



Williams/Focht

**RESOLUTION NO. 6497**

**ACQUISITION OF LAND RIGHTS  
FOR ENTERPRISE OPERATIONS TECHNOLOGY COMMUNICATIONS NETWORK ASSET**

**WHEREAS**, the District will need to acquire land rights for an existing Enterprise Operations Technology Communications Network asset located in western Sarpy County; and

**WHEREAS**, the District is authorized by Nebraska law to acquire property and easements by eminent domain; and

**WHEREAS**, the use of eminent domain may become necessary to acquire the fee ownership of land and/or permanent easements that cannot be obtained voluntarily through negotiations by the District.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Directors of the Omaha Public Power District that Management and the District's General Counsel are authorized to commence eminent domain proceedings, as necessary, to acquire all necessary fee ownership of land and/or permanent easements of land for an existing Enterprise Operations Technology Communications Network asset, with this authorization extending through December 31, 2022.



# Board Action

## BOARD OF DIRECTORS

April 19, 2022

### ITEM

Acquisition of Land Rights for Enterprise Operations Technology Communications Network Asset Located in Western Sarpy County.

### PURPOSE

Authorize use of eminent domain as necessary to acquire fee ownership and/or permanent easements of land for an existing Enterprise Operations Technology Communications Network asset through December 31, 2022.

### FACTS

- a. This requested eminent domain authorization covers land rights that need to be acquired for an existing Enterprise Operations Technology Communications Network asset that supports District operations.
- b. OPPD entered into a lease agreement on June 29, 1982, with an expiration date of June 29, 2022.
- c. It may be necessary to acquire fee ownership of land and/or permanent easements for the asset.
- d. OPPD will commence negotiations to voluntarily acquire the necessary land rights for the asset.
- e. OPPD will undertake reasonable efforts to voluntarily acquire the necessary land rights. However, the use of eminent domain may be necessary if voluntary agreement cannot be achieved by the District and landowners.
- f. Management will report the filing of eminent domain actions to the Board.
- g. This requested authorization extends through December 31, 2022. Additional authorizations after that date will be requested, as needed.

### ACTION

Authorization by the Board of Directors to commence eminent domain proceedings to acquire fee ownership of land and/or permanent easements of land for an existing Enterprise Operations Technology Communications Network asset, with this authorization extending through December 31, 2022.

### RECOMMENDED:

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*Scott M. Focht*

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Scott M. Focht

Vice President – Corporate Strategy and Governance

### APPROVED FOR BOARD CONSIDERATION:

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*L. Javier Fernandez*

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L. Javier Fernandez

President and Chief Executive Officer

SMF:jdf/bel

Attachment: Resolution