

## **Property Description**

The Platte River Recovery Implementation Foundation (PRRIF) will accept offers on an approximately 44.34-acre parcel of ground located near the city of Bayard in Morrill County, Nebraska. A map of the general location of the property has been included in this document.

The tract abuts the North Platte River and includes approximately 27.71 acres of deeded ground and approximately 16.63 acres of accretion ground. A detailed survey of the property has been included in this document. The deeded ground consists of irrigated pasture with surface water irrigation rights under the Alliance Ditch Company. Please contact the Alliance Ditch Company for additional information.

There are no hunting restrictions on the property. South and west accretion boundaries have been established through boundary line agreements (included in this document). The right to hunt within the accretion area of the tract was defined in the Morrill County Miscellaneous Records (included in document) known as Boundary line Agreement and Hunting Restrictions and will be transferred with the property. Buyer understands that the accretion portion of the tract is an active river and will accrete and relict according to the laws of the state of Nebraska.

The tract is currently accessed via prescriptive easement from Road 79, north of the tract. The PRRIF is currently in the process of establishing a permanent written access easement. In addition, the City of Bayard is currently in the process of establishing a permanent access easement along the west edge of the property for a treated water outfall. It is anticipated that both easements will be completed by the seller (PRRIF) after closing.

## **Process for Submitting Offers**

A minimum sale price of \$177,500 has been established for the property. All offers must consist of a total dollar amount (price per acre offers will not be considered). Offers shall be submitted in writing by November 1, 2018, 5:00 p.m. Central Time. Any offer received after the closing time will not be considered. Offers must be sent to:

Platte River Recovery Implementation Program  
C/O Jason Farnsworth, Executive Director  
4111 4<sup>th</sup> Avenue, Suite 6  
Kearney, NE 68845

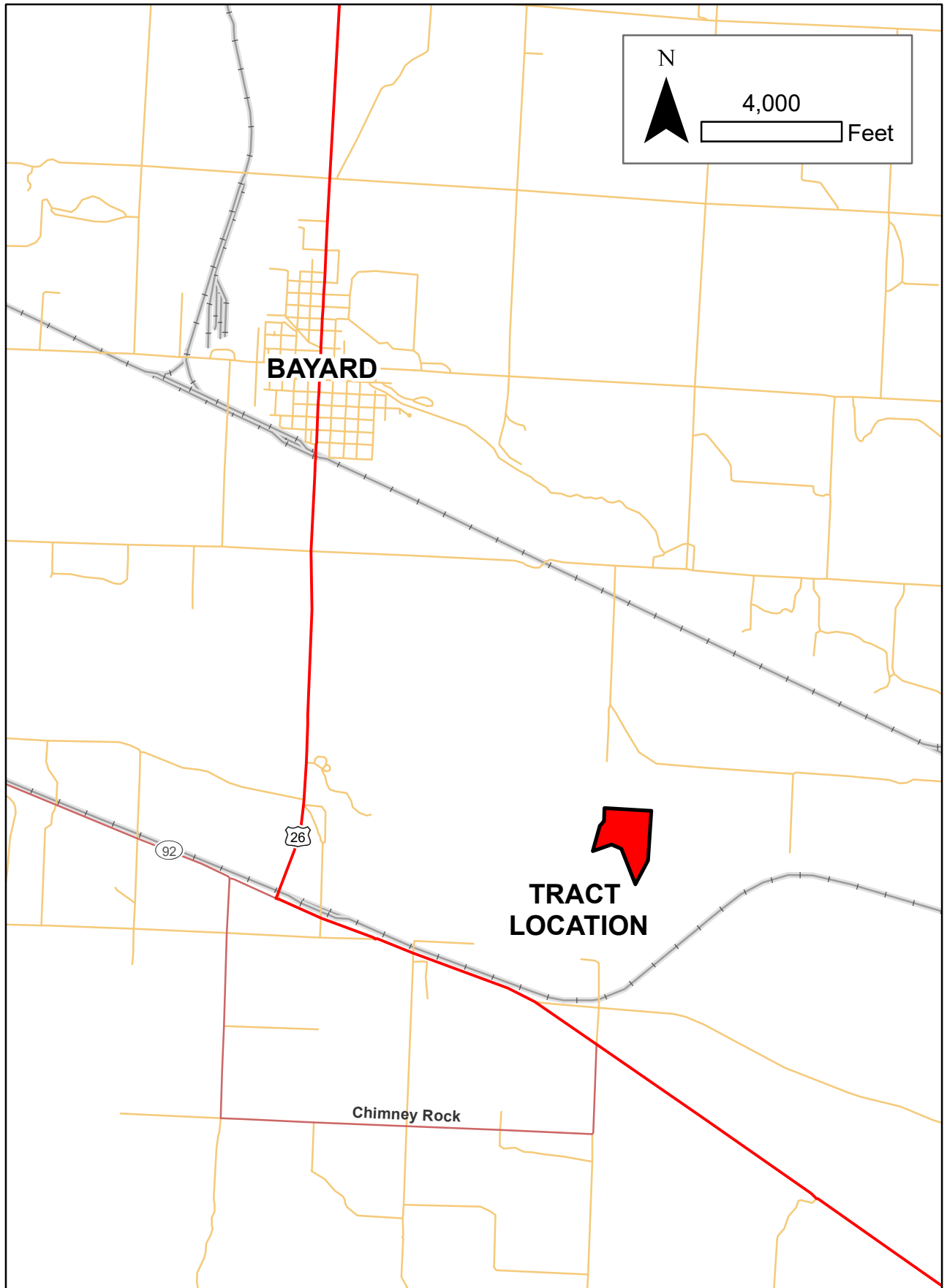
The Governance Committee (GC) of the PRRIP will review offers on November 14. The GC reserves the right to accept or reject any offers that are submitted. A contract to purchase shall be signed within 10 days of offer acceptance by the GC.

Any questions about the property can be submitted to Bruce Sackett at the email of [sackettb@headwaterscorp.com](mailto:sackettb@headwaterscorp.com).

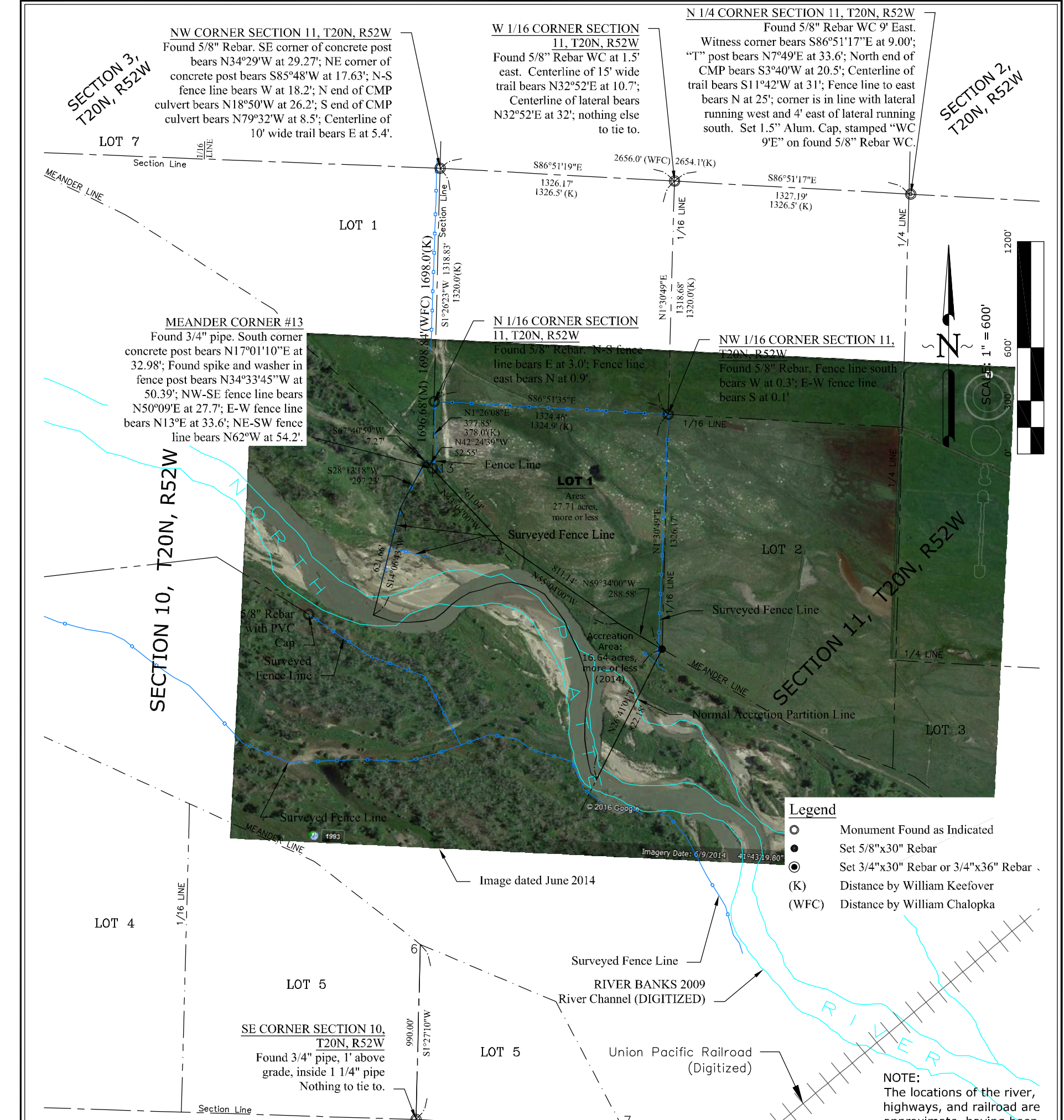
All questions and answers will be posted on the PRRIP website Bid Opportunities page (<https://platteriverprogram.org/contractors/opportunities?type=Bid+Invitation>) for potential buyers to review prior to submitting offers.

No real estate agency represents PRRIF in this sale of land. Brokers may submit bids as buyer's agents. PRRIF will not pay any compensation to brokers representing a buyer. All buyer's agents must make agreements with buyers in advance of submitting an offer to purchase this property.

## General Location Map



## Tract Survey



**SURVEYOR'S CERTIFICATE:**

I, Donald A. Brush, Nebraska Registered Land Surveyor Number 511, do hereby certify that, between May 31, 2010 and December 5, 2011, the tract described above and shown on the accompanying drawing was surveyed by me; that the accompanying drawing is a correct delineation of said survey drawn to a scale of 600 feet to the inch; that the distances are earth-surface distances given in feet and decimals of a foot; that the bearings are Nebraska State Plane NAD83 grid bearings based on GPS RTK measurements; that the areas are as shown; and that the monuments were found or set as indicated.

WITNESS MY HAND AND SEAL  
 this 26th day of August, 2016.  
 Donald A. Brush  
 Nebraska Registered Land  
 Surveyor Number 511

**LEGAL DESCRIPTION:**

Government Lot 1, with accretion, of Section 11, and part of accretion to Government Lot 1 of Section 10, all in Township 20 North, Range 52 West, 6th Principal Meridian, Morrill County, Nebraska, the accretion being more particularly described as follows:

With reference to the Meander Corner on the west line of said Section 11, said point being the southwesterly corner of said Government Lot 1 of said Section 11, and being point number 13 on the original meander line, said point being the POINT OF BEGINNING of this description; thence on said original meander line N42°24'39"W a distance of 52.55 feet; thence on said surveyed fence line S67°40'59"W a distance of 7.27 feet; thence continuing on said fence line S28°13'18"W a distance of 297.23 feet; thence continuing on said fence line S14°06'43"W to the intersection of the extension of said fence line with the centerline of the North Platte River; thence southeasterly on said centerline of the North Platte River to a point; thence N26°41'01"E to the intersection of the east line of said Government Lot 1 of said Section 11, with the original meander line, said point being the southeasterly corner of said Government Lot 1; thence N59°34'00"W on said original meander line a distance of 288.58 feet; thence continuing on said original meander line N55°04'00"W a distance of 811.14 feet; thence continuing on said original meander line N43°04'00"W a distance of 561.04 feet to the point of beginning.

PREPARED FOR:  
 Bruce Sackett

REVISED: November 19, 2012  
 August 26, 2016

Date: Nov 2012	Sheet No.: 1 of 1
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<p><b>Panhandle Land Surveying</b>          Donald A. Brush, Registered Land Surveyor          870 SB Road, Morrill, Nebraska, 69358          Phone: (308) 247-2602  <small>Copyright 2012</small></p>	<p>Boundary Survey</p> <p>Part of Accretion to Gov't Lots 1 &amp; 5, Section 10, &amp; part of accretion to Gov't          Lots 1, 2, &amp; 5, Section 11, T20N, R52W, 6th P.M., Morrill County, Nebraska</p>
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## **Boundary Line Agreements**

108

No. 1836  
Index  
Numerical  
Fee \$ 62.00

STATE OF NEBRASKA } ss  
Morrill County }  
Filed in the office of the County Clerk  
this 7 day of Dec. 20 12  
at \_\_\_\_\_ o'clock and 30 minutes P.M.  
and recorded in book 75 of  
\_\_\_\_\_ MISC page 108 - 119  
\_\_\_\_\_  
County Clerk  
By \_\_\_\_\_ Deputy

**BOUNDARY LINE AGREEMENT AND HUNTING RESTRICTIONS**

THIS AGREEMENT is between John Stinner and Rita Stinner (hereinafter "Tract I Owners") and Tom Osborne and Nancy Osborne, Husband and Wife, and Jack Osborne and Pamela Osborne, Husband and Wife (hereinafter "Tract II Owners").

In consideration of settlement and resolution of a dispute between the parties as to the boundary line between their properties the parties hereto agree as follows:

**1. RECITALS**

A. Tract I Owners are the owners of the following described real estate hereinafter referred to as Tract I:

See attached legal description of Tract I marked as Exhibit A.

B. Tract II Owners are the owners of the following described real estate hereinafter referred to as Tract II.

See attached legal description of Tract II marked as Exhibit B.

C. Each of the above parties as to their respective Tracts I and II also claim the possession of, right to, and ownership of certain accreted lands in the North Platte River which are accreted to and appurtenant to their respective lands, as provided by law as well as ownership to lands claimed by adverse possession.

D. The parties hereto desire to establish and agree upon a boundary line which fixes the boundary of Tract I and the boundary of Tract II to the extent that Tracts I and II share a common boundary and thereby resolve any disputes as to the claims of land including but not limited to accretion lands and lands claimed by adverse possession by one party against the other.

**2. ESTABLISHMENT OF BOUNDARY**

A. The thread of the main channel of the North Platte River marks the common boundary line between Tracts I and II and shall be the north boundary line of Tract I and the south boundary line of Tract II. The parties recognize and acknowledge that this boundary location may change due to movement of the thread of the main channel of the North Platte River.

B. It is understood and agreed that the interest of the respective parties hereto in and to Tract I and Tract II are or may be subject to mineral reservation, oil and gas leases, and other easements, mortgages and encumbrances. This Agreement is made subject to said prior interests.

C. Neither party will take or authorize any action to alter the course of the main channel of the North Platte River.

**3. CONVEYANCE**

A. These presents shall be and hereby do constitute a conveyance from each respective party hereto to the other affected party of all right, title and interest which might be



claimed contrary to the boundary hereinabove established by any other method of determining accretions or ownership of land related to the deeded land owned by the respective parties, each to have and to hold such accretions and lands herein conveyed with all tenements, hereditaments and appurtenants thereto belonging forever.

#### **4. RESTRICTION ON HUNTING**

A. Attached hereto and marked as Exhibit C is a surveyed line and legal description for the line. As further consideration for this Agreement, Tract I Owners and their heirs, devisees, personal representatives, successors, assigns, invitees, licensees and any future owners of Tract I shall be permanently restricted from any duck and goose hunting or building of blinds for duck and goose hunting north of the line described on Exhibit C up to the thread of the main channel of the North Platte River (restricted area) during the duck and goose seasons as established by the Nebraska Game and Parks each year. The restriction identified herein to any duck and goose hunting north of the line described on Exhibit C up to the thread of the main channel of the North Platte River shall include but not be limited to the following actions which interfere with or restrict duck and goose hunting for Tract II owners, and their heirs, devisees, personal representatives, successors, assigns, invitees, licensees or future owners of Tract II:

- i. Setting out decoys, hunting or shooting at ducks or geese in the restricted area;
- ii. Construction of roadways, buildings, mobile homes, signs, or any other permanent structure in the restricted area;
- iii. Filling, excavating, dredging, mining, or drilling, removal of top soil, sand, gravel, rock, minerals, or other materials in the restricted area;
- iv. Building of roads, or changing the topography of the land in any manner excepting foot trails or cattle trails in the restricted area;
- v. Placing cattle in the restricted area during duck or goose hunting seasons as set forth annually by the Nebraska Game and Parks Commission;
- vi. Dumping of ashes, trash, garbage in the restricted area;
- vii. Operation of motorized vehicles during duck or goose hunting seasons established annually by the Nebraska Game and Parks Commission in the restricted area; and
- viii. Any other actions in the restricted area which interfere with or restrict duck or goose hunting for Tract II owners during the duck and goose seasons established by the Nebraska Game and Parks.

#### **5. PERMANENT AND BINDING AGREEMENT**

A. The current owners of Tract II and their heirs, devisees, personal representatives, successors and assigns and any future owners of Tract II shall have the right to enforce the restrictions on duck and goose hunting and other restrictions set forth herein against the current owners of Tract I and their heirs, devisees, personal representatives, successors, assigns, licensees, invitees and any future owners of Tract I.

B. This Agreement shall be assigned by the current landowners of Tract I and Tract II and their heirs, devisees, personal representatives, successors and assigns and any future owners of Tract I and Tract II so that it shall apply to the parties described herein, their heirs, devisees, personal representatives, successors and assigns including but not limited to all future owners of Tract I and Tract II.

C. This Agreement benefits both Tract I and Tract II owners. This Agreement is enforceable by either the Tract I or Tract II owners, their heirs, assigns, and future owners of either Tract I or II by or through an action in the District Court of Morrill County, Nebraska.

D. This Agreement shall run with the land and shall be binding upon and inure to the benefit of the parties hereto, their heirs, devisees, personal representatives, successors and assigns including, but not limited to, all future owners of part or all of Tract I and Tract II.



E. This Agreement shall be filed in the pending litigation, along with a Mutual Release with Prejudice with the parties to bear their own costs. Additionally, this Agreement shall be recorded in the records of the Register of Deeds, Morrill County, Nebraska against the records of the legal description set forth on Exhibits A and B attached hereto.

Dated this 7 day of December, 2012.

**EXHIBIT A**  
Tract I

Township 20 North, Range 52 West of the 6<sup>th</sup> P.M.

Section 10: Government Lots 4 and 5; SW1/4SE1/4

Section 11: Government Lot 5

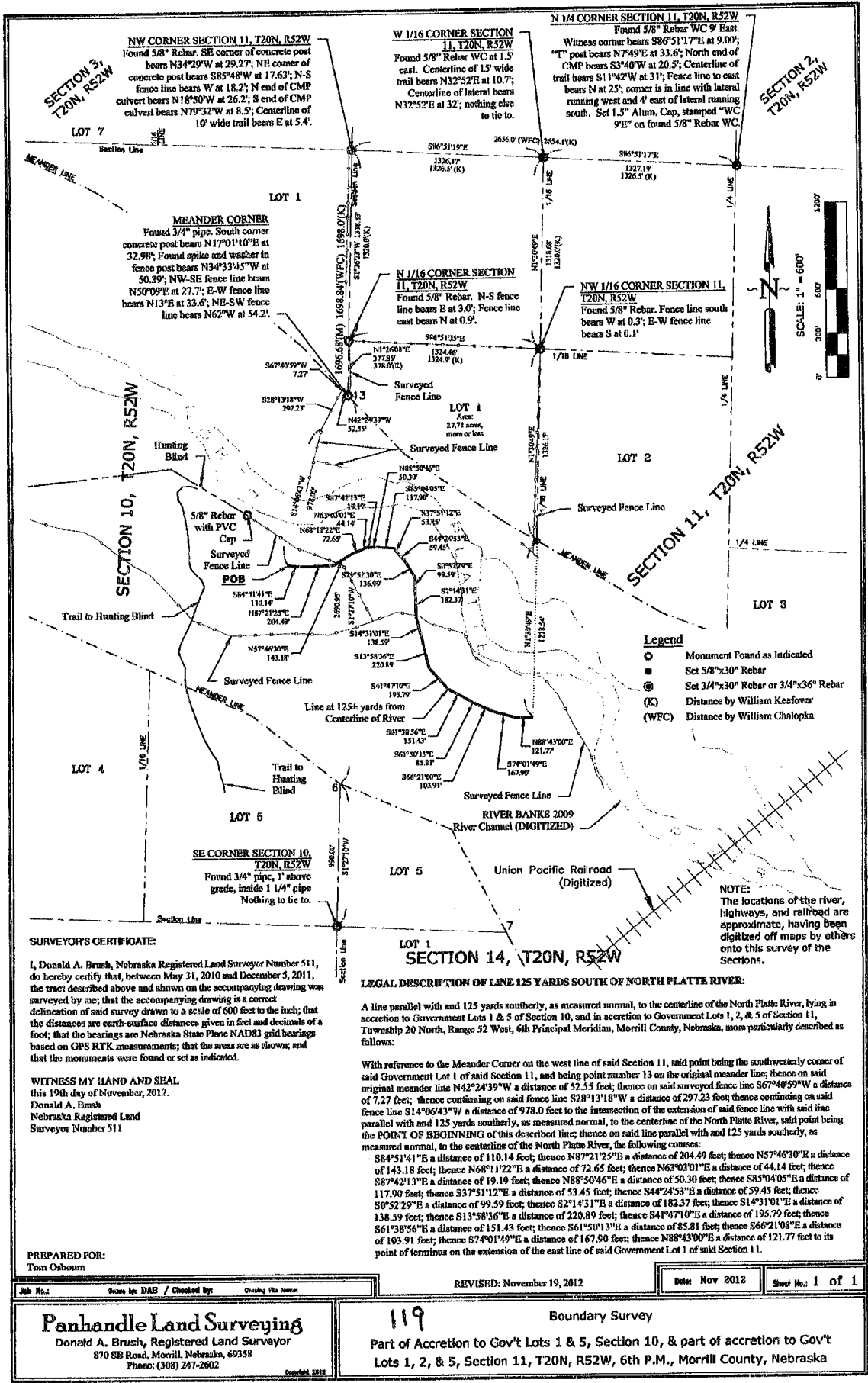
Section 14: That part of Government Lot 1 lying North of the Union Pacific Railroad Right-of-Way.

Section 15: NE1/4NE1/4; that part of the East 38 acres of the NW1/4NE1/4 lying North of the Union Pacific Railroad Right-of-Way; and that part of the S1/2NE1/4 lying North of the Union Pacific Railroad Right-of-Way.

Plus all lands accreted thereto, located in Morrill County, Nebraska.

118  
**EXHIBIT B**  
Tract II

Township 20 North, Range 52 West of the 6<sup>th</sup> P.M.,  
Section 11: Government Lot 1  
Plus all lands accreted thereto, located in Morrill County, Nebraska.



**SURVEYOR'S CERTIFICATE:**

I, Donald A. Brush, Nebraska Registered Land Surveyor Number 511, do hereby certify that, between May 31, 2010 and December 5, 2011, the tract described above and shown on the accompanying drawing was surveyed by me; that the accompanying drawing is a correct delineation of said survey drawn to a scale of 600 feet to the inch; that the distances are earth-surface distances given in feet and decimals of a foot; that the bearings are Nebraska State Plane NAD83 grid bearings based on GPS RTK measurements; that the areas are as shown; and that the monuments were found or set as indicated.

WITNESS MY HAND AND SEAL this 19th day of November, 2012.  
 Donald A. Brush  
 Nebraska Registered Land Surveyor Number 511

PREPARED FOR:  
 Tom Osbourn

**LEGAL DESCRIPTION OF LINE 125 YARDS SOUTH OF NORTH PLATTE RIVER:**

A line parallel with and 125 yards southerly, as measured normal, to the centerline of the North Platte River, lying in accretion to Government Lots 1 & 5 of Section 10, and in accretion to Government Lots 1, 2, & 5 of Section 11, Township 20 North, Range 52 West, 6th Principal Meridian, Morrill County, Nebraska, more particularly described as follows:

With reference to the Meander Corner on the west line of said Section 11, said point being the southwesterly corner of said Government Lot 1 of said Section 11, and being point number 13 on the original meander line; thence on said original meander line N42°24'39"W a distance of 52.35 feet; thence on said surveyed fence line S67°40'59"W a distance of 7.27 feet; thence continuing on said fence line S28°13'18"W a distance of 297.23 feet; thence continuing on said fence line S14°06'43"W a distance of 978.0 feet to the intersection of the extension of said fence line with said line parallel with and 125 yards southerly, as measured normal, to the centerline of the North Platte River, said point being the POINT OF BEGINNING of this described line; thence on said line parallel with and 125 yards southerly, as measured normal, to the centerline of the North Platte River, the following course:  
 S84°51'41"E a distance of 110.14 feet; thence N87°21'25"E a distance of 204.49 feet; thence N57°46'30"E a distance of 143.18 feet; thence N68°11'22"E a distance of 72.65 feet; thence N63°03'01"E a distance of 64.14 feet; thence S87°42'13"E a distance of 19.19 feet; thence N88°50'46"E a distance of 50.30 feet; thence S83°04'03"E a distance of 117.90 feet; thence S37°51'12"E a distance of 53.45 feet; thence S44°24'53"E a distance of 59.45 feet; thence S0°52'29"E a distance of 99.59 feet; thence S2°14'31"E a distance of 182.37 feet; thence S14°31'01"E a distance of 138.59 feet; thence S15°58'56"E a distance of 220.89 feet; thence S41°47'10"E a distance of 195.79 feet; thence S61°38'56"E a distance of 151.43 feet; thence S61°50'13"E a distance of 85.01 feet; thence S66°21'08"E a distance of 103.91 feet; thence S74°01'49"E a distance of 167.80 feet; thence N88°43'00"E a distance of 121.77 feet to its point of terminus on the extension of the east line of said Government Lot 1 of said Section 11.

**Panhandle Land Surveying**  
 Donald A. Brush, Registered Land Surveyor  
 870 SB Road, Morrill, Nebraska, 69358  
 Phone: (308) 247-2602

119 Boundary Survey  
 Part of Accretion to Gov't Lots 1 & 5, Section 10, & part of accretion to Gov't Lots 1, 2, & 5, Section 11, T20N, R52W, 6th P.M., Morrill County, Nebraska

REVISSED: November 19, 2012  
 Date: Nov 2012  
 Sheet No.: 1 of 1

Exhibit C

No. 1211  
Index M-7  
Numerical M-8  
Fee \$104.00

STATE OF NEBRASKA } ss  
Morrill County  
Filed in the office of the County Clerk  
this 29 day of May 20 13  
at 11 o'clock and 17 minutes A.M.  
and recorded in book 75 of  
Misc page 427-436  
Kathleen A. Spencer  
County Clerk  
By \_\_\_\_\_ Deputy

### BOUNDARY LINE AGREEMENT

THIS AGREEMENT is between Tom Osborne and Nancy Osborne, husband and wife, and Jack Osborne, and Pamela Osborne, husband and wife, hereinafter referred to as "Tract I Owners" and Matt Huck and Heidi Huck, husband and wife, hereinafter referred to as "Tract II Owners".

For and in consideration of the promises and the mutual benefits to be derived, here from, the parties hereto agree as follows:

#### I. RECITALS

A. Tract I Owners are the owners of the following described real estate in Morrill County, Nebraska, hereafter referred to as Tract I:

See attached legal description of Tract I marked as Exhibit A.

B. Tract II Owners are the owners of the following of the following described real estate in Morrill County, Nebraska, referred to as Tract II:

See attached legal description of Tract II marked as Exhibit B.

C. The parties hereto desire to establish and agree upon a permanent boundary line which fixes the boundary between the accretions of Tract I and the accretions of Tract II to the extent that the accretions of Tracts I and II share a common boundary and thereby resolve any disputes, if any, or any future disputes as to the claims of land including but not limited to accretion lands claimed by adverse possession by one party against the other.

#### 2. ESTABLISHMENT OF BOUNDARY

A. The surveyed line in bold between the points "A" and "B" and legal description described on Exhibit C, insofar and only insofar as said line marks a common boundary between the accretions of Tracts I and II, shall be the boundary line between the accretions of Tract I and Tract II and it shall be the permanent boundary between the accretions of the two tracts. A three (3) wire and in places a four (4) wire fence with posts at varying distances apart is currently constructed on the agreed upon boundary line which fence follows and is on part of the surveyed line between points "A" and "B". The parties agree to jointly maintain the boundary fence where it is currently located and equally share the cost of said maintenance and repair.

B. It is understood and agreed that the interest of the respective parties hereto in and to the accretions of Tract I and Tract II are or may be subject to mineral reservation, oil and gas leases, and other easement, mortgage and encumbrances. This Agreement is made subject to said prior interests. Notwithstanding such interests, the parties agree that this boundary and conveyance Agreement shall run with the land and shall be effective between themselves and future owners of Tract I and II.

#### 3. CONVEYANCE

A. This document shall be and hereby does constitute a conveyance from each respective party hereto to the other affected party of all right, title and interest which might be claimed contrary to the boundary hereinabove established by any other method of determining

boundaries related to accretions owned by the respective parties, each to have and to hold such land herein conveyed with all tenements, hereditaments and appurtenants thereto belonging forever.

This Boundary Line Agreement shall be appurtenant to and run with the land and this Agreement shall be binding upon and inure to the benefit of the parties hereto, their heirs, devisees, personal representatives, successors and assigns, including, but not limited to, all future owners of Tracts I and II.

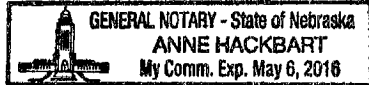
Dated this 21<sup>st</sup> day of May, 2013

Tom Osborne  
TOM OSBORNE

STATE OF NEBRASKA )  
COUNTY OF Lancaster ) ss

The foregoing instrument was acknowledged before me this 21<sup>st</sup> day of May, 2013, by TOM OSBORNE, known to me personally or who has produced satisfactory evidence of identification to me.

Anne Hackbart  
Notary Public



434

**EXHIBIT A**

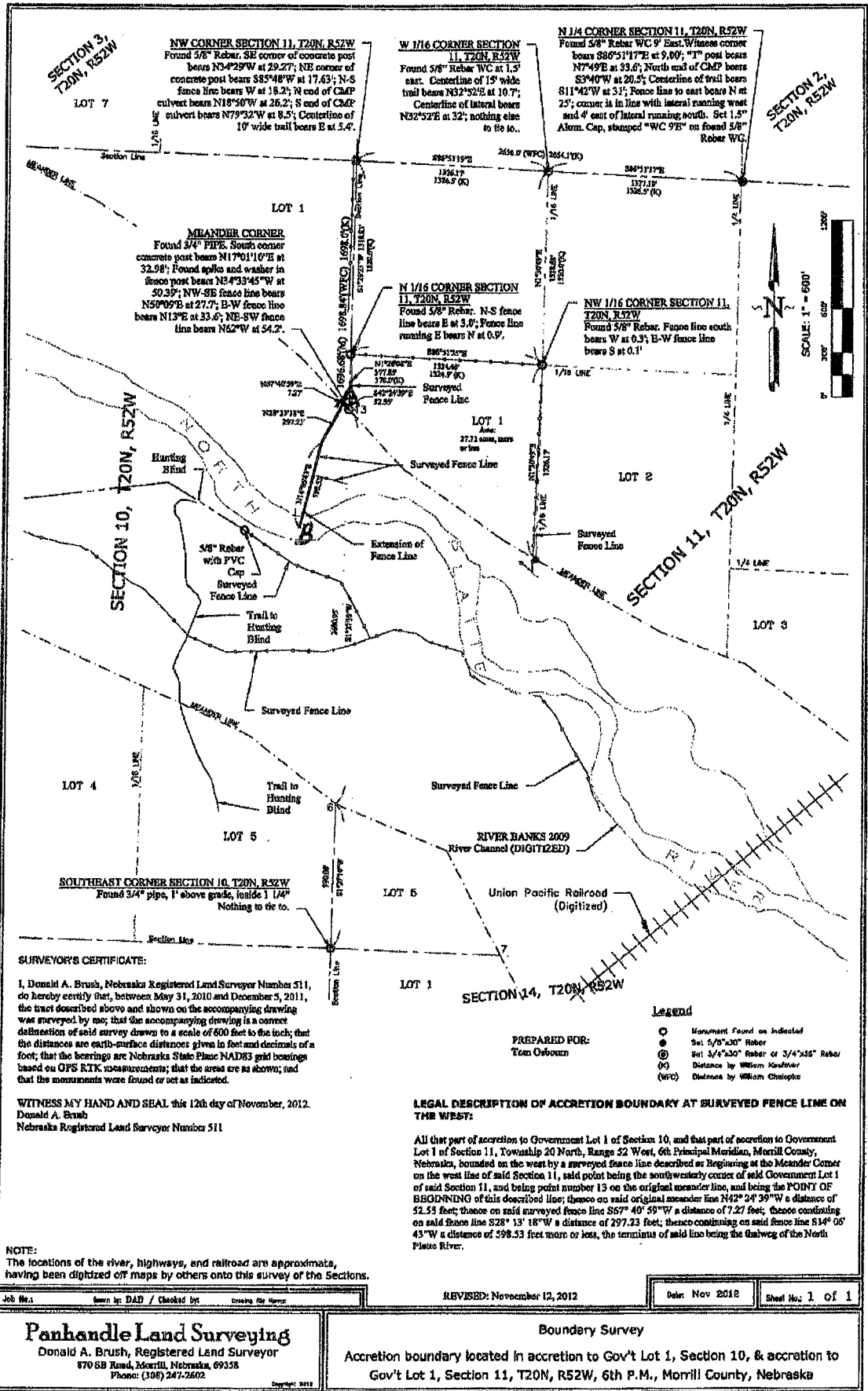
Lot 1 and accretions of Section 11 Township 20 North, Range 52 West of 6<sup>th</sup> P.M. Morrill  
County Nebraska.



**EXHIBIT B**

Lot 1 and accretions of Section 10 Township 20 North, Range 52 West of 6<sup>th</sup> P.M. Morrill  
County Nebraska.

436



**SECTION 2,  
T20N, R52W**  
LOT 7

**NW CORNER SECTION 11, T20N, R52W**  
Found 5/8" Rebar, SE corner of concrete post bears N34°29'W at 29.27; NE corner of concrete post bears S85°48'W at 17.63; N-S fence line bears W at 18.2; N end of C&P culvert bears N18°54'W at 26.2; S end of C&P culvert bears N79°32'W at 8.4; Centerline of 10' wide trail bears E at 5.47.

**W 1/16 CORNER SECTION 11, T20N, R52W**  
Found 5/8" Rebar WC at 1.3' east. Centerline of 15' wide trail bears N32°32'E at 10.7; Centerline of lateral bears N32°32'E at 52; nothing else to the to.

**N 1/4 CORNER SECTION 11, T20N, R52W**  
Found 5/8" Rebar WC 9' East. Witness corner bears S80°51'17"E at 9.00; "T" post bears N7°49'E at 33.6; North end of C&P bears S5°40'W at 20.5; Centerline of trail bears S11°42'W at 31; Fence line to east bears N at 25; corner is in line with lateral running west and 4' east of lateral running south. Set 1.5" Alumn. Cap, stamped "WC 928" on found 5/8" Rebar WC.

**SECTION 2,  
T20N, R52W**

**MEANDER CORNER**  
Found 3/4" PIPE. South corner concrete post bears N17°01'10"E at 32.98; Found spico and washer in fence post bears NE4°33'45"W at 30.35; NW-SE fence line bears N50°09'E at 27.7; E-W fence line bears N13°E at 33.6; NE-SW fence line bears N62°W at 54.2.

**N 1/16 CORNER SECTION 11, T20N, R52W**  
Found 5/8" Rebar. N-S fence line bears E at 3.0; Fence line running E bears N at 0.9.

**NW 1/16 CORNER SECTION 11, T20N, R52W**  
Found 5/8" Rebar. Fence line south bears W at 0.3; E-W fence line bears S at 0.1.

**SOUTHEAST CORNER SECTION 10, T20N, R52W**  
Found 3/4" pipe, 1' above grade, inside 1 1/4"  
Nothing to the to.

**SURVEYOR'S CERTIFICATE:**  
I, Donald A. Brush, Nebraska Registered Land Surveyor Number 511, do hereby certify that, between May 31, 2010 and December 5, 2011, the tract described above and shown on the accompanying drawing was surveyed by me; that the accompanying drawing is a correct delineation of said survey drawn to a scale of 800 feet to the inch; that the distances are earth-surface distances given in feet and decimals of a foot; that the bearings are Nebraska State Plane NAD83 grid bearings based on OPS BTK, unambiguously; that the areas are as shown; and that the monuments were found or set as indicated.  
  
WITNESS MY HAND AND SEAL this 12th day of November, 2012.  
Donald A. Brush  
Nebraska Registered Land Surveyor Number 511

**LEGAL DESCRIPTION OF ACCRETION BOUNDARY AT SURVEYED FENCE LINE ON THE WEST:**

All that part of accretion to Government Lot 1 of Section 10, and that part of accretion to Government Lot 1 of Section 11, Township 20 North, Range 32 West, 6th Principal Meridian, Morrill County, Nebraska, bounded on the west by a surveyed fence line described as Beginning at the Meander Corner on the west line of said Section 11, said point being the southwestern corner of said Government Lot 1 of said Section 11, and being point number 13 on the original meander line, and being the POINT OF BEGINNING of this described line; thence on said original meander line N42° 24' 39"W a distance of 52.55 feet; thence on said surveyed fence line S67° 40' 59"W a distance of 7.27 feet; thence continuing on said fence line S28° 13' 16"W a distance of 297.23 feet; thence continuing on said fence line S14° 00' 43"W a distance of 598.53 feet more or less, the terminus of said line being the thalweg of the North Platte River.

**NOTE:**  
The locations of the river, highways, and railroad are approximate, having been digitized off maps by others onto this survey of the Sections.

- Legend**
- Monument found on indicated
  - ⊙ Set 5/8" x 30" Rebar
  - ⊙ Set 3/4" x 30" Rebar or 3/4" x 36" Rebar
  - (C) Distance by William Kaufinger
  - (WFC) Distance by William Christoph

PREPARED FOR:  
Tom Osbourn

Job No.:	Drawn by: DAD / Checked by:	Drawing File Name:	REVISED: November 12, 2012	Date: Nov 2012	Sheet No: 1 of 1
<b>Panhandle Land Surveying</b> Donald A. Brush, Registered Land Surveyor 870 SB Road, Morrill, Nebraska, 69358 Phone: (308) 247-2602			<b>Boundary Survey</b> Accretion boundary located in accretion to Gov't Lot 1, Section 10, & accretion to Gov't Lot 1, Section 11, T20N, R52W, 6th P.M., Morrill County, Nebraska		

Exhibit C