

February 1st, 1937.

Motion by Commissioner Gray, seconded by Commissioner Hopkins, that the bond of Irene Woolley in the amount of \$1,000.00 written by the United States Fidelity and Guaranty Company, be and the same is hereby approved. All members voting in the affirmative, motion was by the Chairman declared carried.

Motion by Commissioner Hopkins, seconded by Commissioner Gray, that the following Agreement, be and the same is hereby entered into. All members voting in the affirmative, motion was by the Chairman declared carried.

THIS AGREEMENT entered into, in duplicate, this 1st day of February, 1937, between J. M. KURN AND JOHN G. LONSDALE, TRUSTEES, ST. LOUIS-SAN FRANCISCO RAILWAY COMPANY, DEBTOR, hereinafter called "Trustees," parties of the first part, and TULSA COUNTY, OKLAHOMA, a body politic and corporate of the State of Oklahoma, hereinafter called "County," party of the second part; WITNESSETH:

WHEREAS, County is constructing a flood prevention levee for protection against high water in Arkansas River, and has requested permission from Trustees to construct said levee over, across and along the right of way of St. Louis San-Francisco Railway Company (hereinafter called "Railway Company"), at or near West Tulsa, Tulsa County, Oklahoma; and

WHEREAS, Trustees are willing to grant such permission to County only upon the terms and conditions hereinafter set forth:

NOW, THEREFORE, in consideration of the premises and of the covenants and agreements hereinafter contained to be kept and performed by the parties hereto, it is agreed as follows:

1. Trustees hereby grant to County, during the term of this agreement, permission to construct, maintain, renew and repair, at the sole cost of County, an earth embankment or levee upon the right of way of Railway Company at the following described locations and on the following described parcels of land or right of way:

LOCATION NO. 1:

Said proposed levee is to extend in a northwesterly and southeasterly direction over the right of way of St. Louis San-Francisco Railway Company to a junction with embankment on Northwesterly side of Westbound main track of said Railway Company at MP G-424.90 in the Northwest Quarter of the Northeast Quarter of Section 11, Township 19 North, Range 12 East, Tulsa County, Oklahoma, about 280 feet northeasterly from the east and west center line of Section 11 aforesaid.

LOCATION NO. 2:

Said proposed levee is to extend in a northwesterly and southeasterly direction over the right of way of St. Louis San-Francisco Railway Company to a junction with embankment of eastbound main track and extend to a point 8.5 feet perpendicularly distant in a northwesterly direction from the center line of Glenn Sand Company Spur Track of said Railway Company at MP G-424.97, in the Northwest Quarter of the Northeast Quarter of Section 11, Township 19 North, Range 12 East, Tulsa County, Oklahoma, about 50 feet Northeasterly from the east and west center of Section 11 aforesaid.

PARCEL NO. 1:

That portion of the right of way of St. Louis-San-Francisco Railway Company for its West Tulsa Belt track in Block 5 of West Tulsa Addition to City of Tulsa, Tulsa County, Oklahoma, lying northeast of a line extending from a point on the north line of said Block 6, 16 feet east of the northwest corner thereof, to a point on the south line of said Block 5, 363 feet east of the southwest corner.

PARCEL NO. 2:

That portion of Lots 1, 2, 3, 4, 5 and 16 in Block 13 of West Tulsa Addition aforesaid, lying northeast of a line extending from a point in the north line of said Block 13, 120 feet west of the northeast corner thereof, to a point on the east line of said Block 13, 200 feet south of the northeast corner thereof.

A blue print is hereto attached and made a part hereof on which the locations above described are shown by solid yellow lines, and the parcels of land or right of way above described are shown within yellow lines, and on which the Glenn Sand Company Spur Track referred to in Location No. 2 is designated as "Constantin Ref. Co. Rach Trs."

2. County shall, at its cost, construct and maintain said levee on the right of way of Railway Company at a height approximately five (5) feet below the base of rail of Railway Company's east and west bound lines, and at a height approximately six (6) feet above the base of rail of Railway Company's Glenn Sand Company Spur Track. Said levee shall be constructed with a ten (10) foot crown, and with side slope on River side of 3:1 and on land side of 5:1. Said levee shall be left open at the point where it intersects said Glenn Sand Company Spur Track, the slope of the levee facing said track on either side thereof to be not less than one (1) in four (4), and the toe of the slope of said levee on either side of said spur track to be not closer thereto than eight and