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**ACQUISITION OF LAND RIGHTS  
FOR ENERGY DELIVERY INFRASTRUCTURE PROJECTS  
ASSOCIATED WITH POWER WITH PURPOSE  
RESOLUTION NO. 6435**

**WHEREAS**, the District will need to acquire land rights for electric transmission facilities and substation projects throughout its service territory associated with the Power with Purpose project that will be initiated during the 2021 through 2022 calendar years; and

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

**WHEREAS**, the use of eminent domain may become necessary to acquire the permanent easements, temporary easements, and/or fee ownership of land 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, through and including December 31, 2022, the District's Management and General Counsel are authorized and directed to commence eminent domain proceedings to acquire all necessary permanent easements, temporary easements, and/or fee ownership of land for electric transmission facilities and substations throughout the District's service territory associated with the Power with Purpose project.



# Board Action

## BOARD OF DIRECTORS

May 18, 2021 (Revised May 18, 2021 per All Committee meeting discussion.)

### ITEM

Acquisition of Land Rights for Energy Delivery Infrastructure Projects Associated with Power with Purpose

### PURPOSE

Authorize use of eminent domain as necessary to acquire permanent easements, temporary easements, and/or fee ownership of land for electric transmission facilities and substations associated with the Power with Purpose project and initiated through December 31, 2022.

### FACTS

- a. This requested eminent domain authorization covers land rights that need to be acquired for energy delivery infrastructure associated with the Power with Purpose project to connect generation resources to the transmission grid, support load growth, and enhance grid reliability.
- b. This request does not extend to the acquisition of land rights for energy production infrastructure.
- c. It may be necessary to acquire fee ownership of land for substation facilities. Permanent easements are required for the construction, operation and maintenance of transmission facilities. Temporary easements may be required for pre-engineering survey access as well as temporary construction needs.
- d. There will be stakeholder engagement throughout the land rights acquisition process.
- e. OPPD will commence negotiations during the summer of 2021 to voluntarily acquire the necessary land rights for transmission facilities and substations.
- f. 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.
- g. Management will report the filing of eminent domain actions to the Board.
- h. This requested authorization extends through December 31, 2022. Additional authorizations after that date for the covered projects will be requested, as needed.

### ACTION

Authorization by the Board of Directors to commence eminent domain proceedings to acquire permanent easements, temporary easements, and/or fee ownership of land as needed for the construction, operation, and maintenance of electric transmission facilities and substations associated with the Power with Purpose project and initiated through December 31, 2022.

### RECOMMENDED:

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 Juli A. Comstock  
 Vice President – Customer Service

### APPROVED FOR BOARD CONSIDERATION:

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 Timothy J. Burke  
 President and Chief Executive Officer

JAC:mSP  
Attachment: Resolution