

UNION PACIFIC RAILROAD
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Chicago, Illinois 60606-1718

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Mack H. Shumate, Jr.
Senior General Attorney, Law Department

August 5, 2013

234630
ENTERED
Office of Proceedings
August 5, 2013
Part of
Public Record

E-FILE

The Honorable Cynthia T. Brown
Chief, Section of Administration
Surface Transportation Board
395 E. Street, S.W., Room #100
Washington, DC 20423-0001

RE: Proposed Abandonment of the Osawatomie Industrial Lead from Milepost 335.0 to Milepost 335.5 near Osawatomie, a total distance of 0.50 miles in Miami County, Kansas, STB Docket No. AB-33 (Sub No. 313X)

Dear Ms. Brown:

Union Pacific Railroad Company ("Union Pacific") has received a request from the City of Osawatomie ("City") dated July 26, 2013 seeking interim trail use and rail banking under the provisions of 16 U.S.C. § 1247(d) and 49 C.F.R. § 1152.29 regarding that portion of the Union Pacific's right-of-way known as the Osawatomie Industrial Lead, as defined above, a distance of 0.50 miles in Miami County, Kansas.

The Union Pacific is willing to negotiate with City concerning the acquisition of the subject property for trail use and supports the City's request for the standard 180-day negotiation period with regard to that portion of the Line from Milepost 335.0 to Milepost 335.5 for a total distance of 0.50 miles. A copy of City's request is attached hereto as **Exhibit A** and is hereby made a part hereof.

Sincerely,



Mack H. Shumate, Jr.
Senior General Attorney

MHS/ev
Attachment

cc: City of Osawatomie

2013_08_05_STB Ltr to CBrown- Trail Use Request Response.doc





CITY OF OSAWATOMIE
439 Main Street
P.O. Box 37
Osawatomie, Kansas 66064
913-755-2146
FAX: 913-755-4164

89/221

RECEIVED

July 26 2013

JUL 29 2013

**LAW DEPARTMENT
UNION PACIFIC RR CO.**

Ms. Cynthia Brown
Chief, Section of Administration
Surface Transportation Board
Office of Proceedings
395 E Street, S.W.
Washington, DC 20423-0001

Re: STB Docket No. AB-33 (Sub-No 313X)
Union Pacific Railroad Company—Abandonment Exemption—in Miami County, Kansas
Osawatomie Industrial Lead

Dear Ms. Brown:

This request is filed on behalf of the City of Osawatomie which is a Kansas municipal corporation and is hereinafter referred to as 'Proponent'. It is the Proponent's understanding that no fee is required as this request is by a public agency and for public use.

A. Request

While not taking a position on the merits of this abandonment, Proponent requests issuance of a Notice of Interim Trail Use rather than an outright abandonment authorization between milepost 335.0 and 335.5, near Osawatomie in Miami County, Kansas, for a total distance of 0.50 miles.

Interim Trail Use

The railroad right-of-way in this proceeding is suitable for railbanking and the railroad has indicated it is willing to railbank the corridor. Therefore, Proponent makes the following request:

STATEMENT OF WILLINGNESS TO ASSUME FINANCIAL RESPONSIBILITY

In order to establish interim trail use and rail banking under section 8(d) of the National Trails System Act, 16 U.S.C. §1247(d), and 49 C.F.R. §1152.29, the City of Osawatomie is willing to assume full responsibility for management of, for any legal liability arising out of the transfer or use of (unless the user is immune from liability, in which case it need only indemnify the railroad against any potential liability), and for the payment of any and all taxes that may be levied or assessed against the right-of-way owned by the Union Pacific Railroad Company.

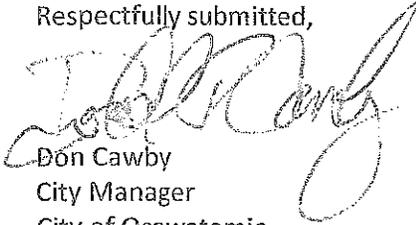
The property, known as the Osawatomie Industrial Lead extends from railroad milepost 335.0 near Osawatomie to railroad milepost 335.5 near Osawatomie a distance of 0.50 miles in Miami County, Kansas. The right-of-way is part of a line of railroad proposed for abandonment in STB Docket No. AB-33 (Sub-No 313X).

A map depicting the right-of-way is attached.

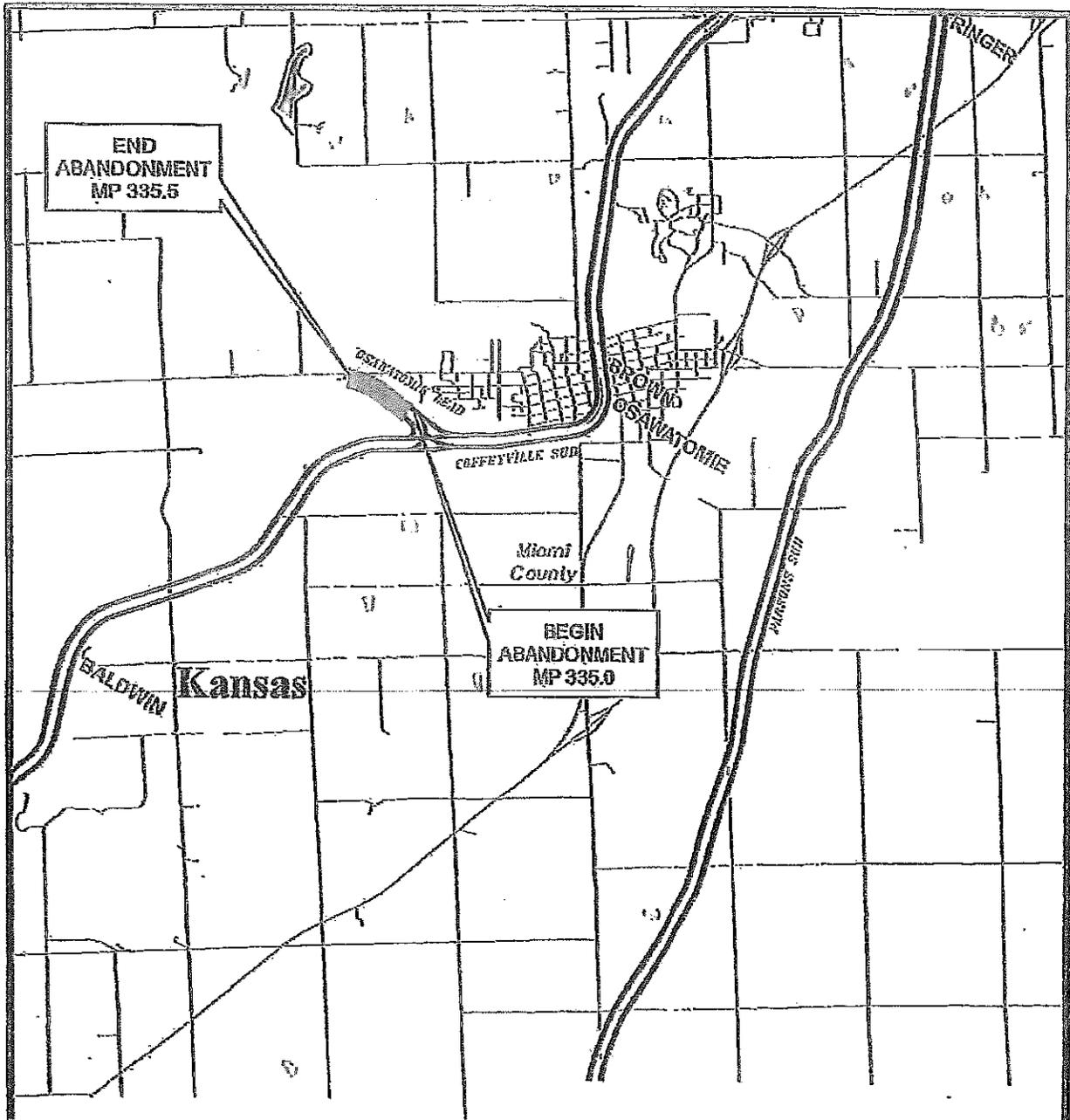
The City of Osawatomie acknowledges that use of the right-of-way is subject to the user's continuing to meet its responsibilities described above and subject to possible future reconstruction and reactivation of the right-of-way for rail service.

By my signature below, I certify service upon the Union Pacific Railroad Company, Law Department, 101 North Wacker Drive, Room 1920, Chicago, Illinois 60606-1718 by U.S. Mail, postage prepaid, first class, on July 26, 2013.

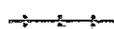
Respectfully submitted,

A handwritten signature in black ink, appearing to read "Don Cawby", written over a circular stamp or seal.

Don Cawby
City Manager
City of Osawatomie



Legend

-  UPRR TO BE ABANDONED
-  OTHER UPRR LINES
-  OTHER RAILROADS
-  PRINCIPAL HIGHWAYS
-  OTHER ROADS

OSAWATOMIE INDUSTRIAL LEAD

UNION PACIFIC RAILROAD CO.
MP 335.0 TO MP 335.5
TOTAL OF 0.6 MILES IN MIAMI COUNTY
IN KANSAS

**UNION PACIFIC RAILROAD CO.
OSAWATOMIE INDUSTRIAL LEAD
KANSAS**

NOTE: THERE ARE NO 50+ YEAR OLD STRUCTURES

