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239552

November 16, 2015

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Office of Proceedings  
November 16, 2015  
Part of  
Public Record

**VIA E-FILING**

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

**RE: Abandonment Exemption and Discontinuance of Operations over the Weber Industrial Lead from M.P. 5.8 near Wilson Avenue to M.P. 9.5 near Touhy Avenue, a distance of 3.7 miles in Cook County, Illinois; STB Docket No. AB-33 (Sub-No. 263X)**

Dear Ms. Brown:

Union Pacific Railroad Company ("Union Pacific") has received a request from the Village of Lincolnwood, an Illinois municipal corporation, (the "Village"), seeking to extend the negotiation period covering the issuance of a Certificate or Notice of Interim Trail Use pursuant to 16 U.S.C. § 1247(d) and 49 C.F.R. § 1152.29 for the portion of the Union Pacific's Weber Industrial Lead located in the Village of Lincolnwood between approximately Milepost 8.4 at Devon Avenue to the border with the Village of Skokie, Illinois, to approximately Milepost 9.45 near Touhy Avenue, a distance of approximately 1.0 mile in Cook County, Illinois.

The Union Pacific is willing to extend the negotiation period with the Village concerning the acquisition of the subject property for trail use and supports the Village's request to extend the negotiation period for an additional 180 days from November 12, 2015 to May 10, 2016. A copy of the Village's request for extension is attached hereto as Exhibit A and hereby made a part hereof.

Sincerely,



Mack H. Shumate, Jr.

Attachment

cc: Village of Lincolnwood

2015\_11\_16 STB 180-Days - Lincolnwood.doc

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LAW DEPARTMENT  
UNION PACIFIC RR CO.

November 12, 2015

***Via Electronic Filing***

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

**Re: *Union Pacific Railroad Company  
Abandonment of Weber Industrial Lead, Lincolnwood, Illinois  
STB Docket No. AB-33 (Sub-No. 263X)  
Petition for Public Use Condition and Interim Trail Use***

Dear Chief Brown:

The Village of Lincolnwood, Illinois (the "***Village***"), a political subdivision, hereby petitions the Surface Transportation Board for an order extending its Decision and Notice of Interim Trail Use or Abandonment in the above-referenced matter ("***Decision***") for an additional 180 days, through and including May 10, 2016.

On November 25, 2008, the Village filed its Petition for a Public Use Condition as well as an Interim Trail Use Condition ("***Petition***"), rather than an outright abandonment authorization, for that portion of the Weber Industrial Lead located within the corporate boundaries of the Village, extending from approximately Milepost 8.4 near Devon Avenue to approximately Milepost 9.45 near Touhy Avenue. As part of the Petition, the Village filed its Statement of Willingness to Assume Financial Responsibility pursuant to 49 CFR §1152.29.

On December 17, 2008, the Board issued its Decision, providing for a 180-day period for negotiations between the Village, the City of Chicago, and Union Pacific Railroad Company ("***UP***"). The Board has granted thirteen extensions of the time period for negotiations, most recently on June 4, 2015, when the Board issued an order further extending the time period for negotiations through and including November 12, 2015.

Since June 2015, the Village has continued its development of plans for the use of the right-of-way for trail and/or other public purposes, all in accordance with the Petition. As noted in the Village's previous extension requests, the Village and UP have exchanged multiple offers over the last several months for acquisition by the Village of the right-of-way. In August, the Village and UP reached tentative agreement on the

Ms. Cynthia Brown  
Chief, Section of Administration  
Surface Transportation Board  
November 12, 2015  
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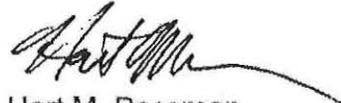
sales price and primary terms of the transaction. The parties have been working diligently to finalize all remaining terms and to consummate the sale.

The Village continues to work with the Illinois Department of Transportation, the Federal Highway Administration, and UP to produce all necessary plans, obtain all necessary approvals, and complete all required engineering and preparations for the proposed purchase and trail use of the right-of-way. In recognition of the cooperation between the Village and UP to date, the Village is optimistic that it will reach final accord with the UP on the acquisition of the right-of-way. However, as those negotiations remain ongoing, the Village requests additional time to continue those negotiations to a successful conclusion.

Therefore, the Village respectfully requests that the Board issue an order extending the negotiation period for an additional 180 days, through and including May 10, 2016. In support of its request, the Village renews its Petition and its Statement of Willingness to Assume Financial Responsibility.

By my signature below, I certify service upon Union Pacific Railroad Company, c/o Mack H. Shumate, 101 North Wacker Drive, Room 1920, Chicago, Illinois 60606, and upon the City of Chicago, c/o Ms. Rebekah Scheinfeld, 30 North LaSalle Street, Suite 1100, Chicago, IL 60602-2570, by U.S. Mail, postage pre-paid, first class, this 15th day of May, 2015.

Respectfully submitted,



Hart M. Passman  
Assistant Village Attorney  
Village of Lincolnwood

cc: Tim Wiberg, Village Manager