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THOMAS M. AUCHINCLOSS, JR.
LEO C. FRANEY
KEITH G. O'BRIEN
BRYCE REA, JR.
BRIAN L. TROIANO

DONALD E. CROSS (1923-1986)

2/10/2004

March 1, 2004

ENTERED
Office of Proceedings

MAR - 8 2004

Part of
Public Record



Honorable Vernon A. Williams
Secretary
Surface Transportation Board
1925 K Street, N.W.
Washington, DC 20423-0001

Re: Portage County Board of Commissioners
Acquisition Exemption
Portage Private Industry Council, Inc.
Finance Docket No. 34463

Dear Secretary Williams:

On February 24, 2004 the Portage County Board of Commissioners filed a Verified Notice of Exemption concerning acquisition of all Portage Private Industry Councils' title and interest in a portion of rail line formerly known as Conrail's Freedom Secondary line between milepost 190.05 ± near Kent, Ohio and milepost 182.82 ± near Ravenna, Ohio (and connecting tracks) as previously acquired PPIC pursuant to a Verified Notice of Exemption filed in Finance Docket No. 32701 on May 5, 1995.

It has just been discovered that the title acquired by PPIC was corrected to reflect that the acquired property ended at milepost 190.04 rather than at 190.05 to conform to the actual extent of Conrail's ownership.¹

The requisite correction in the description of the line to be acquired involves a change of only .01 miles and will not change or alter the continuity of service that is being provided since the Akron Barberton Cluster Railroad, the operator of the line to be acquired, also operates the connecting segment.

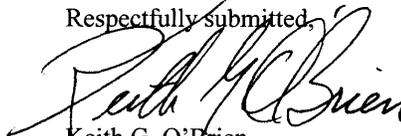
¹ A copy of the letter from the Portage County Prosecuting Attorney and the relevant Correction Deed are attached.

Honorable Vernon A. Williams
March 1, 2004
Page Two

In the circumstances it is respectfully requested that this Notice of Exemption be corrected to show that the property to be acquired extends between milepost 190.04 \pm near Kent, Ohio and milepost 182.82 \pm near Ravenna, Ohio (and connecting side tracks).

The Boards' courtesy in this matter is very much appreciated.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Keith G. O'Brien".

Keith G. O'Brien
Counsel for Portage County
Board of Commissioners

Enclosures

VICTOR V. VIGLIUCCI
PORTAGE COUNTY PROSECUTING ATTORNEY

466 SOUTH CHESTNUT STREET
RAVENNA, OHIO 44266

(330) 297-3850 (330) 296-4593
Criminal Division Fax (330) 297-3856
Civil Division Fax (330) 297-4594
www.portageprosecutor.com

February 26, 2004

Board of Portage County Commissioners
C/O Clerk Mazanec
449 South Meridian Street
Ravenna, OH 44266

RE: Freedom Secondary Rail Transfer
Review of Proposed Notice of Exemption

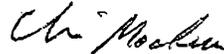
Dear Board:

Our office has reviewed the above notice prepared by retained local counsel in Washington D.C and for the most part our office must defer to the law and facts recited by Keith G. O'Brien, the attorney that the county has retained to facilitate this transaction before the federal Surface Transportation Board.

There is one point that the county should inform Mr. O'Brien, one that appears to be a minor one, but should be disclosed. According to a corrective deed filed in 1995, the property description in the original deed was slightly off. According to that corrective deed, the parameters of the railway are not from milepost 190.05 but from milepost 190.04 to milepost 182.82. This would make the total route being acquired not 7.23 but rather 7.22.

The balance of the proposed notice is approved as to form. Please call if any questions or concerns.

Sincerely,



Chris Meduri
Assistant Prosecutor

CJM/mos
Enclosure

RECEIVED
PORTAGE COUNTY
COMMISSIONERS
2004 MAR -1 A 11:02

*Guardian Title
22225*

CORRECTIVE DEED

KNOW ALL MEN BY THESE PRESENTS

This Indenture is made this *19th* day of *October*, A.D. 1995.

By and Between **CONSOLIDATED RAIL CORPORATION**, a Corporation of the Commonwealth of Pennsylvania, having an office at Two Commerce Square, 2001 Market Street, Philadelphia, Pennsylvania, 19101-1419, hereinafter referred to as the Grantor, and **PORTAGE PRIVATE INDUSTRY COUNCIL, INC.**, a Corporation of the State of Ohio, having a mailing address of 449 South Meridian Street, Ravenna, Ohio 44266, hereinafter referred to as the Grantee.

WITNESSETH:

WHEREAS, by a deed dated July 20, 1994 Grantor did convey unto the Akron/Barberton Cluster Railway Company certain property on the Freedom Secondary, Line Code 6601, as described in Exhibit "A" on page 5 of 7 thereof; and

WHEREAS, in deed dated July 20, 1994 Grantor referred to the Ending as being "at approximately Railroad Mile Post 190.04 at the northerly right of way line of CSX Transportation, Inc."; and

WHEREAS, by a deed dated May 11, 1995 Grantor did convey unto the said Grantee certain property on the Freedom Secondary, Line Codes 6501 and 6601, as described in Exhibit "A" on page 1 of 2 thereof; and

WHEREAS, in the description in deed dated May 11, 1995 Grantor referred to the Ending as "Railroad Mile Post 190.05, the end of Grantor's ownership; and

WHEREAS, Grantor and Grantee agree that the actual Ending point as described in paragraph 2 of Exhibit "A" on page 1 of 2 and indicated in Exhibit "B" on sheet 9 of 9 of said deed dated May 11, 1995 should be at Railroad Mile Post 190.04 rather than at Railroad Mile Post 190.05; and

WHEREAS, Grantor and Grantee wish to modify and correct the deed dated May 11, 1995 to reflect the correct Railroad Mile Post as being 190.04.

REC-298

NOW THEREFORE, Grantor, for and in consideration of the sum of ONE DOLLAR (\$1.00) and other good and valuable consideration received to the full satisfaction of Grantor, agree with the Grantee that the description as contained in paragraph 2 on page 1 of 2 in Exhibit "A" of said deed dated May 11, 1995 shall be changed to read:

BEGINNING at Railroad Mile Post 182.82, being the west line of Peck Road, in the Township of Ravenna, as indicated on sheet 1 of 9 of Exhibit "B" in deed dated May 11, 1995; thence extending in a general southwest then westerly direction, passing through the City of Ravenna, re-entering the Township of Ravenna, and the Township of Franklin, to Railroad Mile Post 190.04, the end of Grantor's ownership, the place of ENDING, in the City of Kent, with said ENDING being further described as Railroad Mile Post 190.04 at the northerly right of way line of CSX Transportation, Inc. as described and indicated in deed dated July 20, 1994 from Grantor to the Akron Barberton Cluster Railway, and which ending is indicated on sheet 1 of 1 of Exhibit "A" hereof.

IN ALL other respects said deed dated May 11, 1995 remains unchanged and in full force and effect.

THE words "Grantor" and "Grantee" used herein shall be construed as if they read "Grantors" and "Grantees", respectively, whenever the sense of this instrument so requires and whether singular or plural, such words shall be deemed to include at all times and in all cases the heirs, legal representatives or successors and assigns of the Grantor and Grantee.

Instructed to record as is
LINDA K. FANKHAUSER
Portage County Recorder

10-24-95

TAX MAP DEPT
LEGAL DESCRIPTION
<input checked="" type="checkbox"/> SUFFICIENT <input type="checkbox"/> DEFICIENT
<input type="checkbox"/> NO DIVISION OF LAND

NO TRANSFER
REQUIRED
OCT 3 4 1995 MT
JANET ESPOSITO
AUDITOR

No EXISTING Parcel
NUMBERS ON MAP

IN WITNESS WHEREOF the said Grantor hereunto sets its name

10062 10299

and Corporate seal by M. Virginia Ebert, its Assistant Vice President-Real Estate, and WILBERTA C. JACKSON its Assistant Secretary, this 19th day of October A.D. 1995.

SIGNED and ACKNOWLEDGED By: CONSOLIDATED RAIL CORPORATION in the presence of:

Nancy B. Reynolds M. Virginia Ebert, Assistant Vice President-Real Estate

Bernadette M. Richmond BERNADETTE M. RICHMOND Attest:

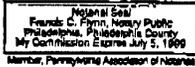
Nancy B. Reynolds WILBERTA C. JACKSON Assistant Secretary

Bernadette M. Richmond BERNADETTE M. RICHMOND COMMONWEALTH OF PENNSYLVANIA) : SS) COUNTY OF PHILADELPHIA)

BEFORE ME, a Notary Public in and for said Commonwealth and County, personally appeared the above named CONSOLIDATED RAIL CORPORATION, by M. Virginia Ebert, its Assistant Vice President-Real Estate and WILBERTA C. JACKSON, its Assistant Secretary, who acknowledged that they did sign the foregoing Instrument and that the same is the free act and deed of said Company and the free act and deed of each of them personally and as such officers.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal, at Philadelphia, Pennsylvania, this 19th day of October A.D., 1995.

James C. Flynn Notary Public



FILED 0062 10300

env. Guardian Title
 RECEIVED FOR RECORD
 AT 15:44:35 AM
 9519712 BY 2015
 62 099 304
 ON FILE
 PORTAGE COUNTY REGISTER
 FEE 34.00

CASE NO. 71700

INDEXED

CORRECTIVE DEED TO

PORTAGE PRIVATE INDUSTRY COUNCIL, INC.

EXHIBIT "A"

MAP ADDENDUM

THIS EXHIBIT "A" CONTAINS 1 MAP.

Vol. 0002 p. 302