

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

**CITY OF OZARK, ARKANSAS,
a municipal corporation**

PLAINTIFF

V.

Case No. 2:14-CV-02196

UNION PACIFIC RAILROAD COMPANY

DEFENDANT

JUDGMENT

Pursuant to the Court's Memorandum Opinion and Order (Doc. 71), the Court hereby finds and directs that Plaintiff City of Ozark, Arkansas, is entitled to a judgment against Defendant Union Pacific Railroad Company: (1) declaring that the railroad crossing at issue in this lawsuit was once a public, at-grade crossing, and was not closed according to Arkansas law; (2) awarding a permanent injunction to City of Ozark and requiring Union Pacific to return the crossing to the condition it was in prior to its closing in 2001; and (3) awarding damages to City of Ozark in the form of requiring Union Pacific to pay all costs and expenses associated with returning the crossing to the condition it was in prior to its closing in 2001.

IT IS THEREFORE ORDERED that declaratory judgment is awarded to City of Ozark on Count I of its Amended Complaint.

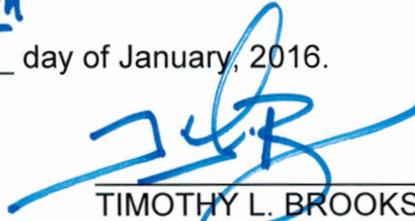
IT IS FURTHER ORDERED that permanent injunctive relief is awarded to City of Ozark on Counts II and III of its Amended Complaint. By no later than April 8, 2016¹, Union Pacific is to reopen the railroad crossing at issue in this case and return it to a public,

¹ 120 days from entry of the Court's Memorandum Opinion and Order on December 10, 2015. (Doc. 71 at page 23).

at-grade crossing, just as it appeared in 2001, prior to its removal.

IT IS FURTHER ORDERED that all costs incurred in reopening the railroad crossing will be borne solely by Union Pacific. In addition, the total costs taxable to Union Pacific and awarded to the City pursuant to Federal Rule of Civil Procedure 54(d) and 28 U.S.C. § 1920 are \$6,397.68.

IT IS SO ORDERED on this 11th day of January, 2016.



TIMOTHY L. BROOKS
UNITED STATES DISTRICT JUDGE