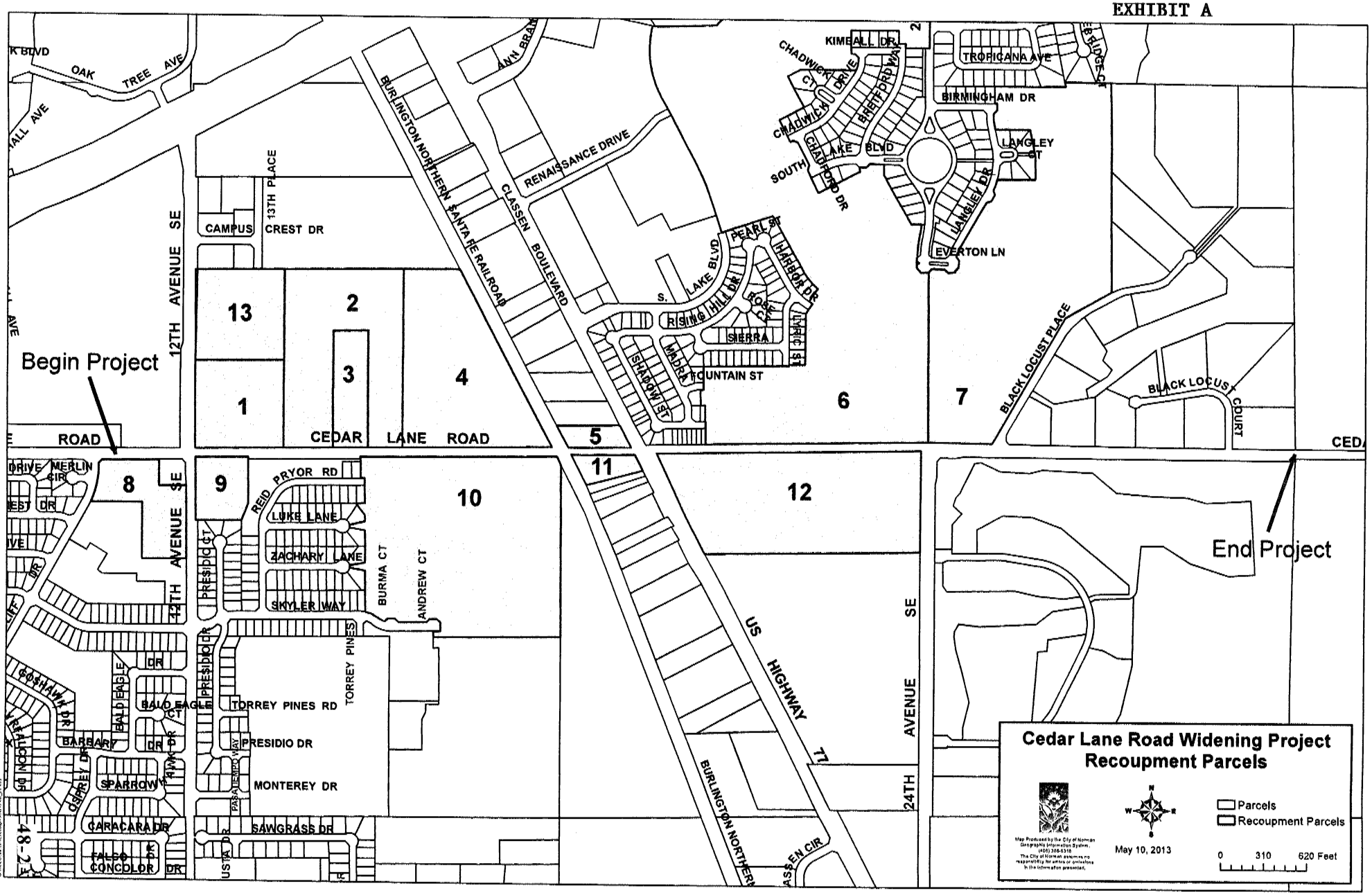

Begin Project
End Project
12TH AVENUE SE
42ND AVENUE SE
24TH AVENUE SE
US HIGHWAY 77
CEDAR LANE ROAD
OAK TREE AVE
CAMPUS CREST DR
13TH PLACE
RENAISSANCE DRIVE
CLASSEN BOULEVARD
BURLINGTON NORTHERN SANTA FE RAILROAD
ANN BRAE
KIMBALL DR
CHADWICK CT
CHADWICK DRIVE
BRETFORD WAY
TROPICANA AVE
BIRMINGHAM DR
SOUTH LAKE BLVD
CHADFORD DR
LANGLEY CT
LANGLEY DR
EVERTON LN
S. LAKE BLVD
PEARL ST
HARBOR DR
RISING HILL DR
ROCKY LN
SIERRA
MADRA FOUNTAIN ST
SHADOW ST
BLACK LOCUST PLACE
BLACK LOCUST COURT
REID PRYOR RD
LUKE LANE
ZACHARY LANE
SKYLER WAY
BURMA CT
ANDREW CT
PRESIDIO CT
PRESIDIO DR
TORREY PINES
TORREY PINES RD
PRESIDIO DR
MONTEREY DR
PASATIEMPO WAY
SAWGRASS DR
USTICA DR
BALD EAGLE DR
BALD EAGLE CT
GOSHAWK RD
BARBARY
OSPREY DR
SPARROW
CARACARA DR
FALCO CONCOLOR DR
MERLIN CIR
BURLINGTON NORTHERN
ASSEN CIR
1
2
3
4
5
6
7
8
9
10
11
12
13
Cedar Lane Road Widening Project
Recoupment Parcels
Map Produced by the City of Norman Geographic Information System. (405) 366-5316
The City of Norman assumes no responsibility for errors or omissions in the information presented.
May 10, 2013
Parcels
Recoupment Parcels
0 310 620 Feet

EXHIBIT B

Recoupment Parcel	Owner	Legal Description
Parcel 1	Wiley R. Madole, & Barbara Sue Madole Madole Family Revocable Trust 1501 East Cedar Lane Norman, OK 73072	A tract of land located in the Southwest Quarter (SW/4), Section Nine (9), Township Eight North (T8N), Range Two West (R2W), of the Indian Meridian, Cleveland County, Oklahoma, more particularly described as follows: Commencing at the S.W. Corner of said Southwest Quarter (SW/4) for a point or place of beginning; Thence N00°15'19"E on the West Line of said Southwest Quarter (SW/4) for a distance of 657.47 feet; Thence N89°23'29"E for a distance of 663.06 feet; Thence S00°15'19"W for a distance of 657.47 feet; Thence S89°23'29"W for a distance of 663.06 feet to the point or place of beginning containing 10.0067 acres more or less.
Parcel 2	½ interest James Robert Armstrong Revocable Living Trust ½ interest Dorothy Inez Madole-Armstrong Revocable Living Trust 1401 Cedar Lane Drive Norman, OK 73072	A tract of land being in the SW/4 of Section 9, Township 8 North, Range 2 West of the I.M., being more particularly described as follows: Beginning at a point 663.06 feet N89°23'29"E of the Southwest Corner of the SW/4 of said Section 9, thence N00°15'19"E a distance of 1314.94 feet, thence N89°23'29"E a distance of 856.85 feet, thence S00°15'19"W a distance of 1314.94 feet, thence S89°23'29"W a distance of 856.85 feet to the Point or Place of Beginning, containing 25.8627 acres, more or less, less and except all of the oil, gas and other minerals lying in and under and that may be produced therefrom, also LESS AND EXCEPT 5 acres described as follows: Commencing at the Southwest Corner of said Section 9, thence N89°23'29"E, along the South Line of the Southwest Quarter of said Section 9, a distance of 1019.91 feet to the Point or Place of Beginning; thence N00°15'19"E and parallel to the West Line of the Southwest Quarter of said Section 9, a distance of 871.20 feet; thence N89°23'29"E and parallel to the South Line of the Southwest Quarter of said Section 9 a distance of 250.00 feet; thence S00°15'19"W and parallel to the West Line of the Southwest Quarter of said Section 9 a distance of 871.20 feet to the South Line of the Southwest Quarter of said Section 9; thence S89°23'29"W along the South Line of the Southwest Quarter of said Section 9 a distance of 250.00 feet to the Point or Place of Beginning.
Parcel 3	Christopher J. Armstrong 1451 E. Cedar Lane Norman, OK 73072	A part of the Southwest Quarter (SW/4) of Section Nine (9), Township Eight (8) North, Range Two (2) West of the Indian Meridian, to Norman, Cleveland County, Oklahoma, being more particularly described as follows: Commencing at the Southwest Corner of said Section Nine (9), thence North 89°23'29" East along the South Line of the Southwest Quarter of said Section Nine (9) a distance of 1019.91 feet to the Point or Place of Beginning; thence North 00°15'19" East and parallel to the West Line of the Southwest Quarter of said Section Nine (9), a distance of 871.20 feet; thence North 89°23'29" East and parallel to the South Line of the Southwest Quarter of said Section Nine (9) a distance of 250.00 feet; thence South 00°15'19" West and parallel to the West Line of the Southwest Quarter of said Section Nine (9) a distance of 871.20 feet to the South Line of the Southwest Quarter of said Section Nine (9); thence South 89°23'29" West along the South Line of the Southwest Quarter of said Section Nine (9) a distance of 250.00 feet to the Point or Place of Beginning.
Parcel 4	Wiley R. Madole, & Barbara Sue Madole Madole Family Revocable Trust 1501 East Cedar Lane Norman, OK 73072	A tract of land being in the Southwest Quarter (SW/4) of Section 9, Township 8 North, Range 2 West of the I.M., Cleveland County, Oklahoma, being more particularly described as follows: Beginning at a point 1519.91 feet N89°23'29"E of the Southwest Corner of the Southwest Quarter (SW/4) of said Section 9, thence N00°15'19"E a distance of 1314.94 feet, thence N89°23'29"E a distance of 518.96 feet, thence S27°44'11"E a distance of 1333.24 feet, thence S00°06'26"E a distance of 128.22 feet, thence S89°23'29"W a distance of 1145.59 feet to the point or place of beginning containing 26.0309 acres, more or less.
Parcel 5	III Moore Properties, LTD 103 Highland Dr. Brownsville, TX 78520	Part of the of the Southwest Quarter SW ¼ of the Southeast Quarter SE ¼ and Part of the Southeast Quarter SE ¼ of the Southwest Quarter SW ¼ of Section Nine (9), Township Eight (8) North, Range Two (2) West of the I.M. described as follows: BEGINNING at the intersection of the West right-of-way line of U.S. Highway 77 and the South Line of said Section, running thence West along said South Line to its intersection with the East right-of-way line of the AT & SF R.R., thence Northwesterly to a point on said East RR right-of-way that is 191 feet North of said South Section Line, measured at right angles to said South Section Line, thence East parallel to said South Section Line to the West right-of-way line of U.S. Highway 77, thence Southeasterly along said highway right-of-way to the place of beginning. (aka 3590 Classen)

48-3

Recoupment Parcel	Owner	Legal Description
Parcel 6	½ interest Anthony K. Mirzaie 2731 S. I-35 Service Rd Moore, OK 73160 ½ interest Sterling, Inc 770 W. Rock Creek Road Suite 103 Norman, OK 73069	A tract of land being a part of Section Nine (9), Township Eight (8) North, Range Two (2) West of the Indian Meridian, Norman, Cleveland County, Oklahoma, being more particularly described as follows: Point of beginning being the Southeast corner of the Southeast Quarter (SE/4) of said Section Nine (9), Thence S 89 degrees 08'24" W, a distance of 1600.38 feet, Thence N 00 degrees 50' 18" W, a distance of 214.85 feet (measured) (recorded N 00 degrees 51' 36" W, a distance of 215.00 feet), Thence S 88 degrees 59' 57" W, a distance of 6.69 feet (measured) (recorded S 89 degrees 08' 24" W, a distance of 6.73 feet), Thence N 00 degrees 50' 44" W, a distance of 115.02 feet (measured) (recorded N 00 degrees 51' 36" W, a distance of 115.00 feet), Thence S 89 degrees 24' 24" W a distance of 31.55 feet (measured) (recorded S 89 degrees 08' 24" W, a distance of 31.40 feet), Thence N 00 degrees 51' 36" W, a distance of 114.94 feet (measured) and (recorded) to a point of curvature, Thence on a curve to the right having a delta angle of 01 degrees 28' 41", a radius of 185.48 feet a chord distance of 4.78 feet, a chord bearing of N 88 degrees 24' 03" E, an arc distance of 4.78 feet, Thence N 89 degrees 08' 24" E, a distance of 20.51 feet, Thence N 00 degrees 46' 54" W, a distance of 164.89 feet (measured) (recorded N 00 degrees 51' 36" W, a distance of 165.00 feet), Thence N 89 degrees 07' 29" E, a distance of 616.60 feet (measured) (recorded N 89 degrees 08' 24" E, a distance of 616.61 feet), Thence N 00 degrees 09' 08" W, a distance of 8.16 feet (measured) (recorded N 00 degrees 03' 46" W, a distance of 8.16 feet), Thence S 89 degrees 59' 46" E, a distance of 114.73 feet (measured) (recorded N 89 degrees 56' 14" E, a distance of 115.00 feet), Thence N 00 degrees 02' 25" W, a distance of 362.08 feet (measured) (recorded N 00 03' 46" W, a distance of 362.05 feet), Thence N 31 degrees 32' 40" E, a distance of 87.66 feet (measured) (recorded N 31 degrees 33' 46" E, a distance of 87.67 feet) to a point of Curvature, Thence on a curve to the right having a delta angle of 03 degrees 51' 47", a radius of 444.00 feet a chord distance of 29.93 feet, a chord bearing of N 56 degrees 30' 21" W, an arc distance of 29.94 feet, Thence N 35 degrees 25' 40" E, a distance of 115.00 feet (measured) (recorded N 35 degrees 25' 33" a distance of 115.00 feet) to a point of curvature, Thence on a curve to the right having a delta angle of 25 degrees 16' 55" a radius of 329.00 feet, a chord distance of 144.00 feet, a chord bearing of N 41 degrees 55' 59" W, and arc distance of 145.17 feet, Thence N 29 degrees 17' 32" W, a distance of 466.34 feet, Thence S 71 degrees 20' 49" W, a distance of 389.95 feet, Thence N 18 degrees 39' 11" W, a distance of 305.00 feet to a point of curvature, Thence on a curve to the left a delta angle of 08 degrees 56' 00", a radius of 960.11 feet, a chord distance of 149.54 feet, a chord bearing of N 23 degrees 07' 11" W, and arc distance of 149.70 feet, Thence N 27 degrees 36' 11" W, a distance of 619.12 feet to a point of curvature, Thence on a curve to the right having a delta angle of 41 degrees 12' 50" a radius of 730.79 feet, a chord distance of 514.41 feet, a chord bearing N of 06 degrees 58' 46" W, and arc distance of 525.67 feet, Thence S 78 degrees 00' 00" E, a distance of 25.01 feet, Thence N 88 degrees 41'59" E, a distance of 436.43 feet to a point of curvature, Thence on a curve to the right having a delta angle of 26 degrees 36' 58" a radius of 305.79 feet, a chord distance of 140.78 feet, a chord bearing of N 48 degrees 39' 00" E, (recorded S 48 degrees 40' 01" W, 140.91 feet amended final plat of SOUTH LAKE ADDITION SECTION 7, Book 16, Page 56), an arc distance of 142.05 feet, Thence N 61 degrees 57' 29" E, a distance of 401.87 feet, Thence N 89 degrees 54' 14" E, a distance of 292.65 feet, Thence N 89 degrees 54' 14" E, a distance of 785.00 feet, Thence S 00 degrees 05' 46" E, a distance of 658.99 feet, Thence S 00 degrees 03' 46" E, a distance of 2654.65 feet to the point of beginning. Said tract contains 111.6980 acres. Less and Except: Those portions of St. James Park, Section 3 & St. James Park, Section 4 that lie within the above described tract.

48-4

Recoupment Parcel	Owner	Legal Description
Parcel 7	Heritage Fine Homes, Inc. 770 W. Rock Creek Road Suite 103 Norman, OK 73069	BEGINNING at the Southwest Corner of Section 10, T-8N, R-2-W, I.M., Thence N 0 03' 46" W a distance of 2654.52 feet; Thence S 89 27' 57" E a distance of 1306.08 feet; Thence S 0 21' 23" E a distance of 2651.23 feet; Thence N 89 37' 05" W a distance of 1319.64 feet, to the Point of Beginning. Less and Except: Those portions of St. James Park, Section 3 & St. James Park, Section 2 that lie within the above described tract. Less and Except: Those portions of Cedar Lake Estates that lie within the above described tract.
Parcel 8	Eaglecliff LTP 1320 N. Porter Norman, OK 73071	The Northeast Quarter (NE/4) of Section Seventeen (17), Township Eight (8) North, Range Two (2) West of the Indian Meridian, Norman, Cleveland County, Oklahoma. Less and Except: Eagle Cliff Addition, Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 and associated parks dedicated to the City of Norman.
Parcel 9 & Parcel 10	Cedar Lane, LLC P.O. Box 5156 Norman, OK 73070	The Northwest Quarter (NW/4) of Section Sixteen (16), Township Eight (8) North, Range Two (2) West, of the Indian Meridian, LESS & EXCEPT the Southwest (SW/4) of said Northwest Quarter (NW/4) AND the West 100.00 feet of the Southeast Quarter (SE/4) of said Northwest Quarter (NW/4), containing 117 acres, more or less. Less and Except: Those portions of Cedar Lane Section 1 that lie within the above described tract.
Parcel 11	¾ interest Harold A. Henfling Theresa P. Henfling 3408 Madra Street Norman, OK 73071 Henfling Living Trust ¼ interest Patricia Keithley	A tract of land located in the Northeast Quarter (NE ¼) of Section Sixteen (16), Township Eight (8) North, Range Two (2) West of the Indian Meridian, Norman, Cleveland County, Oklahoma, described as follows: Commencing at the Northeast corner of said NE ¼ ; Thence S 89° 55' 08" W on the North line of said NE ¼ for a distance of 2133.12 feet to the point of beginning, said point being on the West Right-of-Way line of U.S. Highway No. 77; Thence S 89° 55' 08" W on the North line of said NE ¼ for a distance of 442.31 feet to a point on the East Right-of-Way line of the Burlington Northern-Santa Fe Railroad; Thence S 26° 57' 54" E on said East Right-of-Way for a distance of 35.54 feet; Thence Southeasterly on said Right-of-Way on a curve to the right, having a radius of 5,779.65 feet, a chord bearing of S 25° 49' 08" E for a curve distance of 231.26 feet; Thence N 76° 57' 00" E for a distance of 410.71 feet to a point on the West Right-of-Way line of U.S. Highway No. 77; Thence N 26° 48' 00" W on said West Right-of-Way line for a distance of 165.47 feet to the point of beginning, containing 1.97 acres more or less.
Parcel 12	½ interest Heritage Fine Homes, Inc. 770 W. Rock Creek Road Suite 103 Norman, OK 73069 ½ interest Anthony K. Mirzaie 2731 S. I-35 Service Rd Moore, OK 73160	The North 735.58 feet of the Northeast Quarter (NE/4) of Section Sixteen (16), Township Eight (8) North, Range Two (2) West of the Indian Meridian, Cleveland County, Oklahoma, lying East of U.S. Highway #77 Right-of-Way, also being described by Metes and Bounds as follows: Beginning at the Northeast Corner of said Northeast Quarter (NE/C NE/4), Thence S. 00 degrees 00'24" W. on the East Line of the Northeast Quarter (NE/4) of said Section 16 for a distance of 735.58 feet; Thence S. 89 degrees 08'24" W. for a distance of 1601.69 feet to a point on the East Right-of-Way line of U.S. Highway #77; Thence N. 25 degrees 40'38" W. on said Right-of-Way line for a distance of 1.11 feet; Thence N. 27 degrees 35'11" W. on said Right-of-Way line for a distance of 300.00 feet; Thence N. 25 degrees 10'37" W. on said Right-of-Way line for a distance of 511.96 feet to the point on the North line of the NE/4 of said Section 16, Thence N. 89 degrees 08'24" E. on said North line for a distance of 1959.02 feet to the point of beginning.

48-5

Recoupment Parcel	Owner	Legal Description
Parcel 13	Wiley R. Madole, & Barbara Sue Madole Madole Family Revocable Trust 1501 East Cedar Lane Norman, OK 73072	A tract of land located in the Southwest Quarter (SW/4), Section Nine (9), Township Eight North (T8N), Range Two West (R2W), of the Indian Meridian, Cleveland County, Oklahoma, more particularly described as follows: Commencing at the S.W. Corner of said Southwest Quarter (SW/4): Thence N00°15'19"E on the West Line of said Southwest Quarter (SW/4) for a distance of 657.47 feet to the point of beginning: Thence N00°15'19"E on said West Line for a distance of 657.47 feet; Thence N89°23'29"E for a distance of 663.06 feet; Thence S00°15'19"W for a distance of 657.47 feet; Thence S89°23'29"W for a distance of 663.06 feet to the point or place of beginning containing 10.0067 acres more or less.

Note: The above list Legal Descriptions are intended only to identify general parcels subject to financial recoupment of improvements associated with the reconstruction and widening of the Cedar Lane Project and associated intersection improvements and is not intended for any other boundary survey or subdivision of property.

48-6

City of Norman, OK

Municipal Building Council
Chambers
201 West Gray Street
Norman, OK 73069

Master

File Number: R-1213-140

File ID:	R-1213-140	**Type:**	Resolution	**Status:**	Non-Consent Items
Version:	1	**Reference:**	Item No. 49	**In Control:**	City Council
Department:	Legal Department	**Cost:**		**File Created:**	05/20/2013
File Name:	Franklin Road Condemnation			**Final Action:**	

Title: RESOLUTION NO. R-1213-140: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, DECLARING THE NECESSITY FOR ACQUIRING CERTAIN REAL PROPERTY, MORE PARTICULARLY HEREINAFTER DESCRIBED, ALL WITHIN THE CITY OF NORMAN, COUNTY OF CLEVELAND, STATE OF OKLAHOMA, FOR THE PURPOSE OF THE FRANKLIN ROAD BRIDGE REPLACEMENT PROJECT IN THE CITY OF NORMAN; DECLARING THE NECESSITY FOR ACQUIRING SAID PROPERTY FOR ROADWAY AND DRAINAGE PURPOSES; AND DECLARING AN EMERGENCY.

Notes: ACTION NEEDED: Motion to adopt or reject Resolution No. R-1213-140.

ACTION TAKEN: _____

Agenda Date: 05/28/2013

Agenda Number: 49

Attachments: Text File R-1213-140, R-1213-140, Franklin Road Project Map ROW

Project Manager: Kathryn Walker, Assistant City Attorney

Entered by: kathryn.walker@normanok.gov

Effective Date:

History of Legislative File

Ver-sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:

Text of Legislative File R-1213-140

Body

BACKGROUND: On August 28, 2012, the City of Norman voters approved a $42.5 million bond project that includes eight major transportation/storm water projects. These eight projects are anticipated to cost $89 million with federal funds paying over 50% of the costs. The projects include:

- West Lindsey Street widening and storm water improvements (2016)
- 24th Avenue SE widening and new traffic signal (2017)
- 36th Avenue NW widening and 2 new traffic signals (2018)
- 12th Avenue SE widening and improved traffic signal at SH-9 (2015)
- Main Street Bridge replacement over Brookhaven Creek and storm water improvements (2014)
- Alameda Street widening (2015)
- Cedar Lane widening and new traffic signal (2013)
- Franklin Road Bridge replacement over Little River (2014)

Although the Franklin Road Bridge project was slated to begin in 2014, Staff identified an opportunity for Federal Transportation Improvement Plan (TIP) funds if the land acquisition, utility relocation and project design is completed by August 2013. Because of this opportunity, Staff moved forward on these project components with the goal of completion in August.

The Franklin Road Bridge project requires the acquisition of five (5) parcels from two property owners. On May 14, 2013, the Council received an update on the progress of the Cedar Lane Widening and the Franklin Road Bridge Bond Projects. On May 14, 2013, Council accepted ten (10) easements representing seven (7) property owners. Also, on May 14, 2013, Council approved Easements No. E-1213-74 and E-1213-75 from Thompson Development Company. These represent Parcels 1 and 1.1 on Attachment 1 - Franklin Road Right of Way Acquisitions. Also on May 14, 2013, the Council adjourned into Executive Session to discuss the condemnation process anticipated for certain properties that must necessarily be acquired for the Cedar Lane Widening Project and the Franklin Road Bridge Project. City Staff has continued to work to acquire necessary easements by agreement. City Council's agenda on May 28, 2013 will include 17 additional easements acquired by agreement for acceptance by Council.

Although City Staff has continued to negotiate with the remaining property owners for the Franklin Bridge Project, Parcels 2, 2.1 and 2.2, Chris and Cindy Tietsort, those efforts at the time of printing the Agenda book have been unsuccessful. Although negotiations will continue even after filing a condemnation action, as previously discussed with Council, it is necessary to begin the process of condemnation in order to meet the goal of completing the land acquisition for this project by August 31, 2013. The Legal Department has prepared Resolution R-1213-140 concerning the necessity of acquiring these parcels for the Bridge Project.

DISCUSSION: The appraisal of the Tietsort property was conducted by an Oklahoma Department of Transportation (ODOT) Certified Appraiser. Following completion of the appraisal, another appraiser certified by ODOT conducted a review appraisal. The purpose of the "review appraisal" is to evaluate the appraisal in order to correct any deficiencies and to insure that the appraisal of the property is in order.

The basis of requiring an appraisal and a review appraisal is that it insures that the restrictions of the Fifth Amendment of the United States Constitution and the Constitution of the State of Oklahoma are met. The Fifth Amendment provides in part: ". . . nor shall private property be taken for public use without just compensation." Further, the Constitution of the State of Oklahoma provides: "Private property shall not be taken or damaged for public use without just compensation. Just compensation shall mean the value of the property taken,."

Finally, 11 O.S. § 22-104 provides that "every municipality shall have a right to: (3) exercise the right of eminent domain for any municipal purpose, . . .Section 22-105 provides that private property may be taken for public use, or for the purpose of giving a right-of-way or other privilege for any necessary purpose, in the manner provided by law; but in every case the municipality shall make adequate compensation to the person or persons whose property shall be taken or injured thereby as provided by law.

By requiring the appraisal and a review of the appraisal, it helps insure that the offer to the property owner is adequate. The Courts have viewed "just compensation" as the fair market value of the property taken. Fair market value means money which [the] purchaser willing but not obligated to buy property would pay to the owner willing but not obligated to sell it." *Grand River Dam Authority v. Bonford*, 111 P.2d 182 (Okla. 1941).

The City of Norman, through its right-of-way agents, has been working with the property owners to address any concerns they might have. After the property owner expressed a concern about the impact of the drainage easement (Parcel 2.1), Staff met the property owner onsite and changed the design so that the easement needed was smaller (a decrease of .49 acres) and altered the sloping so that there was less of an impact to farming the area. The City then made its offer to the property owners based upon the fair market value as determined by the review appraisal. The written offer to the property owners were delivered by the City's right-of-way agents, Smith Roberts Land Services on March 8, 2013. The City continued to work with the property owner towards settlement but a counter-offer was not proposed by the property owner until a face-to-face meeting with Legal staff on April 16, 2013. Staff responded to the counter-offer on April 26, 2013 and has not received a response from the property owner.

This Project is being conducted by the City in conjunction with the Federal Highway Administration ("FHWA")

and ODOT. The City has: (1) followed both federal and state regulations concerning the acquisition of private property for this public project; (2) provided the property owners property rights information as required by the regulations; (3) conducted appraisals and review appraisals as required by the regulations; (4) provided the property owners with all requested information with respect to this Project and their property; (5) representatives of the City and City Staff have been available at all times to discuss any issue with the property owners; and (6) requested information from the property owners that would assist City Staff in resolving the issue of acquiring these properties.

The City must complete property acquisition for this project in August to take advantage of available federal TIP funds. Although Staff desires to settle the acquisition process with the property owners, it is necessary to take the next step and file for condemnation to preserve the timeline of completion by August 31, 2013. Filing condemnation does not mean that efforts toward settlement will cease. It will ensure however, that the property is acquired in a timely fashion.

STAFF RECOMMENDATION: Based upon the above and foregoing, it is the recommendation of the City Attorney's Office that proposed Resolution No. R-1213-140 concerning the necessity of acquiring the previously described tract of property located on Franklin Road and authorizing the filing of eminent domain proceedings for the acquisition thereof be approved.

Resolution

R-1213-140

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, DECLARING THE NECESSITY FOR ACQUIRING CERTAIN REAL PROPERTY, MORE PARTICULARLY HEREINAFTER DESCRIBED, ALL WITHIN THE CITY OF NORMAN, COUNTY OF CLEVELAND, STATE OF OKLAHOMA, FOR THE PURPOSE OF THE FRANKLIN ROAD BRIDGE REPLACEMENT PROJECT IN THE CITY OF NORMAN; DECLARING THE NECESSITY FOR ACQUIRING SAID PROPERTY FOR ROADWAY AND DRAINAGE PURPOSES; AND DECLARING AN EMERGENCY.

§ 1. WHEREAS, the City of Norman has located and proposed a bridge replacement project located in the area of Franklin Road west of 12th Avenue NW; and

§ 2. WHEREAS, this project was approved by Council for the City of Norman by Resolution No. R-0809-99; and

§ 3. WHEREAS, the City of Norman has found it necessary to appropriate the hereinafter tracts of land for the above-designated public purpose; and

§ 4. WHEREAS, the City of Norman made a diligent effort, in good faith, to acquire, by purchase, from the owners thereof, the tracts of land hereinafter described and the said owners have refused, and still refuse, to grant and convey to the City of Norman the lands necessary for purpose as aforesaid.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA;

§ 5. That the acquisition and appropriation of the hereinafter described real estate is necessary for the Franklin Road Bridge replacement project. The easements to be acquired are more particularly described in the attached Exhibits "A," "B," and "C"; and

§ 6. That the City of Norman has heretofore offered to the owners of said properties a fair, just and reasonable price for the purchase of said lands and that the said offers have been rejected and all negotiations and efforts to purchase the said real properties, by agreement, have failed; and

§ 7. That the City Attorney is hereby authorized and directed to institute eminent domain proceedings for condemnation of the hereinabove described real properties for the public purposes as heretofore stated; and

§ 8. That an emergency exists for the preservation of public peace, health, safety and welfare, by reason whereof this Resolution shall take effect immediately from and after its adoption and approval.

PASSED AND ADOPTED this 28th day of May, 2013.

_____
Mayor

ATTEST:

_____
City Clerk

Exhibit A
Parcel 2

A portion of the Northeast Quarter (NE ¼) of Section 12, Township 9 North, Range 3 West of the Indian Base and Meridian, Cleveland County, Oklahoma described as follows:

Beginning at the NW corner of said NE ¼ of said Section 12, thence S 00°12'37" E on the west line of said NE ¼ a distance of 50.00 feet, thence S 79°42'03" E a distance of 289.13 feet to a point opposite and 100.00 feet southerly of Survey Centerline Station 39+25.00, thence S 89°39'34" E a distance of 675.00 feet to a point opposite and 100.00 feet southerly of Survey Centerline Station 46+00.00, thence N 83°58'08" E a distance of 603.73 feet to a point on the existing statutory right of way line of Franklin Road which is opposite and 33.00 southerly of Survey Centerline Station 52+00; thence N 00°20'26" E a distance of 33.00 feet to the north line of said Section 12; thence along the north line of said Section 12 N 89°39'34" W a distance of 1560.25 feet to the Point of Beginning.

EXCEPTING THEREFROM that portion lying within the existing statutory right of way of Franklin Road.

Contains 1.77 acres, or 77,287 square feet, more or less.

Exhibit B
Parcel 2.1

A portion of the Northeast Quarter (NE ¼) of Section 12, Township 9 North, Range 3 West of the Indian Base and Meridian, Cleveland County, Oklahoma as described as follows:

Commencing at the NW corner of said NE ¼ of said Section 12, thence S 00°12'37" E on the west line of said NE ¼ a distance of 50.00 feet, thence S 79°42'03" E a distance of 289.013 feet to a point opposite and 100.00 feet southerly of Survey Centerline Station 39+25.00, thence S 89°39'34" E a distance of 330.70 feet to a point opposite and 100.00 feet southerly of Survey Centerline Station 42+55.70, said point being the Point of Beginning of the herin described tract, thence S 08°39'34" E a distance of 381.10 feet to a point opposite and 476.40 feet southerly of Survey Centerline Station 43+15.32, thence S 73°01'45" W a distance of 105.26 feet to a point opposite and 507.72 feet southerly of Survey Centerline Station 42+14.832, thence S 16°58'15" E a distance of 15.00 feet to a point opposite and 522.04 feet southerly of Survey Centerline Station 42+19.29, thence N 73°01'45" E a distance of 103.07 feet to a point opposite and 491.38 feet southerly of Survey Centerline Station 43+17.69, thence N 81°29'38" E a distance of 116.30 feet to a point opposite and 473.49 feet southerly of Survey Centerline Station 44+32.61, thence N 09°19'44" W a distance of 378.87 feet to a point opposite and 100.00 feet southerly of Survey Centerline Station 43+68.97, thence N 89°39'34" W parallel with the south line of said Section 12 a distance of 113.27 feet to the Point of Beginning.

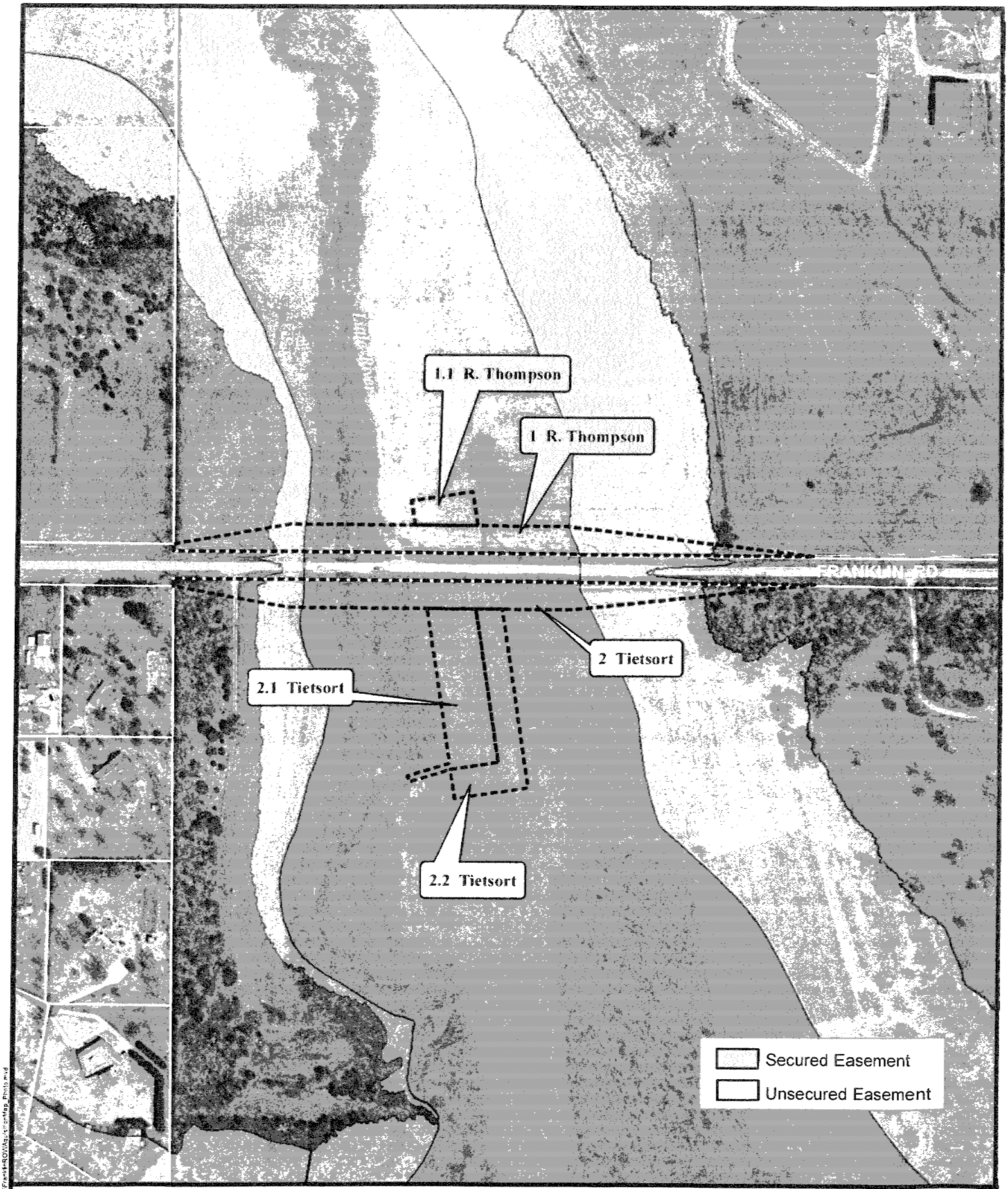
Contains 1.05 acres, or 45,757 square feet, more or less.

Exhibit C
Parcel 2.2

A portion of the Northeast Quarter (NE ¼) of Section 12, Township 9 North, Range 3 West of the Indian Base and Meridian, Cleveland County, Oklahoma described as follows:

Commencing at the NW corner of said NE ¼ of said Section 12, thence S 00°12'37" E on the west line of said NE ¼ a distance of 50.00 feet, thence S 79°42'03" E a distance of 289.13 feet to a point opposite and 100.00 feet southerly of Survey Centerline Station 39+25.00, thence S 89°39'34" E a distance of 443.97 feet to a point opposite and 100.00 feet southerly of Survey Centerline Station 43+68.97, said point being the Point of Beginning of the herein described tract, thence S 09°19'44" E a distance of 378.87 feet to a point opposite and 473.49 feet southerly of Survey Centerline Station 44+32.61, thence S 81°29'38" W a distance of 116.30 feet to a point opposite and 491.38 feet southerly of Survey Centerline Station 43+17.69, thence S 08°39'34" E a distance of 67.85 feet to a point opposite and 558.39 feet southerly of Survey Centerline Station 43+28.31, thence N 81°29'38" E a distance of 180.13 feet to a point opposite and 530.69 feet southerly of Survey Centerline Station 45+06.29, thence N 09°19'44" W a distance of 436.89 feet to a point opposite and 100 feet southerly of Survey Centerline Station 44+32.91, thence N 89°39'34" W parallel with the south line of said Section 12 a distance of 63.94 feet to the Point of Beginning.

Contains 0.82 acres, or 35,766 square feet, more or less.



Map Produced by the City of Norman Geographic Information System. (405) 366-5316
The City of Norman assumes no responsibility for errors or omissions in the information presented

Franklin Road Right of Way Aquisitions

Proposed Easements | Floodway | 100yr Floodplain

1" = 400'
May 10, 2013

City of Norman, OK

Municipal Building Council Chambers
201 West Gray Street
Norman, OK 73069

Master

File Number: R-1213-141

File ID:	R-1213-141	**Type:**	Resolution	**Status:**	Non-Consent Items
Version:	1	**Reference:**	Item No. 50	**In Control:**	City Council
Department:	Legal Department	**Cost:**		**File Created:**	05/20/2013
File Name:	Cedar Lane Condemnation Authorization			**Final Action:**	

Title: RESOLUTION NO. R-1213-141: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, DECLARING THE NECESSITY FOR ACQUIRING CERTAIN REAL PROPERTY, MORE PARTICULARLY HEREINAFTER DESCRIBED, ALL WITHIN THE CITY OF NORMAN, COUNTY OF CLEVELAND, STATE OF OKLAHOMA, FOR THE PURPOSE OF THE CEDAR LANE ROAD WIDENING PROJECT IN THE CITY OF NORMAN; DECLARING THE NECESSITY FOR ACQUIRING SAID PROPERTY FOR ROADWAY AND PURPOSES; AND DECLARING AN EMERGENCY.

Notes: ACTION NEEDED: Motion to adopt or reject Resolution No. R-1213-141.

ACTION TAKEN: _____

Agenda Date: 05/28/2013

Agenda Number: 50

Attachments: Text File R-1213-141, R-1213-141, Attachment 1
Parcels for Condemnation, Map R-1213-141

Project Manager: Kathryn Walker, Assistant City Attorney

Entered by: kathryn.walker@normanok.gov

Effective Date:

History of Legislative File

Ver-sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:

Text of Legislative File R-1213-141

Body
BACKGROUND:
On August 28, 2012, the City of Norman voters approved a $42.5 million bond project that includes eight major transportation/storm water projects. These eight projects are anticipated to cost $89 million with federal funds paying over 50% of the costs. The projects include:

- West Lindsey Street widening and storm water improvements (2016)
- 24th Avenue SE widening and new traffic signal (2017)
- 36th Avenue NW widening and 2 new traffic signals (2018)
- 12th Avenue SE widening and improved traffic signal at SH-9 (2015)
- Main Street Bridge replacement over Brookhaven Creek and storm water improvements (2014)

- Alameda Street widening (2015)
- Cedar Lane widening and new traffic signal (2013)
- Franklin Road Bridge replacement over Little River (2014)

The first planned project is the Cedar Lane Widening Project. This project is included in this year's Transportation Improvement Plan. If the City can finalize land acquisition, utility relocation and project design by August 2013, the City will receive approximately $6.2 million in federal funds for this project.

The Cedar Lane Widening Project requires the acquisition of forty-seven (47) easements from twenty (20) property owners. On May 14, 2013, the Council received an update on the progress of this Bond Projects. On May 14, 2013, Council accepted ten (10) easements representing seven (7) property owners. Also on May 14, 2013, the Council adjourned into Executive Session to discuss the condemnation process anticipated for certain properties that must necessarily be acquired for the Cedar Lane Widening Project. City Staff has continued to work to acquire necessary easements by agreement. City Council's agenda on May 28, 2013 will include 17 additional easements acquired by agreement for acceptance by Council.

Although City Staff has continued to negotiate with all the remaining property owners, those efforts at the time of printing the Agenda book have been unsuccessful for 21 parcels. As of print time, Staff is awaiting a counter-offer from the Madole and Armstrong families, who represent 16 of the 21 remaining parcels. Although negotiations will continue even after filing a condemnation action, as previously discussed with Council, it is necessary to begin the process of condemnation in order to meet the goal of completing the land acquisition for this project by August 31, 2013. The Legal Department has prepared Resolution R-1213-141 concerning the necessity of acquiring these parcels for the Cedar Lane Widening Project.

DISCUSSION:
The appraisals of the subject properties were conducted by an Oklahoma Department of Transportation (ODOT) Certified Appraiser. Following completion of the appraisal, Staff reviewed the appraisal to evaluate the appraisal in order to correct any deficiencies and to insure that the appraisals of the property are in order.

The basis of requiring an appraisal and a review appraisal is that it insures that the restrictions of the Fifth Amendment of the United States Constitution and the Constitution of the State of Oklahoma are met. The Fifth Amendment provides in part: ". . . nor shall private property be taken for public use without just compensation." Further, the Constitution of the State of Oklahoma provides: "Private property shall not be taken or damaged for public use without just compensation. Just compensation shall mean the value of the property taken, . . ."

Finally, 11 O.S. § 22-104 provides that "every municipality shall have a right to: . . . (3) exercise the right of eminent domain for any municipal purpose, . . ." Section 22-105 provides:

> Private property may be taken for public use, or for the purpose of giving a right-of-way or other privilege for any necessary purpose, in the manner provided by law; but in every case the municipality shall make adequate compensation to the person or persons whose property shall be taken or injured thereby as provided by law.

By requiring the appraisal and a review of the appraisal, it helps insure that the offer to the property owner is adequate. The Courts have viewed "just compensation" as the fair market value of the property taken. . . . fair market value . . . means money which [the] purchaser willing but not obligated to buy property would pay to the owner willing but not obligated to sell it." *Grand River Dam Authority v. Bonford*, 111 P.2d 182 (Okla. 1941).

The City of Norman, through its right-of-way agents, has been working with the property owners to address any concerns they might have. The written offer to the property owners were delivered by the City's right-of-way agents, Smith Roberts Land Services. The City has continued to work with the property owners towards settlement but settlement efforts have not been successful thus far for the parcels contained in the chart attached hereto as Attachment 1.

This Project is being conducted by the City in conjunction with the Federal Highway Administration ("FHWA") and ODOT. The City has: (1) followed both federal and state regulations concerning the acquisition of private property for this public project; (2) provided the property owners property rights information as required by the

regulations; (3) conducted appraisals and review appraisals as required by the regulations; (4) provided the property owners with all requested information with respect to this Project and their property; (5) representatives of the City and City Staff have been available at all times to discuss any issue with the property owners; and (6) requested information from the property owners that would assist City Staff in resolving the issue of acquiring these properties.

The City must complete property acquisition for this project in August to take advantage of available federal TIP funds. Although Staff desires to settle the acquisition process with the property owners, it is necessary to take the next step and file for condemnation to preserve the timeline of completion by August 31, 2013. Filing condemnation does not mean that efforts toward settlement will cease. It will ensure however, that the property is acquired in a timely fashion.

STAFF RECOMMENDATION:

Based upon the above and foregoing, it is the recommendation of the City Attorney's Office that proposed Resolution No. R-1213-141 concerning the necessity of acquiring the tracts of property described in Attachment 1 to this memorandum and in the exhibits attached to the Resolution, and associated with the Cedar Lane Project and authorizing the filing of eminent domain proceedings for the acquisition thereof, be approved.

Resolution

R-1213-141

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, DECLARING THE NECESSITY FOR ACQUIRING CERTAIN REAL PROPERTY, MORE PARTICULARLY HEREINAFTER DESCRIBED, ALL WITHIN THE CITY OF NORMAN, COUNTY OF CLEVELAND, STATE OF OKLAHOMA, FOR THE PURPOSE OF THE CEDAR LANE ROAD WIDENING PROJECT IN THE CITY OF NORMAN; DECLARING THE NECESSITY FOR ACQUIRING SAID PROPERTY FOR ROADWAY AND PURPOSES; AND DECLARING AN EMERGENCY.

§ 1. WHEREAS, the City of Norman has located and proposed a street widening project on Cedar Lane beginning in the vicinity of 12th Avenue SE and continuing to east of 24th Avenue SE; and

§ 2. WHEREAS, this project was approved by Council for the City of Norman by Resolution No. R-1112-60; and

§ 3. WHEREAS, the City of Norman has found it necessary to appropriate the hereinafter tracts of land for the above-designated public purpose; and

§ 4. WHEREAS, the City of Norman made a diligent effort, in good faith, to acquire, by purchase, from the owners thereof, the tracts of land hereinafter described and the said owners have refused, and still refuse, to grant and convey to the City of Norman the lands necessary for purpose as aforesaid.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA;

§ 5. That the acquisition and appropriation of the hereinafter described real estate is necessary for the Cedar Lane Widening project. The easements to be acquired are more particularly described in the attached Exhibits "A" thru "U".

§ 6. That the City of Norman has heretofore offered to the owners of said properties a fair, just and reasonable price for the purchase of said lands and that the said offers have been rejected and all negotiations and efforts to purchase the said real properties, by agreement, have failed; and

§ 7. That the City Attorney is hereby authorized and directed to institute eminent domain proceedings for condemnation of the hereinabove described real properties for the public purposes as heretofore stated; and

§ 8. That an emergency exists for the preservation of public peace, health, safety and welfare, by reason whereof this Resolution shall take effect immediately from and after its adoption and approval.

PASSED AND ADOPTED this 28th day of May, 2013.

_____
Mayor

ATTEST:

_____
City Clerk

Exhibit A
Parcel 2.0

A strip, piece, or parcel of land lying in the Southwest Quarter (SW 1/4) of Section 9, Township 8 North, Range 2 West of the Indian Meridian, Cleveland County, Oklahoma. Said parcel of land being more particularly described as follows:

COMMENCING at the Southwest corner of said SW 1/4, THENCE North 00°13'03" East along the West line of said SW 1/4, a distance of 657.47 feet to the POINT OF BEGINNING, THENCE continuing North 00°13'03" East along the West line of said SW 1/4 a distance of 100.71 feet, THENCE South 89°46'57" East a distance of 50.00 feet, THENCE South 00°13'03" West parallel with the West line of said SW 1/4, a distance of 99.96 feet, THENCE South 89°21'13" West a distance of 50.00 feet to the POINT OF BEGINNING. Containing 1701.50 sq. ft. or 0.04 acres, more or less, of new Roadway Easement, the remaining area included in the above description being right-of-way occupied by the present roadway.

Exhibit B
Parcel 2.1

A strip, piece, or parcel of land lying in the Southwest Quarter (SW 1/4) of Section 9, Township 8 North, Range 2 West of the Indian Meridian, Cleveland County, Oklahoma. Said parcel of land being more particularly described as follows:

COMMENCING at the Southwest corner of said SW 1/4, THENCE North 00°13'03" East along the West line of said SW 1/4, a distance of 657.47 feet; THENCE North 89°21'13" East a distance of 50.00 feet to the POINT OF BEGINNING;
THENCE North 00°13'03" East and parallel with the West line of said SW 1/4 a distance of 99.96 feet; THENCE South 01°44'55" East a distance of 99.97 feet; THENCE South 89°21'13" West a distance of 3.43 feet to the POINT OF BEGINNING. Containing 168.26 sq. ft. or 0.004 acres, more or less.

Exhibit C
Parcel 3.0

A strip, piece, or parcel of land lying in the Southwest Quarter (SW 1/4) of Section 9, Township 8 North, Range 2 West of the Indian Meridian, Cleveland County, Oklahoma. Said parcel of land being more particularly described as follows:

COMMENCING at the Southwest corner of said SW 1/4, THENCE North 00°13'03" East along the West line of said SW 1/4, a distance of 657.47 feet to the POINT OF BEGINNING, THENCE continuing North 00°13'03" East along the West line of said SW 1/4 a distance of 100.71 feet, THENCE South 89°46'57" East a distance of 50.00 feet, THENCE South 00°13'03" West parallel with the West line of said SW 1/4, a distance of 99.96 feet, THENCE South 89°21'13" West a distance of 50.00 feet to the POINT OF BEGINNING. Containing 1701.50 sq. ft. or 0.04 acres, more or less, of new Roadway Easement, the remaining area included in the above description being right-of-way occupied by the present roadway.

Exhibit D
Parcel 3.1

A strip, piece, or parcel of land lying in the Southwest Quarter (SW 1/4) of Section 9, Township 8 North, Range 2 West of the Indian Meridian, Cleveland County, Oklahoma. Said parcel of land being more particularly described as follows:

COMMENCING at the Southwest corner of said SW ¼, THENCE North 00°13'03" East along the West line of said SW 1/4, a distance of 105.76 feet, THENCE South 89°46'57" East a distance of 50.00 feet to the POINT OF BEGINNING, THENCE North 00°13'03" East parallel with the West line of said SW 1/4, a distance of 14.04 feet, THENCE South 45°12'41" East a distance of 82.87 feet, THENCE South 89°21'46" West parallel with the South line of said SW 1/4, a distance of 14.04 feet, THENCE North 45°12'41" West a distance of 63.17 feet to the POINT OF BEGINNING. Containing 730.21 sq. ft. or 0.02 acres, more or less.

Exhibit E
Parcel 3.2

A strip, piece, or parcel of land lying in the Southwest Quarter (SW 1/4) of Section 9, Township 8 North, Range 2 West of the Indian Meridian, Cleveland County, Oklahoma. Said parcel of land being more particularly described as follows:

COMMENCING at the Southwest corner of said SW ¼, THENCE North 00°13'03" East along the West line of said SW 1/4, a distance of 341.03 feet, THENCE South 89°46'57" East a distance of 50.00 feet to the POINT OF BEGINNING, THENCE North 00°13'03" East parallel with the West line of said SW 1/4, a distance of 50.00 feet, THENCE South 89°46'57" East a distance of 10.00 feet, THENCE South 00°13'03" West parallel with the West line of said SW 1/4, a distance of 50.00 feet, THENCE North 89°46'57" West a distance of 10.00 feet to the POINT OF BEGINNING. Containing 499.34 sq. ft. or 0.01 acres, more or less.

Exhibit F
Parcel 3.3

A strip, piece, or parcel of land lying in the Southwest Quarter (SW 1/4) of Section 9, Township 8 North, Range 2 West of the Indian Meridian, Cleveland County, Oklahoma. Said parcel of land being more particularly described as follows:

COMMENCING at the Southwest corner of said SW ¼, THENCE North 89°21'46" East along the South line of said SW 1/4, a distance of 663.06 feet, THENCE North 00°13'36" East a distance of 50.00 feet to the POINT OF BEGINNING, THENCE South 89°21'46" West parallel with the South line of said SW 1/4, a distance of 341.00 feet, THENCE North 79°19'38" West a distance of 50.99 feet, THENCE North 89°21'46" East parallel with the South line of said SW 1/4, a distance of 391.15 feet, THENCE South 00°13'36" West a distance of 10.00 feet to the POINT OF BEGINNING. Containing 3660.78 sq. ft. or 0.08 acres, more or less.

Exhibit G
Parcel 3.4

A strip, piece, or parcel of land lying in the Southwest Quarter (SW 1/4) of Section 9, Township 8 North, Range 2 West of the Indian Meridian, Cleveland County, Oklahoma. Said parcel of land being more particularly described as follows:

COMMENCING at the Southwest corner of said SW 1/4; THENCE North 00°13'03" East along the West line of said SW 1/4, a distance of 119.79 feet; THENCE South 89°46'57" East a distance of 50.00 feet to the POINT OF BEGINNING;

THENCE North 00°13'03" East parallel with the West line of said SW 1/4, a distance of 538.43 feet; THENCE North 89°21'13" East a distance of 3.43 feet; THENCE South 01°44'55" East a distance of 561.16 feet; THENCE North 45°12'41" West a distance of 31.84 feet to the POINT OF BEGINNING. Containing 7,050.36 sq. ft. or 0.16 acres, more or less.

Exhibit H
Parcel 4.0

A strip, piece, or parcel of land lying in the Southwest Quarter (SW 1/4) of Section 9, Township 8 North, Range 2 West of the Indian Meridian, Cleveland County, Oklahoma. Said parcel of land being more particularly described as follows:

COMMENCING at the Southwest corner of said SW ¼, THENCE North 89°21'46" East along the South line of said SW 1/4, a distance of 663.06 feet to the POINT OF BEGINNING, THENCE North 00°13'36" East a distance of 50.00 feet, THENCE North 89°21'46" East parallel with the South line of said SW 1/4, a distance of 356.85 feet, THENCE South 00°13'36" West to a point on the South line of said SW 1/4, a distance of 50.00 feet, THENCE South 89°21'46" West along the South line of said SW 1/4, a distance of 356.85 feet to the POINT OF BEGINNING. Containing 6066.45 sq. ft. or 0.14 acres, more or less, of new Roadway Easement, the remaining area included in the above description being right-of-way occupied by the present roadway.

Exhibit I
Parcel 4.1

A strip, piece, or parcel of land lying in the Southwest Quarter (SW 1/4) of Section 9, Township 8 North, Range 2 West of the Indian Meridian, Cleveland County, Oklahoma. Said parcel of land being more particularly described as follows:

COMMENCING at the Southwest corner of said SW ¼, THENCE North 89°21'46" East along the South line of said SW 1/4, a distance of 663.06 feet, THENCE North 00°13'36" East a distance of 50.00 feet to the POINT OF BEGINNING, THENCE continuing North 00°13'36" East a distance of 10.00 feet, THENCE North 89°21'46" East parallel with the South line of said SW 1/4, a distance of 356.85 feet, THENCE South 00°13'36" West a distance of 10.00 feet, THENCE South 89°21'46" West parallel with the South line of said SW 1/4, a distance of 356.85 feet to the POINT OF BEGINNING.Containing 3568.50 sq. ft. or .08 acres, more or less.

Exhibit J
Parcel 5.0

A strip, piece, or parcel of land lying in the Southwest Quarter (SW 1/4) of Section 9, Township 8 North, Range 2 West of the Indian Meridian, Cleveland County, Oklahoma. Said parcel of land being more particularly described as follows:

COMMENCING at the Southwest corner of said SW ¼, THENCE North 89°21'46" East along the South line of said SW 1/4, a distance of 1019.91 feet to the POINT OF BEGINNING, THENCE North 00°13'36" East a distance of 50.00 feet, THENCE North 89°21'46" East parallel with the South line of said SW 1/4, a distance of 250.00 feet, THENCE South 00°13'36" West to a point on the South line of said SW 1/4, a distance of 50.00 feet, THENCE South 89°21'46" West along the South line of said SW 1/4, a distance of 250.00 feet to the POINT OF BEGINNING. Containing 4250.00 sq. ft. or 0.10 acres, more or less, of new Roadway Easement, the remaining area included in the above description being right-of-way occupied by the present roadway.

Exhibit K
Parcel 5.1

A strip, piece, or parcel of land lying in the Southwest Quarter (SW 1/4) of Section 9, Township 8 North, Range 2 West of the Indian Meridian, Cleveland County, Oklahoma. Said parcel of land being more particularly described as follows:

COMMENCING at the Southwest corner of said SW ¼, THENCE North 89°21'46" East along the South line of said SW 1/4, a distance of 1019.91 feet, THENCE North 00°13'36" East a distance of 50.00 feet to the POINT OF BEGINNING, THENCE continuing North 00°13'36" East a distance of 10.00 feet, THENCE North 89°21'46" East parallel with the South line of said SW 1/4, a distance of 250.00 feet, THENCE South 00°13'36" West a distance of 10.00 feet, THENCE South 89°21'46" West parallel with the South line of said SW 1/4, a distance of 250.00 feet to the POINT OF BEGINNING.
Containing 2500.00 sq. ft. or 0.06 acres, more or less.

Exhibit L
Parcel 6.0

A strip, piece, or parcel of land lying in the Southwest Quarter (SW 1/4) of Section 9, Township 8 North, Range 2 West of the Indian Meridian, Cleveland County, Oklahoma. Said parcel of land being more particularly described as follows:

COMMENCING at the Southwest corner of said SW ¼, THENCE North 89°21'46" East along the South line of said SW 1/4, a distance of 1269.91 feet to the POINT OF BEGINNING, THENCE North 00°13'36" East a distance of 50.00 feet, THENCE North 89°21'46" East parallel with the South line of said SW 1/4, a distance of 250.00 feet, THENCE South 00°13'36" West to a point on the South line of said SW 1/4, a distance of 50.00 feet, THENCE South 89°21'46" West along the South line of said SW 1/4, a distance of 250.00 feet to the POINT OF BEGINNING. Containing 4250.00 sq. ft. or 0.10 acres, more or less, of new Roadway Easement, the remaining area included in the above description being right-of-way occupied by the present roadway.

Exhibit M
Parcel 6.1

A strip, piece, or parcel of land lying in the Southwest Quarter (SW 1/4) of Section 9, Township 8 North, Range 2 West of the Indian Meridian, Cleveland County, Oklahoma. Said parcel of land being more particularly described as follows:

COMMENCING at the Southwest corner of said SW ¼, THENCE North 89°21'46" East along the South line of said SW 1/4, a distance of 1269.91 feet, THENCE North 00°13'36" East a distance of 50.00 feet to the POINT OF BEGINNING, THENCE continuing North 00°13'36" East a distance of 10.00 feet, THENCE North 89°21'46" East parallel with the South line of said SW 1/4, a distance of 250.00 feet, THENCE South 00°13'36" West a distance of 10.00 feet, THENCE South 89°21'46" West parallel with the South line of said SW 1/4, a distance of 250.00 feet to the POINT OF BEGINNING.
Containing 2500.00 sq. ft. or 0.06 acres, more or less.

Exhibit N
Parcel 7.0

A strip, piece, or parcel of land lying in the Southwest Quarter (SW 1/4) of Section 9, Township 8 North, Range 2 West of the Indian Meridian, Cleveland County, Oklahoma. Said parcel of land being more particularly described as follows:

COMMENCING at the Southeast corner of said SW ¼, THENCE South 89°21'46" West along the South line of said SW 1/4, a distance of 44.28 feet to the POINT OF BEGINNING, said point being on the West Right-of-Way line of the AT&SF Railroad, THENCE continuing South 89°21'46" West along the South line of said SW 1/4 a distance of 1100.04 feet, THENCE North 00°13'36" East a distance of 50.00 feet, THENCE North 89°21'46" East parallel with the South line of said SW 1/4, a distance of 1073.67 feet to a point on the West Right-of-Way line of the AT&SF Railroad, THENCE South 27°45'53" East along the West Right-of-Way line of the AT&SF Railroad, a distance of 56.19 feet to the POINT OF BEGINNING. Containing 18327.76 sq. ft. or 0.42 acres, more or less, of new Roadway Easement, the remaining area included in the above description being right-of-way occupied by the present roadway.

Exhibit O
Parcel 7.1

A strip, piece, or parcel of land lying in the Southwest Quarter (SW 1/4) of Section 9, Township 8 North, Range 2 West of the Indian Meridian, Cleveland County, Oklahoma. Said parcel of land being more particularly described as follows:

COMMENCING at the Southeast corner of said SW ¼, THENCE South 89°21'46" West along the South line of said SW 1/4, a distance of 44.28 feet to a point on the West Right-of-Way line of the AT&SF Railroad, THENCE North 27°45'53" West along the West Right-of-Way line of the AT&SF Railroad, a distance of 56.19 feet to the POINT OF BEGINNING, THENCE South 89°21'46" West parallel with the South line of said SW 1/4 a distance of 185.02 feet, THENCE North 00°38'14" West a distance of 15.00 feet, THENCE North 89°21'46" East parallel with the South line of said SW 1/4, a distance of 101.38 feet,
THENCE North 00°38'14" West a distance of 115.07 feet, THENCE North 89°21'46" East parallel with the South line of said SW 1/4, a distance of 17.01 feet to a point on the West Right-of-Way line of the AT&SF Railroad, THENCE South 27°45'53" East along the West Right-of-Way line of the AT&SF Railroad, a distance of 39.45 feet, THENCE South 00°38'14" East a distance of 74.95 feet, THENCE North 89°21'46" East parallel with the South line of said SW 1/4, a distance of 38.40 feet to a point on the West Right-of-Way line of the AT&SF Railroad, THENCE South 27°45'53" East along the West Right-of-Way line of the AT&SF Railroad, a distance of 22.47 feet to the POINT OF BEGINNING.

Containing 6627.32 sq. ft. or 0.15 acres, more or less.

Exhibit P
Parcel 7.2

A strip, piece, or parcel of land lying in the Southwest Quarter (SW 1/4) of Section 9, Township 8 North, Range 2 West of the Indian Meridian, Cleveland County, Oklahoma. Said parcel of land being more particularly described as follows:

COMMENCING at the Southeast corner of said SW ¼, THENCE South 89°21'46" West along the South line of said SW 1/4, a distance of 1144.32 feet, THENCE North 00°13'36" East a distance of 50.00 feet to the POINT OF BEGINNING, THENCE continuing North 00°13'36" East a distance of 10.00 feet, THENCE North 89°21'46" East parallel with the South line of said SW 1/4 a distance of 888.50 feet, THENCE South 00°38'14" East a distance of 10.00 feet, THENCE South 89°21'46" West parallel with the South line of said SW 1/4 a distance of 888.65 feet to the POINT OF BEGINNING. Containing 8885.70 sq. ft. or 0.20 acres, more or less.

Exhibit Q
Parcel 8.0

A strip, piece, or parcel of land lying in the Southeast Quarter (SE 1/4) of Section 9, Township 8 North, Range 2 West of the Indian Meridian, Cleveland County, Oklahoma. Said parcel of land being more particularly described as follows:

COMMENCING at the Southwest corner of said SE ¼, THENCE North 89°06'58" East along the South line of said SE 1/4, a distance of 67.94 feet to the POINT OF BEGINNING, said point being on the East Right-of-Way line of the AT&SF Railroad, THENCE North 27°45'53" West along the East Right-of-Way line of the AT&SF Railroad, a distance of 67.27 feet, THENCE North 89°06'58" East parallel with the South line of said SE 1/4, a distance of 406.45 feet, THENCE North 30°45'10" East a distance of 37.97 feet to a point on the West Right-of-Way line of the Oklahoma State Highway 77, THENCE South 27°36'37" East along the West Right-of-Way line, a distance of 103.37 feet to the South line of said SE ¼, THENCE South 89°06'58" West along the South line of said SE 1/4, a distance of 442.44 feet to the POINT OF BEGINNING. Containing 12535.26 sq. ft. or 0.29 acres, more or less, of new Roadway Easement, the remaining area included in the above description being right-of-way occupied by the present roadway.

Exhibit R
Parcel 8.1

A strip, piece, or parcel of land lying in the Southeast Quarter (SE 1/4) of Section 9, Township 8 North, Range 2 West of the Indian Meridian, Cleveland County, Oklahoma. Said parcel of land being more particularly described as follows:

COMMENCING at the Southwest corner of said SE ¼, THENCE North 89°06'58" East along the South line of said SE 1/4, a distance of 67.94 feet to a point on the East Right-of-Way line of the AT&SF Railroad, THENCE North 27°45'53" West along the East Right-of-Way line of the AT&SF Railroad, a distance of 67.27 feet, THENCE North 89°06'58" East parallel with the South line of said SE 1/4, a distance of 55.38 feet to the POINT OF BEGINNING, THENCE North 45°29'47" West a distance of 14.05 feet, THENCE North 89°06'58" East parallel with the South line of said SE 1/4, a distance of 367.10 feet, THENCE South 30°45'10" West a distance of 11.75 feet, THENCE South 89°06'58" West parallel with the South line of said SE 1/4, a distance of 351.07 feet to the POINT OF BEGINNING.

Containing 3590.87 sq. ft. or 0.08 acres, more or less.

Exhibit S
Parcel 8.2

A strip, piece, or parcel of land lying in the South Half (S 1/2) of Section 9, Township 8 North, Range 2 West of the Indian Meridian, Cleveland County, Oklahoma. Said parcel of land being more particularly described as follows:

COMMENCING at the Southwest corner of said SE ¼, THENCE North 89°06'58" East along the South line of SE 1/4 of Section 9, a distance of 67.94 feet to a point on the East Right-of-Way line of the AT&SF Railroad, THENCE North 27°45'53" West along the East Right-of-Way line of the AT&SF Railroad, a distance of 67.27 feet to the POINT OF BEGINNING, THENCE continuing North 27°45'53" West along the East Right-of-Way line of the AT&SF Railroad, a distance of 146.87 feet, THENCE North 89°06'58" East parallel with the South line of SE 1/4 of Section 9, a distance of 11.21 feet, THENCE South 27°45'53" East a distance of 43.64 feet, THENCE South 45°29'47" East a distance of 129.34 feet, THENCE South 89°06'58" West parallel with the South line of SE 1/4 of Section 9, a distance of 55.38 feet;
to the POINT OF BEGINNING. Containing 3501.96 sq. ft. or 0.08 acres, more or less.

Exhibit T
Parcel 8.3

A strip, piece, or parcel of land lying in the Southeast Quarter (SE 1/4) of Section 9, Township 8 North, Range 2 West of the Indian Meridian, Cleveland County, Oklahoma. Said parcel of land being more particularly described as follows:

COMMENCING at the Southwest corner of said SE ¼, THENCE North 89°06'58" East along the South line of said SE 1/4, a distance of 232.82 feet, THENCE North 00°53'02" West a distance of 70.00 feet to the POINT OF BEGINNING, THENCE continuing North 00°53'02" West a distance of 15.00 feet, THENCE North 89°06'58" East parallel with the South line of said SE 1/4, a distance of 100.00 feet, THENCE South 00°53'02" East a distance of 15.00 feet, THENCE South 89°06'58" West parallel with the South line of said SE 1/4, a distance of 100.00 feet to the POINT OF BEGINNING.

Containing 1500.00 sq. ft. or 0.03 acres, more or less.

Exhibit U
Parcel 14.0

A strip, piece, or parcel of land lying in the Southwest Quarter (SW 1/4) of Section 9, Township 8 North, Range 2 West of the Indian Meridian, Cleveland County, Oklahoma. Said parcel of land being more particularly described as follows:

COMMENCING at the Southeast corner of said SW ¼, THENCE North 89°06'58" East along the South line of the SE 1/4 of Section 9, a distance of 67.94 feet to a point on the East Right-of-Way line of the AT&SF Railroad, THENCE North 27°45'53" West along the East Right-of-Way line of the AT&SF Railroad, a distance of 214.14 feet to the POINT OF BEGINNING, THENCE continuing North 27°45'53" West along the East Right-of-Way line of the AT&SF Railroad, a distance of 214.14 feet, THENCE North 89°06'58" East parallel with the South line of the SE 1/4 of Section 9, a distance of 11.21 feet, THENCE South 27°45'53" East parallel with the East Right-of-Way line of the AT&SF Railroad, a distance of 214.14 feet,
THENCE South 89°06'58" West parallel with the South line of the SE 1/4 of Section 9, a distance of 11.21 feet to the POINT OF BEGINNING. Containing 2141.38 sq. ft. or 0.05 acres, more or less.

CEDAR LANE WIDENING PROJECT
Parcels identified for possible condemnation

Exhibit	Parcel No.	Property Owner(s)	Type of Easement
A	2.0	Wiley R. and Barbara Sue Madole	Public Roadway, Drainage and Utilities Easement
B	2.1		Utility Easement
C	3.0	Wiley R. and Barbara Sue Madole	Public Roadway, Drainage and Utilities Easement
D	3.1		Temporary Construction Easement
E	3.2		Temporary Construction Easement
F	3.3		Utility Easement
G	3.4		Utility Easement
H	4.0	James Robert Armstrong & Dorothy Inez Madole-Armstrong	Public Roadway, Drainage and Utilities Easement
I	4.1		Utility Easement
J	5.0	Christopher Armstrong	Public Roadway, Drainage and Utilities Easement
K	5.1		Utility Easement
L	6.0	James Robert Armstrong & Dorothy Inez Madole-Armstrong	Public Roadway, Drainage and Utilities Easement
M	6.1		Utility Easement
N	7.0	Wiley R. and Barbara Sue Madole	Public Roadway, Drainage and Utilities Easement
O	7.1		Temporary Construction Easement
P	7.2		Utility Easement
Q	8.0	III Moore Properties, Ltd.	Public Roadway, Drainage and Utilities Easement
R	8.1		Temporary Construction Easement
S	8.2		Public Drainage Easement
T	8.3		Temporary Driveway Easement
U	14.0		Public Drainage Easement

Map Produced by the City of Norman Geographic Information System.
(405) 366-5316
The City of Norman assumes no responsibility for errors or omissions in the information presented.

Cedar Lane Road Project
Right of Way Aquisitions

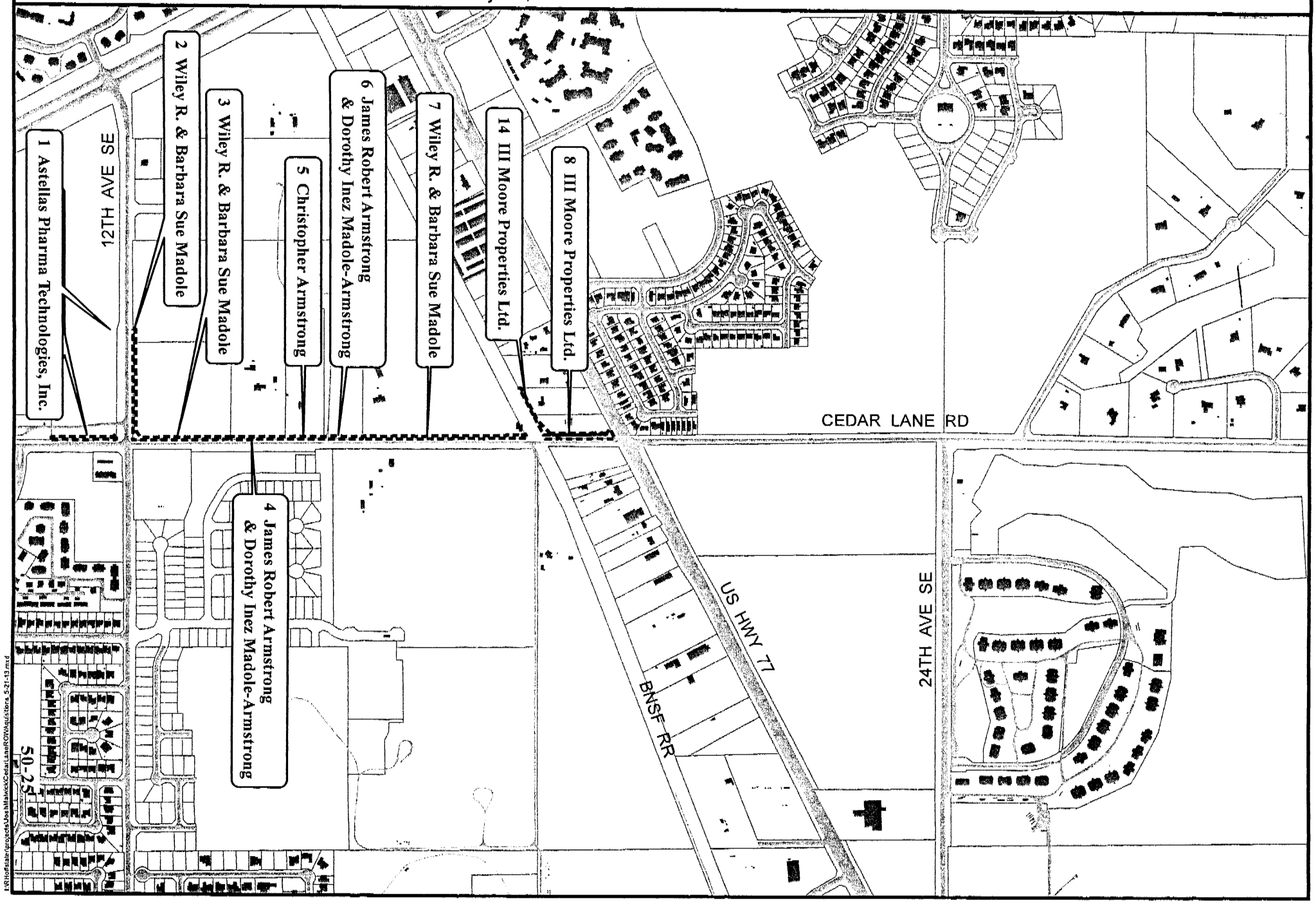
May 28, 2013

Proposed Easements

Parcels
Structure
Roads

N W E S

1" = 800'



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City of Norman, OK

Municipal Building Council Chambers
201 West Gray Street
Norman, OK 73069

Master

File Number: R-1213-113

File ID:	R-1213-113	**Type:**	Resolution	**Status:**	Non-Consent Items
Version:	1	**Reference:**	Item No. 51	**In Control:**	City Council
Department:	Planning and Community Development Department	**Cost:**		**File Created:**	03/13/2013
File Name:	Breckenridge 2025			**Final Action:**	

Title: RESOLUTION NO. R-1213-113: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING THE NORMAN 2025 LAND USE AND TRANSPORTATION PLAN, LAND USE PLAN AMENDMENT NO. LUP-1213-9, SO AS TO PLACE PART OF THE WEST HALF OF THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 9, TOWNSHIP 8 NORTH, RANGE 2 WEST OF THE INDIAN MERIDIAN, NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN THE MEDIUM DENSITY RESIDENTIAL DESIGNATION AND REMOVE THE SAME FROM THE INDUSTRIAL DESIGNATION. (SOUTH SIDE OF IMHOFF ROAD APPROXIMATELY 900 FEET EAST OF CLASSEN BOULEVARD)

Notes: ACTION NEEDED: Motion to adopt or reject Resolution No. R-1213-113, Land Use Plan Amendment No. LUP-1213-9; and, if adopted, amend the NORMAN 2025 Land Use and Transportation Plan according thereto

ACTION TAKEN: _____

Agenda Date: 05/28/2013

Agenda Number: 51

Attachments: Text File R-1213-113, R-1213-113 Breckenridge dba Aspen Heights, AspenHeights_2025 Map, Aspen Heights 2025 Staff Report, Breckenridge dba Aspen Heights PD 13-04, 4-11-13 PC Minutes - Breckenridge

Project Manager: Jane Hudson, Current Planning Manager

Entered by: rone.tromble@normanok.gov

Effective Date:

History of Legislative File

Ver-sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Planning Commission	04/11/2013	Recommended for Adoption at a subsequent City Council Meeting	City Council	05/28/2013		Fail

Action Text: Recommend adoption or Resolution No. R-1213-113, Ordinance No. O-1213-41, and approval of PP-1213-16, the Preliminary Plat for ASPEN HEIGHTS ADDITION, A Planned Unit Deveopment to the City Council.

Text of Legislative File R-1213-113

Body

STAFF ANALYSIS: When the 2020 Land Use Plan was adopted, a detailed land use analysis was completed that revealed Norman had 925 acres of land that was being used for industrial purposes, and the Plan reserved additional land for future industrial use. The 2025 Plan also called for additional land to be designated industrial, and recommended that 1,200 additional acres be added and preserved for future industrial use. This deliberate decision of the Council, at that time, was to create multiple opportunities to accommodate all types of industrial activities in a wide variety of locations. The actual demand for industrial land was estimated at 198 acres over the entire time frame of the Plan, up until the year 2025, which would be absorbed at the rate of approximately ten acres per year. A specific goal, Goal 4, with companion policies was enacted, which states:

Goal 4

Policy 2
Direct environmentally responsible industrial growth onto land that is highly suited for industrial development.
Policy 3

Protect suitable industrial land from residential conversion or encroachment by:

- *Identifying and rezoning it to an industrial zoning classification;*
- *Critically reviewing rezoning requests for conversion of industrial land to non-industrial uses; and*
- *Assessing the impact of incompatible land uses adjacent to industrial lands.*

These policies in place do not prohibit conversions of land from industrial designations, but they do recommend such requests be "critically evaluated" prior to any changes. In this case, the land under review has never been developed so the previous zoning has not been changed from A-2, Rural Agricultural District. However, due to the key location of this land for industrial use, this land has been set aside on the 2025 Plan for future use as industrial.

One of the goals when classifying land for industrial use is to allow tracts of various sizes throughout the community to be reserved for a wide range of industrial opportunities, which are major economic drivers for any community. Conversely, from the landowner's perspective, 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 commercial areas that serve the housing. This location included in the application lies immediately to the west of the Hitachi plant, an area already designated as industrial under zoning as well as land use.

Land that was designated or set-aside on the 2025 Land Use and Transportation Plan as industrial is land that is convenient to major roads, such as Interstate 35 or Highway 9, or could be provided with access to rail. Industrial locations that were originally located in central Norman, around the existing rail, have slowly been redeveloped into other uses over the last thirty years, with most industrial land now located at the northern and southern ends of the community, such as this parcel.
ANALYSIS: The 2025 Plan identifies two criteria that must be examined before land use designation change is approved.

1. There has been a change in circumstances resulting from development of properties in the general vicinity, which suggest that the proposed changes will not be contrary to the public interest. In the last eight years there have been two new multi-family complexes built along Imhoff Road/Classen Boulevard and another approved by Council but not yet built. While there has definitely been a *"change in circumstances resulting from development of properties in the general vicinity,"* it needs to be noted that, according to the guidelines and population projections in the 2025 Plan and the multi-family housing needs through 2025, the city has already met its projected quota for apartments. The policies state the city should accommodate a projected population of 137,000 in a "fiscally responsible and environmentally sensitive manner." The residential land use demand analysis included in the 2025 Plan stated that there would be a need for 1,742 multi-family units. Since the time of the adoption of the 2025 Plan the city has permitted 2,121 multi-family units.

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. The proposed change to residential use adjacent to an industrial use would result in adverse, incompatible land use. Hitachi has been in Norman since 1986. Since that time there have been two expansion projects bringing the facility to approximately 365,000 square feet. When residential development is adjacent to an industrial zone, associated industrial impacts (noise, dirt, truck traffic) often affect the residents' quality of life, creating a vocal constituency opposed to the continued industrial uses in the area. An additional issue for the location of this development is that the loading docks for the Hitachi plant are along the northwest side of the development, directly adjacent to the proposed multi-family development.

2010 INDUSTRIAL LAND USE STUDY: In March of 2010, City staff completed an Industrial Land Use Study. This study was done in response to applications staff had received for rezoning and land use amendments of industrially designated land to commercial, residential and mixed uses. The study highlighted the need for preserving readily buildable areas of adequate size and location for industrial uses. The 2010 Industrial Land Use Study revealed that, of the area designated for industrial use on the 2020 Plan, almost eight hundred forty-nine acres have been rezoned and designated for uses other than industrial. Of that total, five hundred eighty-six acres were included in the University North Park area, of which approximately one hundred seventy-five acres are still available for industrial purposes, although no definitive plans have been presented for that area. One hindrance of developing the UNP area as industrial is the high cost of land, which makes it better suited for office development. Of the remaining two hundred sixty-three acres, commercial requests comprise almost sixty-eight percent of the area that has been changed. In some cases, changes to the update of the 2020 Plan were discussed as part of the adoption process, and resulted in the removal of substantial amounts of industrial land. Almost three-hundred acres of industrially designated land was eliminated in the area south of Tecumseh Road, east of 12th Avenue NW to allow two large residential developments to occur (Trailwoods and Greenleaf Additions). In the same area, at the northwest corner of Tecumseh Road and 12th Avenue, approximately one hundred thirty-six acres was changed from industrial designation to commercial, high density residential, medium density residential, office and low density residential. An additional sixty acres of land located at the southern boundary of the community was changed from industrial to mixed use.

STAFF RECOMMENDATION: The question is not whether this development has been properly designed, but whether this is the appropriate location for a multi-family development. The impact a multi-family development can have on an existing industrial development and vice-versa can be problematic. The Hitachi plant is a 24-hour facility. The noise and traffic impacts on a multi-family development can be challenging. The residential component added adjacent to industrial could register noise complaints causing industry to relocate to new locations due to constraints placed on them for noise violations. Typically, once a residential use is established adjacent to an industrial use the noise and traffic become issues to the residents.

In keeping with the goals of the 2025 Land Use and Transportation Plan to preserve industrially designated properties for future development, staff does not support the request to amend the 2025 Land Use and Transportation Plan with R-1213-113.

At their meeting of April 11, 2013, the Planning Commission, on a vote of 4-4, made no recommendation with regard to Resolution No. R-1213-113.

Resolution

R-1213-113
LUP-1213-9

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING THE NORMAN 2025 LAND USE AND TRANSPORTATION PLAN SO AS TO PLACE PART OF THE WEST HALF OF THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 9, TOWNSHIP 8 NORTH, RANGE 2 WEST OF THE INDIAN MERIDIAN, NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN THE MEDIUM DENSITY RESIDENTIAL DESIGNATION AND REMOVE THE SAME FROM THE INDUSTRIAL DESIGNATION. (South side of Imhoff Road approximately 900 feet east of Classen Boulevard)

§ 1. WHEREAS, the Council of the City of Norman recognizes citizens' concerns about the future development of Norman; and

§ 2. WHEREAS, the City Council at its meeting of December 19, 2004, reviewed and adopted the NORMAN 2025 Land Use and Transportation Plan; and

§ 3. WHEREAS, Breckenridge Land Acquisition, L.P. has requested that the following described property be moved from the Industrial Designation and placed in the Medium Density Residential Designation for the hereinafter described property, to wit:

A part of the West Half (W1/2) of the East Half (E1/2) of the Northwest Quarter (NW1/4) of Section 9, Township 8 North, Range 2 West of the Indian Meridian, more particularly described as follows:
Beginning at the Northwest Corner of the said W1/2 E1/2 NW1/4, said point being 1319.11 feet N89°14'31"E of the Northeast corner of said NW1/4;
Thence S00°07'41"E on the West line of said W1/2 E1/2 NW1/4 for a distance of 1290.48 feet to a point on the North Right-of-Way line of State Highway No. 9;
Thence S27°35'00"E on said North Right-of-Way line for a distance of 218.30 feet;
Thence S72°35'00"E on said North Right-of-Way line for a distance of 101.80 feet;
Thence N62°25'00"E on said North Right-of-Way line for a distance of 274.00 feet;
Thence Northeasterly on said North Right-of-Way line, being a curve to the Right, having a radius of 403.00 feet, a chord bearing of N78°49'20"E for a curve distance of 235.50 feet;
Thence S84°07'00"E on said North Right-of-Way line for a distance of 12.30 feet;
Thence N00°06'41"W on the East line of the said W1/2 E1/2 NW1/4 for a distance of 925.05 feet;
Thence S89°14'31"W and parallel to the North line of said W1/2 E1/2 NW1/4 for a distance of 275.00 feet;
Thence N00°06'41"W and parallel to the said East line of the W1/2 E1/2 NW1/4 for a distance of 396.00 feet;
Thence S89°14'31"W on the North line of the said W1/2 E1/2 NW1/4 for a distance of 384.04 feet to the point of beginning, containing 18.52 acres, more or less.

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

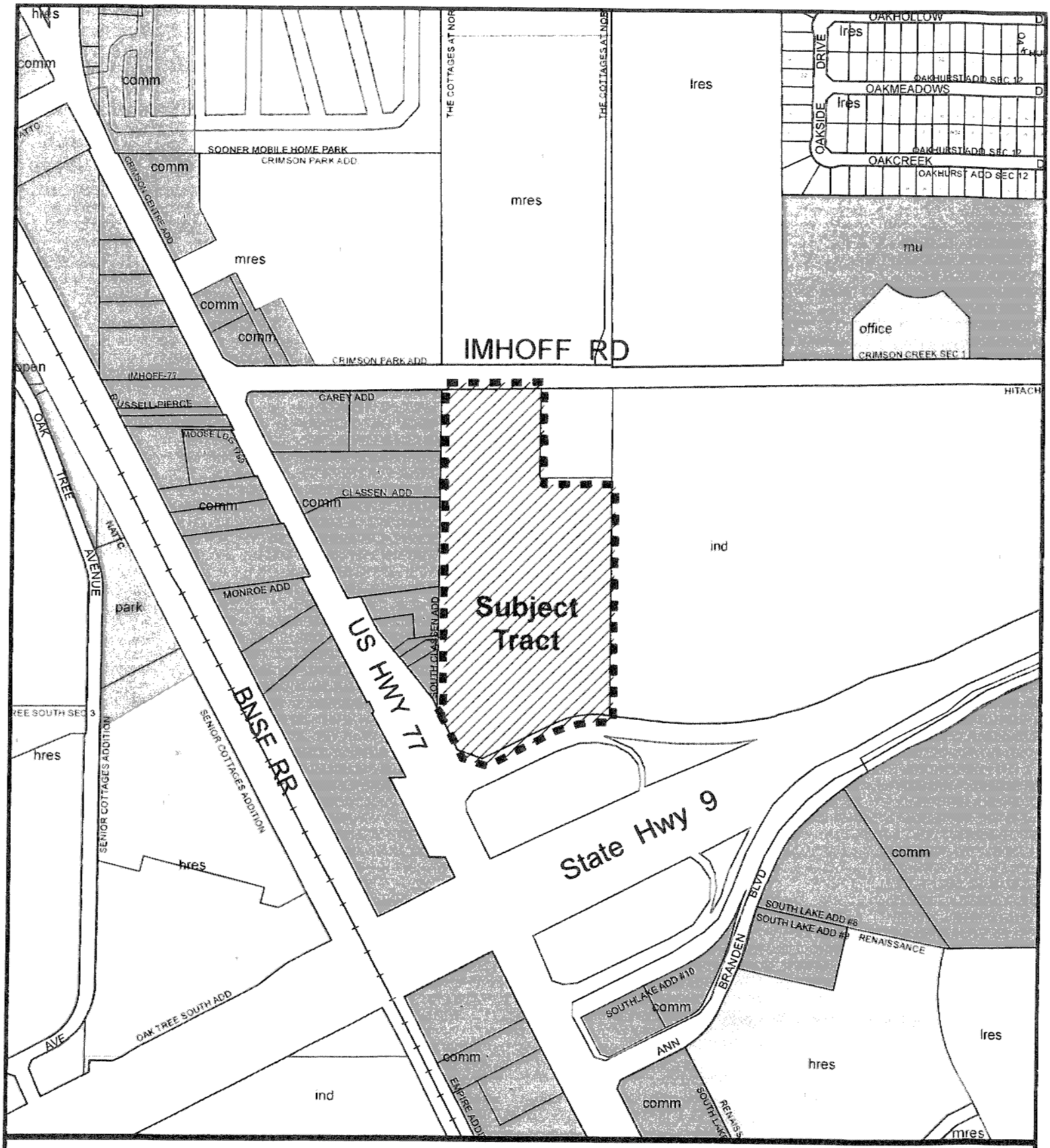
§ 4. That the Council of the City of Norman recognizes the need to control the future growth of the City of Norman; and, that after due consideration has determined that the requested amendment to the NORMAN 2025 Land Use and Transportation Plan should be adopted, and does hereby approve the requested designation.

PASSED AND ADOPTED this _____day of_____, 2013.

_____
(Mayor)

ATTEST:

_____
(City Clerk)



Norman 2025 Land Use Plan

Map Produced by the City of Norman
Geographic Information System.
(405) 366-5316
The City of Norman assumes no
responsibility for errors or omissions
in the information presented.

N
W E
S

April 4, 2013

0 250 500 Ft.

Subject Tract

Zoning

RESOLUTION NO. R-1213-113 ITEM NO. 12a

STAFF REPORT

ITEM: Breckenridge Land Acquisition, L.P. requests amendment of the NORMAN 2025 Land Use and Transportation Plan (LUP-1213-9) from Industrial Designation to Medium Density Residential Designation for property generally located on the south side of Imhoff Road approximately 900 feet east of Classen Boulevard.

SUMMARY OF REQUEST: The applicant has submitted a request to amend the 2025 Land Use and Transportation Plan from Industrial designation to Residential designation to allow the construction of a 158 unit, 552 bed student housing development. The land under review was set aside on the 2020 Plan and the 2025 Plan as industrial due to its close proximity to Hitachi, a large industrial development to the east. The accompanying zoning request would rezone the tract from Agricultural zoning to a Planned Unit Development.

STAFF ANALYSIS: When the 2020 Land Use Plan was adopted, a detailed land use analysis was completed that revealed Norman had 925 acres of land that was being used for industrial purposes, and the Plan reserved additional land for future industrial usage. The 2025 Plan called for additional land to also be designated industrial, and recommended that 1,200 additional acres be added and preserved for future industrial use. This deliberate decision of the Council, at that time, was to create multiple opportunities to accommodate all types of industrial activities in a wide variety of locations. The actual demand for industrial land was estimated at 198 acres over the entire time frame of the Plan, up until the year 2025, which would be absorbed at the rate of approximately ten acres per year. A specific goal with companion policies was enacted, which states:

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Protect suitable industrial land from residential conversion or encroachment by:

- *Identifying and rezoning it to an industrial zoning classification;*
- *Critically reviewing rezoning requests for conversion of industrial land to non-industrial uses; and*
- *Assessing the impact of incompatible land uses adjacent to industrial lands.*

Policy does not prohibit such conversions from industrial designations, but does recommend that such requests be "critically evaluated." In this case, this land is not currently zoned for industrial use, but has been reserved on the 2025 Plan for future use as industrial.

One of the purposes for designating land for industrial use is to allow tracts of various sizes throughout the community to be reserved for a wide range of industrial opportunities, which are a major economic driver for any community. Conversely, from the landowner's perspective, 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. This location lies immediately to the west of the Hitachi plant.

Land was designated that was convenient to major roads, such as Interstate 35 or Highway 9, or could be provided with access to rail. Industrial locations that were originally located in central Norman, around the existing rail, have slowly been redeveloped into other uses over the last thirty years, with most industrial land now located at the northern and southern ends of the community, such as this parcel.

ANALYSIS: The 2025 Plan identifies two criteria that must be examined before land use designation change is approved.

1. ***There has been a change in circumstances resulting from development of properties in the general vicinity, which suggest that the proposed changes will not be contrary to the public interest.*** In the last eight years there have been two new multi-family complexes built along Imhoff Road/Classen Boulevard and another approved by Council but not yet built. While there has definitely been a *"change in circumstances resulting from development of properties in the general vicinity,"* it needs to be noted that, according to the guidelines and population projections in the 2025 Plan and the multi-family housing needs through 2025, the city has already met its projected quota for apartments. The policies state the city should accommodate a projected population of 137,000 in a "fiscally responsible and environmentally sensitive manner." The residential land use demand analysis included in the 2025 Plan stated that there would be a need for 1,742 multi-family units. Since the time of the adoption of the 2025 Plan the city has permitted 2,121 apartment units.

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.*** The proposed change to residential use adjacent to an industrial use would result in adverse, incompatible land use. Hitachi has been in Norman since 1986. Since that time there have been two expansion projects bringing the facility to approximately 365,000 square feet. When residential development is adjacent to an industrial zone, associated industrial impacts (noise, dirt, truck traffic) often affect the residents' quality of life, creating a vocal constituency opposed to the continued industrial uses in the area. An additional issue for the location of this development is that the loading docks for the Hitachi plant are along the west side of the development, directly adjacent to the proposed multi-family development.

2010 INDUSTRIAL LAND USE STUDY: In March of 2010, City staff completed an Industrial Land Use Study. This study was done in response to applications staff had received for rezoning and land use amendments of industrially designated land to commercial, residential and mixed uses. The study highlighted the need for preserving readily buildable areas of adequate size and location for industrial uses. The 2010 Industrial Land Use Study revealed that, of the area designated for industrial use on the 2020 Plan, almost eight hundred forty-nine acres have been rezoned and designated for uses other than industrial. Of that total, five hundred eighty-six acres were included in the University North Park area, of which approximately one hundred seventy-five acres are still available for industrial purposes, although no definitive plans have been presented. One hindrance of developing the UNP area as industrial is the

high cost of land, which makes it better suited for office development. Of the remaining two hundred sixty-three acres, commercial requests comprise almost sixty-eight percent of the area that has been changed. In some cases, changes to the update of the 2020 Plan were discussed as part of the adoption process, and resulted in the removal of substantial amounts of industrial land. Almost three-hundred acres of industrially designated land was eliminated in the area south of Tecumseh Road, east of 12th Avenue NW to allow two large residential developments to occur (Trailwoods and Greenleaf Additions). In the same area, at the northwest corner of Tecumseh Road and 12th Avenue, approximately one hundred thirty-six acres was changed from industrial designation to commercial, high density residential, medium density residential, office and low density residential. An additional sixty acres of land located at the southern boundary of the community was changed from industrial to mixed use.

STAFF RECOMMENDATION: The question is not whether the development itself has been correctly designed, but whether this is the appropriate location for a multi-family development. The impact a multi-family development can have on an existing industrial development and vice-versa can be problematic. The Hitachi plant is a 24-hour facility. The noise and traffic impacts on a multi-family development can be challenging. The residential component added adjacent to industrial could register noise complaints causing industry to relocate to new locations due to constraints placed on them for noise violations. Typically, once a residential use is established adjacent to an industrial use the noise and traffic become issues to the residents.

In keeping with the goals of the 2025 Land Use and Transportation Plan to preserve industrially designated properties for future development, staff does not support the request to amend the 2025 Land Use and Transportation Plan with R-1213-113.

City of Norman Predevelopment **February 28, 2013**

Applicant Breckenridge Land Acquisition dba Aspen Heights

Location South side Imhoff Road approx. 420 feet east of Classen Blvd

Case Number PD 13-04

Time 6:00-6:30 PM

Attendee	Stakeholder	Address	email	phone
David Guthrie	Applicant	1301 S Capitol of Texas Hwy Suite B-201 Austin, TX 78746	dguthrie@myaspenheights.com	512-660-9505
Sean Rieger	Applicant's attorney	136 Thompson Dr	sp@riegerllc.com	329-6070
Tom McCaleb	Applicant's engineer	515 W Main OKC	Tom.mccaleb@smcokc.com	232-7715
Allen Ahlert	Hitachi	1800 E Imhoff	allen.ahlert@hitachiomd.com	360-5500
Mark Wright	Hitachi	1800 E Imhoff	mark.wright@hitachiomd.com	360-5500
George Wilson	Hitachi	1800 E Imhoff	george.wilson@hitachiomd.com	360-5500
Wiley Madole	Interested citizen	1501 Cedar Lane		321-9695
Dorothy Armstrong	Interested citizen	1401 Cedar Lane		329-0066
Don Wood	NEDC	Norman Economic Development Council 710 Asp Ave	nedc@nedcok.com	573-1900
Paula Rucker	Neighboring owner	1700 Lenox Dr	rruc3@yahoo.com	447-8479
Jeff Lower	Interested party	Tulsa, OK	lowerfamily5@aol.com	918-615-6826
Susan Atkinson	City Facilitator			366-5392

Susan Connors	Planning Director	366-5431
Jane Hudson	City Staff	366-5344
Leah Messner	City Staff	217-7748
Terry Floyd	City Staff	366-5446
Ken Danner	City Staff	366-5459

Application Summary. The applicants are seeking a Preliminary Plat, 2025 Plan amendment and rezoning for an 18-acre parcel in southeast Norman. They are seeking a Planned Unit Development (PUD) zoning for multi-family residential land uses. The current zoning for the parcel is A-2 Rural Agricultural. The current Norman 2025 Land Use Plan designation is Industrial.

Applicant's Opportunity. The applicants are seeking to build a gated, multi-family residential development that would include 158, two-story units with 552 beds. City parking requirements would specify 284 spaces. The applicants propose to provide 700 parking spaces. These units would be marketed to students.

Neighbors' Concerns. Hitachi Corporation is the industrial use next door to the proposed site. Representatives of Hitachi and the Executive Director of Norman Economic Development Council (NEDC) were on hand to state their opposition to the project. NEDC Director explained that Hitachi had been in this location for 25 years but had considered leaving Norman. Instead the company chose to stay and expand their existing facility. He added that they hoped to expand again in the near future which would take their operations right up to their west property line, immediately adjacent to the proposed apartment development. The NEDC Director expressed his concern about the shrinking availability of industrial land in Norman and the need to protect a major Norman employer.

NORMAN PLANNING COMMISSION
REGULAR SESSION MINUTES

APRIL 11, 2013

The Planning Commission of the City of Norman, Cleveland County, State of Oklahoma, met in Regular Session in the Council Chambers of the Norman Municipal Building, 201 West Gray Street, on the 11th day of April 2013. Notice and agenda of the meeting were posted at the Norman Municipal Building and online at http://www.normanok.gov/content/boards-commissions at least twenty-four hours prior to the beginning of the meeting.

Chairman Chris Lewis called the meeting to order at 6:30 p.m.

* * *

Item No. 1, being:
ROLL CALL

MEMBERS PRESENT	Curtis McCarty Jim Gasaway Roberta Pailes Cindy Gordon Dave Boeck Sandy Bahan Tom Knotts Chris Lewis
MEMBERS ABSENT	Andy Sherrer

A quorum was present.

STAFF MEMBERS PRESENT	Susan Connors, Director, Planning & Community Development Jane Hudson, Principal Planner Ken Danner, Subdivision Development Manager Roné Tromble, Recording Secretary Leah Messner, Asst. City Attorney Larry Knapp, GIS Analyst II Terry Floyd, Development Coordinator

* * *

Item No. 12, being:
CONSIDERATION OF AN APPLICATION SUBMITTED BY BRECKENRIDGE LAND ACQUISITION, L.P. FOR PROPERTY GENERALLY LOCATED ON THE SOUTH SIDE OF IMHOFF ROAD APPROXIMATELY 900 FEET EAST OF CLASSEN BOULEVARD.

Item No. 12a, being:
RESOLUTION NO. R-1213-113 – BRECKENRIDGE LAND ACQUISITION, L.P. REQUESTS AMENDMENT OF THE NORMAN 2025 LAND USE AND TRANSPORTATION PLAN (LUP-1213-9) FROM INDUSTRIAL DESIGNATION TO MEDIUM DENSITY RESIDENTIAL DESIGNATION FOR PROPERTY GENERALLY LOCATED ON THE SOUTH SIDE OF IMHOFF ROAD APPROXIMATELY 900 FEET EAST OF CLASSEN BOULEVARD.

ITEMS SUBMITTED FOR THE RECORD:
1. 2025 Map
2. Staff Report
3. Pre-Development Summary

Item No. 12b, being:
ORDINANCE NO. O-1213-41 – BRECKENRIDGE LAND ACQUISITION, L.P. REQUESTS REZONING FROM A-2, RURAL AGRICULTURAL DISTRICT, TO PUD, PLANNED UNIT DEVELOPMENT, FOR 18.52 ACRES OF PROPERTY GENERALLY LOCATED ON THE SOUTH SIDE OF IMHOFF ROAD APPROXIMATELY 900 FEET EAST OF CLASSEN BOULEVARD.

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

Item No. 12c, being:
PP-1213-16 -- CONSIDERATION OF A PRELIMINARY PLAT SUBMITTED BY BRECKENRIDGE LAND ACQUISITION, L.P. (SMC CONSULTING ENGINEERS, P.C.) FOR ASPEN HEIGHTS ADDITION, A PLANNED UNIT DEVELOPMENT FOR 18.52 ACRES OF PROPERTY GENERALLY LOCATED ON THE SOUTH SIDE OF IMHOFF ROAD APPROXIMATELY ¼ MILE EAST OF CLASSEN BOULEVARD (HIGHWAY NO. 77).

ITEMS SUBMITTED FOR THE RECORD:
1. Location Map
2. Preliminary Plat
3. Staff Report
4. Transportation Impacts
5. Preliminary Site Plan
6. Greenbelt Commission Comments

PRESENTATION BY STAFF:
1. Jane Hudson – We have two applications before us for Breckenridge Land Acquisition: one for the NORMAN 2025 Land Use Plan amendment. The 2025 map shows Industrial Designation, Commercial, Medium Density Residential, Low Density Residential, Mixed Use, and Office Designations in this area. As proposed, the subject tract would become Medium Density Residential Designation on the Land Use Plan. The request on the rezoning application would go from A-2 to a Planned Unit Development. The existing zoning is currently A-2, with Industrial to the east, Commercial to the west. We have some Planned Unit Developments on the north side of Imhoff Road for medium density apartments. The existing land use in that area consists of the industrial, office on the north, a single-family home adjacent to the site, commercial, and some additional office, with apartments on the north. This tract of land was set aside with an Industrial Designation in the 2020 as well as the 2025 Land Use Plan. One policy in the 2025 is to direct environmentally responsible industrial growth onto suited properties for that industrial development. A second policy is to protect suitable industrial land from residential conversion and encroachment by (1) identifying and rezoning land to industrial use, if possible; (2) critically

reviewing rezoning requests for conversion of industrial land to non-industrial uses; and (3) assessing the impact of incompatible land uses adjacent to these industrial uses. In March of 2010, staff completed an Industrial Land Use Study in response to another area that was being looked at to change from an Industrial land use designation to essentially a Mixed Use area – it was consisting of commercial, office, multi-family, and some single-family use as well, I believe. The results of the study revealed that almost 849 acres have been rezoned and designated for uses other than industrial uses. This tract of land is of adequate size and location for an industrial use. The south side of Imhoff, as I showed in those slides, was never really intended for residential use – it was set aside for commercial and industrial designations. As applicatioins are processed through the Planning Department, staff is charged with making a recommendation for those projects. In this case, due to the incompatible land uses between the existing industrial area and the proposed residential, as well as the policies that I mentioned earlier, staff is unable to support the request for the amendment to the Land Use Plan and the rezoning. I believe we did have two letters of protest, as well as a letter of support, which brought us to 6% support and 40.4% protest within the notification area. The applicant's representative is here with a presentation as well as the applicant if you have any questions of them.

2. Mr. McCarty – Is the decision not to support this based off of the comments about the industrial use in the 2025 Plan? Is that the main reason the City is not supporting this or is there more to it than just that?

Ms. Hudson – I can speak to what we're charged with as far as the 2025. We're here to enforce those policies. The incompatibility between the industrial and residential use is all kind of bundled into the policies in the plan.

Mr. McCarty – We had a study of the industrial land use several years ago, I believe, that the City had prepared for the Planning Commission. The absorption rate of industrial land in Norman is pretty low, from what I remember. Has that changed since that report?

Ms. Connors – No, I don't believe that the absorption rate has changed, but one of the things that was pointed out in that study is that if we had larger tracts of industrial land, we should keep those intact, because what we were doing was losing some of the larger tracts. We already have industrial development on the south side of Imhoff, and this could be an expansion area of industrial land and that would create a larger block of industrial land, rather than breaking it up into smaller pieces.

PRESENTATION BY THE APPLICANT:

1. Sean Rieger, 136 Thompson Drive, representing the applicant – First, let me just say congratulations to the one that's not here tonight, Mr. Andy Sherrer, who, as we speak, is about to stand up in front of 550 people and take the Chairmanship of the Chamber of Commerce. So congratulations to Andy Sherrer, who is not here tonight for that reason.

Thank you for our opportunity to address you tonight. This is a multi-family student housing project that is before you. We're going to talk at some length, so I hope you'll give me your indulgence to address all the points and the concerns that are in the staff report and that will be raised tonight. You're going to hear from three of us. I'm going to sit down very quickly so that Tom McCaleb will tell you what it is we're proposing and how we've designed it. Then you're going to hear from the applicant themselves as to who is proposing this. Then I will be back up here and tell you why we want you to approve of it. So, first, Mr. Tom McCaleb is going to take you through the design.

2. Tom McCaleb, SMC Consulting Engineers – This application tonight will go into great depth. I will keep my comments to the engineering. This application is different from some previous, because staff has indicated the design, from an engineering and architectural point of view, is not the issue that controls the decision to approve this site. That's pretty good. Meetings with the adjacent owners – Hitachi – have not realized any room for reconciliation for land use. However, the matter will be acknowledged as the PowerPoint presentation by Mr. Rieger. My dialogue will consider design and engineering principles. My firm, SMC, secured a licensed

surveyor in the beginning to check this property out, survey it, get topographic information to determine what we got. We secured that services and we based all of our data based upon the topo. Also, to respond to traffic issues, we hired Traffic Engineering Consultants to perform a traffic impact analysis to determine if the units, the design, and the flow of this tract will work. You will find in your staff report on page 12c-5 the results of that study, and you will find that staff is supporting the TA and findings of that traffic report. There is also an oil well on this site. We did not know it was there in the beginning until we did the survey. There is a well there. Upon investigation of the well, we found the well is plugged. So we had to redesign our site plan to accommodate the setback that's required by the City ordinance to accommodate that well. So we revised the site plan, fixed it, and made sure that the site plan does accommodate those areas, and it does. You can see now that it does flow around – we can pave over it; we just can't build over it. So we've accommodated the oil well issue. In addition, the water lines. There's an existing water line that's adjacent on Imhoff Road that serves the area along the drive. We constructed a water system to accommodate the site and had it circulate throughout the tract of land. Upon visiting with staff and with the topo and survey, we found there is an existing water line right there in the right-of-way of Highway 9. It's a large 24" line. The City has suggested that we either tap to that line, or oversize our internal lines. We've elected to tap to that line. So we will now have a connectivity water loop system that will connect here, and through the site up to there, and internally circulate the water so that we have all the domestic requirements satisfied and fire protection satisfied. Sanitary sewer. The site has an existing sewer line on Imhoff that drains back to the west, and it satisfied a portion of the site but not all of it. So we entertained the idea of maybe putting a pump station in to accommodate that. But, here again, with some help of staff, we found that there is an existing sewer line in Classen and the plat of this tract of land right there was platted and gives us a 17' utility easement. So we are going to take the sewer from this corner and go down the tract to Classen and tie to the existing line. So there's no lift station required. So it's all gravity flow system and staff is satisfied with that. The drainage situation. The water, as the sewer, drains to the west. In the site plan, you'll see that Hitachi has an existing detention area that drains the water back this direction and there's an existing pond right there that was built by the land owner and that water discharges to this pond right here. We're going to take that pond – that was a manmade pond – and relocate it right here. So this pond will be gone and would be built here. We would still accommodate the water that is presently draining from the property to the east. It will collect it, put it into our system, and discharge it into this area right here. In brief, we satisfied all those requirements. Transportation, water, sewer use. And on staff report you will note it on page 12c-4, the preliminary plat, they recommend approval. With that, I will let Mr. Charles Vatterott speak. Thank you.

3. Charlie Vatterott, Executive Vice President of Development for Aspen Heights – I appreciate the opportunity to be here this evening. Aspen Heights is excited about the prospects of being in Norman. A little bit of background of who we are, where we are, what we do. Aspen Heights is a full-service development, construction, and management company based out of Texas. Over the last several years you can see just a list of some of the projects that we've had and, basically, kind of gives you an idea of our capacity. We have completed over 9,000 beds; we have another 5,000 beds under construction. We are a cottage-style student housing development company. So, basically, it's what you see there. We build kind of new urban subdivisions – smaller front yards. These are rented by college students, although they're open to anybody. We wouldn't want to get in a situation where we – you know, fair housing things – if a family wanted to rent in there, they certainly could. Those give you kind of a picture of our product. Our portfolio averages over 95% leased. We're excited about the Norman market for a number of reasons. The supply/demand dynamics in this market are very favorable, especially for the cottage product. And, from a location perspective, the site actually could not be better. Again, some streetscapes. It gives you an idea. We're not trying to maximize densities here; we're looking at providing a superior product and services to our client. So nothing over two story. These are bedrooms that have their own bathrooms and walk-in closets

– very nice communities. If you have any particular questions about Aspen Heights, where we are, what we do – based out of Texas. We do have a development in your state going on in Stillwater. I know that's the other university; I don't know if I'm allowed to say the word Stillwater. That's doing very well. Matter of fact, we are over 90% pre-leased for the fall in that community, so we're doing very well. Thank you, again, for your time and if you have questions, certainly available after our presentation.

4. Sean Rieger – Thank you, Mr. Chairman. Now let's spend some time talking about what is at issue tonight. As you've heard, you now know what we're going to build. We're essentially going to build virtually the same concept that is immediately across the street to the north – The Cottages project. That was done by Capstone, another national producer of that product. This is Aspen Heights. But virtually the same style and manner of product as immediately across the street. So what we're going to focus on is really two issues tonight, because that's what is at the forefront of this project. We know now that, as we've heard from staff and others, there's really not an issue with the design, with the style, with the concept. We've not heard any negativity of any kind as to that. We've heard it put best, I think, by staff in one sentence, and this is in your staff report. It says, "The question is not whether the development itself has been correctly designed, but whether this is the appropriate location for a multi-family development." I want you to look at the screen, if you would, please, and you will see the center of that screen is showing what we're proposing right there as this multi-family development and around it, within about 700 yards in any direction, you're going to find multi-family all around it – everywhere. So I could probably stop right now and answer that question at the top of the page by saying is this an appropriate location for multi-family by just showing you that. I think, on its face, that says yes. But, obviously, I won't. We'll talk through another few issues here.

2025 also supports this site. 2025, as I've shown you many times and I'll keep showing you, Goal 1, Policy 1, says we must accommodate a project year 2025 population of 137,000 people. That's in 12 years and right now we're only at about 112,000 people. We have a lot of people left to accommodate in our community, and many of those also are students who look for newer and better concepts and places to live all the time. Goal 2 says promote a compact urban area. This, of course, does that. This is a site that is completely surrounded by utilities infrastructure. It's all there. In fact, one of the great benefits of this – and this is down under Goal 2 – it says support growth that minimizes operational costs. Well, this is one of those great projects for a city in that it's right in an area that has all the infrastructure and utilities it needs. Classen and Imhoff has already been improved substantially so the traffic has been solved there. Water lines, sewer lines – they're all there. And the developer is going to build out this site and own it and maintain it. All of those streets inside this site are not going to be city streets; they're going to be the developer's streets so you get a great bang for your buck in that, as Goal 2 says, you don't even have to take care of what's built there, but you get the population so you supported number 1. It also says encourage commercial and residential development on the urban east side. It actually instructed us, let's start putting some population on the east side in the urban context. We're doing that. And I thought most instructively here was Goal 3 under Housing and Neighborhoods. And I read this and I thought about it and I remember why this is a goal. It reads encourage housing designed for university student occupancy – that's us – that's tonight – in areas suitable for high intensity uses. I thought about it and I thought, where did that come from? And then I remembered where that came from and I think what happened was, if you'll remember back in the 90s and so forth, we had a great deal of controversy in Norman because what was happening was students were starting to infiltrate the established single-family neighborhoods of our community and it was a problem. It became a serious problem. That's why that goal was written. What that goal essentially says is that students maybe aren't that good of neighbors and compatible for single-family neighborhoods, so let's find a place to put them. High intensity uses is where to put them. They're not a problem in those areas. And I think you're going to hear in a minute that they haven't been a problem on Imhoff either. So this is supported by the goals of 2025.

Two issues tonight basically are Hitachi and whether we can give this site up from the industrial land use. That's really what is at the core of the debate tonight. Let's talk about Hitachi. They're here tonight. They'll talk to you, I'm sure. Hitachi protested this. Hitachi came to the Pre-Development hearing, and at the Pre-Development hearing they were quite blunt. They came to the hearing and Pre-Development is intended to be a dialogue – an exchange of information – what are our concerns and is there anything that we can do for you? I'm just going to say, in all candor, it was not much of a dialogue. They sat in front of us and said we don't want you here. We're going to beat this zoning and we want no part of it. It was very candid. I'll give them their opportunity to do that. So we left that meeting. That was really the only comments at the Pre-Development that we heard. We then left that meeting and we started to reach out to Hitachi. We thought let's get into an even more informal setting; let's meet with them; let's see what we can do, because we have had success in the past on Imhoff with dealing with Hitachi. Nobody means them harm. Nobody wants to exclude them or cause any interference upon them, and nobody has in the past. We've worked well with them in the past. The Capstone Cottages project to the upper left, right there – I was the zoning attorney on that. We dealt with Hitachi at that time. And one of the things, for instance, that we did on that was every single lease that gets signed on that site has a paragraph in it that says you are living across the street from a high manufacturing facility. You recognize that now, you know that now, and you're assuming that risk and you're not going to complain later. We can do things like that. We offered that to Hitachi. Another thing that happened – right over here this was just last year. Hitachi protested this site right across the street to the north. That got approved with a super majority vote of Council to Medium Density Residential – more dense than this proposed tonight – and that was protested by Hitachi. Something we did there – we met with Hitachi there. Now, at that meeting, they said it was cheaper to protest than it was to buy the land, but we worked with them and we said what can we do. They were concerned about their truck stalls right here. We had shown some residential out in the front here, and what we did was we took the clubhouse for that multi-family project and we said, okay, let's do this. So we modified the PUD and we put the clubhouse right here, so in essence the office of the property became the buffer between Hitachi and the residences behind it. We accommodated them. And it got approved. So we can do some things. We did finally meet with Hitachi at 2:00 Monday this week. They agreed to meet with us. We went to the Hitachi headquarters. We sat down with their president, a couple officers, an attorney, NEDC and we talked again with them. We went into this meeting and with good faith said again we're here to dialogue. We're here to see what can we do, as we have in the past, to accommodate you – hear your concerns. I will say, in all candor, it was blunt again. In fact, they looked at us and said we thought we made ourselves clear. That was the response. We tried again. Tell us, though, what are your concerns? What are you concerned about? Then they started telling us a couple things. They said they planned on adding an addition to the west here, and they were concerned that that would be too close. I want to note that there's already an oil and gas road right here. There's already pipelines right here. And there's already a substantial large quite enormous mature tree line that we intend to do nothing with. But we asked them, again, what can we do – and Mr. Vatterott specifically threw out a number of things and he said we can do additional landscaping; we can design buffer areas, setbacks; we can do fencing – whatever height – whatever material is reasonable; we can rearrange the Aspen site plan; we can do the lease agreement thing like we did at Capstone. And, again, the response was I thought we made ourselves clear. They refused to work with us to say any of those things might help them. That was the response we got. The meeting then kind of turned and I said, well, tell us some of these complaints. What are the complaints that you've gotten, because they told us their fear was complaints – when residential starts moving close they would get complaints. I asked what are your complaints? And the first thing out of the president's mouth was, well, we had a complaint that we were disturbing a bee colony. And the bee colony he's talking about is – it's kind of a legendary thing around this area. Right there, just north of Hitachi and their truck bays, is an older gentleman that has a bee colony and they were disturbing that and that was what the president told us, that we were disturbing the bee colony and we got a complaint about that.

Now I was looking for something about residents, basically. What was the complaints? I asked him again, what other complaints have you had? His response was, well, a few years back, back when these apartment buildings were getting built, a sewer line got backed up and we were blamed for it from the construction work of those apartments. Again, I was trying to see what were the complaints from residents in the area, because that's the focus of the protest. So then I just asked him point blank, I said have you had much problems with the Cottages? Tell me about that issue. That's what we're going to build. That is very close to where we're going to build it. And he said this, and I quickly wrote it down on my yellow pad – I've got it right there, in fact, if you want to look at it. He said, no, not much complaints from the Cottages. Hasn't had any complaints from the Cottages. That's what we were told Monday. We're proposing cottages. The complaints they've had is a bee colony and a construction problem down the street, but not the residents across the street. It hasn't been a problem. We don't anticipate that this one will be, either. They can still do their addition. In fact, they do not need this land at all to do an addition. They're going to put their employees' parking under the addition we're told. Well, if it's a very hazardous or dangerous practice of whatever they're going to build there, I wouldn't suspect they'd be putting their employees under it. So I think Hitachi can be easily accommodated. We don't see the danger there. We don't see the concern there and the complaints that we've been told don't warrant it.

There is another issue with Hitachi, and I think it's fair that the Commission knows about it, because you had a letter submitted to you that talked about it. It was the property owner next to Hitachi. It was Mrs. Todd and the Tulius family. Long time family in Norman. That is their homestead going way back – many, many decades back. They didn't come to Hitachi; Hitachi came to them. They've been there for generations. They've been there for decades. Time for them to move on on the 20-acre site that is in play tonight. That site is owned by a number of heirs – it's not specifically owned by Mrs. Todd. This 20 acres is owned by a number of heirs. I think a number of them are sitting behind me tonight. Mr. and Mrs. Todd own this site right up here where the house is. And what happened, basically, is, of course, over the years – and I can just tell you when people have come in town looking for land, many have cited that land. Many people have looked at this location. There's not many open areas left on the periphery of OU and that area. What happened was recently the heirs have decided it is time – we're ready – to sell this land. Aspen came calling and Hitachi came calling. Aspen made an offer. Aspen wanted the 20 acres – 18 or so right here in this area. Aspen didn't need the home. Hitachi came calling and Hitachi wanted the home. And this was all detailed in the letter and anybody can come up here and correct me if they want, but I've read the letter and I've talked to the Todds and this is what I understand occurred. What occurred was Aspen said, fine. We don't need the home and this is our price. Hitachi declined to match that price. More importantly, Hitachi said we want that home. We won't buy it without the home. The Todds are in their 80s – maybe I shouldn't have said that – I'm sorry, Mr. and Mrs. Todd. But the Todds are not ready to go find another home and put down a mortgage and start over again. But they were willing to and they said that to Hitachi. Okay, we're willing to do that, but we're not ready to start a new mortgage somewhere so you have to buy the house – the improvements, the property – to help us replace our cost and relocate. In essence, relocate us. Hitachi declined to do that. Their offer was we'll put down an 18 month option contract. When we're ready to buy, we'll give you 90 days and you're moving out. Todds said no for less of a price, too, by the way, than Aspen was offering. The Todds couldn't do that, so they declined, and they went with Aspen. And so Aspen is here tonight, and that's why they're here tonight.

I think one of the things that's important for you to consider – one of the hallmarks of zoning – one of the hallmarks of land use is that we do effectively try to put land into its highest and best use to the extent we can appropriately do that – to the extent we can properly do that. So what is highest and best use? We never really talked about that much in the past, but I thought maybe we ought to talk about that tonight. What is highest and best use? Is it industrial or is it multi-family? I'll give you Black's Law – Black's Law is a big old law book that we all use in law and it's kind of the Webster's Dictionary of law. Here's what Black's Law says highest and best use is: "What condemned property's fair market value would realistically be if the owner

were hypothetically allowed to adapt his property to its most advantageous and valuable use." Well, you just had it play out and decided for you. Was the highest and best use industrial? Apparently not, because the industrial buyer would not pay the most valuable price for it. The highest and best user – the multi-family person – would. The industrial user would not match it. Is it an appropriate use? Well, I just showed you that – make your argument as you wish – but directly across the street and all around it are multi-family uses. So it's an appropriate use and it's the higher value use. It's the highest and best use. This Commission should support it for that reason. We have precedent around Hitachi; I've shown it to you before. Just recently in the last few years the Cottages got built. Just this past – I believe it was about a year ago – the Commission and the Council, through a super majority vote, approved the multi-family to the north. I think the policy is clearly set. We believe we can do this and we can properly accommodate Hitachi. Hitachi still has 30 acres to the east, by the way; they own over 70 acres. They still have 30 acres to the east. Thank goodness they're a very profitable company; they have $6 billion in cash sitting in the bank is what their last annual report showed. They can figure it out – I hope they can figure it out, and I'm glad they can figure it out. But they are not what we would say is a land-locked property that has nowhere to go. They have 30 acres immediately to the east of them. The only thing in the way is an asphalt parking lot which, as anyone knows, can be easily paved over – they can move parking right down to here. There are many options for Hitachi still on that site. This, in no way, land-locks them to no options. The distances are really pretty similar, actually. You see them now on the screen. They have natural buffers, again, right here with the oil and gas road, the pipelines, the trees. I was talking actually to Mrs. Todd earlier – you know, have you heard noises and disruptions? Has it been a problem for you? Not at all, she said. I want you to understand, when we met with Hitachi, they met with us in lab coats, not coveralls. This is not a loud mining operation of any kind. This is a closely enclosed high-tech manufacturer that is not a terribly obtrusive or nuisance to the area. So we can accommodate Hitachi. That's my message tonight. The fear should not be warranted to turn this down.

We also have a good history in Norman of accommodating industrial users very close to, in fact, single-family users and we have a history of policy that has approved these projects. You see on the upper left is Astellas; right south of it, across the street from Cedar, is Eagle Cliff. I come here quite a bit; I haven't seen anybody from Eagle Cliff standing at this podium bemoaning that we've created a terrible tragedy for them. I haven't seen it in the papers. I think it has worked. On the upper right you see the Norman Business Park – Albon Manufacturing, and you see a single-family lot addition right there, not much distance difference than what we're talking about tonight. On the lower left – this is probably the more recent example – you see Sysco right there. And it was ironic tonight when I heard the Chairman read off the Consent Docket, because one of the items you read off was the final plat of Founders Park, immediately to the north of Sysco. That was hotly contested – heavily contested – and that was contested on the exact same topic that I'm about to go into depth on, was can we lose an industrial tract. That one, the Council said yes. And when they said yes, the president and CEO of Sysco stood at this podium and he said they would have nothing else to do with Norman and they would move. What happened? They expanded. They expanded right there. You can see the single-family homes right there next to Sysco. It's happening in Norman. It has not been a problem in Norman. We can accommodate this. It shouldn't be something we fear. Here is another large-scale view of what I'm talking about. You see on the right – you see the yellow area – that is low-density residential. We're proposing medium density residential. That's low-density residential, and the gray is industrial. Huge areas of interface all over this area. This is Sysco right up in here – here you see the aerial. This is all going to get developed out as single-family residential – all of it right next to industrial. We've accommodated it. It's planned in 2025. The policy has not been denied. So we can accommodate multi-family next to industrial, particularly the kinds of industrials we have in Norman.

So let's go to the second issue tonight. The second issue is, can we lose this land as an industrial piece of land? We've debated it before hotly with the Founders Park one, that you

approved final plat on tonight – that was the Connally farm. We also debated this hotly for the Campus Crest/Victory Park site on Southeast 12th. Same issue. Big tracts of land that were 2025 industrial that were being promoted to change to multi-family under one case, multi-family, commercial and single-family in another case. Same position of staff. In fact, the industrial land use report they're talking about was generated out of that Founders Park zoning; that's when it came up and the Council went ahead and said yes we can lose that industrial piece. So why did they say that? Well, let's just look at the numbers. These aren't my numbers; this is straight out of your documents. Industrial land – 2025 – when you look at what was planned in the 2025 document on the top, you will see there was 1,100 acres put in 2025 for industrial planned uses. When you look on the bottom chart, you will see that this was the actual demand projected, and the actual demand of acres was 198. So they actually planned 556% -- or 5½ times the number of industrial acres that they thought would ever be used by 2025. They did that for a good reason – because of what we're talking about tonight. They knew that the market pressure would probably be stronger for the other uses so let's put in ample – generous – amounts of industrial. They did. They did that properly. But that was in anticipation of this happening. It didn't say we shouldn't do this; it says that's okay if we do this because we have ample amounts of industrial. The absorption rate – what we talk about meaning how much of that industrial land was going to be used a year – was roughly going to be 10 acres. Again, the demand was over 20 years – 2004 to 2025 – 198 acres, so they anticipated about 10 acres a year of industrial land to be used. So let's look at what has happened, though. Let's look at the actual history of what has happened. Again, at the top, they intended – you see this chart right out of 2025 – they anticipated industrial warehousing uses floor area generated – and these are five-year increments – and they anticipated 500,000 square feet – 434, et cetera – here's the acres – 50 – you roughly have – that's about a 5:1 margin of acres to site – roughly on each of those five-year increments they averaged that out – it's about 465,000 square feet every five years is what they anticipated would happen. What has actually happened? This report down here is the status update – I got this from the City Clerk's office just last week and this is actual data. This is actual numbers from our city as to what has actually occurred in the sense of square footage being built. There it is right down there – you can't see it – but that number is 162,000 square feet over the past five years. It was anticipated 465,000 square feet; we've actually done 162,000 square feet. We're actually absorbing about a third of what 2025 thought we would absorb. Remember, I told you the absorption rate thought to be in 2025 was 10 acres a year. We're actually doing about a third of that, so we're actually doing about 3 acres a year of industrial land. 2025 set aside 1,100 acres of industrial land. We're absorbing 3 a year. I'll let you think about that for a moment. It shouldn't take long to realize we have a ton of industrial land – far, far, far in excess of anything we're absorbing – anything we're using. There is no shortage of industrial land. We had 5½ times put out there so that we could use it; we've only used a third of even what was projected – a vast, vast difference. And, in fact, staff has recognized that back when Founders Park – the one read off the final plat – this was from that staff report. It said 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. I want you to look at 2025 right here. You can just see what we're talking about. Remember? I just told you we're absorbing 3 acres a year. Well, 3 acres is not much. Here's that little site right here – 18 acres right here. If you let this go, Hitachi still has about 30 acres over here. You still have the Saxon Office Park over here painted industrial. You still have a couple of sites in the Norman Business Park. You still have a site over here, and you still have all of Classen down here, and I'm not even showing you north Norman. We still have a lot of industrial land left. And at 3 acres per year, we're going to have it for a long time. It's not a problem.

So let's talk about what we've talked about before and that what happens, then, when you have these lands in south Norman and you have them in the private ownership of somebody like a historical estate – a homestead. First, I want to read what Mr. Don Wood said on April 8, 2010 at this microphone. He said, we would like to be focused on something to the north – and this was about industrial land – he said, because there's a 20 minute extra commute from the north end of Norman all the way around Highway 9 to that particular area – and that

was the context of the south industrial area. So the employers that are down there are saying that it's a problem for us. He told the Commission and Council that we needed industrial land on the north – Will Rogers, Oklahoma City – we needed that connection. The time around to here was not working any more. I think, in fact, that's why, perhaps, you see that the University North Park and industrial areas have not worked very well in southeast Norman. Hitachi is forlorn, really, in that they told us in the meeting they came here in the 80s and they expected this whole area to be industrial, and they're hanging onto that idea. Reality is it's just not there, and maybe that's why. Maybe that's why, because this area just doesn't work for the industrial because it's too far away from Oklahoma City for that 20-minute extra drive.

But what I want you to also focus on, when you look at the southeast area of Norman, is I want you to think about Mr. and Mrs. Todd and I want you to think about the Tulius family, and I want you to think about that if you make a decision tonight that this ought to stay industrial, then they must compete with the University of Oklahoma and the State of Oklahoma for the South Research Campus. They must compete with the NEDC, funded by the City of Norman, Moore-Norman VoTech, and the University of Oklahoma with the Saxon Business Park, Norman Business Park – those areas. You will put them in that position. Can they do it? I doubt it. The Todds are great people, but I don't know how you compete with a government. That's what you're doing to them. Remember 3 acres per year of industrial land is what we're actually absorbing. Ten acres is what's even projected. This community adopted a TIF – a lot of people talk about the TIF and most of the people talk about the retail area of the TIF. There was another whole area of the TIF – it doesn't get much discussion because, again, not much has happened up there industrially, but this is from staff reports – not our words – approximately 175 acres in the University North Park TIF area is still available for industrial purposes. That's right up here. North of Rock Creek Road. That whole area is not intended to be retail. That whole area is intended to be a multitude of uses, 175 acres of which can be industrial land. Do the math on that one. How long does 3 acres a year cause us to use up 175 acres? That is funded with public money -- $54 million of which – the Tuliuses didn't get any public money. They don't have any public TIF infrastructure to promote for their industrial site. But the City wants them to mothball it so that somebody can go use it. The TIF, in its own project plan, says the attraction of quality jobs through economic development. Again, this area alone – 175 acres – heavily subsidized – publicly funded – heavily promoted through the City, the University of Oklahoma Foundation – a billion dollar foundation – through this City – that parcel alone, at 3 acres absorption rate – that can accommodate our industrial need for 58 years. Is the Tuliuses going to stick around for 58 years? Is that what we're going to do – make them sit on that land for 58 years? I hope not. This is what they're competing against. As Ms. Connors said, the City wants them to sit there and keep that land as an industrial parcel. Well, here you go – this is the NEDC. This is screen shots from their website. Here's their business parks. Here's their research parks. University of Oklahoma Partners Place – they're on their seventh Partners Place building. Here's the University North Park Corporate Center. Here's the Norman Business Park. Here's the Saxon Business Park. Here's the OU Research Campus and I don't see the Tulius land. I don't see it. How are they supposed to do that? How is that supposed to happen? It's impossible. It's wrong. It's wrong for a city to say that we're going to make this family sit on industrial land while everybody for the government around here is going to market all of these business park and industrial sites and we're going to fund them with TIFs and we're going to fund them with all kinds of marketing money. It's not right. This is what you're making the decision on tonight. Let's be very clear about it. I will be as blunt as Hitachi was with us. Your decision tonight is, if you turn down this zoning, you are telling the Tuliuses that you are going to deny them the highest and best use of their property and you will be putting them in a position to do only one of two things. You'll be putting them in a position that they will be forced to sell the land at a lower price and lesser terms to Hitachi, or they can sit on that land and try to market it against the University of Oklahoma, the City of Norman, and the NEDC at an absorption rate of 3 acres a year. It's an impossible position. It's a taking. That's what you're discussing tonight.

Yes, this site is appropriate for multi-family. It's across the street; it's down the street; it's all around the street. You see the additions all around it. That's the Cottages right there across the

street. That's all we're proposing. We've lined up the entries. It's the same concept. It's the same thing. They've been there since 2006 – no complaints that we're aware of. Hitachi – I asked three times in that meeting, tell me about complaints, didn't hear one. It's a good project. It merits approval. You should support it. It provides a good place for OU students. It provides a place they want. The Cottages stands at 99% occupancy routinely across the street. This is what students seek; they deserve the right to have a good place to live as well. It's a recruitment factor for OU to have good places for them to go to. No negative impacts. Industrial not needed. Clearly, I think we've proven that. It's correctly designed. With that, I'll leave it to others to discuss. I'm happy to answer your questions. I thank you very much for your time, and please let us know if you have any questions.

5. Chairman Lewis – I didn't realize there was a well on that site. Can you walk me through what the requirements of building around a well are? What proximity you have to stay away from?

Mr. McCaleb – Yes. If the well is plugged, which it is, it has one requirement; if it's an active well, it is different requirements. An active well is 125' radius of no-build area – stay away from it. If it's plugged, you reduce it to 45' radius and you cannot build over the well itself, within the 45', but you can pave over it. We've had some subdivisions that we've done in Norman where we've had some wells that have been plugged and, with staff's support and if it makes sense, we've actually built a street over it – public streets. The only criteria is that we can gain access to that well if, for any reason, we need to. So it's been an area that you can utilize it. You can be adapted into the design, which we did. You just can't put a structure on top of it, plugged or not plugged.

Chairman Lewis – So in this situation, we have a plugged well. There's no way now, or any time in the future, that anything – a structure – could be built over that well. At the most, we could have a parking lot?

Mr. McCaleb – That's correct.

6. Ms. Pailes – One difference between this and some of the other places where residents and industrial are joined is a lot of those are separated by streets. One of the places that would be directly analogous might be the old historic neighborhood along Miller that has a dairy right next door. That neighborhood shows up in front of City Council on a somewhat regular basis with issues about being an industrial neighbor. One of their biggest complaints is truck noise, truck lights. Hitachi's loading dock is right there. If Hitachi expands to the west, it's really going to be right there. Would you address truck noise, truck traffic, truck lights, and how you would plan on sheltering your occupants from those annoyances, so that your occupants don't wind up in front of City Council complaining?

Mr. Rieger – I appreciate that, Commissioner. We asked Hitachi in the meeting if we could see these expansion plans they had and the gentleman held up one sheet of paper, quickly flashed it, and wouldn't give us a copy. We asked for a copy, so that we could maybe accommodate that. We weren't given a copy, so I don't know exactly. Presently, this wall right here is just a big flat blank wall; there is no windows; there is no nothing on that wall. The truck docks are all out here. In fact, you see our closest residence is not anywhere near the truck docks. The truck docks are far more of a nuisance – should be – to the Cottages up here than they would ever be down here.

Ms. Pailes – Are you planning on a masonry wall or any such thing?

Mr. Rieger – It's intended to be a gated community. I haven't actually asked the client yet what the particular wall type would be. Do you want to talk about that, Charlie, real quick?

Mr. Vatterot – It's a good question. We haven't got to that level of detail. One of the things that we had proposed is that we would certainly look at whatever material, whatever height fencing that Hitachi may think is appropriate or reasonable.

Ms. Pailes – Just an idle question – the little units with Cs on them – what are those?

Mr. Vatterot – Those are townhomes. Those are two- and three-bedroom townhomes. They're like row houses. We could go over each one of those codes, but I'd need some really powerful glasses.

Mr. Rieger – Let me make one other comment, Commissioner, if I can. One thing we do know that Hitachi showed us was the plan would come – their expansion would come right off the edge of this building. You can see, for the vast majority of this site, that's not an issue. It is literally only about four units right in here that that becomes an issue. And, again, what we understood the expansion would be – the truck docks would remain out front. In fact, they did describe a little bit – they said they would put employee parking over here under the expansion. Again, they didn't show us the plans, but I'm guessing as an architect that means there's probably not truck docks there. If there's employee parking, that also tells me it's probably not a very loud or intense or dangerous use they're putting there.

Ms. Pailes – But parking lot lights.

Mr. Rieger – Well, we have parking lot right here as well. So we've got the same parking lot that people would be facing. Again, frankly, we would need to know more about the addition – and we tried, but we weren't given that information. But we've been welcoming and open to put up the wall, a fence, buffering. It does have very large mature trees all along this side. If the expansion ends just like it is right now, with just a blank empty end wall, I don't think there's any issue there.

7. Ms. Gordon – Sean, maybe you can make this connection for me. Staff mentions that the 2025 Plan, talking about accommodations for how many multi-family units based on a population of 137,000, and that basically they need over 1,700 and we've basically permitted well past that. And the gentleman remarked that supply and demand is very favorable in Norman. Bottom line, are you guys going to be able to fill these? I mean, it doesn't seem to me that there's a lack of apartment space in Norman. It's not like the University student population is increasing exponentially. And you're marketing this to students.

Mr. Vatterot – I can tell you from experience – and this is not just Charlie Vatterot's idea of what works and what doesn't work. Our banking relationships, especially in a time where – if you saw the dynamic growth of the company, that was occurring during very difficult times in the economy. So it's not just that Aspen Heights believes in the product – believes it will lease very well. It's JPMorgan, Chase, Key, Frost, Arvest – all the big banks that see the same numbers. So we'll put together market research. Say, for example, right across the street were the Cottages, over 99% leased. We'll put together what our competitors, show that to the bankers. The bankers will go out, say thank you, throw it away, go make their own competition list – look at occupancies, absorption rates, rental rates – and come back, and they have come back every time backing up the numbers that we have found in the markets. We've been very successful. It's something that we're completely confident. And, again, just as a reflection – the closest community that we have is the one at that other university where it's now April and we're well beyond 90% pre-leased, and the students didn't have anything to look at as far as walking in. I think it was just this past week we finished our model and we leased, again, over 90% without having something to look at. A lot of times what we do find – and it's actually we see as a benefit, because we focus on college towns. There's a lot of times the residents that were in older neighborhoods that were traditionally designed – because students like to live in houses, hence the new design with the cottage and our concept – is that we end up pulling some of those students out and we end up giving them a chance to be with other students that like to be in houses, but also have the amenities that are not available in some of the older traditional community subdivisions.

Ms. Gordon – So you're saying that it's not necessarily a population increase – it's a shift, maybe?

Mr. Vatterot – It can be. It can be a change in what people are willing to pay for and what they like. It can be preference and change in demand.

Mr. Rieger – Let me add something to that. Commissioner, I'll relate a personal experience. This happened in a public courtroom, so I can share it, but it was for the Cottages

across the street. I was there on a landlord/tenant issue for the Cottages – same concept – same thing. This was within the last year and a half. The judge got to talking with them about the downturn – and that got built and occupied right before the downturn – about 2006, I think – and then the downturn. The lowest occupancy rate they ever hit, as expressed in the courtroom, was 83%. In the last year or two since the market, they literally have – they have 600 beds, I think, up there. They rarely have more than a few beds. They run at 99% occupancy all the time. So part of that is it's a concept that students apparently dearly love, and I think it's a little bit like Charlie said, in that they like to live in neighborhoods – they like to live in a house kind of setting. The problem is Norman had a big problem with that. They were doing that. And so, as that policy of 2025 said – and these companies are no different. They say, well, they want to live in that – we can come up with that. Let's put them in a setting like that. That's what the Cottages did and it's been extremely successful.

8. Mr. Boeck – I think, when you talk about shifts in housing – I remember when I came here to go to school, which is a long time ago – when I moved out of the dorms, I tried to find an apartment and the housing availability around campus was deplorable. You had lots of these rental units that were just garages turned into apartments with window air conditioning units, flooring below street level so they were flooded. So University and developers have come in here and built good units, and I know my kids love them because they live in them. So that might force some land owners or property owners to do something different, which is what I hoped would happen and it seems like it has happened. So the demand is there because the kids are looking for good places, and dorms are being taken off-line. There are more students. Cate Center is being shifted, and apartments are being torn down.

9. Ms. Gordon – My concern is that, at some point, you're going to hit a saturation. You're going to, because the University population isn't increasing that much. It's just not. I know the numbers because I work there, like you do. At some point you're going to hit a saturation. This is a massive unit. I'm not saying it's happening now. I'm just saying that that's a concern. This is a disconnect from what the staff report says about the number of units we need and the number we have. That's the issue I have.

10. Mr. McCarty – I would just like to follow up on Roberta's comments. It looks like there's a drive lane down the east boundary along Hitachi. How wide is that? And then what is the approximate proximity to the property line of the row houses?

Mr. Rieger – That's correct.

Mr. McCarty – So the buildings are actually sitting off of the property line a pretty good distance.

Mr. Rieger – That's correct. I think roughly about 50 or 70' off the east edge. There is a drive lane and a parking bay. We have to have a landscape buffer, too.

Mr. McCarty – And the row houses are probably a little closer than that, approximately. So, really, that's the closest buildings to the property line.

Mr. Rieger – Yes. I do want to make sure you understand this is not 500-some units, but beds. It's a big difference.

11. Ms. Gordon – I have a hypothetical. Looking at this picture, if you were to take the residential areas that are north of Imhoff and the commercial and the industrial that's south of Imhoff, and you were to switch them around and you would make all of the areas north of Imhoff – basically switch their purposes – industrial – commercial – and the areas that are now south of Imhoff would be residential. Would you stick in a commercial or industrial use right between those two residential uses? Would you do the opposite of what you're doing now, essentially, if the areas to the east and west were residential? Would you stick an industrial use right smack in the middle between those two residential areas?

Mr. Rieger – I think it depends on what the use is. These are all pretty tied to what the particular use is. Multi-family, for instance, has been a very good buffer and transition point all

around Norman. I think of that apartment complex we did up in the northwest area of Norman recently, and I showed you guys all of west Norman is commercial, RM-6 and then single-family. Multi-family are good middle ground zoning pieces.

Ms. Gordon – But that's not what I'm asking. Where you have the residential going in now, let's say it was surrounded on the east and west sides – flip what you're doing now, essentially. So let's say it was surrounded on east and west sides with residential, would you stick a Hitachi in between the two?

Mr. Rieger – If it was an office kind of clean industrial use, I wouldn't have a problem with that. Again, they put them in industrial sites, but it's lab coats and not coveralls. If it's a fairly clean and unobtrusive kind of industrial use, I don't know that you would have a negativity. We've seen it, in fact, on these other areas, as I showed you, with Astellas right next to Eagle Cliff. Albon and the Norman Business Park right next to that one. Greenleaf Trails and Trailwoods – those are right next to industrial tracts. No separation of multi-family or anything like it.

12. Mr. Knotts – You've mixed numbers, it appears. You talk about this target population and you include students in that. Students are not included in population, so you can't use that as an argument for this project. Do you agree with that, or not?

Mr. Rieger – Well, I would challenge you a little bit on that, Commissioner. What you build for students means you don't necessarily have to build for the rest of the population. So you provide openings for the rest of the population to move into.

AUDIENCE PARTICIPATION:

1. Don Wood, 2715 72nd Avenue S.E., representing NEDC as the Executive Director – This is a great project. I like the project. This is just not the place for it. Sean makes the arguments about all the changes in industrial property and how we have so much. We also have a lot of places you can put a project like this – stuff across the street – lots of other areas and lots of other places that this project could go that would be a lot more compatible. This particular piece of property is right next to Hitachi. That's the problem. It's not across the street. It's not separated by anything. It's right next to Hitachi. George Wilson is going to get up here in a little bit and he's going to talk to you about what their plans are. We fought hard to keep Hitachi. Three years ago that company was almost going to leave Norman because they were in competition to consolidate plants and we may or may not have won that consolidation move, and we did. That has been a great thing for Norman. They've gone from 300 employees to 500 employees. George is going to talk about their next expansion. We want them to have the potential to do what they need to do and continue to be a shining star in our community. Corporations make noise. They have trucks. They have people coming and going. Many of them are 24-hour operations. They're not compatible to neighborhoods. We don't need to encroach on them and create an environment where they're living with complaints that they really can't do a lot about, unless they close and move. We promised Hitachi when they came that this land would be light industrial, and we get closer and closer and closer. And now we're right on top of them – right next to them. One of the things I heard that was very disturbing to me is that whoever will pay the most for a particular piece of land ought to be able to do whatever they want with it. I don't think that's what planning is about. I don't think that's what you're about. That you want whoever can pay the most to get to do whatever they want to the property. You have to look at compatible uses. You have to look at where our community is growing and what's best for the overall community. George will talk about their attempts to try to buy that property, and I think you'll see this is not trying to treat the family or the estate poorly. I think they made some very fair offers to try to make this work, and they were rejected. They were rejected for 5 cents or 10 cents a square foot. That's when this use was never planned for this particular piece of property. They never should have had the expectation that this was going to be something other than what it was intended to be, and that was light industrial. So I think we need to consider that. We would recommend, and ask, that you not grant this change.

2. George Wilson, 515 Shawnee Street, representing Hitachi as the President of the Hitachi facility here – I did want to say just a few things, and I appreciate Sean leaving the diagram up. It will be helpful. Hitachi located here in the 80s – in '86-'87. At that time, all of this area was zoned light industrial. That was very much part of Hitachi's initiative – was to be in an industrial park. They don't locate their facilities in residential areas, for very good reasons. And, also, it was close to the University, which made a very big benefit to them. Throughout the reviews, again and again, in the 2020 and 2025 plan, it showed that this was designated industrial. But there has been a lot of encroachment. All of these rezonings since the time Hitachi moved in there. I do want to talk about a couple things. I appreciate Sean's characterization of our meeting. I appreciate the question about the dairy, because, quite frankly, our comment was we don't want to be the next Hiland Dairy. That is a problem. When you locate industrial facilities directly next to residential, it is inevitably going to be problems. Have we had a lot of complaints? No. We have worked very, very hard not to have complaints. We have tried to support all our neighbors, and have tried to accommodate them as much as they've tried to accommodate us.

There was an incorrect statement made about the price for the property. We actually bid 5 cents a square foot above Aspen's property price. That was a specific intent to show we were not trying to undercut anything or force anything into a lower price. We did, however, offer that same price per square foot for the homestead. That makes that piece of property where the homestead is – value from that proposal at about $400,000, which is above the market for that area for a home. So the price was actually above theirs. What we were requested was then buy the house again on top of the price we just paid for that property, and that's the point where we felt like it was becoming too expensive for us to approach that as a property purchase.

It's been characterized that we have plenty of room, and that is one of the things we are looking at. We have an active project with a local architect designing our next expansion. This is a key element for us as a corporation. We currently have about 500 employees. But we are always pushing to try to expand our operation and our business in Norman. This property is the key for that business in Norman. It was noted we do have plans and the current plans that the architect is working on is two-phase expansion. The first one, which is the one we did show at the meeting with Aspen, does come almost to that property line. It does encompass that access road to the oil well. There are agreements with the oil company that we can share access – we just cannot prohibit their access. So our building expansion that is currently in development actually extends about 100 feet north of here. There is limitation, as has been indicated, because there is an oil well on our property as well, that we cannot come all the way out, but it takes basically and puts our main employee entrance along that property line. As we said, in order to be environmentally sound, we did not want to add roof space and then add parking again on top of that, so we plan to put the parking underneath the building. That puts the building, at current design, about 50 feet tall. That will put a 50' building probably about 60' off that property line, with the access for the employee parking directly next to it. This is currently being reviewed by the architects, of course, on feasibility to make sure all permits are met. That access for parking is – we operate in many times 24 hours a day, seven days a week. We actually do operate the distribution center 365 days a year. That means that there will be traffic next to these houses throughout the year at 24 hours a day – not necessarily continuous, of course. But at shift changes, it will be very, very heavy. That also puts the truck docks much, much closer than it is currently shown. I will say that we also have, within that same plan, a phase two, which expands off the other end, because the comment was made that we have plenty of acreage on the other side. The shape of this property, and the need to have contiguous space, dictates that we have to expand off this core. As we move this direction, we are limited by the shape of the property. The farther we go out, that moves the employee parking almost – probably an eighth of a mile down the road from their actual workspace. So it has been reviewed.

I appreciate the comment that we can easily move this parking lot, and I appreciate that recommendation, because that's another million and a half dollar cost to us to move that

parking lot. Believe me, we've checked. It is in our plan to also do that, but not in the first phase. It is to maximize the utilization of our property, based on the shape of our property and the need to have contiguous space. It is very important for us to have the ability to expand, and that is one of our key elements – in order to know that we can expand in this site and expand without complaints.

Hitachi, if you look on their website, is very much about social structure – about giving back to the culture of the community and has been a big part of our efforts here in Norman, and we do not want to become the place for the next complaints. So that is why we continually work to do that. We have accommodated almost every one of our neighbors in some respect over the years. But we do have to reconsider if we are to know that we cannot move in one direction or the other because of incompatible neighbors. Fundamentally for us, we do view this as incompatible with our objectives. That's not an issue with the Todds, by any means. We did try to buy the property. The price was – per square foot for the land value, was actually 5% higher than was previously offered. But when it came to the home, it was asked that that price per square foot plus an additional home, which would make that request – make for that small piece well over a half million dollars. I appreciate the opportunity to talk about it. We've characterized a lot what industrial users would like, and yet I can't speak for all industrial users. But there is a big difference between wanting to live in a neighborhood with houses and others that are – homeowners like to live in a neighborhood where other homeowners live. It's the same with industrial users. That's why, when Hitachi located here, they viewed this as a planned industrial area, because the uses of the property and the expectations of the property, as well as the environment, is common among industrial users. So I think it's important to note that you can't speak for an industrial user without being an industrial user, and that is one of my key issues here. I think that's all I've got, but I appreciate the offer. We've always had a very good relationship with the City and appreciate the opportunity to actually be able to come and voice our concerns and hope for a positive outcome. Thank you.

3. Brent Armstrong, 1400 East Imhoff – We are to the west of the proposed site on the same side of the street – on the south side. We have a maintenance and storage building that is located on the far east side of our property. We have construction equipment. We're general contractors. We're in the construction business. We work on a lot of our equipment out there and it would be – I know they keep talking about Hitachi and they're showing 350 feet away, but according to the way the drawing is shown, our maintenance facility – our maintenance warehouse out there – we are about, I guess, 8 feet away from where the cars will be parked. I don't know what kind of fencing that they're proposing, but we've got a tilt-up concrete facility out there that is, as I stated, on the east side of our property. Where that vacant area is, if you look up there, that's usually full of our job site trailers, which, luckily, it's empty – that means they're all out on jobs. All of our equipment is out right now, too. But as the projects – because we run on 12 to 14 month time schedules – those come back in and they've got to be worked on and have maintenance done on them before they can go back out. With that, there's a fair amount of noise that gets generated with working on that equipment. As it was stated, there is land on the north side of the road that I think would be fitting for this project, but it seems like to me that – or to us at Armstrong – that this industrial. It's light industrial. We have the lot on the corner that's to the west of us and that is commercial and it will be developed fairly soon and it will be commercial. I can't see the need for any residential on this side. To the southwest of the project, those are all automobile maintenance and different facilities that are associated with that, so the whole west side, as well as the east side, is all industrial. I can't understand why you'd want to stick a residential right in the middle of it. That's all I have. Thank you.

4. Helen Todd, 1600 East Imhoff Road – I guess I'm the one involved with the estate. I have lived on this property all my life, except for ten years. I was born, in fact, on the property that Hitachi currently has. During the war – or before the war started, when Japan bombed Pearl Harbor, the federal government came along and took over 20 acres from my parents and condemned it. That property then was added to others and became an auxiliary landing field.

After the war was over, my parents tried to buy it back and they could not; the government would not sell it to them. They, in turn, gave it to the University and the University then was supposed to have it only for landing field purposes. So what they did was to go and buy some property on the northeast of 24th and Highway 9 and put in an auxiliary landing strip that was made of dirt. They then sold the property to Hitachi. Hitachi has been a good neighbor. They were talking about complaints about noise and what have you. They have been a good neighbor to us, as far as noise is concerned. The train track makes much more noise than they do, which is right next door. That has not been a problem, as far as noise. But then, since that time, on top of that, Highway 9 has been taken through there and the State took that and the State said, you know, we're not going to pay you much – the same as the government. We don't pay you much, but you'll get it when something happens later, you know. You can make that up by your property. Well, then the State took Highway 9 and on both sides of the road – they had property on the west side as well as the east side. And after that they widened Highway 77, which was only two lanes at the time, and they now have it four lanes, plus an additional turn lane, and they took the porch off of the house that we were living in at the time. No problem with that – you'll make up the money later on. Okay. So now I'm trying to make up some of the money. I was offered 5 cents more per square foot by Hitachi than I was by Breckenridge, but when I asked them – Breckenridge said that they would buy the property without buying the 2.5 acres – they were interested in my 2.5 acres but they would buy the property even though they didn't get that 2.5, and later on if I wanted to sell it, then they would deal with me and perhaps buy it at that time, which I thought was – I would like to live out my life in that property, if possible. Hitachi, in turn, though, would not pay me anything additional for my house or my cellar or my water well or my out buildings to help us move. We've got over 51 years of accumulated junk, but some of that would be kept and we would want to move it. We would have to buy a new house – someplace to move into and they would not give us anything for that except for the same price for our land as the other land that belongs to the estate.

I have been trying to sell this since my mother died, which was in 2002. I have not had too many offers – I have had some, but normally what happens is we have a downturn in our economy and everybody all at once becomes disinterested and so I have not had any of those come to fruition at all. So I would like to go ahead and sell it, if possible. I would like to say that I support Breckenridge and I hope that you can see fit to go ahead and change that property so that they can have it. With the current price, I would have to have something for my house. Hitachi says they will not buy it unless I sell my property also. That was the stipulation. I said you could go ahead and buy that and let us live on it. No. We would have to move out. So that was all part of the stipulation. But rather than me having to take that much money out of my pocket to buy a new house and other things – I just did not think that was a good offer. I have tried to sell it commercially. Lowes came in and wanted to put a store on the east side of town and they wanted to put it on that property. Then, again, we had a downturn and so that did not come to fruition. They would have come and asked for it to be commercial rather than industrial. So it would have been something different, even. I sold a little over 3 acres of property since my mother died, and I did not receive enough money for that. I came to the City. They said it was zoned as industrial. I said it's really good prime land for commercial and is there any chance at all that it can be zoned commercially? No, there was not. There's no way at all it will rezone. Well, within two years' time it was zoned commercial by the people who had bought it. So I would just like for you to consider the letter that I wrote and also any of the statements that I may have made. If you have any questions, I'd be happy to answer them.

5. Chairman Lewis – Mrs. Todd, I do have one question. We've heard from both sides, and you're the party that is in the middle. You are the property owner. My question is simply very blunt. Hitachi came to you and offered a price, and Mr. Vatterot's company came to you and offered a price. In your best judgment, the land that your family has owned since – I believe you said the 1940s.

Mrs. Todd – No, no. Since before the 20s.

Chairman Lewis – So how long has your family owned this piece of property?

Mrs. Todd – Well, my parents owned it for – I know it had to be in the teens. My parents were married in 1923. My father had already been married before and had two children, and he had lived in that house then. Then my mother and my father married in 1923. So it's been in my family over – since 1910. And it's always been zoned rural.

Chairman Lewis – It would be fair to say, then, this piece of property has been in your family's history for a very, very long time.

Mrs. Todd – Yes.

Chairman Lewis – And pretty close to when the City of Norman became incorporated.

Mrs. Todd – Yes.

Chairman Lewis – So, in your judgment, what do you think should happen with this piece of property?

Mrs. Todd – I think, based upon the fact that the apartments that are across the street – there was nothing over there. We get along real well with the apartments and they don't really cause that much trouble. I thought they would, but they don't. And I would like to see it to be apartments.

Chairman Lewis – And one last question. Had Hitachi come to you and been willing to purchase your land, including your home, and relocate you and your husband to a new home, would you have sold it to Hitachi gladly?

Mrs. Todd – I probably would have.

Chairman Lewis – Thank you so much for your comments.

Mrs. Todd – I've got six other heirs that are all involved, and so I really need to do something with the property.

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

Curtis McCarty moved to recommend adoption of Resolution No. R-1213-113, Ordinance No. O-1213-41, and approval of PP-1213-16, the Preliminary Plat for ASPEN HEIGHTS ADDITION, A Planned Unit Development to the City Council. Roberta Pailes seconded the motion.

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

YEAS	Curtis McCarty, Roberta Pailes, Dave Boeck, Chris Lewis
NAYES	Jim Gasaway, Cindy Gordon, Sandy Bahan, Tom Knotts
MEMBERS ABSENT	Andy Sherrer

Ms. Tromble announced that the motion, to recommend approval of Resolution No. R-1213-113, Ordinance No. O-1213-41, and PP-1213-16 to City Council, failed by a vote of 4-4.

* * *

City of Norman, OK

Municipal Building Council Chambers
201 West Gray Street
Norman, OK 73069

Master

File Number: O-1213-41

File ID:	O-1213-41	**Type:**	Ordinance	**Status:**	Non-Consent Items
Version:	1	**Reference:**	Item No. 52	**In Control:**	City Council
Department:	Planning and Community Development Department	**Cost:**		**File Created:**	03/14/2013
File Name:	O-1213-41 Breckenridge Rezoning			**Final Action:**	

Title: ORDINANCE NO. O-1213-41 UPON SECOND AND FINAL READING: 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 PART OF THE WEST HALF OF THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 9, TOWNSHIP 8 NORTH, RANGE 2 WEST OF THE INDIAN MERIDIAN, NORMAN, 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. (SOUTH SIDE OF IMHOFF ROAD APPROXIMATELY 900 FEET EAST OF CLASSEN BOULEVARD)

Notes: ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1213-41 upon Second Reading section by section.

ACTION TAKEN: _____

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1213-41 upon Final Reading as a whole.

ACTION TAKEN: _____

Agenda Date: 05/28/2013

Agenda Number: 52

Attachments: Text File O-1213-41 Corrected, O-1213-41 - Breckenridge dba Aspen Heights, AspenHeights Location Map, Aspen Heights Rezone Staff Report, Aspen heights PUD (spr ready to print copy 5-16-13), AspenHeightsProtest, Aspen Heights Protest Letters, Aspen Heights Support Letter, 4-11-13 PC Minutes - Breckenridge

Project Manager: Jane Hudson, Principal Planner

Entered by: rone.tromble@normanok.gov

Effective Date:

History of Legislative File

Ver-sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Planning Commission	04/11/2013	Recommended for Adoption at a subsequent City Council Meeting	City Council	05/14/2013		Fail
	Action Text:	Recommend adoption or Resolution No. R-1213-113, Ordinance No. O-1213-41, and approval of PP-1213-16, the Preliminary Plat for ASPEN HEIGHTS ADDITION, A Planned Unit Deveopment to the City Council.					
1	City Council	05/14/2013	Introduced and adopted on First Reading by title only				Pass
	Action Text:	That this Ordinance be Introduced and adopted on First Reading by title only. by consent roll call					

Text of Legislative File O-1213-41

body

SYNOPSIS: The applicant has submitted a request to rezone an existing property from A-2, Rural Agricultural District, to PUD, Planned Unit Development District, for a student housing project. The proposal consists of 158 units with approximately 552 beds. The tract currently has a single-family home on-site but it will be divided from the development as platting is completed. The land under review for this request was set aside on the 2020 Plan and again on the 2025 Plan as industrial due to its close proximity and access to Highway 9, a major road, and the possibility of extending additional industrial use already in place to the east of this tract.

STAFF ANALYSIS: When the 2020 Land Use Plan was adopted, a detailed land use analysis was completed that revealed Norman had 925 acres of land that was being used for industrial purposes, and the Plan reserved industrial, and recommend that 1,200 additional acres be added and preserved for future industrial use. This deliberate decision of the Council, at that time, was to create multiple opportunities to accommodate all types of industrial activities in a wide variety of locations. The actual demand for industrial land was estimated at 198 acres over the entire time frame of the Plan. It was predicted that the surplus industrial land would be absorbed at the rate of approximately ten acres per year.

Policy does not prohibit conversions from industrial designations, but does recommend that such requests be "critically evaluated." In this case, this land is not currently zoned for industrial use, but has been reserved on the 2025 Plan for future industrial use.

One of the purposes for designating land as industrial use is to allow tracts of various sizes throughout the community to be reserved for a wide range of industrial opportunities, which are a major economic driver for any community. Conversely, from the landowner's perspective, 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.

This location lies immediately to the west of the Hitachi plant, an industrially zoned use. The area to the west of this proposal is zoned C-2, General Commercial District, with commercial uses in place. Those commercial uses are considered a more intense use than the typical shopping center you might see in a commercially zoned area. The use directly to the west is a construction company which expressed concerns at the Planning Commission meeting that the noise they create, when working on concrete tilt-up wall, may impact the new residential neighbors.

PUD ANALYSIS:

USE: As proposed, the project will be student housing development focusing on the University of Oklahoma students for their residents. However, students will not be their only tenants. The project will consist of 158 units and 552 beds, with associated amenities of a pool and clubhouse.

DESIGN: One entrance to the subdivision is proposed from Imhoff Road. There will be two and three-story buildings on this site. These buildings are described as "American Craftsman-Style" design. The landscaping

shall be provided in conformity to the City of Norman Landscape Ordinance..

OPEN SPACE: There will be open space and green space areas located throughout the development. The open space area totals over 10.94 acres or approximately 58%. A portion of the 10.94 acres is accounted for as a drainage pond.

PARKING: The parking is distributed throughout the development to meet the city requirements.

LIGHTING: The lighting proposed for the site shall be installed in conformance with the Commercial Outdoor Lighting Standards.

SIGNAGE: All signage shall be in conformance with the City of Norman's sign codes. The additional comment in the PUD stated "signs may be lit and landscaped with appropriate vegetation and planter boxes designed so as not to interfere with traffic sight lines."

FENCING: Fencing will be added to the northeast corner of the development to shield the existing residential home.

ISSUES:

OIL WELL: There is an existing well site located on this tract of land. The site development plan will meet the building setback requirements for that area.

OTHER AGENCY COMMENTS:

PARK BOARD: The Board of Parks Commissioners recommended fee-in-lieu of land to fulfill the parkland dedication requirements for the development.

PUBLIC WORKS: A Traffic Impact Study was submitted and reviewed by Staff. Detention will be provided for storm water run-off. Water and sanitary sewer is available to the property. Interior sanitary sewer is private. Interior water lines will be installed per city standards to serve for fire protection.

2010 INDUSTRIAL LAND USE STUDY: In March of 2010, City staff completed an Industrial Land Use Study. This study was done in response to applications staff had received for rezoning and land use amendment of industrially designated land to commercial, residential, and mixed uses. The study highlighted the need for preserving readily buildable areas of adequate size and location for industrial uses. The 2010 Industrial Land Use Study revealed that, of the area designated for industrial use on the 2020 Plan, almost eight hundred forty-nine acres have been rezoned and designated for uses other than industrial. Of that total, five hundred eight-six acres were included in the University North Park area, of which approximately one hundred-seventy-five acres are still available for industrial purposes, although no definitive plans have been presented. One hindrance to developing the UNP area as industrial is the high cost of land, which makes it better suited for office development. Of the remaining two hundred sixty-three acres, commercial requests comprise almost sixty-eight percent of the area that has been changed. In some cases, changes to the update of the 2020 Plan were discussed as part of the adopting process, and resulted in the removal of substantial amounts of industrial land. Almost three hundred acres of industrially designated land was eliminated in the area south of Tecumseh Road, east of 12th Avenue NW to allow two large residential developments to occur (Trailwoods and Greenleaf Additions). In the same area, as the northwest corner of Tecumseh Road and 12th Avenue, approximately one hundred thirty-six acres was changed from industrial designation to commercial, high density residential, medium density residential, office and low density residential. An addition sixty acres of land located at the southern boundary of the community was changed form industrial to mixed use.

STAFF RECOMMENDATION: The question is not whether the development itself has been correctly designed, but whether this is the appropriate location for a multi-family development. The impact a multi-family development can have on existing industrial and commercial developments and vice-versa can be problematic. The Hitachi plant is a 24-hour facility. The noise and traffic impacts on a multi-family development can be challenging. A residential component added adjacent to an industrial use may possibly register noise complaints. These complaints can cause industry to relocate to new locations due to constraints placed on

them for noise violations. Typically once a residential use is established adjacent to an industrial use noise and traffic become an issue to the adjacent residents.

In keeping with the goals of the 2025 Land Use and Transportation Plan to preserve industrially designated properties for future development, staff does not support rezoning request Ordinance No. O-1213-41.

At their meeting of April 11, 2013, the Planning Commission, by a vote of 4-4, failed to make a recommendation with regard to Ordinance No. O-1213-41

O-1213-41

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 PART OF THE WEST HALF OF THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 9, TOWNSHIP 8 NORTH, RANGE 2 WEST OF THE INDIAN MERIDIAN, NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN THE PUD, PLANNED UNIT DEVELOPMENT DISTRICT, AND REMOVE SAME FROM THE A-2, RURAL AGRICULTURAL DISTRICT, OF SAID CITY; AND PROVIDING FOR THE SEVERABILITY THEREOF.
(South side of Imhoff Road approximately 900 feet east of Classen Boulevard)

§ 1. WHEREAS, Breckenridge Land Acquisition, L.P., 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, on a vote of 4-4, made no recommendation whether 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 part of the West Half (W1/2) of the East Half (E1/2) of the Northwest Quarter (NW1/4) of Section 9, Township 8 North, Range 2 West of the Indian Meridian, more particularly described as follows:
Beginning at the Northwest Corner of the said W1/2 E1/2 NW1/4, said point being 1319.11 feet N89°14'31"E of the Northeast corner of said NW1/4;
Thence S00°07'41"E on the West line of said W1/2 E1/2 NW1/4 for a distance of 1290.48 feet to a point on the North Right-of-Way line of State Highway No. 9;
Thence S27°35'00"E on said North Right-of-Way line for a distance of 218.30 feet;
Thence S72°35'00"E on said North Right-of-Way line for a distance of 101.80 feet;
Thence N62°25'00"E on said North Right-of-Way line for a distance of 274.00 feet;
Thence Northeasterly on said North Right-of-Way line, being a curve to the Right, having a radius of 403.00 feet, a chord bearing of N78°49'20"E for a curve distance of 235.50 feet;
Thence S84°07'00"E on said North Right-of-Way line for a distance of 12.30 feet;
Thence N00°06'41"W on the East line of the said W1/2 E1/2 NW1/4 for a distance of 925.05 feet;
Thence S89°14'31"W and parallel to the North line of said W1/2 E1/2 NW1/4 for a distance of 275.00 feet;
Thence N00°06'41"W and parallel to the said East line of the W1/2 E1/2 NW1/4 for a distance of 396.00 feet;
Thence S89°14'31"W on the North line of the said W1/2 E1/2 NW1/4 for a distance of 384.04 feet to the point of beginning, containing 18.52 acres, more or less.

§ 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

_____, 2013.

_____
(Mayor)

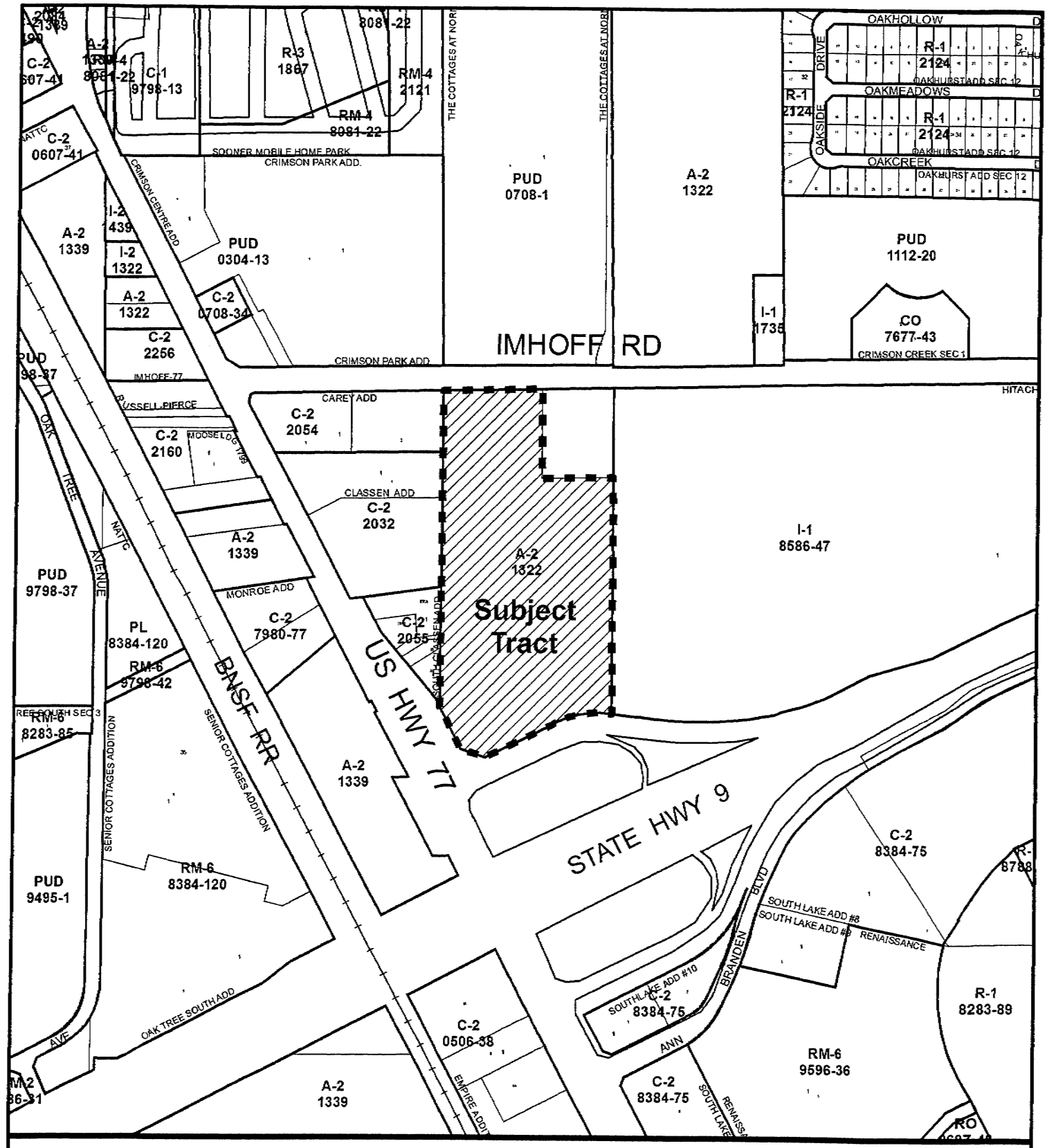
ATTEST:

_____
(City Clerk)

NOT ADOPTED this _____day of

_____, 2013.

_____
(Mayor)



Location Map

Map Produced by the City of Norman
Geographic Information System.
(405) 366-5316
The City of Norman assumes no
responsibility for errors or omissions
in the information presented.

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February 12, 2013

0 250 500 Ft.

Subject Tract

Zoning

ASPEN HEIGHTS ADDITION

NORMAN, OKLAHOMA

OWNER: BRECKENRIDGE LAND ACQUISITION, LP

APPLICATION FOR 2025 PLAN CHANGE
PLANNED UNIT DEVELOPMENT
PRELIMINARY PLAT

Originally submitted on 11 March 2013

PREPARED BY:

THE RIEGER LAW GROUP
Attn: Sean Paul Rieger
S.P. Rieger, PLLC
136 Thompson Drive
Norman, Oklahoma 73069-5245

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The site is generally flat with very low slope topography. No portion of the site is in the FEMA 100-year flood plain.

D. Drainage

A Drainage Impact Analysis has been prepared to illustrate the detention requirements that are required and the solutions planned.

E. Utility Services

Many of the required utility systems for the project (including water, sewer, gas, telephone and electric) are currently located adjacent to, or in very near proximity to, the boundaries of the Property. Many of the services exist along the Imhoff Road arterial.

F. Fire Protection Services

Fire Protection services will be provided by the City of Norman Fire Department and by Owner provided building sprinkler systems if required by building codes in individual structures.

G. Traffic Circulation and Access

Primary vehicular access to the site will be provided by way of the Imhoff Road arterial, which borders the Property. The drives and access corridors within the Property will be private.

III. DEVELOPMENT PLAN AND DESIGN CONCEPT

The Addition is planned to accommodate medium density residential uses. The Exhibits attached hereto, and as submitted by the project Engineer, SMC Consulting Engineers, are incorporated herein by reference and further depict the development criteria.

A. Medium Density Residential District

The proposed improvements in the PUD are as planned on the attached Preliminary Site Development Plan, **EXHIBIT B** hereto.

1. Uses; Design

The purpose for the PUD is to extend the RM-6, Medium Density Apartment District, zoning provision and apply its provisions from the City of Norman zoning code, unless as amended herein (to the extent of any contradiction between the provisions of this PUD and the proposed designs and exhibits submitted with this PUD and the City Zoning

Ordinance, this PUD and its proposed designs and exhibits as submitted shall control):

a. The proposed intensity of uses shall be approved as put forth on attached **EXHIBIT C**.
b. Height: Structures may not exceed three stories, or forty five (45) feet, whichever is greater.
c. Density: The Addition may be developed to a density of up to a maximum of 9.2 units per acre. That figure is based on the preliminary plans, which include approximately 158 residential units over 18.9 acres, which is a planned density of 8.36 units per acre (9.2 being submitted to allow for up to a 10% overage as needed).
d. Impervious Area: the total amount of impervious area, including all building footprints and paved areas shall not cover more than sixty five (65) percent of lot area, or as necessary to accommodate the proposed Preliminary Site Development Plan as submitted herewith, whichever is greater.
e. Accessory Buildings: Accessory buildings such as, but not limited to, a common area clubhouse and related uses are allowed and may contain uses consistent with, but not limited to, office, fitness, residents' movie theater, game room, library, lounge, meeting room, swimming pool and accessory buildings, model unit, maintenance and equipment rooms, etc. Accessory buildings not exceed the height of the principal residential buildings and shall be in harmony with the adjacent buildings.
f. Athletic and recreational courts and facilities are allowed as support uses within the residential district.
g. All other minimum building setbacks shall be maintained as per the City Council approved Preliminary Site Development Plan, which is attached herewith and as shown on **EXHIBIT B.**

2. Parking

Parking may be accommodated by way of common area parking lots within the district, and/or by way of parallel parking along the private streets within this residential area. The areas allowing parallel parking will provide a 20' (twenty-foot) clear aisle for emergency vehicles. ~~Parking may be accommodated by way of common area parking lots within the district, and/or by way of parallel parking along the private streets within this residential area.~~

3. Dumpster and Trash Enclosures

A trash compactor and its enclosure may be located on site to facilitate resident trash removal. Any dumpster enclosure will be built of materials to be compatible with the building exteriors in the Addition. Location of

dumpsters and compacters will be as approved by the City of Norman Sanitation department. Dumpsters will be built to city standards.

B. Miscellaneous Development Criteria

1. Site Plan and Final Plat

The preliminary site development plan for the medium density residential areas currently submitted with this PUD shall be incorporated herein as an integral part of the PUD and the development of the property shall be substantially constructed as presented thereon, although the PUD may be further refined once final site development plans are submitted with final plat, subject to City Staff approval.

2. Amenities

Open space and green space areas are located throughout the Addition. Within the area of the Addition, open green space totals over approximately 10.94 acres, or over approximately 58% of the total site area. See **EXHIBIT D**.

3. Signage

All signage shall be in conformance with the City of Norman's sign codes, as amended from time to time, and comply with applicable district regulations.

Signs may be lit and landscaped with appropriate vegetation and planter boxes designed so as not to interfere with traffic sight lines.

4. Fencing; buffering

Fencing may be constructed at all perimeter areas of the Addition, and within the Addition, per the Developer's discretion. Construction material may be of masonry, pre-cast concrete, metal/iron, or wood, or any combination thereof, and other materials as compatible with the building structures. Fencing and landscaping shall be provided along the eastern boundary of the Addition in sufficient manner to secure and screen that edge condition. Fencing shall be provided along the west and south boundaries of the abutting residential use for screening, as such residential use abuts the Property on the northeast corner of the Property (the Todd family home).

5. Traffic access/circulation/parking and sidewalks

The access to the PUD will be from Imhoff Road. Developer reserves the option to provide gated access at Imhoff Road, subject to any such gated entry being designed per the City of Norman standards as required for emergency vehicle access and adequate traffic control. Landscape buffers will accommodate all City of Norman traffic division sight triangle requirements. All internal drives and streets will be private and will have adequate circulation provided for the fire department and City Waste Management Services.

All interior sidewalks will be at least four feet (4') wide and provide adequate access to the buildings along with all project amenities. A five-foot wide City sidewalk will be provided generally along Imhoff Road as it abuts the Addition, constructed to City of Norman Standards.

6. Lighting

All exterior lighting shall be installed in conformance with the City of Norman commercial outdoor lighting standards, as amended from time to time.

7. Landscaping

Landscaping shall be provided in conformity to City of Norman ordinances. The proposed Landscaping Plan is attached as **EXHIBIT B**.

8. Public Parkland

The Developer proposes fee in lieu of as the public park land solution. The residents of the Addition will have ample recreational opportunities and amenities within the gated Addition. Consequently, fee in lieu of will provide an opportunity for the City to apply additional funds to area parks.

EXHIBIT A

Proposed Preliminary Plat

(Full sized drawing submitted in separate copy to City Staff)

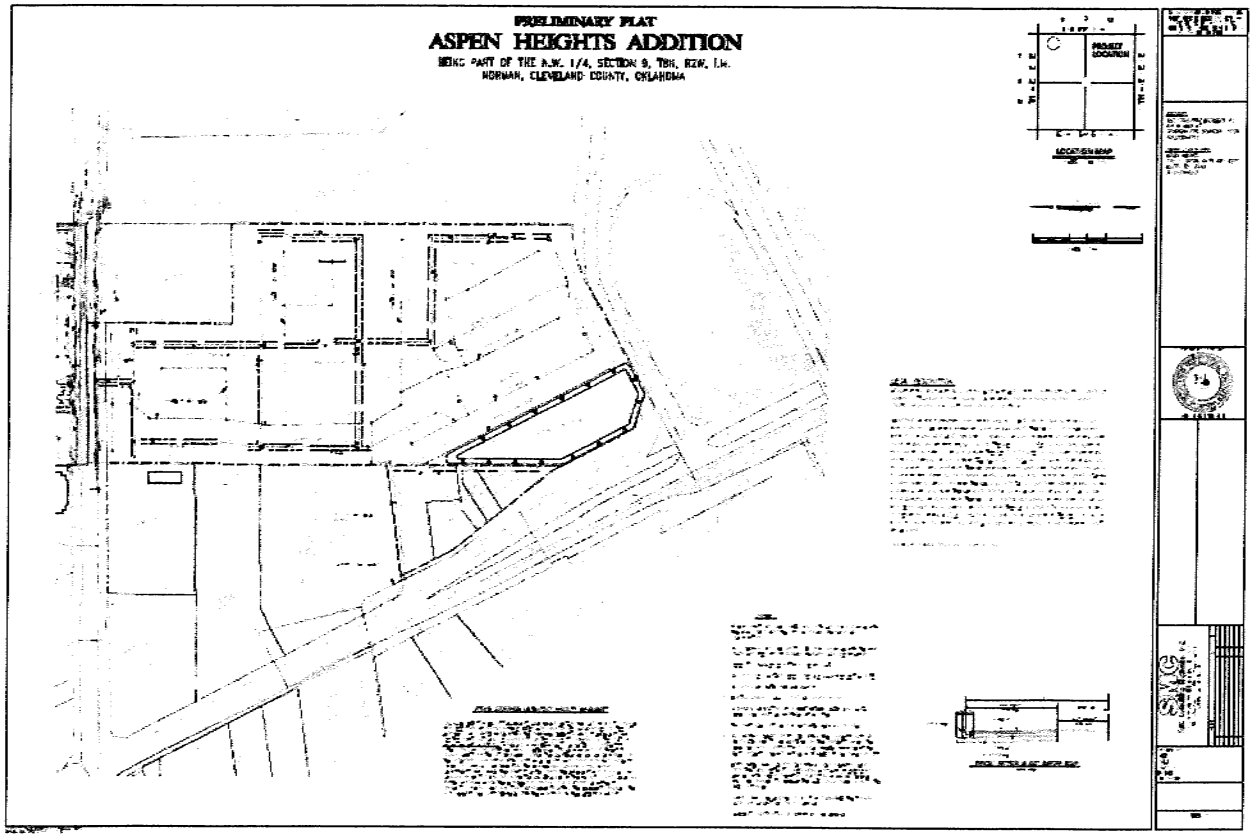


EXHIBIT B

Proposed Preliminary Site Development Plan and Landscape Plan
(Full sized drawing submitted in separate copy to City Staff)

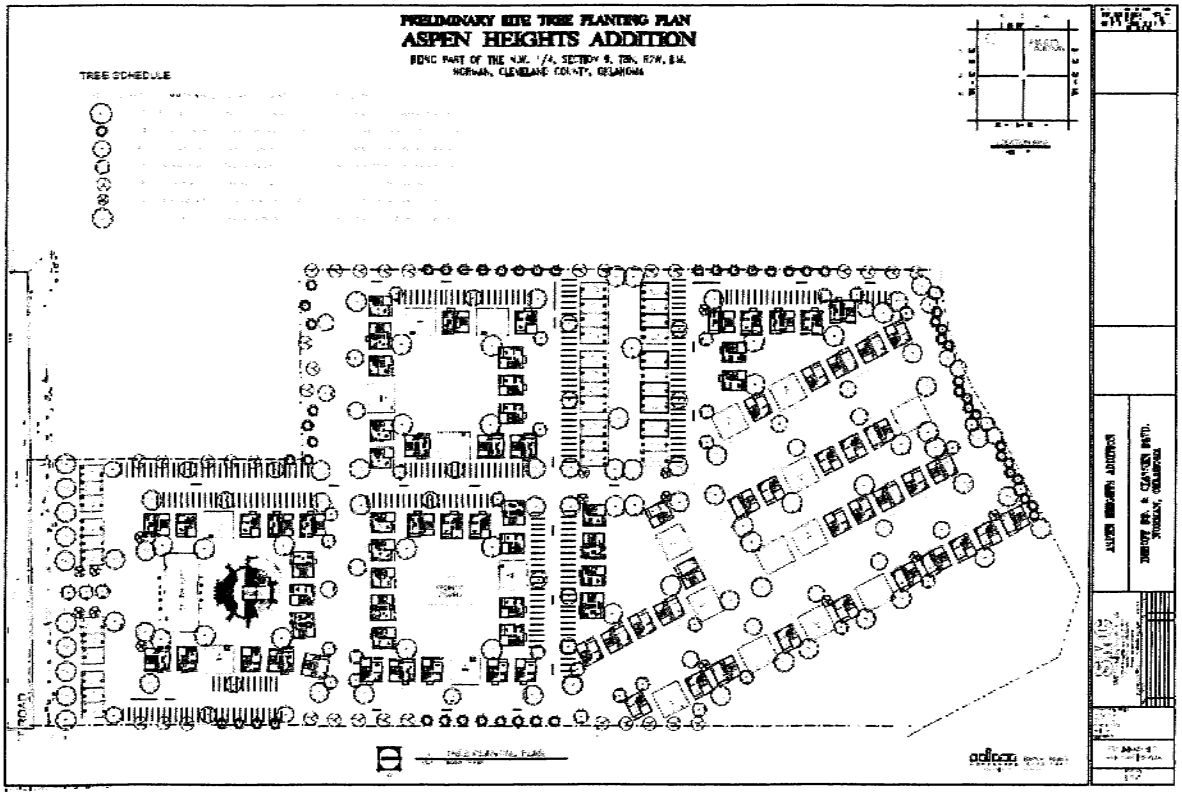


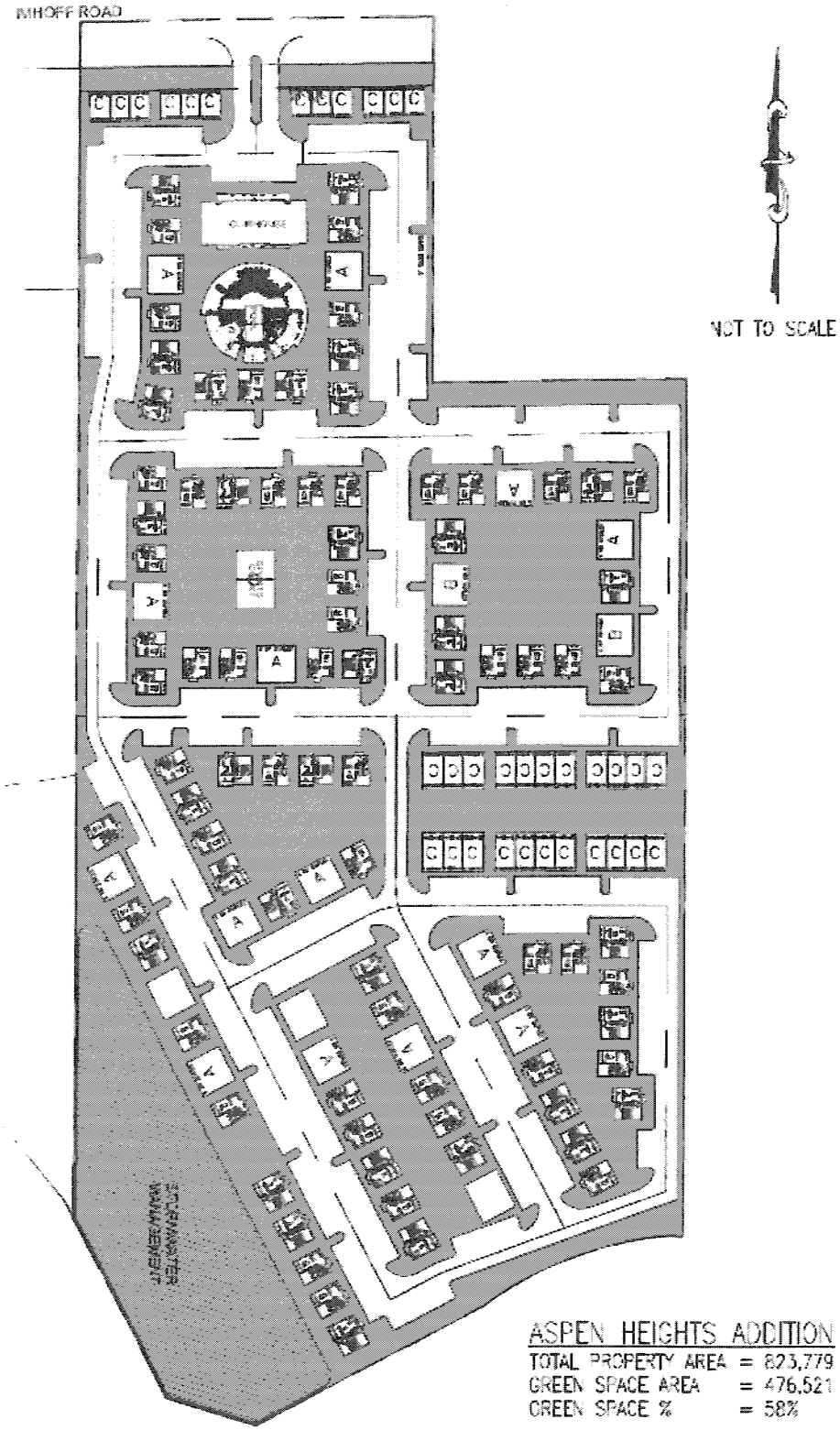
EXHIBIT C

Calculations of Intensity of Uses

TOTAL UNITS	158 UNITS
TOTAL BEDS	552 BEDS
GROSS SITE AREA	18.9 ACRES
GROSS DENSITY	8.36 DU/AC
GROSS DENSITY (BEDS)	29.2 BEDS/AC
NET SITE AREA EXCLUDES 33' ROW EASEMENT	18.6 ACRES
NET DENSITY	8.49 DU/AC
NET DENSITY (BEDS)	29.7 BEDS/AC
PARKING REQUIRED (CITY)	284 SPACES (1.80 SP/UN)
PARKING PROVIDED	700 SPACES (1.27 SP/BD)
FLOOR AREA RATIO ALLOWED	0.40
FLOOR AREA RATIO SHOWN	0.38
OPEN SPACE RATIO REQUIRED	1.80
OPEN SPACE RATIO PROVIDED	2.15
LIVABILITY SPACE RATIO REQUIRED	0.95
LIVABILITY SPACE RATIO PROVIDED	1.39
RECREATION SPACE RATIO REQUIRED	0.13
RECREATION SPACE RATIO PROVIDED	0.13
IMPERVIOUS COVER ALLOWED	12.3 ACRES (65%)
IMPERVIOUS COVER SHOWN	9.3 ACRES (49%)

EXHIBIT D

Proposed Open Space Areas



ORDINANCE NO. O-1213-41 ITEM NO. 12b

STAFF REPORT

GENERAL INFORMATION

APPLICANT	Breckenridge Land Acquisition, L.P.
REQUESTED ACTION	Rezoning to PUD, Planned Unit Development District
EXISTING ZONING	A-2, Rural Agricultural District
SURROUNDING ZONING	North: PUD, Multi-Family Planned Unit Development East: I-1, Light Industrial District South: State Hwy. 9 Right-of Way West: C-2, General Commercial District
LOCATION	South side of Imhoff Road approximately 900 feet east of Classen Boulevard
SIZE	18.52 acres
PURPOSE	Student Housing
EXISTING LAND USE	Vacant
SURROUNDING LAND USE	North: Residential East: Industrial South: Right-of-Way West: Commercial

SYNOPSIS: The applicant has submitted a request to rezone an existing property from A-2, Rural Agricultural District to PUD, Planned Unit Development for a student housing project. The tract currently has a single-family home on site but will be separated from this development as platting is completed. The land under review was set aside on the 2020 Plan and the 2025 Plan as industrial due to its close proximity and access to Highway 9, a major road, and the possibility of extending additional industrial use.

ANALYSIS: The particulars of this PUD include:

1. USE As proposed, the project will be a student housing development focusing on the University of Oklahoma students for their residents. The project will consist of 158 units and 552 beds, with associated amenities of a pool and clubhouse.

2. DESIGN: One entrance to the subdivision is proposed from Imhoff Road. There will be two and three-story buildings. These buildings are described as "American Craftsman-style" design. The landscaping shall be provided in conformity to the City of Norman Landscape Ordinance.

2. OPEN SPACE: There are open space and green space areas located throughout the development. The open space area totals over 10.94 acres or approximately 58%. A portion of the 10.94 acres is accounted for as a drainage pond.

3. PARKING: The parking is distributed throughout the development, in number of spaces that meet the city requirements.

4. LIGHTING: The lighting proposed for the site shall be installed in conformance with the City of Norman Commercial Outdoor Lighting Standards.

5. SIGNAGE: All signage shall be in conformance with the City of Norman's sign codes. The additional comment in the PUD stated "signs may be lit and landscaped with appropriate vegetation and planter boxes designed so as not to interfere with traffic sight lines."

6. FENCING: Fencing will be added to the northeast corner of the development to shield the existing residential home.

ISSUES:

- **OIL WELL** There is an existing well site located on this tract of land. The site development plan will have to be redesigned to meet the building setback requirements for that area.

OTHER AGENCY COMMENTS:

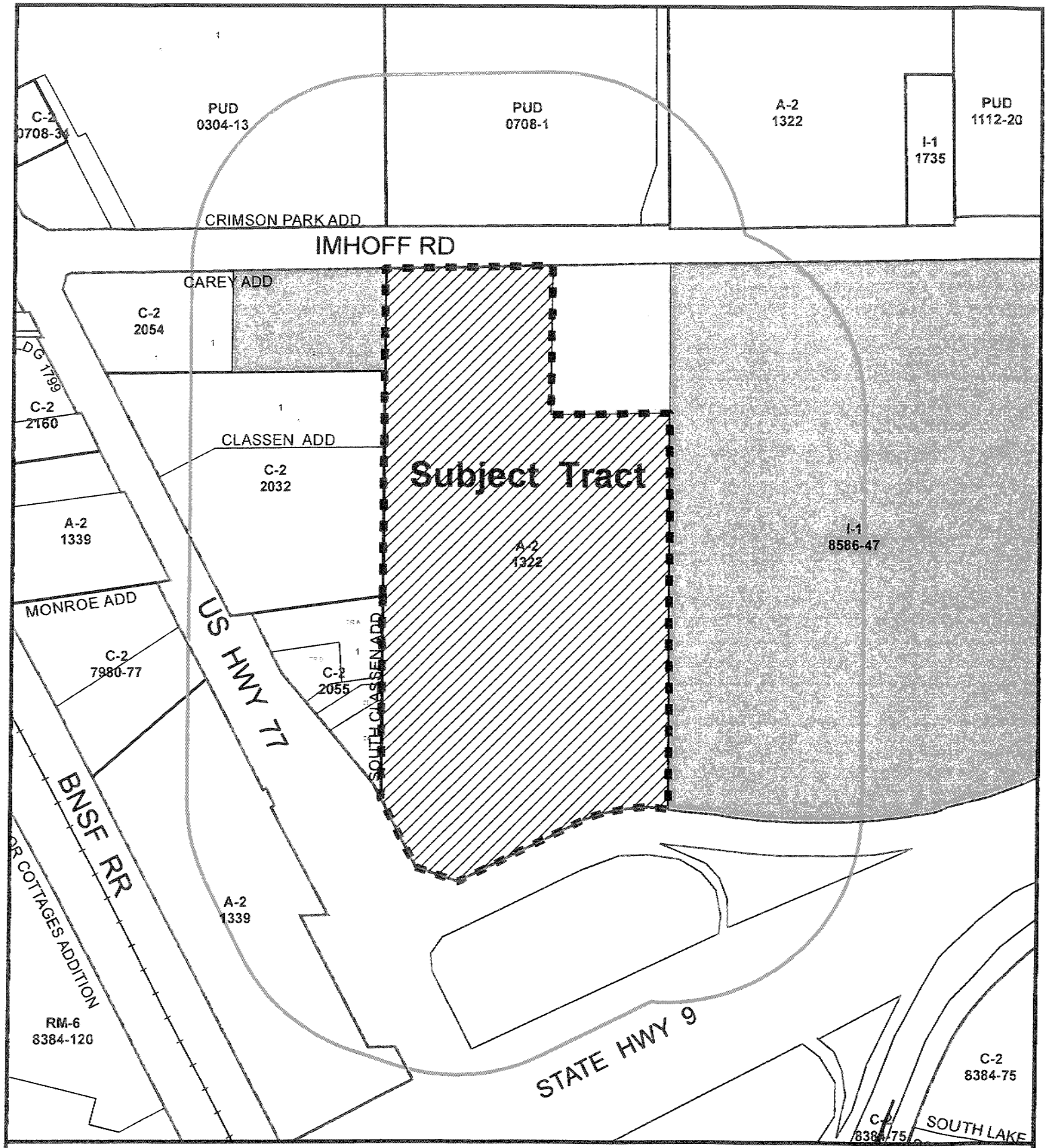
- **PARK BOARD** This application is moving forward without Parks Board decision as they meet after printing of the Planning Commission Packets.

- **PUBLIC WORKS** A Traffic Impact Study was submitted and reviewed by staff. Detention will be provided for storm water run-off. Water and sanitary sewer is available to the property. Interior sanitary sewer is private. Interior water lines will be installed per city standards to serve for fire protection.

STAFF RECOMMENDATION: The question is not whether the development itself has been correctly designed, but whether this is the appropriate location for a multi-family development. The impact a multi-family development can have on an existing industrial development and vice-versa can be problematic. The Hitachi plant is a 24-hour facility. The

noise and traffic impacts on a multi-family development can be challenging. The residential component added adjacent to an industrial use could register noise complaints causing industry to relocate to new locations due to constraints placed on them for noise violations. Typically, once a residential use is established adjacent to an industrial use noise and traffic become an issue to the adjacent residents.

In keeping with the goals of the 2025 Land Use and Transportation Plan to preserve industrially designated properties for future development, staff is does not support rezoning request ORDINANCE NO. O-1213-41.



Protest & Support Map

40.4% Protest Within Notification Area

6.0% Support Within Notification Area

Map Produced by the City of Norman
Geographic Information System.
(405) 366-5316
The City of Norman assumes no responsibility for errors or omissions in the information presented.

N
W E
S

Scale: 1" = 300'
April 10, 2013

Subject Tract

Protest

Notification Area

Su52-17

April 4, 2013

City Clerk of Norman Oklahoma
PO BOX 370
Norman, OK 73070

Re: Protest of Zoning Change by Breckenridge Land Acquisition, L.P. on Part of the West Half of the East Half of the Northwest Quarter of 9-8-2 (the "Property")

Dear Planning Commission:

As a concerned citizen, I hereby present this protest to the proposed zoning change.

The proposed change is not in accordance with the Norman 2025 Land Use and Transportation Plan (the "2025 Plan"). The 2025 Plan designates the Property for "Industrial" (I-2) zoning which is appropriate for the surrounding land use in this area. Allowing this zoning change will prevent the existing adjoining business from expanding which will be extremely detrimental to the economy of Norman.

Further, the proposed use for apartments will create an overabundance of apartment units in the area which will create vacancies. Vacant apartments will decrease surrounding residential property values. Vacant apartments also post a threat to the general welfare of the community.

The proposed zoning change will also create safety concerns due to the adverse increase in traffic which will be harmful and detrimental to the public welfare. Apartment use is not appropriate in this location.

The proposed zoning change is not within the harmony, spirit or intent of the 2025 Plan. Departing from the 2025 Plan for this Property will be detrimental to the economy, property values and safety of the citizens of Norman.

As a concerned citizen, I strongly urge the Planning Commission to deny this zoning change.

FILED IN THE OFFICE
OF THE CITY CLERK
ON 4-8-13

HITACHI
Inspire the Next

Hitachi Computer Products (America) Inc.
1800 East Imhoff Road, Norman, OK 73071-1202
Tel: 405-360-5500 Fax: 405-573-1299
www.hitachiomd.com

April 4, 2013

FILED IN THE OFFICE
OF THE CITY CLERK
ON 4-4-13

Norman Planning Commission
201-A West Gray Street
Norman, OK 73069
Attn: Secretary

Re: Application of Breckenridge Land Acquisition, L.P. to amend the Norman 2025 Plan and rezone property on south side of Imhoff Road, east of Classen Boulevard

Ladies and Gentlemen:

I am writing as President and on behalf of Hitachi Computer Products (America), Inc. with respect to the referenced application. Hitachi's property is immediately east of the referenced tract and is the location for Hitachi Computer Products (America), Inc. Manufacturing and HDS International Distribution Facility. This letter shall serve as Hitachi's formal protest of the Breckenridge application.

Hitachi located its plant in Norman in 1986. Since that time it has been a successful contributor to the Norman economy and has undertaken significant expansions of its plant in 1988, 1990 and 2010. When Hitachi located in Norman it did so in view of Norman's vision of creating a light industrial area along the Highway 9 corridor. That vision was to identify an area suitable for light industrial development where Norman could attract light industry users with similar and synergistic uses. Hitachi would have viewed its location differently had it understood that the contiguous light industrial area along Highway 9 would be divided into mixed uses.

The original vision of a light industry district has already been eroded by previous zoning changes. Hitachi is very concerned that if that vision is further eroded through the referenced application or others, Norman will suffer consequences detrimental to its citizens and to its economic growth. If, contrary to the original vision, the Highway 9 corridor is converted to a patchwork of multiple uses, light industry users interested in locating in Norman will be forced to locate elsewhere, probably close to non-industrial uses, thereby furthering the patchwork nature of Norman zoning. Just as home owners often prefer to live in neighborhoods among other home owners, industrial users prefer to be located among other industrial users. Shared expectations regarding land use enhance the attractiveness and value of a property to industrial users. The lack of large contiguous industrial spaces in Norman will make the city less attractive to Hitachi and other industrial users. The prospect of this result can be minimized by preserving the remaining undeveloped portions of the Highway 9 corridor for light industrial use.

In addition, Hitachi is concerned that the proposed development will lead to inevitable conflict with Hitachi's use of its current site. Hitachi last expanded its plant in 2010 and already is considering further expansion. One likely expansion will be expanding the current facility to Hitachi's west property line (the east property line of the proposed Breckenridge development). This development will include a building of approximately 50 feet in height, a fire lane west of the building, truck docks and a drive for employee access, all located as near as possible to the property line. Attendant to this development will be 24 hour a day truck and passenger vehicle traffic and truck dock operations. It is difficult to see how a multifamily residential development on the property to the west of this intense use could be designed to avoid conflict. That conflict is not beneficial to Hitachi, the City of Norman or residents of the proposed development.

For these reasons Hitachi strongly opposes the application and respectfully requests that the Planning Commission recommend disapproval.

Very truly yours,

George R. Wilson
President

G & G DEVELOPMENT, L.L.C.

1400 E. IMHOFF ROAD•NORMAN, OK 73071-4050•PHONE (405) 329-1460

April 8, 2013

Norman Planning Commission
201 West Gray, Bldg. A
Norman, OK 73069

RE: Zoning Request dated March 20, 2013
Breckenridge Land Acquisition, L.P.

To Whom It May Concern:

We received the legal notice that Breckenridge Land Acquisition, L.P., has submitted to the City of Norman for requested amendment of the NORMAN 2025 Land Use and Transportation Plan from Industrial Designation to Medium Density Residential Designation and rezoning from A-2, Rural Agricultural District, to PUD, Planned Unit Development District, for property generally located on the south side of Imhoff Road approximately 900 feet east of Classen Boulevard. As a property owner adjacent to the west side of the above property, we are protesting the approval of the application.

We bought and built our company businesses in what was an industrial area according to City of Norman land use plans. We feel the City of Norman continues to need industrial development in this area instead of more apartments which have already inundated this area to the north. If this application is approved, we would be almost totally surrounded by apartments which would bring more traffic issues along with people to what was to be an industrial area originally.

We have various plots of developed and undeveloped land in the area and are very interested in our community's growth and development pattern. Therefore, we strongly urge you to reject this application.

Sincerely,

Gail Armstrong
Property Owner

Gary Armstrong
Property Owner

Encl.

FILED IN THE OFFICE
OF THE CITY CLERK
ON 4/8/13

Helen Todd
1600 Imhoff Road
Norman, Oklahoma 73069

FILED IN THE OFFICE
OF THE CITY CLERK
ON 4-8-13 JM

City of Norman
City of Norman City Council
City of Norman Planning Commission
City of Norman Planning & Community Development Department
Other Interested Parties
201 W Gray St, Bldg. A
PO Box 370
Norman, OK 73070

Re: Letter of March 20, 2013 concerning the Breckenridge Land Acquisition, LP and 18.5 acres in the West Half of the East Half of the Northwest Quarter of Section 9, Township 8 North, Range 2 West of the Indian Meridian.

Ladies and Gentlemen:

I am Helen Todd. My husband and I live at 1600 East Imhoff Road in Norman. This land mentioned in your March 20, 2013 letter has been a part our family's homestead going back to the 1920s. In fact, I was born on our family's homestead in December, 1930 and except for ten years after I got married, when I lived in Norman proper, I have always lived on this property. The house my husband and I live in today is located on roughly two and one-half acres in the northeast corner of the family land. The remaining balance of the family's land, having about eighteen and one-half acres, is a part of my mother's probate estate and I am the Personal Representative of her estate. My husband and I really want to live out our lives in our home. At the same time, I also have a responsibility to the devisees of my mother's estate and they would prefer to see the estate's part of the family land sold.

As the personal representative of my mother's estate, I offered the estate's part of the family land for sale. I negotiated with both Hitachi and then Breckenridge Land Acquisition LP. For the reasons set out below, I was unable to reach an agreement with Hitachi. I was able to reach an agreement with Breckenridge and Breckenridge will buy it from us if they can develop it as a cottage-style student housing project. I am writing this letter to urge the City of Norman to support and approve Breckenridge's requests to develop the eighteen and one-half acre part of the family's land as a cottage-style student housing project The following outlines my reasons and rationale for this support.

The land which is currently in question was owned by my parents since before 1930. This piece of property used to be much bigger. After Japan attacked Pearl Harbor in December 1941 and the USA went to war with Japan and Europe in World War 2, the Federal Government condemned over 20 acres of land from my parents. On this property, along with land which they condemned from others, they installed an auxiliary air base on which the pilots who were being trained on the North Base could practice landings as well as use for emergency purposes. After the War was over my parents were not allowed to buy the property back and it was later given to the University of Oklahoma to be used for landing field purposes only. The University later bought a

smaller piece of property Northeast of SE 24th and Imhoff and fixed up a dirt landing strip for emergency purposes, and then sold the Navy property to Hitachi. The home I was born in was actually on the property that is now owned by Hitachi.

During the years since my Mother's death I have been attempting to sell the remaining 18.5 acres of the family legacy. I have also watched how businesses and apartments have been built all around this area and the value of land has increased. Currently there are two sets of apartments located to the North of this property. That land was not zoned for that use, but the City of Norman land use plan was changed and it is now being used for that purpose. I feel like if other property in the same vicinity was treated this way then there should be equity and no reason why this property couldn't be zoned for similar non-industrial uses. Proceeds from the sale of the 18.5 acres homestead are to be divided between six heirs.

For over a year I worked with CBRE in Oklahoma City and Jemsite Development, LLC in North Carolina who were buying the property for Lowes to put in a store on the East side of Norman. Then due to the bad downturn in 2009 that did not come to fruition. They were going to ask that the property be zoned Commercial.

Then, I was contacted by NAI Sullivan Group and Hitachi Computer Products (America), Inc. about wanting the property. As it turned out, Hitachi would not buy the 18.5 acres unless my husband and I also sold them our home and 2.5 acres and moved out. Hitachi offered an acceptable price per acre for the 18.5 acres but wouldn't agree to pay us enough for our home to allow us to relocate to another comparable residence. Our house has a little over 1850 sq. feet of livable space, plus a storm cellar, water well, septic tank and laterals, and a large storage building that holds a motor home and pickup or tractor. The home also has all ash wood throughout, many built in cabinets, etc. It's not new but it our home and, if we had to move, we wanted to be able to buy something comparable. Hitachi refused to pay us for our buildings and improvements on the property. They would only pay us for the land. Hitachi also insisted on including in their agreement that they could take up to 18 months after the agreement to purchase was signed before they had to exercise the option to buy. Then within ninety days after they exercised the option the closure was to take place and we were to move. This meant that we were to give up our house, cellar, etc. without getting paid any more than the land price; but we were to, in ninety days after they decided to exercise the option, go and find and pay for another house of similar size and type to move into, that was still in a close proximity to central Norman, with a storm cellar or something similar, and have a new water well drilled, if permitted, and pay from our own pocket to have all of our 51 years of accumulation in this house moved by a moving van and then have all of the work of packing as well as unpacking. This is not personally feasible for us without getting paid for our improvements. Their comment, according to the real estate agent, was that they felt they had already paid enough for the house and buildings, etc. by just buying the land. He also advised us that the reason they wanted the 18 months to exercise the option to buy was so that they would have time to rezone from industrial to commercial and sell part of their existing property for commercial and to use the proceeds from that to pay for the 18.5 and 2.5 acres rather than use new investment money and save on taxes. There was an indication by the real estate agent that they would probably give us some time over the ninety days before we had to move out. We have no children, we are in our eighties, and we are not able to do some of the hard/heavy things we used to do. In order to deal with Hitachi we would have had to change our way of living personally and not be compensated for this change.

About the same time I was contacted by Breckenridge Land Acquisition, LP. Breckenridge also made a satisfactory offer for the 18.5 acre tract and Breckenridge has made a contract to buy it from us if they can develop it as a cottage-style student housing project. Breckenridge has also advised me that they would also like our home and 2.5 acres, but they have agreed to buy the land from the estate by itself without making me sell our house and move. They have advised me through their real estate agent that if and when we were ready to sell our house and land to let them know. So when we're ready, there might be a bid for our 2.5 acres from Breckenridge and there might not.

Hitachi is a huge international corporation which, according to its 2011 financial report, had total assets of over $110 BILLION, equity of more than $29 BILLION, and cash of more than $6 BILLION (copy attached). Had Hitachi been willing to either buy only the 18.5 acres or to compensate us for our home so that we could replace what we were losing and pay moving costs, etc., the story might be different—but they wouldn't. Instead they have chosen to fight the rezoning and our ability to sell to anyone else so that Hitachi will be positioned to be the only buyer.

We want to sell this land to Breckenridge and keep our home. Please approve the Breckenridge requests.

Respectfully,

Helen Todd

HELEN TODD

Helen Todd

HELEN TODD
For Georgie Tullius Estate

Olan Todd

OLAN TODD
For Olan Todd Rev Trust

City of Norman, OK

Municipal Building Council Chambers
201 West Gray Street
Norman, OK 73069

Master

File Number: PP-1213-16

File ID:	PP-1213-16	**Type:**	Preliminary Plat	**Status:**	Non-Consent Items
Version:	1	**Reference:**	Item No. 53	**In Control:**	City Council
Department:	Public Works Department	**Cost:**		**File Created:**	03/14/2013
File Name:	Aspen Heights Preliminary Plat			**Final Action:**	

Title: CONSIDERATION OF A PRELIMINARY PLAT FOR ASPEN HEIGHTS ADDITION, A PLANNED UNIT DEVELOPMENT. (GENERALLY LOCATED ON THE SOUTH SIDE OF IMHOFF ROAD APPROXIMATELY ONE-FOURTH MILE EAST OF CLASSEN BOULEVARD/HIGHWAY 77.

Notes: ACTION NEEDED: Motion to approve or reject the preliminary plat for Aspen Heights Addition, a Planned Unit Development.

ACTION TAKEN: _____

Agenda Date: 05/28/2013

Agenda Number: 53

Attachments: Text File Prelim Aspen, Attachment A.pdf, AspenHeights Location Map, Aspen Heights Preliminary Plat, Aspen Heights Prelim Plat Staff Report, Aspen Heights Trans Impacts (03-14-13), Aspen Heights Preliminary Site Plan, Greenbelt Comments Aspen Heights, Item 12c - Park Board Decision, 4-11-13 PC Minutes - Breckenridge

Project Manager: Ken Danner, Subdivision Manager

Entered by: rone.tromble@normanok.gov

Effective Date:

History of Legislative File

Ver-sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Planning Commission	04/11/2013	Recommended for Adoption at a subsequent City Council Meeting	City Council	05/28/2013		Fail

Action Text: Recommend adoption or Resolution No. R-1213-113, Ordinance No. O-1213-41, and approval of PP-1213-16, the Preliminary Plat for ASPEN HEIGHTS ADDITION, A Planned Unit Deveopment to the City Council.

Text of Legislative File PP-1213-16

body

BACKGROUND: This item is a preliminary plat for Aspen Heights Addition, a Planned Unit Development and is generally located on the south side of Imhoff Road and one-quarter mile east of Classen Boulevard. This property consists of approximately 18.9 acres on one (1) developable lot. The proposal includes multi-family apartments with approximately 150 units.

Planning Commission, at its meeting of April 11, 2013, on a vote of 4-4 made no recommendation to City Council amending the NORMAN 2025 Land Use and Transportation Plan from Industrial Designation to Medium Density Residential Designation and that this property be placed in the Planned Unit Development (PUD) and removed from A-2, Rural Agricultural Designation. Also, Planning Commission, at its meeting of April 11, 2013, on a vote of 4-4 made no recommendation to City Council regarding the preliminary plat for Aspen Heights Addition, a Planned Unit Development.

DISCUSSION: The site plan for the proposed Aspen Heights Addition involves the development of apartment units. The location of this project is proposed for the southeast corner of the intersection of Classen Boulevard and Imhoff Road. Primary access to the development will be from a single driveway along Imhoff Road. Based on analysis provided, 158 apartment units with 552 beds will generate approximately 1,851 trips per day or 217 PM peak hour trips. As such, the trip generation potential for this development is above the threshold for when a traffic impact study is required. The traffic capacity on the affected roadways exceeds the demand for existing and proposed trips as a result of this development. No negative traffic impacts are anticipated on these facilities. See Attachment A.

A traffic impact study was completed by Traffic Engineering Consultants and submitted for the subject development in March, 2013. The traffic study concluded that no off-site improvements are necessary in order to support the traffic that will be generated by the development as proposed. This development will add traffic to the improvements recently constructed by ODOT and the City at the Classen Boulevard intersection with Imhoff Road. A traffic impact fee on a per trip basis was previously calculated for improvements to the Classen Boulevard and Imhoff Road intersection with the Crimson Park Apartments TIA. These fees of $146.52 per PM peak hour trip are applicable to this development as well. From the traffic study, it is expected that 163 PM peak hour trips will utilize the Classen Boulevard intersection with Imhoff Road. This equates to $23,882.76 in traffic impact fees to be collected with the final plat for this development. Finally, the traffic impact study submitted for this development recommends that the proposed access to Imhoff Road align with the existing access to the Cottages of Norman driveway located on the north side of Imhoff Road across from this development.

Public improvements for this property consist of the following:

Fire Hydrants. Fire hydrants will be installed in accordance with approved plans. Their locations have been approved by the Fire Department.

Sanitary Sewers. Sanitary sewer mains will be installed in accordance with accepted plans and City and Oklahoma Department of Environmental Quality standards. The interior service lines will be privately maintained.

Sidewalks. Sidewalks will be constructed adjacent to Imhoff Road.

Storm Sewers. Storm sewers and appurtenant drainage structures will be installed in accordance with accepted plans and City drainage standards. Privately-maintained detention facility will be utilized.

Streets. Imhoff Road is existing.

Traffic Signal. Traffic impact fees were previously calculated for improvements to the Classen Boulevard intersection with Imhoff Road. These fees of $146.52 per PM peak hour trip are applicable to this development as well. From the traffic study, it is expected that 163 PM peak hour trips will utilize the Classen Boulevard intersection with Imhoff Road. This corresponds to $23,882.76 in traffic impact fees that should be collected with the final plat for this development.

Water Mains. There is an existing 12-inch (12") water main adjacent to Imhoff Road and a 24-inch (24") water main adjacent to State Highway No. 9. Interior water mains will be installed in accordance with accepted plans and City and Oklahoma Department of Environmental Quality standards to supply water to fire hydrants. These lines will connect to the 12-inch (12") and 24-inch (24") water mains.

Public Dedications. All rights-of-way and easements will be dedicated to the City with final platting.

Park Land. A fee in lieu of park land will be requested to be negotiated with final platting. The Norman Board of Parks Commissioners, at its meeting of April 4, 2013, recommended fee in lieu of park land.

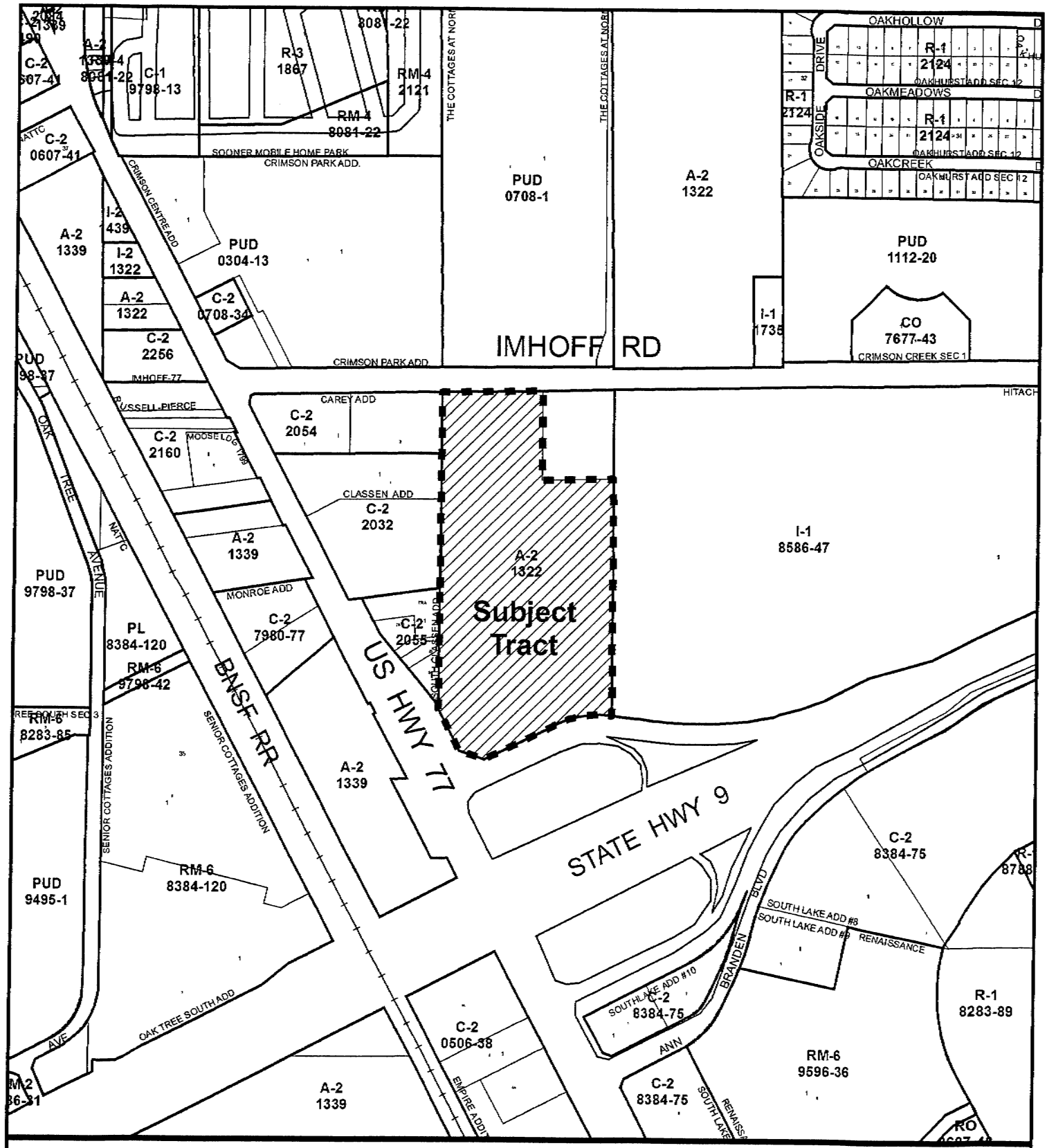
RECOMMENDATION: Based on the above information, staff recommends approval of the preliminary plat for Aspen Heights Addition, a Planned Unit Development subject to approval of R-1213-113 and Ordinance No. O-1213-41.

ATTACHMENT A

Aspen Heights Addition

Preliminary Plat

STREET	NO. OF LANES	PROPOSED DEVELOP-MENT (Veh/day)	EXISTING TRAFFIC (Veh/day)	TOTAL PROJECTED TRAFFIC (Veh/day)	ROADWAY CAPACITY L.O.S. "E"	% CAPACITY USED (EXISTING)	% CAPACITY USED (PROJECTED)
Imhoff Road	4	1,851	6,996	8,847	34,200	20.46	25.87
Classen Blvd	5	1,388	21,948	23,336	36,000	60.97	64.82



Location Map

Map Produced by the City of Norman
Geographic Information System.
(405) 366-5316
The City of Norman assumes no responsibility for errors or omissions in the information presented.

N
W E
S

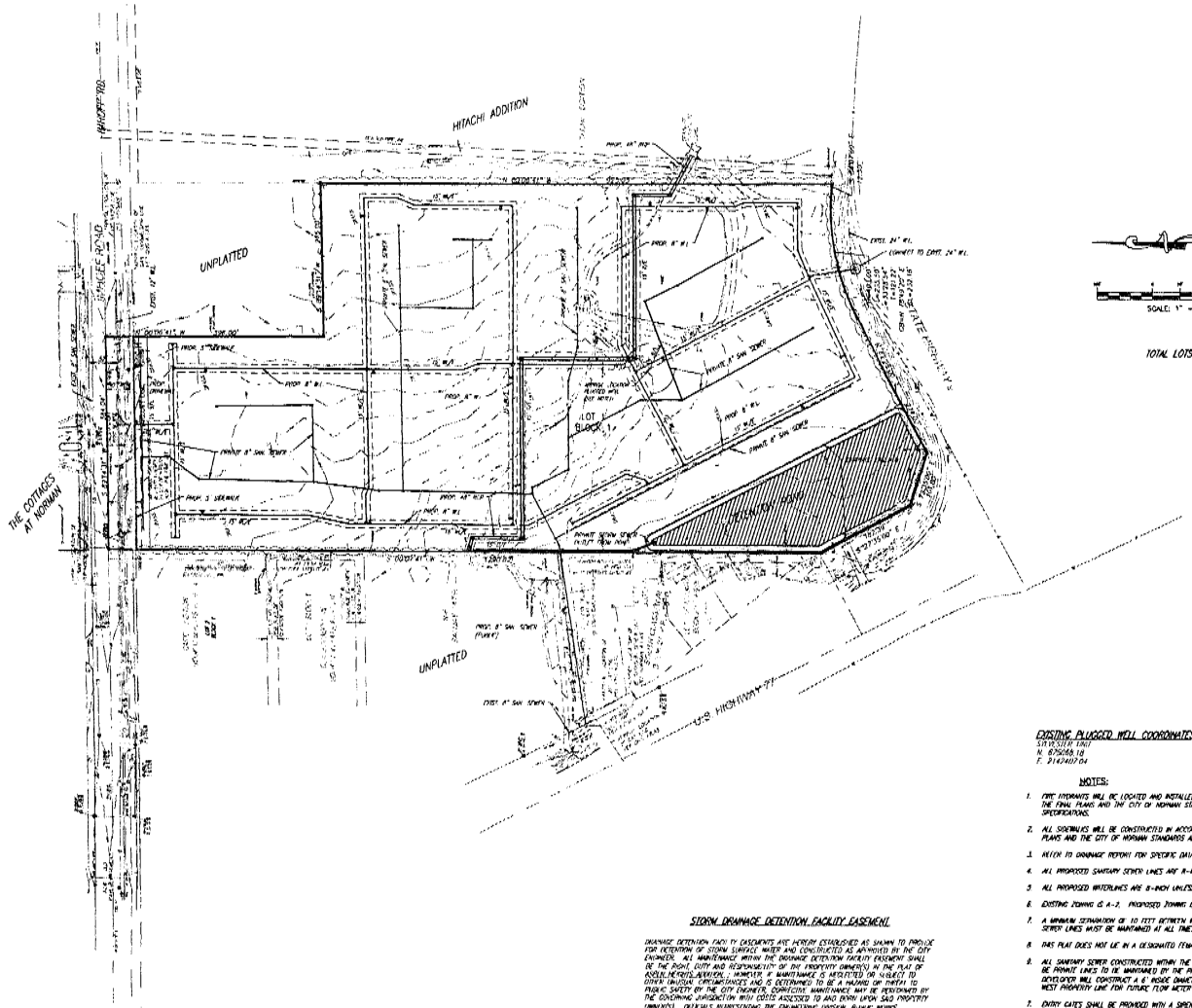
February 12, 2013

0 250 500 Ft.

Subject Tract

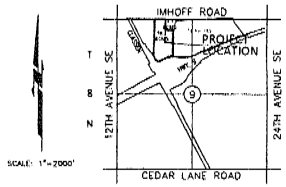
Zoning

PRELIMINARY PLAT
ASPEN HEIGHTS ADDITION
A PLANNED UNIT DEVELOPMENT
BEING PART OF THE N.W. 1/4, SECTION 9, T8N, R2W, I.M.
NORMAN, CLEVELAND COUNTY, OKLAHOMA



SCALE: 1" = 100'

TOTAL LOTS = 1



LOCATION MAP

LEGAL DESCRIPTION:

A part of the West Half (W/2) of the East Half (E/2) of the Northwest Quarter (NW/4) of Section 9, Township 8 North, Range 2 West of the Indian Meridian, Norman, Cleveland County, Oklahoma, more particularly described as follows:

BEGINNING at the Northwest Corner of the said W/2, E/2, NW/4, said point being 1315.11 feet N 89°14'31"E of the Northeast corner of said NW/4; THENCE S 00°07'41"E on the West line of said W/2, E/2, NW/4 for a distance of 1290.48 feet to a point on the North Right of Way line of State Highway No. 9, THENCE S 73°35'00"E on said North Right of Way line for a distance of 218.30 feet; THENCE S 72°35'00"E on said North Right of Way line for a distance of 101.00 feet, THENCE N 62°25'00"E on said North Right of Way line for a distance of 274.00 feet; THENCE Northeastery on said North Right of Way line, being a curve to the Right, having a radius of 403.00 feet, a chord bearing of N 78°40'20"E for a curve distance of 235.50 feet; THENCE S 84°07'00"E on said North Right of Way line for a distance of 12.30 feet; THENCE N 00°06'41"W on the East line of said W/2, E/2, NW/4 for a distance of 925.05 feet; THENCE S 89°14'31"W and parallel to the North line of said W/2, E/2, NW/4 for a distance of 275.00 feet; THENCE N 00°06'41"W and parallel to the said East line of the W/2, E/2, NW/4 for a distance of 386.00 feet; THENCE S 89°14'31" W on the North line of the said W/2, E/2, NW/4 for a distance of 384.04 feet to POINT OF BEGINNING.

Said tract contains 18.52 acres, more or less.

EXISTING PLUGGED WELL COORDINATES:

SPCS (OK-N ZONE)
N. 675068.18
E. 2147467.04

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. ALL PROPOSED SANITARY SEWER LINES ARE 8-INCH EXCEPT AS NOTED.
5. ALL PROPOSED WATERLINES ARE 8-INCH UNLESS OTHERWISE NOTED.
6. EXISTING ZONING IS A-2. PROPOSED ZONING IS PUD.
7. A MINIMUM SEPARATION OF 10 FEET BETWEEN WATER AND SANITARY SEWER LINES MUST BE MAINTAINED AT ALL TIMES.
8. THIS PLAT DOES NOT LIE IN A DESIGNATED FEMA FLOOD ZONE.
9. ALL SANITARY SEWER CONSTRUCTED WITHIN THE PROPERTY LIMITS WILL BE PRIVATE LINES TO BE MAINTAINED BY THE PROPERTY OWNER. THE DEVELOPER WILL CONSTRUCT A 6' INSIDE DIAMETER MANHOLE AT THE WEST PROPERTY LINE FOR FUTURE FLOW METER TO BE REACTED BY CITY.
10. ENTRY GATES SHALL BE PROVIDED WITH A SIREN OPERATING SENSOR (SOS) THAT WILL RETRACT / OPEN UPON APPROACH OF EMERGENCY VEHICLES WITH SIRENS OPERATING. IN ADDITION, A MANUAL RELEASE SHALL BE PROVIDED TO RELEASE THE GATES UPON POWER LOSS TO THE GATE CONTROLLER.
11. ISLANDS SHALL BE DESIGNED SO AS TO ACCOMMODATE THE TURNING RADIUS OF LARGEST RESPONDING VEHICLES.

STORM DRAINAGE DETENTION FACILITY EASEMENT

DRAINAGE DETENTION FACILITY EASEMENTS ARE HEREIN ESTABLISHED AS SHOWN TO PROVIDE FOR DETENTION OF STORM SURFACE WATER AND CONSTRUCTED AS APPROVED BY THE CITY ENGINEER. ALL MAINTENANCE WITHIN THE DRAINAGE DETENTION FACILITY EASEMENT SHALL BE THE RIGHT, DUTY AND RESPONSIBILITY OF THE PROPERTY OWNER(S) IN THE PLAT OF ASPEN HEIGHTS ADDITION. HOWEVER, IF MAINTENANCE IS NEGLECTED OR SUBJECT TO OTHER UNUSUAL CIRCUMSTANCES AND IS DETERMINED TO BE A HAZARD OR THREAT TO PUBLIC SAFETY BY THE CITY ENGINEER, CORRECTIVE MAINTENANCE MAY BE DESIGNATED BY THE GOVERNING JURISDICTION WITH COSTS ASSESSED TO AND BORN UPON SAID PROPERTY OWNER(S). DETAILS REPRESENTING THE ENGINEERING DIVISION, PUBLIC WORKS DEPARTMENT, SHALL HAVE THE RIGHT TO ENTER UPON THE EASEMENT FOR PURPOSES OF PERIODIC INSPECTION AND/OR CORRECTIVE MAINTENANCE OF THE FACILITY. UPON RECEIVING WRITTEN APPROVAL FROM THE ENGINEERING DIVISION, PUBLIC WORKS DEPARTMENT, PROPERTY OWNER(S) MAY CONSTRUCT IMPROVEMENTS WITHIN THE EASEMENT, PROVIDED THE IMPROVEMENT DOES NOT INTERFERE WITH THE FUNCTION OF THE DETENTION FACILITY.

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ENGINEER:
SMC CONSULTING ENGINEERS, P.C.
815 W. MAIN ST.
OKLAHOMA CITY, OKLAHOMA 73106
(405)232-7715

OWNER / DEVELOPER:
ASPEN HEIGHTS
1301 S. CAPITAL OF TX HWY, B201
AUSTIN, TX 78746
(512)269-3030

NOT VALID FOR CONSTRUCTION

TOM L. McCALEB 13418 REGISTERED PROFESSIONAL ENGINEER OKLAHOMA

UNLESS SIGNED IN THIS BLOCK

ASPEN HEIGHTS ADDITION
A PLANNED UNIT DEVELOPMENT

IMHOFF RD. & CLASSEN BLVD.
NORMAN, OKLAHOMA

SMC
SMC Consulting Engineers, P.C.
315 W. Main St. Oklahoma City, OK 73102
PH: 405.232.7715 Fax: 405.232.7553
Website: www.smcokc.com

No.	Revisions per City Staff Initial Comments	By	Date

LOCATION CERTIFICATE OF COMPLIANCE AS OF 3/15/2015

PROJECT NO.: SAH2.00
DATE: 03/11/15
SCALE: 1" = 100'
DRAWN BY: D.G.
ENGINEER: TOM L. McCALEB
P.E. NUMBER: 13418

PRELIMINARY PLAT

SHEET NO.
1

53-3

PRELIMINARY PLAT ITEM NO. 12c

PP-1213-16

STAFF REPORT

ITEM: Consideration of a Preliminary Plat for ASPEN HEIGHTS ADDITION, A PLANNED UNIT DEVELOPMENT.

LOCATION: Generally located on the south side of Imhoff Road and one-quarter of a mile east of Classen Boulevard (Highway No. 77).

INFORMATION:

1. Owner. Breckenridge Land Acquisition, LP.
2. Developer. Breckenridge Land Acquisition, LP.
3. Engineer. SMC Consulting Engineers, PC.

HISTORY:

1. October 30, 1961. Planning Commission recommended to City Council that this property be placed in A-2, Rural Agricultural District.
2. December 12, 1961. City Council adopted Ordinance No. 1322 placing this property in A-2, Rural Agricultural District.
3. April 4, 2013. The Norman Board of Parks Commissioners is scheduled to consider park land requirements for the preliminary plat for Aspen Heights Addition, a Planned Unit Development. Results of that consideration will be presented separately.
4. April 11, 2013. The applicant has made a request to amend the NORMAN 2025 Land Use and Transportation Plan from Industrial Designation to Medium Density Residential Designation.
5. April 11, 2013. The applicant has made a request to place this property in the Planned Unit Development (PUD) and remove it from A-2, Rural Agricultural District.

IMPROVEMENT PROGRAM:

1. Fire Hydrants. Fire hydrants will be installed in accordance with approved plans and City Standards. Their locations have been approved by the Fire Department.

2. Sanitary Sewers. Sanitary sewer mains will be installed in accordance with approved plans and City and Department of Environmental Quality standards. The interior sanitary sewers will be privately maintained.

3. Sidewalks. Sidewalks will be required adjacent to Imhoff Road.

4. Storm Sewers. Storm water runoff will be conveyed to a proposed privately-maintained detention facility. There is a proposal to eliminate an existing pond. It will be required to be filled in with suitable fill material.

5. Streets. Imhoff Road paving is existing.

6. Water Mains. Interior water mains will be installed to serve proposed fire hydrants. There is an existing 12-inch (12") water main adjacent to Imhoff Road and a 24-inch (24") water main adjacent to State Highway No. 9. The interior water lines will connect to the 12-inch (12") water main and 24-inch (24") water main creating a looped system.

PUBLIC DEDICATIONS:

1. Easements. All required easements will be dedicated to the City on the final plat.

2. Right-of-Way. All required right-of-way will be dedicated to the City on the final plat.

SUPPLEMENTAL MATERIAL: Copies of a location map, preliminary site development plan and preliminary plat are included in the Agenda Book.

STAFF COMMENTS AND RECOMMENDATION: The project will consist of 158 units with three story buildings. The proposal is to have a gated development. Entry has been designed to satisfy City of Norman standards. There is one proposed access to the property. Staff recommends approval subject to the approvals of the NORMAN 2025 Land Use and Transportation Plan (LUP-1213-9) and Ordinance No. O-1213-41.

ACTION NEEDED: Recommend approval or disapproval of the preliminary plat for Aspen Heights Addition, a Planned Unit Development to City Council.

ACTION TAKEN: _____

CITY OF NORMAN
Development Review Form
Transportation Impacts

DATE: March 14, 2013 **STAFF REVIEW BY:** David R. Riesland, P.E.
City Traffic Engineer

PROJECT NAME: Aspen Heights Preliminary Plat **PROJECT TYPE:** Residential
Owner/Designer: Breckinridge Land Acquisition, LP Engineer: SMC Traffic Engineer: TEC

SURROUNDING ENVIRONMENT (Streets, Developments)
Low and medium density residential developments surround the project location on the north side of Imhoff Road with some industrial and commercial space east and west, respectively, along the south side of Imhoff Road. The project takes access along Imhoff Road just east of the Classen Boulevard intersection. Imhoff Road is the main east/west roadway. Classen Boulevard 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)
Imhoff Road: 4 lanes (existing/future). Speed Limit - 35 mph. No sight distance problems. No medians.
Classen Boulevard: 5 lanes (existing/future). Speed Limit - 40 mph. No sight distance problems. Center turn lane median.

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	1,851	925	926
A.M. Peak Hour	155	31	124
P.M. Peak Hour	217	141	76

TRANSPORTATION IMPACT STUDY REQUIRED? **YES** ■ **NO** ☐

The trip generation potential for this development is above the threshold for when a traffic impact study is required. A traffic impact study was prepared by Traffic Engineering Consultants and submitted in March, 2013. No negative impacts are anticipated.

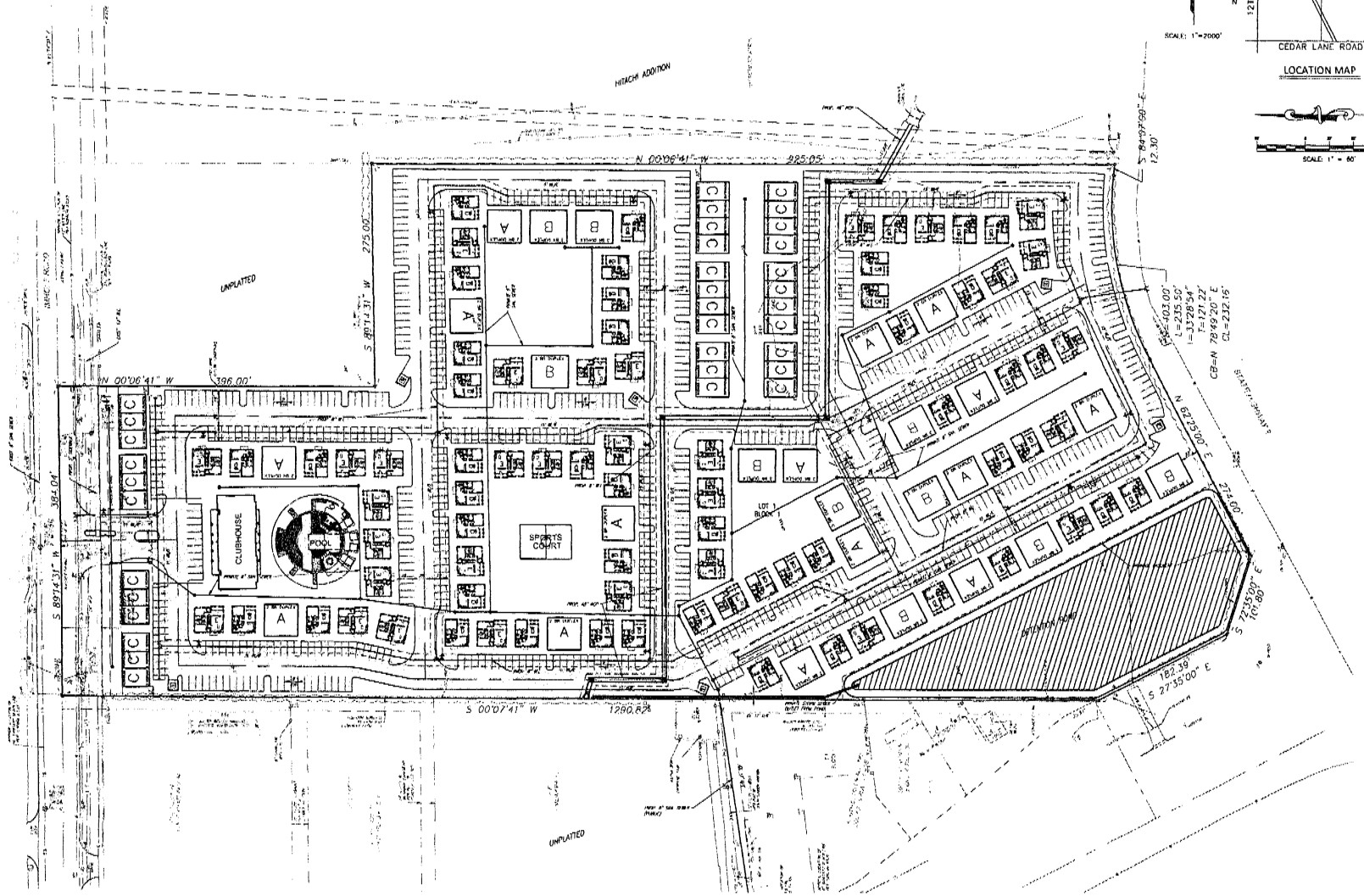
RECOMMENDATION: **APPROVAL** ■ **DENIAL** ☐ **N/A** ☐ **STIPULATIONS** ☐

Recommendations for Approval refer only to the transportation impact and do not constitute an endorsement from City Staff.

The traffic study concluded that no off-site improvements are necessary in order to support the traffic that will be generated by the development as proposed. This development will add traffic to the improvements proposed for the Classen Boulevard intersection with Imhoff Road. A traffic impact fee on a per trip basis was previously calculated for improvements to the Classen Boulevard and Imhoff Road intersection with the Crimson Park Apartments TIA. These fees of $146.52 per PM peak hour trip are applicable to this development as well. From the traffic study, it is expected that 163 PM peak hour trips will utilize the Classen Boulevard intersection with Imhoff Road. This equates to $23,882.76 in traffic impact fees to be collected with the final plat for this development. Finally, the traffic impact study submitted for this development recommends that the proposed access to Imhoff Road align with the existing access to the Cottages of Norman driveway located on the north side of Imhoff Road across from this development.

PRELIMINARY SITE PLAN
ASPEN HEIGHTS ADDITION

A PLANNED UNIT DEVELOPMENT
BEING PART OF THE N.W. 1/4, SECTION 9, T8N, R2W, I.M.
NORMAN, CLEVELAND COUNTY, OKLAHOMA



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ASPEN HEIGHTS ADDITION
A PLANNED UNIT DEVELOPMENT

IMHOFF RD. & CLASSEN BLVD.
NORMAN, OKLAHOMA

SMC
SMC Consulting Engineers, P.C.
115 East Main • Norman, OK 73069
Ph: (405) 329-7318 • Fax: (405) 329-7319
Website: www.smcokc.com

PROJECT NO: 13-5810.00
DATE: 03/11/13
SCALE: 1" = 60'
DRAWN BY: RVS
ENGINEER: TOM L. McCALEB
P.E. NUMBER: 13416

PRELIMINARY SITE PLAN

SHEET NO. 1

GBC 13-4

Applicant: Breckenridge Land Acquisition, Aspen Heights Norman
Location: On the South side of Imhoff Road, east of Classen Boulevard.
Proposal: Land Use Plan Amendment, Rezoning and Preliminary Plat

Greenbelt Commission Final Comments - GBC 13-4
Meeting of February 18, 2013

The Greenbelt Commission approved the application unanimously with the following additional comments:

The GBC has a general concern of all applications, which was brought to light with this application. In order for the GBC to do its job of evaluating the incorporation of greenbelt, greenway and open spaces in the development proposal, all of the questions need to be fully answered in the Greenbelt Enhancement Statement Application. Unless the developer, or a representative of the developer, attends the GBC meeting where commissioners can clarify questions, it cannot make an adequate evaluation of the project.

Although the GBC did not see a final design, the developer indicated the final design would have access to open spaces within the development.

The type of fences used around open spaces should provide easy "visual access" for public enjoyment of those open spaces. The opportunities in this development are the storm water detention area and other common open space areas.