

234300

**FRIENDS OF CHERAW TO SOCIETY HILL RAILTRAIL**

**Box 817, Cheraw, South Carolina 29520-0817**

**By Federal Express**

**May 22, 2013**

Rachel D. Campbell, Director  
Office of Proceedings  
Surface Transportation Board  
395 E Street, S.W. Room 1034  
Washington, DC 20423

**ENTERED  
Office of Proceedings**

**MAY 24 2013**

**Part of  
Public Record**

**FILED**

**MAY 24 2013**

**SURFACE  
TRANSPORTATION BOARD**

**RE: SOUTH CAROLINA CENTRAL RAILROAD COMPANY - ABANDONMENT EXEMPTION -  
DOCKET NO. AB 312 (Sub-No. 3X)**

**Dear Ms. Campbell:**

This Notification is filed on behalf of the Friends of Cheraw to Society Hill Railtrail ("Cheraw Friends"), a South Carolina non-profit corporation. Cheraw Friends hereby requests the issuance of a Notice of Interim Trail Use for the property that is subject to this abandonment proceeding and a negotiation period of 180 days. The Cheraw Friends have been in negotiations with the South Carolina Central Railroad Company (SCRF) for some time, albeit without the issuance of a NITU. The change in ownership of the SCRF and the departure of the SCRF's point of contact for negotiations has caused some delays, but negotiations have recently resumed. The SCRF has knowledge of this request and is supportive of it.

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, and subject to closing with SCRF, Cheraw Friends is willing to assume full responsibility for management of, for any legal liability arising out of the transfer or use of the corridor, and indemnifies 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 subject to this abandonment proceeding.

Cheraw Friends acknowledges that use of the right-of-way is subject to possible future reconstruction and reactivation of the right-of-way for rail service at the request of the Surface Transportation Board by a bona fide railroad.

**FEE RECEIVED**

**MAY 24 2013**

**SURFACE  
TRANSPORTATION BOARD**



Surface Transportation Board

May 22, 2013

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Please find enclosed 10 copies of this Notification, together with a check payable to STB in the amount of \$250 to cover the required filing fee. For verification purposes, we attach our Certificate of Incorporation issued by the South Carolina Secretary of State.

By my signature below, I certify service upon SCRF, by U.S. Mail, postage prepaid, first class, this 22nd day of May, 2013

Respectfully submitted,

FRIENDS OF CHERAW TO SOCIETY HILL RAILTRAIL

BY  \_\_\_\_\_

Richard Lane Brown III, Secretary & Project Coordinator

CC: Jason Perry, Director – Real Estate &  
Steve Hannan, Manager – Real Estate  
Genesse & Wyoming Inc. (Parent of SCRF)  
13901 Sutton Park Drive South  
Suite 160  
Jacksonville, Florida 32224  
(by Fax to 904-223-5278 and First Class Mail)

CC: Louis E. Gitomer, Esq.  
Further attn. Melanie B Yasbin, Esq.  
600 Baltimore Avenue, Suite 301  
Towson, Maryland 21204-4022  
(by Fax to 410-332-0885 and First Class Mail)

# *The State of South Carolina*



*Office of Secretary of State Mark Hammond*

## **Certificate of Incorporation, Nonprofit Corporation**

**I, Mark Hammond, Secretary of State of South Carolina Hereby certify that:**

**- FRIENDS OF CHERAW TO SOCIETY HILL RAILTRAIL,**  
a nonprofit corporation duly organized under the laws of the State of South Carolina on January 30th, 2012, and having a perpetual duration unless otherwise indicated below, has as of the date hereof filed a Declaration and Petition for Incorporation of a nonprofit corporation for Religious, Educational, Social, Fraternal, Charitable, or other eleemosynary purpose.

Now, therefore, I Mark Hammond, Secretary of State, by virtue of the authority in me vested by Chapter 31, Title 33, Code of 1976 and Acts amendatory thereto, do hereby declare the organization to be a body politic and corporate, with all the rights, powers, privileges and immunities, and subject to all the limitations and liabilities, conferred by Chapter 31, Title 33, Code of 1976 and Acts amendatory thereto.

Given under my Hand and the Great Seal of the State of South Carolina this 7th day of February, 2012.

  
Mark Hammond, Secretary of State

Note: This certificate does not contain any representation concerning fees or taxes owed by the Corporation to the South Carolina Tax Commission or whether the Corporation has filed the annual reports with the Tax Commission. If it is important to know whether the Corporation has paid all taxes due to the State of South Carolina, and has filed the annual reports, a certificate of compliance must be obtained from the Tax Commission.