

UNION PACIFIC RAILROAD
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Senior General Attorney, Law Department

November 26, 2014

237115

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

ENTERED
Office of Proceedings
November 26, 2014
Part of
Public Record

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 the executed Joint Notice of Interim Trail Use / Rail Banking Agreement Between Union Pacific Railroad Company and City of Osawatomie in Accordance with 49 C.F.R. 1152.29(h) which is attached hereto with this e-filing.

Sincerely,



Mack H. Shumate, Jr.
Senior General Attorney

MHS/ev
Attachment

cc: City of Osawatomie

2014_11_26_STB Ltr to CBrown- Trail Use Request Response.doc



November 25, 2014

VIA 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

**JOINT NOTICE OF INTERIM TRAIL USE / RAIL BANKING AGREEMENT
BETWEEN UNION PACIFIC RAILROAD COMPANY AND
CITY OF OSAWATOMIE, KANSAS IN ACCORDANCE WITH 49 C.F.R. 1152.29(h)**

**Re: Abandonment of and Discontinuance of Service of a portion of the Osawatomie
Industrial Lead, Miami County, Kansas; STB Docket No. AB-33 (Sub-No. 313X)**

Dear Ms. Brown:

Union Pacific Railroad Company ("Union Pacific") and City of Osawatomie ("City") have entered into a trail use/rail banking agreement (the "Trail Use Agreement") covering the rail line from milepost 333.05 to milepost 333.5 in Miami County, Kansas on the Osawatomie Industrial Lead for a total distance of .45 miles (the "Line"). Attached to this Joint Notice as **Exhibit A** and made a part hereof is a map depicting an accurate description of the Line, including mileposts, that is the subject of said Trail Use Agreement. In accordance with the requirements of 49 C.F.R. 1152.29(h), Union Pacific and City hereby certify that the Trail Use Agreement includes provisions requiring the trail sponsor, City of Osawatomie, to fulfill the responsibilities described at 49 C.F.R. 1152.29(a)(3). A copy of City's Statement of Willingness to Assume Financial Responsibility under the Trail Use Agreement is attached hereto as **Exhibit B** and is hereby made a part hereof.

Sincerely,

UNION PACIFIC RAILROAD COMPANY



General Attorney

Sincerely,

CITY OF OSAWATOMIE

By: Mark Gores
Title: Mayor

Enclosure

cc:

**EXHIBIT A TO
JOINT NOTICE**



EXHIBIT B TO
JOINT NOTICE

TO ATTACH EXECUTED STATEMENT

City of Osawatomie's Statement of Willingness To Assume Financial Responsibility

City of Osawatomie, through authorization by the Mayor & City Council, acquired the Line as defined below on November 25, 2014 under a Purchase and Sale Agreement between Union Pacific Railroad Company and City of Osawatomie dated November 24, 2014.

In order to establish interim trail use and rail banking under 16 U.S.C. 1247(d) and 49 CFR 1152.29 with respect to the right-of-way owned by Union Pacific Railroad Company [see Discontinuance of Service AB-33 (Sub-No. 313X)], City of Osawatomie hereby represents to the Surface Transportation Board and Union Pacific Railroad Company that City of Osawatomie assumes responsibility for (1) managing the right-of-way, (2) any legal liability arising out of the transfer or use of the right-of-way (unless the sponsor is immune from liability, in which case it need only indemnify Union Pacific Railroad Company against any potential liability), and (3) the payment of any and all taxes that may be levied or assessed against the right of way. The right of way is known as Osawatomie Industrial Lead from milepost 335.0.5 to milepost 335.5, and extends for a total distance of .45 miles in Miami County, Kansas (the "Line"). The right-of-way is part of a line of railroad proposed for abandonment by Union Pacific Railroad Company in Docket No. STB AB-33 (Sub No. 313X). A map of the property depicting the right-of-way is attached hereto as **Exhibit A** and is hereby made a part hereof.

City of Osawatomie acknowledges that use of the right-of-way is subject to City of Osawatomie's continuing to meet its responsibilities described above and subject to possible future reconstruction and reactivation of the right-of-way for rail service. A copy of this statement is being served on the railroad on the same date it is being served on the Surface Transportation Board.

CITY OF OSAWATOMIE

By: J. Mark Gove
Title: Mayor

Agreed to and Acknowledged by Union Pacific Railroad Company this 25th day of November, 2014.

By: M. E. Pabke
Title: General Attorney

Union Pacific Railroad Company

Miami County, Kansas

Exhibit "A"

All right, title and interest in and to that part of the Osawatonic Industrial Lead of the Union Pacific Railroad Company, formerly the St. Louis, Kansas and Arizona Railway Company, beginning at Mile Post 335.05 and ending at Mile Post 335.5 of said Osawatonic Industrial Lead, located in the South Half of Section 9, Township 18 South, Range 22 East of the 6th Principal Meridian, Miami County, Kansas.

Union Pacific Railroad Co.
Real Estate Department
Omaha, NE.

LD 0278675
November 6, 2014
