



Moody/Focht

**ACQUISITION OF LAND RIGHTS FOR ENERGY PRODUCTION
INFRASTRUCTURE PROJECT ASSOCIATED WITH NEBRASKA CITY STATION**

RESOLUTION NO. 6572

WHEREAS, the District will need to acquire land rights for an energy production infrastructure project associated with and in proximity to the Nebraska City Station; 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 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 and temporary easements for an energy production infrastructure project associated with the management and disposition of residual materials from power production and located in proximity to the Nebraska City Station, with this authorization extending through December 31, 2026.



Board Action

BOARD OF DIRECTORS

May 16, 2023

ITEM

Acquisition of Land Rights for Energy Production Infrastructure Project associated with and in proximity to the Nebraska City Station.

PURPOSE

Authorize use of eminent domain as necessary to acquire fee ownership and/or easements of land for an electric production infrastructure project associated with the management and disposition of residual materials from power production and located in proximity to the Nebraska City Station through December 31, 2026.

FACTS

- a. This requested eminent domain authorization covers land rights that need to be acquired for energy production infrastructure associated with and in proximity to the Nebraska City Station to continue reliable operation of this vital energy production infrastructure.
- b. It may be necessary to acquire fee ownership of land and/or permanent and temporary easements for the energy production infrastructure.
- c. OPPD has commenced negotiations to voluntarily acquire the necessary land rights for the energy production infrastructure.
- d. 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.
- e. Management will report the filing of eminent domain actions to the Board.
- f. This requested authorization extends through December 31, 2026. Additional authorizations after that date for the covered project will be requested, as needed.

ACTION

Authorization by the Board of Directors to commence eminent domain proceedings, as necessary, to acquire all necessary fee ownership of land and/or permanent and temporary easements for an energy production infrastructure project associated with the management and disposition of residual materials from power production and located in proximity to the Nebraska City Station, with this authorization extending through December 31, 2026.

RECOMMENDED:

DocuSigned by:

Scott M. Focht

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Scott M. Focht

Vice President – Corporate Strategy and Governance

APPROVED FOR BOARD CONSIDERATION:

DocuSigned by:

L. Javier Fernandez

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L. Javier Fernandez

President and Chief Executive Officer

SMF:jdf/bel

Attachment: Resolution