

**CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
OCTOBER 1, 2019 AGENDA**

Subject:	Type:	Submitted By:
AMENDMENT NO. 1 - OPPD TRANSMISSION LINE PERMANENT RELOCATION AGREEMENT	◆ RESOLUTION ORDINANCE RECEIVE/FILE	JEFF CALENTINE DEPUTY DIRECTOR OF PUBLIC WORKS

SYNOPSIS

A resolution has been prepared authorizing the execution of an amendment to the agreement with OPPD for the permanent relocation of OPPD overhead transmission line.

FISCAL IMPACT

N/A.

RECOMMENDATION

Approval subject to review by the City Attorney.

BACKGROUND

On March 6, 2018, the City Council approved an agreement with OPPD to permanently relocate the existing OPPD overhead transmission line to a route along 72nd St. and Harrison St. That work is nearing completion, and there is a need to address any future modifications or relocations, and the release/granting of easements in relation to that work. This amendment to the original agreement addresses those outstanding items.

RESOLUTION NO.

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING AN AMENDMENT TO THE OMAHA PUBLIC POWER DISTRICT ("OPPD") 69KV TRANSMISSION LINE 26 RELOCATION AGREEMENT.

WHEREAS, on March 6, 2018, the City Council approved an agreement with OPPD to permanently relocate Overhead Transmission Line #26; and

WHEREAS, there is a need to address any future modifications or relocations and the release and/or granting of easements in relation to that work; and

WHEREAS, a proposed FIRST AMENDMENT to the OPPD 69KV Transmission Line 26 Relocation Agreement has been prepared for this purpose as presented at this meeting or on file with the City Clerk;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of La Vista, Nebraska, that the FIRST AMENDMENT to the OPPD 69KV Transmission Line 26 Relocation Agreement as presented at this meeting or on file with the City Clerk is hereby approved and the Mayor and City Clerk are hereby authorized to execute said amendment on behalf of the City of La Vista, subject to review and any modifications the City Administrator determines necessary or appropriate.

PASSED AND APPROVED THIS 1ST DAY OF OCTOBER 2019.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk

AMENDMENT #1 TO AGREEMENT
City of La Vista OPPD 69KV Transmission Line 26 Relocation

This Amendment #1 to Agreement City of La Vista OPPD 69KV Transmission Line 26 Relocation by and between City of La Vista ("City") and Omaha Public Power District ("OPPD" or the "District") dated March 6, 2018 and executed the same date (hereinafter referred to as the "Relocation Agreement").

The Mayor for the City and the Director – Customer Service Government & Infrastructure of the District are authorized to make and sign administrative agreements to the aforescribed Relocation Agreement; and

The parties to this Amendment #1 to the aforescribed Relocation Agreement have agreed to modify the terms of said Relocation Agreement in the following particular items, effective upon execution of this Amendment #1 by both parties ("Effective Date"):

1. Subsequent Modification or Relocation. Upon completion of the relocation of the facilities and attached utilities described in the Relocation Agreement, if the City, or any third party, shall for any reason require or demand the modification or relocation of any such facilities or utilities, whether temporarily or permanently, then the City shall reimburse the District for any and all costs and expenses arising from and related to such modification or relocation, including, but not be limited to, all costs and expenses incurred for (i) labor and materials relating to the modification and/or relocation, (ii) acquisition of new private right of way and/or easement rights, and (iii) professional services including, but not limited to, engineering and surveying expenses; provided, however, any modification or relocation requested or required by or for the benefit of any non-governmental or non-regulatory person or entity shall be at the cost and expense of such non-governmental or non-regulatory person or entity. Commencing on the Effective Date of this Amendment #1 and continuing until the twentieth (20th) anniversary of said Effective Date, the City shall be responsible for the full reimbursement of the costs outlined in this Section to the District.

2. Easement Release. Upon completion of the Relocation Agreement, OPPD commits to review and release any unnecessary easements or unnecessary portions of easements associated with the scope of the Relocation Agreement.

b. Granting of Easements. The City shall grant permanent easements to OPPD over property owned by the City of La Vista where required to accomplish the relocation of the transmission line. They City Administrator is hereby authorized to execute such easements on behalf of the City in land tracts identified in exhibit 1.

3. Other than the amendments stated herein, all of the provisions of the Relocation Agreement, as amended to date, shall remain in full force and effect.

It is the intent of the parties that the provisions hereof become effective at signing.

CITY OF LA VISTA

ATTEST:

Pamela A. Buethe, CMC

CITY CLERK

AUTHORIZED:

Douglas Kindig, MAYOR

CITY OF LA VISTA, NEBRASKA

OMAHA PUBLIC POWER DISTRICT

AUTHORIZED:

Steven Fanslau ,DIRECTOR – CUSTOMER SERVICE GOVERNMENT & INFRASTRUCTURE

OMAHA PUBLIC POWER DISTRICT

EXECUTED BY CITY OF LA VISTA this ____ day of ____, 2019.

EXECUTED BY OMAHA PUBLIC POWER DISTRICT this ____ day of ____, 2019.

