

STATE OF NEBRASKA
NEBRASKA POWER REVIEW BOARD

Received
State of Nebraska
Power Review Board
Filed at 8:00am This 21
day of January 20 25
By: Sarah Butts
Title: Paralegal

In the Matter of the Joint Application of the)
City of Wahoo, Nebraska, and the Butler) S.A.A. 318-24-A
Public Power District headquartered in)
David City, Nebraska to amend its retail)
Service Area Agreement 318.) **SAA 318-25-A**

This Amendment, made and executed the 5th day of December, 2024, by and between the City of Wahoo, Nebraska, (“Wahoo”) a municipal corporation of the State of Nebraska, and the Butler Public Power District (“BPPD”) a public corporation of the State of Nebraska.

WHEREAS, Wahoo and BPPD serve customers at retail in adjoining service areas; and

WHEREAS, Chapter 70, Article 10 of the Revised Statutes of the State of Nebraska authorizes and directs suppliers of electricity serving customers at retail in adjoining service areas to enter into written agreements specifying either the service areas or customers each shall serve; and

WHEREAS, the Parties did pursuant to such statutes enter into a retail Service Area Agreement designated as SAA 318 which was approved by the Nebraska Power Review Board on March 10, 1965, and

WHEREAS, the Parties hereto desire to modify this existing SAA 318; and

NOW, THEREFORE, the Parties enter into this Amendment to SAA 318 pursuant to said statutes for the purpose of assigning or modifying specific adjoining retail service areas and customers to be served under the terms of the following mutual provisions.

FIRST

Wahoo did annex an additional area north of its corporate boundaries pursuant to Ordinance No. 2463 passed on October 22, 2024, and which was recorded with the Saunders County Register of Deeds Office on October 29, 2024, in Book 612, Page 1102 of General Instrument No 280 (“Annexed Area”). Such service area and all customers located therein shall be transferred from BPPD to Wahoo. The Parties have agreed to the requisite compensation owed to BPPD.

Additionally, to ensure the smooth and efficient operations of both electric systems, existing customers and service area located adjacent to the Annexed Area are also transferred from BPPD to Wahoo. The parties have agreed upon any compensated owed.

Attached hereto, marked Exhibit A, and made apart hereof by reference as though set forth in detail herein, is a map that clearly identifies all of the service area to be transferred from the BPPD to Wahoo with this Amendment.

The parties hereto propose that the existing retail Service Area Agreement 318 between the Parties be amended to add service area from BPPD to Wahoo the area delineated on Exhibit A.

The parties further agree that the existing BPPD infrastructure, identified in Exhibit B hereto, shall permissibly remain BPPD’s.

SECOND

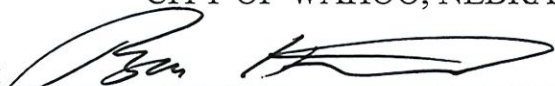
This amendment to the retail Service Area Agreement 318 shall become effective only after approval by the Nebraska Power Review Board and shall thereafter become a part of the retail Service Area Agreement 318, which was approved by the Nebraska Power Review Board.

THIRD

This amendment to the retail Service Area Agreement 318 is executed by the Parties to assign or modify only the retail service areas set forth in retail Service Area Agreement 318. All other provisions of retail Service Area Agreement 318 shall remain in full force and in effect.

Dated this 23rd day of December, 2024.

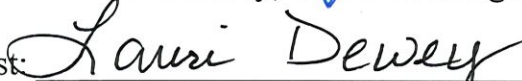
CITY OF WAHOO, NEBRASKA

By:  _____
Ryan Hurst, Utilities General Manager

Attest:  _____
Melissa Harrell, City Administrator

BUTLER PUBLIC POWER DISTRICT

By:  _____
Mark Kirby, General Manager

Attest:  _____
Lauri Dewey, Office Assistant

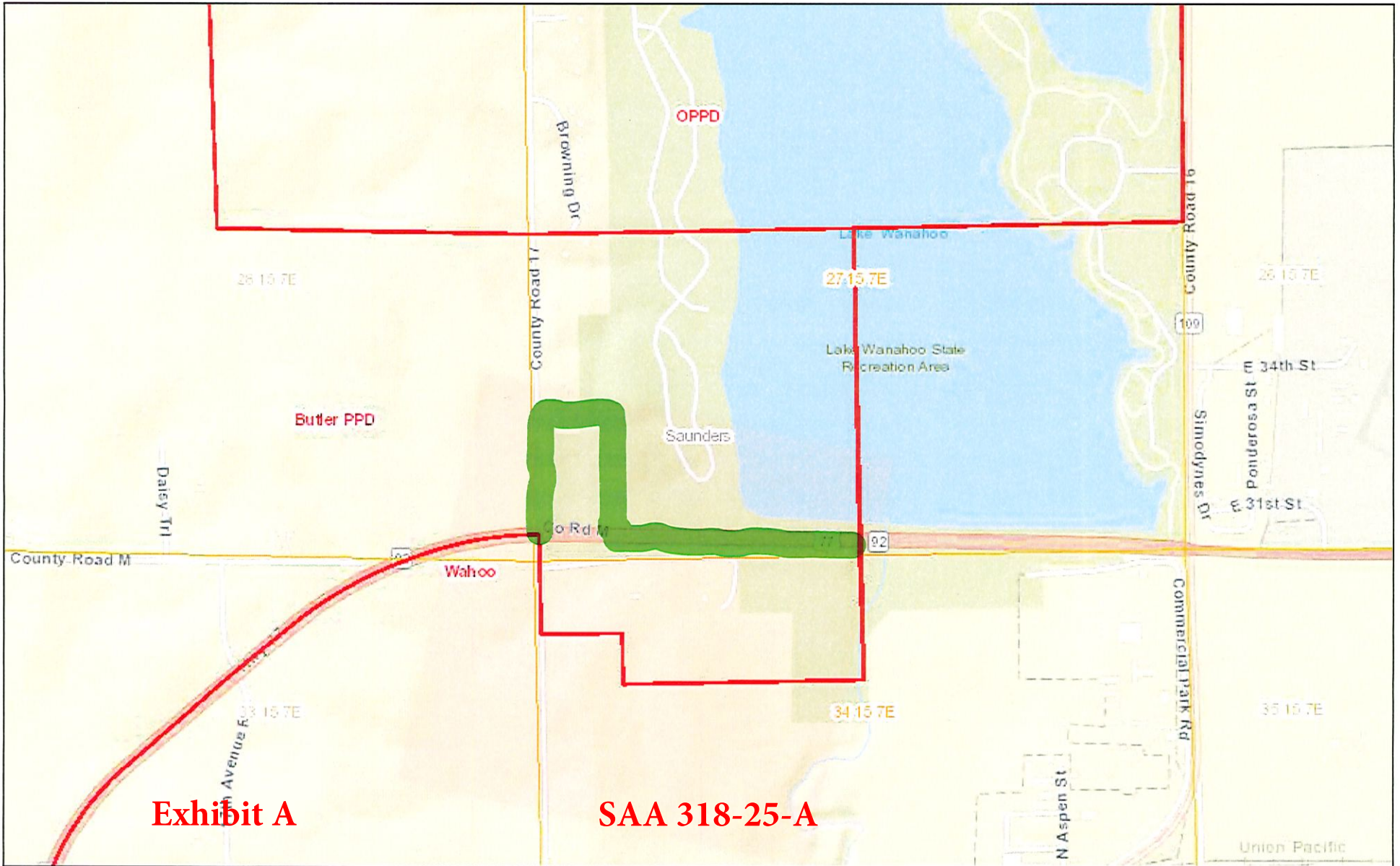


Exhibit A

SAA 318-25-A

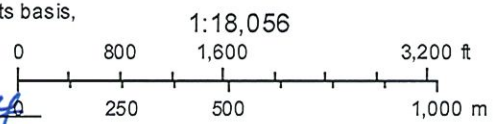
December 4, 2024 **DISCLAIMER:** This map is not intended for conveyances, nor is it a legal survey. The information is presented on a best-efforts basis, and should not be relied upon for making financial, survey, legal or other commitments.

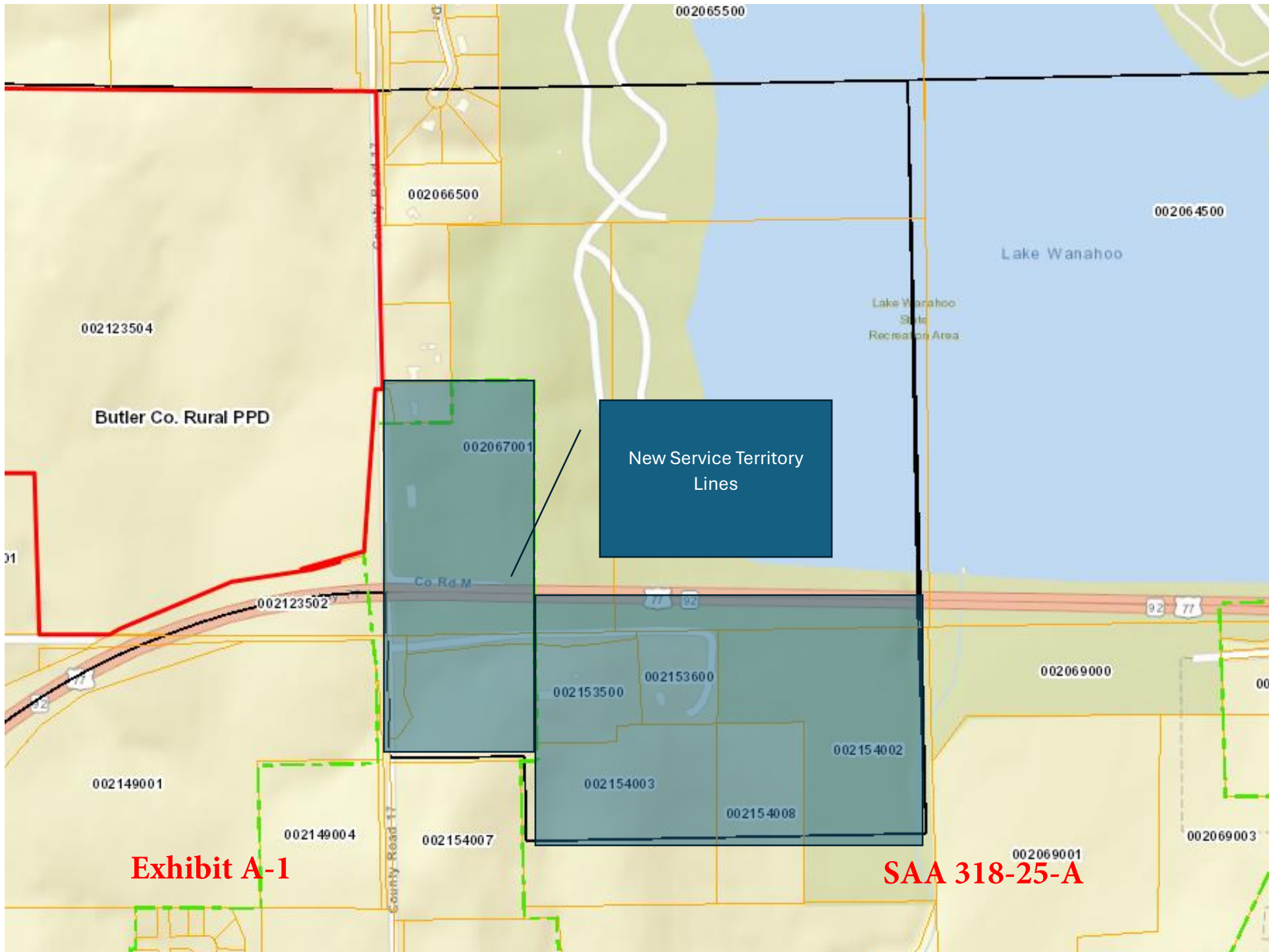
- Service Area Boundaries
- County Boundaries
- Section Lines

New Boundary added to Wahoo Service Area

WAHOO
 Signature:
 Printed Name: Ryan Hurst
 Title: GM Utilities

BUTLER PUBLIC POWER DISTRICT
 Signature:
 Printed Name: MARK J. KIRBY
 Title: GENERAL MANAGER BPPD





Butler Co. Rural PPD

New Service Territory Lines

Exhibit A-1

SAA 318-25-A

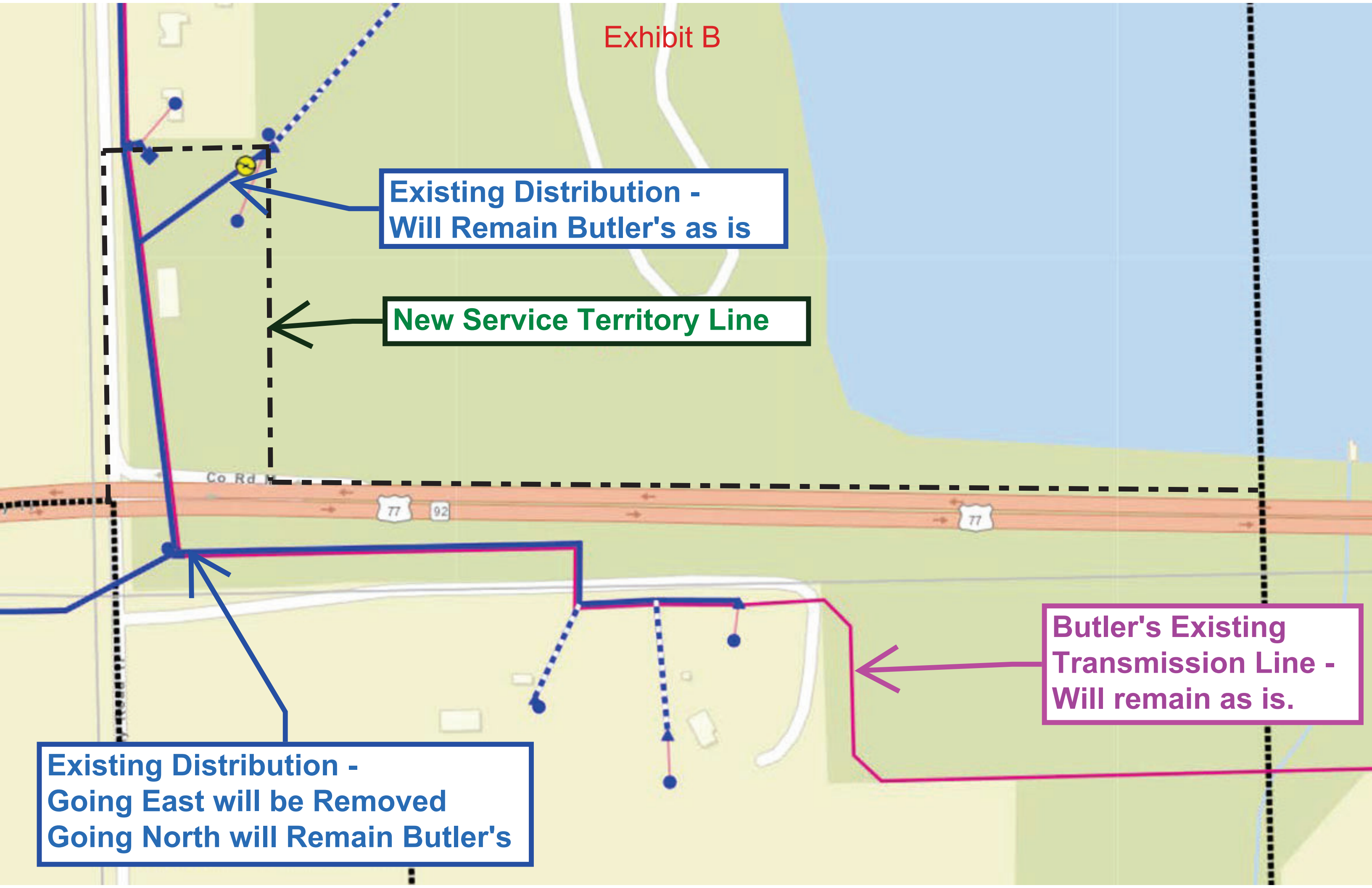
Exhibit B

Existing Distribution -
Will Remain Butler's as is

New Service Territory Line

Butler's Existing
Transmission Line -
Will remain as is.

Existing Distribution -
Going East will be Removed
Going North will Remain Butler's



RHONDA ANDRESEN
ASSESSOR/
REGISTER OF DEEDS
SAUNDERS COUNTY NE

2024 OCT 29 A 11:32

BOOK 1012 PAGE 1102
OF GEN INST# 280

Rhonda Andersen
LOW

CERTIFICATION

I, Melissa M. Harrell, City Administrator of the City of Wahoo, Wahoo, Nebraska, Saunders County, Nebraska, do hereby certify that the following attached documents are true representations of the ordinance enacted and portion of the plat map signed by the City Officials, to provide for the annexation of the described property. Also, I certify there are no existing residences or businesses located in this property annexed by this action.

Dated: October 29, 2024.

Melissa M. Harrell
Melissa M. Harrell
City Administrator

(SEAL)



ORDINANCE NO. 2463

AN ORDINANCE OF THE CITY OF WAHOO, NEBRASKA, TO ANNEX THE FOLLOWING DESCRIBED REAL ESTATE, TO WIT: A PARCEL OF LAND LOCATED IN THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 27, THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 28, THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 33 AND THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 34, ALL IN TOWNSHIP 15 NORTH, RANGE 7 EAST OF THE SIXTH P.M., SAUNDERS COUNTY, NEBRASKA, BEING DESCRIBED AS FOLLOWS: REFERRING TO THE NORTHWEST CORNER OF SAID SECTION 34; THENCE S03°38'05"E (ASSUMED BEARING) ON THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 34, A DISTANCE OF 602.67 FEET TO THE EXISTING CORPORATE LIMITS OF THE CITY OF WAHOO AS DESCRIBED IN ORDINANCE NO. 2061 AND THE POINT OF BEGINNING; THENCE N86°21'54"E ON SAID EXISTING CORPORATE LIMITS LINE AND ITS EASTERLY EXTENSION, A DISTANCE OF 725.97 FEET TO A POINT OF INTERSECTION WITH THE SOUTHERLY EXTENSION OF THE WEST LINE OF A TRACT OF LAND DESCRIBED IN INSTRUMENT NO. 2004-02355; THENCE N02°54'59"W ON SAID WEST LINE AND ITS SOUTHERLY AND NORTHERLY EXTENSIONS, A DISTANCE OF 1826.46 FEET TO A POINT OF INTERSECTION WITH THE EASTERLY EXTENSION OF THE NORTH LINE OF A TRACT OF LAND DESCRIBED IN INSTRUMENT NO. 2004-06460; THENCE S86°38'42"W ON SAID EASTERLY EXTENSION, A DISTANCE OF 408.89 FEET TO THE NORTHEAST CORNER OF SAID TRACT; THENCE S03°38'05"E ON THE EAST LINE OF SAID TRACT, A DISTANCE OF 200.00 FEET TO THE SOUTHEAST CORNER OF SAID TRACT; THENCE S86°38'42"W ON THE SOUTH LINE OF SAID TRACT, A DISTANCE OF 334.97 FEET TO THE SOUTHWEST CORNER OF SAID TRACT; THENCE CONTINUING S86°38'42"W, A DISTANCE OF 48.96 FEET TO THE WEST RIGHT OF WAY LINE OF COUNTY ROAD 17; THENCE S01°30'54"W ON SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 616.41 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF U.S. HIGHWAY 77; THENCE S07°09'06"E, A DISTANCE OF 446.13 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF U.S. HIGHWAY 77; THENCE S09°29'59"E ON THE WESTERLY RIGHT OF WAY LINE OF CHESTNUT STREET, A DISTANCE OF 116.52 FEET; THENCE S03°38'05"E CONTINUING ON SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 455.09 FEET TO SAID EXISTING CORPORATE LIMITS LINE; THENCE N86°21'54"E ON SAID EXISTING CORPORATE LIMITS LINE, A DISTANCE OF 60.00 FEET TO THE POINT OF BEGINNING, TO THE CITY OF WAHOO, SAUNDERS COUNTY, NEBRASKA, AND BY SAID ANNEXATION, TO MAKE SAID ABOVE-DESCRIBED REAL ESTATE A PART OF THE CORPORATE LIMITS OF THE CITY OF WAHOO, NEBRASKA; THAT AN ACCURATE MAP OR PLAT OF THE ABOVE DESCRIBED REAL ESTATE BE RECORDED IN THE OFFICES OF THE SAUNDERS COUNTY REGISTER OF DEEDS AND SAUNDERS COUNTY ASSESSOR; THAT THE INHABITANTS OF THE ABOVE-DESCRIBED REAL ESTATE RECEIVE SUBSTANTIALLY THE SAME BENEFITS AS OTHER INHABITANTS OF THE CITY OF WAHOO, NEBRASKA, AND THAT GOVERNMENTAL AND PROPRIETARY PLANS FOR THE FURNISHING OF SAID BENEFITS BE ADOPTED BY THE MAYOR AND COUNCIL OF THE CITY OF WAHOO, NEBRASKA, NOT LATER THAN ONE YEAR AFTER THE DATE OF ANNEXATION OF THE ABOVE DESCRIBED REAL ESTATE; THAT ALL INHABITANTS OF THE ABOVE DESCRIBED REAL ESTATE SHALL BE SUBJECT TO THE ORDINANCES AND REGULATIONS OF THE CITY OF WAHOO, NEBRASKA, UPON THE EFFECTIVE DATE OF THIS ORDINANCE; TO PROVIDE THAT THE MAYOR AND THE APPROPRIATE DEPARTMENT, WHETHER ONE OR MORE, OF THE CITY OF WAHOO, NEBRASKA, ARE AUTHORIZED AND DIRECTED TO IMPLEMENT THIS ORDINANCE; TO PROVIDE FOR THE SEVERABILITY OF ANY SECTION, CLAUSE, PROVISION OR PORTION FOUND

UNCONSTITUTIONAL OR INVALID; TO REPEAL ALL ORDINANCES IN CONFLICT HEREWITH; TO PROVIDE THAT THIS ORDINANCE SHALL BE PUBLISHED AND SHALL BE IN FULL FORCE AND TAKE EFFECT FROM AND AFTER ITS PASSAGE AND APPROVAL, AS PROVIDED BY LAW AND AS PROVIDED HEREIN; AND TO PROVIDE THAT THIS ORDINANCE SHALL NOT BE MADE A PART OF THE WAHOO MUNICIPAL CODE.

WHEREAS, the aforementioned real estate is contiguous or adjacent to the City of Wahoo, Nebraska, as defined by Neb. Rev. Stat. §17-405.02, and,

WHEREAS, said above-described real estate is suburban in character, and,

WHEREAS, the Wahoo Planning Commission did, on September 5, 2024, after a public hearing, notice of the public hearing having been given to the owners of the property within the area proposed for annexation by regular United States mail, postage prepaid, to the address of each owner of such property as it appears in the records of the office of the Saunders County Register of Deeds, or as the addresses were determined from other sources, post marked at least ten (10) working days prior to the Planning Commission's public hearing, said above-described real estate not being within the boundaries of a sanitary improvement district, all pursuant to Neb. Rev. Stat. §19-5001(2), recommend to the Mayor and Council of the City of Wahoo, Nebraska, annexation of the above-described real estate, and,

WHEREAS, prior to the introduction of this Ordinance, the Mayor and Council of the City of Wahoo, Nebraska, conducted a public hearing, said public hearing being at least ten (10) working days after a written notice of the proposed annexation was sent to the same owners of property who were provided such notice prior to the hearing before the Wahoo Planning Commission by regular United States mail, postage prepaid, to the owners' addresses as they appear in the records of the office of the Saunders County Register of Deeds or as the address was determined from another source, pursuant to Neb. §19-5001(3), and,

WHEREAS, both notices provided a description of the area proposed for annexation, including a map showing the boundaries of the area proposed for annexation, and the date, time and location of each hearing and how further information regarding the annexation can be obtained, including the telephone number of the pertinent city official and an electronic mail or internet address, and,

WHEREAS, it is in the best interests of the residents of the City of Wahoo, Nebraska, that said above described real estate be annexed to the City of Wahoo, Nebraska,

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF WAHOO, NEBRASKA, AS FOLLOWS:

Section 1. That the findings herein above made should be and are hereby made a part of this Ordinance as if fully as if set out at length herein.

Section 2. That the following-described real estate be annexed to the City of Wahoo, Nebraska, and included within the corporate limits of the City of Wahoo, Nebraska, to wit:

A PARCEL OF LAND LOCATED IN THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 27, THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 28, THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 33 AND THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 34, ALL IN TOWNSHIP 15 NORTH, RANGE 7 EAST OF THE SIXTH P.M., SAUNDERS COUNTY, NEBRASKA, BEING DESCRIBED AS FOLLOWS: REFERRING TO THE NORTHWEST CORNER OF SAID SECTION 34; THENCE S03°38'05"E (ASSUMED BEARING) ON THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 34, A DISTANCE OF 602.67 FEET TO THE EXISTING CORPORATE LIMITS OF THE CITY OF WAHOO AS DESCRIBED IN ORDINANCE NO. 2061 AND THE POINT OF BEGINNING; THENCE N86°21'54"E ON SAID EXISTING CORPORATE LIMITS LINE AND ITS EASTERLY EXTENSION, A DISTANCE OF 725.97 FEET TO A POINT OF INTERSECTION WITH THE SOUTHERLY EXTENSION OF THE WEST LINE OF A TRACT OF LAND DESCRIBED IN INSTRUMENT NO. 2004-02355; THENCE N02°54'59"W ON SAID WEST LINE AND ITS SOUTHERLY AND NORTHERLY EXTENSIONS, A DISTANCE OF 1826.46 FEET TO A POINT OF INTERSECTION WITH THE EASTERLY EXTENSION OF THE NORTH LINE OF A TRACT OF LAND DESCRIBED IN INSTRUMENT NO. 2004-06460; THENCE S86°38'42"W ON SAID EASTERLY EXTENSION, A DISTANCE OF 408.89 FEET TO THE NORTHEAST CORNER OF SAID TRACT;

THENCE S03°38'05"E ON THE EAST LINE OF SAID TRACT, A DISTANCE OF 200.00 FEET TO THE SOUTHEAST CORNER OF SAID TRACT; THENCE S86°38'42"W ON THE SOUTH LINE OF SAID TRACT, A DISTANCE OF 334.97 FEET TO THE SOUTHWEST CORNER OF SAID TRACT; THENCE CONTINUING S86°38'42"W, A DISTANCE OF 48.96 FEET TO THE WEST RIGHT OF WAY LINE OF COUNTY ROAD 17; THENCE S01°30'54"W ON SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 616.41 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF U.S. HIGHWAY 77; THENCE S07°09'06"E, A DISTANCE OF 446.13 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF U.S. HIGHWAY 77; THENCE S09°29'59"E ON THE WESTERLY RIGHT OF WAY LINE OF CHESTNUT STREET, A DISTANCE OF 116.52 FEET; THENCE S03°38'05"E CONTINUING ON SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 455.09 FEET TO SAID EXISTING CORPORATE LIMITS LINE; THENCE N86°21'54"E ON SAID EXISTING CORPORATE LIMITS LINE, A DISTANCE OF 60.00 FEET TO THE POINT OF BEGINNING.

Section 3. That an accurate map or plat of the above described real estate, certified by a duly licensed survey, and acknowledged as provided by law, shall at once be filed and recorded in the office of the Saunders County Register of Deeds and the office of the Saunders County Assessor, together with a certified copy of this Ordinance, declaring such annexation, under the seal of the City of Wahoo, Nebraska.

Section 4. That all inhabitants of the above described real estate shall receive substantially the benefits of the other inhabitants of the City of Wahoo, Nebraska, as soon as practical, and adequate plans and necessary City of Wahoo, Nebraska, action to furnish such benefits as police, fire protection, snow removal, and utility services shall be adopted not later than one year after the date of annexation of the above described real estate.

Section 5. That the inhabitants of the above-described real estate shall be subject to the ordinances and regulations of the City of Wahoo, Nebraska, upon the effective date of this Ordinance.

Section 6. That should any section, paragraph, sentence or word of this Ordinance hereby adopted be declared for any reason to be invalid, it is the intent of the Mayor and Council of the City of Wahoo that it would have passed all other portions of this Ordinance independent of the elimination herefrom of any such portion as may be declared invalid.

Section 7. That all ordinances and parts of ordinances passed and approved prior to the passage, approval, and publication of this Ordinance, in conflict herewith, are hereby repealed.

Section 8. That this Ordinance shall be published in pamphlet form and shall be effective on the fifteenth day from and after its passage and approval, provided it has been published, as aforementioned, within the first fifteen days after its passage and approval.

Section 9. That this Ordinance shall not be made a part of the Wahoo Municipal Code.

PASSED AND APPROVED this 22nd day of October, 2024.

CITY OF WAHOO, NEBRASKA

By: Gerald D. Johnson
Gerald D. Johnson, Its Mayor

ATTEST:

Melissa M. Harrell
Melissa M. Harrell, City Administrator

(SEAL)

1st Reading – 9/24/2024
2nd Reading – 10/8/2024
3rd Reading – 10/22/2024

