

Agenda Item # 17  
Date 6/3/20

**BURT COUNTY ATTORNEY**  
111 N 13<sup>TH</sup> STREET  
TEKAMAH, NEBRASKA 68061

EDMOND E. TALBOT, COUNTY ATTORNEY  
JENNIFER D. WALKINIGSTICK, DEPUTY COUNTY ATTORNEY  
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TELEPHONE: 402-374-2910  
FAX: 402-374-2909

May 21, 2020

Board of Supervisors  
C/O Fred Mytty  
435 N Park  
Fremont, NE 68025


RECEIVED  
2020 MAY 27 PM 1:37  
BURT COUNTY, NEBRASKA  
FRED MYTTY, COUNTY CLERK

Dear Fred,

We are requesting a status report in regarding the Tower 5/6. We had sent out a letter to the Board of Supervisors and the Clerk on March 10, 2020. We have attached a copy of the letter sent out in March.

If you have any questions about it, please do not hesitate to give me a call.

Sincerely,



Edmond E. Talbot, #18876  
Jennifer D. Walkingstick # 23467  
Burt County Attorney's Office  
111 N 13<sup>th</sup> Street, Ste #12  
Tekamah, NE 68061  
[attorney@burtcounty.org](mailto:attorney@burtcounty.org)  
(402)374-2910

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## BURT COUNTY BOARD OF SUPERVISORS

PO BOX 87  
TEKAMAH, NE 68061

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March 10, 2020

Dodge County Board of Supervisors  
Washington County Board of Supervisors

Dear Supervisors:

I am writing as Chairman of the Burt County Board of Supervisors regarding an issue raised recently following the disbanding of Region 5/6 Emergency Management.

We were contacted by the U.S General Services Administration (GSA) regarding the microwave tower located in Decatur, Burt County Nebraska. The individual we have had contact with is Jennifer Möllenshott, Branch Chief of GSA. She indicated that Bill Pook Emergency Manager for Region 5/6 was asking about what to do with the tower following the Regions disbandment.

On a conference call with legal counsel for GSA Mark Duffy and Ms. Möllenshott, discussed methods of transferring title to the tower to Burt County.

One option discussed was a federal action to exercise the governments right of the Reverter Clause contained in the Quitclaim Deed (dated 11/13/2012 see attachment deed from the USA to Region 5/6 VI, A). The government would take title back then Burt County could make an application for the tower to be transferred to the County. This method was not favored by GSA or Burt County.

The other option discussed was a Reformation of the Quit Claim Deed. If the parties agree meaning GSA for the Government and the Region members at the time of the Deed (Burt, Dodge and Washington), then collectively we could ask the District Court to Reform the Deed to be Burt County instead of Region 5/6.

The GSA favored this method, GSA would continue to have the Reverter Clause and Burt County would have clear title to the tower.

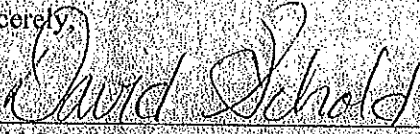
Burt County would agree to a new Interlocal Agreement if your county is interested.

One additional note is that there were not any county funds used to purchase the Tower from the Government in 2012. It was all grant money. The counties paid for the Region budget in the years it was operating in proportion to the Counties land valuation.

Please feel free to contact me with any questions.

While not urgent, GSA did indicate that we needed to be moving along or they would proceed to use the inverter clause in federal court. I am therefore requesting a response on or before April 10, 2020. Please contact me at the above address with any comments or questions.

Sincerely,



David Schold  
Chairman Burt County Board of Supervisors

Cc: Mark Duffy - [mark.duffy@gsa.gov](mailto:mark.duffy@gsa.gov)  
Jennifer Möllensholt - [jennifer.mollensholt@gsa.gov](mailto:jennifer.mollensholt@gsa.gov)