

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,	)	CIVIL ACTION NO:2:14-CV-02196-
TLB	)	
AND THE ARKANSAS STATE HIGHWAY	)	
COMMISSION	)	
	)	
Defendants,	)	

**PLAINTIFF'S SUPPLEMENTAL FILING OF EXHIBITS TO THE PLAINTIFF'S
RESPONSE AND OPPOSITION TO THE DEFENDANT'S MOTION FOR 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 Supplemental Exhibits to the Plaintiff's Response and Opposition to the Defendant's Motion for Summary Judgment filed herein on and even date herewith and does file Exhibit L through M-9 as shown on the 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
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2000
Little Rock, Arkansas 72201-
3522
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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 25th day of May 2015.

/s/ Christopher D. Brockett
Christopher D. Brockett

TABLE OF EXHIBITS

Exhibit A-1: Copy of deed from WM Hail to William Cureton

Exhibit A-2: Copy of deed transferring land from James F. Quaile and Frauk A. Quaile to Little Rock and Fort Smith Railway on March 14, 1876

Exhibit B: Copy of deed from John Hail & Sarah to William Hail

Exhibit C: Copy of deed from William Cureton to James F. Quaile

Exhibit D: Copy of deed from J.V. Boourland & Bonnie J. to Samuel Church

Exhibit E: Deed from Samuel Church to Jinnie to J.V. Bourland

Exhibit F: Deed from J.V. Bourland and Bonnie J. to Redmond R. Walting

Exhibit G: A copy of deed from Julia Walting to Martin Oliver

Exhibit H: A copy of a picture of the downtown area showing residences on the south side of the Defendant's tracks prior to the construction of the new Depot

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

Exhibit J: A copy of Small Estate Affidavit of Nelsie Oliver

Exhibit K-1: June 5, 1940 Minutes from City Council

Exhibit K-2: May 8, 1951 Minutes from City Council

Exhibit K-3: December 11, 1956 Minutes from City Council

Exhibit K-4: December 22, 1957 Minutes from City Council

Exhibit L: Deposition of Monty Canady Page 19

Exhibit M-1: A copy of the Ordinance dated October 13, 1942

Exhibit M-2: A copy of the blue print

Exhibit M-3: Deposition of Harold Pickartz Page 25-26

Exhibit M-4: Deposition of Jimmy Bearden Page 19

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

Exhibit N-2: Enlarged Version of the Station and Structures Map, August 15, 1946, Pages 1-15

Exhibit O: Deposition of Dorothy Johnson Pages 10 and 16

Exhibit P-1: Deposition of Wallace Alston Pages 11, 16, 18, 20 and 21

Exhibit P-2: Deposition of Byron Rex Anderson Pages 12-13, pages 41-43

Exhibit P-3: Deposition of Jimmy Bearden Pages 9, 10, and 18

Exhibit P-4: Deposition of Bob Bonds Pages 9-15

Exhibit P-5: Deposition of Alice Brooks Pages 9 and 10

Exhibit P-6: Deposition of Monty Canady Pages 10-15

Exhibit P-7: Deposition of Ralph Johnson Pages 11-15

Exhibit P-8: Deposition of Dorothy Johnson Page 14

Exhibit P-9: Deposition of Brenda Mann Page 8

Exhibit P-10: Deposition of Harold Pickartz Pages 10 and 14

Exhibit P-11: Deposition of Andrew Post Page 8

Exhibit P-12: Deposition of Loye Randolph Pages 10-12

Exhibit P-13: Deposition of Philip Smith Pages 8, 9 and 11

Exhibit P-14: Deposition of Paul Stacy Pages 10 and 11

Exhibit P-15: Deposition of Robert Trotter Pages 11 and 12

Exhibit P-16: Deposition of Lonnie Turner Pages 6 and 7

Exhibit P-17: Deposition of Don Whitson Pages 8, 9 and 12

Exhibit P-18: Deposition of Shirley Wilson Pages 9-11

Exhibit P-19: Deposition of Harrison Allred Pages 27, 30-32

Exhibit Q-1: Deposition of Kenneth Smith Pages 10-13, 18-20, 22, 23-27

Exhibit Q-2: Copy of picture dated 1952

Exhibit Q-3: Zoomed in version of Copy of picture dated 1952

Exhibit Q-4: Copy of picture dated 1954

Exhibit Q-5: Zoomed in version showing structures on South side of railroad crossing

Exhibit Q-6: Substantially zoomed in version showing structures on South side of railroad crossing

Exhibit R: Deposition of Harrison Allred Pages 12, 13, 23 and 25

Exhibit S-1: Deposition of Jimmy Bearden Page 21

Exhibit S-2: Picture of 1955 Butane Tanks Move

Exhibit T: Deposition of Harrison Allred Pages 17, 26 and 32

Exhibit U: Deposition of Monty Canady Pages 19 and 20

Exhibit V: Deposition of Dorothy Johnson Page 17

Exhibit W-1: Deposition of Ralph Johnson Page 17

Exhibit W-2: Deposition of Truman Johnson Page 12

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Exhibit W-4: Deposition of Don Whitson Page 15

Exhibit X-1: Deposition of Truman Johnson Page 10

Exhibit X-2: Deposition of Harold Pickartz Page 17 and 18

Exhibit X-3: Deposition of Andrew Post Page 11

Exhibit X-4: Deposition of Joe Powell Page 12

Exhibit X-5: Deposition of Paul Stacy Page 11, 12 and 14

Exhibit Y-1: A copy of the February 1962 Map

Exhibit Y-2: Enlarged Version of the February 1962 Map

Exhibit Y-3: Deposition of Robert Trotter Page 18, 20 and 25

Exhibit Z: A copy of the Directory dated March 1962

Exhibit AA-1: Deposition of Robert Trotter Page 17 and 19

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Exhibit AA-3: Deposition of Harold Pickartz Page 17-22

Exhibit BB: Deposition of Lonnie Turner Page 23 and 24

Exhibit CC: Deposition of Robert Trotter Page 13, 23, 24 and 27

Exhibit DD: Deposition of Steve Outlaw Pages 8 and 9

Exhibit EE: A copy of the 1965 Water Distribution Map

Exhibit FF: A copy of the ariel photo from 1965 with enlargement behind

Exhibit GG-1: Relocation Maps from Ozark Lock and Dam, March 1966

Exhibit GG-2: Copy of the Lis Pendens from June 1, 1968

Exhibit HH-1: A copy of John Burns deed

Exhibit HH-2: A copy of MOPAC's deed

Exhibit HH-3: A copy of Tom Kirkendoll's deed

Exhibit II: Google Maps showing the crossing

Exhibit JJ-1: FRA Crossing Inventory Reports 1970-2001

Exhibit JJ-2: FRA Crossing Inventory Reports Digital Map from Website

Exhibit KK-1: Deposition of Philip Smith Page 16

Exhibit KK-2: Deposition of Bill Brockett Page 9 and 11

Exhibit LL: A copy of the 1975 Map, Pages 1-6

Exhibit MM: 1976 Arkansas Map with a street index, Pages 1-12

Exhibit NN: A copy of the 1980 AH&TD Map, Pages 1-3

Exhibit OO: A copy of the 1980 Mickle-Wagner Assoc., Inc. Bike Route Map, Pages 1-3

Exhibit PP-1: Union Pacific's 2000 Map

Exhibit PP-2: Deposition of Vernon McDaniel, Pages 29 and 30

EXHIBIT L
AFFIDAVIT OF CAROL SNEATH

**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, AND THE ARKANSAS STATE HIGHWAY COMMISSION	)	
	)	
	)	
Defendants,	)	

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

AFFIDAVIT OF CAROL SNEATH

I, Carol Sneath, having first been duly sworn, state:

1. I am a resident of the State of Arkansas. I am more than 21 years of age. I have lived in Arkansas for approximately 35 years. I am making this affidavit with my own personal knowledge.

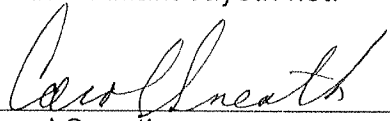
2. I was originally appointed as the City Clerk for the City of Ozark (the "City"), on February 14, 1994 and I served in that capacity until December 31, 2010. I was elected to serve as the mayor of the City in November 2010 and I served in that capacity from January 1, 2011 until December 31, 2014.

3. As City Clerk I worked with the Mayor of the City to prepare the City's Budget and allocate funds to each department based on the decision of the City's city council. The allocation included allocating City's funds to the City's street and road department for repairs and normal routine maintenance to the City's streets.

4. During the entire period of time from February 14, 1994 until December 31, 2014, the City did not allocate any funds for a specific road as part of the City's annual budget allocated to the City's road department. The City did allocate specific funds to special road projects when a road was damaged or needed repairs or other improvements that would exceed more than normal routine maintenance.

5. Further, as City Clerk, I prepared and reviewed the minutes and ordinances for the period of January 1, 1999 through the period of December 31, 2001 and based on my review of the minutes, it is my opinion that the City's city council did not discuss nor did the City's city council vote on the removal of the Oliver St. Crossing.

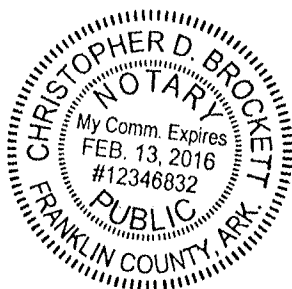
Further Affiant sayeth not.


Carol Sneath

Date: May 24, 2015

STATE OF ARKANSAS)
)
COUNTY OF FRANKLIN)

SUBSCRIBED AND SWORN to before me on this 24th day of May, 2015.




NOTARY PUBLIC

EXHIBIT M-1
DEPOSITION R. JOHNSON

1 A. Just go down and go into the dump. That was
2 it.

3 Q. Okay. And what about the other streets
4 downtown, did they have names, or did you just kind
5 of know where to go?

6 A. I knew where to go.

7 Q. Okay.

8 A. We didn't have signs on any of the, any of
9 the -- any of the streets had no signs on them. We
10 just knew where they were and what they were.

11 Q. Okay. While you were in the abstract business
12 did you ever need to find an ordinance adopting any
13 of the streets downtown?

14 A. No.

15 Q. Do you know if there are any ordinances
16 adopting the streets downtown?

17 A. I'm not aware of any.

18 Q. Okay. Would that have been something that was
19 in your records?

20 A. Not in our records, no.

21 Q. Okay.

22 A. It would have been in the city records or
23 something like that, but not in the abstract office,
24 huh-uh.

25 Q. Okay.

EXHIBIT M-2

AFFIDAVIT OF PLAINTIFF'S CITY CLERK SONYA EVELD

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,)
AND THE ARKANSAS STATE HIGHWAY)
COMMISSION)

Defendants,)

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

AFFIDAVIT OF SONYA EVELD

I, Sonya Evelt, having first been duly sworn, state:

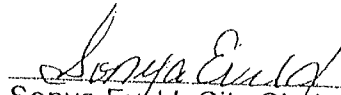
1. I am a resident of the State of Arkansas. I am more than 21 years of age. I have lived in Arkansas for all of my life approximately 52 years. I am making this affidavit with my own personal knowledge.

2. I am the current elected City Clerk for the City of Ozark, Arkansas and in that capacity I am the custodian of the City records, including minutes and city ordinances.

3. I was asked to review the minutes and ordinances from of the City of Ozark records for any documentation for acceptance or dedications of public streets for the downtown area of Ozark during the period of 1836 through approximately 1916.

4. Based on my review of the records of the City of Ozark, it is my belief that the City of Ozark has no records prior to 1929, as that was the earliest date that I could locate any minutes or ordinances for the City of Ozark.

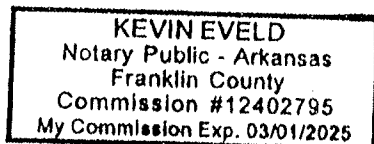
Further Affiant sayeth not.


Sonya Eyeld, City Clerk

Date: 4-28-15

STATE OF ARKANSAS)
)
COUNTY OF FRANKLIN)

SUBSCRIBED AND SWORN to before me on this 28th day of April, 2015.



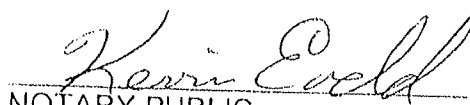

NOTARY PUBLIC

EXHIBIT M-3
PLAINTIFF'S OCTOBER 13, 1942 ORDINANCE

ORDINANCE NO. 40

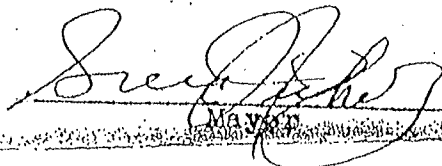
AN ORDINANCE ENTITLED: AN ORDINANCE GRANTING A RIGHT OF WAY TO GUY A. THOMPSON, TRUSTEE, MISSOURI PACIFIC RAILROAD COMPANY, DEBTOR, ACROSS SECOND STREET, THE ALLEY BETWEEN FIRST STREET AND SECOND STREET, AND THE SOUTHERLY PORTION OF WATER OR RIVER STREET FROM A POINT APPROXIMATELY SIXTY FEET EAST OF 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 12th day of October, 1942.


Mayor

ATTEST:

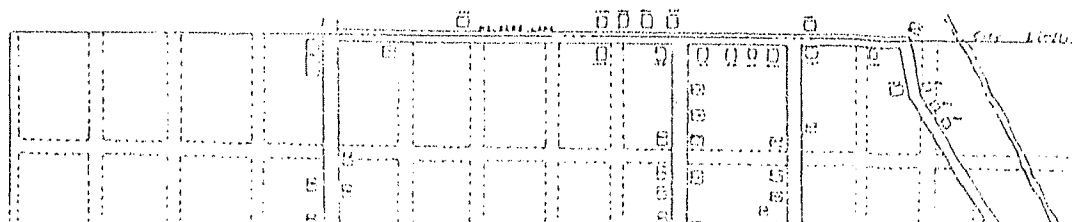

Harold Dodson

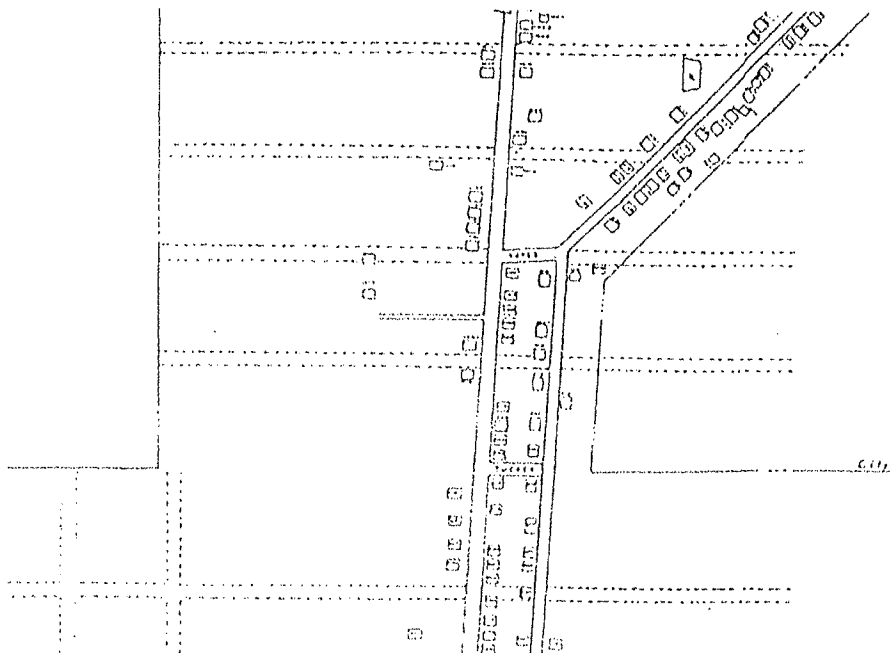
EXHIBIT M-4A
PLAINTIFF'S FEBRUARY 1962 MAP

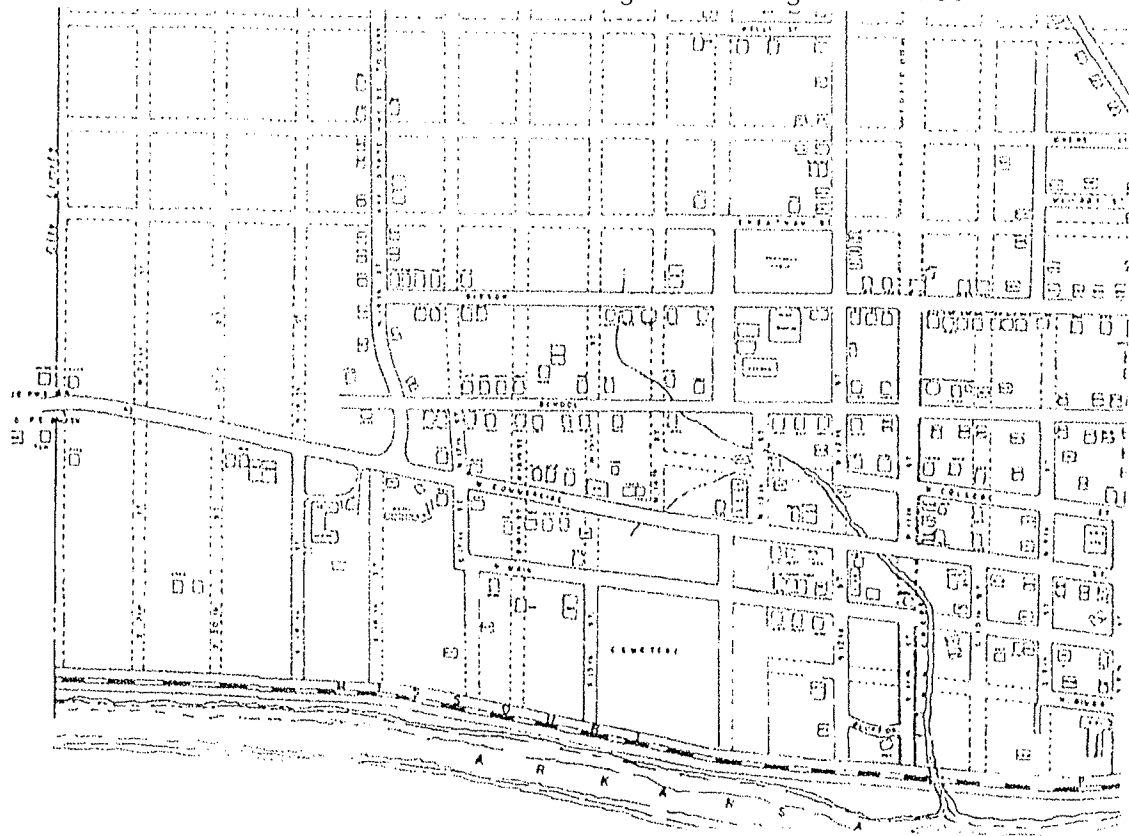
CITY MAP

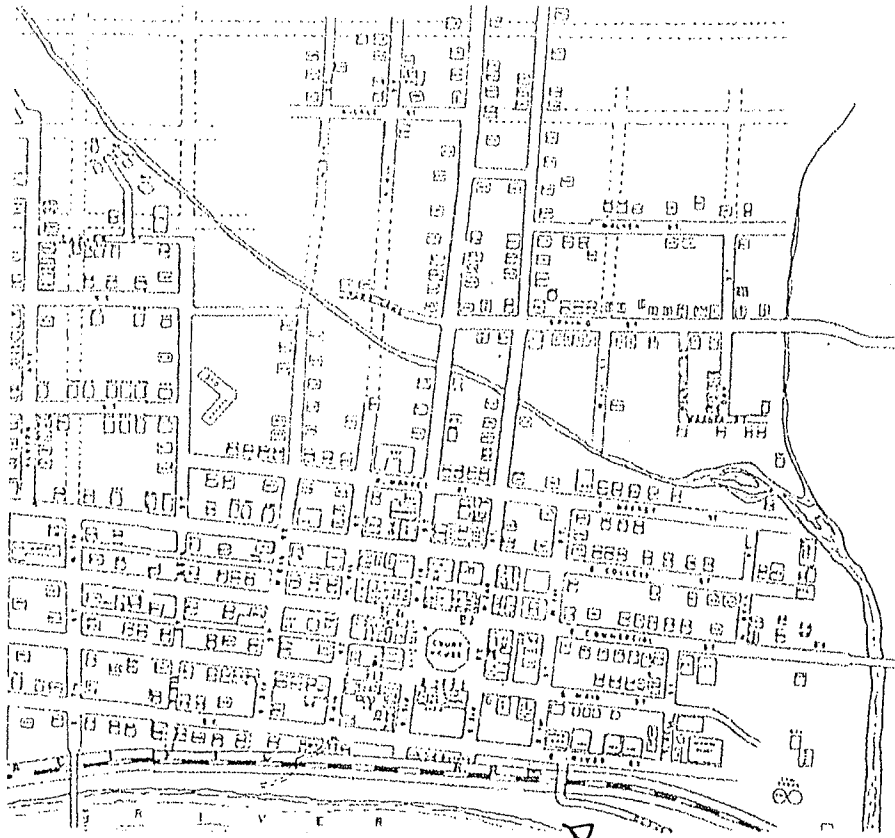
OZARK, ARKANSAS

SCALE
100 200 300 400 500
1" = 1/4 MILE
FEBRUARY, 1962

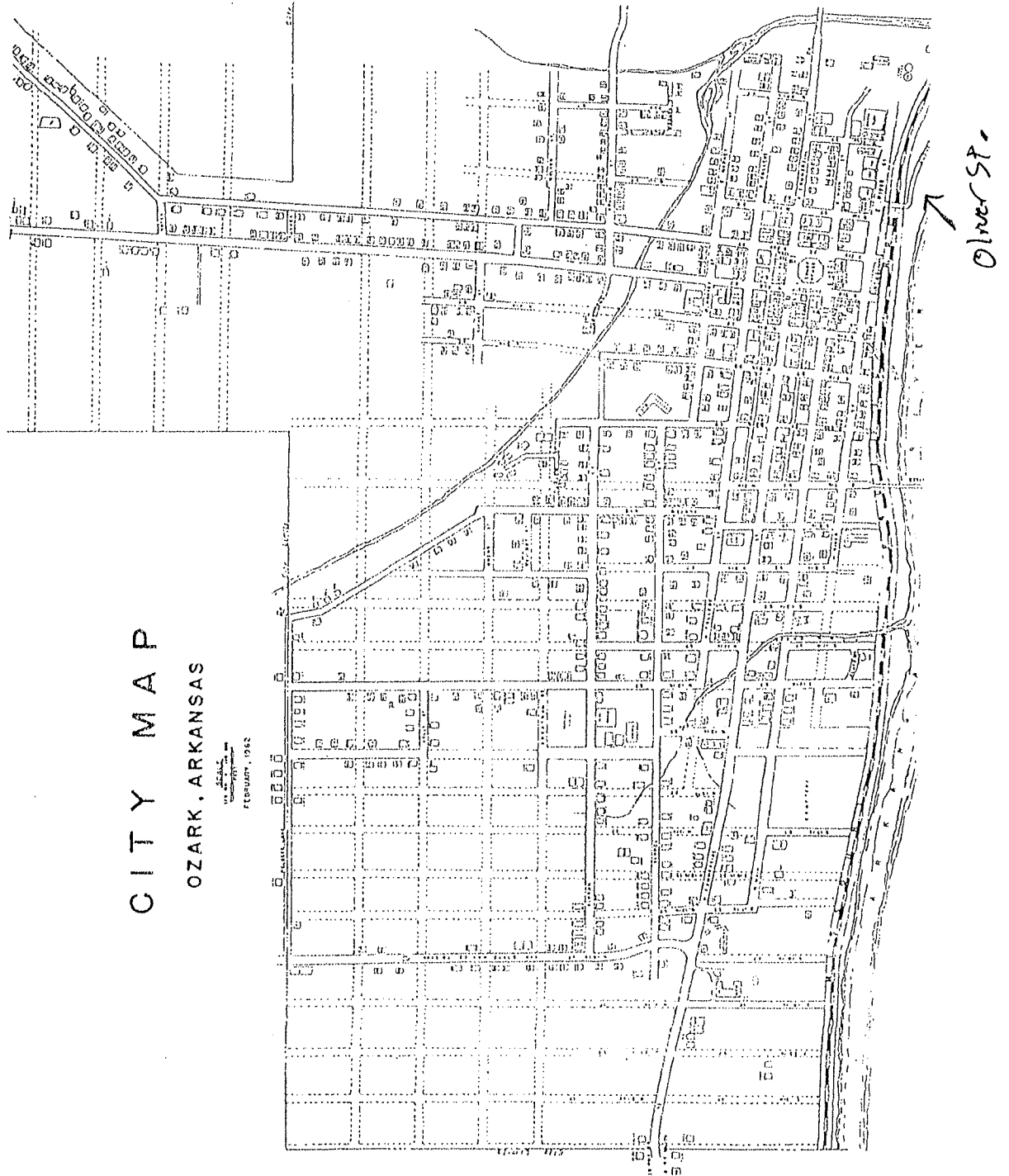








Oliver St.



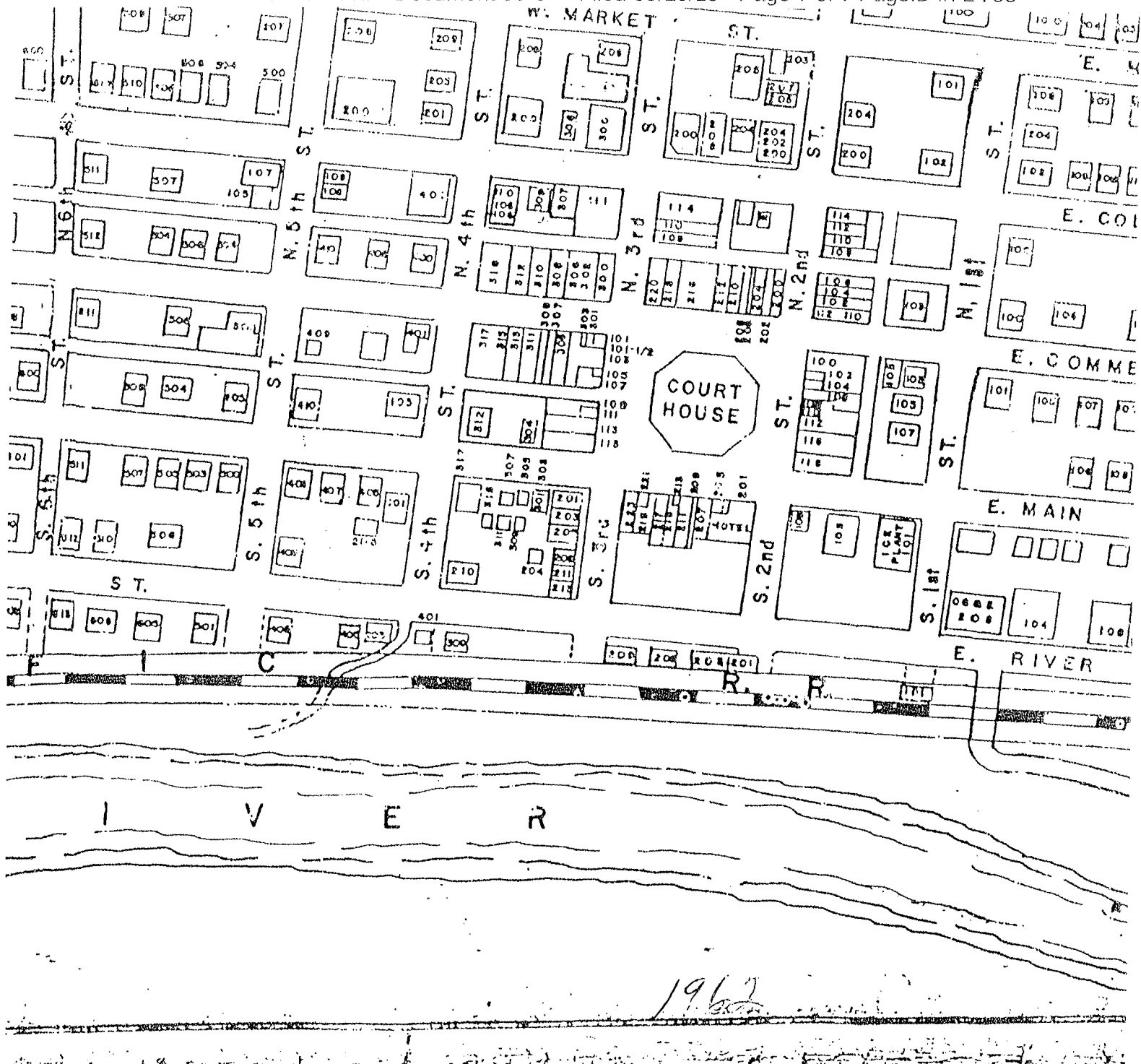


EXHIBIT M-4B

PLAINTIFF'S ENLARGED VERSION OF FEBRUARY 1962 MAP

**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,
AND THE ARKANSAS STATE HIGHWAY
COMMISSION**)

Defendants,)

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

AFFIDAVIT OF CAROL SNEATH

I, Carol Sneath, having first been duly sworn, state:

1. I am a resident of the State of Arkansas. I am more than 21 years of age. I have lived in Arkansas for approximately 35 years. I am making this affidavit with my own personal knowledge.

2. I was originally appointed as the City Clerk for the City of Ozark (the "City"), on February 14, 1994 and I served in that capacity until December 31, 2010. I was elected to serve as the mayor of the City in November 2010 and I served in that capacity from January 1, 2011 until December 31, 2014.

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5. Further, as City Clerk, I prepared and reviewed the minutes and ordinances for the period of January 1, 1999 through the period of December 31, 2001 and based on my review of the minutes, it is my opinion that the City's city council did not discuss nor did the City's city council vote on the removal of the Oliver St. Crossing.

Further Affiant sayeth not.

Carol Sneath

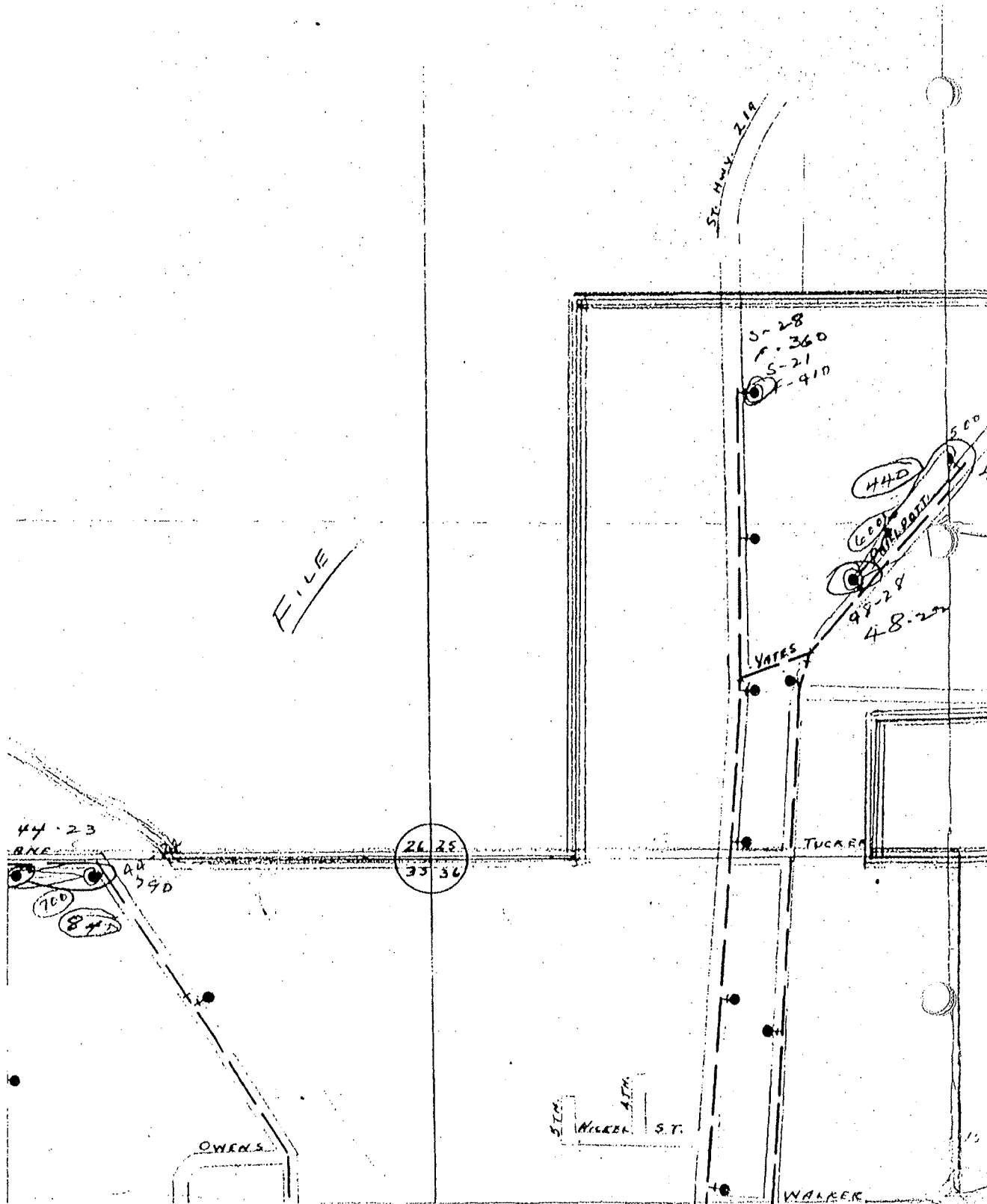
Date: _____

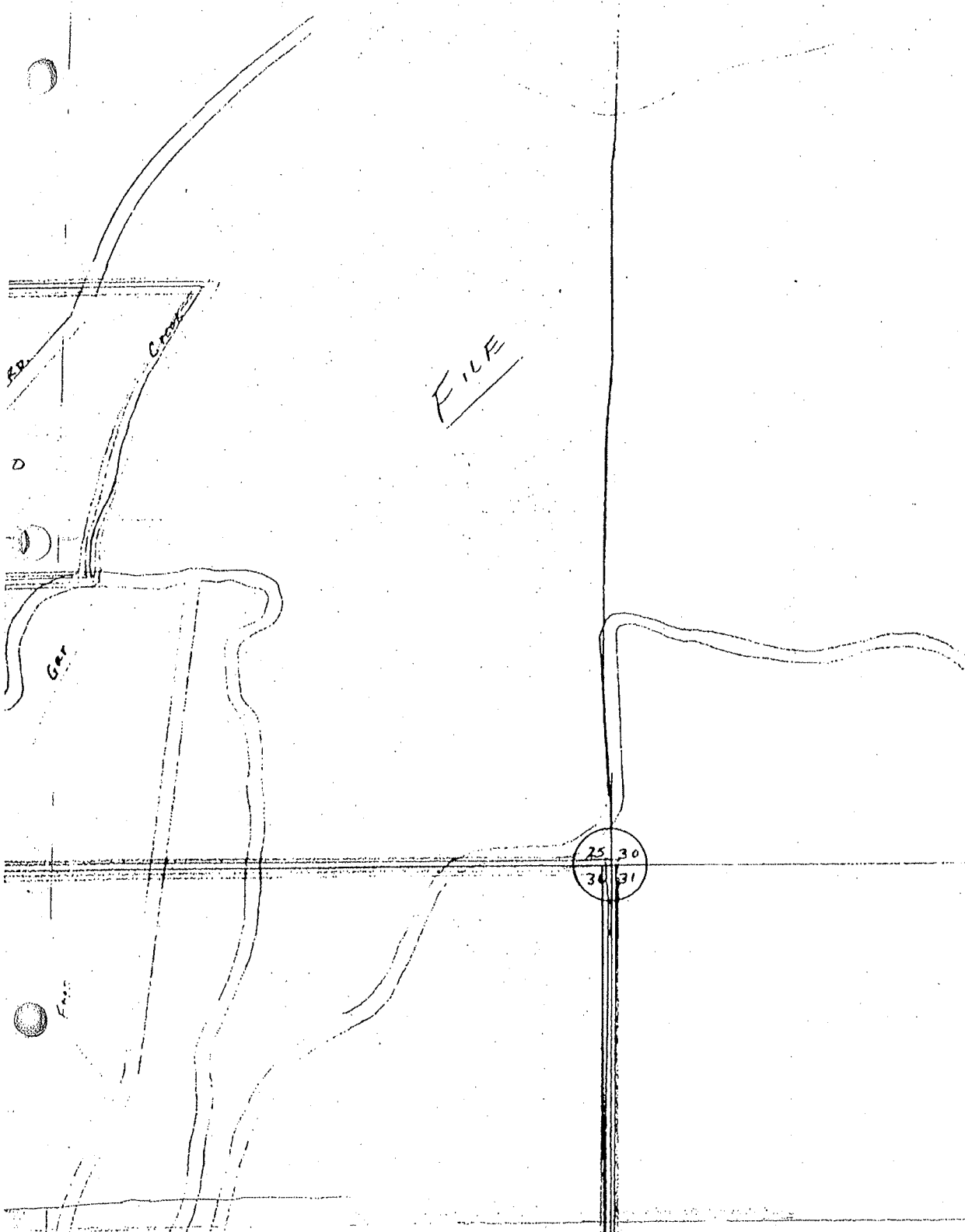
STATE OF ARKANSAS)
)
COUNTY OF FRANKLIN)

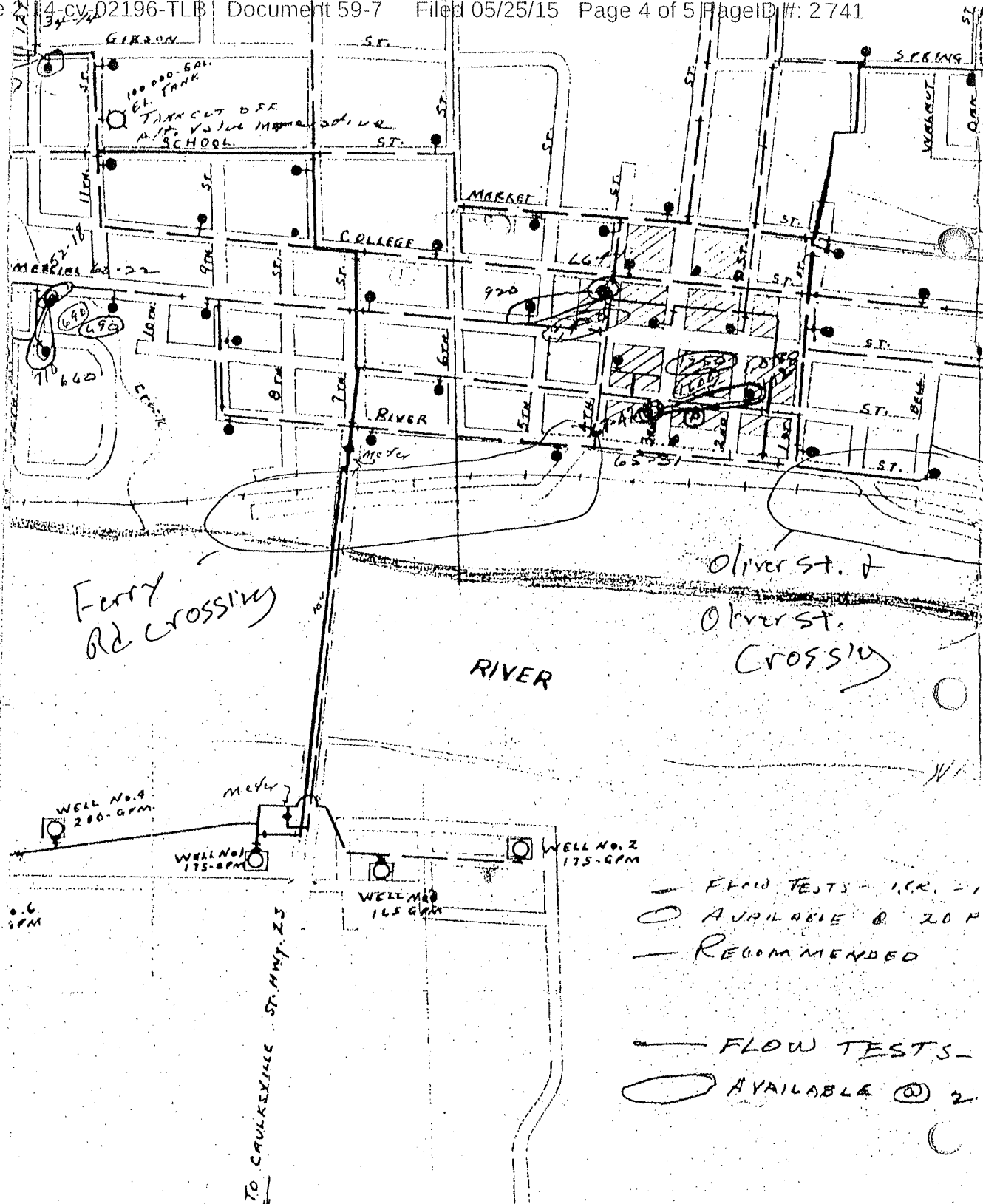
SUBSCRIBED AND SWORN to before me on this 24th day of May, 2015.

NOTARY PUBLIC

EXHIBIT M-5
COPY OF THE 1965 WATER DISTRIBUTION MAP







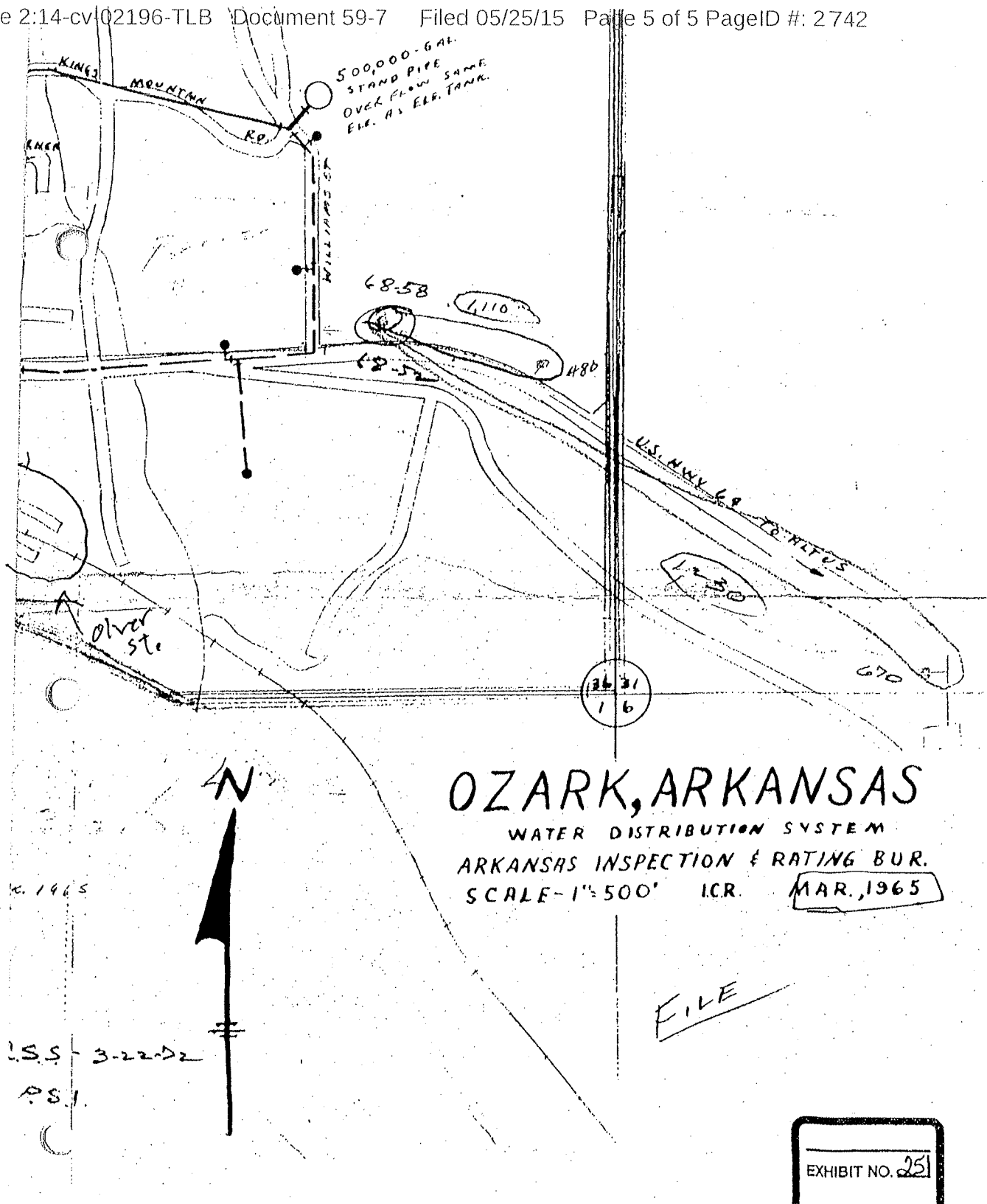
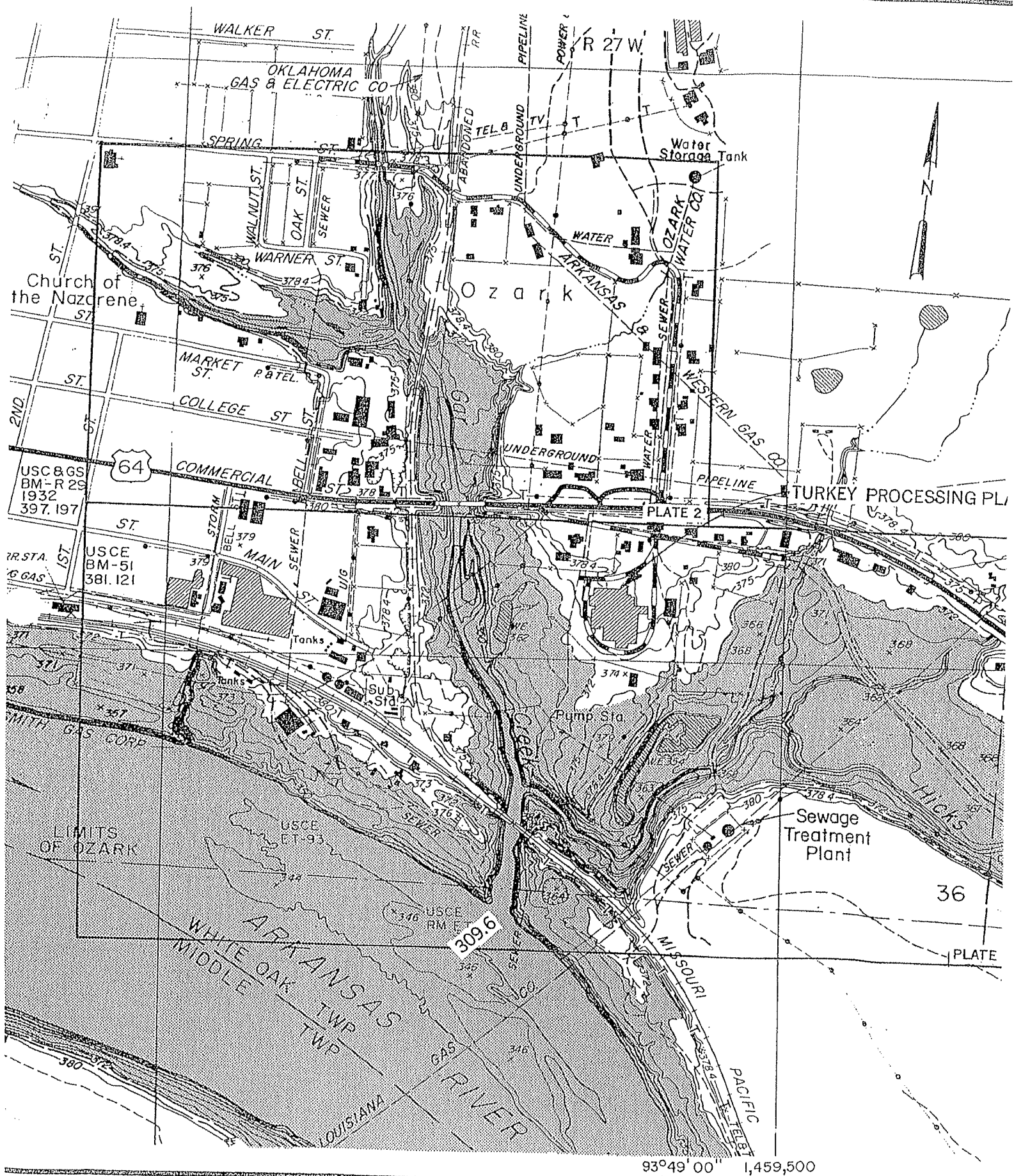


EXHIBIT M-6
COPY OF THE CORPS RELOCATION MAP



File - Ozark Corps Reloc.

R 26 W

35° 29' 30"

426,500

UNDERGROUND
PIPELINE
LOUISIANA GAS CO.

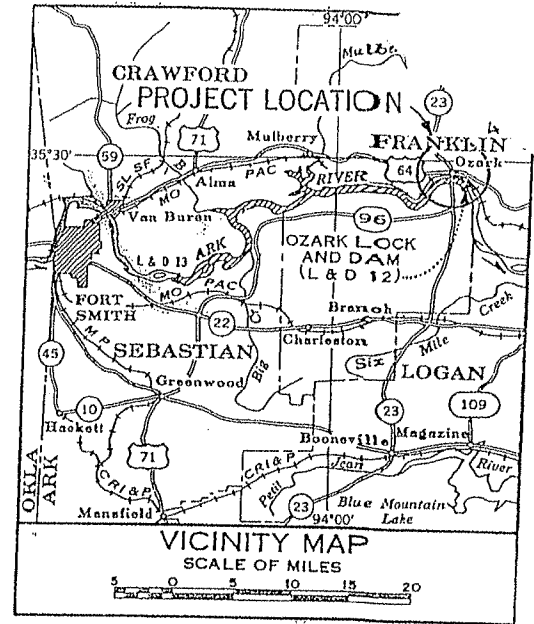
ELINE

T
10
N

424,000

— 29'00"

48'30" 1,462,000



LEGEND :

OZARK RESERVOIR
EL. 372 M.S.L.

ARKANSAS RIVER & TRIBUTARIES GAR & HICKS CREEKS, ARKANSAS

OZARK LOCK AND DAM
RELOCATIONSCITY OF OZARK - STREETS, WATER LINES
AND SEWAGE FACILITIES
PROJECT LOCATION

SCALE: 1" = 500'

U. S. ARMY ENGINEER DISTRICT, LITTLE ROCK
LITTLE ROCK, ARKANSAS, MARCH 1966

DESIGNED: SH

DRAWN: DWD

CHECKED: ACZ

TO ACCOMPANY DESIGN MEMO

NO. 13 - 9 DATED JANUARY 1967

SERIAL 8688

58/2301

PLATE 1

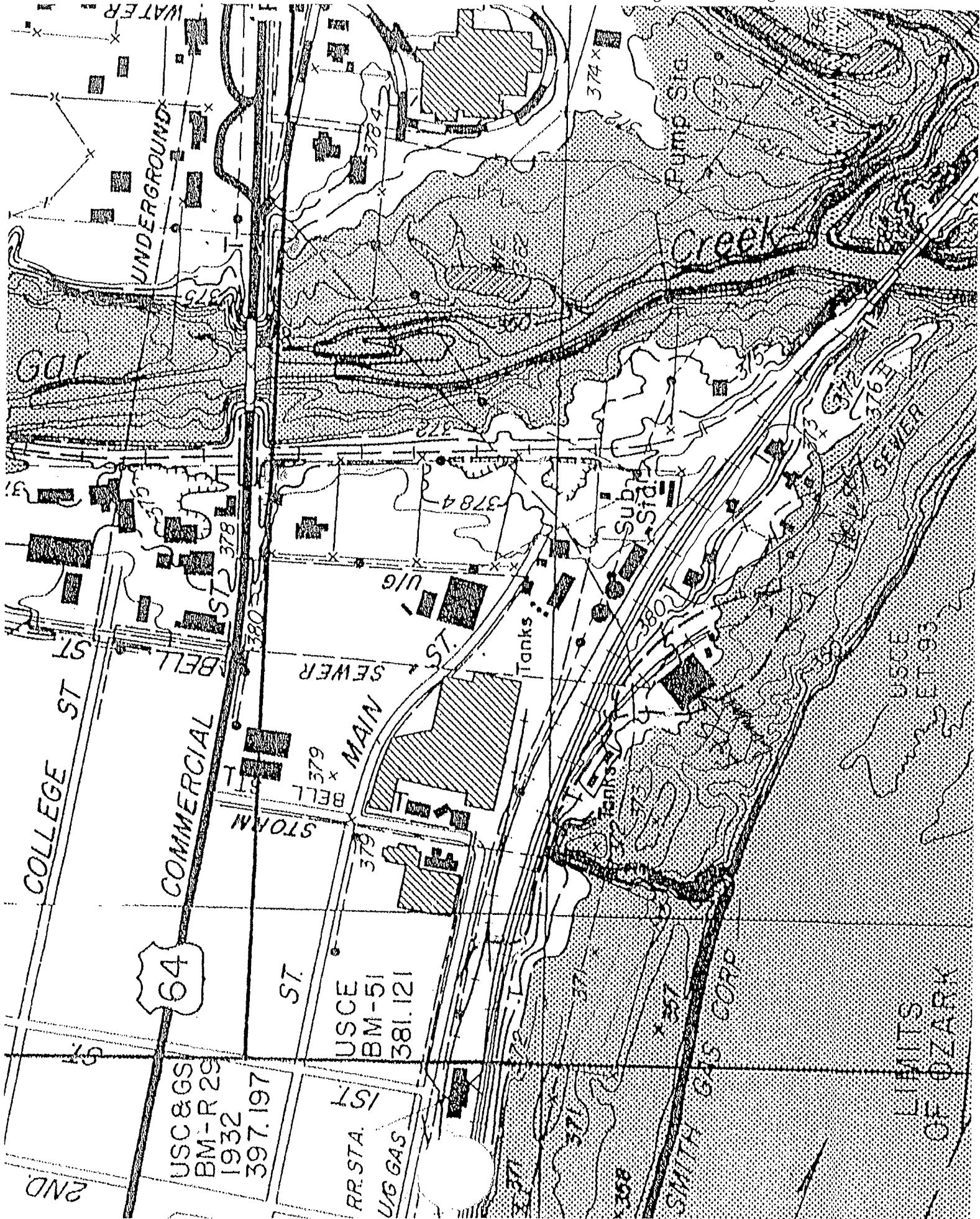


Exhibit GG-2

Copy of the Lis Pendens from June 1, 1968

UNITED STATES OF AMERICA,

v.

PLANTIFF,

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. 75-66-C-50

25. 12. 1945.

200 3 3 2 2 2 2 2

Notice is hereby given that E. E. Eichen has been appointed as Clerk in the District Court of the United States for the Western District of Arkansas, Foreman's Division, for the complaint of the Plaintiff against the following Defendant.

STATE OF ARKANSAS
COMMISSIONER OF LANDS
County of Franklin, Arkansas
CLARK & FRANKLIN COUNTY, ARKANSAS
SUCCESSION OF FRANKLIN COUNTY, ARKANSAS
THE COMMISSIONER OF FRANKLIN COUNTY, ARKANSAS
ARRESTED OF FRANKLIN COUNTY, ARKANSAS
B. L. Jones
Dorothy (Doris) Jones, Mrs.
Martha B. Jones
City of South
J. B. Jones, d/o of Jones, Arkansas
Military Conservation Company, Inc.
Lester B. Jones
MR. ROBERT B. JACOBS
ROY JAMES
MR. ROY JAMES
JOHN JAMES
MR. JOHN JAMES
JAMES AND SON
ARTHUR AGEE
MR. MYRTLE AGEE
RICHARD P. ROOPER
JULIA D. ROOPER
WILLIAM STEVENSON
WOMEL VINLEY KESTER
LEONA VINLEY ROOD
McKENLEY VINLEY
BEAUCHE VINLEY
ARCHER VINLEY, JR.
JACK VINLEY
LEON C. VINLEY
MR. LEON C. VINLEY
UNKNOWN KIDNAP OF T. D. ROOPER, ARRESTED
UNKNOWN KIDNAP OF DORA KESTER VINLEY, ARRESTED

२२.

- 2 -

Larche Dickerson
Darius Anderson
Glad Anderson
Bess Hightower
Robert Hightower
Arrie Cox Dickerson
Arlana Dickerson
Unknown Heirs of Arrie Dickerson, deceased
W. C. Hoxley
Mrs. W. C. McIlroy
Unknown Heirs of Martin Oliver, deceased
Unknown Heirs of Nelsie Oliver, deceased
Martin Oliver, Jr.
Laurdall 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
Edna Oliver
Acas Jackson Oliver
Unknown Heirs of Edna Oliver, deceased
Georgia Oliver
Unknown Heirs of Ed Oliver, deceased
Unknown Heirs of Bonnie Johnson Oliver, deceased
Unknown Heirs of Anna Kirkendall, deceased
Ced Kirkendall
Unknown Heirs of Phil Oliver, deceased
Unknown Heirs of Annie Dodson, deceased
J. B. Oliver
Mrs. M. A. Oliver
Don Winford Oliver
Mrs. M. Sanford Oliver
Every Good Body
Frances Oliver
Mrs. Louisa Oliver
Thelma Oliver
Mrs. Edna M. Oliver
John Oliver
Mrs. John Oliver
Marshall Oliver
Mrs. Marshall Oliver
Vivian Oliver
Sydney Mae Oliver
Frank Oliver
Mrs. Edna Oliver
Ralph Oliver
Wanda Oliver
Geneva Oliver
Jacquita Oliver Johnson
C. B. Johnson
Willie Jackson
Willie Jackson
Verna Bayberry
Caro Bayberry
Alma Nelson
Verna Nelson
Ellie Dodson
Elizabeth Dodson

- 1 -

G. M. Dodson
Ides Dodson

Together with unknown owners, spouses, unknown heirs, devisees,
legatees, executors, administrators, creditors and representa-
tives 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 Black Lock and
Dam on the Arkansas River, under the provisions and authority of the
following acts of Congress:

Act approved February 27, 1851, 13 Stat. 1321, 14 U.S.C.
256a), and acts supplementary thereto and amendatory
thereof:

Act approved April 12, 1854, 10 Stat. 91, 16 U.S.C. 552,
which act authorized the location of a lock and dam for
navigation purposes:

Act approved July 2, 1870 (40 Stat. 350), as amended, which
act authorized the location of a lock and dam for navigation
purposes, and authorized the location of a lock and dam for
navigation purposes, and authorized the location of a lock and dam
for navigation purposes, and authorized the location of a lock and dam
for navigation purposes.

A tract of land situated in the County of Franklin, State of Arkansas, being part of the Fractional 32d of Fractional Section 36, Township 10 North, Range 27 West of the First Principal Meridian, and being more particularly described as follows:

Beginning on the East line of said Fractional Section 36 at a point which is North 33° 36' East 170 feet, more or less, from the Southwest corner thereof; thence surveying subject tract the following courses and distances:

North 68°	33'	East	20	feet
North 69°	35'	East	273	feet
North 52°	55'	East	87	feet
North 50°	57'	East	102	feet
North 76°	54'	East	128	feet
North 80°	51'	East	163	feet
North 76°	51'	East	179	feet

[illegible]

North	82°	24'	South	90'	East
South	51°	57'	South	90'	East
South	46°	26'	East	71'	South
South	31°	49'	East	60'	South
South	67°	12'	South	75'	East

to the southeast corner of Tract No. 215; thence S 60° E 20' Base 401 feet and North 360 feet more or less, along the boundary line of said tract to N 89° W 215 to a property corner, corner of said tract to Tract No. 215 and subject tract, thence South 70°

- 5 -

to the 301 feet along said common property line to the
 nearest corner of Tract No. 133; 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
 50 feet to a point on the southerly bank of Hacks
 Creek; thence continuing along said common property
 line (being along said southerly bank of Hacks Creek), the
 following courses and distances:

North 31° 11' East 56 feet
 South 60° 43' East 74 feet
 South 21° 23' East 40 feet
 South 01° 17' East 100 feet
 South 50° 43' East 57 feet
 South 71° 17' East 132 feet
 North 67° 31' East 63 feet
 North 25° 12' East 86 feet
 South 02° 19' East 81 feet
 South 50° 54' East 155 feet
 South 44° 57' East 104 feet
 South 01° 03' East 132 feet
 North 70° 39' East 82 feet, to the same

to a point on the East line of Hacks Creek, thence
 36 feet thence South 65° 50' East 111 feet to a point on the
 line to the point of beginning, and containing more or less
 or less.

DESCRIPTION

A tract of land situated in the County of Franklin,
 Arkansas, being part of the Fractional Section 30 of the
 Fractional Section 30, Township 13 North, Range 11 East,
 1st Meridian, and being more particularly described as follows:

Beginning at the intersection of the East line of
 Fractional Section 30 with the southerly bank of
 line of Hacks Creek; thence South 65° 50' East 111 feet
 02 feet to a point on the East line of Fractional
 Section 30; thence South 65° 50' East 111 feet to a point on
 the southerly bank of Hacks Creek; thence South 65° 50'
 East 111 feet to a point on the East line of Fractional
 Section 30; thence South 65° 50' East 111 feet to the point of
 beginning, and containing more or less.

The bearings used herein are as shown on the original
 Certificate Survey, Rock Zone.

The above described land is a portion of the land
 owned in and under by H. A. Davidson, who is the
 Davidson, to B. U. Davidson, who is the owner of the
 land in and under by H. A. Davidson, who is the owner of the
 land in and under by H. A. Davidson, who is the owner of the

26.

EXHIBIT 122

A tract of land situated in the County of Franklin, State of Arkansas, being part of the Fractional 1/4 of the Fractional 80th of Fractional Section 2, right bank of the Arkansas River, Township 9 North Range 27 East, 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 00° 23' East 203 feet also, the Northerly extension of the West line of said Lot 2 to a point on the ordinary high-water line, at the bank of the Arkansas River; thence South 70° 04' East 121 feet along said ordinary high-water line to a point on the Northerly extension of the West line of Lot 5 in said Block 1; thence South 04° 23' West 213 feet also; said Lot line extension to a point which is approximately 37 feet North of the Northwest corner of said Lot 5; thence North 00° 00' West 77 feet to a point; thence South 51° 41' West 67 feet, more or less, to the point of no more and containing 0.12 acre, more or less.

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

- 7 -

EXHIBIT NO. 212

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 Sec. of the Fractional S. 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 east line of said Fractional Sec. at a point approximately
 206 feet south of the northeast corner thereof; thence south 03° 17' west
 80 feet along said east line to a point; thence north 31° 14' west 206 feet
 to a point; thence north 92° 10' east 01 foot to a point; thence south 86° 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 Isabel Carter Johnson to Dora Carter Finley dated June 1,
 1914 and filed for record October 10, 1914 in Book 66, Page 150.
2. A deed from Valma Jean Neely to Dora Carter Finley dated July 28, 1914
 and filed for record October 10, 1914 in Book 66, Page 151.
3. A deed from Ella L. Black to Dora Carter Finley dated September 2, 1914,
 and filed for record October 13, 1914 in Book 66, Page 119.
4. A deed from Thomas C. Carter and Jennie Carter, his wife, to Dora Carter
 Finley dated June 9, 1914 and filed for record October 10, 1914 in Book 66,
 Page 120.
5. A deed from Malissa Holway Carter, Eliza Carter Franklin, Laura Carter
 Moore, Sallie Carter Warren, John Douglas Carter and Lucy Carter, his wife,
 Rebecca Carter Hendrix and Paulina Carter to Dora Carter Finley dated
 February 8, 1914 and filed for record February 12, 1914 in Book 66, Page 130.

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

The said Dora Carter Finley acquired a 1/2 interest in the above described
 lands as an heir of T. D. Carter.

The said Dora Carter Finley died intestate survived by David A. F. Finley,
 Finley, Luana Hood, Emma Stevenson, McKinley Finley and Arthur Finley, etc.

- 3 -

TRACT NO. 22A

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 Gail's Addition to the town of Ozark, Arkansas, being part of the fractional NW 1/4 of the fractional SW 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 00° 25' West 95 feet to a point, thence South 05° 21' 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° 02' West 110 feet to a point, thence North 14° 14' West 113 feet to a point on the West line of the property, thence North 00° 05' East 34 feet along the common property line to a point in the centerline of the West Fork of Gee Creek, thence South 70° 40' East 20 feet along said centerline to a point, thence South 70° 01' East 67 feet along said centerline to a point, thence South 61° 17' East 103 feet along said centerline to a common property corner, thence South 02° 51' East 61 feet along said common property line to a point, thence South 75° 21' East 387 feet along said common property line to a point, thence South 08° 45' West 100 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 Plane Coordinate System, North Zone.

29.

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TRACT NO. 226

A tract of land situated in the County of Franklin, State of Arkansas, being part of Lot 6 in Block 1 of Quille's Addition to the town of Ozark, Arkansas, being part of the Fractional NE $\frac{1}{4}$ of the Fractional NW $\frac{1}{4}$ 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 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° 45' East 40 feet along the common property line to a point in the centerline of the West Fork of Oak Creek; thence South 33° 36' East 42 feet along said centerline to a point; thence South 89° 17' East 43 feet along said centerline to the Northeast corner of the property; thence South 04° 35' West 33 feet along the common property line to a point; thence North 88° 32' West 31 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.

30.

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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 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 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 Oak Creek; thence South 56° 48' East approximately 128 feet along said centerline to a point on the common property line; thence South 03° 42' East 48 feet along the common property line to a point; thence North 65° 33' West 36 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.

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A tract of land situated in the County of Franklin, State of Arkansas, being part of the Fractional 3/4 of the Fractional 88 1/2 of Fractional Section 36, East Bank of the Arkansas River, Township 10 North, Range 7 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 corner property corner and being 150 feet south of the southerly right-of-way line of the Missouri Pacific Railroad; thence south 61° 30' East 225 feet along the common property line to a point; thence North 03° 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 Oak Creek; thence southerly along the meanders of said center line of Oak Creek approximately 235 feet to a point on the south line of said Fractional Section 36; thence South 77° 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° 10' West approximately 503 feet to a point on said North-South quarter line; thence North 03° 17' East approximately 276 feet along said quarter line to the point of beginning, and containing 3.75 acres, more or less.

The bearings and distances are referenced to the Arkansas State Coordinate System, North Zone.

32.

- 12 -

Dated this 21st day of May, 1968.

Charles M. Conway
United States Attorney

By Robert E. Johnson
Assistant U. S. Attorney

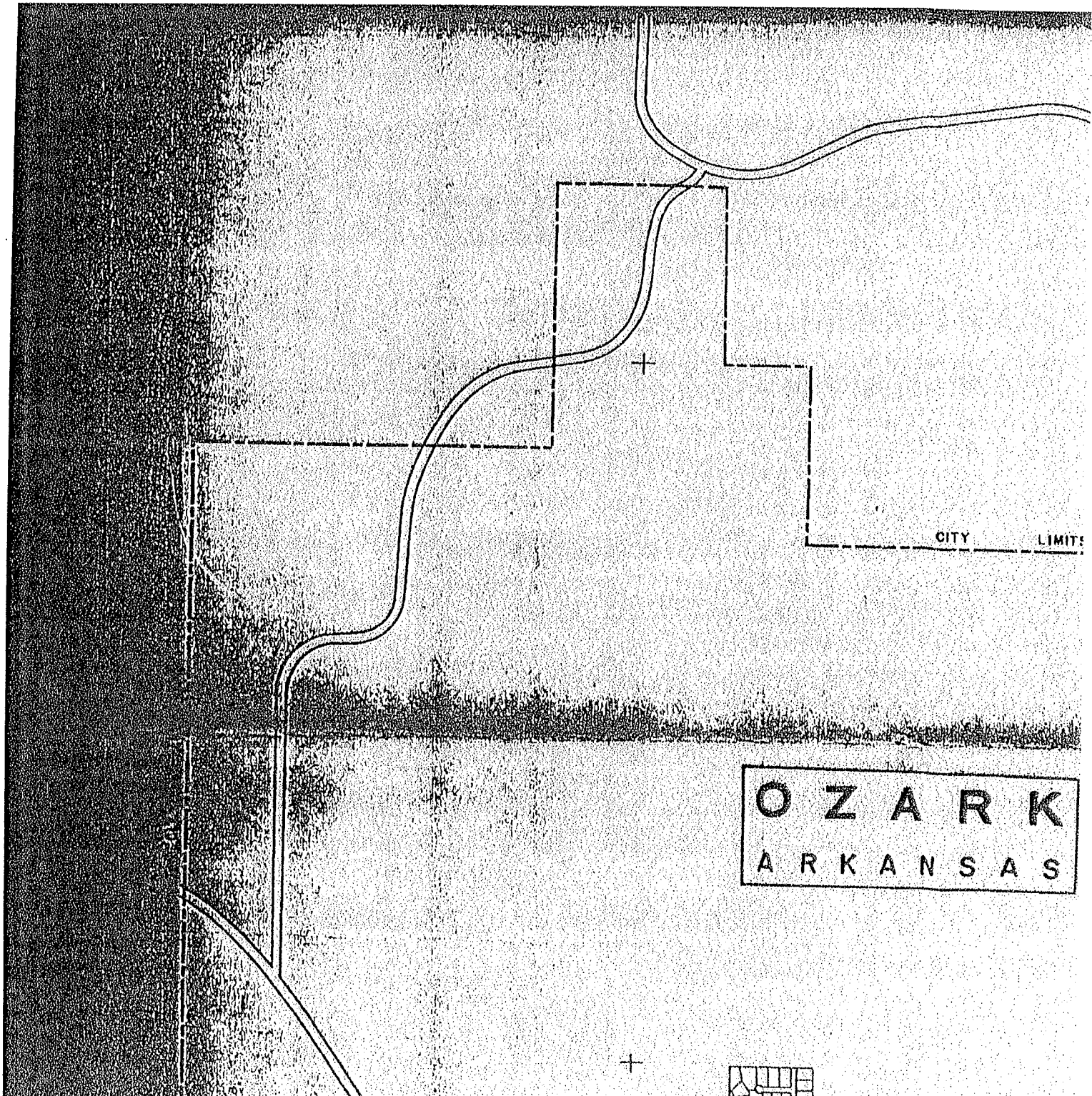
Filed for record this 1st day of June, 1968 at 8:30 A. M. and
recorded this 6th day of June, 1968.

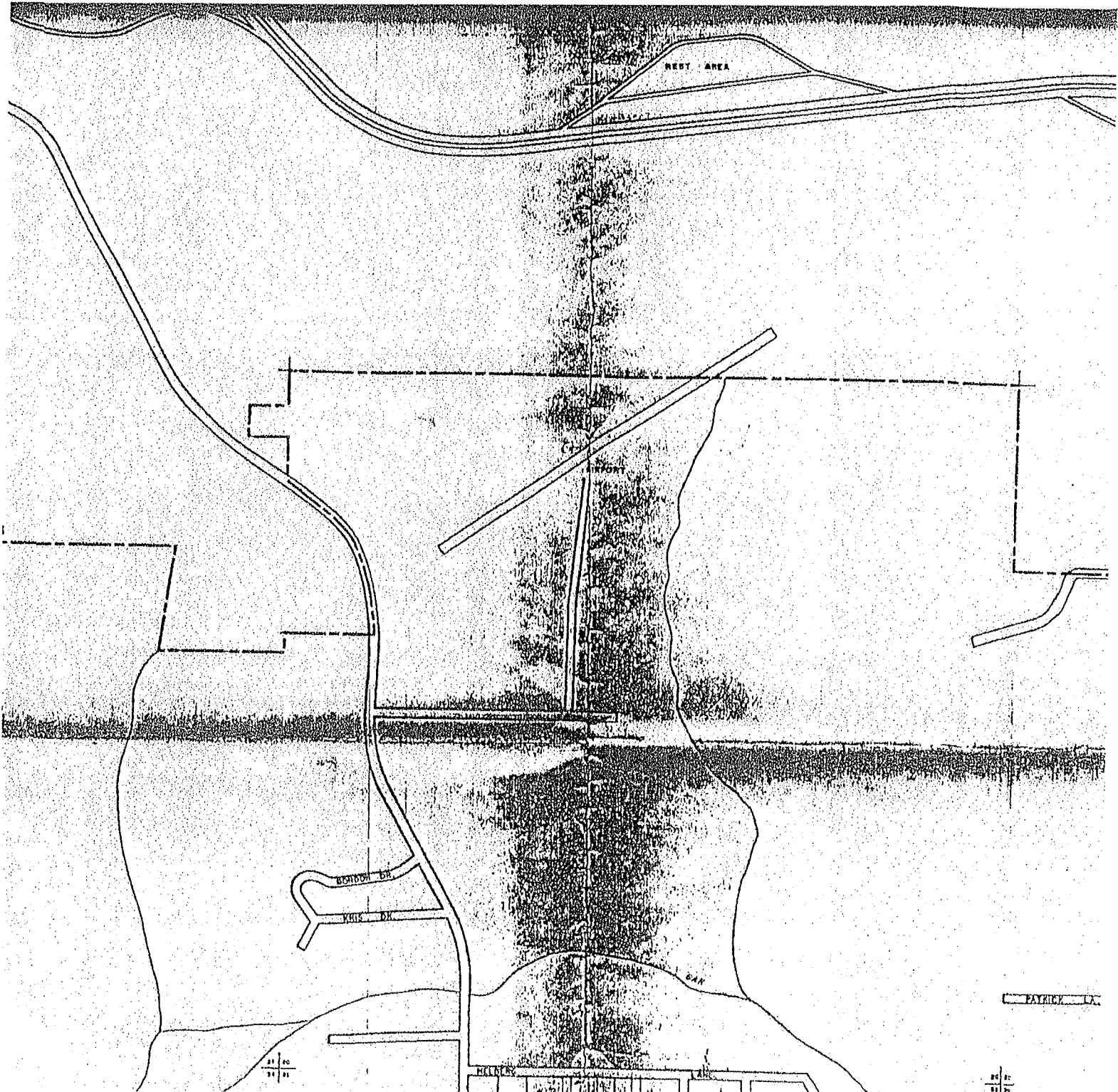
Ruth Worcester, Clerk

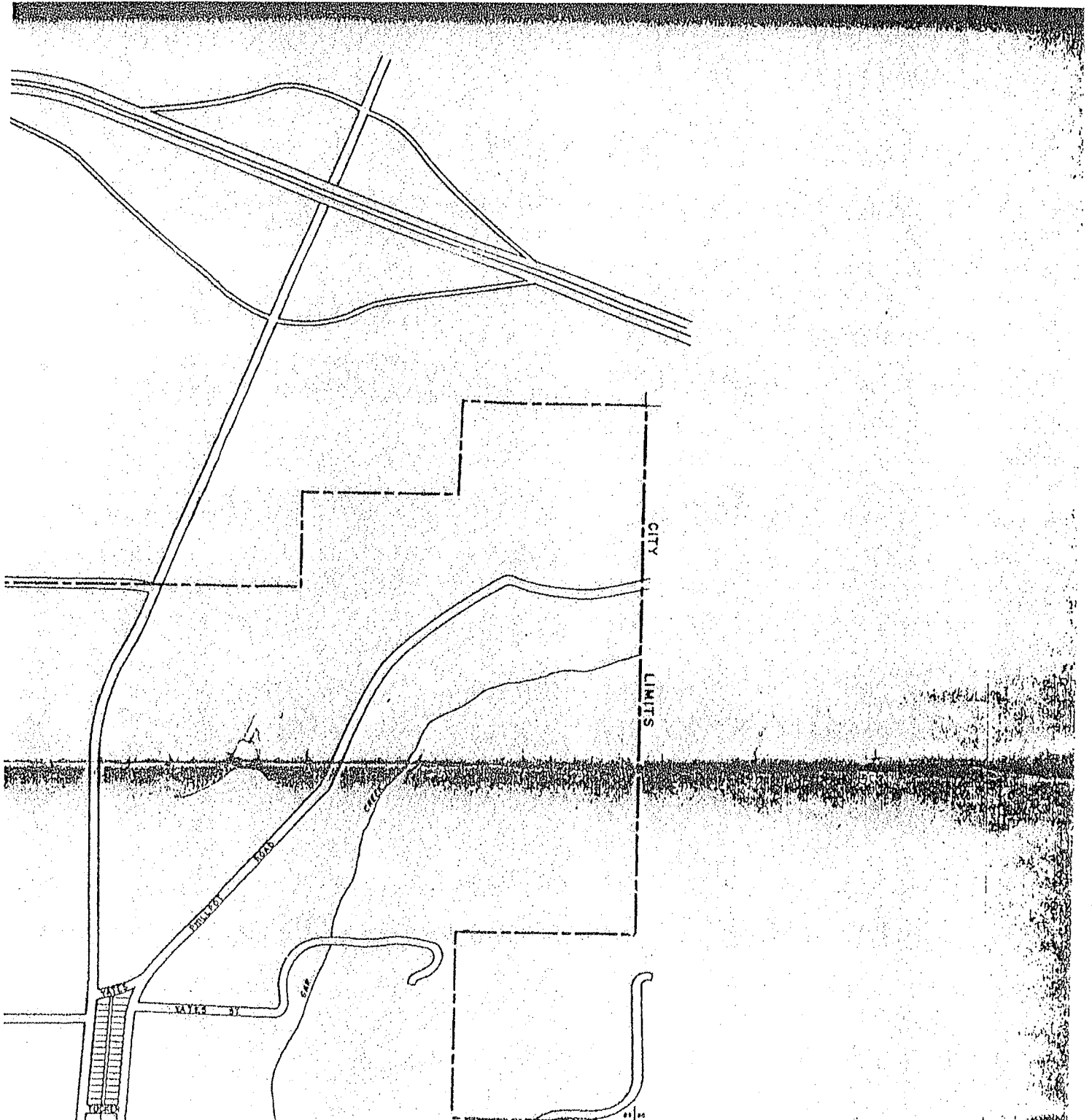
By William David, D. C.

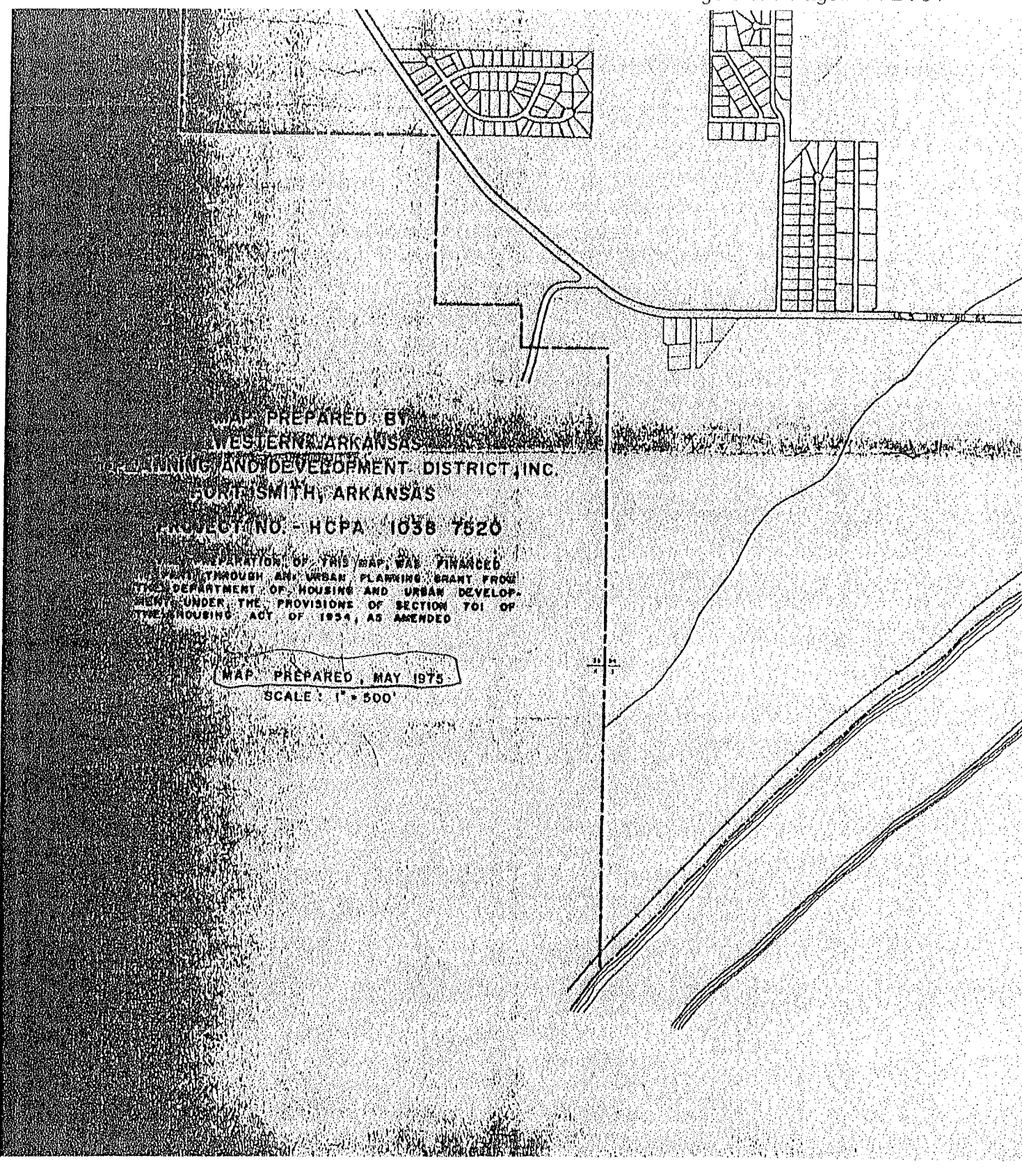
33.

EXHIBIT M-7
COPY OF THE PLAINTIFF'S 1975 MAP









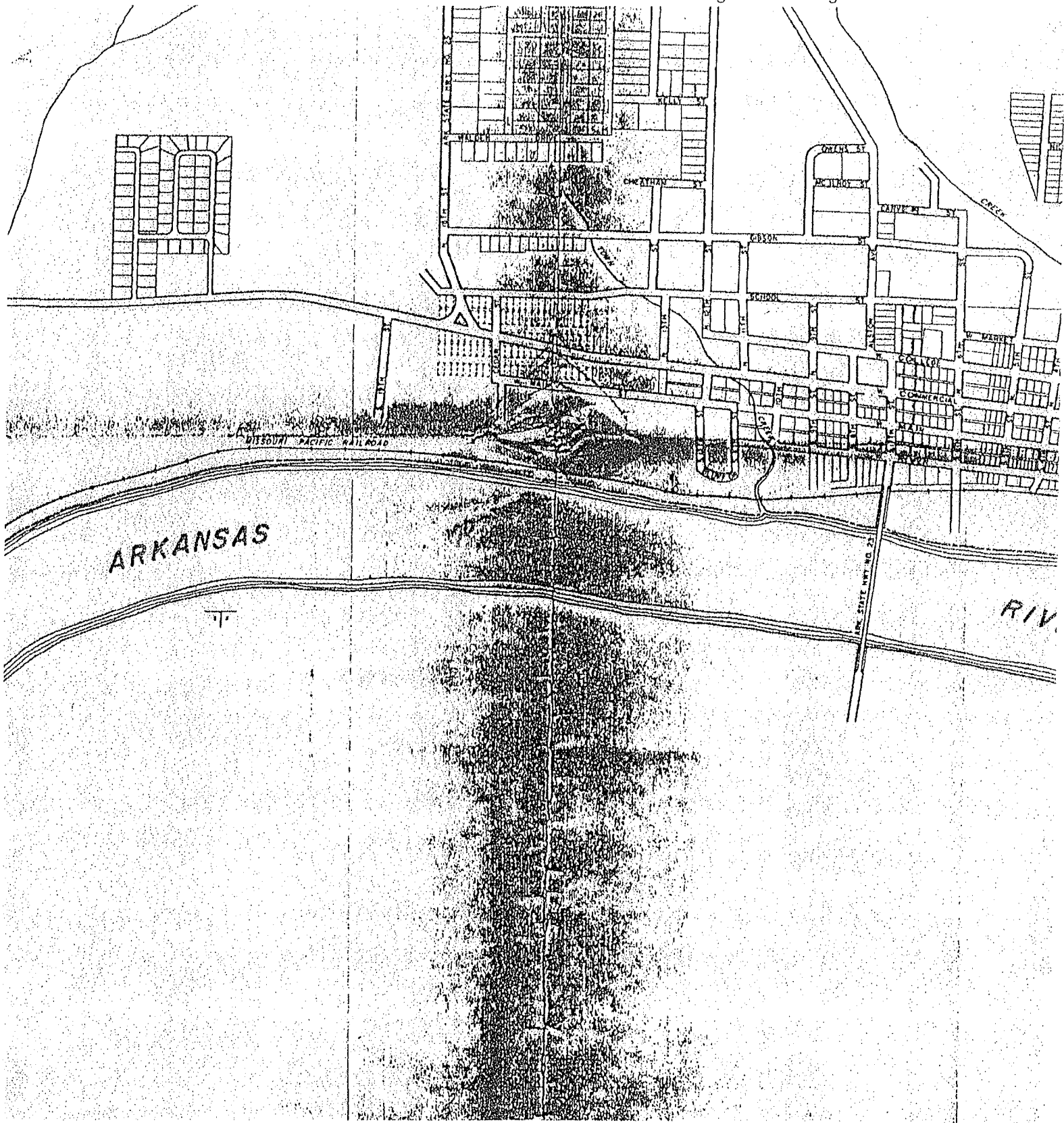
MAP PREPARED BY
WESTERN ARKANSAS
PLANNING AND DEVELOPMENT DISTRICT, INC.
FORT SMITH, ARKANSAS

PROJECT NO. - HCPA 1038 7520

THE PREPARATION OF THIS MAP WAS FINANCED
IN 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'



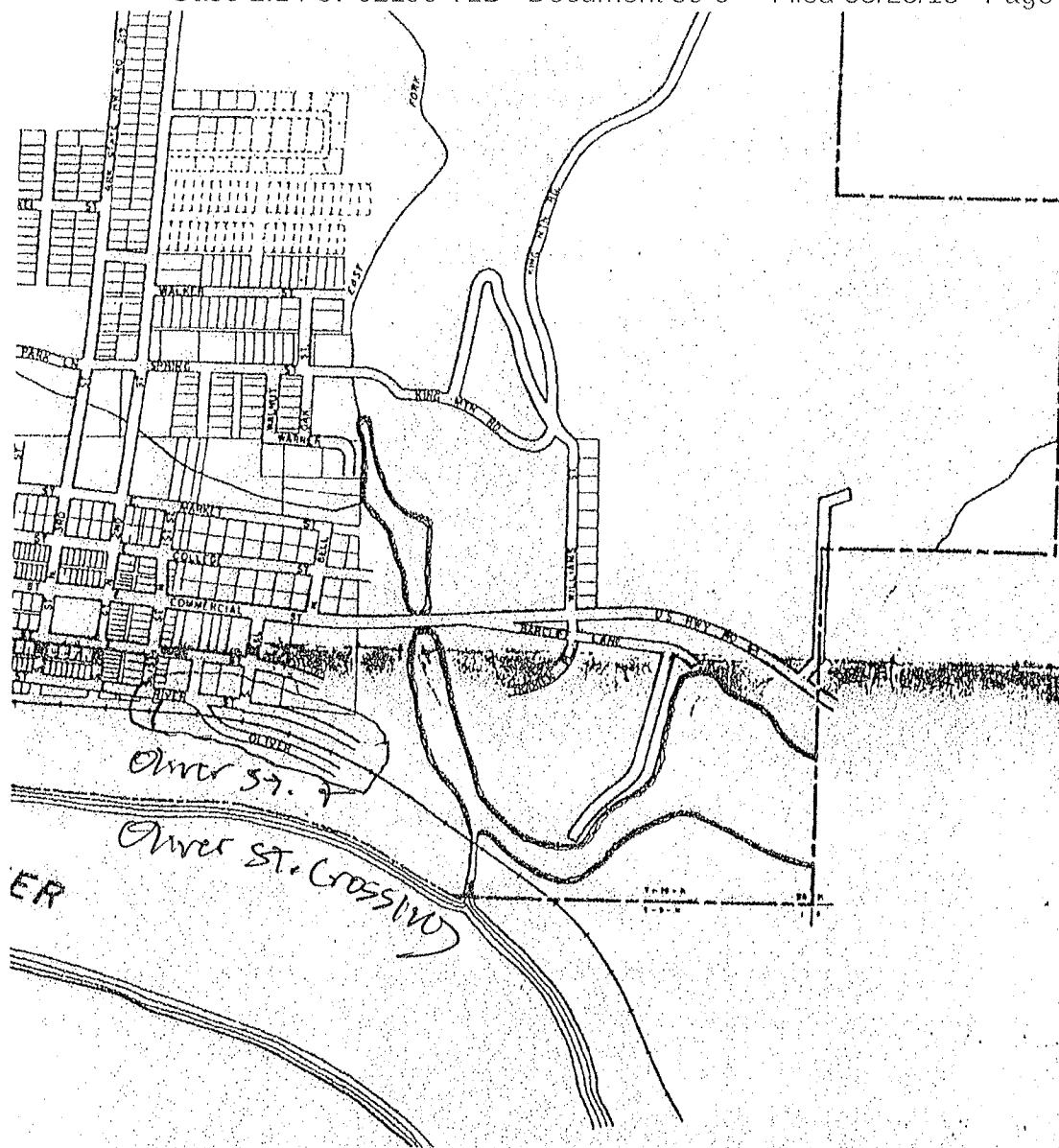
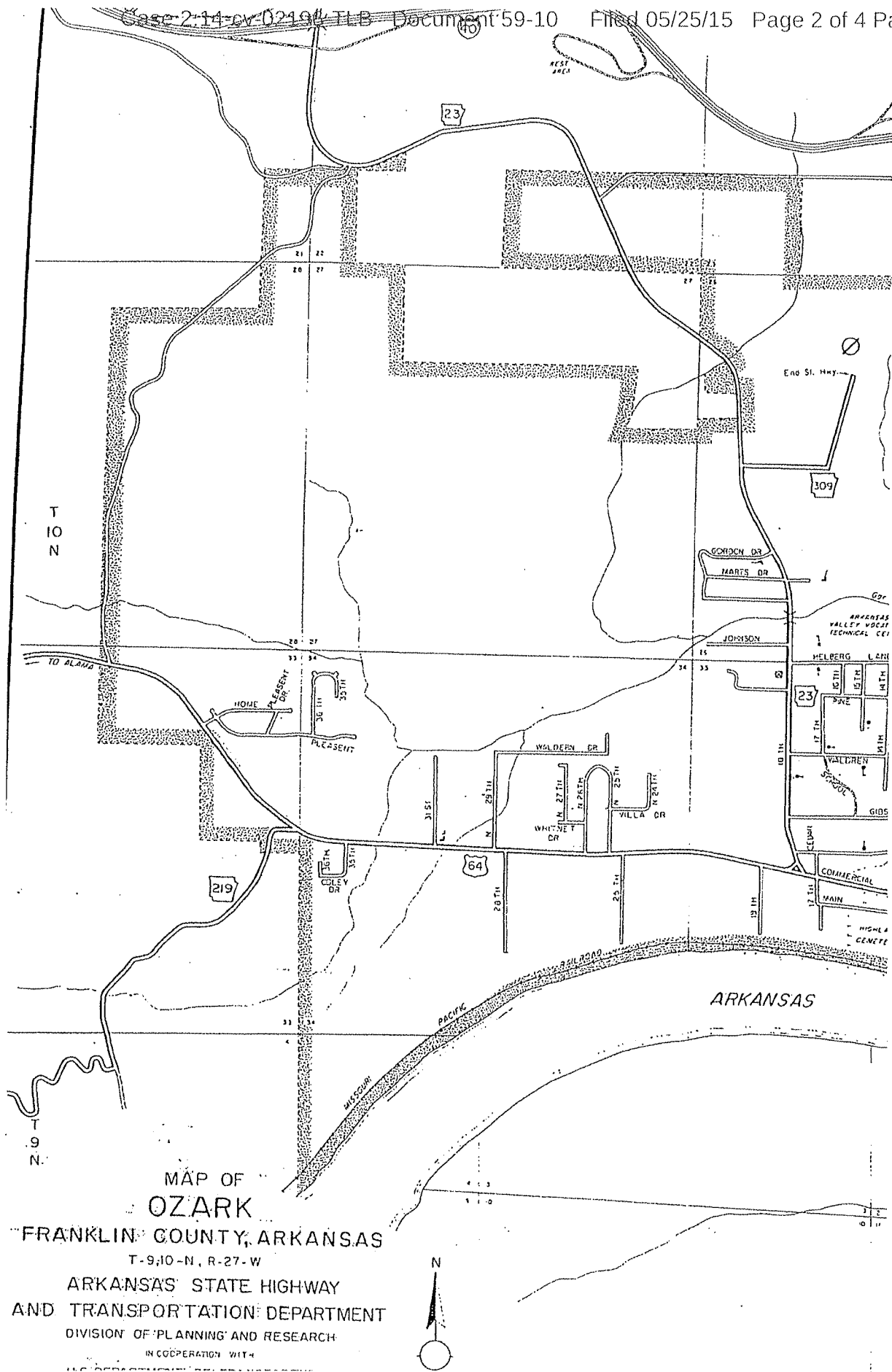
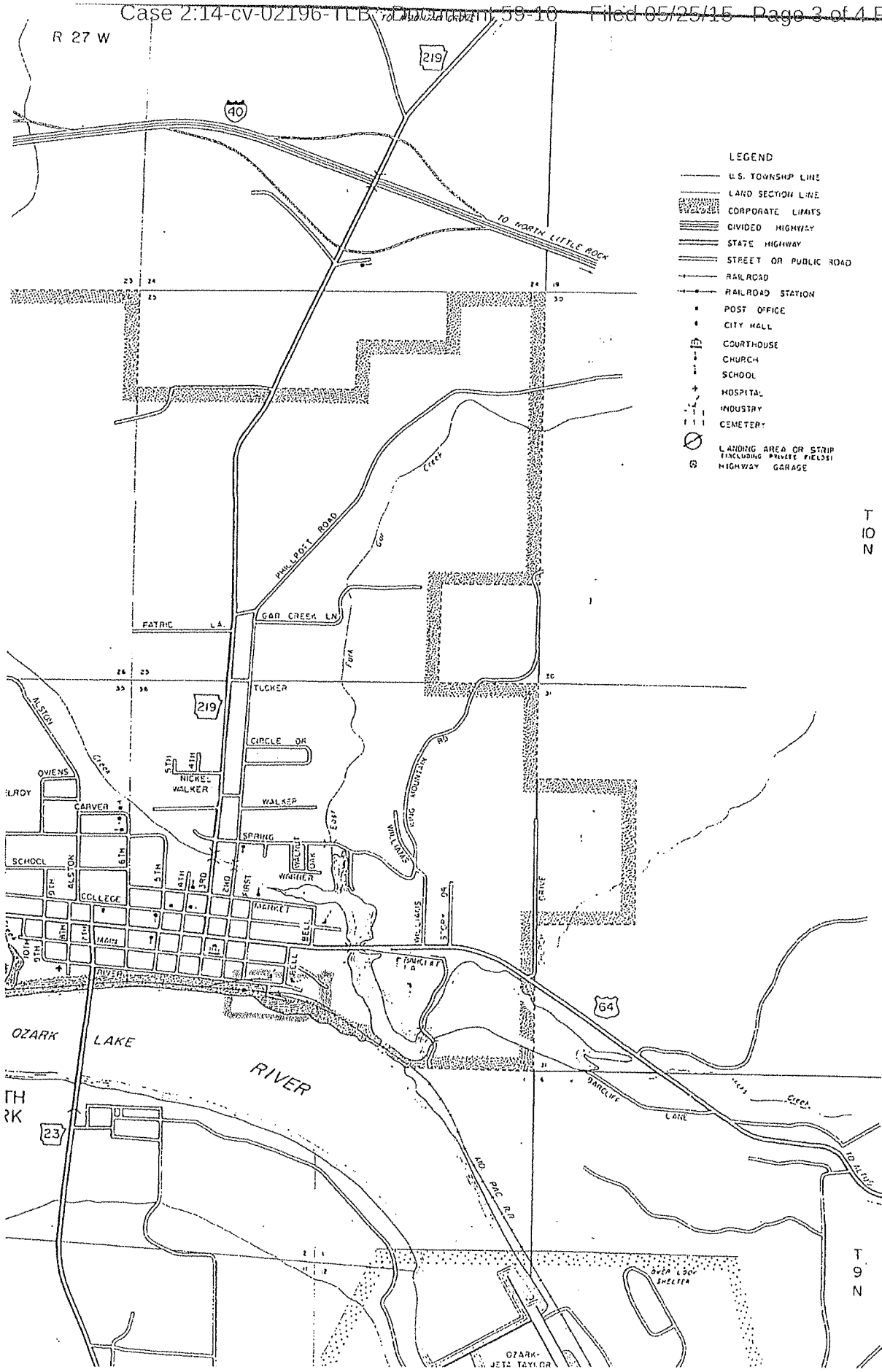


EXHIBIT M-8

COPY OF THE ARKANSAS HIGHWAY AND TRANSPORTATION DEPARTMENT
("AH&TD") 1980 MAP





- LEGEND
- U.S. TOWNSHIP LINE
 - LAND SECTION LINE
 - CORPORATE LIMITS
 - DIVIDED HIGHWAY
 - STATE HIGHWAY
 - STREET OR PUBLIC ROAD
 - RAILROAD
 - RAILROAD STATION
 - POST OFFICE
 - CITY HALL
 - COURTHOUSE
 - CHURCH
 - SCHOOL
 - HOSPITAL
 - INDUSTRY
 - CEMETERY
 - LANDING AREA OR STRIP INCLUDING PRIVATE FIELDS
 - HIGHWAY GARAGE

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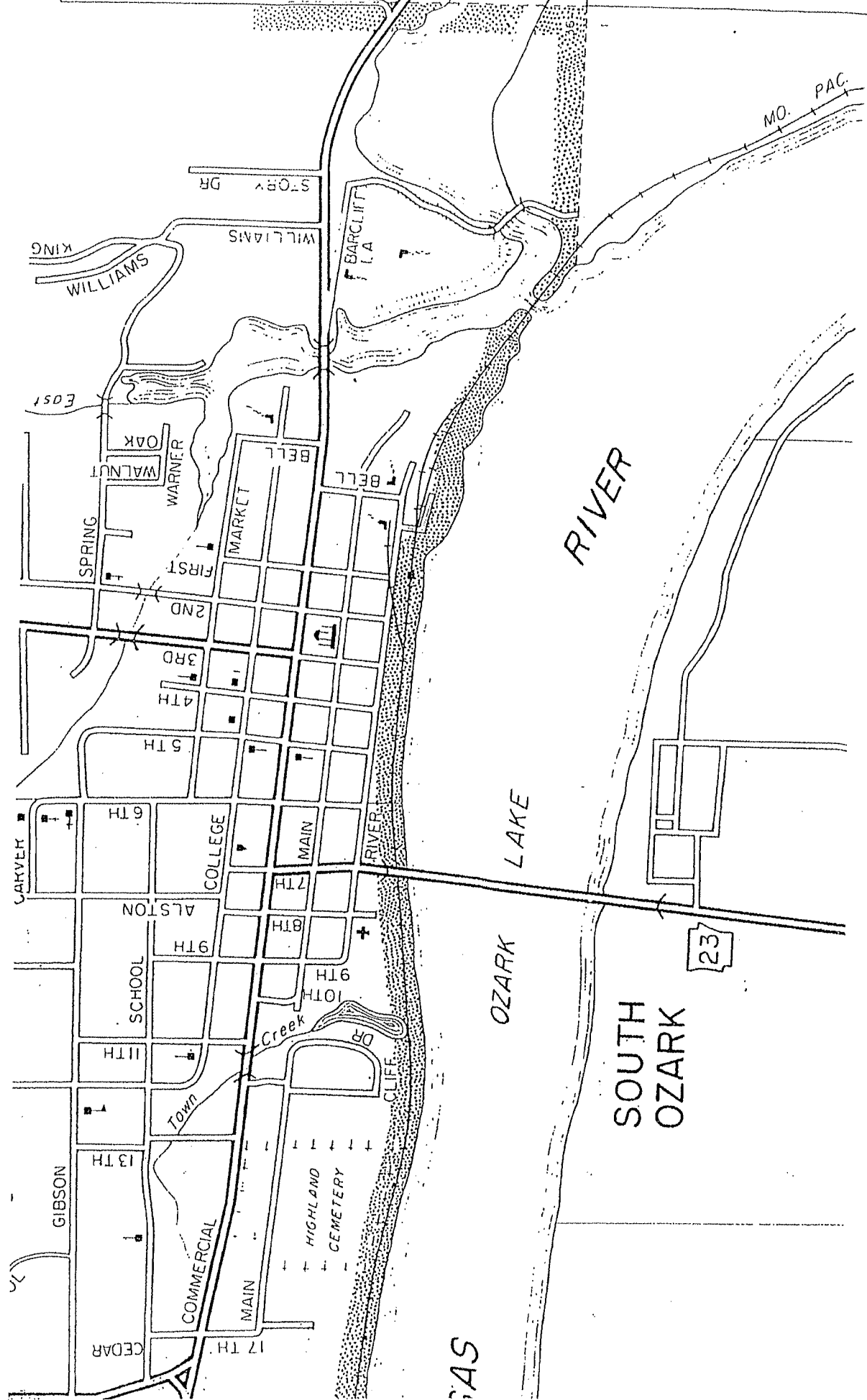
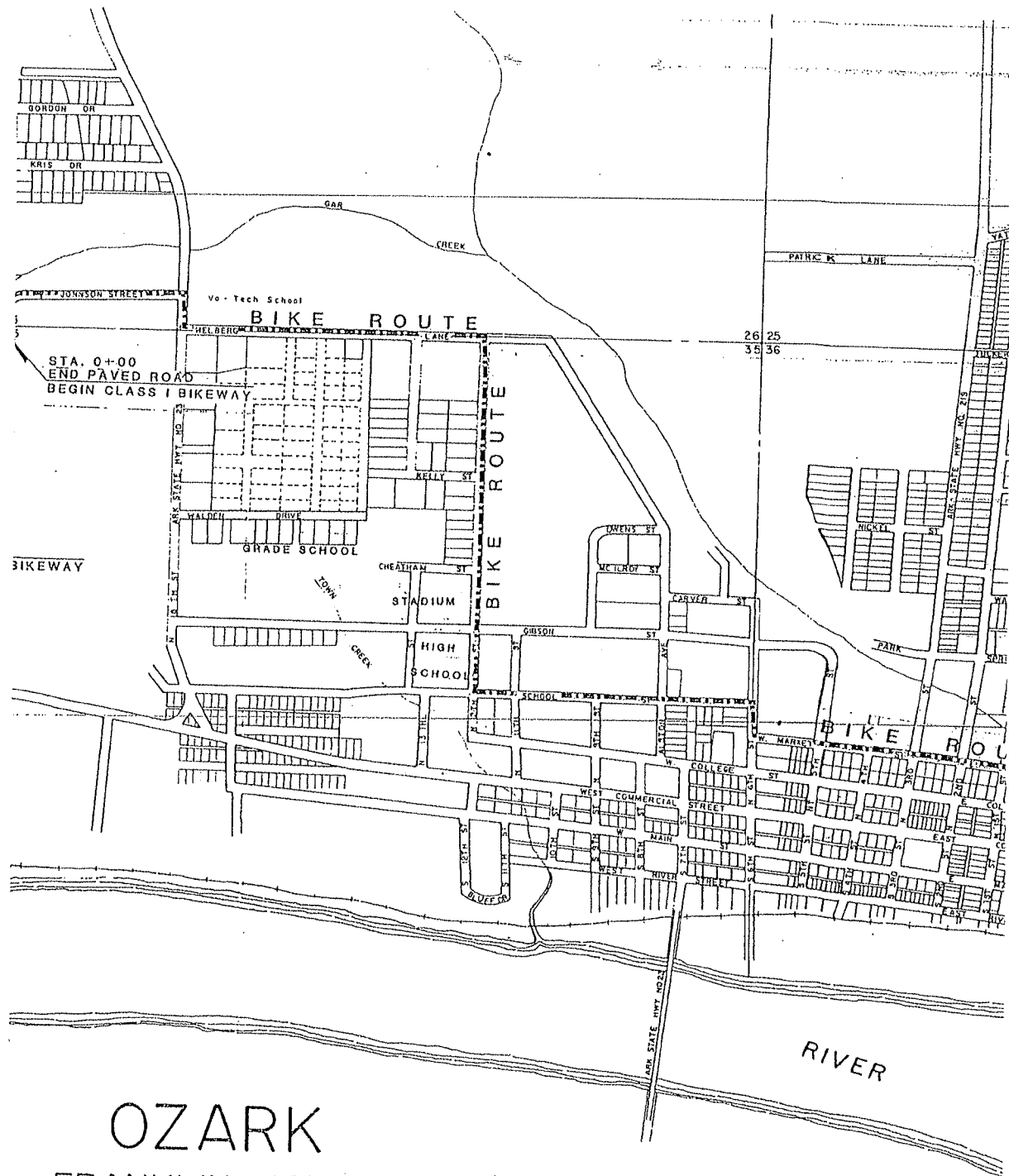
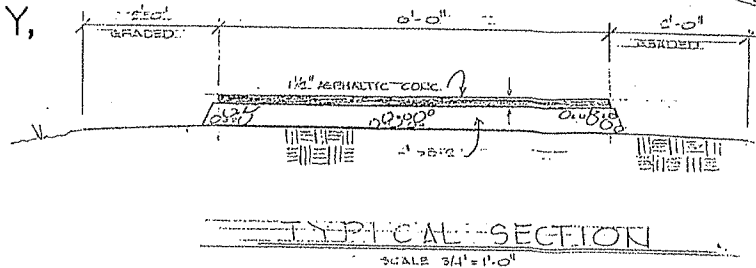


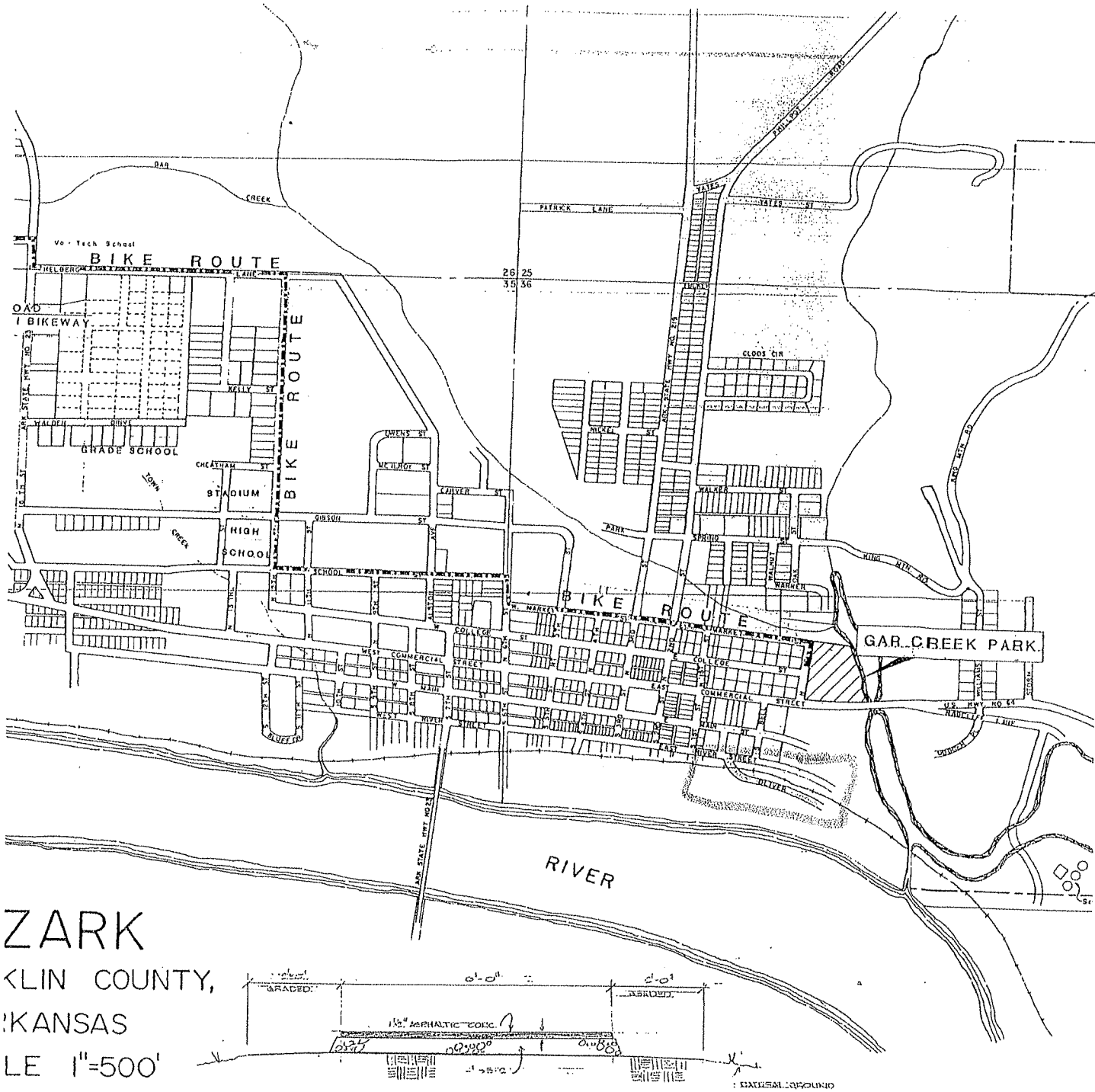
EXHIBIT M-9

COPY OF THE MICKLE-WAGNER ASSOC., INC., BIKE ROUTE 1980 MAP



OZARK
FRANKLIN COUNTY,
ARKANSAS
SCALE 1"=500'





ZARK

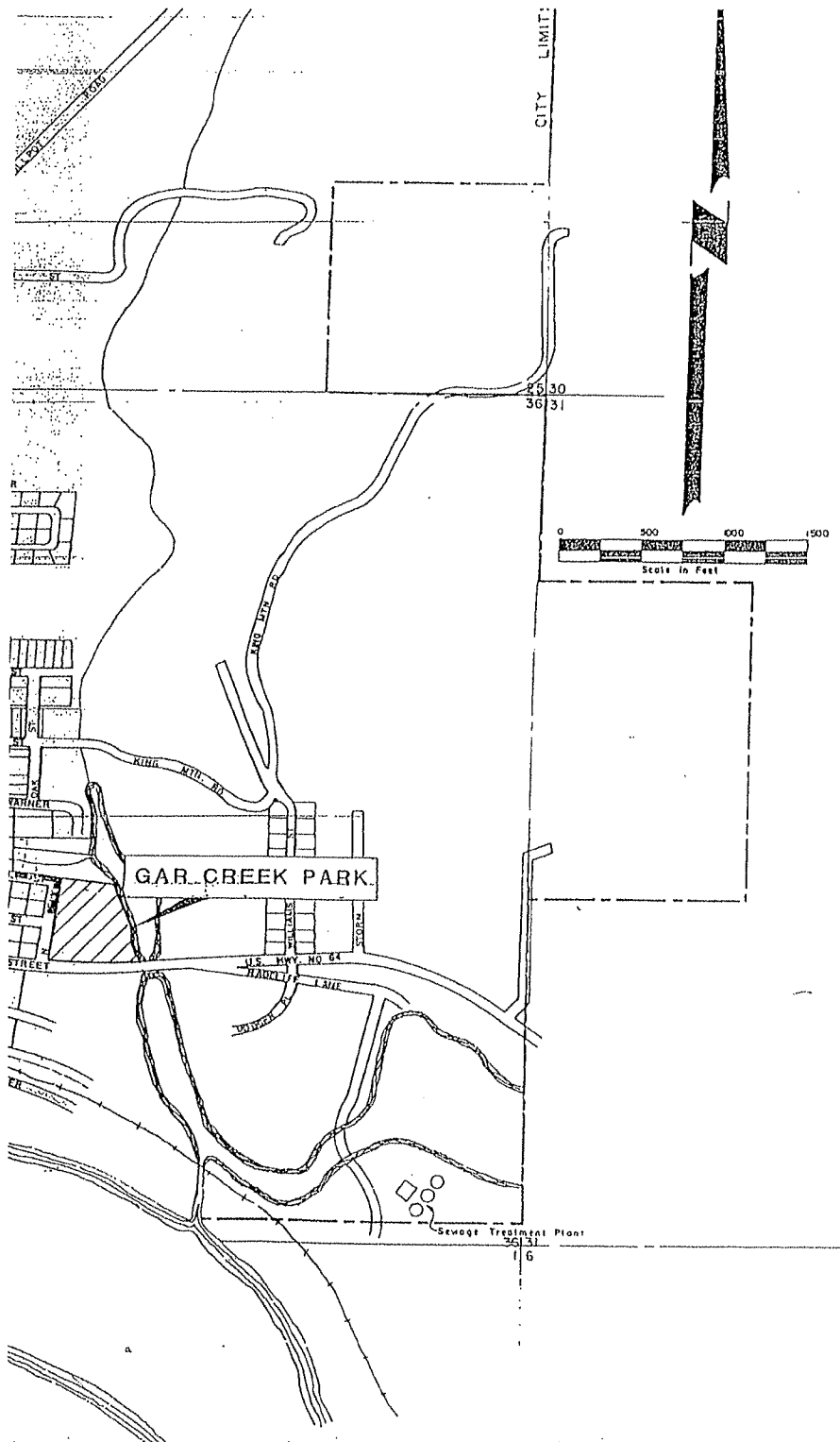
KLIN COUNTY,

KANSAS

LE 1"=500'

TYPICAL SECTION

SCALE 3/4"=1'-0"



BIKEWAY									
CITY OF									
OZARK, ARKANSAS									
Mickla-Wagner Assoc., Inc. ENGINEERS CONSULTANTS FORT SMITH, ARKANSAS	<table border="1"> <tr> <td>APPROVED BY: J. D. M.</td> <td>DATE: 8/15/14</td> </tr> <tr> <td>DRAWN BY: J. T. M.</td> <td>JOB NO.</td> </tr> <tr> <td>HORIZ. SCALE: 1" = 500'</td> <td>SHEET</td> </tr> <tr> <td>VERT. SCALE:</td> <td>OF</td> </tr> </table>	APPROVED BY: J. D. M.	DATE: 8/15/14	DRAWN BY: J. T. M.	JOB NO.	HORIZ. SCALE: 1" = 500'	SHEET	VERT. SCALE:	OF
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DRAWN BY: J. T. M.	JOB NO.								
HORIZ. SCALE: 1" = 500'	SHEET								
VERT. SCALE:	OF								

8500