



CITY OF MARION
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Marion, North Carolina 28752

225805

OFFICE OF THE
CITY MANAGER

September 22, 2009

Ms. Anne K. Quinlan
Acting Secretary
Surface Transportation Board
1925 K Street, NW
Washington, DC 20006

ENTERED
Office of Proceedings

OCT 1 - 2009

Part of
Public Record



Re: Norfolk Southern Railway Company Abandonment in McDowell County, North Carolina, STB Docket No. AB-290 (Sub-No. 266X) – Request for Extension of Time

Dear Acting Secretary Quinlan:

This request for an extension of time to negotiate an agreement is filed on behalf of the City of Marion, North Carolina, which is a political subdivision of the State of North Carolina, hereinafter referred to as "Proponent."

Proponent has previously requested issuance of a Public Use Condition as well as an Interim Trail Use Condition on property which extends from railroad milepost SB 205.0 to railroad milepost SB 208.5, a distance of 3.5 miles, located in the City of Marion, McDowell County, North Carolina. The right-of-way is part of a line of railroad proposed for abandonment in STB Docket No. AB-290 (Sub-No. 266X). By decision and notice of interim trail use or abandonment (NITU) served on July 7, 2006, the proceeding was reopened. The Board granted a 180-day period for the Proponent to negotiate an agreement with Norfolk Southern Railway (NSR) for interim trail use /rail banking and for a public use condition, the expiration date being January 4, 2007.

In April, 2009, the Board granted a 180-day extension for the Proponent to negotiate an agreement with Norfolk Southern Railway (NSR) for interim trail use /rail banking and for a public use condition, the expiration date being October 1, 2009.

Proponent and its designated representatives have attempted with due diligence and in a timely manner to secure such an agreement with the NSR. The NSR has performed an appraisal for the property on which an agreement hinges is presently being secured and an initial meeting has been held. In light of the approaching deadline and the need for further negotiations, the Proponent respectfully requests a six (6) month extension of the negotiating period, which would set a new expiration date of April 1, 2010.

By my signature below, I certify service of this Request for an Extension of Time upon Norfolk Southern, James R. Paschall, Senior General Attorney, Norfolk Southern

Corporation, Three Commercial Place, Norfolk, Virginia 23510 by U.S. Mail, postage pre-paid, first class, this 22nd day of September, 2009.

Please contact me at (828) 652-3551 if you have any questions, or if you require any additional information.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Bob Boyette". The signature is stylized with a large, looped "B" and "Y".

Bob Boyette
City Manager
City of Marion

cc: Mayor/City Council
James R. Paschall, Senior General Attorney, Norfolk Southern Corporation