

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

CITY OF OZARK, ARKANSAS, a municipal
corporation

Plaintiff,

vs.

UNION PACIFIC RAILROAD COMPANY,
the ARKANSAS STATE HIGHWAY
& TRANSPORTATION DEPARTMENT
(an Agency of) The State of Arkansas,
TLB
AND THE ARKANSAS STATE HIGHWAY
COMMISSION

Defendants,

CIVIL ACTION NO:2:14-CV-02196-

**PLAINTIFF'S SUPPLEMENT EXHIBITS TO THE PLAINTIFF'S MOTION FOR
PARTIAL SUMMARY JUDGMENT**

Comes now the Plaintiff, the City of Ozark, Arkansas, a municipal corporation by and through its undersigned counsel, Christopher D. Brockett of Sayre & Brockett, and for its Supplement Exhibits to the Plaintiff's Motion for Partial Summary Judgment filed herein on and even date herewith and does file Exhibit I through Exhibit N-2 as shown on the attached Table of Exhibits.

Respectfully submitted:

By: /s/ Christopher D. Brockett
Christopher D. Brockett
Ark. Bar No. 2005192
Sayre & Brockett
401 West Commercial Street
Ozark, Arkansas 72949
Telephone (479) 667-3000
Facsimile (479) 667-4188
Email: cbrockett@bslawarkansas.com

ATTORNEYS FOR THE PLAINTIFF

CERTIFICATE OF SERVICE

I, Christopher D. Brockett, hereby certify that a copy of the foregoing Amended Complaint has this date been served by U.S. Mail on the following:

Scott H. Tucker
Friday, Eldredge & Clark, LLP
400 W. Capitol Ave., Suite
2000
Little Rock, Arkansas 72201-
3522
Telephone: (501) 370-1430
Facsimile: (501) 244-5340
Email: tucker@fridayfirm.com

Joseph McKay
Friday, Eldredge & Clark, LLP
400 W. Capitol Ave., Suite
2000
Little Rock, Arkansas 72201-
3522
Telephone: (501) 370-1430
Facsimile: (501) 244-5340

Jamie Huffman Jones
Friday, Eldredge & Clark, LLP
400 W. Capitol Ave., Suite
2000
Little Rock, Arkansas 72201-
3522
Telephone: (501) 370-1430
Facsimile: (501) 244-5340
Email: jjones@fridayfirm.com

Done at Ozark, Arkansas, this 30th day of April 2015.

/s/ Christopher D. Brockett
Christopher D. Brockett

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Exhibit I

MoPac Track Right of Way Map, June 30, 1916, Pages 1-15

REVISED AS TO	SOURCE	DATE	DRAFTSMAN
A.F.NE	MISCELLANEOUS		
T.O. Signal	B-2502 1970:X File 8-18	2-16-24	J.A. Wolfgram
Repl Br 344-A With Conc. Box	B-4700 A.F.E.B-4700 3-20	2-16-24	J.A. Wolfgram
Trk No. 3 Lineq over & Extd.	C-1688 M.V.44 Report 10-20	2-19-24	J.A. Wolfgram
Const Ramp at Frt. Plfm.	2424715 1537-B	11-24	A.G. Stevenson
Install 18" C.I.P. 30'	242314 1537-B	1-25	R.H. Kruse
Install Mail Crane	25502 1537-B	1-25	E.T. Brown
Const Covered Extn to Cotton Plfm.	257380 1537-B	4-16	A.G. Stevenson
Water Sta. Removed	262667 1537-B	12-26	C. M. Hamlin
Trk No. 3 Extd. 16 ft & Drk No. 20-69 Shortened 11 ft. Aest Relay	25197 1537-B	2-27	W.W. Locke
Install Carbody	262456 1537-B	8-28	B.F. Winkelman
Replace C.I. Pipe With G.I. Pipe	28882 1537-B	1-29	E.S. Acheson
2 Lines G.I.P. Installed	261438 1537-B	3-29	G.L. Church
Trk No. 4 Const'd. (See AFE 3282)	302247 1537-B	8-30	J.A. Wolfgram
P.J. 29 Rev'd to agree with Deed	None Doc. #75	5-12-31	J.A. Wolfgram
Install 19 1/2" Linemen's Tool Ho.	31314 1537-B	6-23-31	J.A. Wolfgram
Track No. 4 Removed	3282 1537-B	6-28-32	A.G. Stevenson
Install Corri. I. Pipes	35839 1537-B	1-18-36	A.G. Stevenson
Install Wood Box & Corri. I. P.	351285 1537-B	7-36	A.G. Stevenson
Tool Ho. Removed	38303 1537-B	3-37	A.G. Stevenson
Install Corri. I. Pipes	38857 1537-B	4-35	A.G. Stevenson
Repl Stone Box with Corri. I. P.	38858 1537-B	4-39	A.G. Stevenson
Linemen's Tool Ho Removed	391112 1537-B	9-33	A.G. Stevenson
Con. F.C. 225	40218 1537-B	5-43	R.H. Kruse
Trk No. 3 Extd. 16 ft & Drk No. 20-69 Shortened 11 ft. Aest Relay	40225 1537-B	5-41	A.G. Stevenson
Inst. 3-72 C.M.P.'S 44'	670355 24018	1-70	J. McLeod
Repl Br 344-A With Conc. Box	720011 72001	2-12	T.A.W.
Repl Br 344-A With Conc. Box	710116 24018	3-72	J.M.M.
Repl Br 344-A With Conc. Box	622312 Doc. 73203	2-71	T.A.W.
Repl Br 344-A With Conc. Box	700354 24018	4-1-71	A.M.S.

Note: For Continuation of Trk. No 20-170.
See Maps L-2500-B & 29-58-6.

base 2:14 cy 02196 T.D. 6

CONFIDENTIAL

64-2957

FRANKLIN CO. 4344 END PIPING

9.5

P.S. 6405
BEG. P14m. 6408
T.O. Signal 82502 640975
Xing on Trk No. 3
Trailer's G

18 X 34 Dep
T.O. Signal 8-2502
Plank Ring on Trk No. 3
2- GAT Toilets 6412-03
AFE 421043 Rec'd 2- GAT Toilets 6412-03
End Pfm. Ex'd 800 with Pfm BS. 412-03 SEC
Whistle Post 6412-56

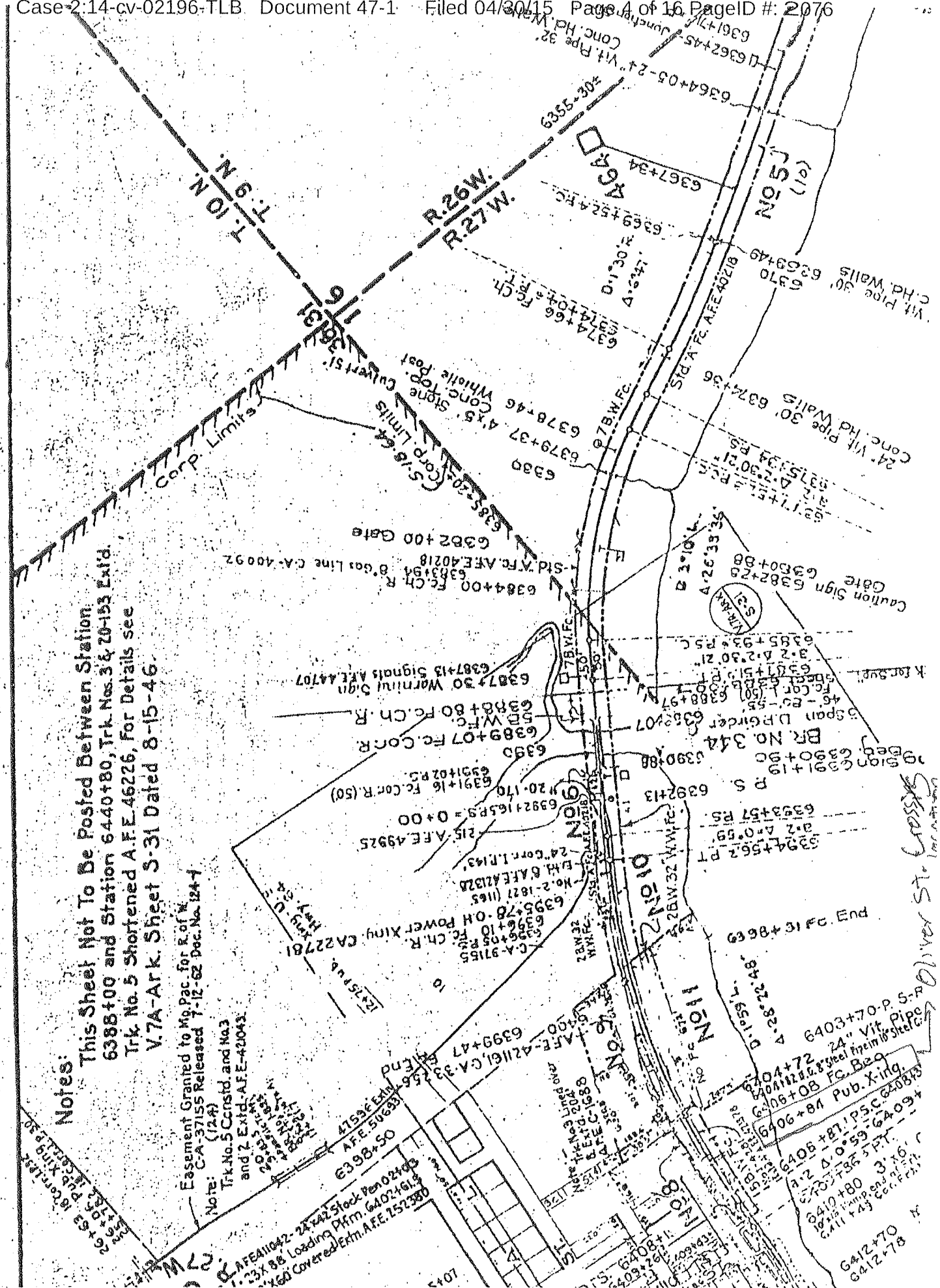
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pub. Xina

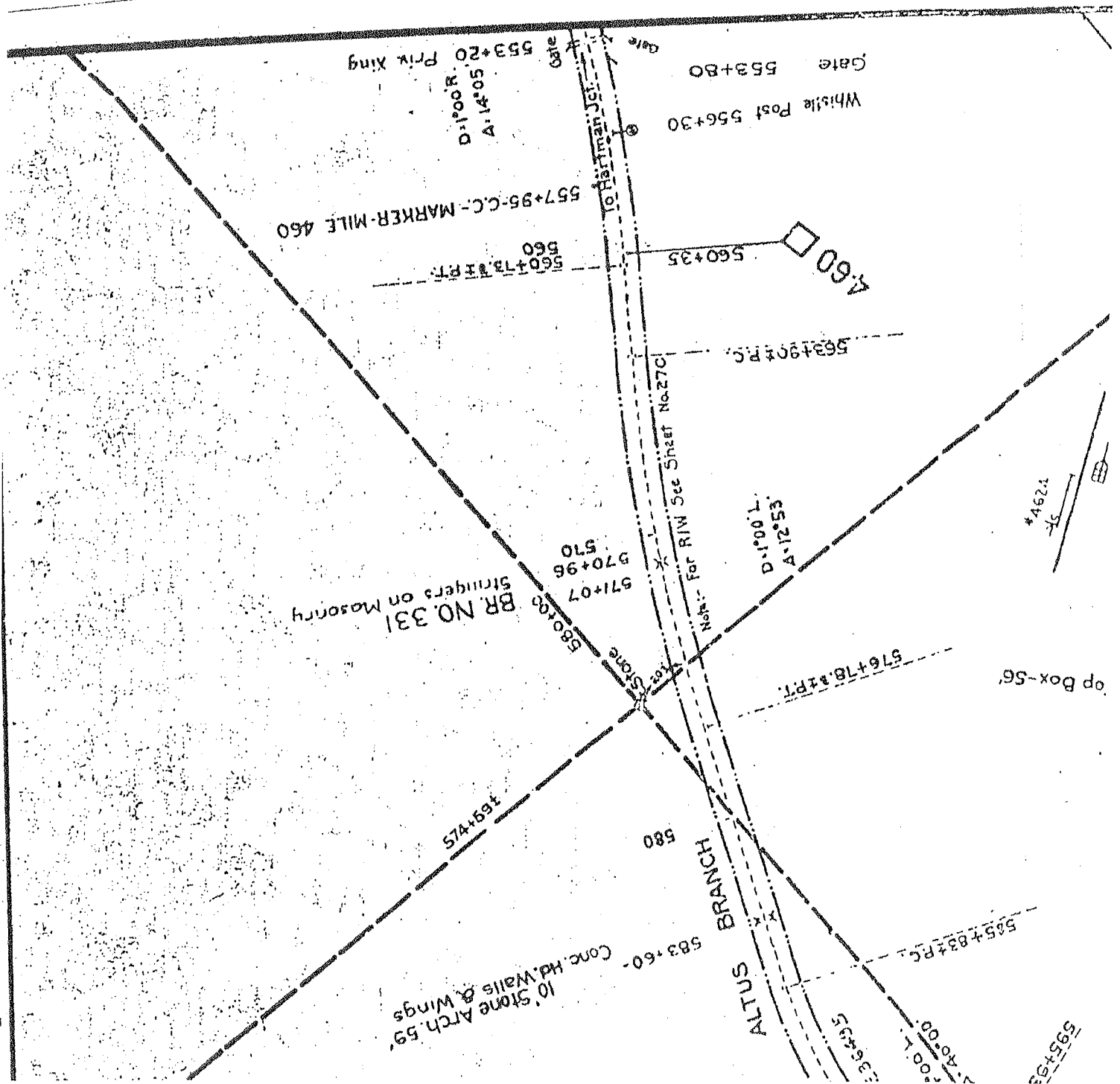
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6421+22
FIFTY
C.G. 6422+22

64-25450-

FC. B29. 6433

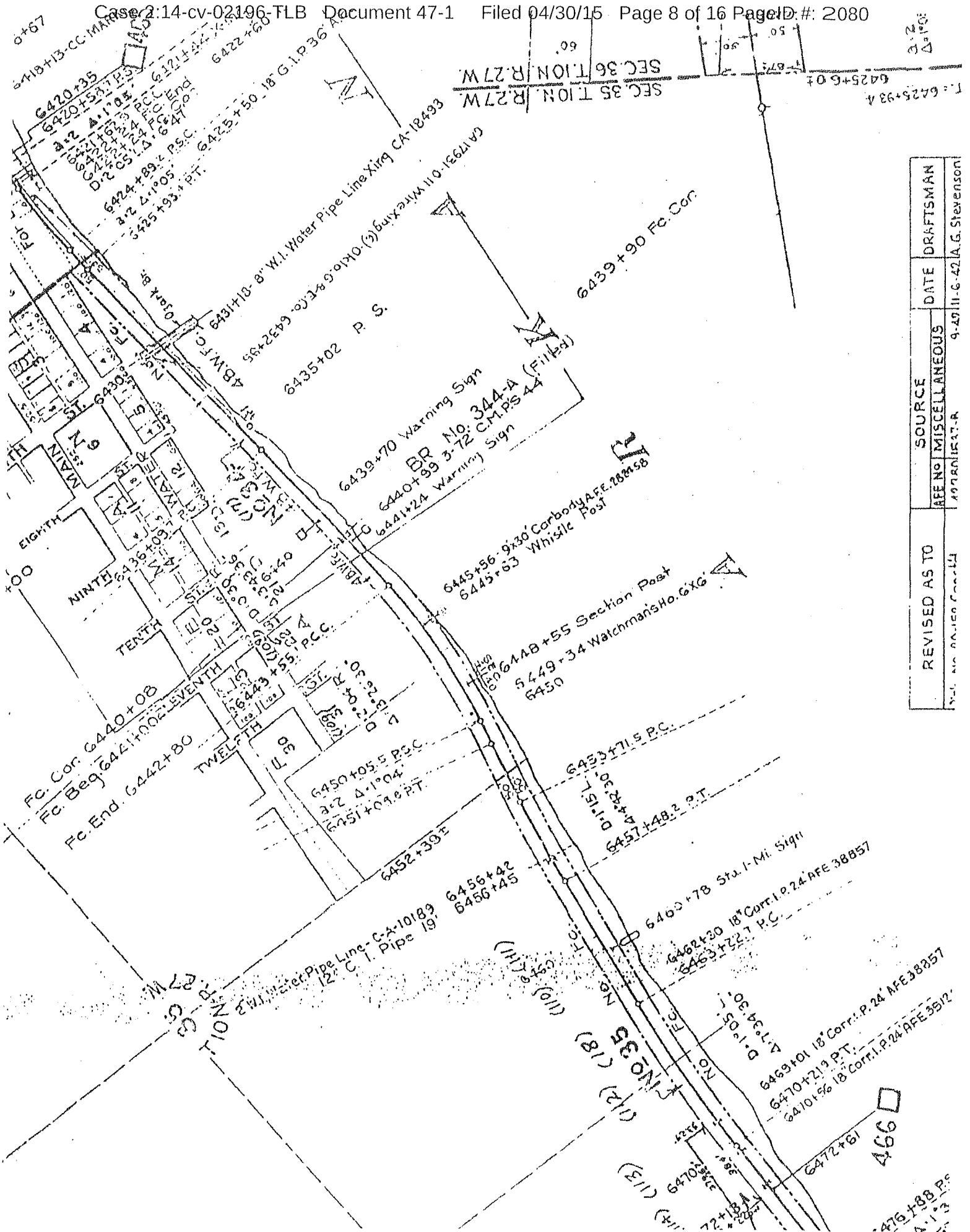
Match Mark For sup'l Sheet 6140 + 80 Y





For Easements granting Mo Pac the right to locate Pole Lines
 between the line of Sun Bell Telep. Co. and the Northern R. of W.
 - 1/4 of Sec 35, in part of Sec 35 (including Blocks 13, 14, 22)
 - 1/4 of Sec 36, in part of Sec 36 (including Blocks 13, 14, 22)
 - 1/4 of Sec 37, in part of Sec 37 (including Blocks 13, 14, 22)
 - 1/4 of Sec 38, in part of Sec 38 (including Blocks 13, 14, 22)
 - 1/4 of Sec 39, in part of Sec 39 (including Blocks 13, 14, 22)
 - 1/4 of Sec 40, in part of Sec 40 (including Blocks 13, 14, 22)
 - 1/4 of Sec 41, in part of Sec 41 (including Blocks 13, 14, 22)
 - 1/4 of Sec 42, in part of Sec 42 (including Blocks 13, 14, 22)
 - 1/4 of Sec 43, in part of Sec 43 (including Blocks 13, 14, 22)
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 - 1/4 of Sec 46, in part of Sec 46 (including Blocks 13, 14, 22)
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 - 1/4 of Sec 70, in part of Sec 70 (including Blocks 13, 14, 22)
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 - 1/4 of Sec 94, in part of Sec 94 (including Blocks 13, 14, 22)
 - 1/4 of Sec 95, in part of Sec 95 (including Blocks 13, 14, 22)
 - 1/4 of Sec 96, in part of Sec 96 (including Blocks 13, 14, 22)
 - 1/4 of Sec 97, in part of Sec 97 (including Blocks 13, 14, 22)
 - 1/4 of Sec 98, in part of Sec 98 (including Blocks 13, 14, 22)
 - 1/4 of Sec 99, in part of Sec 99 (including Blocks 13, 14, 22)
 - 1/4 of Sec 100, in part of Sec 100 (including Blocks 13, 14, 22)

24" Vit. Pipe 19' 6476+18
 1/2" Battery Bar 6476+18
 AFE 44707
 AFE 242314 18" CIP 30' 6476+18
 Conc Apron
 389 6479+00
 6479+55
 1316
 12" C.I. Pipe 19' 6480+03
 12" Corrl. P. E.H. 10' AFE 38857
 AFE 38857 24" Corrl. P. 24' 6481+93
 AFE 38857 30" Corrl. P. 30' 6485+06
 AFE 35839 18"
 AFE 28882



REVISED AS TO	SOURCE		DATE	DRAFTSMAN
	AFEN	MISCELLANEOUS		
107601517-A			9-27-11	A.G. Stevenson



Scale:- 1" = 100 Ft.

0.05

P.S. 6420+58.7

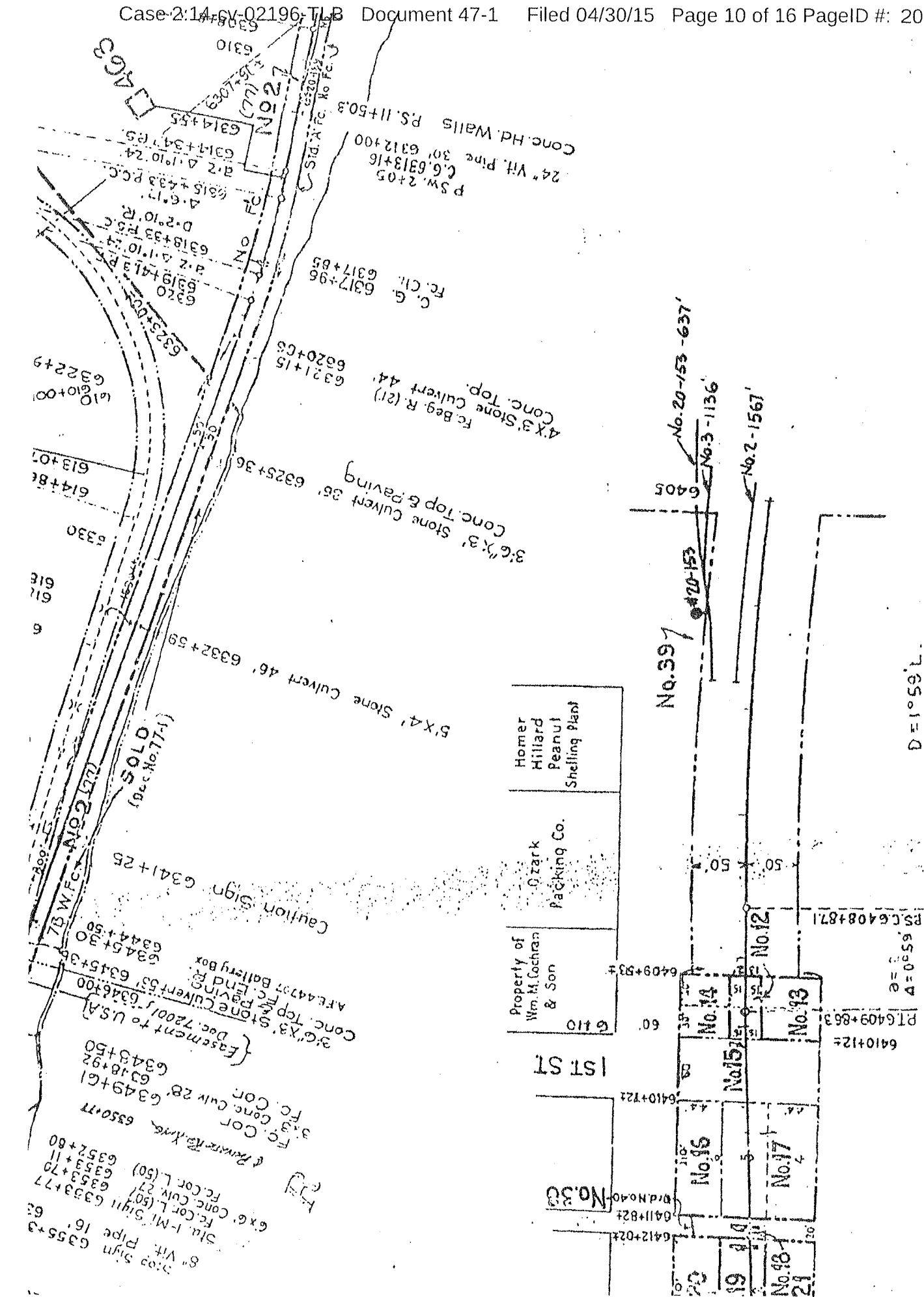
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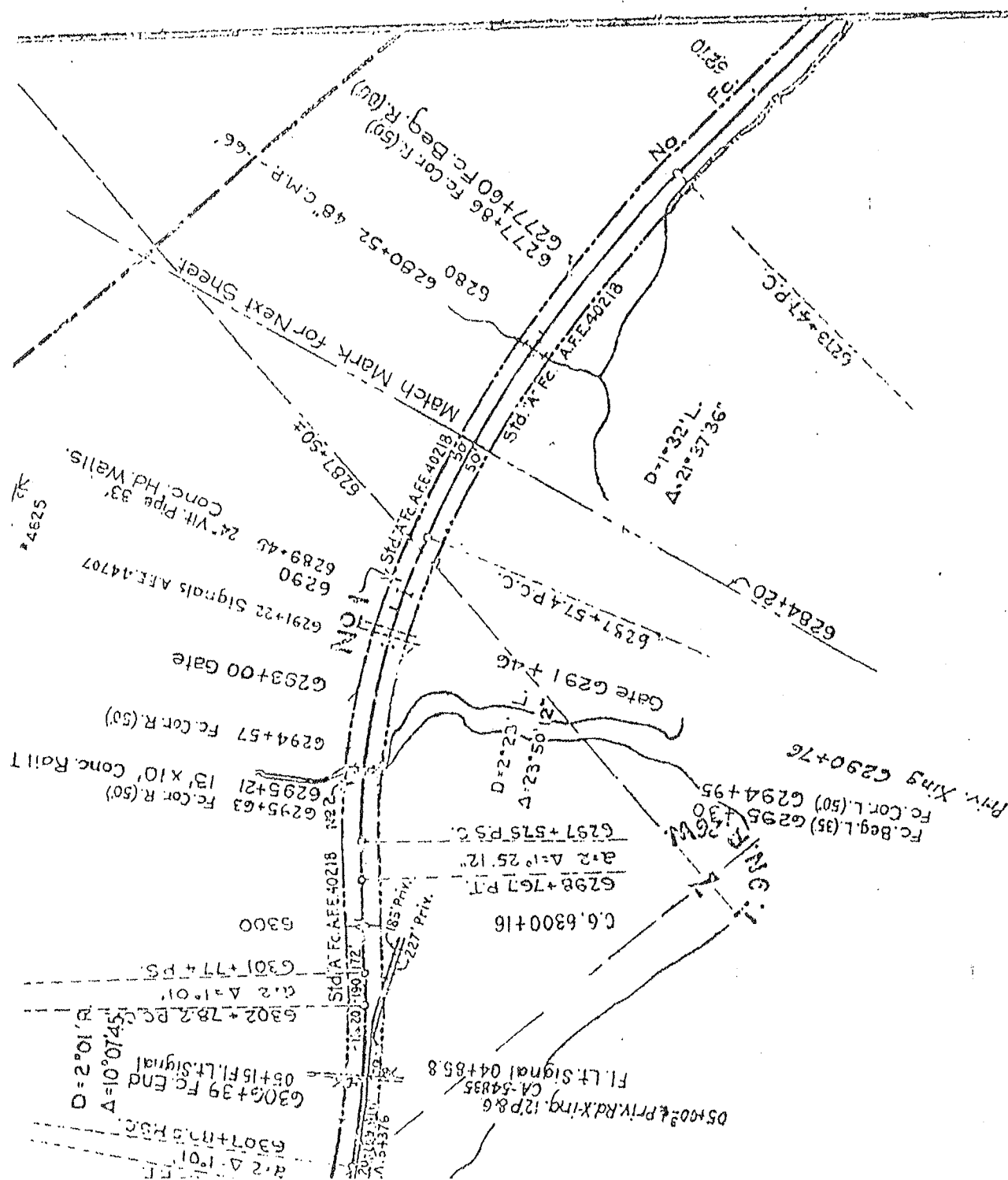
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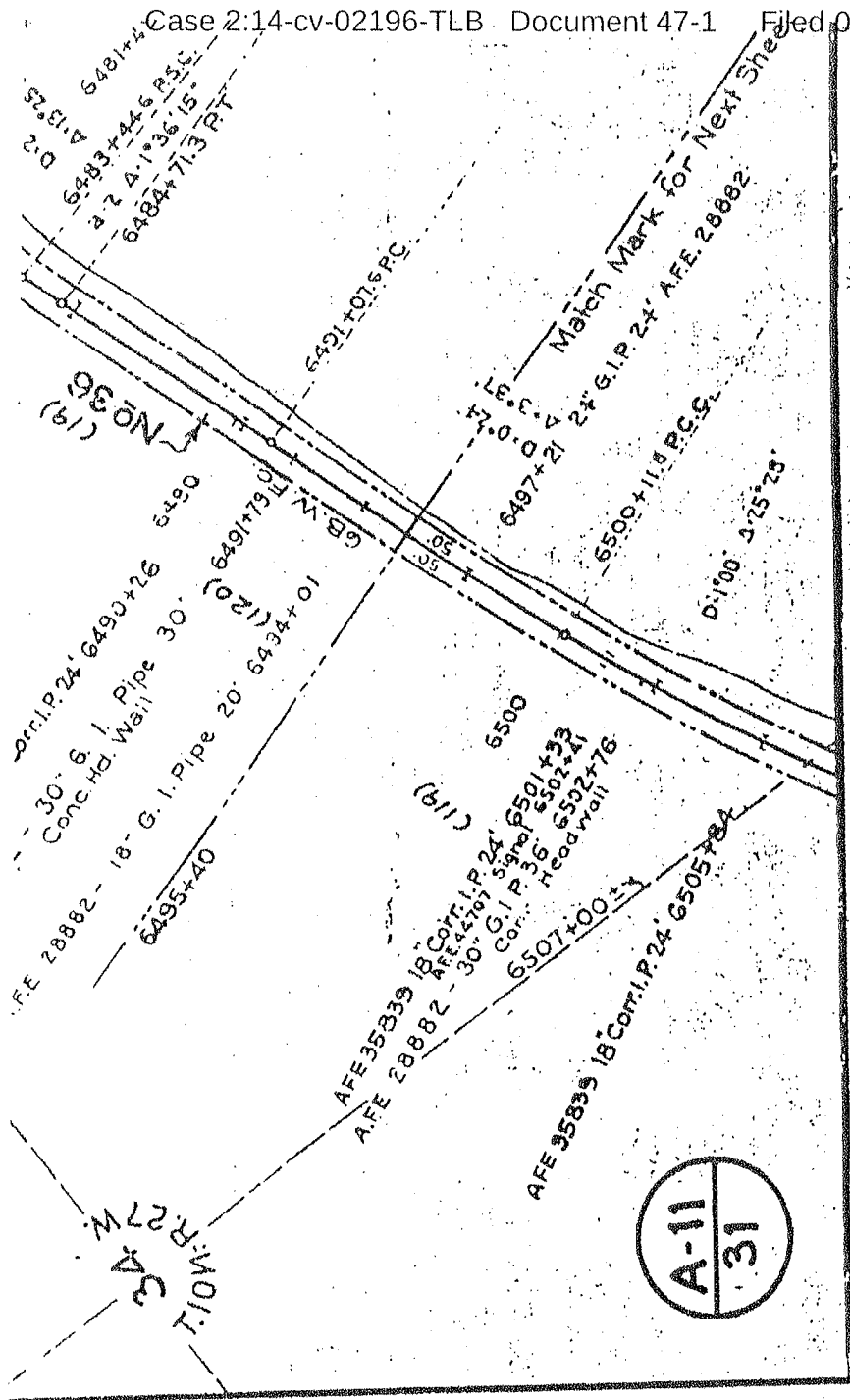
108. Cong. 16 1/2 x 1 1/2
 using wall gas line Xing
 34 R. A.F.E. = 45858
 Local Length of Curb 14' 6"
 Localized Top 11 1/2' 8 x 1 1/2' R.
 Local Top 11 1/2' 8 x 1 1/2' R.

23 FC. End
Culvert: 111' 2x6 C
Plat 10 x 25
10. 10 x 40 A.F.E. 470013
A.F.E. 25502
6412 + 37 PC
6412 + 59 K100

6'x6' Conc. Culvert 52'
 1/2 MILE 465
 Sign
 18 G.I.P. 36' AFE 281A38
 E. 281A38







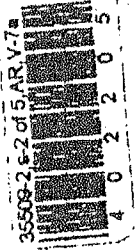
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Trk. No. 20-153 Const'd.	42161	1537-B	10-42	2-27-43	B.L. Bridgeman
Trk. No. 5 Const'd. No. 2 & 3 Extd. Old File Remed. New File. Const'd. 10/18/42	421043	1537-B	1-42	5-5-43	B.L. Bridgeman
Trks. No. 20-143, 20-144, 20-142 Extd.	421112	1537-B	1-43	5-6-43	B.L. Bridgeman
Station Plfm. Extd.	43545	1537-B	11-43	2-17-44	B.L. Bridgeman
Extd. Trk. No. 1 & No. 2	421328	1537-B	10-43	5-2-44	L.F. Fabry
Note relating to Easements for Pole Line North of R of W	44707	1537-B	6-45 7-45	9-11-45	B.L. Bridgeman
Trk. No. 20-163 Const'd.	45858	1537-B	1-46	3-29-46	B.L. Bridgeman
Priv. Extn. to Trk. No. 20-163 Const'd.	45859	1537-B	1-46	3-29-46	B.L. Bridgeman
Install Automatic Signals	44707	1537-B	5-46	8-12-48	H.D. Tong
Trk. No. 20-170 Const'd.	49925	1537-B	11-49	6-19-50	B.L. Bridgeman
Trk. No. 20-170 Extd.	50693	1537-B		12-3-51	B.L. Bridgeman
42" Corr. I. Pipe Installed	51752	1537-B	1-52	2-25-52	B.L. Bridgeman
Trk. No. 20-163 Extd.	610138	1537-B	4-61	8-21-61	E.L. Chartrand
Priv. Road X-ing. M.P. 462.82		CA-54835	5-62	8-7-62	W.C. Jones
Release Easement Coal Mine Trk.		Doc No. 1248	7-62	9-5-62	L.W. Robinson
Const. Trks. No. 20-189 & No. 20-190	610636	1537-B	6-62	1-2-63	L.W. Robinson
Land Sold Part of Par. No. 2	660011	Doc No. 771	11-66	12-30-66	E.L. Chartrand
Trk. No. 20-203 Constructed	650341	124013		5-31-66	G. A. B.

SUBORDINATION AGREEMENT WITH U.S.A. - DOC. 70015
G382182 to G394110, G405185 to G441190

Station 31 39 6284.20 6495.40

W. E. Seaver

Fc. Cor.
Fc. Ch.
B.W.
W.W.
Fc. Beg.
Fence Corner
Fence Change
Barb Wire
Woven Wire
Fence Beginning



RIGHT OF WAY AND TRACK MAP

LITTLE ROCK AND FT. SMITH R. R. CO.

OWNED AND OPERATED BY

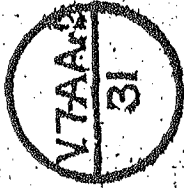
MISSOURI PACIFIC RAILROAD CO.

STATION 6284+20 TO STATION 6495+40

SCALE 1 IN. = 400 FT. JUNE 30, 1918

OFFICE OF CHIEF ENGINEER

ST. LOUIS, MO.



I.C.C. Chainage Dec. 1918

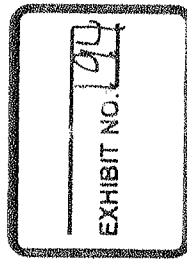


Exhibit J

A copy of Small Estate Affidavit

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 Car Creek, and between the railroad and the Arkansas River, being lands formerly owned by Samuel Church and later conveyed to said Martin Oliver by Julia Walting.

He left the following children: Minnie Dodson, Acie Reed, ~~AngustaxRxx@lxxx~~, 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 me
W. W. Adams

Nelsie Oliver
Witness

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

My commission expires
Dec. 1st, 1936.

W. W. Adams
Notary Public.

INST. W 112 *Will*

RECORD

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

C

PAGE 35

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'ms't'd D	Cl'k
Co. Seal	Time				Of. Seal	H'ms'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	Sec.	Twp.	Range	Acres
Now all men by these presents: 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.												36	10	27	
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, Dwith Oliver, Aole 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, Nelade Oliver, all the remainder of my prop both real and per of every kind and desc, to us sell, and dispose of in any way that she may desire.															
Fourth: I hereby nom and appt the said Nelade 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 ~~affixed~~ seal this 14th. day of
October, A D 1920.

Martin Oliver (seal)

Witnessed by W W Adams and Ella Anderson.

Exhibit K-1

June 5, 1940 Minutes from City Council

... ..
 \$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
 of Harley Williams place had been taken care of. Hudson Jones
 reported to one of the sanitary committee that he would do
 something about the unsanitary conditions back of his place
 in 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 town~~ 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
 each 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
Pruett	Streets	Jeff Holt	1.00 Streets
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 K-2

May 8, 1951 Minutes from City Council

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 put 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 Wetmberger Estate.

The Council voted to put water on the Gym Grounds and furnish what is 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 K-3

December 11, 1956 Minutes from City Council

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 Soassamon, 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	28.88	#266	
Tuckers	13.76	(1.50, F.D. 12.26 Sta.)	
Matthews	5.36	(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 Soassamon 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 K-4

December 22, 1957 Minutes from City Council

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 successor 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. Attest:
Approved: [Signature]

Exhibit L

Deposition of Monty Canady Page 19

Page 19

1 Q. Mules?

2 A. Yeah.

3 Q. Okay. Were those -- where were those located?

4 A. Jim had two mules that he kept down there
5 behind his house.

6 Q. Jim Kirkendall?

7 A. Yes. He hauled trash for people here around
8 Ozark. He had a wagon and a pair of mules.

9 Q. Okay. Were there any other horses -- as you
10 first crossed over the tracks to the left was there a
11 metal building there that you remember?

12 A. I don't remember that.

13 Q. Okay. Did you ever see anyone maintaining
14 Oliver Lane or Oliver Street?

15 A. A portion of it.

16 Q. Where at?

17 A. From about the propane tanks down to the dump.

18 Q. Okay. Do you know who -- I mean, do you know
19 what type of vehicle they were using to maintain?

20 A. Yes, it was an 8-M Ford tractor with a blade on
21 the back of it, and that was Bull Southerland
22 (phonetic). He was my uncle. He worked for the City
23 of Ozark.

24 Q. Okay.

25 A. He used a blade on the back of that 8-M to

Exhibit M-1

A copy of the Ordinance dated October 13, 1942

ORDINANCE NO. 40

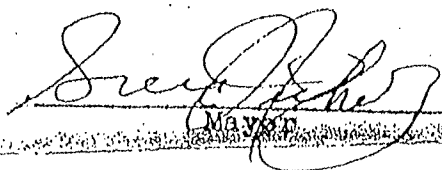
AN ORDINANCE ENTITLED: AN ORDINANCE GRANTING A RIGHT OF WAY TO GUY A. THOMPSON, TRUSTEE, MISSOURI PACIFIC RAILROAD COMPANY, DEBTOR, ACROSS SECOND STREET, THE ALLEY BETWEEN FIRST STREET AND SECOND STREET, AND THE SOUTHERLY PORTION OF WATER OR RIVER STREET FROM A POINT APPROXIMATELY SIXTY FEET EAST OF 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:

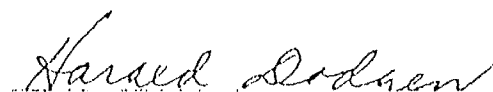


Exhibit M-2

A copy of the blue print

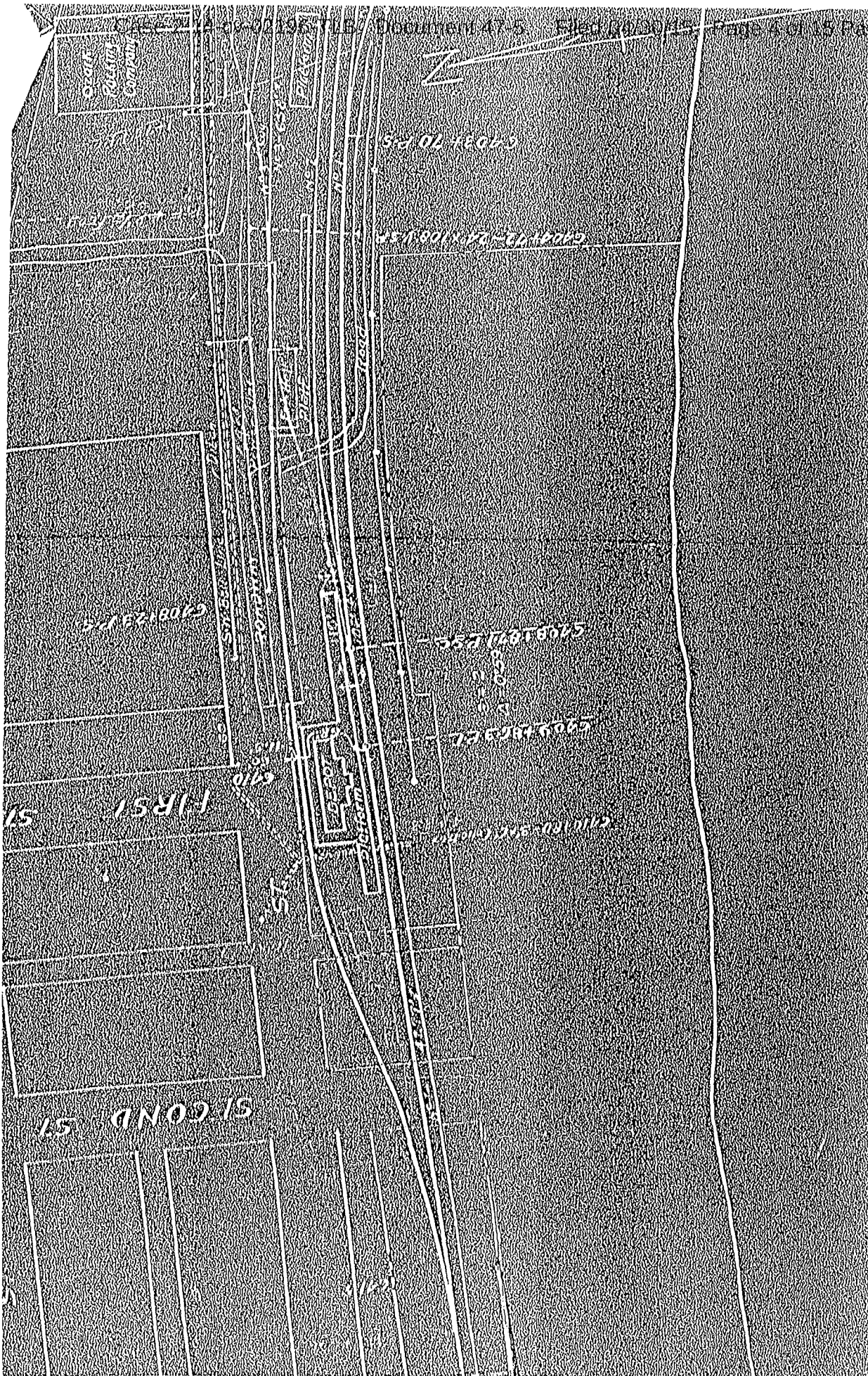


Exhibit M-3

Deposition of Harold Pickartz Page 25-26

1 Q. And this black line on here.

2 A. Yeah.

3 Q. Do you remember MoPac putting a train spur down
4 the middle of River Street or Water Street?

5 A. Yeah.

6 Q. You do remember that?

7 A. Yeah. They went around the feed mill and went
8 down, right down there, clear down to the canning
9 plant.

10 Q. Okay. And at that time was River Street called
11 River Street?

12 A. I don't know.

13 Q. Okay.

14 A. I don't know what it was called.

15 Q. Okay. Well, the city ordinance references
16 Water or River.

17 A. Okay. Could be.

18 Q. Okay. And you said that the gravel road was
19 more of an angle. Was it more of an angle like that?

20 A. That it was angled about like that, or maybe
21 slightly more.

22 Q. Okay. So that --

23 A. It didn't go directly across at a right angle.

24 Q. Okay. So it was something similar to what this
25 one is?

1 A. Yes, sir.

2 Q. Okay. All right.

3 A. Yes, sir.

4 Q. All right. Well, I don't think I have any more
5 questions for you.

6 A. What about the other road across the railroad
7 track, up there in the upper end of town?

8 Q. Are you talking about the ferry road?

9 A. Yeah. I have been across that one lots of
10 times when I was a kid.

11 Q. Uh-huh.

12 A. Going back and forth to Paris. My dad worked
13 over there, and there was -- it's at angle, quite an
14 angle there.

15 Q. Yeah, I have got a map showing that one as
16 well.

17 A. Okay. All right.

18 Q. I have seen that one, but that would go into
19 the water now instead of -- there is no dry land
20 right there.

21 A. No dry land now?

22 Q. Uh-huh.

23 A. As far as the city is concerned?

24 Q. Right.

25 A. It comes right off of River Street and goes

Exhibit M-4

Deposition of Jimmy Bearden Page 19

Page 19

1 Q. All right. So I am looking at 271. Kind of
2 orient me, where is the depot?

3 A. There is the -- the depot is right --

4 Q. Yeah?

5 A. Right here, that little building right below
6 that.

7 Q. Okay. So right here?

8 A. Yeah.

9 Q. I am going to write "Depot" where we have
10 marked.

11 A. Uh-huh.

12 Q. Okay. So do you see where --

13 A. Uh-huh.

14 Q. Okay. This was the barn?

15 A. Yeah.

16 Q. So this is the crossing?

17 A. This is the crossing right here.

18 Q. Okay. I am going to put "Barn." I am going to
19 put "Crossing."

20 A. You get used to it being like a fork, three or
21 four sets of tracks, because it had a lot of side
22 rails, they call it, that went out in front of the
23 depot.

24 Q. Is this the propane tanks?

25 A. Yeah. That's the edge there.

Exhibit M-5

Picture showing 1942 Railroad spurs

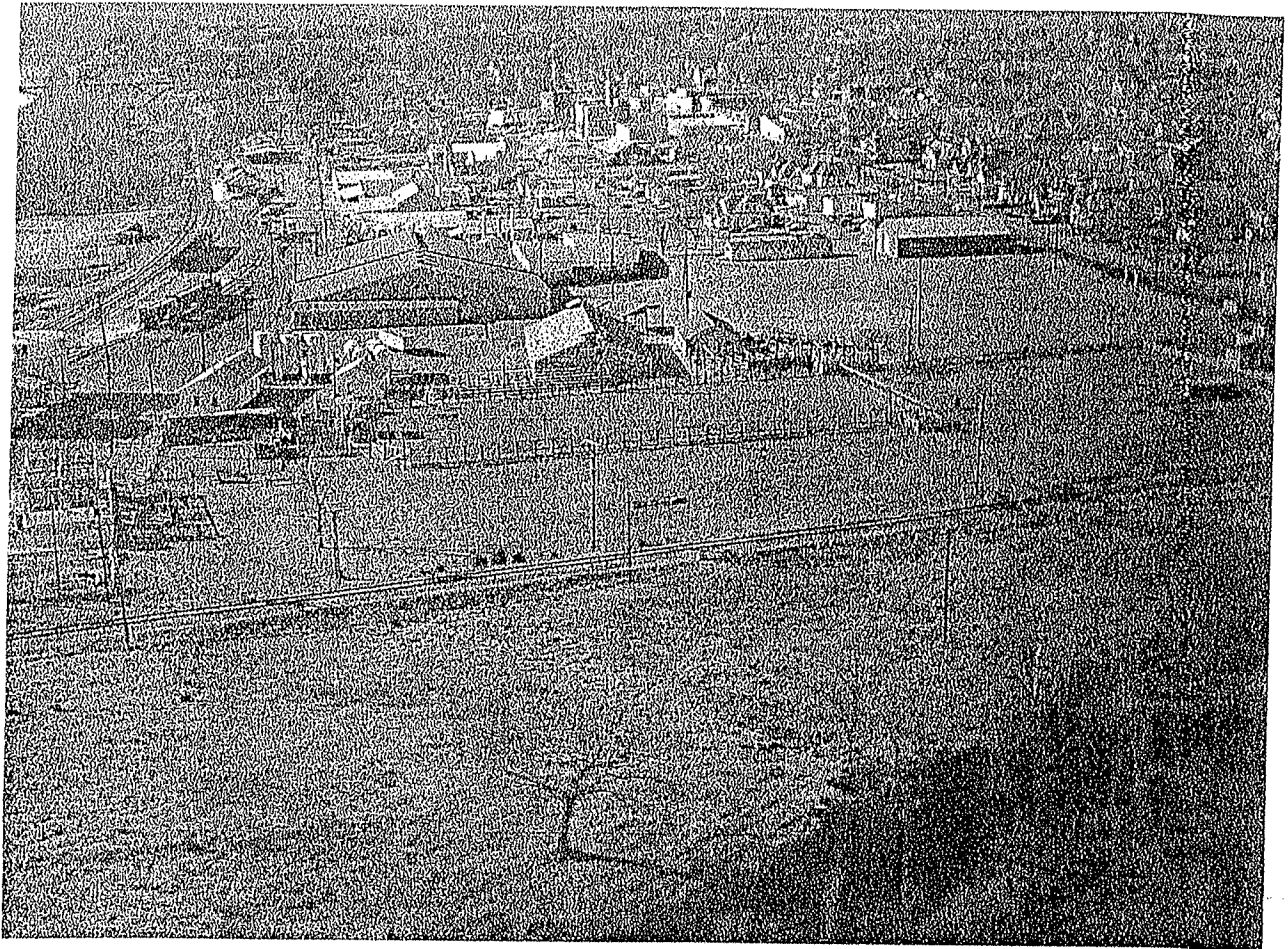


Exhibit M-6

Picture showing Depot & Crossing



Exhibit M-7

Close up view of Oliver St. Crossing with vehicle at the crossing

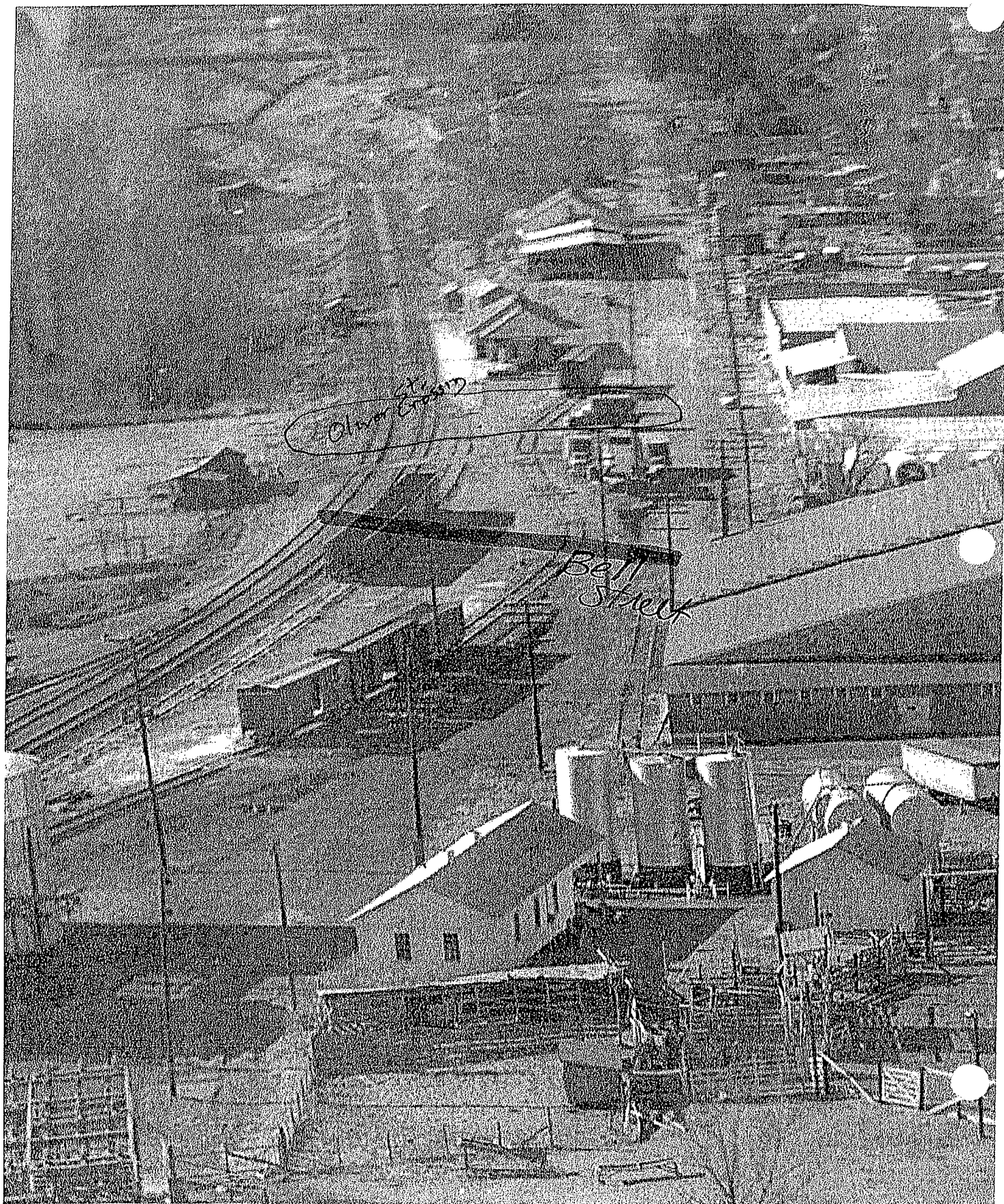
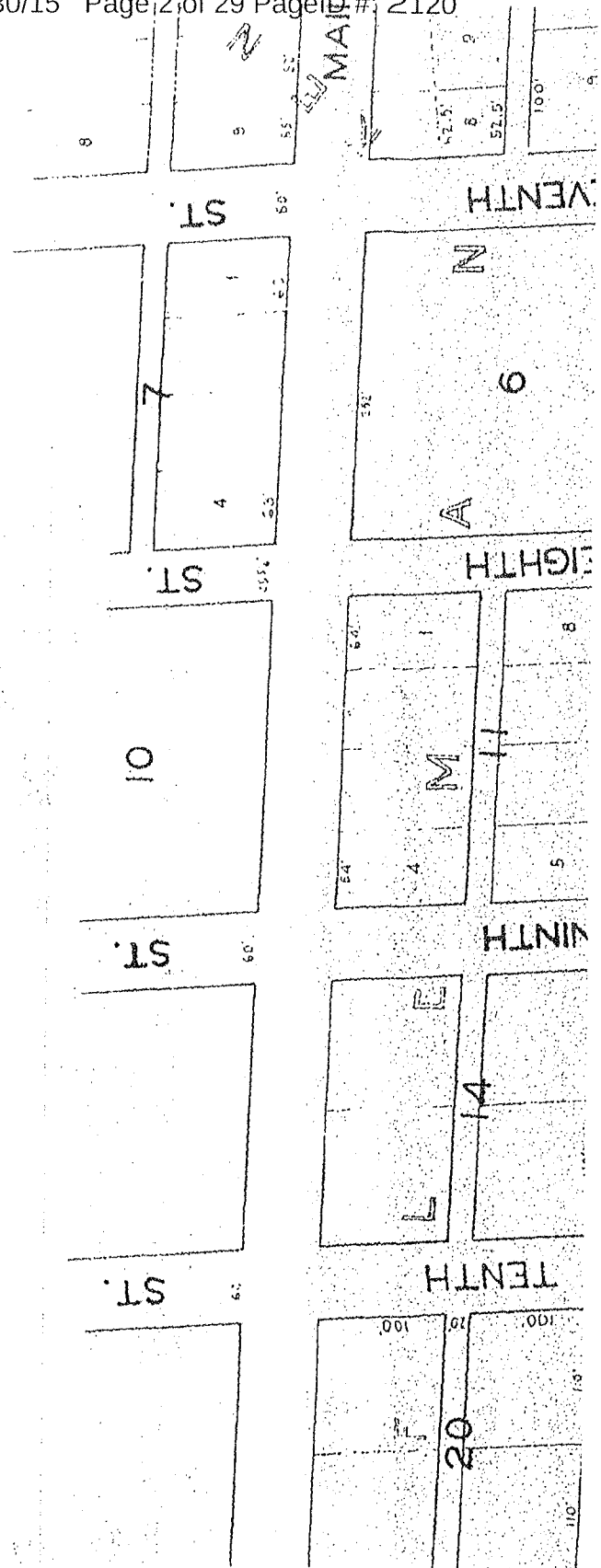
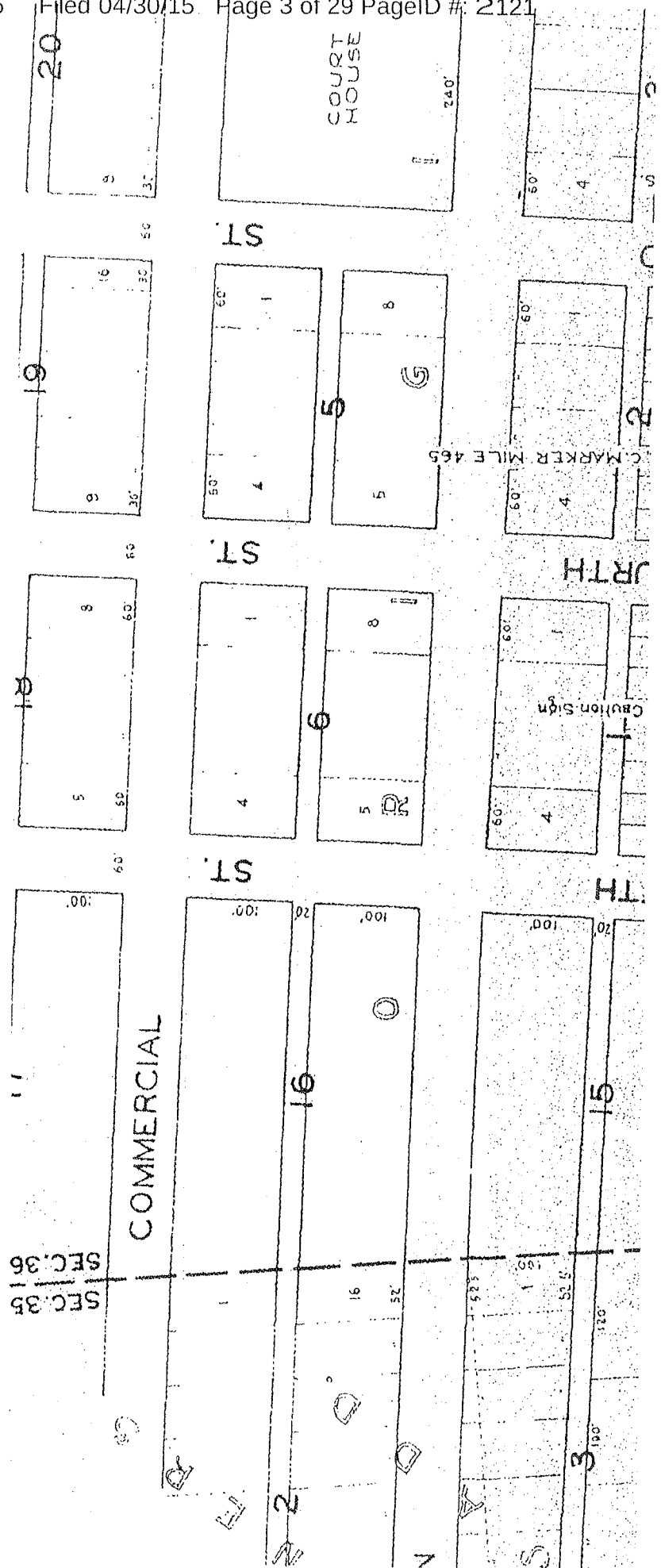


Exhibit N-1

Station and Structures Map, August 15, 1946, Pages 1-12





REVISED AS TO	SOURCE	DATE	DRAFTSMAN
Land Sold-Part of Parcel 9	A.F.C. No. MISCELLANEOUS 47849 1537-B	7-47-11-47	B.L. Bridgman
Install Automatic Signals	44707 1537-B	5-46-13-48	H.O. Tong
Trk. No. 20-150 8x10 113'	48224 1537-B	7-48-10-29-48	L.F. Fabry
Ownership of Par. 7 Disclaimed	Sup. Y.C. Harpino's Letter on Jan 30 1949 Certified	2-3-49	B.L. Bridgman
Stock Pen & Platform Removed	48593	12-48	H.J. Penn
Trk. No 20 170 Concl'd	48925 1537-B	11-49-10-10-50	B.L. Bridgman
Trk. No 20-170 Ex'd	50693 1537-B	12-4-51	B.L. Bridgman
Water & Sewer Lines Installed to Depot	53158 1537-B	10-53-1-13-54	B.L. Bridgman
W.U. Linemen's Tool Ho	53841 1537-B	2-54-15-11-54	H.J. Penn
Removal of Trk. No. 20-142 14x12-152' Trk No. 3 Ex'd 312' 152' 14x12' 152'	54263 1537-B	8-54-11-11-54	J.A. Wolfgram
Trk. No. 20-142 Ex'd	618190 1537-B	4-61-10-21-61	E.L. Chartrand
Release of Easement to Trk. No. 1	Doc. No. 1245	7-62-10-5-62	L.W. Robinson
Mail Crane Removed	5-62-10-23-62	5-62-9-19-62	E.L. Chartrand
Refine Trk. No. 20-170	60658 1537-B	6-62-14-16-62	W.C. Jones
Trk. No. 20-150 8x10 113' Rem'd	630636 1537-B	5-63-1-9-64	B.L. Bridgman
Trk. No 20-193 Ex'd	650157 1537-B	5-65-10-10-65	E.L. Chartrand
Sold Part of Par. 10 All of 11	650011 Doc. 69024	6-65-11-25-65	J. McLeod
Removed Tool HOS.	680106 24018	12-65-12-12-70	J. McLeod
Removed Piping	710276 24018	8-71-7-19-72	" "
Tool House Sold	770106	2-78-11-17-78	M.A. Bass

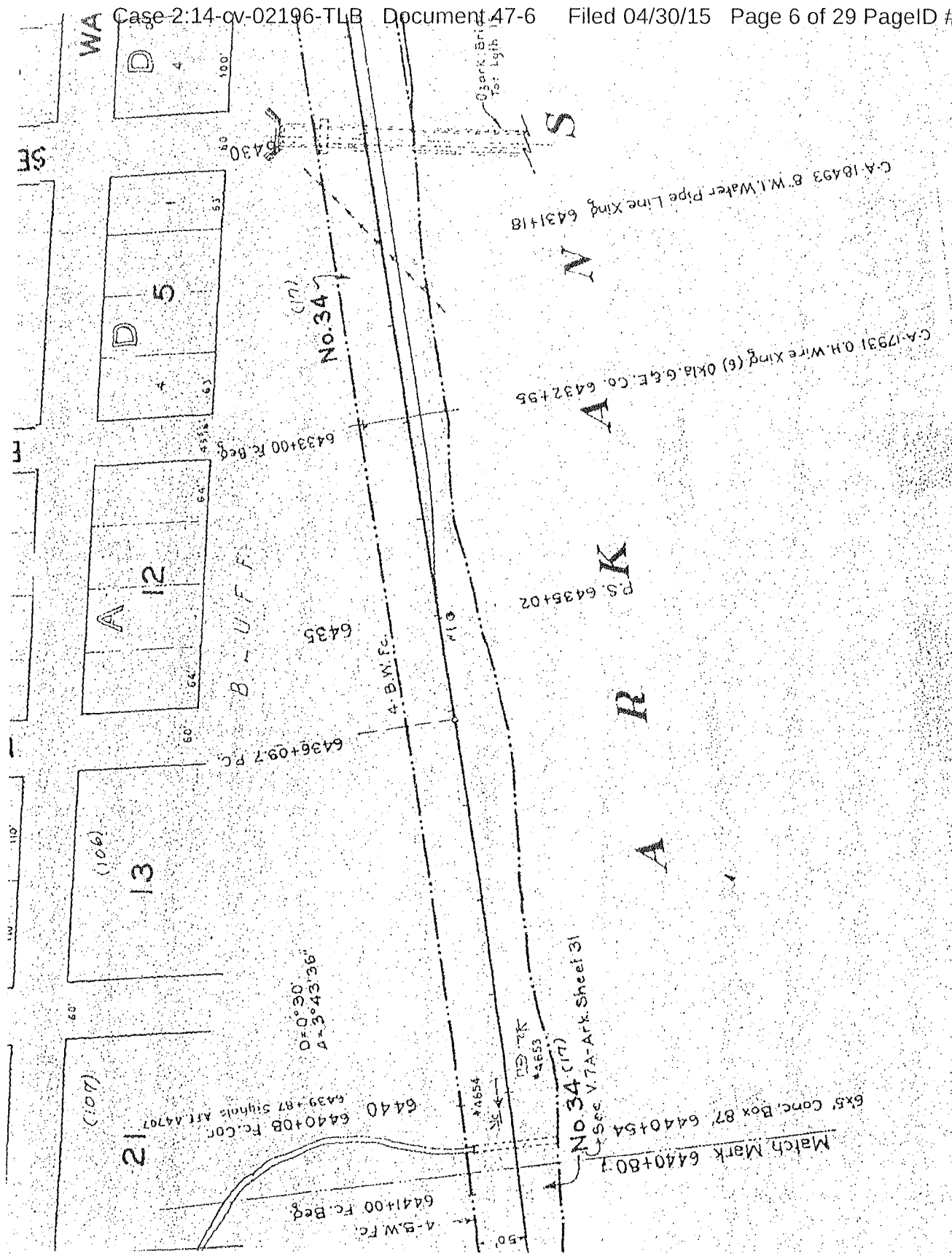
No. 1-11-15-2500

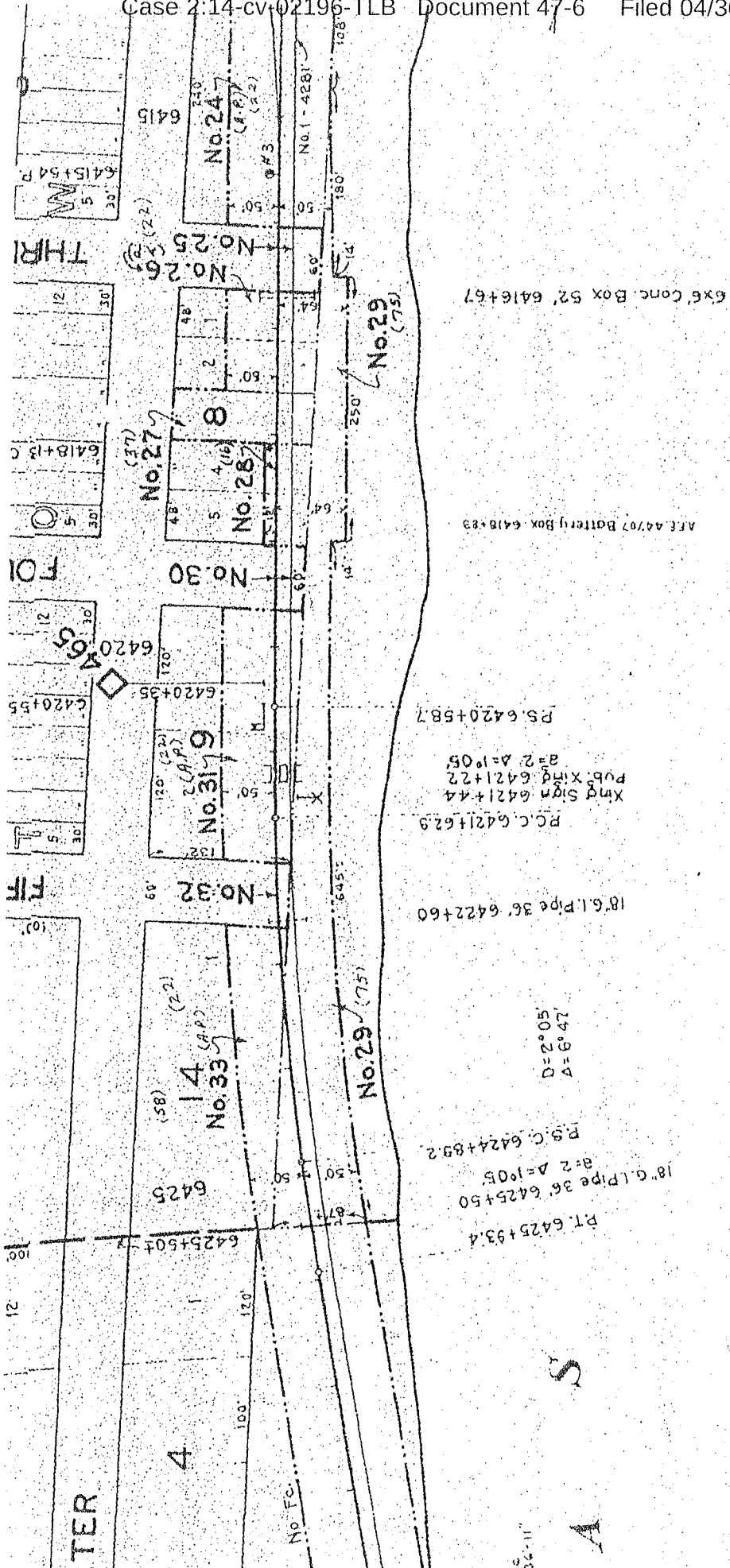
Easement Granted to Mofpa 101' x of W
C-A-37155 Released 7-12-62 Trk. No. 12-5

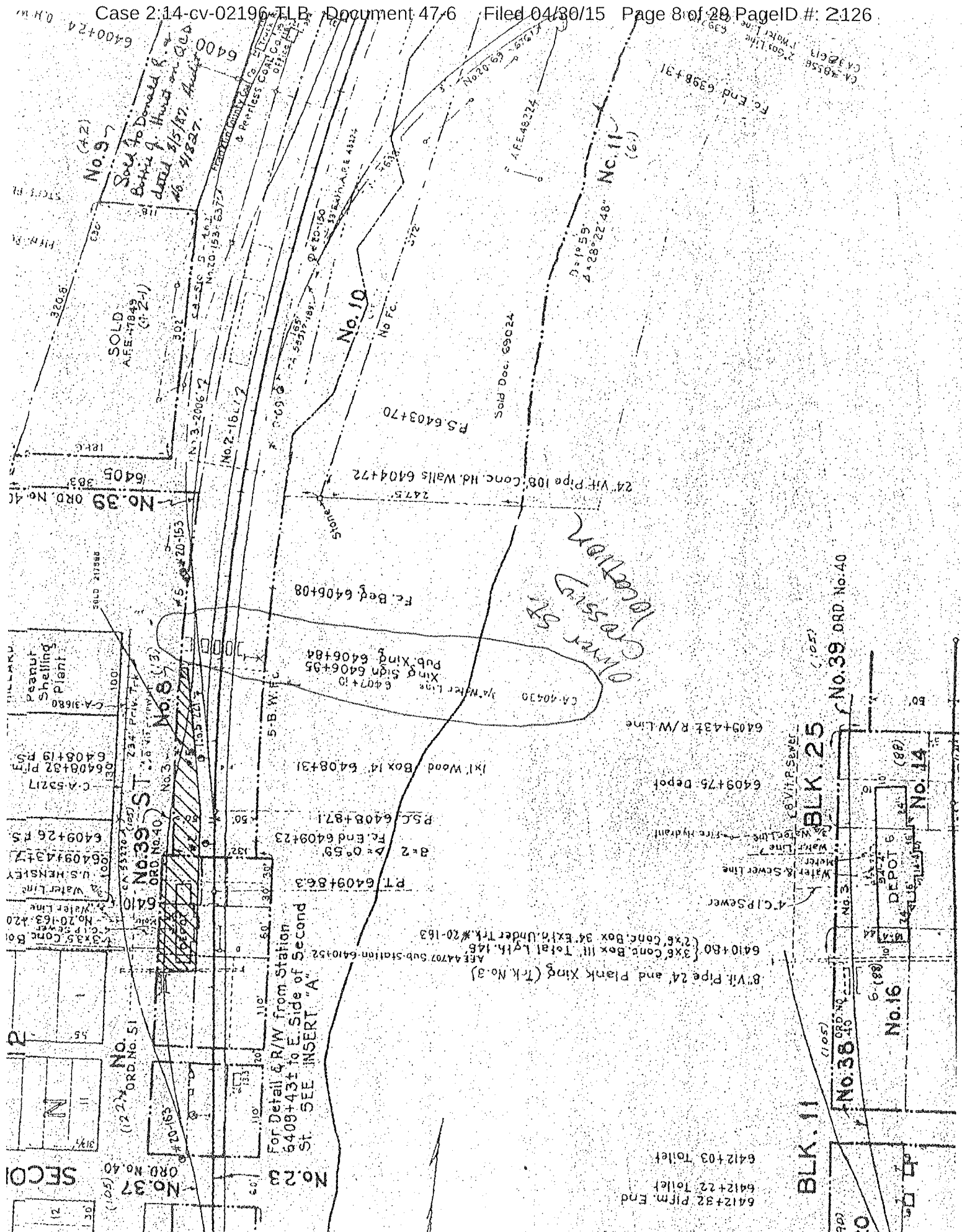
N

No. 20-170
R 20 537

Revised C-A-39449
N.E.S. & S.F.C. 56







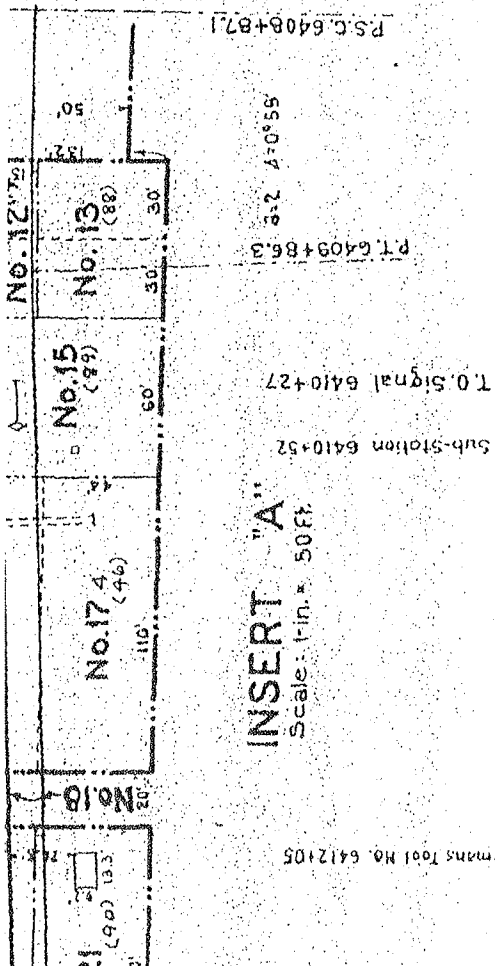


No. 2
 24

COMPILATION RECORD			
Information Used- General	5378s New York A.F. No. 46226	Compiled by Draftsman Date	Checked by Draftsman Date
Map V7A-Ark. sheet 31 dated June 30, 1918. Recorded Plat Record Map F-881. Eng. File 36206, 52857, 56356. & Various 1537 B Reports) A.F. Es.	46226 4-30-46	L.F. Fabry 8-15-46	J.E. Woodbury 9-27-46

SUBORDINATION AGREEMENT WITH
6382185 to 6394110, 6405185 to

Sheet No. 5-31 of 39 sheets of Map
from survey station 6388+00 to 63



STATION MAP
RIGHT OF WAY, TRACKS AND STRUCTURES

LITTLE ROCK AND FT. SMITH R.R. CO.

OWNED AND OPERATED BY

MISSOURI PACIFIC RAILROAD CO.
OZARK, FRANKLIN CO., ARK.

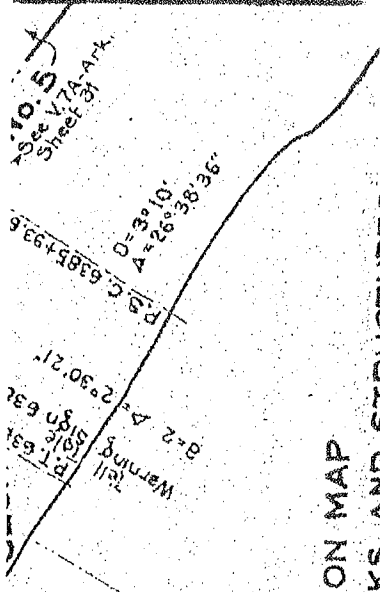
STATION 6388+00 TO STATION 6440+80

SCALE 1-IN.=100 FT.

AUG. 15, 1946

OFFICE OF CHIEF ENGINEER

ST. LOUIS, MO.



S.A.-DOC. 70015
541+90

IRV7AS31

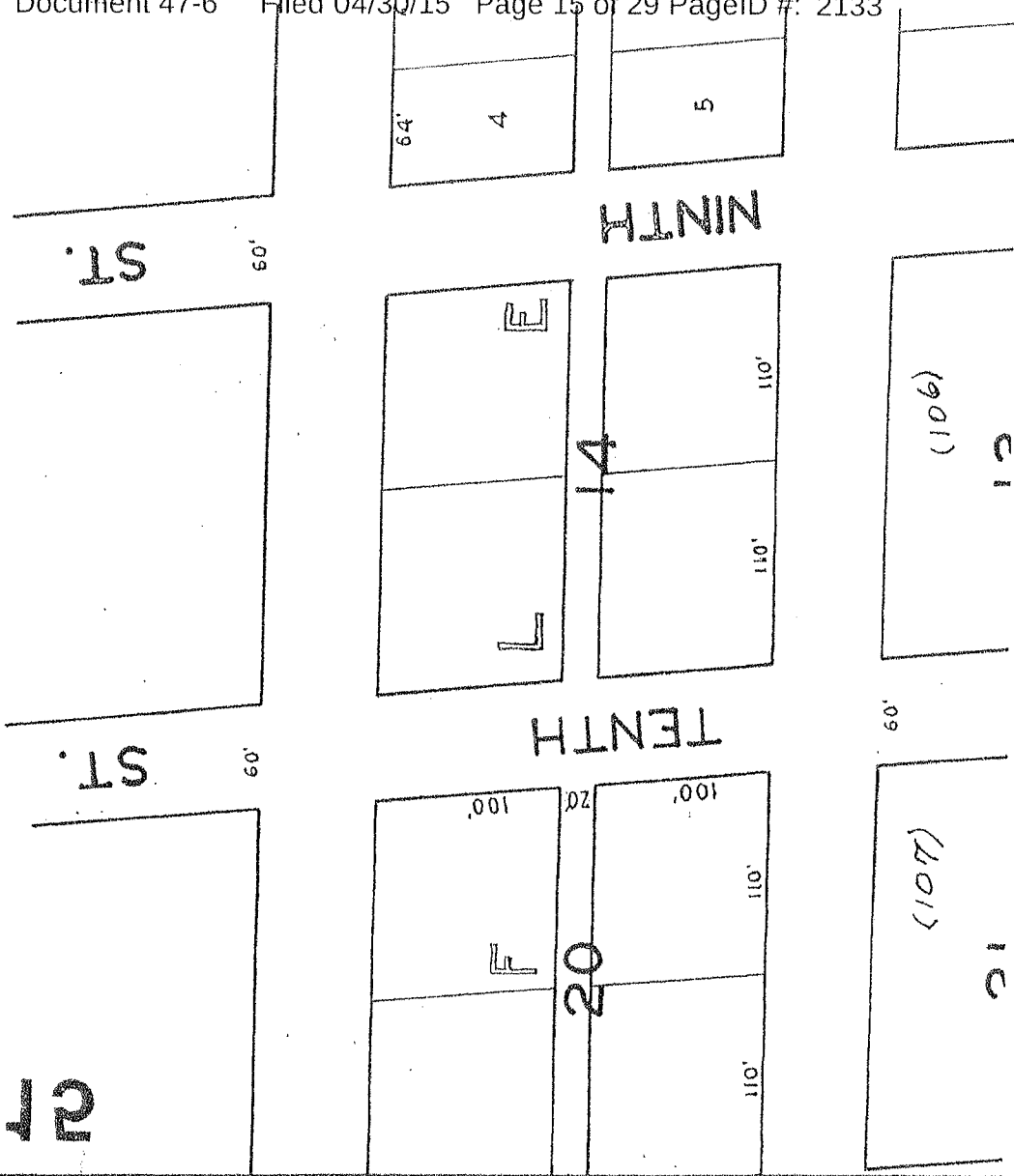
Missouri Pacific Railroad Company, Main Line,
Survey station 6440+80

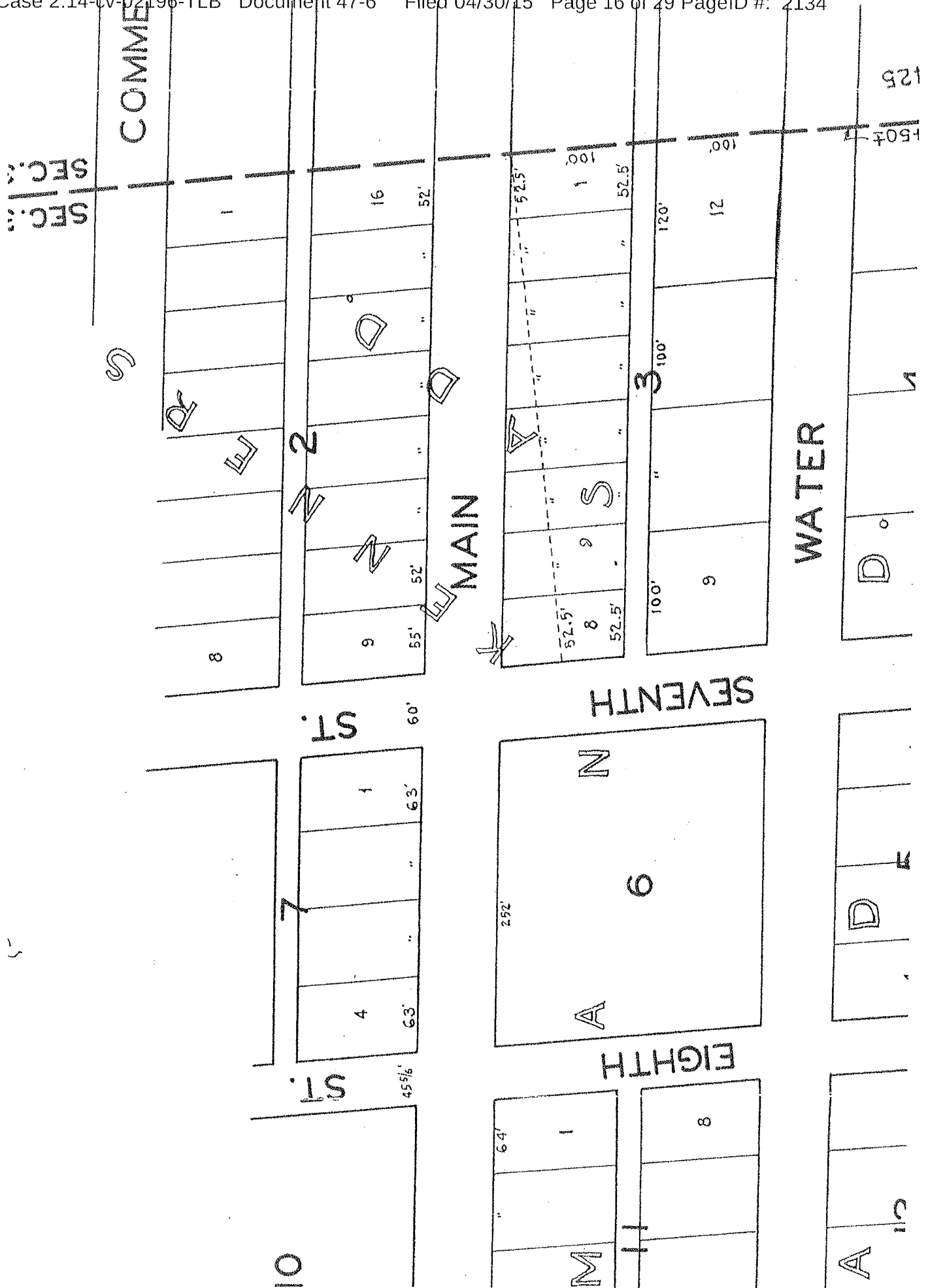
Engineer

Exhibit N-2

Enlarged Version of the Station and Structures Map, August 15, 1946, Pages 1-15

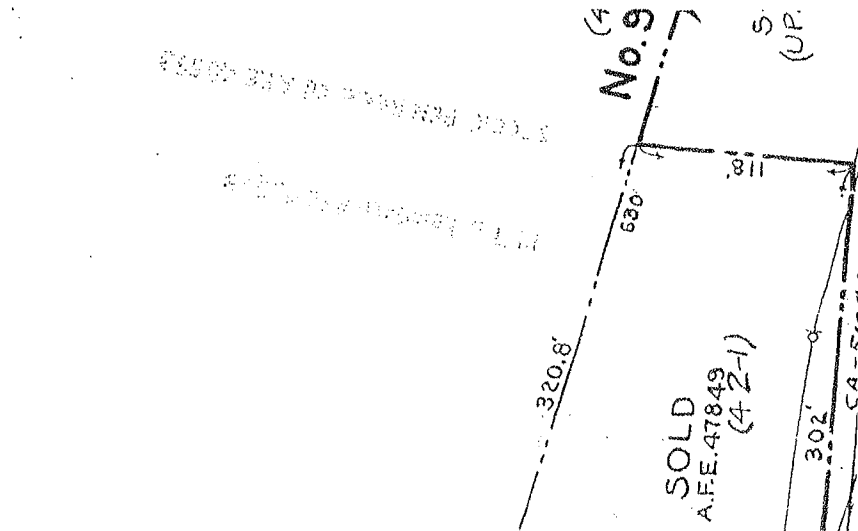
21009

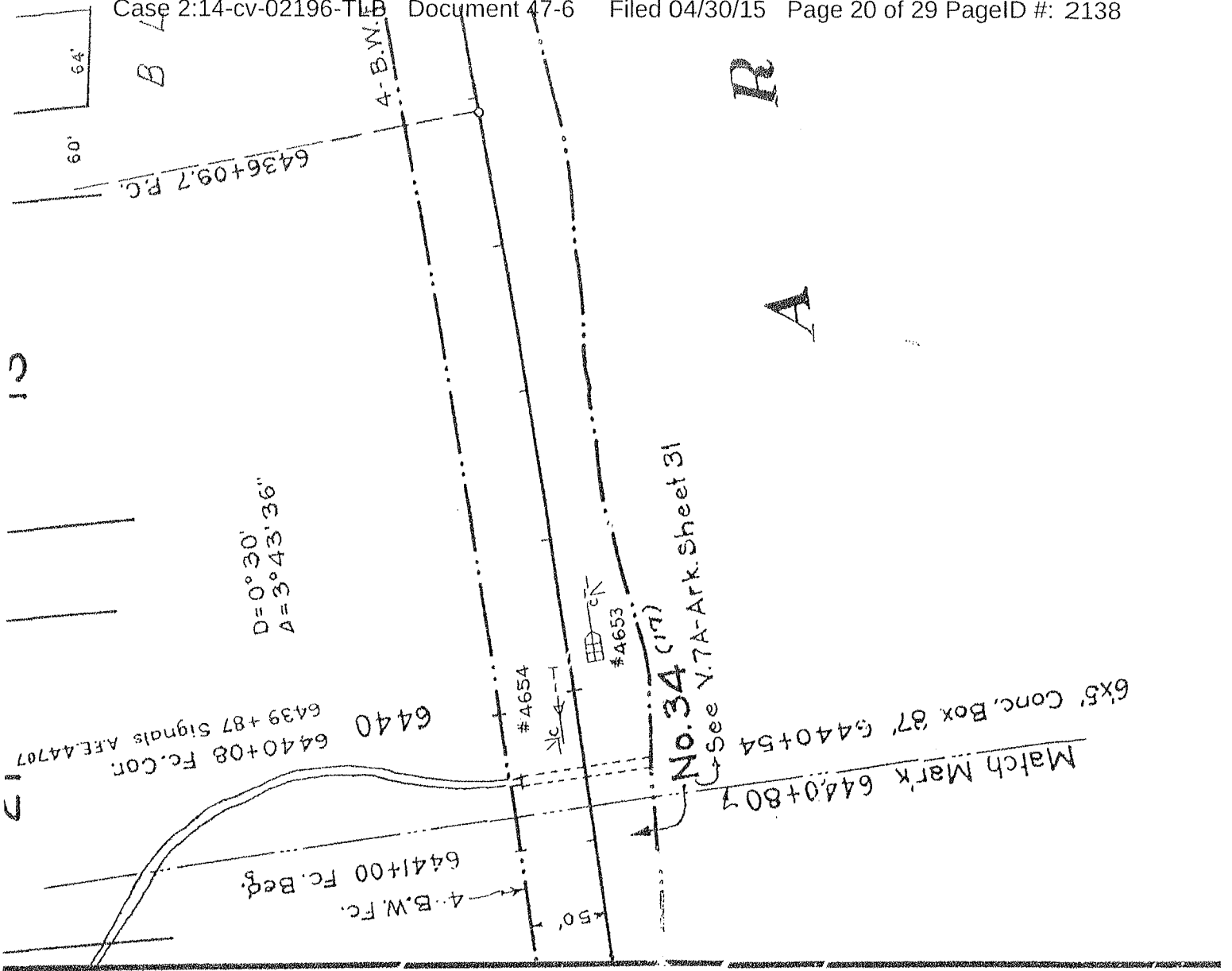


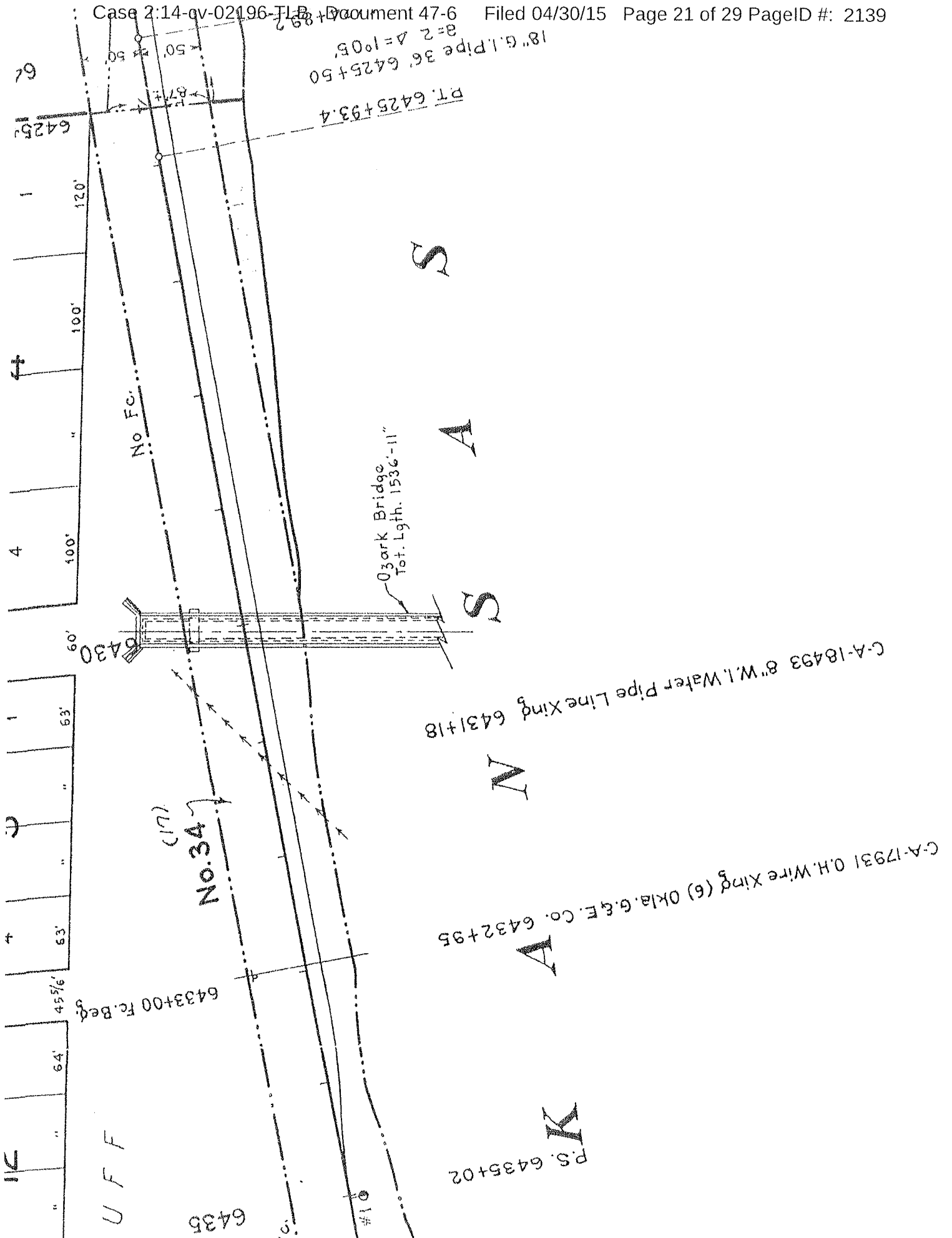


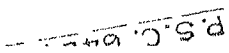


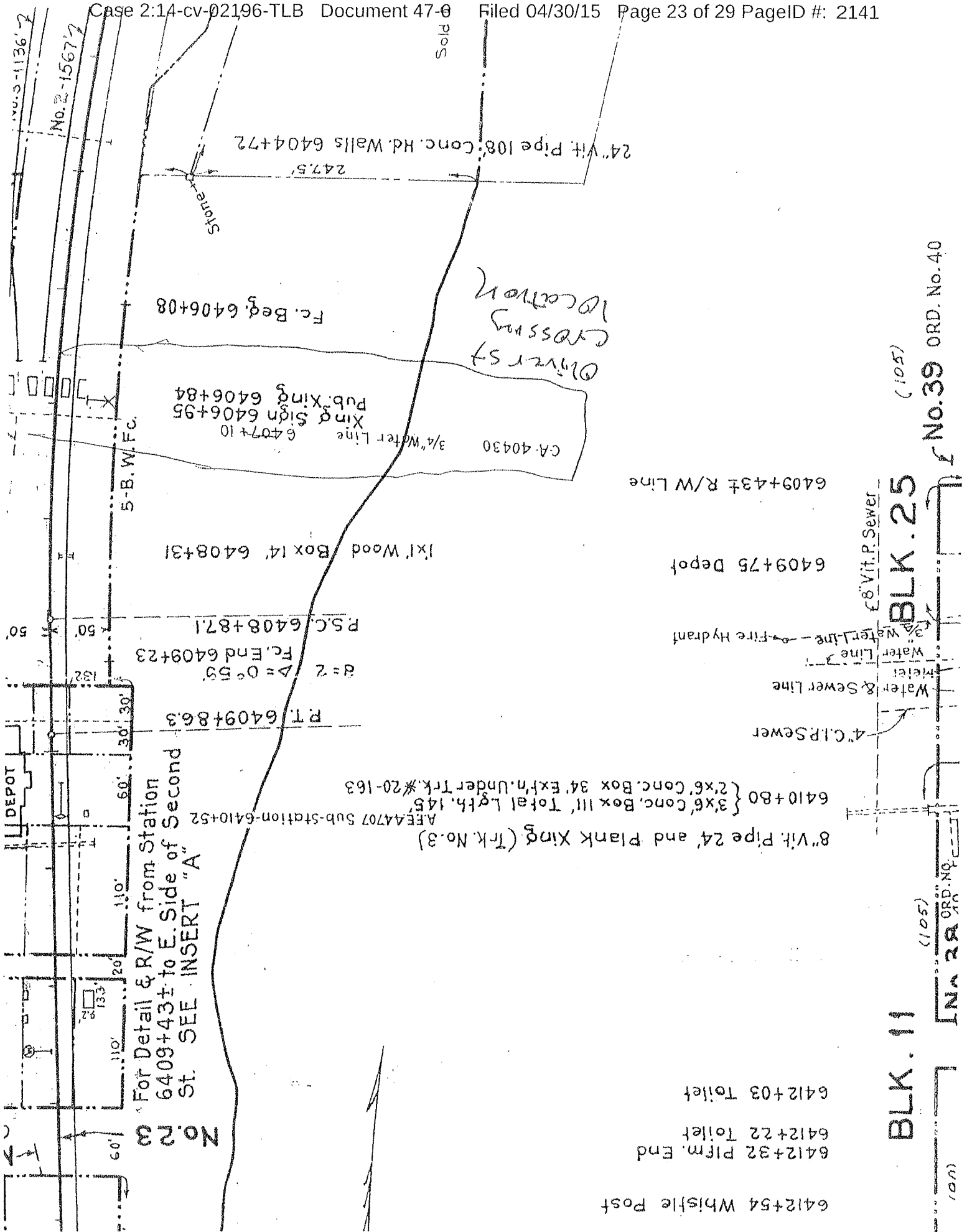
SEE











1025-467
No. 20-153-6373

90

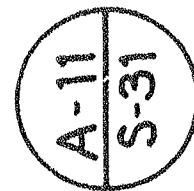
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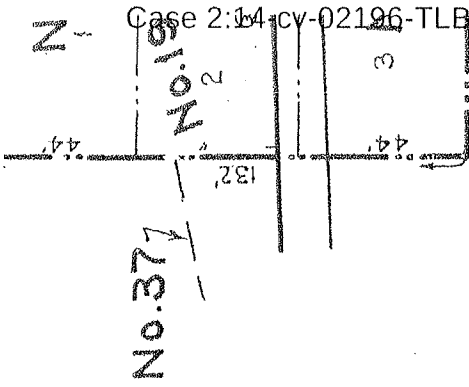
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100. 69024

$$D = 10.59$$
$$\Delta = 28^{\circ} 25' 48''$$

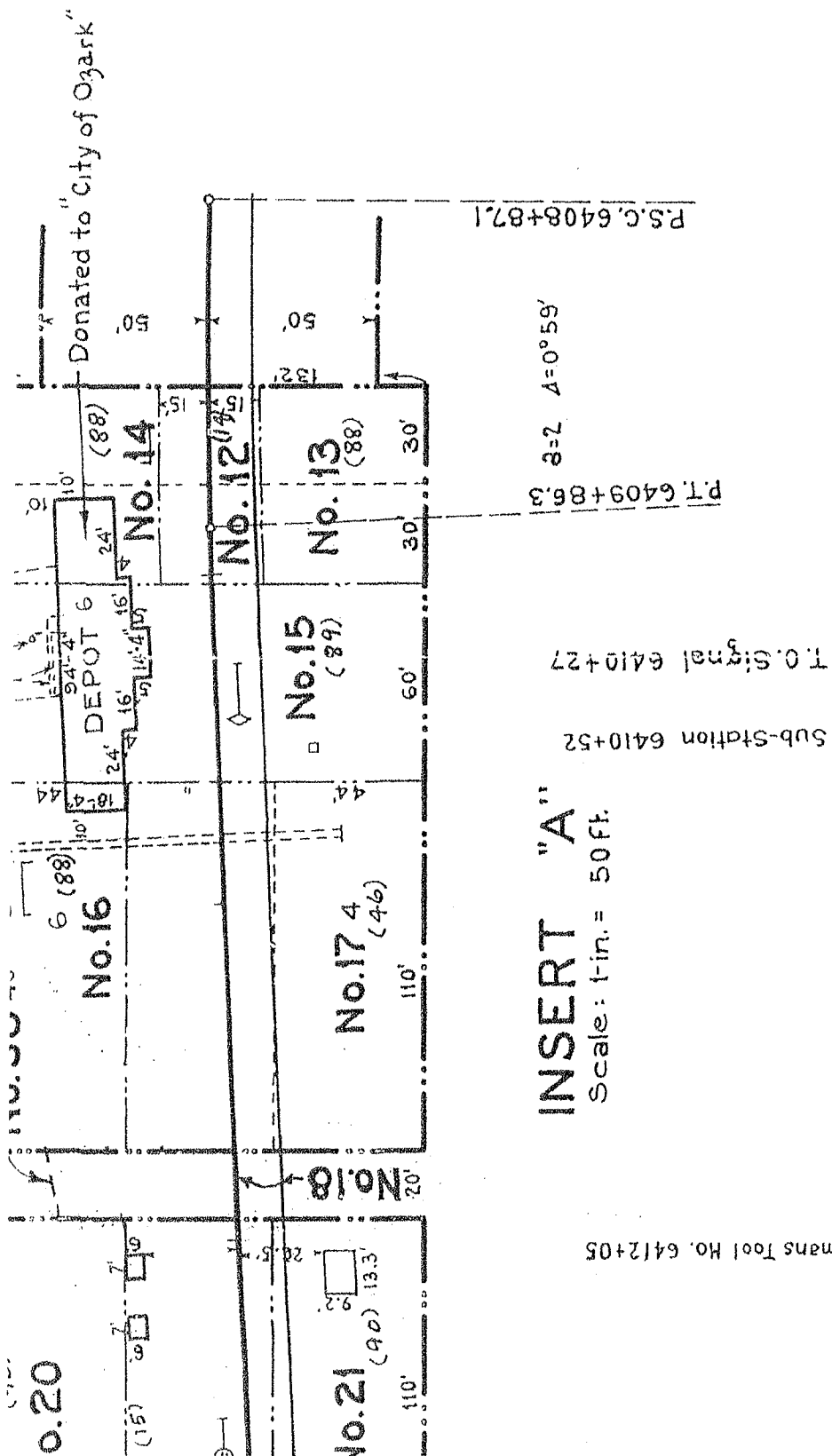
20





COMPILATION RECORD				
Information Used- General	1537 B's. New Work		Compiled by	
	A.F.E. No.	Date Job Completed	Draftsman	Checked by Draftsman Date
Map V.7A-Ark. sheet 31 dated June 30, 1918. Recorded Plat Record, Map F-881, Eng. File 36206, 52857, 58956, & Various, (1537 B Reports) A.F.E.s.	46226	4-30-46	L.F. Fabry	8-15-46 S.E. Woodbury 8-27-46

0402409



Western Union Linemans Tool No. 6412+05

INSERT "A"
Scale: 1-in. = 50ft.

Sub-Station 6410+52

T.O. Signal 6410+27

P.T. 6409+86.3

$$g=2 \quad \Delta=0^{\circ}59'$$

P.S.C. 6408+87.1

SUBORDINATION
G382+82 to G3

Sheet No.
from sur

409