
(Above space for recorder's use)

Jacobsen, Orr Law Firm
P. O. Box 1060
Kearney, NE 68848-1060

BOUNDARY LINE AGREEMENT

This Agreement is made and entered into by and between **Platte River Recovery Implementation Foundation, a Nebraska nonprofit corporation, Trustee** (“PRRIF”) and **KERL Partnership** (“KERL”) (PRRIF and KERL being collectively “the Parties”).

Recitals

WHEREAS, the Parties to this Agreement are adjoining landowners of parcels of property located along the Platte River, with the KERL land being on the south side of the Platte River and the PRRIF land being on the north side of the Platte River;

WHEREAS, PRRIF is the owner of record of the following described real estate:

All that portion of Government Lot 2, 3, 4, and 8 that lie West of the former Chicago, Burlington & Quincy Railroad right-of-way now vacated; in Section 15, all in Township 8 North, Range 15, West of the 6th P.M., Buffalo County, Nebraska; together with accretions thereto
(said real estate being hereinafter referred to as “PRRIF Land”)

WHEREAS, KERL is the owner of record of the following described real estate:

All that portion of Government Lot 5, 6, and 7 that lie West of the former Chicago, Burlington & Quincy Railroad right-of-way now vacated; in Section 15, all in Township 8 North, Range 15, West of the 6th P.M., Buffalo County, Nebraska; together with accretions thereto
(said real estate being hereinafter referred to as “KERL Land”)

WHEREAS, the Parties wish to establish with certainty their accretion boundary relative to the Platte River and their respective properties.

WHEREAS, the Parties have agreed to survey and cause to be created a legal description of the boundary separating the PRRIF Land from the KERL Land, and such survey has been completed.

WHEREAS, PRRIF and KERL desire to enter into this Boundary Line Agreement.

Agreement

NOW, THEREFORE, PRRIF and KERL, in consideration for the mutual promises made herein, agree as follows:

1. The recitals set forth above are incorporated herein by reference.

2. The boundary line between the PRRIF Land and the KERL Land is the following-described line:

See attached Exhibit "A."

(said boundary line being hereinafter referred to as "the PRRIF/KERL Boundary Line"). A copy of the surveyed boundary line is attached hereto as Exhibit "B."

3. The PRRIF/Kerl Boundary Line shall be and remain the boundary line separating the PRRIF Land from the Kerl Land, regardless of any changes in the Platte River, whether due to accretion and/or reliction, or some other natural or manmade event affecting the Platte River.

4. PRRIF shall execute, acknowledge and deliver to KERL a quitclaim deed, a copy of which is attached hereto as Exhibit "C," and incorporated herein by this reference. KERL, upon delivery of such deed, shall file the deed in the Register of Deeds of Buffalo County, Nebraska.

5. KERL shall execute, acknowledge and deliver to PRRIF a quitclaim deed, a copy of which is attached hereto as Exhibit "D," and incorporated herein by this reference. PRRIF, upon delivery of such deed, shall file the deed in the Register of Deeds of Buffalo County, Nebraska.

6. This Agreement constitutes the entire agreement between the parties. There are no oral promises, conditions, representations, understandings, interpretations, or terms of any kind as conditions or inducements to the execution hereof, or in effect between the parties hereto, except as expressed in this Agreement.

7. No change or addition shall be made to this Agreement except by a written document signed and acknowledged by all parties hereto, and recorded in the office of the Register of Deeds of Buffalo County, Nebraska.

8. This Agreement, and each and every document related to this Agreement shall be governed by, and construed in accordance with, the laws of the State of Nebraska.

9. This Agreement shall be binding upon, and shall inure to the benefit of the parties hereto and their respective heirs, personal representatives, successors and assigns.

IN WITNESS WHEREOF, the Parties have executed this Agreement on the respective dates indicated below, the latest of which is the effective date of this Agreement.

Platte River Recovery Implementation
Foundation, a Nebraska nonprofit corporation,
Trustee

By: _____
Diane M. Wilson
Executive Director

Date: _____ 2021

KERL Partnership

By: _____

Name: _____

Title: _____

Date: _____ 2021

STATE OF NEBRASKA)

) SS:

COUNTY OF LANCASTER)

The foregoing instrument was acknowledged before me this _____ day of _____, 2021, by Diane M. Wilson, Executive Director of Platte River Recovery Implementation Foundation, a Nebraska nonprofit corporation, Trustee.

Notary Public

STATE OF NEBRASKA)

) SS:

COUNTY OF BUFFALO)

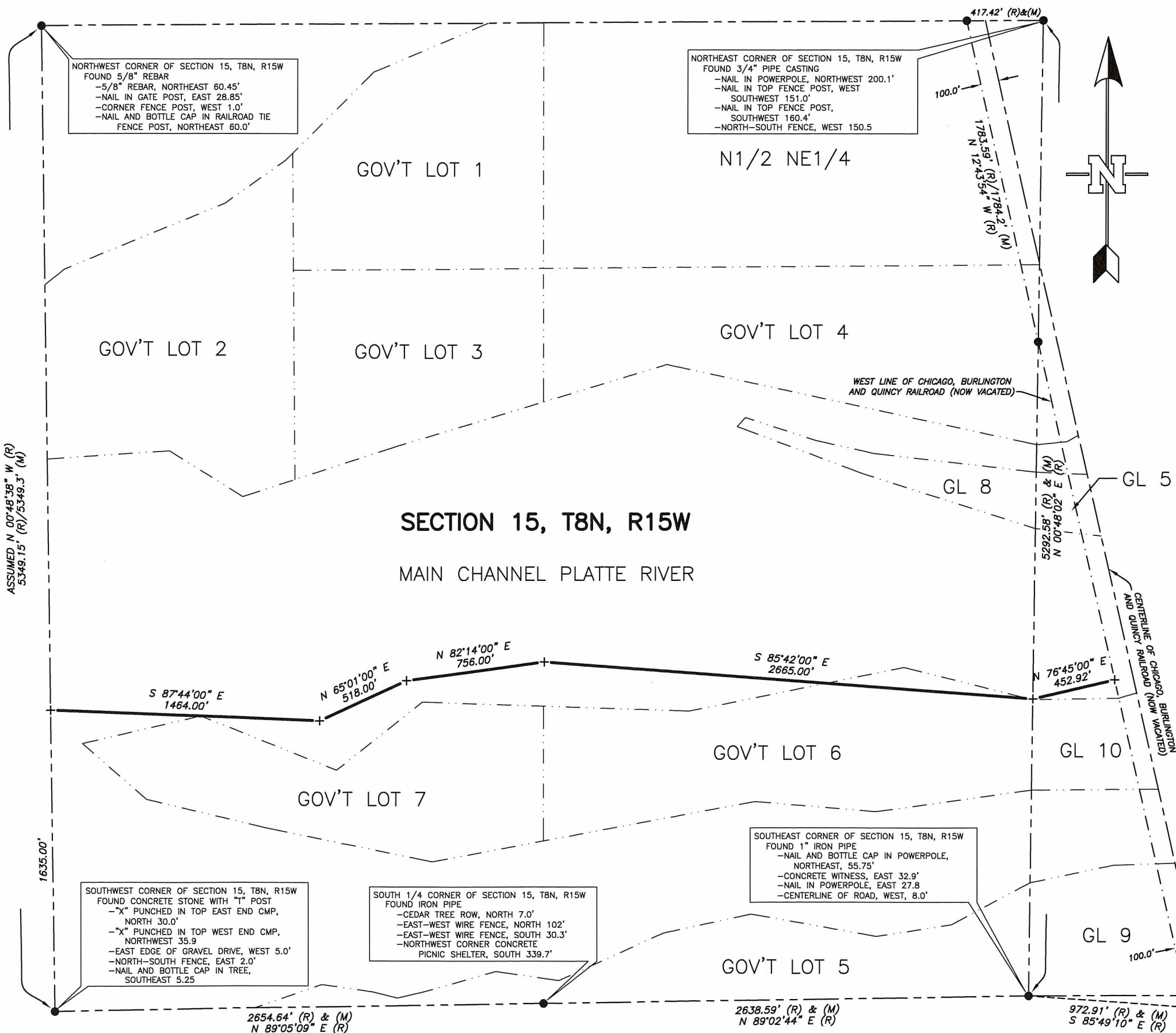
The foregoing instrument was acknowledged before me this _____ day of _____, 2021, by _____.

Notary Public

Exhibit A

A line through Section Fifteen (15) and part of Section Fourteen (14), Township Eight (8) North, Range Fifteen (15) West of the Sixth Principal Meridian, Buffalo County, Nebraska, more particularly described as follows: Referring to the Southwest corner of said Section 15 and assuming the west line of said section as bearing N 00°48'38" W and all bearings contained herein are relative thereto; thence N 00°48'38" W on the aforesaid west line a distance of 1635.00 feet to the ACTUAL PLACE OF BEGINNING; thence S 87°44'00" E a distance of 1464.00 feet; thence N 65°01'00" E a distance of 518.00 feet; thence N 82°14'00" E a distance of 756.00 feet; thence S 85°42'00" E a distance of 2665.00 feet; thence N 76°45'00" E a distance of 452.92 feet to the point of termination, said point being on the west line of the Chicago, Burlington and Quincy Railroad (now vacated).

Exhibit "B"



LEGAL DESCRIPTION

A line through Section Fifteen (15) and part of Section Fourteen (14), Township Eight (8) North, Range Fifteen (15) West of the Sixth Principal Meridian, Buffalo County, Nebraska, more particularly described as follows: Referring to the Southwest corner of said Section 15 and assuming the west line of said section as bearing N 00°48'38" W and all bearings contained herein are relative thereto; thence N 00°48'38" W on the aforesaid west line a distance of 1635.00 feet to the ACTUAL PLACE OF BEGINNING; thence S 87°44'00" E a distance of 1464.00 feet; thence N 65°01'00" E a distance of 518.00 feet; thence N 82°14'00" E a distance of 756.00 feet; thence S 85°42'00" E a distance of 2665.00 feet; thence N 76°45'00" E a distance of 452.92 feet to the point of termination, said point being on the west line of the Chicago, Burlington and Quincy Railroad (now vacated).

SURVEYOR'S CERTIFICATE

I, Trenton D. Snow, a Professional Land Surveyor licensed in the State of Nebraska, hereby certify that on October 16 and 29, 2020, I surveyed the above platted and described tract of land using known and recorded monuments. All information shown hereon is true and correct to the best of my knowledge and belief.

(SEAL)



Trenton D. Snow
Trenton D. Snow
Nebr. Reg. L.S. No. 626

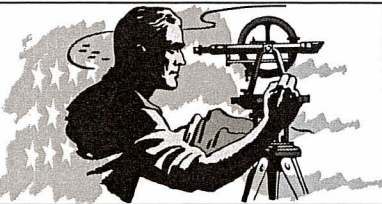
0 600' 1200'



Scale: 1" = 600'

(R) = Recorded Distance
(M) = Measured Distance
+ = Temporary Point
● = Corner Found (5/8" Rebar w/ LS 631
Cap Except as Indicated)

TRENTON D. SNOW, LLC
A Land Surveying Company



1309 Central Avenue
P.O. Box 1772
Kearney, NE 68848

Office: (308) 234-1764
Fax: (308) 234-1765
Cellular: (308) 293-1085

www.nebraskasurveys.com

Jacobsen Orr Law Firm
P.O. Box 1060
Kearney, NE 68848-1060

QUITCLAIM DEED

Platte River Recovery Implementation Foundation, a Nebraska nonprofit corporation, Trustee, for good and valuable consideration received, including boundary line confirmation, from KERL Partnership, conveys to KERL Partnership, the following described real estate (as defined in Neb. Rev. Stat. Section 76-201):

All those parts or portions of Platte River accretion lands to the south of the following boundary line:

A line through Section Fifteen (15) and part of Section Fourteen (14), Township Eight (8) North, Range Fifteen (15) West of the Sixth Principal Meridian, Buffalo County, Nebraska, more particularly described as follows: Referring to the Southwest corner of said Section 15 and assuming the west line of said section as bearing N 00°48'38" W and all bearings contained herein are relative thereto; thence N 00°48'38" W on the aforesaid west line a distance of 1635.00 feet to the ACTUAL PLACE OF BEGINNING; thence S 87°44'00" E a distance of 1464.00 feet; thence N 65°01'00" E a distance of 518.00 feet; thence N 82°14'00" E a distance of 756.00 feet; thence S 85°42'00" E a distance of 2665.00 feet; thence N 76°45'00" E a distance of 452.92 feet to the point of termination, said point being on the west line of the Chicago, Burlington and Quincy Railroad (now vacated).

Executed this ____ day of _____, 2021

Platte River Recovery Implementation
Foundation, a Nebraska nonprofit
corporation, Trustee

By: _____
Diane M. Wilson
Executive Director

STATE OF NEBRASKA)
)SS:
COUNTY OF LANCASTER)

The foregoing instrument was acknowledged before me this ____ day of _____, 2021 by Diane M. Wilson, Executive Director of Platte River Recovery Implementation Foundation, a Nebraska nonprofit corporation, Trustee.

Notary Public

Jacobsen Orr Law Firm
P.O. Box 1060
Kearney, NE 68848-1060

QUITCLAIM DEED

KERL Partnership, for good and valuable consideration received, including boundary line confirmation, from Platte River Recovery Implementation Foundation, a Nebraska nonprofit corporation, Trustee (hereinafter “PRRIF”), conveys to PRRIF, the following described real estate (as defined in Neb. Rev. Stat. Section 76-201):

All those parts or portions of Platte River accretion lands to the north of the following boundary line:

A line through Section Fifteen (15) and part of Section Fourteen (14), Township Eight (8) North, Range Fifteen (15) West of the Sixth Principal Meridian, Buffalo County, Nebraska, more particularly described as follows: Referring to the Southwest corner of said Section 15 and assuming the west line of said section as bearing N 00°48'38" W and all bearings contained herein are relative thereto; thence N 00°48'38" W on the aforesaid west line a distance of 1635.00 feet to the ACTUAL PLACE OF BEGINNING; thence S 87°44'00" E a distance of 1464.00 feet; thence N 65°01'00" E a distance of 518.00 feet; thence N 82°14'00" E a distance of 756.00 feet; thence S 85°42'00" E a distance of 2665.00 feet; thence N 76°45'00" E a distance of 452.92 feet to the point of termination, said point being on the west line of the Chicago, Burlington and Quincy Railroad (now vacated).

Executed this _____ day of _____, 2021

KERL Partnership

By: _____

Name: _____

Title: _____

STATE OF NEBRASKA)
) ss:
COUNTY OF BUFFALO)

The foregoing instrument was acknowledged before me this _____ day of _____, 2021, by _____.

Notary Public