

SURFACE TRANSPORTATION BOARD

DECISION

STB Finance Docket No. 34271

MAUMEE & WESTERN RAILROAD CORPORATION AND
RMW VENTURES, L.L.C. – PETITION FOR DECLARATORY ORDER

Decided: December 5, 2002

In a petition filed on October 21, 2002, Maumee & Western Railroad Corporation (Maumee) and RMW Ventures, L.L.C. (RMW) (collectively, petitioners), jointly sought the institution of a declaratory order proceeding to determine whether the exercise of condemnation powers, under Ohio law, by the City of Napoleon, OH (City), to acquire an 8,000-square foot parcel of main line right-of-way, owned by RMW and operated by Maumee, is preempted by 49 U.S.C. 10501(b). In a letter filed on November 6, 2002, petitioners request that the petition be dismissed, stating that it was filed in error and the parties have negotiated arrangements to resolve the issues presented in the petition.¹ The request to dismiss the petition will be granted.²

It is ordered:

1. Petitioners' request to dismiss the petition for declaratory order is granted, and the proceeding in STB Finance Docket No. 34271 is discontinued.
2. The City's requests to defer Board action on the petition and to extend the due date for replies are denied as moot.

¹ On October 30, 2002, the City requested that the Board defer any action on the petition, because the parties anticipated settling this matter. The City also requested that, if a settlement was not reached, the due date to respond to the petition be extended. Because the petition is being dismissed, the City's requests will be denied as moot.

² Petitioners' request for a refund of the filing fee will be addressed separately.

3. This decision is effective on the date of service.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams
Secretary