Land Rights Acquisition Board Committee

May 18, 2021
Property & Easement Acquisition

OPPD Substation

OPPD Transmission

3rd Party Developer or OPPD-owned generation are not in-scope of the current Board Action Item
Transmission Easement Acquisition

1. Stakeholder Outreach
2. Announce Final Route
3. Meet with Landowners Along Final Route
4. Acquire Easements
5. Construction
6. Property Restoration
Transmission Easements

Easement

An interest in private property that gives OPPD the right to construct, operate and maintain its equipment (not ownership)

- Recorded with Register of Deeds
- OPPD does not own the property
- Defines area of easement and rights that are acquired
- Outlines allowable uses and restrictions
- Landowner compensation
Acquiring Land Rights

Proven Approach and Practices

– Survey, title research, and tract maps
– Obtain independent 3rd party appraisal
  • Certified general appraiser
– Good faith negotiations
  • Transparent and flexible
  • Brochure provided on landowner rights
  • Language, structure placements, etc.
Land Rights Acquisition

- Stakeholder Outreach (as appropriate)
- Determination of Value
- Good Faith Negotiations
- Final Offer Letter
- OPPD Petition to County Court*
- Appointed Board of Appraisers
- Hearing Date & Site Visit
- Report of Appraisers

Property Rights Acquired

*Requires Board Authorization
Questions
Appendix
Omaha Public Power District (OPPD) is a political subdivision of the State of Nebraska and one of the largest publicly owned electric utilities in the U.S., serving more than 356,000 customers in 13 southeast Nebraska counties.

OPPD operates and maintains more than 1,300 miles of high-voltage transmission lines.

The purpose of this brochure is to help landowners understand transmission line rights-of-way, the necessity to place transmission facilities on private property, the easement acquisition process, and transmission line construction.

Questions? Please contact us at 531-226-3062

Use this number, or call your local law enforcement agency to report any suspicious individuals or activities you may observe in the vicinity of transmission lines.

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Landowner’s Guide
TRANSMISSION EASEMENT ACQUISITION

Right-of-Way and Easements
An easement is an interest in private property that gives OPPD the right to use, not own, the right-of-way (ROW) for the specific purpose of safely constructing, operating and maintaining its facilities. The easement runs with the land and is recorded with the Register of Deeds in your county to become permanent record.

There are many reasons that OPPD places its facilities on private property. Some of the reasons include, protecting rate payers from costs associated with facility relocations and to control the area surrounding the facilities to insure safe clearances and deter incompatible uses.

Several factors enter into determining the width of transmission line easements, including voltage, structure design and location of the line with proximity to existing roadways. Lines carrying higher voltages require greater widths to ensure proper clearances. Transmission lines along roadways will utilize the road right of way as part of the easement width.

Many land uses are allowed within the easement which do not interfere with safe operation of the transmission line such as cultivating and grazing livestock. However, some uses are restricted including structures, buildings, haystacks, trees, brush and burning of any nature. Changes in grade require prior written approval from OPPD.

An easement also allows OPPD the reasonable right to access the ROW. In addition to the easement payment, damages to growing crops or property will be reimbursed to the landowner and/or his/her tenant.

Landowner cooperation is critical to keep ROW corridors safe, prevent injury, and minimize property and environmental damage.

Determining Fair Market Value and Just Compensation
Prior to easement negotiations, OPPD typically hires an independent certified appraiser familiar with the area.

The appraiser will evaluate the impact of the easement on the property, specific characteristics of the property and recent comparable sales to determine the opinion of value.

OPPD will use the opinion of value to justly compensate landowners for damages to the fair market value of the property on which the easement is placed. The process is equitable to all landowners.

Negotiating Easement and Right-of-Way
OPPD will work to arrive at a mutually satisfactory agreement. Depending on the size and location of a project, OPPD follows state statute which outlines a process to notify and inform affected landowners.

Throughout the negotiation process a landowner can seek legal representation, obtain their own appraisal, negotiate and accept or reject any offer. If an agreement cannot be reached, a landowner cannot be located at or there are title issues associated with a parcel, the condemnation process can be utilized through OPPD's statutory rights of eminent domain.