



Aspinwall Marina, Inc.

285 RIVER AVENUE
PITTSBURGH, PENNSYLVANIA 15215
412-781-2340 • FAX: 412-781-9402
www.aspinwallmarina.com

225391



July 13, 2009

To: STB
From: David Kushon and Janie Kushon
Subject: Rails to Trails

ex parte 690

My wife and I are marina owners on the Allegheny River in Pittsburgh, Pa. My family has been in the marine business since World War II. We have owned and operated the Aspinwall Marina in Pittsburgh, Pa. since 1959. I purchased property in Armstrong County, Bethel Township in 1996, with the hopes of developing another badly needed marina in that area, that would bring employment and enjoyment as well as develop to this beautiful stretch of river front. After much planning and expensive our permitting was held up by the Armstrong County Conservancy, since they are laying claim to approximately 20 acres of my property that borders the Allegheny River.

Over many trips to courts at various levels, we are still in limbo. We are pledged with intruders on our property, campers, bikers, quad and trail bike riders all parting with out permission, without any consideration and littering with whatever they happen to be doing there.

We have made a very sizeable investment, not only in the purchase of this property, but also in the possible development, aerial photos, permits, design and development, mapping. etc. It's has now been 14 years since and we still have not received permission. Our deed says "if the grant is not used for transporting people or freight it reverts back to the rightful owner". What kind of US. COURT is needed to interrupt that? The railroad had pulled all tracks and ties before we bought this property.

I ask you please, do what is right and constitutional in rendering you decision.

Sincerely,
David Kushon and Janie Kushon
Aspinwall Marina Inc

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