

**ELKHORN PUBLIC SCHOOLS
BOARD OF EDUCATION
SPECIAL BOARD MEETING - LAND ACQUISITION HEARING – 8:00 AM
Monday, December 19, 2016
Administration Building
A G E N D A**

I. Call to Order

II. Roll Call

J. Marasco, A. Parks, S. Zingler, A. Clark, R. Riggle, C. Burney

Open Meetings Act - The Board of Education makes available at least one current copy of the Open Meetings Act posted in the meeting room at a location accessible to members of the public. The Act is posted on the east wall of the Board meeting room.

III. Open the Public Hearing for acquisition of private property for public use -

This is Special Board Meeting and a Public Hearing regarding the acquisition of private property by the Elkhorn Public School District for a proposed high school building site generally located at 180th and West Maple Road. The private property to be acquired is approximately 43 acres more or less and owned by MWT Exchange Accommodator L.L.C. 36258,

Notice of this meeting was published three times in the Douglas County Post Gazette, a legal newspaper published in and of general circulation in Douglas County, Nebraska, and designated as the official newspaper of the Elkhorn Public School District for the publication of notices. Notices were published on November 22, 2016, November 29, 2016, December 6, 2016, the last publication being at least ten days prior to today's date. A Notice of this public hearing was also provided to the owner and all known persons having an interest by United States mail. A copy of the Notice published in the Douglas County Post Gazette will be attached to the minutes of this public hearing, as well as a copy of the Notice of Acquisition provided to the owner of the private property identified in the Notice. This Public Hearing relates to the proposed acquisition of private property for public purposes. The specific property, identified by street address or legal description is as follows:

Briefly described as the irregular north 43 acres in the West ½ of the Southwest ¼ of Section 4, Township 15, Range 11 in Douglas County, Nebraska. A detailed and legal description will be provided at a later date upon completion of a land survey of the property to be acquired.

IV. Land Acquisition Public Hearing -

Superintendent of Elkhorn Public Schools, Stephen Baker will address the Board and explain and discuss the nature of the proposed school project, the necessity for a high school project, the reason or reasons for selecting the particular location for the high school site, and the quantity of property necessary to fulfill the public purpose of a high school site.

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Attorney for the School District, Duncan Young, will address the Board and the Public in attendance to explain 1) the power of the school district to exercise eminent domain under Nebraska statutes; 2) the right of the owner to have representation in negotiations with respect to the property; 3) the obligation to negotiate in good faith; 4) the right of the property owner to representation by counsel; 5) the right to require compensation for the taking of such property be determined pursuant to the procedures for acquisition by eminent domain; 6) that the District will pay fair market value; and 7) that the District will purchase fee simple together with permanent or temporary easements.

It is at this point in the time of the Public Hearing when members of the public are invited to address the Board on any matters relating to the proposed action. We would ask that when addressing the Board, you attempt to keep your comments to five minutes, more or less if you are an owner of property, and three minutes, more or less, if you are not an owner of the specific piece of property. I will first ask the property owners or their representatives and, secondly, from all others wishing to address the Board in this public hearing.

V. Business Items (Action Required) – Supt. S. Baker

A. Consideration of Motion to approve the acquisition of approximately 43 acres of property by the eminent domain authority of the District– Supt. S. Baker

VI. Adjournment of meeting -

NEXT MEETING – The next regular meeting of the Board is scheduled for Monday, January 9, 2017, at 6:30 PM, in the Board Room of the Administration Building, 20650 Glenn Street, Elkhorn, NE 68022.

NOTE: The **Board Agenda Explanation** contains pertinent notes and administration recommendations for the Land Acquisition Public Hearing, Monday, December 19, 2016.

Land Acquisition Public Hearing - The School Board will hold a public hearing on the proposed acquisition of a future school elementary school site near 180th and West Maple Road. Prior to the Board receiving public testimony Supt. S. Baker and Legal Counsel D. Young will present information on the proposed school site and the eminent domain process.

Business Items (Action Requested) – Supt. S. Baker will ask the Board to consider a motion to approve the acquisition of approximately 43 acres of property by the eminent domain authority of the District pursuant to 79-1095.