



Mollhoff/Comstock

**2021 – 2025 RAILROAD EASEMENT ACQUISITIONS
RESOLUTION NO. 6404**

WHEREAS, the District has transmission and distribution projects involving utility crossings on railroad property during the 2021 through 2025 calendar years; and

WHEREAS, the use of eminent domain may become necessary to acquire the temporary and 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 easements for utility crossings on railroad property for District projects from January 1, 2021 through December 31, 2025.



Board Action

BOARD OF DIRECTORS

December 8, 2020

ITEM

2021 – 2025 Railroad Crossing Easement Acquisitions

PURPOSE

Authorize use of eminent domain proceedings, as necessary, to acquire temporary and permanent easements for utility crossings on railroad property from January 1, 2021 through December 31, 2025.

FACTS

- a. Many utility rights at railroad crossings are acquired through negotiated Master Agreements between railroad owners and the District. Not all railroad owners have such agreements in place with the District and in those cases the District negotiates crossing rights on an individual project basis. If rights cannot be obtained voluntarily within the project schedule needs, eminent domain may be used to acquire the appropriate rights and expedite the process.
- b. The District acquires utility rights for approximately five (5) to ten (10) railroad crossing locations annually.
- c. Use of eminent domain may be necessary, after all reasonable efforts have been made to acquire rights voluntarily through good faith negotiations.
- d. Eminent domain actions will be reported to the Board and Senior Management, as necessary.

ACTION

Authorization by the Board of Directors for Management and the District’s General Counsel to commence eminent domain proceedings, as necessary, to acquire easements for utility crossings on railroad property for District projects from January 1, 2021 through December 31, 2025.

RECOMMENDED:

APPROVED FOR BOARD CONSIDERATION:

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 Juli A. Comstock
 Vice President – Customer Service

DocuSigned by:

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 Timothy J. Burke
 President and Chief Executive Officer

JAC:mSP

Attachment: Resolution