



# City of Grand Island

Tuesday, June 12, 2018

Council Session

## Item E-5

### **Public Hearing on Reassignment of Public Utility Easements from Southern Public Power District to the City of Grand Island, Utilities Department**

*Council action will take place under Consent Agenda item G-6.*

Staff Contact: Tim Luchsinger, Stacy Nonhof

# **Council Agenda Memo**

**From:** Timothy Luchsinger, Utilities Director  
Stacy Nonhof, Assistant City Attorney

**Meeting:** June 12, 2018

**Subject:** Southern Public Power District's Assignment of Easement to Grand Island Utilities Department

**Presenter(s):** Timothy Luchsinger, Utilities Director

## **Background**

Nebraska State Statutes state that the acquisition of Property requires a Public Hearing be conducted with the acquisition approved by the City Council. The Southern Public Power District (SPPD) is proposing to transfer and assign easement rights to the City of Grand Island through several tracts of land located in part of Section Eight (8), Township Ten (10) North, Range Nine (9) West of the 6<sup>th</sup> PM, Hall County, Nebraska. The area is south of Wildwood Drive and north of Guenther Road between Highway 281 and Blaine Street.

The power line and property rights of the proposed assignment have a long and varied history. In 1913 – 1915, the Grand Island Electric Department acquired rights to build a power line to serve the Village of Doniphan. The power line ran adjacent to the St. Joseph and Grand Island Railroad right-of-way. The railroad trackage is part of the current spur line which serves the Platte Generating Station.

Subsequent to that time, the power line was transferred to the Consumers Public Power District (CPPD) and the powerline was rebuilt in 1954. CPPD was later merged with the Nebraska Public Power District (NPPD), and the power line acquired by them as part of the alignment of the two districts.

In August, 2000, due to a transfer of rights and modification of Electric Service Areas, the power line and associated easements were acquired by the Southern Public Power District. Southern Public Power District has utilized the power line as a transmission line between their substations in Doniphan and Alda. The Grand Island Utilities Department used the power line as a distribution circuit to provide electric service to the rural customers and irrigations pivots adjacent to the line.

## **Discussion**

Southern Public Power District is re building and reconfiguring their transmission lines between Doniphan and Alda. Their work no longer requires their transmission line to run through Section Eight (8) and they desire to transfer all their rights to the easements and powerline in and through this Section to the City of Grand Island. The assignment of rights will allow the Utilities Department to continue to operate and maintain the power line within Section Eight (8), Township Ten (10) North, Range Nine (9) West.

## **Alternatives**

It appears that the Council has the following alternatives concerning the issue at hand. The Council may:

1. Move to approve
2. Refer the issue to a Committee
3. Postpone the issue to future date
4. Take no action on the issue

## **Recommendation**

City Administration recommends that the Council approve the Southern Public Power District's assignment of easement to Grand Island Utilities.

## **Sample Motion**

Move to approve the assignment of easement to Grand Island Utilities.



EASE. TO BE ASSIGNED  
FROM SPPD TO GIUD

SEC 8, T-10-N, R-9-W

## BILL OF SALE

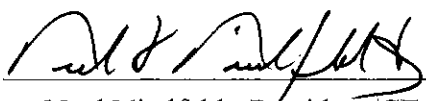
This Bill of Sale by Southern Public Power District, a public corporation and political subdivision of the State of Nebraska, (Seller) to City of Grand Island, a body corporate and politic, (Purchaser).

For the consideration One Dollar (\$1.00) and other good and valuable consideration, receipt of which is acknowledged, Seller sells, assigns, transfers, and conveys absolutely unto Purchaser, all of Seller's right, title, and interest in and to: nineteen (19) power poles and four (4) down guys and anchors located upon various tracts of real estate located within Sections Eight (8) and Seventeen (17), Township Ten (10) North, Range Nine (9) West of the 6th P.M., Hall County, Nebraska upon easements conveyed by Purchaser to Seller. To have and to hold unto Purchaser, and its successors and assigns, forever.

Seller represents and warrants to Purchaser that: (i) it owns good, marketable and merchantable title to the property conveyed hereby; (ii) it has full power, right and authority to make this Bill of Sale; and (iii) the property conveyed hereby is free and clear of all liens, security interests and encumbrances of any kind. Seller, for itself and for its successors and assigns, fully warrants and will forever defend the right and title to said property unto Purchaser, and its successors and assigns, against the lawful claims of all persons.

In witness, this Bill of Sale has been signed, sealed and delivered by Seller this 22<sup>nd</sup> day of May, 2018.

Southern Public Power District, Seller

By:   
Neal Niedfeldt, President/CEO

### ASSIGNMENT

KNOW ALL MEN BY THESE PRESENTS: That Southern Public Power District, a public corporation and political subdivision of the State of Nebraska, hereinafter referred to as "Assignor," in consideration of one dollar and other good and valuable consideration the receipt of which is hereby acknowledged, does hereby set over, assign, sell, and grant to the City of Grand Island, a body politic and corporate and a political subdivision of the State of Nebraska, hereinafter referred to as "City," all of Assignor's right, title, and interest in and to the following easements:

Original Grantor	Legal Description	Recorded at	Date of Recording
Emil Stelk and Bertha Stelk, husband and wife.	The Northeast Quarter of the Northwest Quarter (NE1/4 NW1/4), Section Eight (8), Township Ten (10) North, Range Nine (9) West of the 6th P.M., Hall County, Nebraska,	Book 1 Misc. Page 461	July 8, 1954
John C. Hann	The Southeast Quarter of the Northwest Quarter (SE1/4 NW1/4) and the Southwest Quarter of the Northwest Quarter (SW1/4 NW1/4), Section Eight (8), Township Ten (10) North, Range Nine (9) West of the 6th P.M., Hall County, Nebraska	Unrecorded easement.	Document dated August 26, 1913
Emil Hann and Amanda Hann, husband and wife.	The Southeast Quarter of the Northwest Quarter (SE1/4 NW1/4), Section Eight (8), Township Ten (10) North, Range Nine (9) West of the 6th P.M., Hall County, Nebraska	Book 1 Misc. Page 463	July 8, 1954
Hulda Clausen, a widow.	The Northeast Quarter of the Southwest Quarter (NE1/4 SW1/4) and the Southeast Quarter of the Southwest Quarter (SE1/4 SW1/4), Section Eight (8), Township Ten (10)	Book 1 Misc. Page 465	July 8, 1954

	North, Range Nine (9) West of the 6th P.M., Hall County, Nebraska.		
Juergen Clausen and Anna Clausen, husband and wife.	The Northeast Quarter of the Southwest Quarter (NE1/4 SW1/4) and the Southeast Quarter of the Southwest Quarter (SE1/4 SW1/4), Section Eight (8), and The Northeast Quarter of the Northwest Quarter (NE1/4 NW1/4) and the Northwest Quarter of the Northwest Quarter (NW1/4 NW1/4), Section Seventeen (17), all in Township Ten (10) North, Range Nine (9) West of the 6th P.M., Hall County, Nebraska	Unrecorded easement.	Document dated August 16, 1915

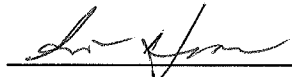
Said easements being previously assigned by Consumers Public Power District, by merger now known as Nebraska Public Power District and subsequently assigned by Nebraska Public Power District to Southern Nebraska Rural Public Power District, now known as Southern Public Power District, by Assignment recorded on August 25, 2000 as document no. 200006903 in the office of the Hall County Register of Deeds.

To have and to hold said easements and the rights and interests created thereby unto City, its successors and assigns forever.

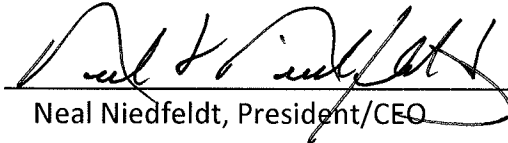
In witness whereof, Assignor has caused this Assignment to be executed by its duly authorized corporate officer this 10<sup>th</sup> day of May, 2018.

Southern Public Power District

ATTEST:



Grant Hansen

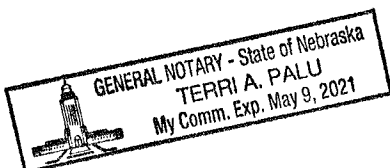


Neal Niedfeldt, President/CEO

STATE OF NEBRASKA                    )  
  )ss.  
COUNTY OF Hall                    )

The foregoing Assignment was acknowledged before me this 10<sup>th</sup> day of May, 2018 by Neal Niedfeldt, President/CEO of Southern Public Power District, a corporation and a political subdivision of the State of Nebraska, on behalf of the corporation.

[seal]



  
Notary Public