

TABLE OF EXHIBITS

1. Exhibit A-1: Picture representation prepared by Garver Engineering of the Leased Property, Section 36 of Township 10 and Range 27W;
2. Exhibit A-2: Copy of the Corps' map of Section 36 of Township 10 and Range 27W (the "Leased Property")
3. Exhibit B-1: Deed of Ownership for John Haile & Sarah Hail to William Hail dated August 13, 1839
4. Exhibit B-2: Deed of Ownership for W M Hail to William Cureton dated March 17, 1838
5. Exhibit B-3: Deed of Ownership for William Cureton to James F. Quaile dated November 6, 1855
6. Exhibit C: LR&FS Deed of purchased 5.50 acres from James and Frauk Quaile
7. Exhibit D: M. Oliver's Deed of Purchase for 5.75 acres
8. Exhibit E: A copy of the Small Estate transferring land to Nelsie Oliver
9. Exhibit F-1: Minutes of Plaintiff's City Council meeting dated June 5, 1940
10. Exhibit F-2: Minutes of Plaintiff's City Council meeting dated May 8, 1951
11. Exhibit F-3: Minutes of Plaintiff's City Council meeting dated December 11, 1956
12. Exhibit F-4: Minutes of Plaintiff's City Council meeting dated December 22, 1957
13. Exhibit G: A copy of an aerial photo dated circa 1952
14. Exhibit H: A copy of an aerial photo dated circa 1942
15. Exhibit I: A copy of the Ordinance for MoPac's request to construct the industrial rail spur down "Water or River Street"
16. Exhibit J: A copy of blueprint for Ordinance
17. Exhibit K: A copy of the cover page for the Directory in 1962

18. Exhibit L: A copy of the February 1962 map
19. Exhibit M-1: Map dated August 1, 1946
20. Exhibit M-2: Map dated September 22, 1987
21. Exhibit M-3: Map dated May 21, 1996
22. Exhibit M-4: Map dated 1-21-2000
23. Exhibit N: A Copy of Federal Lis Pendens
24. Exhibit O-1: Deed from John Harlan Burns and Helen Burns to Corps
25. Exhibit O-2: Deed MoPac to Corps
26. Exhibit O-3: Deed Tom Kirkendoll and Ruth Kirkendoll to the Corps
27. Exhibit O-4: Deed Josephine Oliver to Corps
28. Exhibit P: Print out for M & S Lumber, Inc.
29. Exhibit Q-1: Map showing Oliver Street dated 1962
30. Exhibit Q-2: Map showing Oliver Street dated 1975
31. Exhibit R-1: A copy of the FRA Crossing Inventory reports 1970-2001
32. Exhibit R-2: Digital map from FRA website
33. Exhibit S: A copy of the AH&TD Rail Program Arkansas
34. Exhibit T: A copy of Mayor Briley's 1984 letter
35. Exhibit U-1: A copy of Mayor Hudspeth's 1987 letter
36. Exhibit U-2: A copy of Mr. Dunsworth letter
37. Exhibit V: A copy of Mr. Mayer's 1997 letter
38. Exhibit W: A copy of the Resolution 1988-2
39. Exhibit X-1: A copy of the MSO proposed by-laws
40. Exhibit X-2: 1962 Map showing area of proposed development and operation

41. Exhibit X-3: 1975 Map showing area of proposed development and operation

42. Exhibit Y: A copy of the 1994 Grant Application

43. Exhibit Z: A copy of Mayor McDaniel's September 5, 1995 letter

44. Exhibit AA: A copy of the 1997 revised plans

45. Exhibit BB: A copy of AH&TD's February 10, 2005 letter

46. Exhibit CC: A copy of the UA Study from 2007

47. Exhibit DD: A copy of Mr. Outlaw's letter of intent for Marina

48. Exhibit EE: A copy of the application packet for extended River Development

49. Exhibit FF: Copies of support letters

50. Exhibit GG-1: Copy of Plaintiff's letter dated June 2011

51. Exhibit GG-2: Copy of Plaintiff's letter dated July 2011

52. Exhibit HH: Copy of Plaintiff's August 2012 letter

53. Exhibit II: A copy of UP Defendant's October 2012 letter

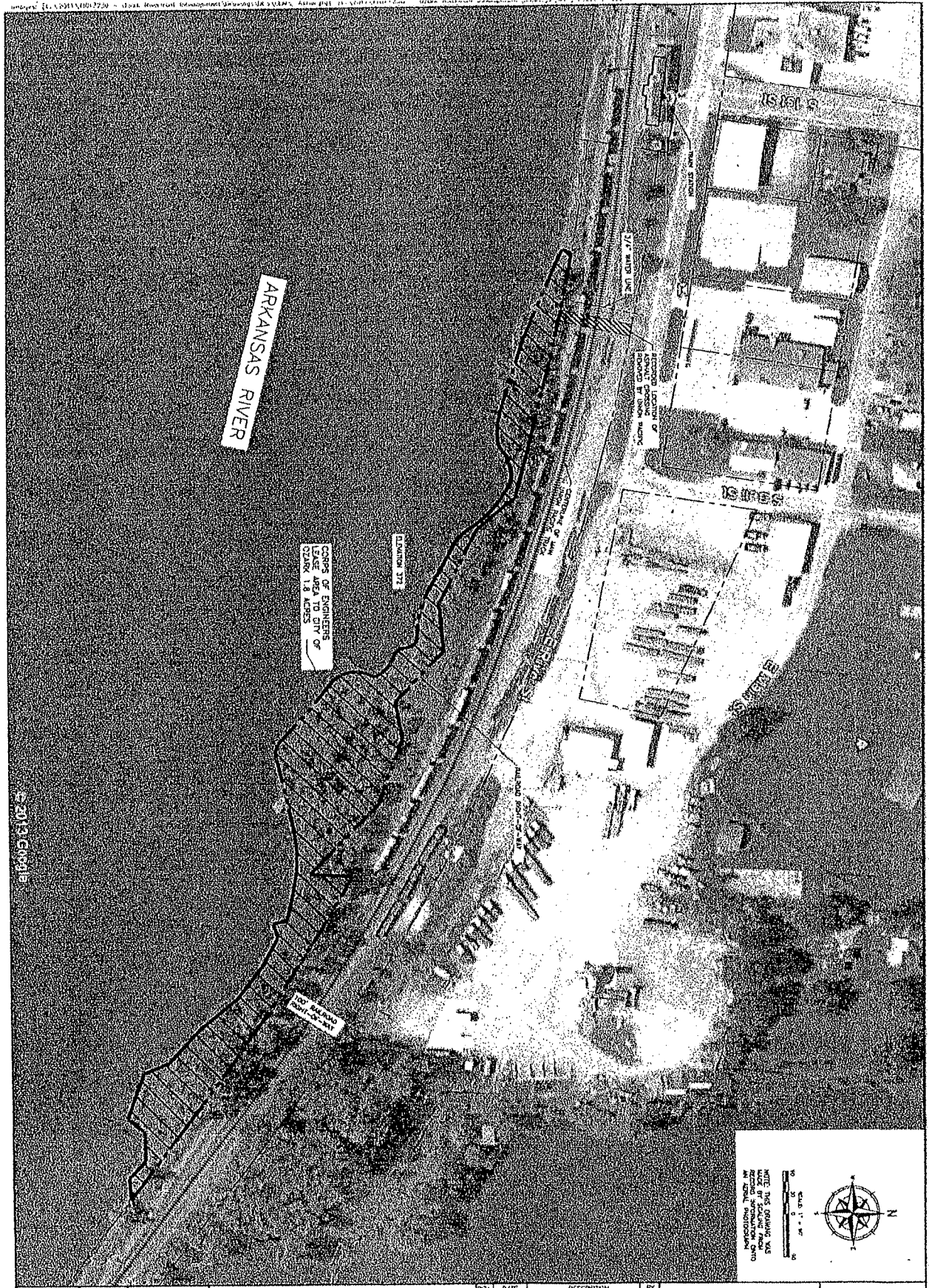
54. Exhibit JJ: A copy of the FRA's November 2012 letter

55. Exhibit KK: Plaintiff's detailed response to UP Defendant's October 2012 letter

56. Exhibit LL: A copy of UP Defendant's April 2013 letter

57. Exhibit MM: Plaintiff's GBS Railroad Consulting Services, LLC letter

EXHIBIT A-1
PICTURE REPRESENTATION OF LEASED AREA



JOB NO. 107330 DATE: JUNE, 2013 DESIGNED BY: WMS DRAWN BY: WMS SHEET NUMBER: 1	LEASE AREA FROM RECORD INFORMATION	MAIN STREET OZARK	REV.	DATE	DESCRIPTION	BY
		OZARK, ARKANSAS				
		LEASE AREA FROM CORP'S OF ENGINEERS TO CITY OF OZARK LYING SOUTH OF RAILROAD ROW				

original filed in color

EXHIBIT A-2
CORP'S MAP

TRACT NO.	LAND OWNER	ACREAGE			MARGINAL INDEX	REMARKS
		FEE	EASEMENT	PERMIT		
215	Paul M. Storment, et ux	1.14				
215E	" " " "		0.21			TEMPORARY EASEMENT FROM 1 APRIL 1968 TO 1 APRIL 1973
216-1	Harold Dodgen, et ux	6.41				
216-2	" " " "	0.05				
216E-1	" " " "		2.00			
216E-2	" " " "		1.21			TEMPORARY EASEMENT FROM 1 JANUARY 69 TO 1 JANUARY 70
217	Mary Frances Crone	2.06				
217E	" " " "		0.01			
218	W. H. Gibbons	6.25				
219	Caldwell & Chrisman	0.49				
219E	" " " "		0.55			
221E	Okla. Gas & Elect. Co.		0.60			
222	Willie Matthews	1.50				
225	James E. Vardaman, et ux	1.70				
226	M. B. Whitman, et al	1.10				
227	Euna Morton	5.00				
228	W. A. Sossamon, est.	1.87				
229	Ark. Valley Elect. Coop. Corp.	0.34				
231	James B. Stephens, et ux	0.75				
232	Carl McCullough	0.24				
233	James B. Kelly, et ux	1.00				
234	Carter B. King, et ux	1.76				
235	Carl Jeffers	1.12				
236	George McIlroy, et ux	0.53				
237	Naomi Kaser, et al	0.42				
238	Frederick Quail	0.56				
239	Josephine Oliver	0.68				
241	Arrie Coe Dickerson, et al	1.08				
242	Alsey McDade	0.81				
243	Clemma Adams	0.09				
244	W. C. McIlroy	0.07				
245	W. C. McIlroy	0.15				
246	Trustees of Nazarene Church	0.10				
247	Sula Townsend	0.14				
248	Clyde V. Smith	0.14				
249	Sam William Littleton	2.62				
251	Robert Canada, et ux	0.04				
252	Nola Jeanne V. Pleva, et vir	0.89				
253	Lelia Crites	0.08				
254	Randall Harris, et ux	0.09				
255	Ruth A. King	6.81				
257	Mary Ellen Holt	0.08				
258	Harley H. Owens, et ux	0.15				
260	J. L. Jones, et ux	0.04				
263	John Harlan Burns	4.00				
264	Martin Oliver, Jr. et al	5.75				
265	Tom Kirkendall	0.40				
293	Missouri Pacific Railroad Co.	5.40				

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INST.	W D	RECORD	Old C	PAGE	70-2
Con. \$ 1-00	Date 8/13/39	Reg. —	Dow. in D. —	N. P.	
Lien /	Ack. " 15 "	Def. ✓	Dow. " A. ✓	J. P.	
Int. Con. All Pt.	Filed 8/17/39	All Ack.	H'ms't'd D. —	Cl'k ✓	
Co. Seal /	Co. Ex.	Of. Seal ✓	H'ms't'd A. —	Wife Ex.	

John Hale & Sarah

TO

William Hale

Subject to		Comp. by	
NE	NW	SE	SW
NE NW SE SW	NE NW SE SW	NE NW SE SW	NE NW SE SW
Sec. Twp. Range. Acres			
Beg. at SW Cor of SW Frl 1 36-10-27 Thence down Ark River with its meanderings to a Mulb. tree near the River as a corner to sd tract so as to embrace all the land to the waters edge along said river, the whole extent of said line; Th N to the N bdy line of said Frl 1 Sec; Th W with sd N Bdy line to the NW Cor of sd frl 1 Sec; Th S with the line between Secs 35 & 36 in said Twp to beg. Cont'f 50 acres more or less.			

Out of John Hale not taken.
 Wife acknowledged Jas. W. Pendleton, 7. co.
 signed in presence of David
 Walker & A. Hall.

(over)

EXHIBIT B-2
W M HAIL AND WILLIAM CURETON OWNERSHIP DEED

83

Old RECORD 6

PAGE 144-5

Con: \$1000 ✓	Date 3 17 38	Reg. fee	Dow. in D.	N. P.
Lien —	Ack. " 19 "	Def. Below	Dow. " A.	J. P. ✓
Int. Con. All Pt.	Filed # Not shown	All Ack.	H'ms't'd D.	Cl'k
Co. Seal	Co. Ex.	Of. Seal	H'ms't'd A.	Wife Ex.

W^m Nail
To
William Cureton

Subject to — Comp. by —

NE				NW				SE				SW				Sec.	Twp.	Range	Acres
N	E	SE	SW	N	E	SE	SW	N	E	SE	SW	N	E	SE	SW				
" all that fraction of the SW 1/4 of Sec. 36 in T. 10, R. 27 W. which is not embraced. Laid off and designated as the tract on which Otark is situated" ✓																			
Copy of ack: - "Signed and acknowledged before me this 19th day of March 1838 E. B. Burland J. A." ✓																			
# Recorded Aug. 24 th 1838. ✓																			

EXHIBIT B-3
WILLIAM CURETON AND JAMES F. QUAILE OWNERSHIP DEED

William ~~the~~ Curleton
To
James F Quail

NE		NW		SE		SW		Comp. by			
NE	NW	SE	SW	NE	NW	SE	SW	Sec.	Twp.	Range	Acres
								36	10	27	✓
By which millb. tree stood on it back Art. R. (which is mentioned as a cor. tree in a deed made from William Hail + Susanah his wife to David Walker + Archibald for the land on which the town of Oriskany in the Co. + State aforesaid is situated, known + designated on the plat of the survey of public lands as the S.W. 1/4								36 10 27			
The N. to N. boundary line of 1/4 sd. 1/4 sec. Th. E. with sd. Northern boundary line to N.E. cor. sd. 1/4 Sec. Th. S. with the line between the S.E. + S.W. 1/4 - 36 - to Art. River Th. W. with the mean. sd. Art. R. to big. so as to include all the land to the water edge.								Contg.		$43 \frac{75}{100} = 43.75$	
By A. L. Berry et al								m or l.			

EXHIBIT C
LR&FS PURCHASE DEED FROM JOHN QUAILE

SPECTATOR, OZARK TO M DEC 46

Con.	Date	1876	3	14	Reg.	Dow. in D	N. P.
Lien	Ack.	✓	✓	✓	Def.	Dow. in A	J. P.
Int. Con. All. Pt.	Filed	1876	5	27	All Ack.	H'ms't'd D	Cl'k
Co. Seal	Time				Of. Seal	H'ms't'd A	Wife Ex.

James F. Quail & Frank A. Quail
his wife
to
Little Rock and Fort Smith Railway

Grant, Bargain, Sell and Convey and Confirm; Release and Forever Quit Claim;
 Subject to

NE	NW	SE	SW	Franklin County, Ark.
NE NW SE SW	NE NW SE SW	NE NW SE SW	NE NW SE SW	SEC. TWP. RANGE ACRES
				(✓✓ 36 10 27)

Beginning at a stone that bears
S 61 1/4° W 67 feet from a stone
set on the production of the South
side of Main Street at the distance
of Eleven Hundred feet S 83 1/2° E
from the North-west corner of Block
Three in the Town of Gast, County
of Franklin, State of Arkansas
and running S 6 1/4° W 383 feet
to a stone thence S 68 1/4° E 672 feet
to a stone on the East boundary
line of the South East Quarter of T. 10
South west Quarter of Sec. 36. Twp
10 N Range 27 West. thence
North along said boundary line
393 feet to a stone, and thence
N 68 1/4° W 630 feet to point of
beginning City 5.50 and more or
less
over

Conditioned on the establishment
and permanent maintenance of a
depot for the Town of Oak on
said tract of land, and upon
the further conditions that 60 feet
on the west and north of said
five and one half acres is to remain
unobstructed for a street or public
highway, et c

D. H. Rose Clerk
Frederick Co Ark.

EXHIBIT D
M. OLIVER'S OWNERSHIP DEED

EXHIBIT E
SMALL ESTATE ADMINISTRATION FOR M. OLIVER

ADAMS ABSTRACT & TITLE CO.
P.O. BOX 105
OZARK, AR 72949

47891

A F F I D A V I T.

STATE OF ARKANSAS)
COUNTY OF FRANKLIN) SS

Nelsie Oliver upon oath states:

I am a resident of Ozark, Franklin County, Arkansas, and am the widow of Martin Oliver, who died testate in said town of Ozark on the 18th, day of January, 1934 seized and possessed of the following described ~~xxxx~~ real estate: Pt. SW SE of Sec. 36, Twp. 10 N. of R. 27 W, in Ozark and South of the Little Rock and Fort Smith Railway at the mouth of Gar Creek, and between the railroad and the Arkansas River, being lands formerly owned by Samuel Churchland later conveyed to said Martin Oliver by Julia Walting.

He left the following children: Minnie Dodson, Acie Reed, ~~Augusta Reed~~, Phillip Oliver, Anna Kirkendoll, Edgar Oliver, Alfred Oliver, Alvin Oliver, Frank Oliver, Ruth Kirkendoll and Martin Oliver, Jr, and the following named grandchildren, who are children and only heirs at law of Dwyth Oliver, deceased: Reola Howell, Ira Jean Webb, Lester Oliver, Ernest Oliver, Virginia Johnson, Klenzo Oliver, Martin B. Oliver, and his widow, Georgia Oliver, as the only heirs at law of the said Martin Oliver, deceased.

The total value of the estate of the said Martin Oliver at the time of his death did not exceed \$2000.00.

Witness to make
W W Adams

Nelsie Oliver
W W Adams

Subscribed and sworn to before me this 12th. day of February, 1934.

My commission expires
Dec. 1st, 1936.

W W Adams
Notary Public.

INST. Will

RECORD

PAGE

135

FORT SMITH PRINTING CO., FORT SMITH, ARK. 43414

Con. \$	Date	10	14	20	Reg.	Dow. in D	N. P.
Lien	Ack.				Def.	Dow. in A	J. P.
Int. Con. All. Pt.	Filed	2	12	34	All Ack.	H'm's't'd D	Cl'k
Co. Seal	Time				Of. Seal	H'm's't'd A	Wife Ex.

Last Will and Testament
of
Martin Oliver.

Grant, Bargain, Sell, and Convey and Confirm; Remise, Release and Forever Quit Claim.
Subject to

NE		NW		SE		SW		Franklin County, Ark.			
NE NW	SE SW	NE NW	SE SW	NE NW	SE SW	NE NW	SE SW	Soc.	Twp.	Range	Acres
Now all men by these presents:								36	10	27	✓
That I, Martin Oliver, of Ozark Franklin County, Arkansas being of sound and disposing mind and memory, do make, pub and declare this to be my last W & T, hereby revoking all other Wills, heretofore made by me at any time.											✓
First: I desire that all my just debts and funeral expenses be paid out of my estate as soon after my death as possible.											
Second: I will and bequeath to each of my children: Minnie Dodson, Dwity Oliver, Acie Reed, Phillip Oliver, Edgar Oliver, Anna Kirkendall, Alvin Oliver, Alfred Oliver, Frank Oliver, Ruth Oliver, and Martin Oliver, Jr. the sum of One Dollar each.											✓
Third: I will and bequeath unto my wife, Nelsae Oliver, all the remainder of my prop both real and per of every kind and deac, to us sell, and dispose of in any way that she may desire.											✓
Fourth: I hereby nom and appt the said Nelsae Oliver the sole executri of this my last W and T; and it is my desire that she be not required to give bond or to make											✓
(over)											

REPORTS TO ANY CT IN REGARD TO MY ESTATE.

In testimony whereof I have hereunto set my
hand and ~~official~~ seal this 14th. day of
October, A D 1920.

Martin Oliver (seal)

Witnessed by W W Adams and Ella Anderson.

EXHIBIT F-1

JUNE 5, 1940 MINUTES ON CITY DUMP PAYMENT

... .. finished to give
\$10.00 more. This was passed. Motion was made by C R Loyd
and seconded by R J Gammille sr.

There being nothing further to be brought up Garland
Nichols made motion and it was seconded by C R Loyd to adjourn.
By vote this was passed.

.....
Recorder Mayor

Minutes of the City Council of Ozark, Arkansas June 5, 1940.

The city council of the City of Ozark, Arkansas met
in Mayor Nichols office on June 5th 1940 at 7:30 P M with
the following members present; H C Clark, C R Loyd, Vernoit Sells
Garland Nichols, R J Gammille sr, Claude Wakefield jr and Mayor
Nichols. Also present was Harold Dodgin State Sanitarian.

The sanitation committie reported that four notices
had been mailed some people in town about their unsanitary
conditions. Harold Dodgin reported that the sanitary condition
at Harley Williams place had been taken care of. Hudson Jones
reported to one of the sanitary committie that he would do
something about the unsanitary conditions back of his place
of business. The unsanitary condition back of the Model and
Kings Cafe is to be investigated by Harold Dodgin and he is to
report to the sanitation committie. A ditching project for the
town was presented by Harold Dodgin and the council is highly
favored ~~by the people~~ of this and will take further steps on
when the cost is determined as the towns part.

The following bills were allowed but the amounts of
all of them was not known at the meeting;

Oil Co.	Tractor	J T Greer and Son	Paint Streets	
Gammille	Gas Station	Tractor	Ozark Hardware	Streets
City Lumber Co.	Cement	Streets	Nelsie Oliver	Dumping Ground
Jeff Pruett	Streets	Jeff Holt	L.00	Streets
Ben Burns	Streets	Rass Alston	"	
Democrat Enterprise	Notices	Crockett Jeffers	Tractor	

H C Clark Made motion to pass these and it was seconded by Garland
Nichols. By vote this passed.

There being nothing further of importance H C Clark made
motion to adjourn and it was seconded by R J Gammille sr. By Vote
this passed.

.....
Recorder Mayor

EXHIBIT F-2
MAY 8, 1951 MINUTES ON CITY DUMP PAYMENT

May 8, 1951

The Ozark City Council met in regular session at the City Hall with Aldermen Gosnell, Smith, Adams, Ledgerwood, Nichols, and Recorder Russell present.

The following bills were read:

Bobby Burns	\$16.00	
Bob Pritchard	26.00	
Jeffers Garage Co.	10.43	
Wilson Trucking	60.00	
North West Ins. Co.	140.00	(Group Ins.)
Coley's Store	1.00	
Rue Caulk	29.32	
A. D. Tucker	4.24	
Weldon, Williams, & Lick	44.69	

Motion by Don Smith, Seconded by Ralph Ledgerwood to pay the bills. Motion Passed.

Motion by Gene Adams, seconded by R. Ledgerwood that we have signs painted for the Dumping Ground instructing people where to dump trash.

The Marshall was instructed to check on some complaints for sanitary toilets.

A discussion was held on the annexation of territory north and east of Ozark.

The Recorder was instructed to pay out \$500. for Mayor's fund.

The Council instructed Greer Nichols to purchase cemetery lot for the city from the J. S. Turner Estate and also one from the Stumberger Estate.

The Council voted to put water on the Gym Grounds and furnish the needed to do so for the Roadside Park.

A motion was made to amend Ord. #65 to exclude the block.

R. H. Sowell was nominated and accepted to replace H. C. Gosnell as alderman since Gosnell resigned because he had moved out of his ward.

EXHIBIT F-3
DECEMBER 11, 1956 MINUTES ON CITY DUMP PAYMENT

Dec. 11, 1956

The Ozark City Council met in regular session in the Mayor's office with the following aldermen present: K. Tucker, Don Smith, Lloyd Sossamon, Henry Gosnell, Kenneth Bratcher, Treas. Wakefield, Recorder Russell, Patrolman Sowell, and Attorney Nichols.

The following bills were read:

Wakefield & Co	\$ 3.87	#261	
Jeffers Garage	3.77	#262	Cemetery
Ark. Equipment Co, Inc	60.57	#263	Streets
Summers Motor Co	2.00	#264	Police
Ozark Hdw. Co	8.06	#265	
Luther Milton	28.83	#266	
Tuckers	13.76	(1.50, F.D. 12.26 Sta.)	
Matthews	3.36	(3.50, F.D. 4.86 Store)	
Ark. Municipal League	75.28	#268	
A. & W	1.50	#270	
Bob Pritchard	14.50	#271	
Russell's Esso	5.76	#272	
Greer Nichols, Exp. L.R.	25.00	#273	

Motion by Don Smith, seconded by K. Bratcher to pay bills. Motion carried.

Mayor stated that there was some labor involved in moving the Romie Wilson building to hospital site for a Civil Defense building, and also for some material. Council agreed to pay these bills when the moving is completed. Mr. Hopper stated that the bill should not amount to over \$20.00.

The subject of having a new census taken was brought up. The Mayor said the turnback was \$4.00 per person. It was estimated that the increase in the State turnback would more than pay the cost of the census.

Motion by Kenneth Bratcher, seconded by Lloyd Sossamon that a new census of the City of Ozark be taken. Greer Nichols stated that he would write to the Bureau of Census tomorrow. Motion carried.

The Mayor stated that he had a request for a new street light on Walker Avenue, east of Phil Caleb's and one in the Nickell Addition, 1 block west of 3rd street. Council agreed to have these added.

Greer Nichols made a report on his trip to the Municipal meeting in Little Rock. His report was very interesting.

(continued on next page)

(December Meeting, Contd)

The Mayor stated that he thought that we should pay the City employees a bonus of \$25.00, (except Ben Darter, who is to be paid \$12.50), and that the monthly warrants should be issued on the 20th of the month this month.

He also said that we should pay Anut Nelcie Oliver \$25.00 for the dumping ground. Also to issue the administrative salary warrants.

Motion by Kenneth Tucker, seconded by Lloyd Sossamon, that the above be paid as suggested. Motion Carried.

The name of W. H. (Bill) Baskin was given to the council as a fire man to replace Theron Gambrel who resigned. Motion by K. B ratcher, seconded by Ken Tucker. Motion Carried.

Meeting Adjourned:

/s/ J. M. Hopper
Mayor

/s/ Claud Russell
Recorder

EXHIBIT F-4

DECEMBER 22, 1957 MINUTES ON CITY DUMP PAYMENT

December 22, 1957

The Ozark City Council met in call session, Monday December 22, 1957, at 7:30 a. m. Those in attendance were Mayor J. A. Hooper, Recorder Anderson, Attorney Nichols, and Aldermen Sossamon, Mainard, Smith, Waldon, and Bass.

After the meeting had been called to order, the Mayor stated that the meeting had been called to appoint a ~~sucessor~~ to complete the unexpired term of Treasurer Claude Wakefield. A Waiver of Notice ~~was~~ to time, place and purpose of the meeting was signed, and the meeting called to order.

Upon motion of Don Smith and seconded by Clifton Mainard, that Ruth Wacaster be appointed as Treasurer of the City of Ozark, Arkansas, to complete the unexpired term of Claude Wakefield, deceased. The vote on the motion was as follows:

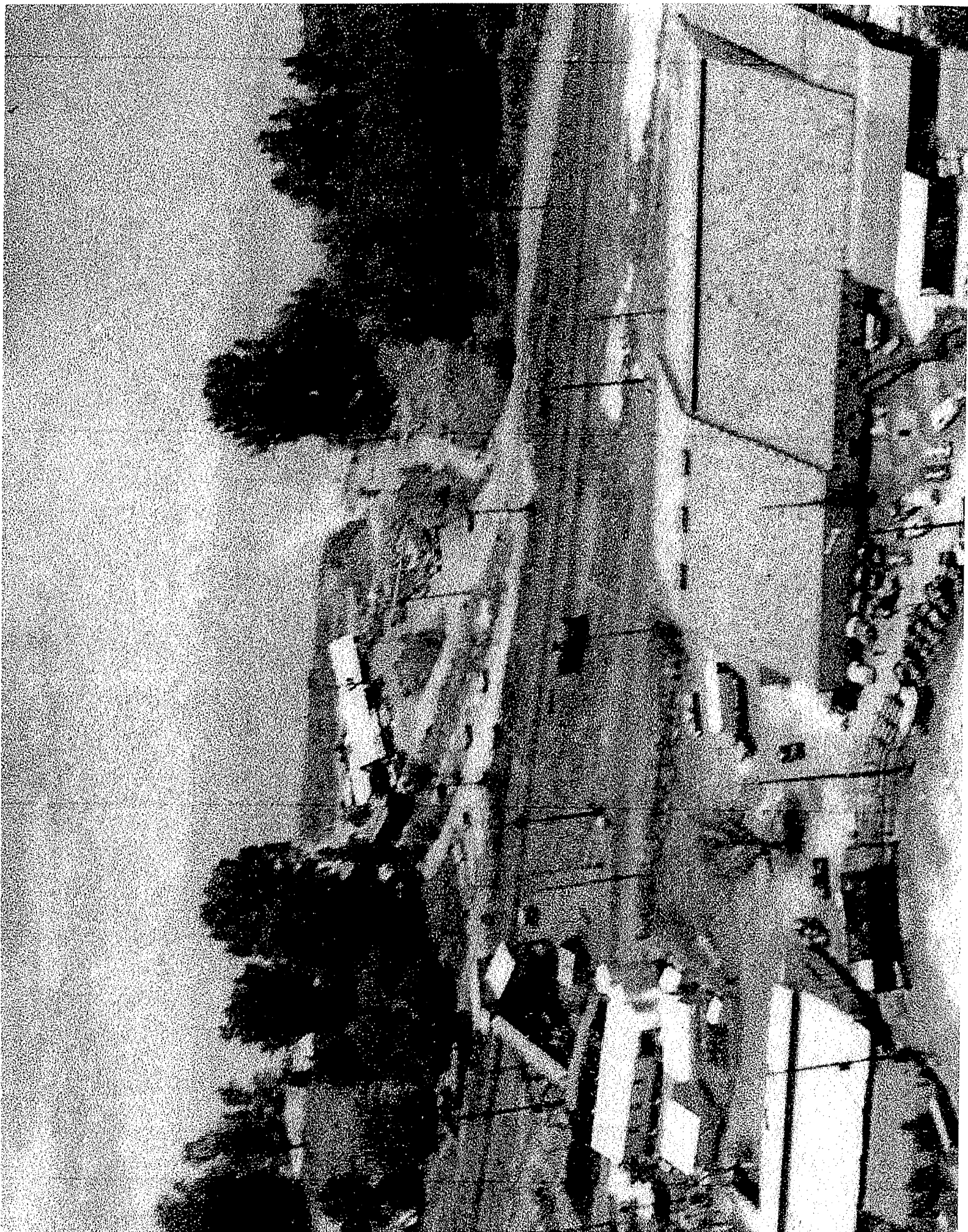
Clifton Mainard	Aye
Lloyd Sossamon	"
Don Smith	"
Floyd Bass	"
Gene Waldon	"
Mayor Hopper	"

The motion was declared adopted.

A motion by Clifton Mainard and Seconded by Don Smith, was made to pay Nelsie oliver \$25.00 as rent on the city dumping grounds. Motion carried. The council also approved payment of salaries to regular city employees before the Christmas Holiday.

There being no further business, the meeting adjourned. *Clifton Mainard*
Approved: *[Signature]*

EXHIBIT G
1952 AERIAL PHOTO OF OLIVER STREET



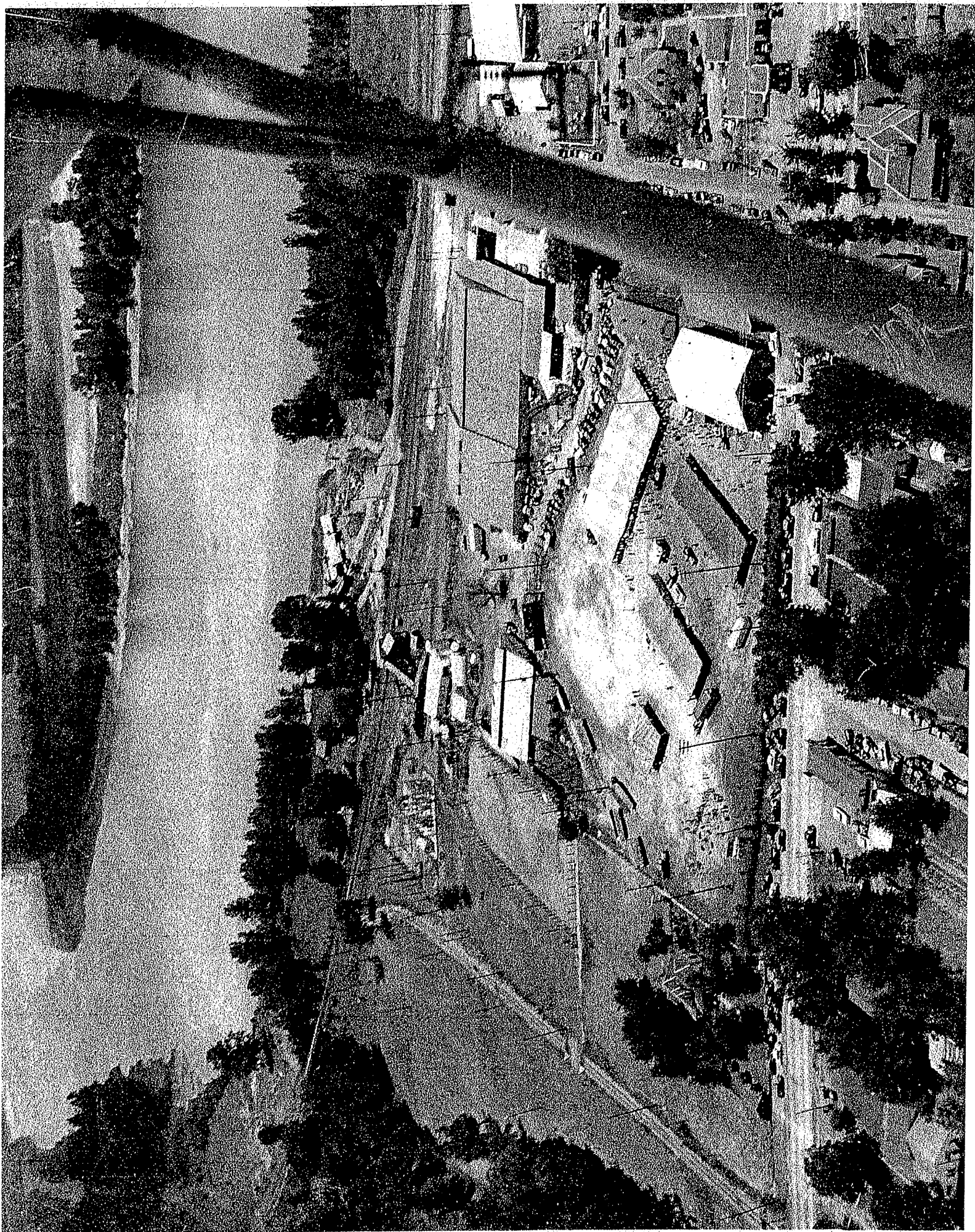


EXHIBIT H
1942 AERIAL PHOTO OF PLAINTIFF'S DOWNTOWN

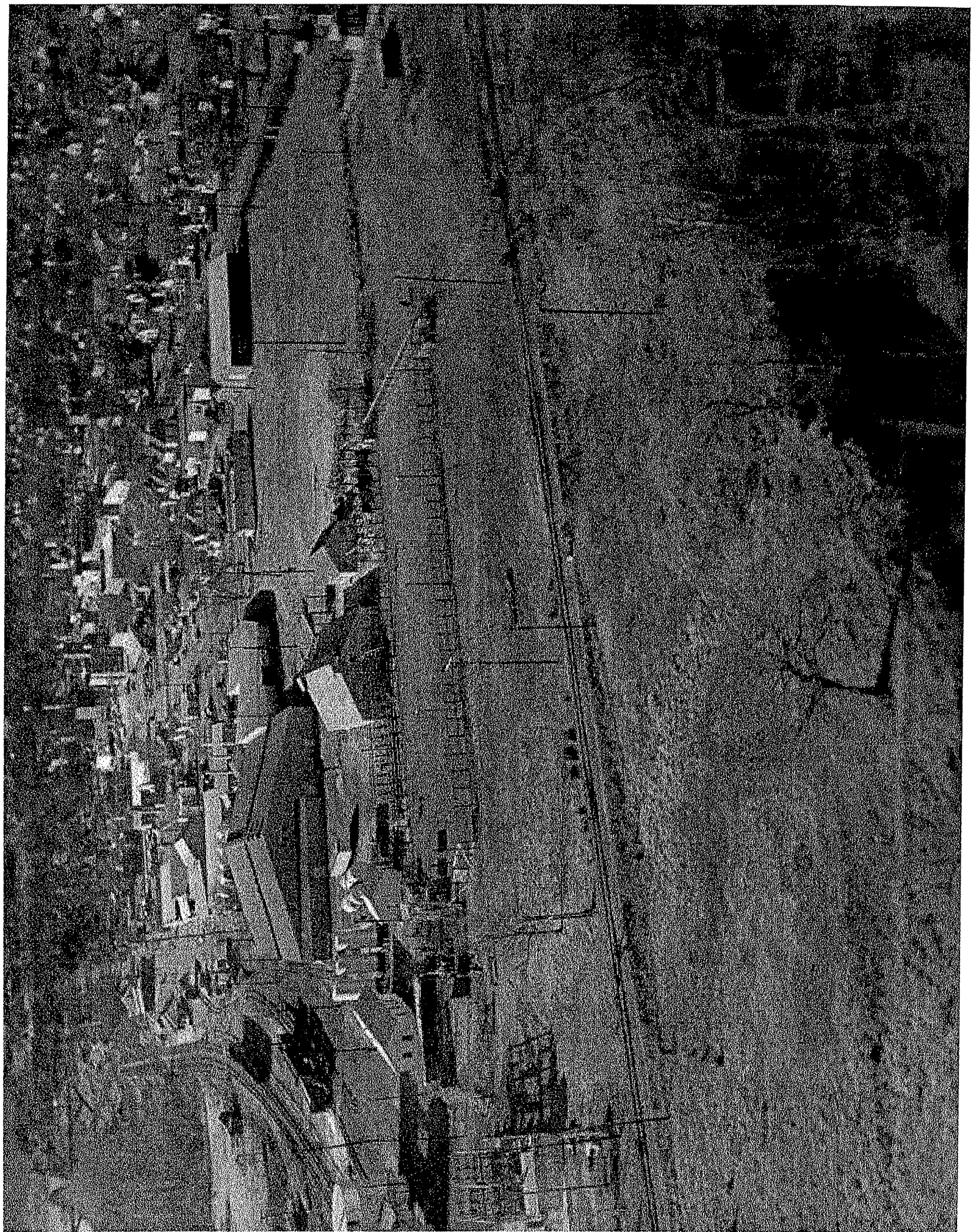


EXHIBIT I
1942 ORDINANCE APPROVING MOPAC'S REQUEST

ORDINANCE NO. 40

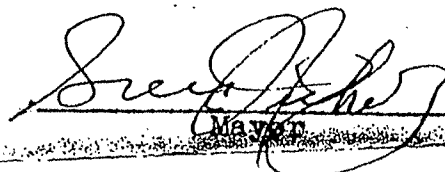
AN ORDINANCE ENTITLED: AN ORDINANCE GRANTING A RIGHT OF WAY TO GUY A. THOMPSON, TRUSTEE, MISSOURI PACIFIC RAILROAD COMPANY, DEBTOR, ACROSS SECOND STREET, THE ALLEY BETWEEN FIRST STREET AND SECOND STREET, AND THE SOUTHERLY PORTION OF WATER OR RIVER STREET FROM A POINT APPROXIMATELY SIXTY FEET EAST OF THE EAST LINE OF FIRST STREET TO THE EAST END OF WATER OR RIVER STREET FOR THE PURPOSE OF CONSTRUCTING A SIDING OR SWITCH TRACK, AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OZARK, ARKANSAS:

Section 1. Guy A. Thompson, Trustee, Missouri Pacific Railroad Company, Debtor, is hereby granted a right of way for the purpose of laying an industrial track over and across Second Street, over and across the alley between First and Second Streets, and over and across the southerly portion of Water or River Street from a point approximately sixty (60') feet East of the East line of First Street to the East end of Water or River Street, more clearly shown by the blueprint attached hereto and made a part of this ordinance, the said industrial track being shown thereon in yellow.

Section 2. Said industrial track mentioned in Section 1 hereof is necessary to further the war effort, and an emergency is therefore declared to exist, and this ordinance being necessary for the immediate preservation of the public peace, health and safety shall take effect and be in force from and after its passage and approval.

Passed and approved this the 13th day of October, 1942.


Mayor

ATTEST:

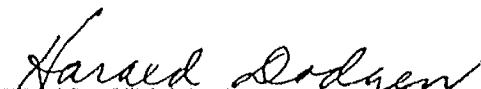

Harold Dodson

EXHIBIT J
COPY OF 1942 BLUEPRINT

EXHIBIT K
COVER PAGE OF 1962 PLAINTIFF'S DIRECTORY

CITY OF OZARK
ARKANSAS

HOUSE NUMBERS

•

MARCH, 1962

OLIVER STREET

211 F & S Lumber Co.
217 Tom Kuykendall
219 Vacant
221 Alfred Oliver
223 Frank Oliver
224 Berry Collins
225 Martin Oliver, Jr.

NORTH OAK STREET

301 Mrs. H. F. Harmon
303 Harold Steed
305 Thuman Trotter
307 Asa Hill
406 Lula Mitchell = Flake Mitchell

EAST SIRING STREET

100 Allen Coley
101 Jess Yarbrough
102 L. B. Johnson
105 George Fry
106 Rachel Erison
108 O. D. Dickenson
107 Nora Williamson
109 Mrs. Herbert Turner
109½ David Langston
110 Ernest Nichols
112 Roy Bennett
114 Mrs. Ella Anderson
115 Mary J. Crites
117 T. D. Dickerson
116 Mrs. Lawrence J. Dickerson
118 E. C. Smith. (Apt.)
119 Rose Bevil
120 Joe Sprinkle
200 Jim Kelly
204 John Crites

EXHIBIT L
1962 PLAINTIFF'S CITY MAP

CITY MAP OZARK, ARKANSAS

SCALE
1/4" = 1 MILE
FEBRUARY, 1962

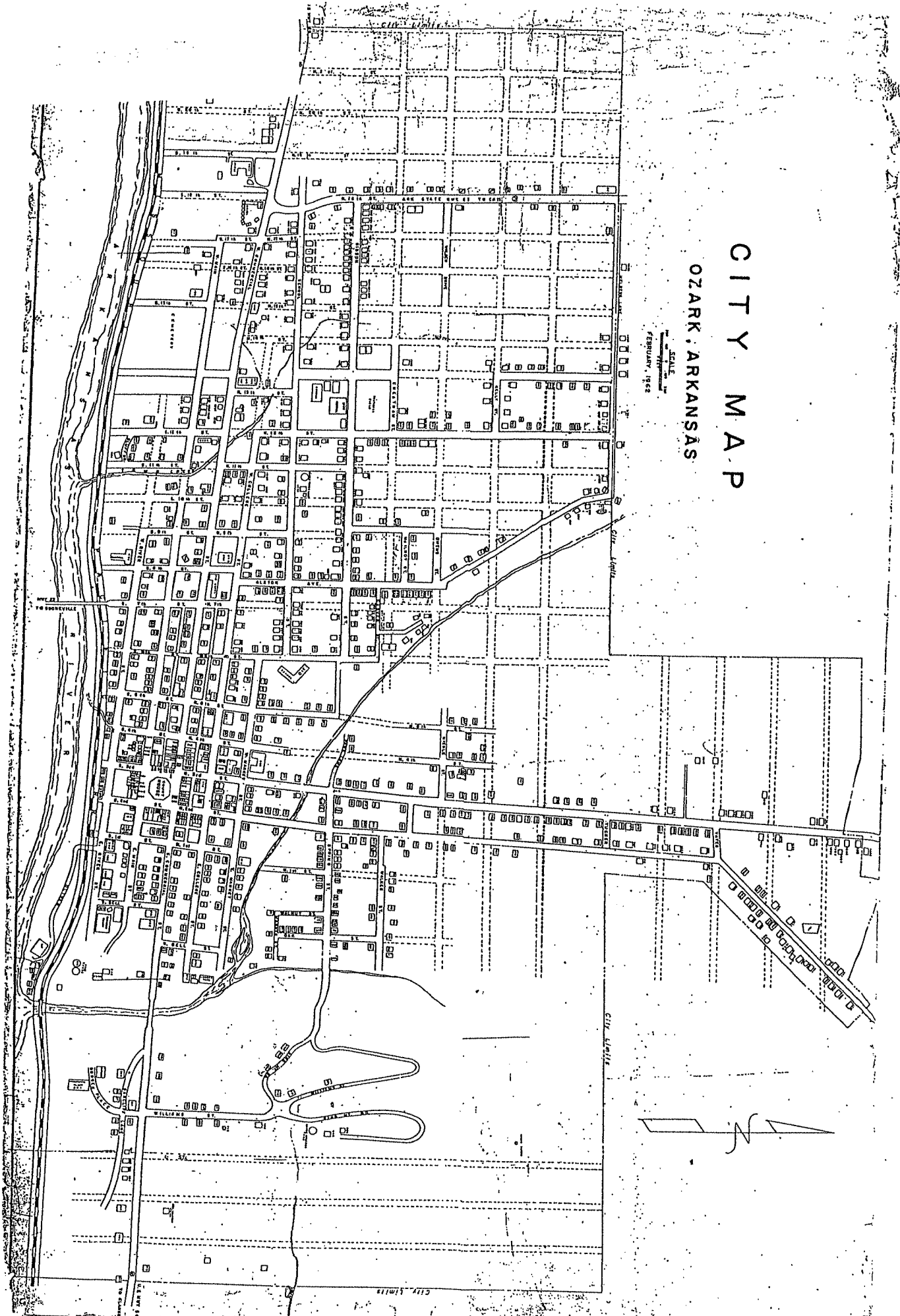


EXHIBIT M-1
UP DEFENDANT'S AUGUST 1, 1946 MAP

No. 23

For Detail & R/W from Station
6408+43± to E Side of Second
St SEE INSERT "A"

No. 37

ORD No 40

SECOND

No. 51
ORD No 51

AFE 44707 Sub Station 6410+52
145
Trk # 20-163

P.T. 6409+86.3

B=Z $\Delta = 0^{\circ} 59'$
Fc. End 6409+23

P.S.C. 6408+87.1

1x1 Wood Box 14 6408+31

3/4" Water Line 6407+10
Xing Sign 6406+95
Pub. Xing 6406+84

Fc. Beg. 6406+08

No. 39
ORD No 40

ST

No. 8

SW 35 Conc Box 6
No 20-163 4-20
Water Line

1/4 Water Line
U.S. HENSLEY
6409+43±
6409+26 P.S.

C-A 53217
6408+32 P.H.
6408+19 P.S.

C-A 31680
Pearl Shelling
Plant

OZARK
PACKING
CO
HOMER
HILLARD

No. 39

STATION MAP
RIGHT OF WAY, TRACKS AND

LITTLE ROCK AND FT. SMITH R

OWNED AND OPERATED

MISSOURI PACIFIC RAILR
OZARK, FRANKLIN C

STATION 6388+00 TO STATION 1

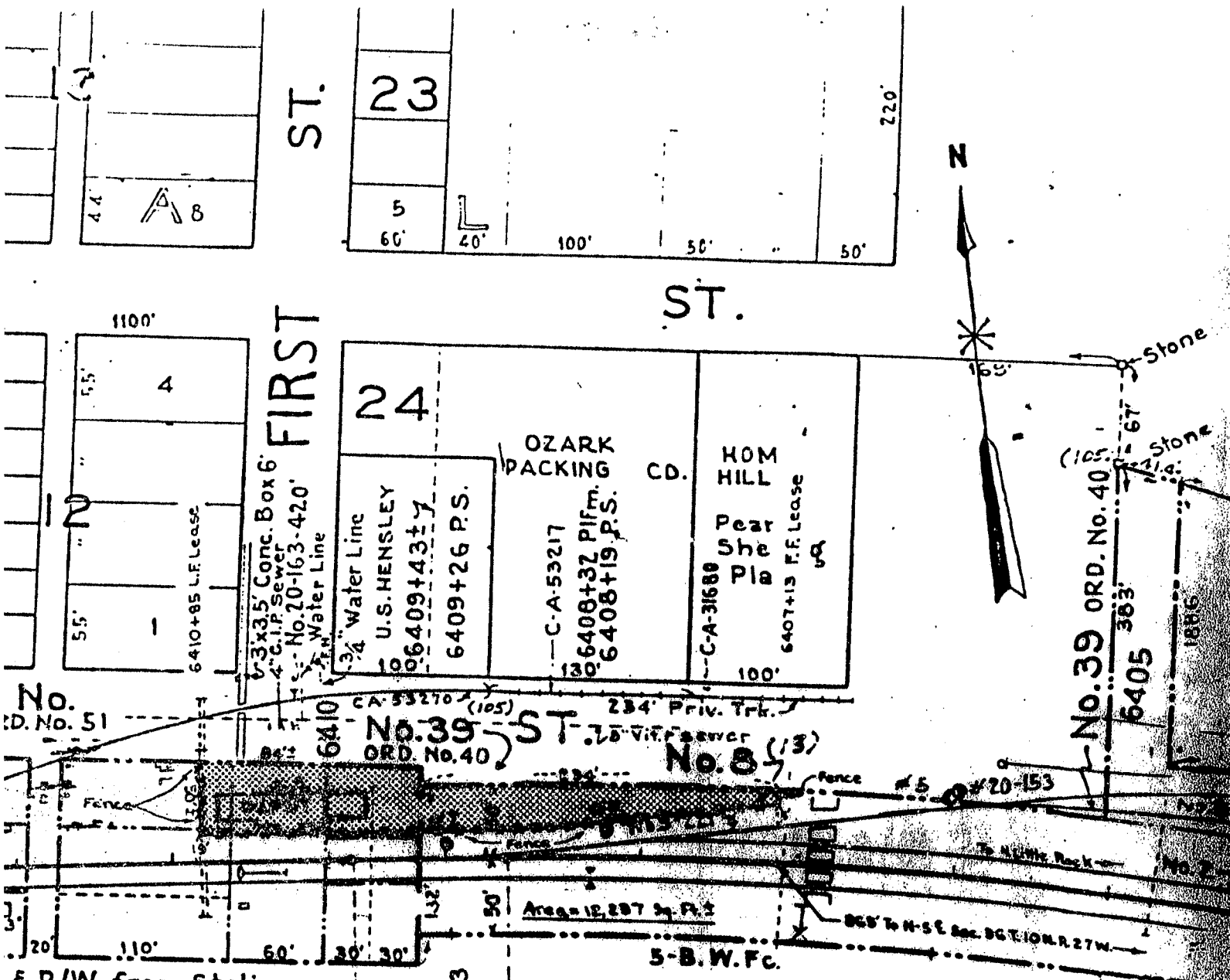
SCALE 1-IN.=100 FT.

ANG

OFFICE OF CHIEF ENGINE

ST. LOUIS, MO.

EXHIBIT M-2
UP DEFENDANT'S SEPTEMBER 22, 1987 MAP



& R/W from Station
to E. Side of Second
INSERT "A"

Trk Xing (Trk. No. 3)
AEE44707 Sub-Station 6410+52
111' Total Lgth. 145'
34' Ex'n. Under Trk. #20-163

P.T. 6409+86.3
B=2 A=0°59'
Fc. End 6409+23
P.S.C. 6408+87.1

1'x1' Wood Box 14' 6408+31

NOTE: BEFORE YOU BEGIN ANY WORK, SEE
AGREEMENT FOR FIBER OPTIC PROVISIONS.

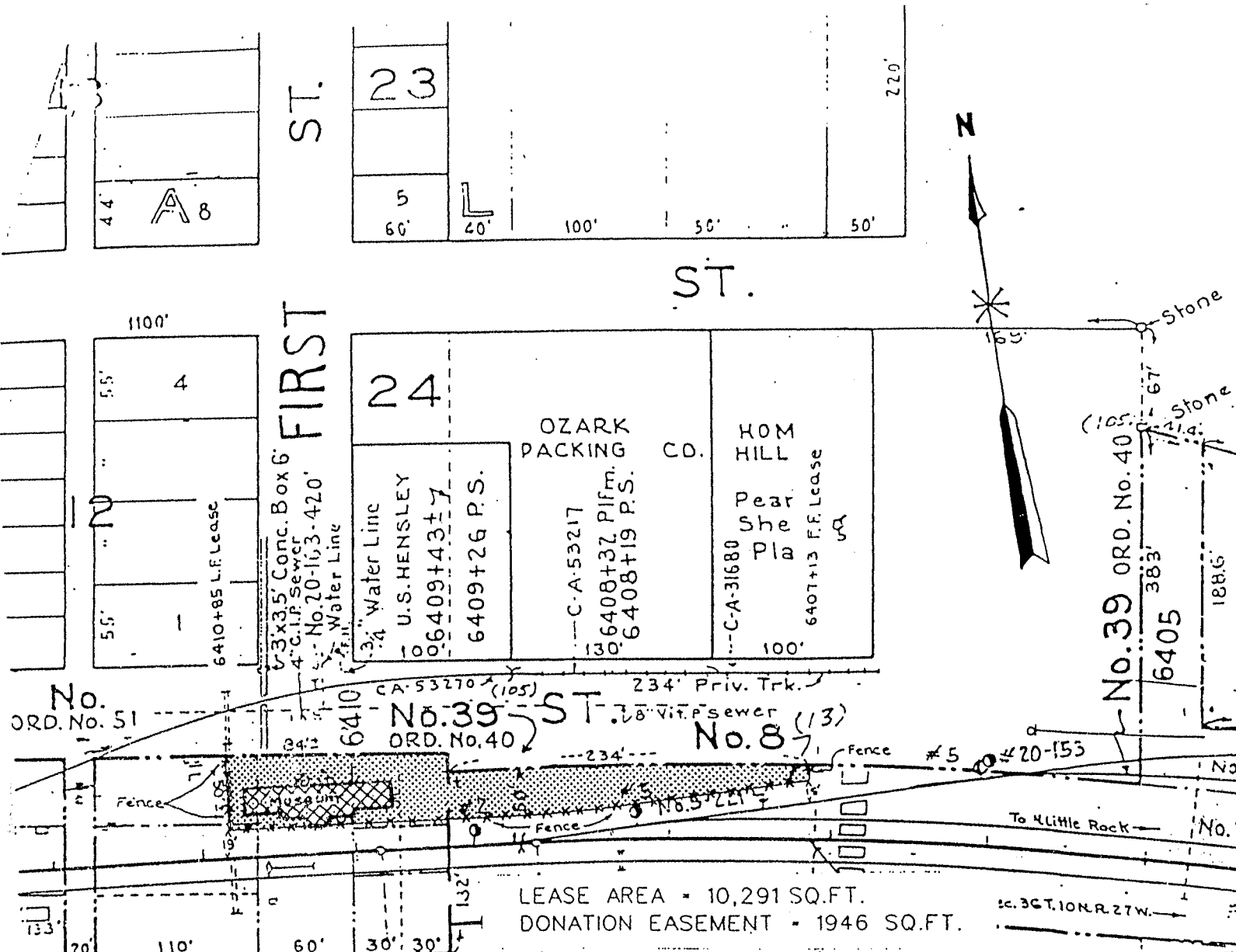
EXHIBIT "A"
MISSOURI PACIFIC RAILROAD COMPANY
OZARK, FRANKLIN COUNTY, ARKANSAS
M.P. 464.75 - VAN BUREN SUB.
LEASE TO THE CITY OF OZARK, ARKANSAS

Scale 1" = 100'
Office of Director-Real Estate
Omaha, Nebraska SEP. 22, 1987

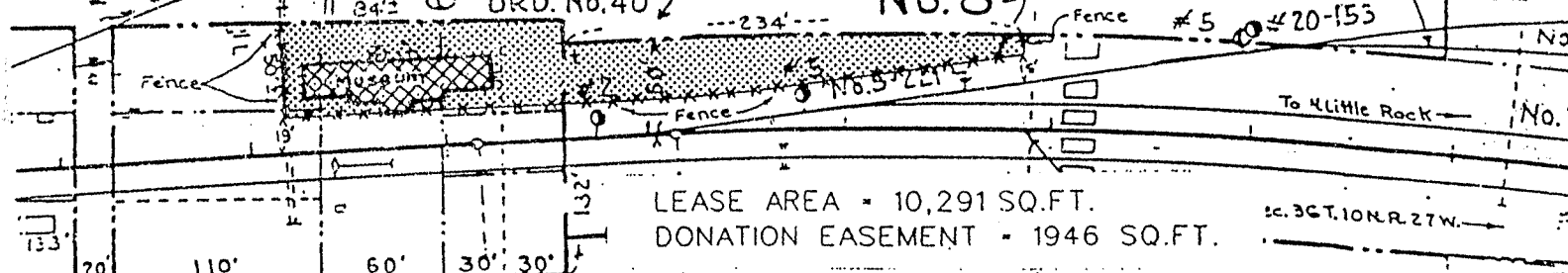
• L E G E N D •

LEASE AREA SHOWN
FENCE SHOWN

EXHIBIT M-3
UP DEFENDANT'S MAY 21, 1996 MAP



No. 51
ORD. No. 51



il & R/W from Station
3± to E. Side of Second
E INSERT "A"

ank Xing (Trk. No. 3)
AFE44707 Sub-Station-6410+52
ox 111' Total Lgth. 145'
ox 34' Ex'n. Under Trk. #20-163

P.T. 6409+86.3
B=2 A=0°59'
Fc. End 6409+23
P.S.C. 6408+87.1
Box 14' 6408+31

LEASE AREA = 10,291 SQ. FT.
DONATION EASEMENT = 1946 SQ. FT.

NOTE: BEFORE YOU BEGIN ANY WORK, SEE
AGREEMENT FOR FIBER OPTIC PROVISIONS.

EXHIBIT "A"

MISSOURI PACIFIC RAILROAD COMPANY

Ozark, Franklin County, Arkansas
MP 464.75 - Van Buren Subdivision

Lease to the City of Ozark, Arkansas

SCALE: 1" = 100'

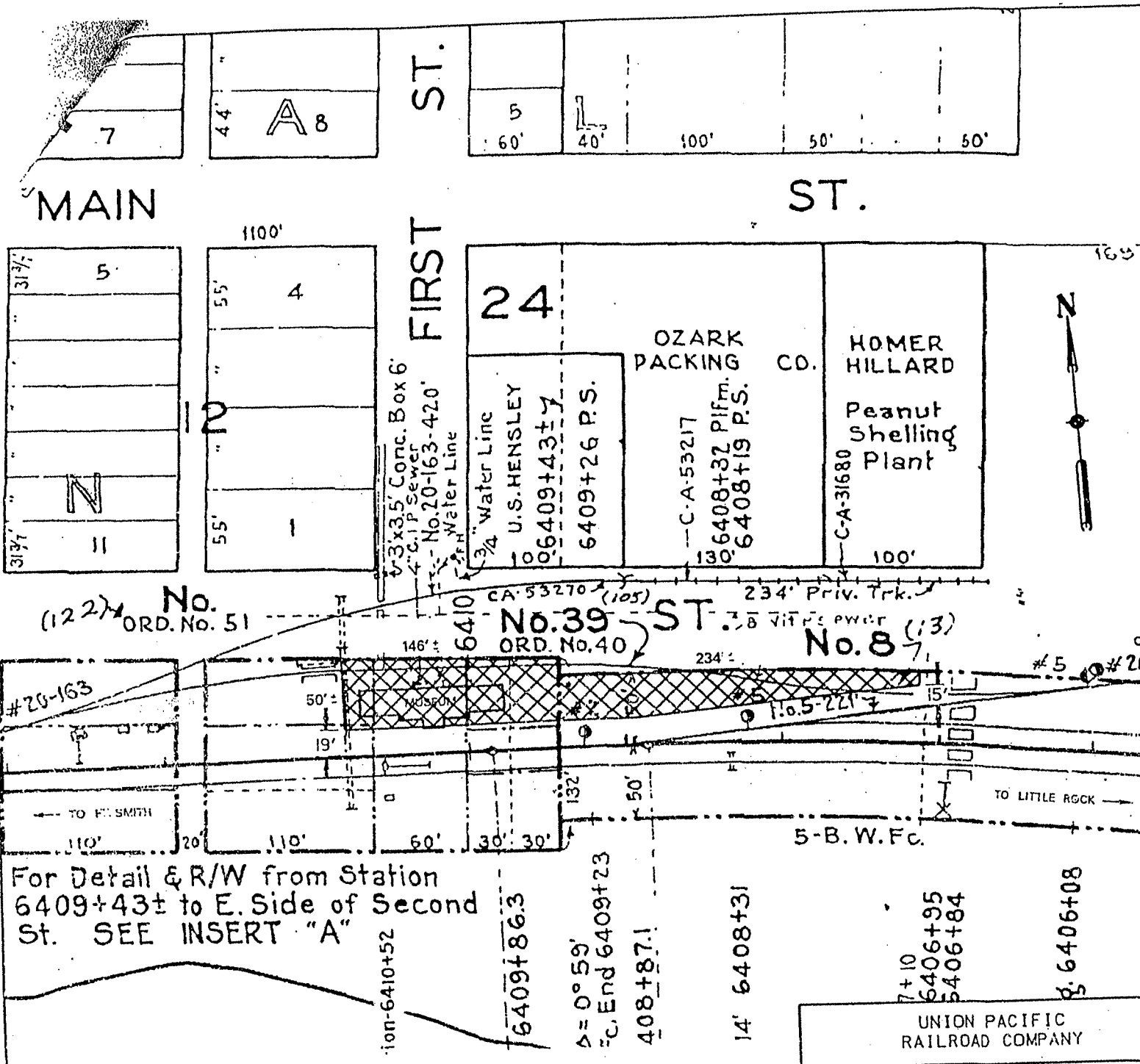
OFFICE OF CONTRACTS & REAL ESTATE
OMAHA, NEBRASKA Date: 5-21-96

REA FILE: 1431-94

LEGEND

- LEASE AREA SHOWN.....
- DONATION EASEMENT SHOWN.....
- FENCE SHOWN.....
- MPRRCO. R/W OUTLINED.....

EXHIBIT M-4
UP DEFENDANT'S JANUARY 21, 2000 MAP



For Detail & R/W from Station
6409+43± to E. Side of Second
St. SEE INSERT "A"

PARCEL AREA			
PARCEL 8	PARCEL 14	PARCEL 15	PARCEL 16
5714 SQ. FT. (0.1312 Ac)	2823 SQ. FT. (0.0648 Ac)	3081 SQ. FT. (0.0707 Ac)	1053 SQ. FT. (0.0242 Ac)

LEGEND:

SALE AREA SHOWN 

UPRRCD. R/W OUTLINED 

TOTAL AREA = 12,671 SQ. FT. ±
= 0.2909 ACRES ±

CADD FILENAME	X
SCAN	MP/AR/ARV7AS31

UNION PACIFIC RAILROAD COMPANY		
VALUATION SECTION	MAP NUMBER	PARCE NUMBER
MP V-7A	S-31	8, 14, 15

NOTE: BEFORE YOU BEGIN ANY WORK, SEE
AGREEMENT FOR FIBER OPTIC PROVISIONS.
EXHIBIT "A"

UNION PACIFIC RAILROAD COMPANY
 OZARK, FRANKLIN COUNTY, ARKANSAS
 M.P. 464.75 - VAN BUREN SUB.
 TO ACCOMPANY AGREEMENT WITH
 CITY OF OZARK

SCALE: 1" = 100'

OFFICE OF REAL ESTATE
 OMAHA, NEBRASKA DATE: 1-21-2000
 PJB FILE: 1848-61



EXHIBIT N
FEDERAL LIS PENDENS

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FORT SMITH DIVISION

UNITED STATES OF AMERICA,

PLAINTIFF,

v.

175.69 ACRES OF LAND, MORE OR
LESS, IN CRAWFORD, FRANKLIN AND
SEBASTIAN COUNTIES, ARKANSAS;
AND E. W. AMOS, ET AL, AND
UNKNOWN OWNERS,

NO. PS-66-C-30

DEFENDANTS.

RETURN OF DEED

Notice is hereby given that an action has been filed in the District Court of the United States for the Western District of Arkansas, Fort Smith Division, upon the complaint of the plaintiff against the following persons:

State of Arkansas
Commissioner of State Lands
County of Franklin, Arkansas
Clerk of Franklin County, Arkansas
Treasurer of Franklin County, Arkansas
Tax Collector of Franklin County, Arkansas
Assessor of Franklin County, Arkansas
E. W. Amos
Dorothy (Dorothy) Amos
Martha E. Amos
City of DeWitt
J. C. Amos, d/o/a second production
McIntosh Construction Company, Inc.
Lester D. Jacobs
Mrs. Norma D. Jacobs
Roy Inman
Mrs. Roy Inman
John Inman
Mrs. John Inman
Inman and Son
Bertine Agos
Mrs. Myrtle Agos
Richard P. Hooper
Julia D. Hooper
Thelma Stevenson
Anomi Finley Kaser
Leona Finley Reed
McKinley Finley
Beverly Finley
Arthur Finley, Jr.
John Finley
Leon C. Finley
Mrs. Leon C. Finley
Unknown Heirs of E. W. Amos, deceased
Unknown Heirs of Dora Carter Finley, deceased

Larcha Dickerson
Dennis Anderson
Glae Anderson
Bece Hightower
Robert Hightower
Arrie Coe Dickerson
Arlane Dickerson
Unknown Heirs of Arrie Dickerson, deceased
W. C. McIlroy
Mrs. W. C. McIlroy
Unknown Heirs of Martin Oliver, deceased
Unknown Heirs of Nelsie Oliver, deceased
Martin Oliver, Jr.
Laurdell Oliver
Ruth Oliver Kirkendall
Tom Oliver Kirkendall
Unknown Heirs of Frank Oliver, deceased
Alice Oliver
Unknown Heirs of Alfred Oliver, deceased
Josephine Oliver
Unknown Heirs of Alvin Oliver, deceased
Ada Oliver
Acie Jackson Oliver
Unknown Heirs of Ed Oliver, deceased
Georgia Oliver
Unknown Heirs of Ed Oliver, deceased
Unknown Heirs of Bonnie Johnson Oliver, deceased
Unknown Heirs of Anna Kirkendall, deceased
Oad Kirkendall
Unknown Heirs of Phil Oliver, deceased
Unknown Heirs of Mimmie Dodson, deceased
J. A. Oliver
Arl. J. A. Oliver
Don Windsor Oliver
Mrs. Don Windsor Oliver
Every Good Wife
Emma Oliver
Mrs. Louise Oliver
Whelton Oliver
Mrs. Hazel M. Oliver
John Oliver
Mrs. John Oliver
Harshel Oliver
Mrs. Harshel Oliver
Vivian Oliver
Bydne Mae Oliver
Frank Oliver
Mrs. Frank Oliver
Katie Oliver
Wanda Oliver
Geneva Oliver
Jacquita Oliver Johnson
C. B. Johnson
Willie Jackson
Willie Jackson
Verna Sayers
Jasno Sayers
Altha Nelson
Verna Nelson
Ellie Nelson
Elizabeth Dodson

G. M. Dodson
Idée Dodson

Together with unknown owners, spouses, unknown heirs, devisees, legatees, executors, administrators, creditors and representatives of said persons, if deceased.

to condemn the lands hereinbelow described, to the extent of the interest taken, for public use in connection with the Clark Lock and Dam on the Arkansas River, under the provisions and authority of the following acts of Congress:

Act approved February 20, 1901, 31 Stat. 1421, 34 U.S.C. 258a), and acts supplementary thereto and amendatory thereof:

Act approved April 24, 1906, 34 Stat. 91, 16 U.S.C. 59, which act authorizes the acquisition of lands for river and harbor purposes:

Act approved July 3, 1906 (34 Stat. 456), as amended, which act authorizes the acquisition of lands for river and harbor purposes:

Beginning on the East line of said Fractional Section 36 at a point which is North 030 36' East 170 feet, more or less, from the Southeast corner unroof; thence severing subject tract the following courses and distances:

[illegible]

to the Southeast corner of Tract No. 215; thence South 20° 44' East 401 feet and North 30° 45' West 300 feet, more or less, along the Eastern line of said Tract No. 215 to a property corner, common to said Tract No. 215 and subject tract; thence South 30° 15'

thence along said common property line to the
 southeast corner of Tract No. 183; thence along the
 common property line between subject tract and Tract No.
 135-2 South 14° 20' East 33 feet and South 10° 40' East
 56 feet to a point on the southerly bank of aforesaid
 Hicks Creek; thence continuing along said common property
 line (being along said southerly bank of Hicks Creek), the
 following courses and distances:

North 83° 11' East 56 feet
 South 60° 43' East 44 feet
 South 21° 23' East 40 feet
 South 61° 17' East 100 feet
 South 50° 43' East 87 feet
 South 75° 21' East 132 feet
 North 67° 21' East 63 feet
 North 85° 32' East 36 feet
 South 85° 19' East 31 feet
 South 50° 01' East 153 feet
 South 46° 37' East 104 feet
 South 61° 04' East 132 feet
 North 70° 59' East 42 feet

thence to a point on the East line of aforesaid fractional section
 36; thence South 65° 50' East 117 feet to a point on the East line
 to the point of beginning, and containing more or less
 or less.

DESCRIPTION

A tract of land situated in the County of Franklin, State of
 Arkansas, being part of the Fractional Section 36 of the
 Fractional Section 36, Township 13 N., Range 47 E.,
 1st Principal Meridian, and being more or less.

Beginning at the intersection of the East line of
 Fractional Section 36 with the southerly bank of
 line of Hicks Creek; thence North 83° 11' East 56 feet
 02' East 33 feet, more or less, along the southerly bank of
 Fractional Section 36 to a point on the southerly bank of
 Creek; thence North 06° 27' East 87 feet, more or less, along
 the line to a point on said bank of Hicks Creek; thence
 thence South 51° 37' East 35 feet, more or less, along
 the line to the point of beginning, and containing more or less
 or less.

The bearings used herein are referred to the Principal

Coordinate System, North Zone.

The above described land is a part of the land
 owned in and under by B. H. Davidson, et al., and is
 Davidson, to B. H. Davidson, et al., and is a part of the land
 1 May 1946 in Book 61, Page 10, of the records of the
 Clerk of the County of Franklin, Arkansas.

EXHIBIT NO 123

A tract of land situated in the County of Franklin, State of Arkansas, being part of the Fractional $\frac{1}{4}$ of the Fractional $\frac{1}{4}$ of Fractional Section 2, right bank of the Arkansas River, Township 9 North Range 27 West, of the Fifth Principal Meridian, and being more particularly described as follows:

Beginning: at the Northwest corner of Lot 2 of Block 1 in the Plat of Webb City, Arkansas; thence North $0^{\circ} 23'$ East 203 feet along the Northerly extension of the West line of said Lot 2 to a point on the ordinary high-water line, right bank of the Arkansas River; thence South $78^{\circ} 04'$ East 121 feet along said ordinary high-water line to a point on the Northerly extension of the East line of Lot 5 in said block 1; thence South $04^{\circ} 23'$ West 213 feet along said Lot line extension to a point which is approximately 37 feet North of the Northeast corner of said Lot 5; thence North $80^{\circ} 08'$ West 77 feet to a point; thence South $51^{\circ} 41'$ West 67 feet, more or less, to the point of beginning and containing 0.12 acre, more or less.

The bearings used herein are references to the Arkansas State Coordinate System, North Zone.

- 7 -

TRACT NO. 217

A tract of land situated in the County of Franklin, State of Arkansas, being
part of Quail's Addition (to the City of Ozark, Arkansas) in the
Fractional No. 2 of the Fractional S. 1 of Fractional Section 30, Township 10 North,
Range 27 West of the Fifth Principal Meridian, and being more particularly described
as follows:

Beginning on the east line of said Fractional S. 1 at a point approximately
206 feet south of the northeast corner thereof; thence south $03^{\circ} 17'$ west
88 feet along said east line to a point; thence north $81^{\circ} 17'$ west 206 feet
to a point; thence north $02^{\circ} 10'$ east 81 feet to a point; thence south $86^{\circ} 37'$
east 206 feet to the point of beginning, and containing 0.42 acre, more or less.

The bearings used herein are referenced to the Arkansas State Coordinate
System, North Zone.

The above described land is substantially the same land as that described in:

1. A deed from Flora Nabel Carter Johnson to Bora Carter Finley dated June 1,
1944 and filed for record October 10, 1944 in Deed Book 66, Page 260.
2. A deed from Virginia Jean West to Bora Carter Finley dated July 28, 1944
and filed for record October 10, 1944 in Deed Book 66, Page 351.
3. A deed from Ella L. Black to Bora Carter Finley dated September 2, 1944
and filed for record October 10, 1944 in Deed Book 66, Page 119.
4. A deed from Thomas C. Carter and Jennie Carter, his wife, to Bora Carter
Finley dated June 8, 1944 and filed for record October 10, 1944 in Deed Book 66,
Page 120.
5. A deed from Wallace Holkey, Carl C. Allen, Carter Franklin, Laura Carter
Moore, Sallie Carter Barker, John Douglas Carter and Mary Carter, his wife,
Rebecca Carter Roberts and Pauline Carter Pugh to Bora Carter Finley dated
February 8, 1944 and filed for record December 12, 1944 in Deed Book 66, Page 139.

All of the above described deeds are found in the records of Franklin County,
Ozark District, Arkansas.

The said Bora Carter Finley acquired a $1/4$ interest in the above described
lands as an heir of I. D. Carter.

The said Bora Carter Finley died intestate survived by David A. C. Finley,
Finley, Luana Reed, Emma Stevenson, LeRoy Finley and Arthur Finley, etc.

TRACT NO. 221

A tract of land situated in the County of Franklin, State of Arkansas, being part of Lots 3, 6 and 7 in Block 1 of Quails' Addition to the town of Ozark, Arkansas, being part of the fractional NW $\frac{1}{4}$ of the Fractional SW $\frac{1}{4}$ of Fractional Section 36, Township 10 North, Range 27 West of the Fifth Principal Meridian, and being more particularly described as follows:

Beginning on the south line of said Block 1 at a point 750 feet East of the southwest corner of Lot 6 of said Block 1 and being the Southeast corner of the property; thence North 22° 25' West 95 feet to a point; thence South 05° 22' West 25 feet to a point in the centerline of Market Street; thence North 61° 36' West 51 feet along said centerline to a point; thence North 44° 15' West 116 feet to a point; thence North 07° 52' West 110 feet to a point; thence North 74° 44' West 113 feet to a point on the West line of the property; thence North 02° 09' East 34 feet along the common property line to a point in the centerline of the West Fork of Gar Creek; thence South 70° 49' East 20 feet along said centerline to a point; thence South 75° 01' East 67 feet along said centerline to a point; thence South 50° 41' East 105 feet along said centerline to a common property corner; thence North 02° 51' East 61 feet along said common property line to a point; thence South 75° 21' East 337 feet along said common property line to a point; thence South 08° 45' East 200 feet along said common property line to the point of beginning, and containing 1.03 acres, more or less.

The bearings used herein are referenced to the Arkansas State Coordinate System, North Zone.

TRACT NO. 246

A tract of land situated in the County of Franklin, State of Arkansas, being part of Lot 6 in block 1 of Quail's Addition to the town of Ozark, Arkansas, being part of the Fractional N $\frac{1}{2}$ of the Fractional S $\frac{1}{2}$ of Fractional Section 34, Township 16 North, Range 27 West of the Fifth Principal Meridian, and being more particularly described as follows:

Beginning on the West line of the property at a point 127.75 feet East of the West line of said Lot 6 and approximately 90 feet North of the North line of Market Street; thence North 03° 49' East 40 feet along the common property line to a point in the centerline of the West Fork of Gar Creek; thence South 55° 34' East 42 feet along said centerline to a point; thence South 89° 27' East 43 feet along said centerline to the Northeast corner of the property; thence North 04° 35' East 33 feet along the common property line to a point; thence North 58° 32' West 81 feet to the point of beginning, and containing 0.07 acre, more or less.

The bearings used herein are referenced to the Arkansas State Coordinate System, North 2010.

TRACT NO. 245

A tract of land situated in the County of Franklin, State of Arkansas, being part of Lot 6 in Block 1 of Quail's Addition to the town of Ozark, Arkansas, being part of the Fractional NE $\frac{1}{4}$ of the Fractional SE $\frac{1}{4}$ of Fractional Section 36, Township 10 North, Range 27 West of the Fifth Principal Meridian, and being more particularly described as follows:

Beginning on the West line of said Lot 6 at a point approximately 150 feet North of the Southwest corner thereof; thence North 09° 41' East 50 feet along said West line to a point in the centerline of the West Fork of Gar Creek; thence South 54° 48' East approximately 128 feet along said centerline to a point on the common property line; thence South 03° 48' East 48 feet along the common property line to a point; thence North 65° 13' West 34 feet to a point; thence North 89° 07' West 70 feet to the point of beginning, and containing 0.13 acre, more or less.

The bearings used herein are referenced to the Arkansas State Coordinate System, North Zone.

~~XXXXXXXXXXXXXXXXXXXX~~
A tract of land situated in the County of Franklin, State of Arkansas, being part of the Fractional $\frac{3}{4}$ of the Fractional $\frac{SE}{4}$ of Fractional Section 36, left bank of the Arkansas River, Township 10 North, Range 17 West of the Fifth Principal Meridian, and being more particularly described as follows:

Beginning at a point on the North-South quarter line of said Fractional Section 36, said point being at a common property corner and being 150 feet south of the southerly right-of-way line of the Missouri Pacific Railroad; thence south $61^{\circ} 30'$ East 125 feet along the common property line to a point; thence North $03^{\circ} 17'$ East approximately 150 feet along the common property line to a point on the southerly right-of-way line of the Missouri Pacific Railroad; thence southeasterly along said southerly right-of-way line approximately 710 feet to a point in the center-line of Jar Creek; thence southerly along the meanders of said center-line of Jar Creek approximately 235 feet to a point on the south line of said Fractional Section 36; thence North $97^{\circ} 03'$ West along said south line approximately 170 feet to a point on the ordinary high-water line, left bank of the Arkansas River; thence along said ordinary high-water line North $62^{\circ} 30'$ West approximately 583 feet to a point on said North-South quarter line; thence North $03^{\circ} 17'$ East approximately 376 feet along said quarter line to the point of beginning, and containing 5.75 acres, more or less.

The bearings used herein are referenced to the Arkansas State coordinate system, North Zone.

- 12 -

Dated this 27th day of May, 1968.

Charles M. Conway
United States Attorney

By [Signature]
Robert E. Johnson
Assistant U. S. Attorney

Filed for record this 1st day of June, 1968 at 8:30 A. M. and
recorded this 6th day of June, 1968.

Ruth Weacaster, Clerk

By [Signature] D. C.

33.

EXHIBIT O-1
JOHN BURNS' DEED

92@ 247

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS:

THAT WE, JOHN HARLAN BURNS and HELEN BURNS, husband and wife, for and in consideration of the sum of FOUR THOUSAND EIGHT HUNDRED AND NO/100 DOLLARS (\$4,800.00), to us cash in hand paid by the UNITED STATES OF AMERICA, the receipt of which is hereby acknowledged, do hereby GRANT, BARGAIN, SELL and CONVEY unto the said UNITED STATES OF AMERICA and unto its assigns, the following lands lying and being situate in the County of Franklin, State of Arkansas, to wit:

~~THE ABOVE DESCRIBED LANDS ARE SUBJECT TO THE RIGHT OF THE UNITED STATES OF AMERICA TO FLOOD AND SUBMERGE THE LAND AS MAY BE NECESSARY IN THE CONSTRUCTION, OPERATION AND MAINTENANCE OF THE PROJECT; PROVIDED FURTHER THAT ANY EXPLORATION OR DEVELOPMENT OF SAID OIL AND GAS IN AND UNDER SAID LANDS SHALL BE SUBJECT TO FEDERAL AND STATE LAWS WITH RESPECT TO POLLUTION OF WATERS OF THE RESERVOIR; AND PROVIDED THAT THE TYPE AND LOCATION OF ANY SURFACE IMPROVEMENT AND APPURTENANCE THERETO NOW EXISTING OR TO BE CREATED OR SHALL BE CREATED ON SAID LAND IN CONNECTION WITH THE EXPLORATION AND/OR DEVELOPMENT OF SAID OIL AND GAS SHALL BE SUBJECT TO THE PRIOR WRITTEN APPROVAL OF THE DISTRICT ENGINEER, U. S. ARMY ENGINEER DISTRICT, LITTLE ROCK, ARKANSAS, OR HIS DULY AUTHORIZED REPRESENTATIVE.~~

(See description attached hereto and made a part hereof)

~~THE ABOVE DESCRIBED LANDS ARE SUBJECT TO THE RIGHT OF THE UNITED STATES OF AMERICA TO FLOOD AND SUBMERGE THE LAND AS MAY BE NECESSARY IN THE CONSTRUCTION, OPERATION AND MAINTENANCE OF THE PROJECT; PROVIDED FURTHER THAT ANY EXPLORATION OR DEVELOPMENT OF SAID OIL AND GAS IN AND UNDER SAID LANDS SHALL BE SUBJECT TO FEDERAL AND STATE LAWS WITH RESPECT TO POLLUTION OF WATERS OF THE RESERVOIR; AND PROVIDED THAT THE TYPE AND LOCATION OF ANY SURFACE IMPROVEMENT AND APPURTENANCE THERETO NOW EXISTING OR TO BE CREATED OR SHALL BE CREATED ON SAID LAND IN CONNECTION WITH THE EXPLORATION AND/OR DEVELOPMENT OF SAID OIL AND GAS SHALL BE SUBJECT TO THE PRIOR WRITTEN APPROVAL OF THE DISTRICT ENGINEER, U. S. ARMY ENGINEER DISTRICT, LITTLE ROCK, ARKANSAS, OR HIS DULY AUTHORIZED REPRESENTATIVE.~~

Excepting and excluding from this conveyance all oil and gas in and under said land and all appurtenant rights used in connection with the exploration, development, production and removal of said oil and gas, including any existing structures and improvements, provided further, that the said oil and gas and appurtenant rights so excepted and excluded are hereby subordinated to the prior right of the United States to flood and submerge the land as may be necessary in the construction, operation and maintenance of the project; provided further that any exploration or development of said oil and gas in and under said land shall be subject to Federal and State laws with respect to pollution of waters of the reservoir; and provided that the type and location of any surface improvement and appurtenance thereto now existing or to be created or shall be created on said land in connection with the exploration and/or development of said oil and gas shall be subject to the prior written approval of the District Engineer, U. S. Army Engineer District, Little Rock, Arkansas, or his duly authorized representative.

THIS INSTRUMENT WAS SIGNED BY:
FLENDON H. WALCH, Attorney
U. S. Army Engineer District
Little Rock, Arkansas

STATE OF ARKANSAS

COUNTY OF FRANKLIN

} SS

A C K N O W L E D G M E N T

On this the 12TH day of APRIL, 1968, before me, GLENDON H. WALKER, the undersigned officer, personally appeared JOHN HENLAN BURNS and HELEN BURNS, his wife, known to me to be the persons whose names are subscribed in the within instrument and acknowledged that they executed the same for the purposes therein contained.

In witness whereof I hereunto set my hand and official seal.

My Commission Expires:

15 JUNE 1959

Glendon H. Walker
Notary Public

Filed for record this 12th day of April, 1968 at 11:30 A. M. and recorded this 12th day of April, 1968.

Ruth Wacaster, Clerk

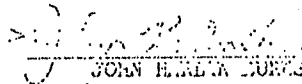
By Wilder D. C. D. C.

TO HAVE AND TO HOLD the same unto the UNITED STATES OF AMERICA and its assigns FOREVER, with all tenements, appurtenances, and hereditaments thereunto belonging or in anywise appertaining, free, clear, and discharged of and from all former grants, taxes, judgments, mortgages, mineral rights, easements, restrictions, leases, assessments, liens, encumbrances and claims of any and every kind and nature, except as hereinafter set out.

AND WE hereby covenant with the said UNITED STATES OF AMERICA that we will FOREVER WARRANT AND DEFEND the title to the said lands against all claims whatever.

AND I, HELEN BURNS, wife of said JOHN MARLAN BURNS, for and in consideration of the said sum of money, do hereby release and relinquish unto the UNITED STATES OF AMERICA and its assigns, all my right of dower and homestead in and to the said lands to the extent of the rights hereinabove set forth.

IN TESTIMONY WHEREOF, we have hereunto set our hands and seals this 12TH day of APRIL, 1938.


JOHN MARLAN BURNS (SEAL)

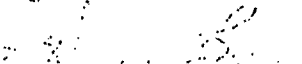

HELEN BURNS (SEAL)

EXHIBIT O-2
MOPAC'S DEED

QUIT CLAIM DEED

THIS DEED, made and entered into by and between MISSOURI PACIFIC RAILROAD COMPANY, a Missouri corporation, herein called "Grantor", and the UNITED STATES OF AMERICA and its assigns, herein called "Grantee", WITNESSETH:

That the Grantor, for and in consideration of the sum of FIVE THOUSAND AND NO/100 DOLLARS (\$5,000.00) paid by Grantee to Grantor, receipt of which is hereby acknowledged, does by these presents Release, Release and Release unto the Grantee and its assigns, all of said Grantor's right, title and interest, in and to the following described tract or parcel of land in the County of Franklin, State of Arkansas, described as follows:

A certain tract of land situated in the County of Franklin, State of Arkansas, containing 5.40 acres, more or less, bounded as follows:

Beginning at a point on the westerly right-of-way line of the Missouri Pacific Railroad, said point being south 26° 53' east approximately 210 feet from the intersection of the centerline of First Street and Commercial Street in the City of Ozark, Arkansas; thence south 75° 10' east 72 feet to a point; thence south 37° 06' east 67 feet to a point; thence south 62° 18' east 119 feet to a point; thence north 66° 37' east 67 feet to a point; thence south 48° 15' east 98 feet to a point; thence north 02° 30' east 55 feet to a point; thence south 70° 03' east 100 feet to a point; thence south 45° 49' east 112 feet to a point on the easterly property line; thence south 03° 27' west 386 feet along said easterly property line to a point on the ordinary high-water line, left bank of the Arkansas River; thence north 57° 00' west 347 feet along said ordinary high-water line to a point; thence north 71° 01' west 363 feet along said ordinary high-water line to a point on the westerly property line; thence north 09° 13' east 379 feet along said westerly property line to the point of beginning and containing 5.40 acres, more or less.

The bearings used herein are referenced to Arkansas State Coordinate System, North Zone.

Excepting and excluding from this conveyance all oil and gas in and under said land and all appurtenant rights for the exploration, development, production and removal of said oil and gas, but without the right to enter upon or over the surface of said land for the purpose of drilling and extracting therefrom said oil and gas; provided, however, that the said oil and gas and appurtenant rights so excepted and excluded are subordinated to the prior right of the United States to flood and submerge the land in connection with the operation and maintenance of the Ozark Lock and Dam Project.

TO HAVE AND TO HOLD the same unto the UNITED STATES OF AMERICA, and its assigns FOREVER, except as hereinafter set out.

IN WITNESS WHEREOF, the Missouri Pacific Railroad Company has caused these presents to be signed in its name by its Vice President, and its corporate seal to be hereunto affixed and attested by its Secretary, at St. Louis, Missouri, this 27th day of _____, A.D., 1969.

MISSOURI PACIFIC RAILROAD COMPANY
INCORPORATED
By [Signature]
Secretary

MISSOURI PACIFIC RAILROAD COMPANY
By [Signature]
Vice President

STATE OF MISSOURI
CITY OF ST. LOUIS

BE IT REMEMBERED, that on this 27th day of _____, 1969, before me, the undersigned, a Notary Public in and for the State of Missouri, said, name J. H. LLOYD, Vice President of Missouri Pacific Railroad Company, a corporation duly organized, incorporated and existing by virtue of the laws of the State of Missouri, and C. A. Rockwell, Secretary of said corporation, who are personally known to me to be the same persons and executed in such and who are personally known to me to be the same persons and executed in such officers, the within instrument on behalf of said corporation, and each person, duly acknowledge the execution of the same to be the act and deed of said corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal, the day and year last above written.

NOTARY
PUBLIC
ST. LOUIS

My Commission Expires _____

91 @ 225-228

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS:

THAT WE, TOM KIRKENDOLL and RUTH KIRKENDOLL, his wife,

for and in consideration of the sum of FIVE THOUSAND AND NO/100 -----
----- DOLLARS

(\$5,000.00), to us cash in hand paid by the UNITED STATES OF AMERICA, the receipt of which is hereby acknowledged, do hereby GRANT, BARGAIN, SELL AND CONVEY unto the said UNITED STATES OF AMERICA and unto its assigns, the following lands lying and being situate in the County of Franklin, State of Arkansas, to wit:

~~RECEIVED FOR THE UNITED STATES OF AMERICA~~
(See description attached hereto and made a part hereof)

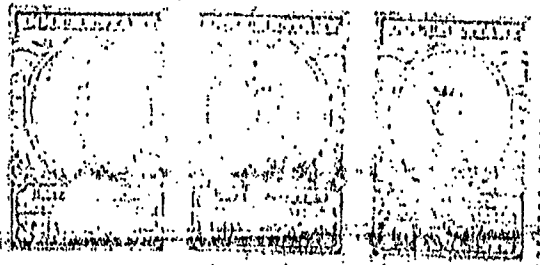


EXHIBIT O-3
TOM KIRKENDOLL'S DEED

Ozark-Book-and-Binder
Arkansas-River-and-Tributaries

Franklin County, Arkansas
Acres---Page---Q-40

TRACT NO. 265

A tract of land situated in the County of Franklin, State of Arkansas, being part of the Fractional SW¹/₄ of the Fractional SE¹/₄ of Fractional Section 36, Township 10 North, Range 27 West of the Fifth Principal Meridian, and being more particularly described as follows:

Beginning at the intersection of the Southerly right-of-way line of the Missouri Pacific Railroad and the North-South quarter line of said Fractional Section 36; thence Southeasterly along said Southerly right-of-way line approximately 123 feet to a point on the East property line; thence along the common property line South 03° 17' East 150 feet to the Southeast corner of the property; thence North 61° 30' West 125 feet along the common property line to a point on said North-South quarter line; thence North 03° 17' East 150 feet along said quarter line to the point of beginning, and containing 0.40 acre, more or less.

The bearings used herein are referenced to the Arkansas State Coordinate System, North Zone.

Subject, however, to existing easements for public roads and highways, public utilities, railroad and pipelines.

Excepting and excluding from this conveyance all oil and gas in and under said land and all appurtenant rights used in connection with the exploration, development, production and removal of said oil and gas, including any existing structures and improvements; provided that the said oil and gas and appurtenant rights so excepted and excluded are hereby subordinated to the prior right of the United States to flood and submerge the land as may be necessary in the construction, operation and maintenance of the project; provided further that any exploration or development of said oil and gas in and under said land shall be subject to Federal and State laws with respect to pollution of waters of the reservoir; and provided that the type and location of any structure, improvement and appurtenance thereto now existing or to be erected or constructed on said land in connection with the exploration and/or development of said oil and gas shall be subject to the prior written approval of the District Engineer, U. S. Army Engineer District, Little Rock, Arkansas, or his duly authorized representative.

~~Subordination of all rights in and to the land~~

TO HAVE AND TO HOLD the same unto the UNITED STATES OF AMERICA and its assigns FOREVER, with all tenements, appurtenances, and hereditaments thereunto belonging or in anywise appertaining, free, clear, and discharged of and from all former grants, taxes, judgments, mortgages, mineral rights, easements, restrictions, leases, assessments, liens, encumbrances and claims of any and every kind and nature, except as hereinabove set out.

AND WE hereby covenant with the said UNITED STATES OF AMERICA that we will forever warrant and defend the title to the said lands as set out

IN TESTIMONY WHEREOF, we have hereunto set our hands and seals this

14th day of DECEMBER, 1967.

Tom A. Strickland (SEAL)
TOM KIRKENDOLL

Ruth Kirkendoll (SEAL)
RUTH KIRKENDOLL

STATE OF Arkansas
COUNTY OF Fayette

SS.

ACKNOWLEDGMENT

On this the 14th day of December, 1967, before me,

Raymond P. [Signature] the undersigned officer, personally appeared
TOM KIRKENDOLL and RUTH KIRKENDOLL, his wife,

known to me to be the persons whose names are subscribed in the within
instrument and acknowledged that they executed the same for the purposes
therein contained.

In witness whereof I hereunto set my hand and official seal.

EXHIBIT O-4
JOSEPHINE OLIVER'S DEED

along the west line and the extension thereof of said Lot 2 to a point; thence south 76° 18' east 62 feet to a point; thence S 85° 19' east 144 feet, more or less, to the point of beginning, & contg.

0.68 a
m/1

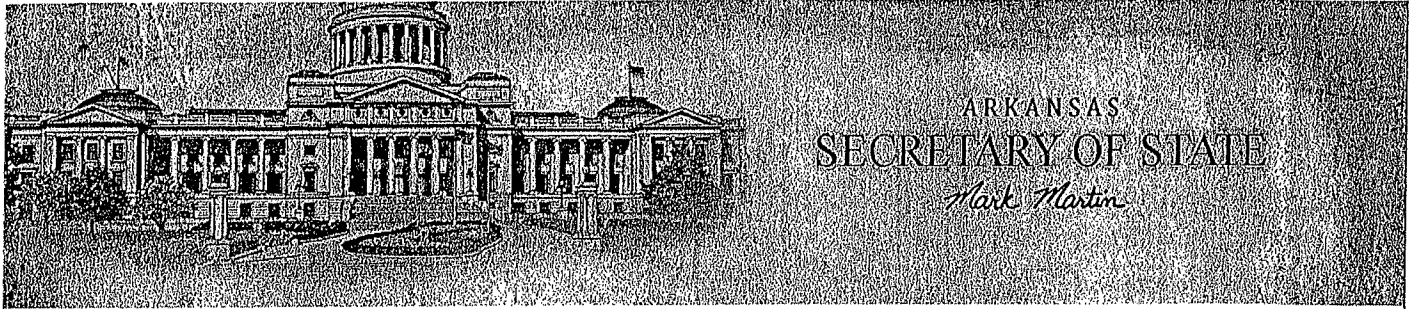
The bearings used herein are referenced to the Arkansas State Coordinate System, North Zone.

Subject to existing easements for public roads and highways, public utilities, railroads and pipelines.

Excepting and excluding from this conveyance all oil and gas in and under said land and all appurtenance rights used and in connection with the exploration, development, production and removal of said oil and gas, including any existing structures and improvements;

B4 Judith M. Lewis
NP Los Angeles Co., Calif.

EXHIBIT P
M&S LUMBER, INC. SOS OFFICE PRINT OUT



Search Incorporations, Cooperatives, Banks and Insurance Companies

[Printer Friendly Version](#)

LLC Member information is now confidential per Act 865 of 2007

Use your browser's back button to return to the Search Results

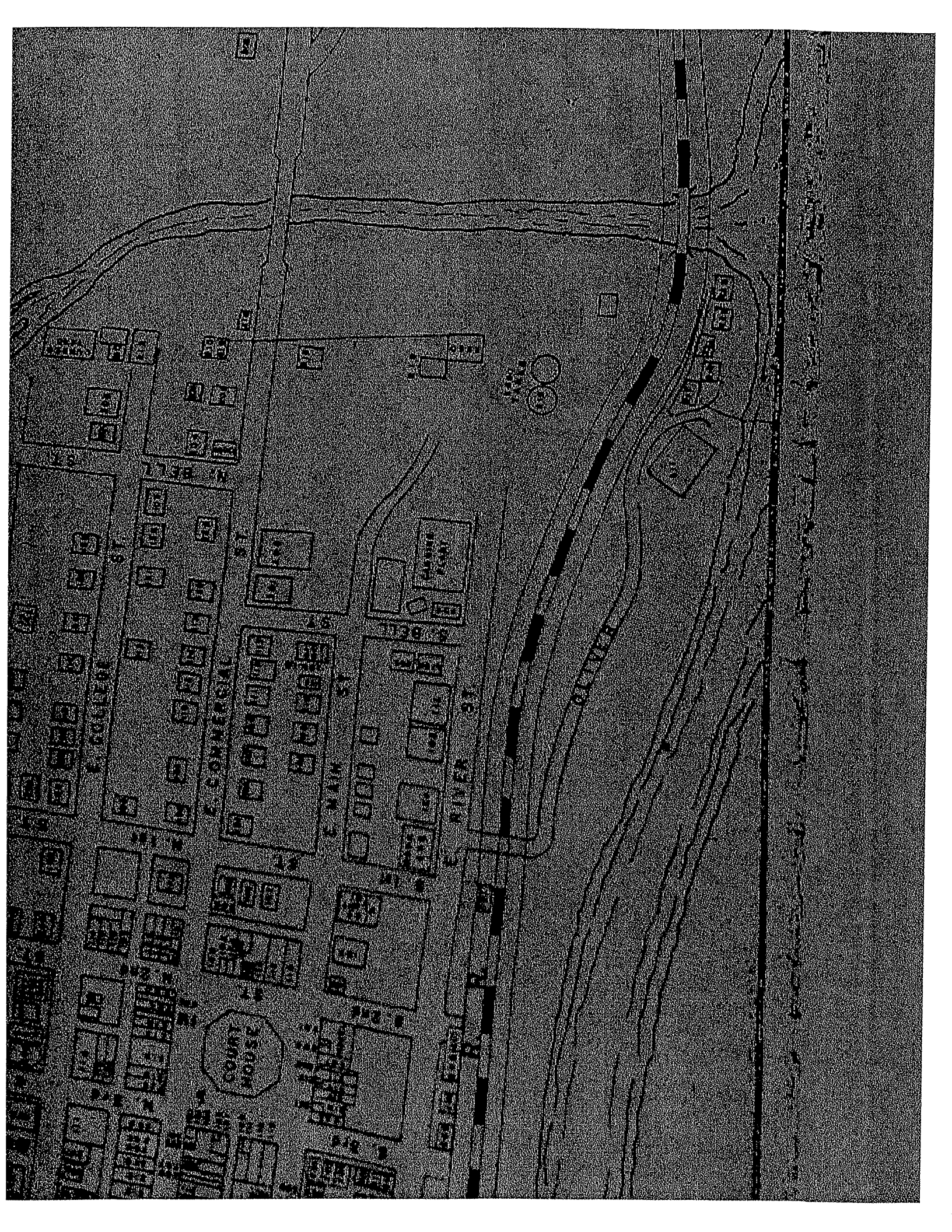
[Begin New Search](#)

For service of process contact the [Secretary of State's office](#).

Corporation Name	M & S LUMBER, INC. (R)
Fictitious Names	
Filing #	100032304
Filing Type	For Profit Corporation
Filed under Act	Dom Bus Corp; 576 of 1965
Status	Administratively Dissolved
Principal Address	OZARK, AR X,
Reg. Agent	W. J. MEDLOCK
Agent Address	X OZARK, AR
Date Filed	06/04/1969
Officers	
Foreign Name	N/A
Foreign Address	
State of Origin	N/A

[Pay Franchise Tax for this corporation](#)

EXHIBIT Q-1
PLAINTIFF'S 1962 MAP



CITY MAP OZARK, ARKANSAS

SCALE
1 INCH = 1 MILE
February, 1951

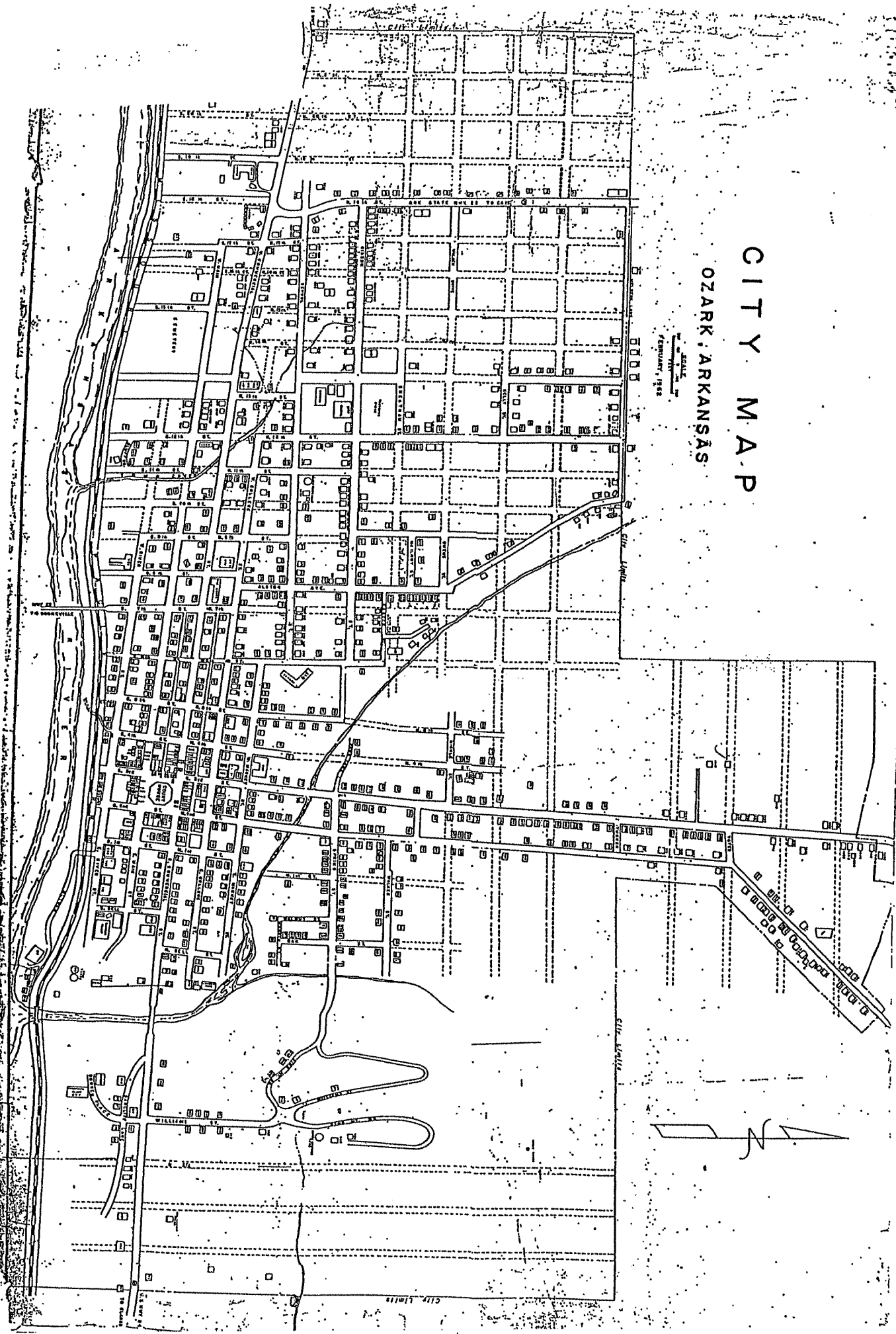
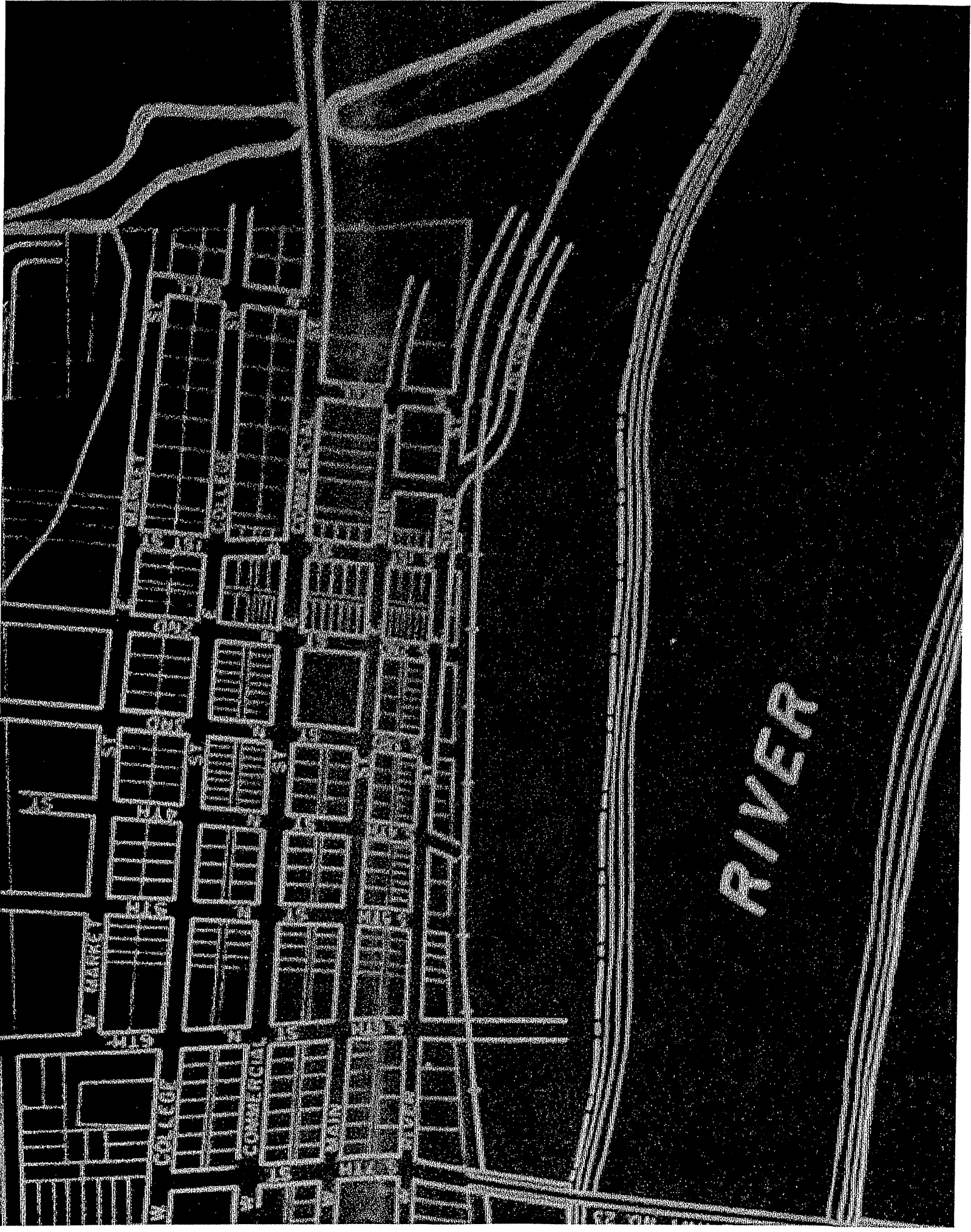


EXHIBIT Q-2
PLAINTIFF'S 1975 MAP



RIVER

W. MAINE

W. COLLEGE

W. COMMERCIAL

W. MAIN

MAP PREPARED BY
WESTERN ARKANSAS
PLANNING AND DEVELOPMENT DISTRICT, INC.
FORT SMITH, ARKANSAS

PROJECT NO. - HCPA 1038 7520

THE PREPARATION OF THIS MAP, WAS FINANCED
PART THROUGH AN URBAN PLANNING GRANT FROM
THE DEPARTMENT OF HOUSING AND URBAN DEVELOP-
MENT UNDER THE PROVISIONS OF SECTION 701 OF
THE HOUSING ACT OF 1954, AS AMENDED

MAP PREPARED , MAY 1975
SCALE : 1" = 500'

EXHIBIT R-1
FRA CROSSING INVENTORY SHEETS

U.S. DOT - CROSSING INVENTORY INFORMATION
AS OF 9/3/2013

Crossing No.: **434394S** Update Reason: **Closed Crossing** Effective Begin-Date of Record: **02/23/01**
Railroad: **UP Union Pacific RR Co. [UP]** End-Date of Record:
Initiating Agency **Railroad** Type and Position: **Public At Grade**

Part I Location and Classification of Crossing

Division:	VAN BUREN	State:	AR
Subdivision:	COFFEYVILLE	County:	FRANKLIN
Branch or Line Name:	VAN BUREN SUB	City:	In OZARK
Railroad Milepost:	0464.77	Street or Road Name:	CITY RD
RailRoad I.D. No.:	S3240L0000	Highway Type & No.:	
Nearest RR Timetable Stn:	OZARK	HSR Corridor ID:	
Parent Railroad:		County Map Ref. No.:	
Crossing Owner:		Latitude:	35.4846390
ENS Sign Installed:		Longitude:	-93.8235830
Passenger Service:		Lat/Long Source:	Fed. Derived
Avg Passenger Train Count:	0	Quiet Zone:	No
Adjacent Crossing with Separate Number:			

Private Crossing Information:

Category:

Specify Signs:

Public Access:

Specify Signals:

ST/RR A

ST/RR B

ST/RR C

ST/RR D

Railroad Use:

State Use:

Narrative:

Emergency Contact: **(800)848-8715**

Railroad Contact:

State Contact: **(501)569-2655**

Part II Railroad Information

Number of Daily Train Movements:		Less Than One Movement Per Day:		No
Total Trains:	23	Total Switching:	0	Day Thru: 12
Typical Speed Range Over Crossing: From 1 to 45 mph		Maximum Time Table Speed:		45
Type and Number of Tracks:	Main: 1 Other: 1	Specify:		YARD
Does Another RR Operate a Separate Track at Crossing?		No		
Does Another RR Operate Over Your Track at Crossing?		No		

U.S. DOT - CROSSING INVENTORY INFORMATION

Crossing **434394S**

Continued

Effective Begin-Date of Record: **02/23/01**

End-Date of Record:

Part III: Traffic Control Device Information

Signs:

Crossbucks: **0**
Advanced Warning: **No**
Pavement Markings: **No Markings**

Highway Stop Signs: **2**
Hump Crossing Sign:
Other Signs: **2** Specify: **PRVT SIGN**
0

Train Activated Devices:

Gates: **0**
Mast Mounted FL: **0**
Cantilevered FL (Over): **0**
Other Flashing Lights: **0**
Highway Traffic Signals: **0**
Other Train Activated
Warning Devices:
Channelization:
Track Equipped with
Train Signals? **Yes**

4 Quad or Full Barrier:
Total Number FL Pairs: **0**
Cantilevered FL (Not over): **0**
Specify Other Flashing Lights:
Wigwags: **0** Bells: **0**
Special Warning Devices Not
Train Activated:
Type of Train Detection: **None**
Traffic Light
Interconnection/Preemption:

Part IV: Physical Characteristics

Type of Development: **Industrial**
Number of Traffic Lanes
Crossing Railroad: **2**
Is Highway Paved? **No**
Crossing Surface: **Timber**
Nearby Intersecting
Highway? **Less than 75 feet**
Does Track Run Down a
Street? **No**
Is Commercial Power Available? **Yes**

Smallest Crossing Angle: **30 to 59 Degrees**
Are Truck Pullout Lanes Present? **No**
If Other:
Is it Signalized?
Is Crossing Illuminated?

Part V: Highway Information

Highway System: **Non-Federal-aid**
Is Crossing on State
Highway System: **No**
Annual Average Daily
Traffic (AADT): **000348**
Estimated Percent Trucks: **07**
Posted Highway Speed: **0**

Functional Classification of
Road at Crossing: **Rural Local**
AADT Year: **1991**
Avg. No of School Buses per Day: **0**

**U.S. DOT - CROSSING INVENTORY INFORMATION
AS OF 9/3/2013**

Crossing No.: **434394S** Update Reason: **Changed Crossing** Effective Begin-Date of Record: **01/15/01**
Railroad: **UP Union Pacific RR Co. [UP]** End-Date of Record: **02/22/01**
Initiating Agency **Railroad** Type and Position: **Public At Grade**

Part I Location and Classification of Crossing

Division:	VAN BUREN	State:	AR
Subdivision:	COFFEYVILLE	County:	FRANKLIN
Branch or Line Name:	VAN BUREN SUB	City:	In OZARK
Railroad Milepost:	0464.77	Street or Road Name:	CITY RD
Railroad I.D. No.:	S3240L0000	Highway Type & No.:	
Nearest RR Timetable Stn:	OZARK	HSR Corridor ID:	
Parent Railroad:		County Map Ref. No.:	
Crossing Owner:		Latitude:	35.4846390
ENS Sign Installed:		Longitude:	-93.8235830
Passenger Service:		Lat/Long Source:	Fed. Derived
Avg Passenger Train Count:	0	Quiet Zone:	No
Adjacent Crossing with Separate Number:			

Private Crossing Information:

Category:

Specify Signs:

Public Access:

Specify Signals:

ST/RR A

ST/RR B

ST/RR C

ST/RR D

Railroad Use:

State Use:

Narrative:

Emergency Contact: **(800)848-8715**

Railroad Contact:

State Contact: **(501)569-2655**

Part II Railroad Information

Number of Daily Train Movements:		Less Than One Movement Per Day:	No
Total Trains: 23	Total Switching: 0	Day Thru:	12
Typical Speed Range Over Crossing: From 1 to 45 mph		Maximum Time Table Speed:	45
Type and Number of Tracks: Main: 1 Other: 1	Specify:		YARD
Does Another RR Operate a Separate Track at Crossing?		No	
Does Another RR Operate Over Your Track at Crossing?		No	

U.S. DOT - CROSSING INVENTORY INFORMATION

Crossing **434394S**

Continued

Effective Begin-Date of Record: **01/15/01**

End-Date of Record: **02/22/01**

Part III: Traffic Control Device Information

Signs:

Crossbucks: **0**
Advanced Warning: **No**
Pavement Markings: **No Markings**

Highway Stop Signs: **2**
Hump Crossing Sign:
Other Signs: **2** Specify: **PRVT SIGN**
0

Train Activated Devices:

Gates: **0**
Mast Mounted FL: **0**
Cantilevered FL (Over): **0**
Other Flashing Lights: **0**
Highway Traffic Signals: **0**
Other Train Activated
Warning Devices:
Channelization:
Track Equipped with
Train Signals? **Yes**

4 Quad or Full Barrier:
Total Number FL Pairs: **0**
Cantilevered FL (Not over): **0**
Specify Other Flashing Lights:
Wigwags: **0** Bells: **0**
Special Warning Devices Not
Train Activated:
Type of Train Detection: **None**
Traffic Light
Interconnection/Preemption:

Part IV: Physical Characteristics

Type of Development: **Industrial**
Number of Traffic Lanes
Crossing Railroad: **2**
Is Highway Paved? **No**
Crossing Surface: **Timber**

Smallest Crossing Angle: **30 to 59 Degrees**
Are Truck Pullout Lanes Present? **No**

Nearby Intersecting
Highway? **Less than 75 feet**
Does Track Run Down a
Street? **No**

If Other:

Is it Signalized?

Is Crossing Illuminated?

Is Commercial Power Available? **Yes**

Part V: Highway Information

Highway System: **Non-Federal-aid**
Is Crossing on State
Highway System: **No**
Annual Average Daily
Traffic (AADT): **000348**
Estimated Percent Trucks: **07**
Posted Highway Speed: **0**

Functional Classification of
Road at Crossing: **Rural Local**

AADT Year: **1991**
Avg. No of School Buses per Day: **0**

U.S. DOT - CROSSING INVENTORY INFORMATION
AS OF 9/3/2013

Crossing No.:	434394S	Update Reason:	Changed Crossing	Effective Begin-Date of Record:	10/21/96
Railroad:	UP Union Pacific RR Co. [UP]	End-Date of Record:	01/14/01		
Initiating Agency	Railroad	Type and Position:	Public At Grade		

Part I Location and Classification of Crossing

Division:	VAN BUREN	State:	AR
Subdivision:	COFFEYVILLE	County:	FRANKLIN
Branch or Line Name:	VAN BUREN SUB	City:	In OZARK
Railroad Milepost:	0464.77	Street or Road Name:	CITY RD
RailRoad I.D. No.:	S3240L0000	Highway Type & No.:	
Nearest RR Timetable Stn:	OZARK	HSR Corridor ID:	
Parent Railroad:		County Map Ref. No.:	
Crossing Owner:		Latitude:	
ENS Sign Installed:		Longitude:	
Passenger Service:		Lat/Long Source:	
Avg Passenger Train Count:	0	Quiet Zone:	
Adjacent Crossing with Separate Number:			

Private Crossing Information:

Category:	Specify Signs:	Public Access:	Specify Signals:
	ST/RR A	ST/RR B	ST/RR C
			ST/RR D
Railroad Use:			
State Use:			
Narrative:			

Emergency Contact:	Railroad Contact:	State Contact:
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Part II Railroad Information

Number of Daily Train Movements:		Less Than One Movement Per Day:	No
Total Trains:	23	Total Switching:	0
Typical Speed Range Over Crossing: From	1	Day Thru:	12
Type and Number of Tracks:	Main: 1	Maximum Time Table Speed:	45
	Other: 1	Specify:	YARD
Does Another RR Operate a Separate Track at Crossing?	No		
Does Another RR Operate Over Your Track at Crossing?	No		

Conditioned on the establishment
and permanent maintenance of a
depot for the Town of Oak on
said tract of land, and upon
the further conditions that 60 feet
on the west and north of said
five and one half acres is to remain
unobstructed for a street or public
highway, et c

G. H. Ross Clerk
Franklin Co Ark.

U.S. DOT - CROSSING INVENTORY INFORMATION

Crossing 434394S

Continued

Effective Begin-Date of Record: 10/21/96

End-Date of Record: 01/14/01

Part III: Traffic Control Device Information

Signs:

Crossbucks: 2
Advanced Warning: No
Pavement Markings: No Markings

Highway Stop Signs: 0
Hump Crossing Sign:
Other Signs: 1 Specify: PRVT SIGN
0

Train Activated Devices:

Gates: 0
Mast Mounted FL: 0
Cantilevered FL (Over): 0
Other Flashing Lights: 0
Highway Traffic Signals: 0
Other Train Activated
Warning Devices:
Channelization:
Track Equipped with
Train Signals? Yes

4 Quad or Full Barrier:
Total Number FL Pairs: 0
Cantilevered FL (Not over): 0
Specify Other Flashing Lights:
Wigwags: 0 Bells: 0
Special Warning Devices Not
Train Activated:
Type of Train Detection: None
Traffic Light
Interconnection/Preemption:

Part IV: Physical Characteristics

Type of Development: Industrial
Number of Traffic Lanes
Crossing Railroad: 2
Is Highway Paved? No
Crossing Surface: Timber
Nearby Intersecting
Highway? Less than 75 feet
Does Track Run Down a
Street? No
Is Commercial Power Available? Yes

Smallest Crossing Angle: 30 to 59 Degrees
Are Truck Pullout Lanes Present? No
If Other:
Is it Signalized?
Is Crossing Illuminated?

Part V: Highway Information

Highway System: Non-Federal-aid
Is Crossing on State
Highway System: No
Annual Average Daily
Traffic (AADT): 000348
Estimated Percent Trucks: 07
Posted Highway Speed: 0

Functional Classification of
Road at Crossing: Rural Local
AADT Year: 1991
Avg. No of School Buses per Day: 0

U.S. DOT - CROSSING INVENTORY INFORMATION
AS OF 9/3/2013

Crossing No.: **434394S** Update Reason: **New Crossing** Effective Begin-Date of Record: **09/09/91**
Railroad: **UP Union Pacific RR Co. [UP]** End-Date of Record: **10/20/96**
Initiating Agency **Railroad** Type and Position: **Public At Grade**

Part I Location and Classification of Crossing

Division:	VAN BUREN	State:	AR
Subdivision:	COFFEYVILLE	County:	FRANKLIN
Branch or Line Name:	VAN BUREN SUB	City:	In OZARK
Railroad Milepost:	0464.77	Street or Road Name:	CITY RD
RailRoad I.D. No.:	S3240L0000	Highway Type & No.:	
Nearest RR Timetable Stn:	OZARK	HSR Corridor ID:	
Parent Railroad:		County Map Ref. No.:	
Crossing Owner:		Latitude:	
ENS Sign Installed:		Longitude:	
Passenger Service:		Lat/Long Source:	
Avg Passenger Train Count:	0	Quiet Zone:	
Adjacent Crossing with Separate Number:			

Private Crossing Information:

Category:		Public Access:	
	Specify Signs:		Specify Signals:
	ST/RR A	ST/RR B	ST/RR C
			ST/RR D
Railroad Use:			
State Use:			
Narrative:			

Emergency Contact: Railroad Contact: State Contact:

Part II Railroad Information

Number of Daily Train Movements:		Less Than One Movement Per Day:	No
Total Trains:	18	Day Thru:	9
Total Switching: 0		Maximum Time Table Speed:	45
Typical Speed Range Over Crossing: From 30 to 45 mph		Specify:	YARD
Type and Number of Tracks:	Main: 1 Other: 1		
Does Another RR Operate a Separate Track at Crossing?	No		
Does Another RR Operate Over Your Track at Crossing?	No		

U.S. DOT - CROSSING INVENTORY INFORMATION

Crossing **434394S**

Continued

Effective Begin-Date of Record: **09/09/91**

End-Date of Record: **10/20/96**

Part III: Traffic Control Device Information

Signs:

Crossbucks: **2**
Advanced Warning: **No**
Pavement Markings: **No Markings**

Highway Stop Signs: **0**
Hump Crossing Sign:
Other Signs: **1** Specify: **PRVT SIGN**
0

Train Activated Devices:

Gates: **0**
Mast Mounted FL: **0**
Cantilevered FL (Over): **0**
Other Flashing Lights: **0**
Highway Traffic Signals: **0**
Other Train Activated
Warning Devices:
Channelization:
Track Equipped with
Train Signals? **Yes**

4 Quad or Full Barrier:
Total Number FL Pairs: **0**
Cantilevered FL (Not over): **0**
Specify Other Flashing Lights:
Wigwags: **0** Bells: **0**
Special Warning Devices Not
Train Activated:
Type of Train Detection: **None**
Traffic Light
Interconnection/Preemption:

Part IV: Physical Characteristics

Type of Development: **Industrial**
Number of Traffic Lanes
Crossing Railroad: **2**
Is Highway Paved? **No**
Crossing Surface: **Timber**
Nearby Intersecting
Highway? **Less than 75 feet**
Does Track Run Down a
Street? **No**
Is Commercial Power Available? **Yes**

Smallest Crossing Angle: **30 to 59 Degrees**
Are Truck Pullout Lanes Present? **No**
If Other:
Is it Signalized?
Is Crossing Illuminated?

Part V: Highway Information

Highway System: **Non-Federal-aid**
Is Crossing on State
Highway System: **No**
Annual Average Daily
Traffic (AADT): **000348**
Estimated Percent Trucks: **07**
Posted Highway Speed: **0**

Functional Classification of
Road at Crossing: **Rural Local**
AADT Year: **1991**
Avg. No of School Buses per Day: **0**

U.S. DOT - CROSSING INVENTORY INFORMATION
AS OF 9/3/2013

Crossing No.:	434394S	Update Reason:	Closed Crossing	Effective Begin-Date of Record:	03/14/86
Railroad:	UP Union Pacific RR Co. [UP]	End-Date of Record:	09/08/91		
Initiating Agency	State	Type and Position:	Public At Grade		

Part I Location and Classification of Crossing

Division:	CENTRAL	State:	AR
Subdivision:	VANBUREN	County:	FRANKLIN
Branch or Line Name:		City:	In OZARK
Railroad Milepost:	0464.77	Street or Road Name:	CITY RD
RailRoad I.D. No.:	S3240L0000	Highway Type & No.:	
Nearest RR Timetable Stn:	OZARK	HSR Corridor ID:	
Parent Railroad:		County Map Ref. No.:	91432
Crossing Owner:		Latitude:	
ENS Sign Installed:		Longitude:	
Passenger Service:		Lat/Long Source:	
Avg Passenger Train Count:	0	Quiet Zone:	
Adjacent Crossing with Separate Number:			

Private Crossing Information:

Category:	Public Access:
Specify Signs:	Specify Signals:

ST/RR A	ST/RR B	ST/RR C	ST/RR D
---------	---------	---------	---------

Railroad Use:

State Use:

Narrative:

Emergency Contact:	Railroad Contact:	State Contact:
--------------------	-------------------	----------------

Part II Railroad Information

Number of Daily Train Movements:		Less Than One Movement Per Day:		No	
Total Trains:	12	Total Switching:	0	Day Thru:	6
Typical Speed Range Over Crossing: From 45 to 50 mph		Maximum Time Table Speed:		50	
Type and Number of Tracks:	Main: 1 Other 4	Specify:		YARD	
Does Another RR Operate a Separate Track at Crossing?				No	
Does Another RR Operate Over Your Track at Crossing?				No	

U.S. DOT - CROSSING INVENTORY INFORMATION

Crossing **434394S**

Continued

Effective Begin-Date of Record: **03/14/86**

End-Date of Record: **09/08/91**

Part III: Traffic Control Device Information

Signs:

Crossbucks: **2**
Advanced Warning: **No**
Pavement Markings: **No Markings**

Highway Stop Signs: **0**
Hump Crossing Sign:
Other Signs: **0** Specify:
0

Train Activated Devices:

Gates: **0**
Mast Mounted FL: **0**
Cantilevered FL (Over): **0**
Other Flashing Lights: **0**
Highway Traffic Signals: **0**
Other Train Activated
Warning Devices:
Channelization:
Track Equipped with
Train Signals? **Yes**

4 Quad or Full Barrier:
Total Number FL Pairs: **0**
Cantilevered FL (Not over): **0**
Specify Other Flashing Lights:
Wigwags: **0** Bells: **0**
Special Warning Devices Not
Train Activated:
Type of Train Detection: **None**
Traffic Light
Interconnection/Preemption:

Part IV: Physical Characteristics

Type of Development: **Industrial**
Number of Traffic Lanes
Crossing Railroad: **2**
Is Highway Paved? **No**
Crossing Surface: **UnConsolidated**
Nearby Intersecting
Highway? **N/A**
Does Track Run Down a
Street? **No**
Is Commercial Power Available? **Yes**

Smallest Crossing Angle: **30 to 59 Degrees**
Are Truck Pullout Lanes Present? **No**
If Other:
Is it Signalized?
Is Crossing Illuminated?

Part V: Highway Information

Highway System: **Non-Federal-aid**
Is Crossing on State
Highway System: **No**
Annual Average Daily
Traffic (AADT): **000348**
Estimated Percent Trucks: **07**
Posted Highway Speed: **0**

Functional Classification of
Road at Crossing: **Rural Local**
AADT Year:
Avg. No of School Buses per Day: **0**

U.S. DOT - CROSSING INVENTORY INFORMATION
AS OF 9/3/2013

Crossing No.: **434394S** Update Reason: **Changed Crossing** Effective Begin-Date of Record: **10/10/85**
Railroad: **UP Union Pacific RR Co. [UP]** End-Date of Record: **03/13/86**
Initiating Agency **State** Type and Position: **Public At Grade**

Part I Location and Classification of Crossing

Division:	CENTRAL	State:	AR
Subdivision:	VANBUREN	County:	FRANKLIN
Branch or Line Name:		City:	In OZARK
Railroad Milepost:	0464.77	Street or Road Name:	CITY RD
RailRoad I.D. No.:	S3240L0000	Highway Type & No.:	
Nearest RR Timetable Stn:	OZARK	HSR Corridor ID:	
Parent Railroad:		County Map Ref. No.:	91432
Crossing Owner:		Latitude:	
ENS Sign Installed:		Longitude:	
Passenger Service:		Lat/Long Source:	
Avg Passenger Train Count:	0	Quiet Zone:	
Adjacent Crossing with Separate Number:			

Private Crossing Information:

Category:

Specify Signs:

Public Access:

Specify Signals:

ST/RR A

ST/RR B

ST/RR C

ST/RR D

Railroad Use:

State Use:

Narrative:

Emergency Contact:

Railroad Contact:

State Contact:

Part II Railroad Information

Number of Daily Train Movements:		Less Than One Movement Per Day:	No
Total Trains:	12	Day Thru:	6
Typical Speed Range Over Crossing: From 45 to 50 mph		Maximum Time Table Speed:	50
Type and Number of Tracks:	Main: 1 Other: 4	Specify:	YARD
Does Another RR Operate a Separate Track at Crossing?			No
Does Another RR Operate Over Your Track at Crossing?			No

U.S. DOT - CROSSING INVENTORY INFORMATION

Crossing **434394S**

Continued

Effective Begin-Date of Record: **10/10/85**

End-Date of Record: **03/13/86**

Part III: Traffic Control Device Information

Signs:

Crossbucks: **2**
Advanced Warning: **No**
Pavement Markings: **No Markings**

Highway Stop Signs: **0**
Hump Crossing Sign:
Other Signs: **0** Specify:
0

Train Activated Devices:

Gates: **0**
Mast Mounted FL: **0**
Cantilevered FL (Over): **0**
Other Flashing Lights: **0**
Highway Traffic Signals: **0**
Other Train Activated
Warning Devices:
Channelization:
Track Equipped with
Train Signals? **Yes**

4 Quad or Full Barrier:
Total Number FL Pairs: **0**
Cantilevered FL (Not over): **0**
Specify Other Flashing Lights:
Wigwags: **0** Bells: **0**
Special Warning Devices Not
Train Activated:
Type of Train Detection: **None**
Traffic Light
Interconnection/Preemption:

Part IV: Physical Characteristics

Type of Development: **Industrial**
Number of Traffic Lanes
Crossing Railroad: **2**
Is Highway Paved? **No**
Crossing Surface: **UnConsolidated**
Nearby Intersecting
Highway? **N/A**
Does Track Run Down a
Street? **No**
Is Commercial Power Available? **Yes**

Smallest Crossing Angle: **30 to 59 Degrees**
Are Truck Pullout Lanes Present? **No**
If Other:
Is it Signalized?
Is Crossing Illuminated?

Part V: Highway Information

Highway System: **Non-Federal-aid**
Is Crossing on State
Highway System: **No**
Annual Average Daily
Traffic (AADT): **000348**
Estimated Percent Trucks: **07**
Posted Highway Speed: **0**

Functional Classification of
Road at Crossing: **Rural Local**
AADT Year:
Avg. No of School Buses per Day: **0**

U.S. DOT - CROSSING INVENTORY INFORMATION
AS OF 9/3/2013

Crossing No.: **434394S** Update Reason: **Changed Crossing** Effective Begin-Date of Record: **01/20/85**
Railroad: **UP Union Pacific RR Co. [UP]** End-Date of Record: **10/09/85**
Initiating Agency **State** Type and Position: **Public At Grade**

Part I Location and Classification of Crossing

Division:	CENTRAL	State:	AR
Subdivision:	VANBUREN	County:	FRANKLIN
Branch or Line Name:		City:	In OZARK
Railroad Milepost:	0464.77	Street or Road Name:	CITY RD
RailRoad I.D. No.:	S3240L0000	Highway Type & No.:	
Nearest RR Timetable Stn:	OZARK	HSR Corridor ID:	
Parent Railroad:		County Map Ref. No.:	91432
Crossing Owner:		Latitude:	
ENS Sign Installed:		Longitude:	
Passenger Service:		Lat/Long Source:	
Avg Passenger Train Count:	0	Quiet Zone:	
Adjacent Crossing with Separate Number:			

Private Crossing Information:

Category:

Specify Signs:

Public Access:

Specify Signals:

ST/RR A

ST/RR B

ST/RR C

ST/RR D

Railroad Use:

State Use:

Narrative:

Emergency Contact:

Railroad Contact:

State Contact:

Part II Railroad Information

Number of Daily Train Movements:		Less Than One Movement Per Day:	No
Total Trains:	12	Total Switching:	0
Typical Speed Range Over Crossing: From 45 to 50 mph		Day Thru:	6
Maximum Time Table Speed:			50
Type and Number of Tracks:	Main: 1 Other 4	Specify:	YARD
Does Another RR Operate a Separate Track at Crossing?			No
Does Another RR Operate Over Your Track at Crossing?			No

U.S. DOT - CROSSING INVENTORY INFORMATION

Crossing **434394S**

Continued

Effective Begin-Date of Record: **01/20/85**

End-Date of Record: **10/09/85**

Part III: Traffic Control Device Information

Signs:

Crossbucks: **2**
Advanced Warning: **No**
Pavement Markings: **No Markings**

Highway Stop Signs: **0**
Hump Crossing Sign:
Other Signs: **0** Specify:
0

Train Activated Devices:

Gates: **0**
Mast Mounted FL: **0**
Cantilevered FL (Over): **0**
Other Flashing Lights: **0**
Highway Traffic Signals: **0**
Other Train Activated
Warning Devices:
Channelization:
Track Equipped with
Train Signals? **Yes**

4 Quad or Full Barrier:
Total Number FL Pairs: **0**
Cantilevered FL (Not over): **0**
Specify Other Flashing Lights:
Wigwags: **0** Bells: **0**
Special Warning Devices Not
Train Activated:
Type of Train Detection: **None**
Traffic Light
Interconnection/Preemption:

Part IV: Physical Characteristics

Type of Development: **Industrial**
Number of Traffic Lanes
Crossing Railroad: **2**
Is Highway Paved? **No**
Crossing Surface: **UnConsolidated**
Nearby Intersecting
Highway? **N/A**
Does Track Run Down a
Street? **No**
Is Commercial Power Available? **Yes**

Smallest Crossing Angle: **30 to 59 Degrees**
Are Truck Pullout Lanes Present? **No**
If Other:
Is it Signalized?
Is Crossing Illuminated?

Part V: Highway Information

Highway System: **Non-Federal-aid**
Is Crossing on State
Highway System: **No**
Annual Average Daily
Traffic (AADT): **000352**
Estimated Percent Trucks: **07**
Posted Highway Speed: **0**

Functional Classification of
Road at Crossing: **Rural Local**
AADT Year:
Avg. No of School Buses per Day: **0**

U.S. DOT - CROSSING INVENTORY INFORMATION
AS OF 9/3/2013

Crossing No.: **434394S** Update Reason: **Changed Crossing** Effective Begin-Date of Record: **08/03/84**
Railroad: **UP Union Pacific RR Co. [UP]** End-Date of Record: **01/19/85**
Initiating Agency **State** Type and Position: **Public At Grade**

Part I Location and Classification of Crossing

Division:	CENTRAL	State:	AR
Subdivision:	VANBUREN	County:	FRANKLIN
Branch or Line Name:		City:	In OZARK
Railroad Milepost:	0464.77	Street or Road Name:	CITY RD
RailRoad I.D. No.:	S3240L0000	Highway Type & No.:	
Nearest RR Timetable Stn:	OZARK	HSR Corridor ID:	
Parent Railroad:		County Map Ref. No.:	91432
Crossing Owner:		Latitude:	
ENS Sign Installed:		Longitude:	
Passenger Service:		Lat/Long Source:	
Avg Passenger Train Count:	0	Quiet Zone:	
Adjacent Crossing with Separate Number:			

Private Crossing Information:

Category:	Public Access:		
Specify Signs:	Specify Signs:		
ST/RR A	ST/RR B	ST/RR C	ST/RR D
Railroad Use:			
State Use:			
Narrative:			

Emergency Contact: Railroad Contact: State Contact:

Part II Railroad Information

Number of Daily Train Movements:		Less Than One Movement Per Day:	No
Total Trains: 6	Total Switching: 0	Day Thru:	4
Typical Speed Range Over Crossing: From 45 to 50 mph		Maximum Time Table Speed:	50
Type and Number of Tracks: Main: 1 Other 4	Specify:	YARD	
Does Another RR Operate a Separate Track at Crossing?		No	
Does Another RR Operate Over Your Track at Crossing?		No	

U.S. DOT - CROSSING INVENTORY INFORMATION
AS OF 9/3/2013

Crossing No.: **434394S** Update Reason: **Changed Crossing** Effective Begin-Date of Record: **02/08/82**
Railroad: **UP Union Pacific RR Co. [UP]** End-Date of Record: **08/02/84**
Initiating Agency **State** Type and Position: **Public At Grade**

Part I Location and Classification of Crossing

Division:	CENTRAL	State:	AR
Subdivision:	VANBUREN	County:	FRANKLIN
Branch or Line Name:		City:	In OZARK
Railroad Milepost:	0464.77	Street or Road Name:	CITY RD
RailRoad I.D. No.:	S3240L0000	Highway Type & No.:	
Nearest RR Timetable Stn:	OZARK	HSR Corridor ID:	
Parent Railroad:		County Map Ref. No.:	91432
Crossing Owner:		Latitude:	
ENS Sign Installed:		Longitude:	
Passenger Service:		Lat/Long Source:	
Avg Passenger Train Count:	0	Quiet Zone:	
Adjacent Crossing with Separate Number:			

Private Crossing Information:

Category:	Public Access:		
Specify Signs:	Specify Signals:		
ST/RR A	ST/RR B	ST/RR C	ST/RR D
Railroad Use:			
State Use:			
Narrative:			

Emergency Contact: Railroad Contact: State Contact:

Part II Railroad Information

Number of Daily Train Movements:		Less Than One Movement Per Day:	No
Total Trains: 6	Total Switching: 0	Day Thru:	4
Typical Speed Range Over Crossing: From 45 to 50 mph		Maximum Time Table Speed:	50
Type and Number of Tracks:	Main: 1 Other 4	Specify:	YARD
Does Another RR Operate a Separate Track at Crossing?		No	
Does Another RR Operate Over Your Track at Crossing?		No	

U.S. DOT - CROSSING INVENTORY INFORMATION

Crossing **434394S**

Continued

Effective Begin-Date of Record: **08/03/84**

End-Date of Record: **01/19/85**

Part III: Traffic Control Device Information

Signs:

Crossbucks: **2**
Advanced Warning: **No**
Pavement Markings: **No Markings**

Highway Stop Signs: **0**
Hump Crossing Sign:
Other Signs: **0** Specify:
0

Train Activated Devices:

Gates: **0**
Mast Mounted FL: **0**
Cantilevered FL (Over): **0**
Other Flashing Lights: **0**
Highway Traffic Signals: **0**
Other Train Activated
Warning Devices:
Channelization:
Track Equipped with
Train Signals? **Yes**

4 Quad or Full Barrier:
Total Number FL Pairs: **0**
Cantilevered FL (Not over): **0**
Specify Other Flashing Lights:
Wigwags: **0** Bells: **0**
Special Warning Devices Not
Train Activated:
Type of Train Detection: **None**
Traffic Light
Interconnection/Preemption:

Part IV: Physical Characteristics

Type of Development: **Industrial**
Number of Traffic Lanes
Crossing Railroad: **2**
Is Highway Paved? **No**
Crossing Surface: **UnConsolidated**
Nearby Intersecting
Highway? **N/A**
Does Track Run Down a
Street? **No**
Is Commercial Power Available? **Yes**

Smallest Crossing Angle: **30 to 59 Degrees**
Are Truck Pullout Lanes Present? **No**
If Other:
Is It Signalized?
Is Crossing Illuminated?

Part V: Highway Information

Highway System: **Non-Federal-aid**
Is Crossing on State
Highway System: **No**
Annual Average Daily
Traffic (AADT): **000352**
Estimated Percent Trucks: **07**
Posted Highway Speed: **0**

Functional Classification of
Road at Crossing: **Rural Local**
AADT Year:
Avg. No of School Buses per Day: **0**

U.S. DOT - CROSSING INVENTORY INFORMATION

Crossing **434394S**

Continued

Effective Begin-Date of Record: **02/08/82**

End-Date of Record: **08/02/84**

Part III: Traffic Control Device Information

Signs:

Crossbucks: **2**
Advanced Warning: **No**
Pavement Markings: **No Markings**

Highway Stop Signs: **0**
Hump Crossing Sign:
Other Signs: **0** Specify:
0

Train Activated Devices:

Gates: **0**
Mast Mounted FL: **0**
Cantilevered FL (Over): **0**
Other Flashing Lights: **0**
Highway Traffic Signals: **0**
Other Train Activated
Warning Devices:
Channellization:
Track Equipped with
Train Signals? **Yes**

4 Quad or Full Barrier:
Total Number FL Pairs: **0**
Cantilevered FL (Not over): **0**
Specify Other Flashing Lights:
Wigwags: **0** Bells: **0**
Special Warning Devices Not
Train Activated:
Type of Train Detection: **None**
Traffic Light
Interconnection/Premotion:

Part IV: Physical Characteristics

Type of Development: **Industrial**
Number of Traffic Lanes
Crossing Railroad: **2**
Is Highway Paved? **No**
Crossing Surface: **UnConsolidated**
Nearby Intersecting
Highway? **N/A**
Does Track Run Down a
Street? **No**
Is Commercial Power Available? **Yes**

Smallest Crossing Angle: **30 to 59 Degrees**
Are Truck Pullout Lanes Present? **No**
If Other:
Is it Signalized?
Is Crossing Illuminated?

Part V: Highway Information

Highway System: **Non-Federal-aid**
Is Crossing on State
Highway System: **No**
Annual Average Daily
Traffic (AADT): **000210**
Estimated Percent Trucks: **07**
Posted Highway Speed: **0**

Functional Classification of
Road at Crossing: **Rural Major Collector**
AADT Year:
Avg. No of School Buses per Day: **0**

U.S. DOT - CROSSING INVENTORY INFORMATION
AS OF 9/3/2013

Crossing No.: 434394S	Update Reason: New Crossing	Effective Begin-Date of Record: 01/02/82
Railroad: UP Union Pacific RR Co. [UP]		End-Date of Record: 02/07/82
Initiating Agency Railroad	Type and Position: Public At Grade	

Part I Location and Classification of Crossing

Division: CENTRAL	State: AR
Subdivision: VANBUREN	County: FRANKLIN
Branch or Line Name:	City: In OZARK
Railroad Milepost: 0464.77	Street or Road Name: CITY RD
RailRoad I.D. No.: S3240L0000	Highway Type & No.:
Nearest RR Timetable Stn: OZARK	HSR Corridor ID:
Parent Railroad:	County Map Ref. No.: 91432
Crossing Owner:	Latitude:
ENS Sign Installed:	Longitude:
Passenger Service:	Lat/Long Source:
Avg Passenger Train Count: 0	Quiet Zone:
Adjacent Crossing with Separate Number:	

Private Crossing Information:

Category:	Public Access:
Specify Signs:	Specify Signals:
ST/RR A	ST/RR B
ST/RR C	ST/RR D
Railroad Use:	
State Use:	
Narrative:	

Emergency Contact:	Railroad Contact:	State Contact:
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Part II Railroad Information

Number of Daily Train Movements:		Less Than One Movement Per Day: No
Total Trains: 6	Total Switching: 0	Day Thru: 4
Typical Speed Range Over Crossing: From 45 to 50 mph		Maximum Time Table Speed: 50
Type and Number of Tracks: Main: 1 Other: 4	Specify: YARD	
Does Another RR Operate a Separate Track at Crossing?		No
Does Another RR Operate Over Your Track at Crossing?		No

U.S. DOT - CROSSING INVENTORY INFORMATION

Crossing **434394S**

Continued

Effective Begin-Date of Record: **01/02/82**

End-Date of Record: **02/07/82**

Part III: Traffic Control Device Information

Signs:

Crossbucks: **2**
Advanced Warning: **No**
Pavement Markings: **No Markings**

Highway Stop Signs: **0**
Hump Crossing Sign:
Other Signs: **0** Specify:
0

Train Activated Devices:

Gates: **0**
Mast Mounted FL: **0**
Cantilevered FL (Over): **0**
Other Flashing Lights: **0**
Highway Traffic Signals: **0**
Other Train Activated
Warning Devices:
Channelization:
Track Equipped with
Train Signals? **Yes**

4 Quad or Full Barrier:
Total Number FL Pairs: **0**
Cantilevered FL (Not over): **0**
Specify Other Flashing Lights:
Wigwags: **0** Bells: **0**
Special Warning Devices Not
Train Activated:
Type of Train Detection: **None**
Traffic Light
Interconnection/Preemption:

Part IV: Physical Characteristics

Type of Development: **Industrial**
Number of Traffic Lanes
Crossing Railroad: **2**
Is Highway Paved? **No**
Crossing Surface: **UnConsolidated**
Nearby Intersecting
Highway? **N/A**
Does Track Run Down a
Street? **No**
Is Commercial Power Available? **Yes**

Smallest Crossing Angle: **30 to 59 Degrees**
Are Truck Pullout Lanes Present? **No**
If Other:
Is it Signalized?
Is Crossing Illuminated?

Part V: Highway Information

Highway System: **Non-Federal-aid**
Is Crossing on State
Highway System: **No**
Annual Average Daily
Traffic (AADT): **000210**
Estimated Percent Trucks: **07**
Posted Highway Speed: **0**

Functional Classification of
Road at Crossing: **Rural Major Collector**
AADT Year:
Avg. No of School Buses per Day: **0**

U.S. DOT - CROSSING INVENTORY INFORMATION
AS OF 9/3/2013

Crossing No.:	434394S	Update Reason:	New Crossing	Effective Begin-Date of Record:	01/01/70
Railroad:	UP Union Pacific RR Co. [UP]	End-Date of Record:	01/01/82		
Initiating Agency	Original	Type and Position:	Public At Grade		

Part I Location and Classification of Crossing

Division:	CENTRAL	State:	AR
Subdivision:	VANBUREN	County:	FRANKLIN
Branch or Line Name:		City:	In OZARK
Railroad Milepost:	0464.77	Street or Road Name:	CITY RD
RailRoad I.D. No.:	S3240L0000	Highway Type & No.:	
Nearest RR Timetable Stn:	OZARK	HSR Corridor ID:	
Parent Railroad:		County Map Ref. No.:	91432
Crossing Owner:		Latitude:	
ENS Sign Installed:		Longitude:	
Passenger Service:		Lat/Long Source:	
Avg Passenger Train Count:	0	Quiet Zone:	
Adjacent Crossing with Separate Number:			

Private Crossing Information:

Category:	Public Access:		
Specify Signs:	Specify Signals:		
ST/RR A	ST/RR B	ST/RR C	ST/RR D
Railroad Use:			
State Use:			
Narrative:			

Emergency Contact:	Railroad Contact:	State Contact:
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Part II Railroad Information

Number of Daily Train Movements:	Less Than One Movement Per Day:	No
Total Trains: 6	Total Switching: 0	Day Thru: 4
Typical Speed Range Over Crossing: From 45 to 50 mph	Maximum Time Table Speed:	50
Type and Number of Tracks: Main: 1 Other 4	Specify:	YARD
Does Another RR Operate a Separate Track at Crossing?		No
Does Another RR Operate Over Your Track at Crossing?		No

U.S. DOT - CROSSING INVENTORY INFORMATION

Crossing **434394S**

Continued

Effective Begin-Date of Record: **01/01/70**

End-Date of Record: **01/01/82**

Part III: Traffic Control Device Information

Signs:

Crossbucks: **1**
Advanced Warning: **No**
Pavement Markings: **No Markings**

Highway Stop Signs: **0**
Hump Crossing Sign:
Other Signs: **0** Specify:
0

Train Activated Devices:

Gates: **0**
Mast Mounted FL: **0**
Cantilevered FL (Over): **0**
Other Flashing Lights: **0**
Highway Traffic Signals: **0**
Other Train Activated
Warning Devices:
Channelization:
Track Equipped with
Train Signals? **Yes**

4 Quad or Full Barrier:
Total Number FL Pairs: **0**
Cantilevered FL (Not over): **0**
Specify Other Flashing Lights:
Wigwags: **0** Bells: **0**
Special Warning Devices Not
Train Activated:
Type of Train Detection: **None**
Traffic Light
Interconnection/Preemption:

Part IV: Physical Characteristics

Type of Development: **Industrial**
Number of Traffic Lanes
Crossing Railroad: **2**
Is Highway Paved? **No**
Crossing Surface: **UnConsolidated**
Nearby Intersecting
Highway? **N/A**
Does Track Run Down a
Street? **No**
Is Commercial Power Available? **Yes**

Smallest Crossing Angle: **30 to 59 Degrees**
Are Truck Pullout Lanes Present? **No**
If Other:
Is it Signalized?
Is Crossing Illuminated?

Part V: Highway Information

Highway System: **Non-Federal-aid**
Is Crossing on State
Highway System: **No**
Annual Average Daily
Traffic (AADT): **000210**
Estimated Percent Trucks: **07**
Posted Highway Speed: **0**

Functional Classification of
Road at Crossing: **Rural Major Collector**
AADT Year:
Avg. No of School Buses per Day: **0**

EXHIBIT R-2
FRA DIGITAL MAP

Crossings	County
-----------	--------

1:5,336

Go

Results

Map Contents

FRASafety

 Zip Codes

(4)  All Populated Places

☒ Population 50 to 500 Thousa

☐ ☒ Major Cities

☒ Population Under 50 Thousand

 Mileposts

 Grade Crossing

 Amtrak Stations

  **Freight Stations**

☒ STRACNET & Connectors

Ⓢ Ⓛ BNSF: Burlington Northern S

④ ☐ CN: Canadian National

Ⓢ Ⓜ CPRS: Canadian Pacific

☒ ☐ CSXT: CSX Transportation

 KCS: Kansas City Southern

⊕  NS: Norfolk Southern

☒ ☐ UP: Union Pacific

④ Rail: CN & MX

③  Rail US

(3) ☒ Rail Non - Main

☒ ☐ Rail - Abandon

☐ ☒ Rail Main Lines
☐ ☒ FRA Subdivision☐ ☒ FRA Subdivision
☐ ☒ States Highway

☐ ☒ Major Highways

☐ ☒ Secondary Highways

Secondary Highways

3/17/2013

EXHIBIT S
AH&TD'S ARKANSAS RAIL PROGRAM

61

Rail Corridor/~~g~~grade Crossing Consolidation Program

Arkansas

February 4, 1998

Introduction

The Arkansas State Highway and Transportation Department (AHTD) and railroad companies have considered the closing of railroad crossings in the federal-aid Rail/Highway Safety Program for many years. The closing of a crossing is always an option considered during diagnostic reviews of rail/highway crossings proposed for safety improvements.

Jurisdiction and Legal Authority

The Arkansas State Highway Commission has the authority to administer the federal-aid Rail/Highway Safety Program. This function is performed ~~through~~ ^{recommendations by} the Traffic Safety Section of the Programs and Contracts Division. The Commission does not support the enactment of new laws to provide mandatory crossing closures. However, these laws are promoted and supported by various railroad companies. The Commission is not certain of its present legal authority to mandate a closure nor is it willing to establish a test case to interpret current statutes. Therefore, consolidation must be voluntary, resulting from effective promotion of consolidation benefits.

Process

The AHTD approaches the closure of a crossing as a cooperative arrangement between a railroad company, local officials, and the AHTD. The process comprises several steps which are:

- Since railroad companies are major proponents for crossing closures, they continually discuss potential closings with local officials. In these efforts, they seek out the designated official as well as other civic leaders, community leaders, and proponents of the consolidation/closure action. The railroad also attempts to identify adverse issues or players in order to investigate possible solutions or mitigation items.
- If the local officials are interested in pursuing closing a crossing, the railroad company notifies the AHTD and discusses the situation.
- The AHTD arranges a formal meeting between the railroad, the local officials, and the Federal Railroad Administration, if available to attend. At the meeting, the AHTD presents information about the potential safety benefits, the upgrading of other crossings, and the impacts of traffic diversions. Cost estimates and funding sources are also discussed. Issues that might adversely affect the implementation of the proposal are identified so that these can be addressed.
- If the local officials agree to the closure, development of a complete project to close the crossing and upgrade other crossings is initiated. If the local officials do not agree to the closure, they are asked to reconsider the proposal at a future time to determine if the decision is still appropriate.

Candidates for Closure/Consolidation

State highways serve intrastate interests and in many areas have no alternate routes with nearby crossings. Therefore, the AHTD and railroads do not consider state highways as candidates for crossing consolidation or closure. However, the AHTD is replacing existing crossings with grade separations in many of the high priority corridor improvements as a routine practice. The main focus of current consolidation efforts is therefore, toward the county road and city street system.

Consolidation Status

Successes

In the past five years, sixteen crossings in nine cities have been closed.

Pending

The AHTD has the support of two cities and is developing two projects which will upgrade four crossings and close four crossings.

Under Discussion

A major program has been proposed for the City of Ashdown in southwest Arkansas. It includes closing 15 of 31 crossings in the city at an estimated cost of \$2.1 million. Twelve of the proposed closures would result from the removal of the rail lines as a result of consolidation of trackage and operations between the Kansas City Southern and Kiamichi Railroads.

The AHTD has made presentations to six other communities this year without immediate results. However, the AHTD hopes that the presentations will eventually result in crossing consolidation would result. None of these communities have accepted the proposals that were presented.

EXHIBIT T
MAYOR BRILEY'S 1984 LETTER

MAYOR, GARY BRILEY
CITY CLERK, DONNA STACY
ATTORNEY, DAVID GIBBONS
JUDGE, JOE RAMOS

CITY OF OZARK
IN THE OZARKS - ON THE ARKANSAS

OZARK, ARKANSAS 72949

ALDERMEN
DON EL WHITSON NORMAN POWELL
WALTER HOLLEY LAWRENCE TRUITT
JACK RANDALL KENNETH WARDEN, JR.

January 24, 1984

R. A. Thull, Trainmaster
620 South 13th Street
Van Buren, Arkansas 72956

Dear Mr. Thull:

The City of Ozark, Arkansas, request that Missouri Pacific Railroad give to the City the depot station located in Ozark, Arkansas.

The City of Ozark would like to know how much property located east and west of the depot station could be used for parking?

Again if this request is granted the City of Ozark will construct a decorative and safety fence between the depot station and Missouri Pacific Railroad's tracts.

This fence will be constructed on the location designated by Missouri Pacific Railroad Officials.

Sincerely yours

Gary E. Briley
Gary L. Briley, Mayor
City of Ozark
Ozark, Arkansas 72949

Copy

EXHIBIT U-1
MAYOR HUDSPETH'S 1987 LETTER

CITY OF OZARK

IN THE OZARKS - ON THE ARKANSAS

ALDERMEN

MAYOR, W. A. "BILL" HUDSPETH
CITY CLERK, DONNA STACY
ATTORNEY, JONAH T. "TED" YATES
JUDGE, JOSEPH RAMOS

OZARK, ARKANSAS 72949

February 2, 1987

BOBBY D. SELLS NORMAN POWELL
WALTER HOLLEY BILLY JIM KELLY
REX ANDERSON KENNETH WARDEN, JR.

Mr. John Dunsworth
Gen. B & B. Supervisor
4108 Gardner Ave.
Kansas City, Mo. 64120

Re: Depot Building
Ozark, Ar
M.P. 464.8

Dear Sir:

This is the official offer by the City of Ozark for the purchase of the Depot for the amount of \$1.00. Please advise to whom the check is to be made, and in what way we may cooperate with your legal department to expedite this matter.

This also confirms we are to build a six-foot chain link fence to your specifications and will start renovation and restorations as soon as possible.

Sincerely,



W. A. Hudspeth
Mayor of Ozark

EXHIBIT U-2
MR. DUNSWORTH'S 1987 LETTER

Kansas City - February 9, 1987

Mr. R.D. Naro - Kansas City

Sir:

Please find the attached bid from the City of Ozark, Arkansas, to purchase existing stone depot at Ozark, Arkansas. The City of Ozark will install a six foot chain-link security type fence around this structure and will begin renovation immediately on this building.

The attached drawing, File #CD2-619A dated September 10, 1984, has heavy black marked area that the City of Ozark wishes to purchase or have long term lease with the depot building. The City Attorney for City of Ozark has necessary deed and legal papers to accomplish this with cooperation of our legal department of Land and Leases.

This project was started in 1984 between L.D. Smith, then Division Superintendent, and the City of Ozark but apparently had problems with land purchase and not handled to conclusion.

It is my recommendation that we accept the \$1.00 bid for depot and property and have legal department proceed at upmost dispatch to accomplish this sale.

There are several civic organizations that have pledged time and resources to restore this building and the people are very serious about this project. I met personally with the Mayor and several local individuals who stated their willingness to help restore the depot.

Thank you for your support and help in this project.

jed/k

(Attachments)

CC: B.D. Banion
W.A. Hudspeth - City of Ozark ✓

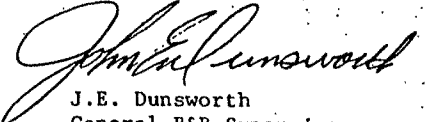

J.E. Dunsworth
General B&B Supervisor

EXHIBIT V
MR. MAYER'S 1997 LETTER

R. D. UHRICH
ASSISTANT VICE PRESIDENT

ROOM 1100, 1416 DODGE STREET
OMAHA, NEBRASKA 68179-1100
(402) 271-3753
FAX (402) 271-5493

UNION PACIFIC RAILROAD COMPANY

CONTRACTS & REAL ESTATE DEPARTMENT



J. A. ANTHONY
DIRECTOR-CONTRACTS &
JOINT FACILITIES
D. D. BROWN
DIRECTOR-REAL ESTATE
J. L. HAWKINS
DIRECTOR-OPERATIONS SUPPORT
D. H. LIGHTWINE
DIRECTOR-REAL ESTATE

June 30, 1997

General

Ms. Sandra Key
Main Street Ozark
P. O. Box 253
Ozark, AR 72949

RE: Former Union Pacific Depot at Ozark, Arkansas

This will confirm our recent telephone discussions regarding Union Pacific Railroad Company's donation of its former depot in Ozark.

As discussed, the depot was donated to the City of Ozark in 1987 and thereafter retired from the Railroad's records.

If you have any questions contact the undersigned at (402) 997-3630.

Sincerely,

R. L. Mayer
Manager - Real Estate

Con. \$750.00 ✓	Date	10	17	1967	Reg. ✓	Dow. in D.	N. P. ✓
Lien	Ack.	"	"	"	Def.	Dow. in A.	J. P.
Int. Con. All Pt.	Filed	10	26	1967	All Ack.	H'ms't'd D.	Cl'k.
Co. Seal	Time				Of. Seal ✓	H'ms't'd A.	Wife Ex.

Josephine Oliver, also known as Josephine B. Oliver, a widow, survivor of an estate by the entirety.

To

United States of America

Grant, Bargain, Sell and Convey and Confirm; Release and Forever Quit Claim.
Subject to

NE				NW				SE				SW				Franklin County, Ark.			
NE	NW	SE	SW	NE	NW	SE	SW	NE	NW	SE	SW	NE	NW	SE	SW	SEC.	TWP.	RANGE	ACRES
TRACT NO. 239, OZARK LOCK AND DAM																			
(See description attached hereto and made a part hereof)																			
(\$1.40 Revenue Stamp Attached.)																			
TRACT No. 239																			
A tract of land situated in the County of Franklin, State of Arkansas, being pt. of Lot 2 and Lot 3 in Block 1 of Quail's Addition to the town of Ozark, Arkansas, being pt. of the Fr 1 NE $\frac{1}{4}$ of the Fr $\frac{1}{4}$ SW $\frac{1}{4}$ of Fr 1 36 10 27 of the Fifth Principal Meridian, and being more particularly described as follows:																			
Beginning on the east line of said Lot 2 at a point 75 feet north of the se cor thereof; thence S 02° 09' west 142 feet along said east line and the southerly extension thereof to the se cor of the tract; thence N 86° 23' west 206 feet to the sw cor of the tract; thence N 02° 51' east 155 feet																			

EXHIBIT W
RESOLUTION 1988-2

RESOLUTION 1988-2

A RESOLUTION AUTHORIZING PARTICIPATION IN THE MAIN STREET ARKANSAS SMALL CITIES PROGRAM AND DESIGNATING A CITY REPRESENTATIVE TO COORDINATE ALL PROGRAM ACTIVITIES.

WHEREAS the Main Street Arkansas Small Cities Program has been created to assist small cities to develop a public-private effort to revitalize their downtown areas, and up to two Arkansas Cities will be selected to participate in the project in 1988.

NOW THEREFORE, be it resolved by the City Council of the City of Ozark.

SECTION 1. That the City of Ozark apply for selection to participate in the 1988 Main Street Arkansas Small Cities Program with the specific goal of economic revitalization of the central business district within the context of the preservation and rehabilitation of its historic buildings.

SECTION 2. That the City of Ozark provide financial or in-kind support for a Main Street project.

SECTION 3. That the City will appoint an official representative to coordinate activities with the Main Street project manager.

PASSED, APPROVED AND ADOPTED THIS 12th day of April, 1988



Mayor

ATTEST



City Clerk

APPROVED AS TO LEGAL FORM:



CITY ATTORNEY

MAIN STREET ARKANSAS SMALL CITIES PROGRAM APPLICATION

CITY Ozark

COUNTY Franklin

Mailing Address:

P. O. Box 253

Telephone Number 667-2238

Name and Title of person preparing this application:

Signature Thomas C. Dangers

Name Thomas C. Dangers

Title Chairman

PUBLIC OFFICIAL CERTIFICATION

I hereby certify that the city of

Ozark

(Name of City)

endorses the submission of this application and agrees to participate in the development of the local Main Street project.

Signature W. A. Hudspeth

Name W. A. Hudspeth

Title (Mayor/City Manager) Mayor

MAIN STREET ARKANSAS SMALL CITIES PROGRAM APPLICATION

CITY Ozark

COUNTY Franklin

Mailing Address:

P. O. Box 253

Telephone Number 667-2238

Name and Title of person preparing this application:

Signature Thomas C. Dangers

Name Thomas C. Dangers

Title Chairman

PUBLIC OFFICIAL CERTIFICATION

I hereby certify that the city of

Ozark

(Name of City)

endorses the submission of this application and agrees to participate in the development of the local Main Street project.

Signature W. A. Hudspeth

Name W. A. Hudspeth

Title (Mayor/City Manager) Mayor

EXHIBIT X-1
MSO' PROPOSED BY-LAWS

B Y - L A W S
MAIN STREET OZARK, INC.
PROGRAM

BOARD OF DIRECTORS

Bob Hightower	667-3686
Rex Anderson	667-1144
Bob Bevil	667-2136
George Lindley	667-2159
Lonnie Turner	667-2155
John Gossage	667-4113
Alice Robison	667-4135

BY-LAWS OF
MAIN STREET OZARK, INC. PROGRAM

Article I
NAME AND OFFICE OF CORPORATION

- 1.01 The name of the Corporation shall be "Main Street Ozark."
- 1.02 The registered office of the Corporation shall be located in the City of Ozark, Arkansas, or at such other place within the State of Arkansas as may, from time to time, be fixed and determined by the Board of Directors.

Article II
STATEMENT OF PURPOSE AND DEFINITION OF DESIGNATED AREA

- 2.01 The purpose of the Corporation shall be:
 1. To encourage the development, redevelopment, promotion, and improvement of the downtown area in Ozark, AR;
 2. To conduct seminars and other educational programs concerning development, redevelopment, promotion, and improvement of the downtown area in general;
 3. To provide a forum for members of the Corporation to share knowledge, common experience, and problems with development and redevelopment;
 4. To promote and encourage the implementation of more effective, comprehensive legal and financing techniques and devices that will further the development, redevelopment, promotion, and improvement of the downtown area of Ozark, AR;
 5. To purchase or otherwise acquire, own, lease, operate, manage and sell or otherwise dispose of real or personal property;
 6. To receive, administer and disburse funds in connection with any activities related to the above purposes; provided, however, that the Corporation shall only engage in activities that are in the purview of Section 501(c)(3) of the Internal Revenue Code of 1954, as now or hereinafter amended. No part of the net earnings of the Corporation shall inure to the benefit of any of its members or any other individual; and the Corporation shall not participate in, or intervene in, any political campaign on behalf of any candidate for public office.

- 2.02 The area with which the Corporation shall initially be concerned is defined as the downtown business district of the City of Ozark, AR, as is more specifically defined on the attached map. Revisions of these boundaries, and the area defined as the concern of the Corporation, may be made at future dates, in accordance with the provisions for the amendment of these By-Laws.

Article III MEMBERSHIP

- 3.01 Eligibility. Any individual owning commercial property or owning a business located within the area serviced by the Corporation, and also all other interested persons, shall be eligible for membership in the Corporation.
- 3.02 Election of members. Any individuals may become a member of the Corporation by filling an application in such form as the Board of Directors shall prescribe. Applications must then receive the affirmative vote of a majority of the total number of Directors of the Corporation before the applicant becomes a voting member.
- 3.03 Voting. Each member shall be entitled to one vote. The Board of Directors may, in its discretion, suspend the voting privileges of any member who has been and remains in default of any financial obligations to the Corporation, said suspension of voting privileges to be reinstated automatically upon payment of all obligations to the Corporation by the defaulting member.
- 3.04 Any member may resign at any time by submitting notice of resignation to the Secretary.
- 3.05 The manager of the program will be a non-voting member of the Board of Directors.

Article IV MEETING OF MEMBERS

- 4.01 Meetings of the members shall be held at such place and time, either within or without the State of Arkansas as may be fixed by the Board of Directors.
- 4.02 The annual meeting of the members shall be held during the month of FEBRUARY each year on a date and at a place fixed by the chairman, or in his absence or refusal by the Board of Directors. A report of the meeting and of the activities of the Corporation for the preceding year shall be sent to all members following the annual meeting.

- 4.03 Special meetings of the members may be called by the chairman, the Board of Directors, or upon written application of ten (10%) per cent of the members of the Corporation.
- 4.04 Written notice of each meeting of the membership, stating the place, date, and hour of the meeting and in the case of a special meeting the purpose or purposes for which the meeting is called, shall be delivered not less than ten (10) nor more than fifty (50) days before the date of the meeting, either personally, or by mail. Any member may waive notice of the meeting.

Article V BOARD OF DIRECTORS

- 5.01 The Corporation shall be governed by a Board of 7 Directors. The initial Board of Directors shall be those persons set forth in the Petition for Incorporation. The initial Board shall select such additional persons as is necessary in order to comprise the total number of authorized directors stated herein. The term of office of each director shall be three (3) years, except that the term of office of each member of the first Board of Directors shall be determined among themselves so that the term of office of one-third (1/3) of the total number of directors shall terminate each year for the first three (3) years. New directors shall be elected at each annual meeting to fill the vacancies created by the directors whose term of offices has terminated. Each director shall continue to hold office, however, for the term for which he is elected, and he shall continue to hold office until his successor shall have been elected and qualified. Directors in office may serve no more than two (2) consecutive terms.
- 5.02 Vacancies in office. Any vacancy occurring in the Board of Directors during a term of office may be filled by the affirmative vote of a majority of the remaining members of the Board. A director elected to fill a vacancy shall be elected for the unexpired term of the predecessor in office. Any director may resign by submitting written notice of resignation to the Secretary. Any director may be removed from office at any time, with or without cause, by the affirmative vote of two-third (2/3) of the total number of directors.

Article VI MEETINGS OF BOARD OF DIRECTORS

- 6.01 Meetings and notices. The Board of Directors of the Corporation may hold meetings, both regular and special, either within or without the State of Arkansas. Regular meetings shall be held not less than quarterly and immediately following the annual meeting of the membership for the purpose of election of officers. Special meetings of the Board may be called by the Chairman, or by the Board of Directors, or by the Executive Committee, or by the five or more directors. Written

notice of the time, place and agenda of both regular and special meetings shall be given to each director either by personal delivery or by mail, telephone or cable-gram at least two (2) days before the meeting.

- 6.02 Quorum. A simple majority of the total number of directors shall constitute a quorum for the transaction of business at any meeting of the Board. The act of a majority of directors present at a meeting at which a quorum is present shall be the act of the Board of Directors. If a quorum is not present at any meeting then the directors attending shall have authority only to adjourn the meeting from time to time, without notice other than announcement at the meeting, until a quorum shall be present.
- 6.03 Any action required or permitted to be taken at a meeting of the Board of Directors may be taken without a meeting if consent in writing, setting forth the action so taken, shall be signed by a majority of the directors.

Article VII COMMITTEES

- 7.01 The Board of Directors may designate or appoint one or more committees, including without limitation an executive committee. Each committee shall consist of one or more directors and shall have and exercise such authority in the management of the Corporation as may, from time to time, be delegated by the Board of Directors. The Board may also appoint other committees which do not have the right to exercise any authority in the management of the Corporation. The designation and delegation of any authority by the Board to any committee shall not operate to relieve the Board of Directors, or any individual director, of any responsibility in the management of the Corporation.

Article VIII OFFICES

- 8.01 The officers of the Corporation shall be elected annually by the Board of Directors and shall consist of a Chairman, one or more Vice-Chairman, a Secretary and a Treasurer. The directors may consult and/or hire a Project Manager and such other persons as it may deem advisable from time to time.
- 8.02 The Board of Directors may require any of the officers or employees of the Corporation to give bond to the Corporation with sufficient sureties, approved by the Board of Directors, conditioned upon the faithful performance of the duties of their respective officers or employments.

- 8.03 Any officer elected or appointed by the Board of Directors may be removed at any time, with or without cause, by the affirmative vote of two-third (2/3) of the directors in office. Any office of the Corporation (other than a vacancy resulting from the normal expiration of a term of office) shall be filled by the Board of Directors as soon as practicable.
- 8.04 The Chairman. The chairman shall be the chief executive officer of the Corporation and shall preside at meetings of the Board of Directors and at meetings of the members:
- 8.05 The Vice- Chairman. The Vice-Chairman shall respectively have such powers and perform such duties as may be assigned to him by the Board or the Chairman. In the absence or disability of the Chairman, the Vice-Chairman shall perform the duties and exercise the power of the Chairman.
- 8.06 The Secretary. The secretary shall keep the minutes of all meetings of the Board of Directors, and shall give such notices of meetings of the Board and membership as may be required by the By-Laws, and shall perform such other duties as shall be assigned from time to time by the Board of Directors and the Chairman.
- 8.07 The Treasurer. The treasurer shall have custody of the corporate funds and securities and shall keep full and accurate accounts of receipts and disbursements. The Treasurer shall be responsible for depositing all monies in the name of the Corporation and shall be responsible for disbursement of funds in accordance with directions received from the Board of Directors. A report of accounts shall be given at each meeting of the Board. The books of accounts of the Corporation shall be open and subject to inspection by any member of the Board and by the Project Manager at any time.
- 8.08 The Project Manager. The project Manager shall be an employee of the Corporation and shall be accountable to the Board of Directors. He shall be in charge of the general management of the affairs and property of the Corporation and shall see that all orders and resolutions of the Board are carried out. The salary of the Project Manager shall be in such amount as may be set from time to time by the Board of Directors.

Article IX CONTRACTS, CHECK, DEPOSITS AND FUNDS

- 9.01 Unless the Board of Directors authorizes execution in some other manner, all checks, drafts and other instruments for the payment of money, and all instruments of transfer of securities, shall be signed in the name and behalf of the Corporation by the Treasurer and Chairman (or in the absence of the Chairman by a Vice-Chairman). All instruments of transfer of property, real and personal, other than securities, and all contracts and agreements, shall be signed by Chairman (or Vice-Chairman) and the Secretary. The Board of Directors may authorize and empower

one or more officers or agents of the Corporation to execute and deliver any and all papers and documents or to do other acts or things on behalf of the Corporation, including any requirements in dealine with Governmental authorities.

9.02 Deposits. All funds of the Corporation shall be deposited within two (2) business days upon receipt to the credit of the Corporation in such banks, trust companies, or other depositories as the Board of Directors may from time to time select.

9.03 Gifts. The Board of Directors may accept on behalf of the Corporation any contribution, gift, bequest, or devise for the general purposes or for any special purpose of the Corporation.

Article X Dues

10.01 The Board of Directors shall prepare an annual budget each year, and shall review, from time to time, the amount of annual pledges (dues) made payable to the Corporation by each member.

Article XI FISCAL YEAR

11.01 The fiscal year of the Corporation shall begin on the first day of January and shall end on the last day of December each year.

Article XII SEAL

12.01 The corporate seal shall consist of two concentric circles between which shall be written the name of the Corporation and the year of incorporation, and in the center shall be inscribed the words "CORPORATE SEAL ARKANSAS."

Article XIII AMENDMENT

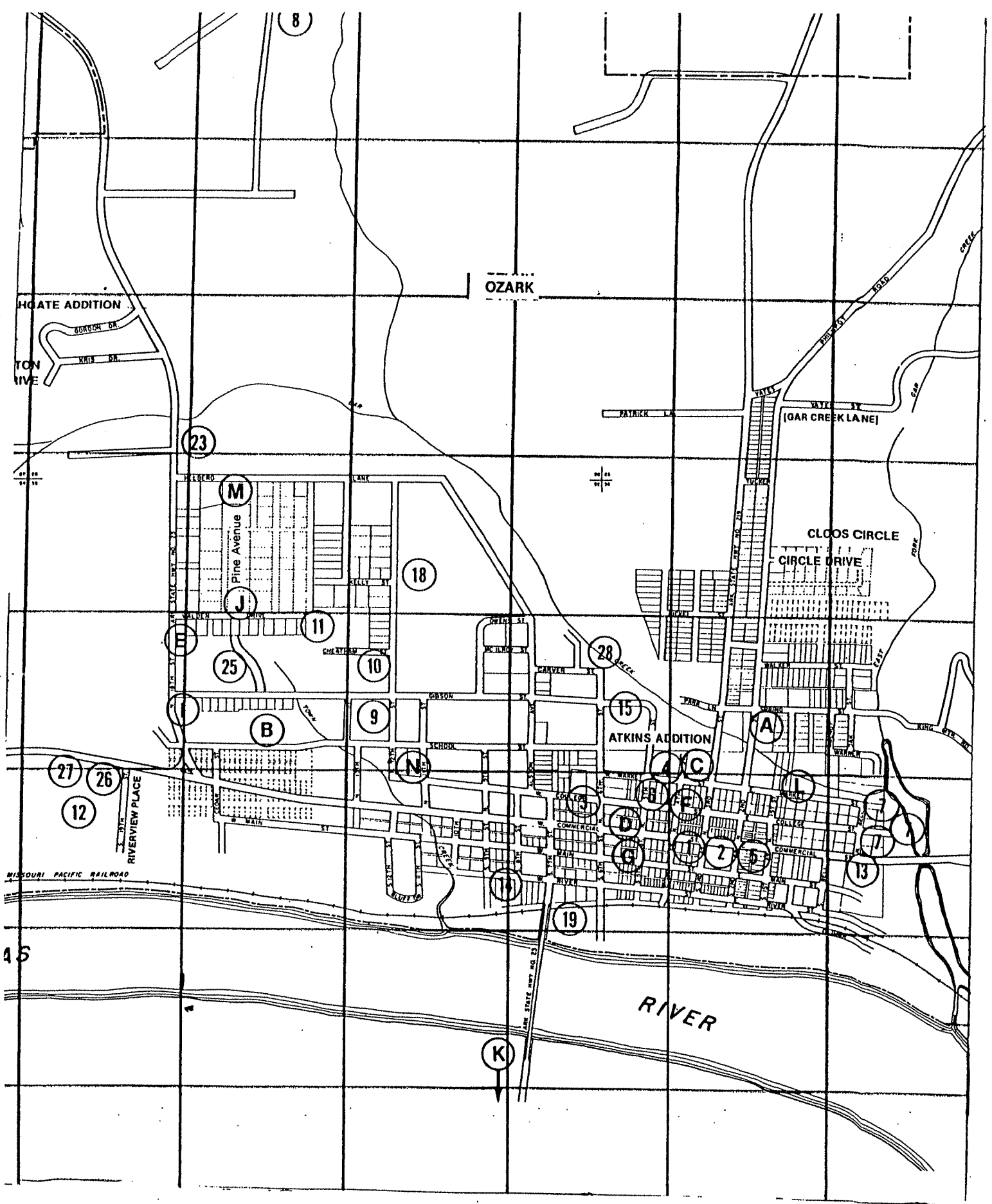
13.01 These By-Laws may be altered, amended or repealed, and new By-Laws may be adopted by a majority of the total number of directors in office, at any regular or special meeting called for that purpose, provided that no such action shall be taken if it would in any way adversely affect the Corporation's qualification under Section 501 (c)(3) of the Internal Revenue Code of 1954 (or any successor provision

Article XIV DISSOLUTION

14.01 Upon the dissolution of the Corporation, the Board of Directors shall, after paying or making provision for the payment of any and all of the liabilities of the Corporation, dispose of all the assets of the Corporation exclusively for the purposes of

the Corporation in such manner, or to such organizations organized and operated exclusively for charitable, educational, religious, or scientific purposes as shall at that time qualify as an exempt organization or organizations under Section 501(c)(3) of the Internal Revenue Code of 1954 (or the corresponding provision of any future United States Internal Revenue Law), as the Board of Directors shall determine. Any such assets not so disposed of shall be disposed of by the City of Ozark, AR. In the event of dissolution, the residual assets of the Corporation will be turned over to one or more organizations which themselves are exempt as organizations described in Section 501(c)(3) and 170(c)(2) of the Internal Revenue Code of 1954 or corresponding sections of any subsequent or future law, or to the Federal, State, or Local government for exclusive public purpose.

Adopted: _____, 19



HISTORIC PRESERVATION COMMISSION

BY-LAWS

BOARD OF COMMISSIONERS

NORMAN POWELL	667-3576
ALBERT HABERER	667-3734
MARY GOBER	667-2781
GREG MCKENZIE	667-2151
BRENDA MANN	667-4141
ANN WIGGINS	667-2716



Office - Bank of Ozark Annex
P.O. Box 253
Ozark, Arkansas 72949

Thomas C. Dangers
Program Manager

(AC 501)
Tele. No. 667-5337

BY-LAWS

NAME AND OFFICE OF HISTORIC PRESERVATION COMMISSION

The registered office of the Commission shall be located in the City of Ozark, AR, or at such other place within the State of Arkansas as may, from time to time, be fixed and determined by the Commissioners.

STATEMENT OF PURPOSE AND DEFINITION OF DESIGNATED AREA

The purpose the Commission shall be:

1. To encourage the development, redevelopment, promotion, improvement of the area of Ozark, AR;
2. To conduct seminars and other educational programs concerning redevelopment, promotion, and improvement of the area in general;
3. To provide a forum for members of the Commission to share knowledge, common experience, and problems with Historic redevelopment;
4. To promote and encourage the implementation of more effective, financing techniques and devices that will further the redevelopment, promotion, and improvement of the area of Ozark, AR;
5. To receive, administer and disburse funds in connection with any activities related to the above purposes; provided, however, that the Commission shall only engage in activities that are in the pervue of Section 501(c)(3) of the Internal Revenue Code of 1954, as now or hereinafter amended. No part of the net earnings of the Commission shall inure to the benefits of any of its members or any other individual; and the Commissioners shall not participate in, or intervene in, any political campaign on behalf of any candidate for public office.

The area with which the Commission shall intially be concerned is defined as the City of Ozark, AR, on the attached map. Revisions of these boundaries, and the area defined as the concern of the Commission may be made at future dates, in accordance with the provisions for the amendment of these By-Laws.

BOARD OF COMMISSIONERS

1. The Commission shall be governed by a Board of 6. The initial Board of Commissioners shall be those persons named at the beginning of these By-Laws. The initial Board shall select such additional persons as is necessary in order to comprise the total number of authorized Commissioners stated herein. The term of office of each member of the first Board of Commissioners shall be determined among themselves so that the term of office of one-third ($1/3$) of the first three (3) years. New Commissioners shall be elected at each annual meeting to fill the vacancies created by the Commissioners, whose term of office, however, for the term for which he is elected, and he shall continue to hold office until his successor shall have been elected and qualified. Commissioners in office may serve no more than two (2) consecutive terms.
2. Vacancy in office. Any vacancy occurring in the Board of Commissioners during a term of office may be filled by the affirmative vote of a majority of the remaining members of the Commission. A Commissioner elected to fill a vacancy shall be elected for the unexpired term of the predecessor in office. Any Commissioner may be removed from office at any time, with or without cause, by the affirmative vote of two-thirds ($2/3$) of the total number of Commissioners.

MEETINGS OF BOARD OF COMMISSIONERS

1. Meetings and notices. The Board of Commissioners of the Commission may hold meetings, both regular and special, either within or without the State of Arkansas. Regular meetings shall be held not less than quarterly and immediately following the annual meeting of the Commission for the purpose of election of officers. Special meetings of the Board may be called by the Chairman, or by the Board of Commissioners, or by the Executive Committee, or by five or more Commissioners. Written notice of the time place and agenda of both regular and special meetings shall be given to each director either by personal delivery or by mail, telephone or cable-gram at least two (2) days before the meeting.
2. Quorum. A simple majority of the total number of 6 shall constitute a quorum for the transaction of business at any meeting of the Commission. The act of a majority of Commissioners present at a meeting at which a quorum is present at any meeting then the Commissioners attending shall have authority only to adjourn the meeting from time to time, without notice other than announcement at the meeting, until a quorum shall be present.
3. Any action required or permitted to be taken at a meeting of the Board of Commissioners may be taken without a meeting if consent in writing, setting forth the action so taken, shall be signed by a majority of the Commissioners.

The Project Manager of the program will be non-voting member of the Board of Commissioners.

MEETING OR COMMISSION

1. Meetings shall be held at such place and time, either within or without the State of Arkansas as may be fixed by the Board of Commissioners.
2. The annual meeting of the Commission shall be held during the month of February each year on a date and at a place fixed by the chairman, or in his absence or refusal by the Board of Commissioners. A report of the meeting and of the activities of the Commission for the preceding year shall be sent to all members following the annual meeting.
3. Special meetings of the Commission may be called by the Chairman, or the Board of Commissioners.
4. Written notice of each meeting stating the place, date, and hour of the meeting and, in the case of a special meeting the purpose or purposes for which the meeting is called, shall be delivered not less than ten (10) nor more than fifty (50) days before the date of the meeting, either personally, or by mail.

COMMITTEES

The Board of Commissioners may designate or appoint one or more committees, including without limitation an executive committee. Each committee shall consist of one or more directors and shall have and exercise such authority in the management of the Commission as may, from time to time, be delegated by the Board of Commissioners. The Board may also appoint other committees which do not have the right to exercise any authority in the management of the Commission. The designation and delegation of any authority by the Board to any committee shall not operate to relieve the Commission, or any individual of any responsibility in management of the Commission.

OFFICERS

1. The officers of the Commission shall be elected annually by the Commissioners and shall consist of a Chairman, Vice-Chairman, a Secretary and Treasurer.
2. Any officer elected or appointed or by the Commission may be removed at any time, with or without cause, by the affirmative vote of two-third (2/3) of the Commissioners in office. Any vacancy occurring in any office of the Commission (other than a vacancy resulting from the normal expiration of a term of office) shall be filled by the Commissioners as soon as practicable.

3. The Chairman. The Chairman shall be chief executive officer of the Commission and shall preside at meetings of the Commission.
4. The Vice- Chairman. The Vice-Chairman shall respectively have such powers and perform such duties as may be assigned to him by the Board, or the Chairman. In the absence or disability of the Chairman, the Vice-Chairman shall perform the duties and exercise the power of the Chairman.
5. The Secretary. The Secretary shall keep the minutes of all meetings of the Commission, and shall give such notices of meetings of the Board and membership as may be required by the By-Laws, and shall perform such other duties as shall be assigned from time to time by the Chairman.
6. The Treasurer. The Treasurer shall have custody of the funds and securities and shall keep full and accurate accounts of receipts and disbursements. The Treasurer shall be responsible for depositing all monies in the name of the Commission and shall be responsible for disbursement of funds in accordance with directions received from the Chairman. A report of accounts shall be given at each meeting of the Board. The books of accounts of the Commission shall be open and subject to inspection by any member of the commission and by any officer and by the Project Manager at any time.

CONTRACTS, CHECKS, DEPOSITS AND FUNDS

1. Unless the Commissioners authorizes execution in some other manner, all checks, drafts and other instruments for the payment of money, and all instruments of transfer of securities, shall be signed in the name and on behalf of the Commission by the treasurer and Chairman (or a Vice-Chairman) and the Secretary. The Commissioners may authorize and empower one or more officers or agents of the Commission to execute and deliver any and all papers and documents or to do other acts or things on behalf of the Commission, including any requirements in dealing with Governmental authorities.
2. Deposits. All funds of the Commission shall be deposited within two (2) business days upon receipt to the credit of the Commission in such banks, trust companies, or other depositories as the may from time to time select.
3. Gifts. The Commission may accept on behalf of the Merchants Association any contribution, gift, bequest, or devise for the general purpose or for any special purpose of the Association.

Budget

- 1 The Commission shall prepare an annual budget each year, and shall review, from time to time, the amount of annual pledges made made payable to Commission.

FISCAL YEAR

The fiscal year of the Commission shall begin on the first day of January and shall end on the last day of December each year.

AMENDMENT

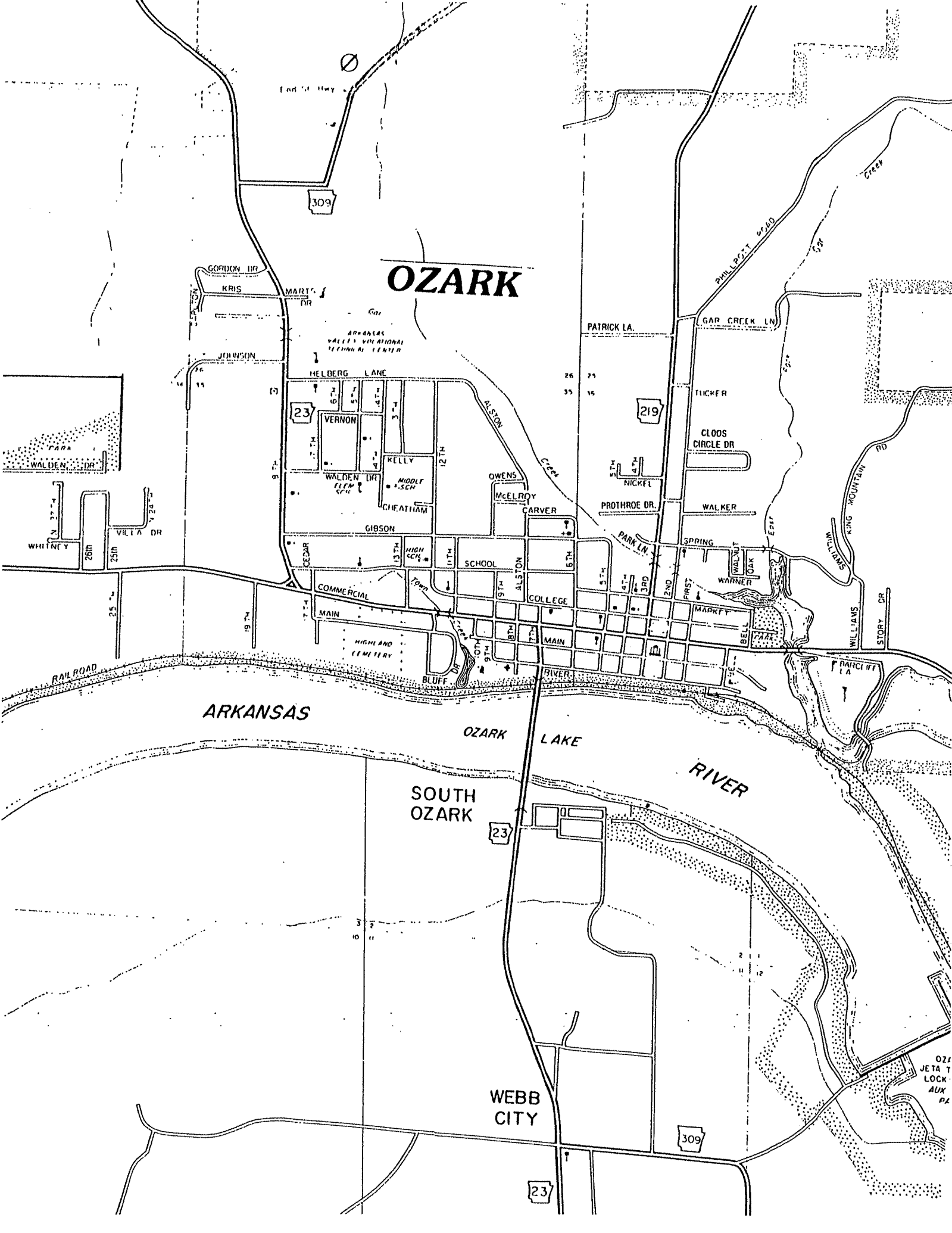
These By-Laws may be altered, amended or repealed, and new By-Laws may be adopted by a majority of the total number of Commissioners in office, at any regular or special meeting called for that purpose, provided that no such action shall be taken if it would in any way adversely affect the qualification under Section 501(c)(3) of the Internal Revenue Code 1954 (or any successor provision).

DISSOLUTION

Upon the dissolution of the Commission, the Commissioners shall, after paying or making provision for the payment of any and all of the liabilities of the Commission dispose of all the assets of the Commission exclusively for the purposes of the Commission in such manner, or to such organization or organizations organized and operated exclusively for charitable, educational, religious, or scientific purposes as shall at that time qualify as an exempt organization or organizations under Section 501(c)(3) of the Internal Revenue Code of 1954 (or the corresponding provision of any future United States Internal Revenue Law), as the Commission shall determine. Any such assets not so disposed of shall be disposed of by the City of Ozark, AR. Ozark's Main Street Arkansas Program. If this office is no longer an active office. Then the assets shall be the City of Ozark, AR. In the event of dissolution, the residual assets of the Commission will be turned over to one or more organizations which themselves are exempt as organizations described in Sections 501 (c) (3) and 170 (c) (2) of the Internal Revenue Code of 1954 or corresponding sections of any subsequent or future law, or to the Federal, State, or Local government for exclusive public purposes.

These By-Laws

Adopted: _____ 1988



OZARK

ARKANSAS

SOUTH
OZARK

WEBB
CITY

RIVER

OZARK
JET T
LOCK
AUX
PL

EXHIBIT X-2
MSO'S 1962 MAP OF PLAINTIFF'S DOWNTOWN

CITY MAP OZARK, ARKANSAS

SCALE
1" = 1/4 MILE
FEBRUARY, 1922

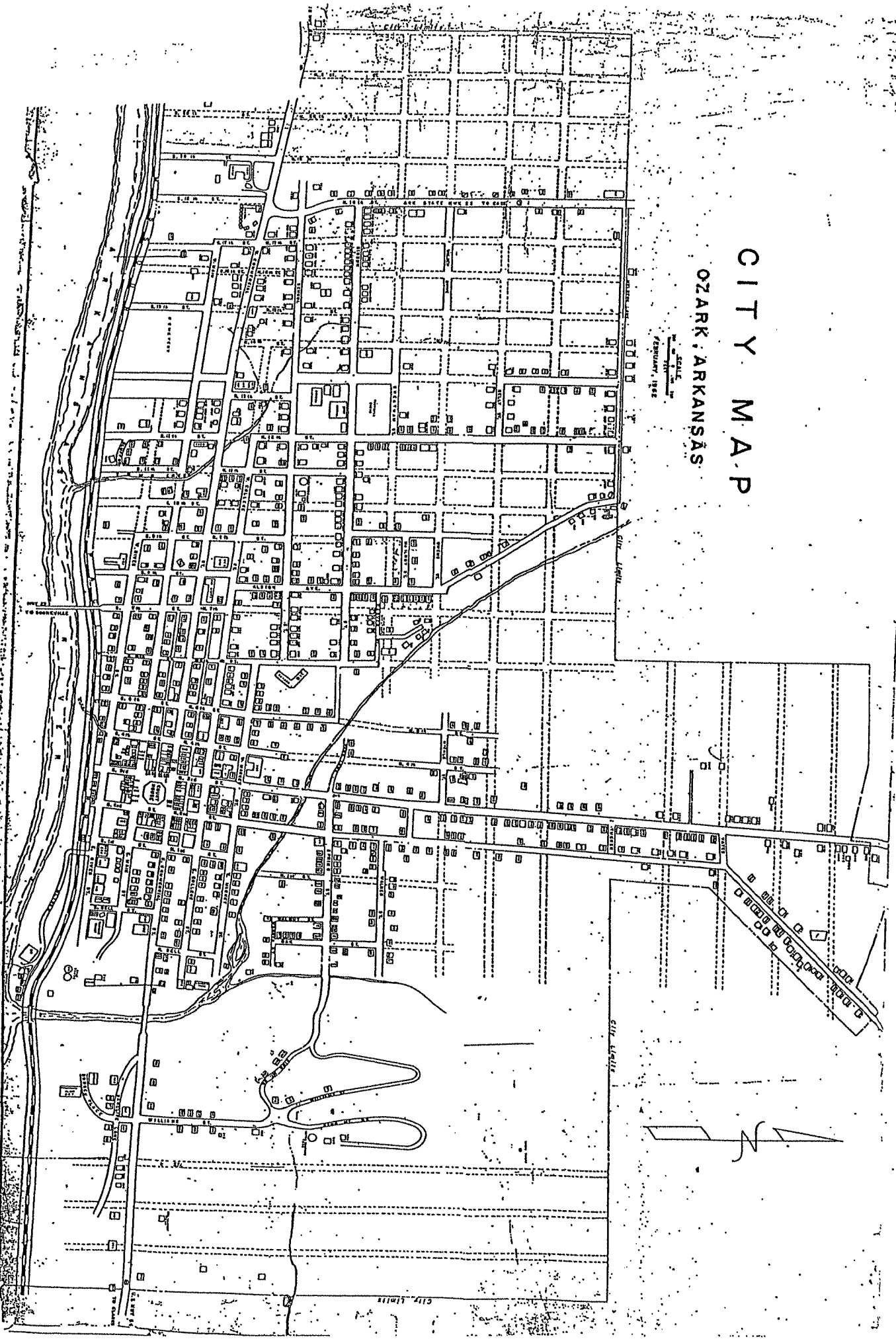
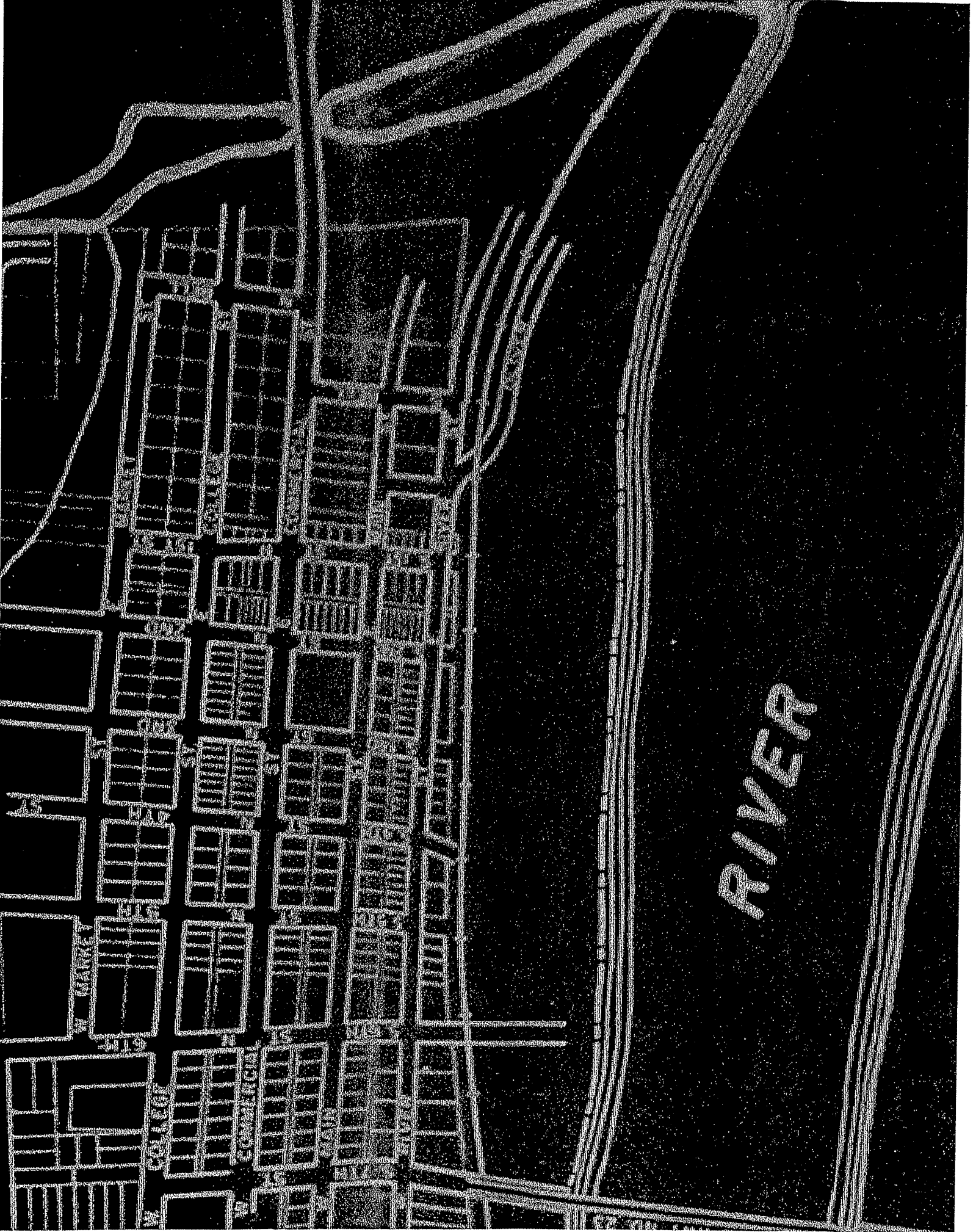


EXHIBIT X-3
MSO' 1975 MAP OF PLAINTIFF'S DOWNTOWN



RIVER

MAP PREPARED BY
WESTERN ARKANSAS
MINING AND DEVELOPMENT DISTRICT, INC.
FORT SMITH, ARKANSAS

PROJECT NO. - HCPA 1038 7520

THE PREPARATION OF THIS MAP, WAS FINANCED
PART THROUGH AN URBAN PLANNING GRANT FROM
THE DEPARTMENT OF HOUSING AND URBAN DEVELOP-
MENT UNDER THE PROVISIONS OF SECTION 701 OF
THE HOUSING ACT OF 1954, AS AMENDED

MAP PREPARED, MAY 1975
SCALE: 1" = 500'

EXHIBIT Y
1994 GRANT APPLICATION

ARKANSAS TRANSPORTATION ENHANCEMENT PROGRAM APPLICATION SUMMARY FEDERAL FISCAL YEAR 1995

Project Title: Ozark Depot
 Project Sponsor: The Honorable Vernon McDaniel, Mayor of Ozark
 Address: 607 W. College
P. O. Box 253
 City: Ozark, AR Zip Code: 72949

Project Cost:

	<u>Cost</u>
Right-of-Way	\$ <u> </u>
Equipment (see note)	\$ <u> </u>
Construction	\$ <u>130,000.00</u>
Construction Inspection	\$ <u> </u>
TOTAL	\$ <u>130,000.00</u>

NOTE: Project funds may not be used to pay for office furnishings such as desks, chairs, tables, file cabinets, or audiovisual equipment.

Federal Funds Requested (Maximum 80% of Total) \$ 104,000.00

Sponsor's Share:

Minimum 20% of Total	(A) \$ <u>26,000.00</u>
AHTD Administrative Cost (1% of Total)	(B) \$ <u>1,300.00</u>
Sponsor's Share (A + B)	\$ <u>27,300.00</u>

Where is the project located?

City: Ozark County: Franklin

Project Sponsor Contact:

Name: <u>Vernon McDaniel</u>	Title: <u>Mayor</u>
Address: <u>607 W. College</u>	Phone: <u>667-2238</u>
<u>P. O. Box 253</u>	FAX: <u>667-4515</u>
City: <u>Ozark, AR</u>	Zip: <u>72949</u>

Project Sponsor's Authorization

If you are sponsoring more than one application, what priority is this project? n/a
 City sponsoring only one project.

Name: Vernon McDaniel Title: Mayor of Ozark
 Signature: _____ Date: _____

OFFICE USE ONLY

3. What is the relationship of the proposed enhancement project to an existing or planned transportation system?

The building is a few blocks from Highway 64, ARK 23 and ARK 219 and can be seen from many locations along these routes, including the approach over the River bridge. The project is located along the Arkansas River across the tracks from it.

4. When will the proposed project be ready for enhancement funding?

The building was given to the City from the railroad and is sitting empty. now waiting for resources to begin the work. Volunteers have begun work to keep the building from deterioration until additional funds can be obtained.

5. Who will be the primary and secondary users of the proposed project?

The primary users of the building will be the citizens of Ozark and of Franklin County. The secondary users will be the tourist. This building will house the MainStreet Offices, an exhibit of museum quality and an information center. It will be the focal point of the future river park, downtown revitalization link to the river and a site of historic contribution to the area.

6. If funding is requested under one of the historic categories (2 or 5), is the project now on the National Register of Historic Places?

The building is listed on the National Register of Historic Places

7. Does the proposed project meet the needs of more than one jurisdiction? If so, identify them and provide documentation of support, i.e., letters from Mayors, County Judges, or other officials.

The building will be used by the City, County and Historic Groups, MainStreet and outside tourist.

8. Since the non-federal share of this project must be a cash match, what local funds will be used for the match and what is the source of this funding?

The City will pay the cash match out of city funds.

9. Describe, and provide evidence of, the level of community, regional, or statewide support for the project.

The City acquired the depot to restore it and use it for its purposes. The Railroad encourages the communities to restore the buildings and use them. The building is on the National Register and is part of a Historic MainStreet project with the center of the area being the Franklin County Courthouse.

OZARK DEPOT ADAPTIVE REUSE
PROPOSED CONSTRUCTION BUDGET
SEPTEMBER 17, 1996
PREPARED BY ANN HEASTON AIA

EXTERIOR

Repair Roof Edge	\$6,000.	
Repaint Exterior Wood	10,000.	
Repair Windows	12,000.	
Repair Doors	4,000.	
Clean and seal Exterior Walls	4,000.	
Repair Decking and Roof Areas Above	<u>5,000.</u>	\$41,000.

INTERIOR

Floor Plan Modification	\$10,000.	
Millwork	5,000.	
Ceiling Repair		4,000.
Wall Repair	4,000.	
Floor Repair	4,000.	
Painting	10,000.	
Interior Doors and Hardware	5,000.	
Accessories	<u>1,000.</u>	43,000.

UTILITIES

Mechanical	\$20,000.	
Plumbing	7,000.	
Electrical	<u>15,000.</u>	42,000.

MISCELLANEOUS

Hazardous Lead and Asbestos Abatement Allowance	<u>7,000.</u>	
---	---------------	--

TOTAL CONSTRUCTION COST \$133,000.

*Omitted all site work, parking and landscaping and new clay tile roof.

Figures are making assumption as to the final interior layout and use.

Building has deteriorated in two and a half years and it will be three years from the original estimate before work will be started, but I feel pretty comfortable that this budget will get a completed project, especially if you can find some other way to get the parking and landscaping.

**OZARK DEPOT ADAPTIVE REUSE
COST SUMMARY
SEPTEMBER 17, 1996
PREPARED BY ANN HEASTON AIA**

RECEIVABLE:

OZARK FOR THE FOLLOWING:

MATCH	\$26,000.*	
ADMINISTRATIVE	1,300.*	
A/E FEE -10 3/4%	<u>14,000.</u>	\$41,300
AHTD		<u>104,000.</u>
TOTAL PROJECT		\$145,300.00

PAYABLE:

CONSTRUCTION COST	\$130,000.	
ADMINISTRATIVE	1,300.	
A/E FEE	<u>14,000.</u>	
TOTAL PROJECT		\$145,300.00

*PAYABLE UPON ACCEPTANCE OF BID FROM CONTRACTOR

PROJECTED TIME SCHEDULE

ARCHITECTURAL WORK:

SCHEMATICS/DESIGN DEVELOPMENT - ONE MONTH (25% OF FEE = \$3,500.00)	OCTOBER
CONSTRUCTION DOCUMENTS - TWO MONTHS (50% OF FEE = \$3,500/MONTH X 2 = \$7,000.)	NOV/DEC.
REVIEW BY AHTD - TWO MONTHS	JAN/FEB
PROBABLY BID IN APRIL (PAY MATCH AND ADMINISTRATIVE HERE)	APRIL
CONSTRUCTION - APPROXIMATELY FOUR MONTHS (PAY REMAINDER OF A/E FEE DIVIDED INTO MONTHLY PAYMENTS)	MAY/SEPT.

ANN HEASTON ARCHITECTS

3321 Shenandoah Valley Drive

Little Rock, Arkansas 72212

227-4371

COST SUMMARY OZARK DEPOT APRIL 4, 1994

EXTERIOR:

Reroof with clay tile	\$32,340.00	
Roof edge repair	3,780.00	
Repair decking	10,000.00	
Repair windows	12,000.00	
Repair doors	4,000.00	
Repaint exterior wood	10,000.00	
Clean and seal exterior walls	<u>4,000.00</u>	
		\$76,120.00

SITE WORK:

Pave parking lot	\$20,000.00	
Landscaping	20,000.00	
Site amenities	<u>10,000.00</u>	
		50,000.00

INTERIOR WORK:

Floor plan modifications	\$5,000.00	
Millwork	5,000.00	
Ceiling repair	4,000.00	
Wall repairs	5,000.00	
Floor repairs	4,000.00	
Painting	10,000.00	
Interior doors and hardware	<u>2,000.00</u>	
		35,000.00

MEP

Plumbing	\$10,000.00	
Electrical	13,464.00	
Mechanical	<u>20,000.00</u>	
		<u>43,464.00</u>

TOTAL

\$204,584.00

EXHIBIT Z
MAYOR MCDANIEL'S SEPTEMBER 5, 1995

MAYOR, VERNON MCDANIEL
CITY CLERK, CAROL SNEATH
ATTORNEY, JOHN VERKAMP
JUDGE, JOE RAMOS

CITY OF OZARK

FOUNDED 1835, THE ORIGINAL OZARK
IN THE OZARKS - ON THE ARKANSAS

607 WEST COLLEGE, BOX 253
OZARK, ARKANSAS 72949
(501) 667-2238

December 27, 1995

COUNCIL MEMBERS

REX ANDERSON	SUSAN OLIVER
TOM EDGIN	LOYE RANDOLPH
W. D. HOUSE	KENNETH WARDEN III

Mr. Frank Vozel
Engineer of Program and Contract Division
Arkansas Highway and Transportation Dept.
P. O. Box 2261
Little Rock, AR 77203

Dear Mr. Vozel:

I apologize for the delay in returning the status report on the Transportation Enhancement Program Job 040208, Ozark Depot Restoration (ATEP-95) (S).

On Friday, December 16, 1994, representatives of the Arkansas Highway met with James Gilmer, Main Street Ozark Program Manager, and Mrs. Ann Heaston, architect for the project, and were told that a 30 year lease on the land on which the depot is located would be required. Mr. Gilmer contacted Mr. Roland Wedige of the Union Pacific Railroad Company by phone and told him of our request. He asked that a letter to that effect be submitted. On December 27, 1994 I submitted that request.

Mr. Gilmer talked with Mr. Wedige by phone three times during the year and each time was told that the request was being processed.

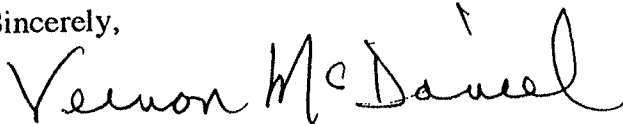
As the year 1995 was coming to a close, I again wrote Mr. Wedige on November 17, 1995. After waiting two weeks with no reply, I called and left word on his answering machine to return my call. He did so and I informed him of our dilemma. At first he said he remembered my letter of November 17 but there were other requests that had been submitted prior to that date and that we would have to wait our turn. The requests must be reviewed by several department levels.

When I informed him that our original request was made in 1994 he said he would look into what progress had been made or if the request had been lost and would get back to me. As yet I have heard nothing from him.

Due to these circumstances I am requesting an extension of time to complete this project.

Copies of the two letters sent Mr. Wedige are enclosed.

Sincerely,



VERNON MCDANIEL
Mayor