



Sunflower Rail-Trails Conservancy, Inc.

PO Box 44-2043

Lawrence, Kansas 66044

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300971

ENTERED

Office of Proceedings

August 11, 2020

Part of

Public Record

August 11, 2020

Ms. Cynthia T. Brown, Chief
Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street SW
Washington, DC 20423

Re: STB Docket No. AB-406 (Sub-No. 5X), Central
Kansas Railway, Limited Liability Company—
Abandonment Exemption—In Clark and
Comanche Counties, Kan.

Dear Ms. Brown:

Please accept these comments concerning the Board's July 21, 2020, decision requesting additional information concerning who currently owns the Englewood-Protection right-of-way in Clark and Comanche Counties, Kansas and whether Central Kansas Railway still exists.

A review of Sunflower's records did not reveal who owns the line in question or if Central Kansas Railway is extant. Watco Companies did inform Sunflower that neither it nor its subsidiary Kansas & Oklahoma Railroad owns the line. Subsequently, OmniTRAX provided a copy of a deed from pages 484 and 485 of their records conveying the right-of-way to the Iowa Trails Council and they stated in the cover email the following: *"This land was conveyed by donative quit claim deed in 1997. Accordingly CKRY retained no rights in the section in question."*

Further CKRY does not exist anymore and hasn't for many years." That indicates that OmniTRAX does in fact retain a residual interest in the right-of-way even though Central Kansas Railway is no longer in existence. This means that upon vacation of the NITU, OmniTRAX can either railbank the line with another entity or completely abandon it by filing a General Release of All Title with the registers of deeds as required by Kansas railroad law.

Finally, Sunflower does hold a quitclaim deed from Short Grass Prairie Trail, Inc. which is attached. Due to the reversionary provisions of Kansas railroad law, Sunflower only possesses a Right of Way easement and not any land in fee simple.

If you have any questions, feel free to contact me at 785-842-3458 or clarkcoan@yahoo.com.

Respectfully submitted,

Clark H. Coan

Clark H. Coan

Corporate Secretary

Attachment

CERTIFICATE OF SERVICE

I hereby certify that, on this 11th day of August, 2020, a copy of the foregoing was served by email on all Parties of Record on the official Service List for this Proceeding:

Robert Wimbish
OmniTRAX, Inc.
29 North Wacker Drive
Chicago, IL 60606
312-225-21504
rwimbish@fletcher-sippel.com

Bradon J. Smith
Kansas and Oklahoma Railroad, LLC
29 N. Wacker Dr.
Suite 800
Chicago, IL 60606
312-252-1516
bsmith@fletcher-sippel.com

DONATIVE QUITCLAIM DEED

copy

SHORT GRASS PRAIRIE TRAIL, INC., a Kansas not-for-profit corporation ("Grantor"), does hereby donate, remise, release and forever quitclaim unto SUNFLOWER RAIL-TRAILS CONSERVANCY, INC., a Kansas not-for-profit corporation ("Grantee"), and unto its successors and assigns forever, all of the Grantor's rights, title, interest, estate, claim and demand, both at law and in equity, of, in and to the real estate ("Property") on that portion of the Grantor's Englewood Branch of the Central Kansas Railway, L.L.C. from Milepost 165.37, near Englewood, Kansas, to Milepost 136.00 near Protection, Kansas, such Property being located in Clark and Comanche Counties, Kansas and more particularly described in Exhibit "A", attached hereto and made a part hereof.

This deed is made subject to the terms and conditions contained in the Decisions and Notices of Interim Trail Use served by the Surface Transportation Board ("STB") on May 8, 1996, and June 10, 2013, in Docket No. AB 406 (Sub No. 5X), which authorized the discontinuance of operations over the railroad right-of-way described above, with railbanking interim trail use imposed by the STB in said decisions, pursuant to Section 8(d) of the National Trails System Act, 16 U.S.C. 1247 (d) and all other conditions, rights and encumbrances affecting the Property, whether recorded or unrecorded.

This Quitclaim Deed is made on an "as is, where is" basis, without any warranties, or representations of any kind or nature whatsoever, express or implied, concerning the condition of the Property, and Grantee hereby specially waives any implied warranties provided for by Kansas law, if any, including any and all warranties regarding fitness for any particular use or purpose whatsoever.

SHORT GRASS PRAIRIE TRAIL, INC.

Richard Stein

Richard Stein

Authorized Agent

State of Kansas County of Clark

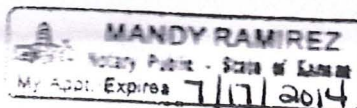
Date 8-16-13

Subscribed and sworn to before me by the aforementioned on the 16th day of August, 2013.

Mandy Ramirez

Notary Public

State of Kansas



Pursuant to K.S.A. 79-1437 (e)
a real estate validation
questionnaire is not required
due to exception No. 4

Entered in Transfer Record in my office
this 16 day of August, 20 13

Jennie Hart, Deputy

Rebecca Mishler, Clark County Clerk

PHOTOCOPIED

STATE OF KANSAS, CLARK COUNTY }
This instrument was filed for Record on
8/16/2013 at 11:21 AM and duly recorded
Book 71 Page 70 Fees \$16.00
Brenda Ketron
Brenda Ketron, Register Of Deeds



71 - 70

EXHIBIT A

SGPT Property Legal Description Clark County

S1-T33-R21 SE/4 SE/4

S12-T33-R21 NW/4 NW/4

S11-T33-R21 NE/4 NE/4 and SW/4 N/4

S10-T33-R21 SE/4 N/2 and NW/4 S/2

S9-T33-R21 SE/4

S16-T33-R21 NW/4

S17-T33-R21 NE/4 and NW/4

S18-T33-R21 NE/4 and NW/4 NW/4

S13-T33-R22 NE/4 NE/4 and NW/4 NW/4

S14-T33-R22 NE/4 NE/4

S11-T33-R22 SW/4 SW/4

S10-T33-R22 S/4 S/2

S9-T33-R22 S/4 S/2

S8-T33-R22 S/4 S/2

S7-T33-R22 S/4 S/2

S12-T33-R23 SE/4 SE/4

S13-T33-R23 NE/4 NW/4 and NW/4

S14-T33-R23 NE/2 and SW/4

S23-T33-R23 NW/4 NW/4

S22-T33-R23 NE/4 NE/4 and SE/4 SW/4

S27-T33-R23 NW/4 NW/4

S28-T33-R23 NE/4 NE/4 and SE/4 NE/4 and SW/4 SW/4

S29-T33-R23 SE/4 SE/4

S32-T33-R23 NW/4 NE/4 and SW/2

S31-T33-R23 SE/4 SE/4

S6-T34-R23 NW/4 NE/4 and NW/4

SGPT Legal Description

S1-T34-R24 SE/4

S12-T34-R24 NW/4 NW/4

S11-T34-R24 SE/4 NE/4 and SW/4

S15-T34 R24 NE/4 and SW/4

S16-T34-R24 SE/4 SE/4

S21 T34 R24 NE/4 and SW/4

S20-T34-R24 SE/4 SE/4

S29-T34-R24 NE/4 and SW/4

S30-T34-R24 SE/4 SE/4

S31-T34-R24 NW/4 NE/4 and N/4

S32-T34-R24 SE/4

EXHIBIT A
SGPT Property Description
Comanche County

Railroad right-of-way as it progresses from the west Comanche County line to the western end of the bridge west of Protection:

S25-T32-R20 SE/4 SE/4

S34-T32-R20 S/2 SE/4

S35-T32-R20 SW/4 and NW/4 SE/4 and SE/4 NE/4

S36-T32-R20 N/2 NW/4

S3-T33-R20 N/2 NW/4 and NW/4 NE/4

S4-T33-R20 S/2 N/2

S5-T33-R20 N/2 S/2

S6-T33-R20 S/2 SW/4 and S/2 SE/4