



# City of Grand Island

Tuesday, August 28, 2018

Council Session

## Item G-4

**#2018-245 - Approving License Agreement with Southern Public Power District for Overhead Power Line at Heartland Public Shooting Park**

Staff Contact: Jerry Janulewicz

# **Council Agenda Memo**

**From:** Jerry Janulewicz, City Attorney

**Meeting:** August 28, 2018

**Subject:** License Agreement with Southern Public Power District for Overhead Power Line at Heartland Public Shooting Park

**Presenter(s):** Jerry Janulewicz, City Attorney

## **Background**

Southern Public Power District (“Southern”) proposes to erect a new overhead electric line at the location of the Heartland Public Shooting Park. The line would be at a new area 10 feet west and 15 feet east of the present overhead transmission line centerline. Removal of the existing line would be scheduled to allow the fire department to burn the existing building near the northwest corner of the property.

## **Discussion**

Southern originally asked that the city grant to it an easement for the location of the power line. Through discussions with the City’s legal department, Southern agreed that the proposed license agreement would be sufficient to meet its needs for placement of the overhead power line.

## **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 License Agreement with Southern Public Power District.

## **Sample Motion**

Move to approve the License Agreement with Southern Public Power District.

\* This Space Reserved for Register of Deeds \*

**ELECTRIC TRANSMISSION LICENSE AGREEMENT  
SOUTHERN PUBLIC POWER DISTRICT  
PO BOX 1687, GRAND ISLAND NE 68802-1687**

The undersigned City of Grand Island, Nebraska (hereinafter the Grantor), a political subdivision of the State of Nebraska for and in consideration of one dollar (\$1.00) agreement, does hereby grant unto Southern Public Power District (hereinafter the District); a public corporation whose post office address is Grand Island, Nebraska, and to its successors or assigns; license to enter upon the lands of the undersigned, situated in the County of Hall, State of Nebraska and more particularly described as follows:

SEE EXHIBIT "A" ATTACHED HERETO AND BY THIS REFERENCE  
PART HEREOF

The District shall have the right to ingress and egress across and along the grantors property for any purpose in connection with its survey, construction, operation, maintenance, inspection, repair, removal, alteration, relocation, and reconstruction of said overhead electric facilities and related equipment.

The District shall have the right at any time to trim or remove such trees and underbrush as may in any way endanger or interfere with the safe construction, operation, maintenance, alteration, or reconstruction of its overhead electric facilities and equipment used in connection therewith.

It is understood that at pole locations, only a single pole will be used, and that the location of the poles will be such as to form the least possible interference to Grantors operations, so long as it does not materially increase the cost of construction.

Compensation for the license granted hereby shall be in the amount of \$25.00 per pole and/or anchor placed on the lands of the Grantor. Payment will be made after construction plans are final and number of poles and/or anchors can be determined. Grantor will be reimbursed for all crop damage caused during construction of the line.

IN WITNESS WHEREOF, the undersigned has set his hand this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

CITY OF GRAND ISLAND

By: \_\_\_\_\_  
Jeremy L. Jensen, Mayor

ACKNOWLEDGEMENT

STATE OF NEBRASKA )  
COUNTY OF HALL ) ss

On \_\_\_\_\_, 2018, before me, the undersigned,, a Notary Public in and for said County and State, personally came Jeremy L. Jensen, Mayor of the City of Grand Island, Nebraska, a municipal corporation, known to me to be such officer and the identical person who signed the foregoing instrument, and acknowledged the same to be his voluntary act and deed on behalf of the City of Grand Island.

WITNESS my hand and notarial seal the date above written.

\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_

\_\_\_\_\_

Accepted and agreed to this \_\_\_\_\_, 2018.

Southern Public Power District

BY \_\_\_\_\_

RESOLUTION 2018-245

WHEREAS, the Southern Public Power District desires to erect and maintain a new overhead power line at Heartland Public Shooting Park and is requesting the City grant it a license to use an area of the park for this purpose; and

WHEREAS, removal of the existing overhead power line and its replacement at a new location will facilitate the city's ability to remove a badly dilapidated building at the park.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the City of Grand hereby approves the license agreement authorizing Southern Public Power District to place an overhead power line at the Heartland Public Shooting Park within an area.

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Adopted by the City Council of the City of Grand Island, Nebraska, August 28, 2018.

\_\_\_\_\_  
Jeremy L. Jensen, Mayor

Attest:

\_\_\_\_\_  
RaNae Edwards, City Clerk

Approved as to Form	☐ _____
August 23, 2018	☐ City Attorney