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ENTERED
Office of Proceedings
August 27, 2020
Part of
Public Record

August 27, 2020

By e-filing

Allison C. Davis, Director
Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, S.W.
Washington, DC 20024

Re: Docket No. AB-303 (Sub-No. 18X), *Wisconsin Central Ltd. -- Abandonment
Exemption -- in Polk County, WI*

Dear Ms. Davis:

This provides the additional information and documentation required in the Board's decision in the above proceeding served August 13, 2020.

Additional Information and Documentation

1. Clarify the Subject Right-of-Way at Issue

Attached to this correspondence as Appendix 1 is a copy of a Station Map of Amery, Wisconsin. The Subject Right-of-Way is shaded in yellow on that map. The legal description of the Subject Right-of-Way is shown on the lower left portion.

Attached to this correspondence as Appendix 2 is a Survey of the Subject Right-of-Way. The Survey shows the Subject Right-of-Way in relation to surroundings. The Survey shows that the Subject Right-of-Way is not part of the 100-foot-wide recreational trail that is located on the former railroad operating right-of-way. The Survey also shows that Keller Avenue and Harriman Avenue have been extended across the trail right-of-way.

The Subject Right-of-Way can be described as a triangular parcel located at the northeast corner of Parcel 25 as shown by yellow shading on the attached Station Map of Amery, Wisconsin, and located approximately 200 feet southwest of Milepost 63 (at approximately Milepost 62.96).

2. What is Meant by “Station Ground Property?; whether the Subject Right-of-Way encompasses the entire width of the Property or a narrower section

Station Ground Property connotes Right-of-Way that is 300 feet wide (150 feet on both sides of the center line). Station Ground Property was used for construction of railroad depots and other ancillary uses. It is in contrast to operating right-of-way that is typically 100 feet wide (50 feet on both sides of the center line), and it was used to operate trains and maintain railroad track and bridges.

The Subject Right-of-Way is located on a portion of the Station Ground Property, a considerable distance from the operating right-of-way that is now being used as a trail. The portion of the Station Ground Property north of the Subject Right-of-Way was acquired by the City of Amery and is being used as a park.

3. Correct Statement of Willingness to Assume Financial Responsibility

In accordance with 49 C.F.R. § 1152.29(f)(1)(ii), as provided in 49 C.F.R. § 1152.29(a)(2), DRFC Amery LLC (DRFC) hereby affirms its willingness to assume full responsibility for:

- (1) managing the right-of-way; and
- (2) any legal liability arising out of the transfer or use of the right-of-way; and
- (3) the payment of any and all taxes that may be levied or assessed against the right-of-way.

4. Reason for Intent to Terminate Trail Use Soon After Substitution of Trail User

DRFC owns Parcels 21, 23, and 25 and proposes to construct a driveway to Keller Avenue over the Subject Right-of-Way. The Subject Right-of-Way is not needed for trail use. The existing trail user Wisconsin Department of Natural Resources (WDNR) agreed with DRFC to terminate trail use of the Subject Right-of-Way but did not want to do so in its own name. To accomplish the termination, WDNR was willing to have DRFC substitute for it as trail user, and then have DRFC terminate trail use.

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Respectfully submitted,

/s/ Thomas F. McFarland

Thomas F. McFarland

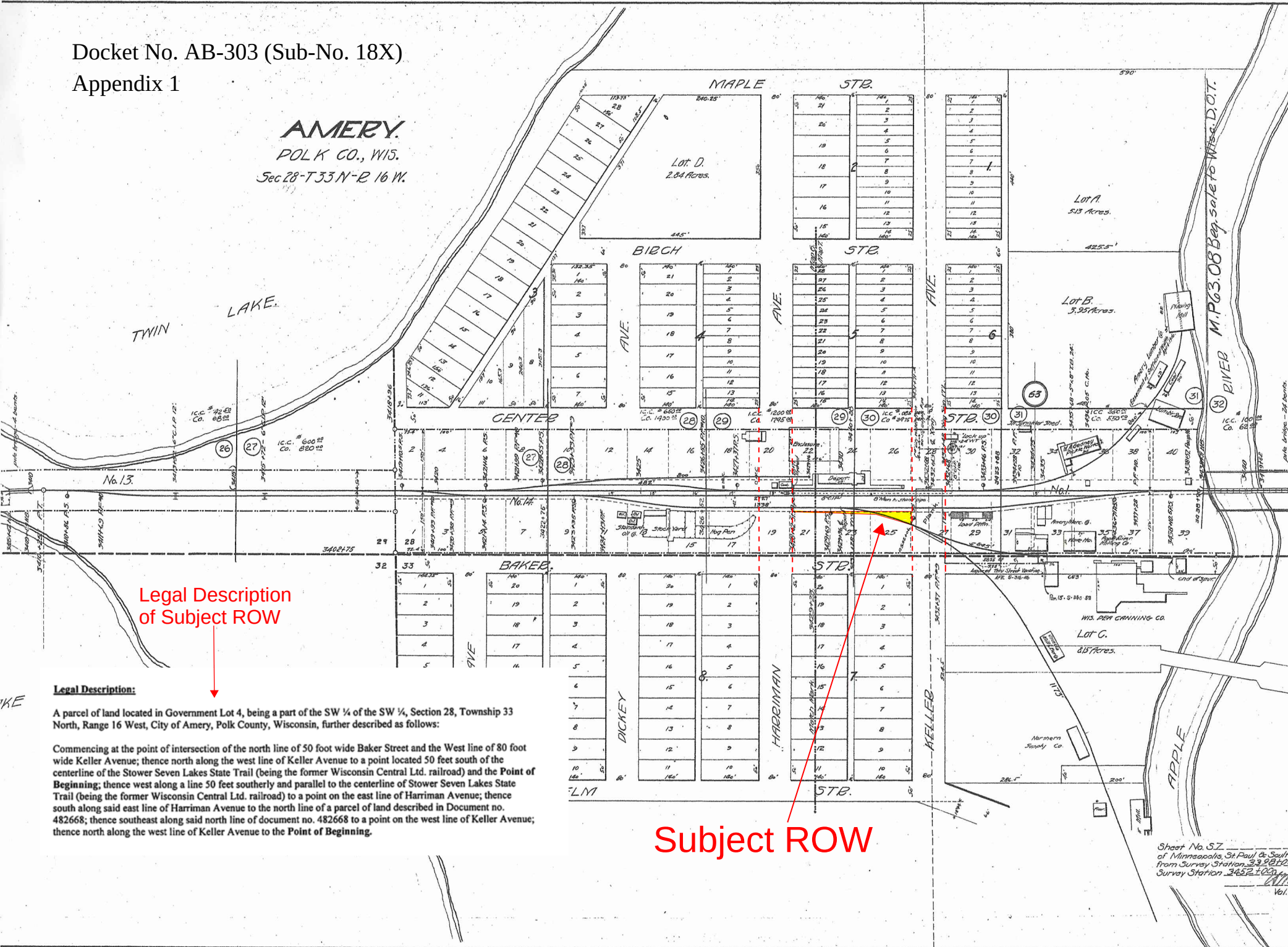
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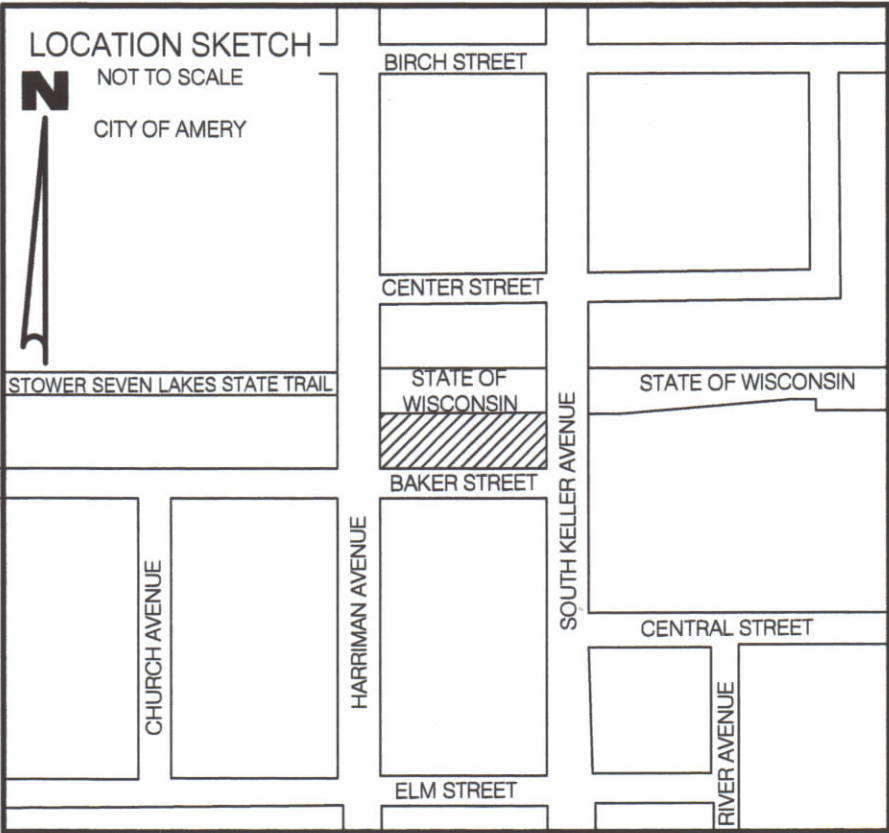
cc: All parties of record
Jason Thomas, Esq., by e-mail to jason.thomas@frauenshuh.com
Mr. James Lemke, by e-mail to james.lemke@wisconsin.gov

Docket No. AB-303 (Sub-No. 18X)

Appendix 1

AMERY.
POLK CO., WIS.
Sec 28-T 33 N-R 16 W.





TO: First American Title Insurance Company, DRF Holdings, LLC, Bremer Bank, National Association and their respective successors and assigns:

This is to certify that this map or plat and the survey on which it is based were made in accordance with "Minimum Standard Detail Requirements for ALTA / NSPS Land Title Surveys" jointly established and adopted by ALTA and NSPS, in 2016 and includes items 1, 2, 3, 4, 5, 6(a)(b), 7(a), 8, 9, 11, 14, 16, 17, 18, 19 & 21 of Table A thereof. Pursuant to the Accuracy Standards as adopted by ALTA, NSPS and in effect on the date of this certification, undersigned further certifies that in my professional opinion, as a Land Surveyor registered in the State of Wisconsin, the maximum relative positional accuracy has not been exceeded.

Edwin C. Flanum
Edwin C. Flanum, Professional Wisconsin Land Surveyor No. 2487

Date 5/19/2020

This survey was made on the ground on April 15, 2020 and correctly shows the area of the subject property, the location and type of all improvements situated on subject property, and any other matters situated on the subject property.

Except as shown on the survey, there are no visible easements or right-of-way of which the undersigned has been advised.

There are no observable, above ground encroachments (a) by improvements on the subject property upon adjoining properties, streets, alleys or (b) by the improvements on adjoining properties, streets or alleys upon the subject property (EXCEPT as noted in Schedule B, Part II #3).

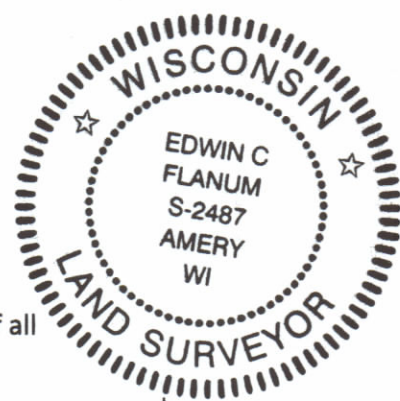
The location of each easement, right-of-way, servitude and other matter affecting the subject property and listed in the title commitment dated April 17, 2020, Commitment No. NCS-1010372-MPLS, issued by First American Title Insurance Company, Polk County Abstract, with respect to the subject property, has been shown on the survey, together with appropriate recording references, to the extent that such matters can be located. The property shown on the survey is the property described in that Title Commitment. The location of all improvements on the subject property is in accordance with minimum setback provisions and restrictions of record referenced in such title commitment.

The subject property has direct access to and from public streets known as South Keller Avenue (State Trunk Highway "46"), Baker Street and Harriman Avenue. Access to State Trunk Highway "46" requires permitting from the Wisconsin Department of Transportation.

The subject property does serve adjoining property for utilities.

"ALTA / NSPS LAND TITLE SURVEY"

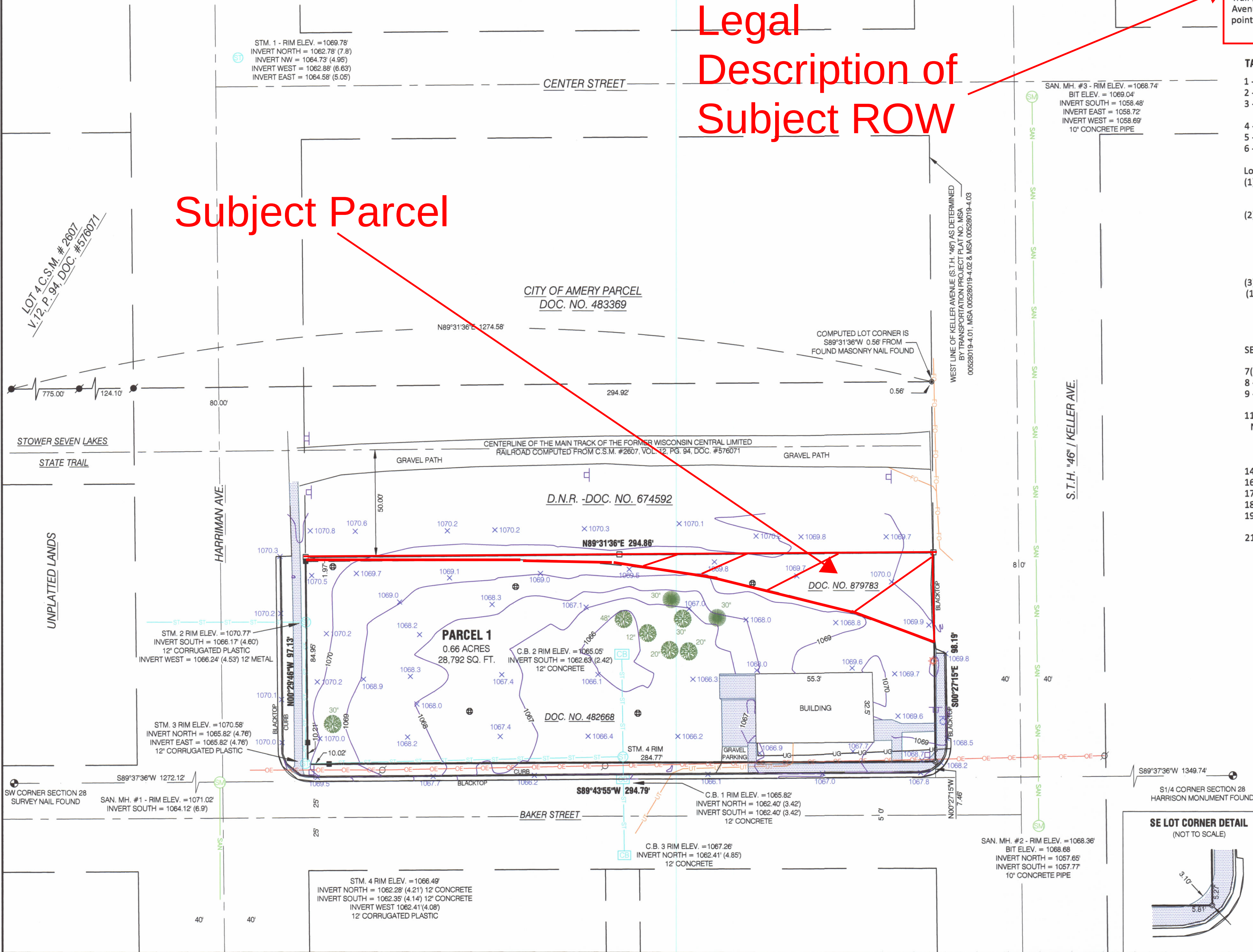
LOCATED IN THE SW1/4 OF THE SW1/4 OF SECTION 28, T33N, R16W, CITY OF AMERY, POLK COUNTY, WISCONSIN.



DOCUMENT #881231

Legal
Description of
Subject ROW

Subject Parcel



LEGAL DESCRIPTION

Located in the SW1/4 of the SW1/4 of Section 28, T33N, R16W, City of Amery, Polk County, Wisconsin; described as follows:

Commencing at the S1/4 Corner of Section 28; thence S89°37'36"W, along the south line of the SW1/4 of said section, 1349.74 feet to the west line of State Trunk Highway "46" as determined from Transportation Project Plat No. MSA 00528019-4.01, MSA 00528019-4.02 & MSA 00528019-4.03; thence N00°27'15"W, along said west line, 7.46 feet to the north line of a public street (Baker Street) being the point of beginning; thence S89°43'55"W, along said north line, 294.79 feet to the east line of a public street (Harriman Avenue); thence N00°29'46"W, along said east line, 97.13 feet to the north line of a parcel of land recorded in Document Number 879783 at the Polk County Register of Deeds Office; thence N89°31'36"E, along said north line, 294.86 feet to previously said west line of State Trunk Highway "46"; thence S00°27'15"E, along said west line, 98.19 feet to the point of beginning.

Described parcel contains 0.66 acres (28,792 Sq. Ft.) and is subject to all easements, restrictions and covenants of record.

PROPERTY AS DESCRIBED ON COMMITMENT NUMBER NCS-1010372-MPLS

A parcel of land located in Government Lot Four (4), and previously described as the Southwest Quarter of the Southwest Quarter (SW 1/4 of SW 1/4), Section Twenty-Eight (28), Township Thirty-Three (33) North, Range Sixteen (16) West, City of Amery, Polk County, Wisconsin described as follows:

Beginning at the point of intersection of the north line of 50 foot wide Baker Street and the west line of 80 foot wide Keller Avenue; thence westerly along last said north line a distance of 300 feet, more or less, to a point on the east line of 80 foot wide Harriman Avenue; thence northerly along last said east line a distance of 100 feet, more or less, to a point on a line parallel and/or concentric with and 10 feet normally distant southerly from the centerline of the southernmost spur track of Wisconsin Central LTD.; thence easterly along last said parallel and/or concentric line a distance of 310 feet, more or less, to a point on said west line of Keller Avenue; thence southerly along last said west line a distance of 55 feet, more or less, to the point of beginning.

AND

A parcel of land located in Government Lot Four (4), being a part of the Southwest Quarter of the Southwest Quarter (SW 1/4 OF SW 1/4), Section Twenty-Eight (28), Township Thirty-Three (33) North, Range Sixteen (16) West, City of Amery, Polk County, Wisconsin, further described as follows:

Commencing at the point of intersection of the north line of 50 foot wide BAKER Street and the west line of 80 foot wide Keller Avenue; thence north along the west line of Keller Avenue to a point located 50 feet south of the centerline of the Stower Seven Lakes State Trail (being the former Wisconsin Central LTD. Railroad) and the point of beginning; thence west along a line 50 feet southerly and parallel to the centerline of Stower Seven Lakes State Trail (being the former Wisconsin Central LTD. Railroad) to a point on the east line of Harriman Avenue; thence south along said east line of Harriman Avenue to the north line of a parcel of land described in Document NO. 482668; thence southeast along said north line of Document NO. 482668 to a point on the west line of Keller Avenue; thence north along the west line of Keller Avenue to the point of beginning.

TABLE "A" NOTES:

- 1 - As shown on map
- 2 - 102 Keller Avenue South, (as shown on Title Commitment)
- 3 - Surveyed property is subject to Flood Zone X Area of Minimal Flood Hazard as designated on National Flood Insurance Program FIRM (Flood Insurance Rate Map) Map Number 55095C0586D, Effective Date September 16, 2011.
- 4 - Area in LEGAL DESCRIPTION
- 5 - Elevations as shown on map. Elevations established by GPS on the Vertical Datum of NAVD88 (Polk County Coordinate System).
- 6 - Surveyed property is zoned C-2 Central Business District according to the City of Amery Zoning Map dated April 27, 2012. Requirements under Section 13-1-38 C-2 Central Business District of the City of Amery Zoning Code are as follows:
Lot, Yard and Building Requirements
(1) Lot Area
a. Minimum Area: None
b. Minimum Width: None
(2) Yards
a. Minimum Front Yard: None (1).
b. Minimum Either Side Yard: None (2)
c. Minimum Aggregate Side yard: None
d. Minimum Rear Yard: None (3)
e. Lake and River Lots: The above setbacks shall be as modified in Section 13-1-25(a).
(3) Height
(1) Keller Avenue between Hyland and Center Street no building or any part thereof, including steps, nor any obstruction of any kind shall be built within thirteen (13) feet from the back of the curb.
(2) Side yards when adjacent or abutting to residential district will maintain a setback of ten (10) feet.
(3) Rear yards when adjacent or abutting to residential district will maintain a setback of twenty-five (25) feet.

SEE CITY OF AMERY ZONING ORDINANCE FOR ADDITIONAL INFORMATION/REQUIREMENTS

- 7(a) - As shown on map
- 8 - No observed substantial features observed in the field.
- 9 - None observed

11 - As shown on map

Note: With regard to Table A, Item 11, source information from plans and markings will be combined with observed evidence of utilities to develop a view of those underground utilities. However, lacking excavation, the exact location of underground features cannot be accurately, completely and reliably depicted. Where additional or more detailed information is required, the client is advised that excavation may be necessary.

- 14 - As shown on map
- 16 - None observed
- 17 - As shown on map
- 18 - Non observed
- 19 - See Easement Note. Recorded easements were listed in Schedule B - Section II of First American Title Insurance Company Commitment No. NCS-1010372-MPLS
- 21 - As shown on map

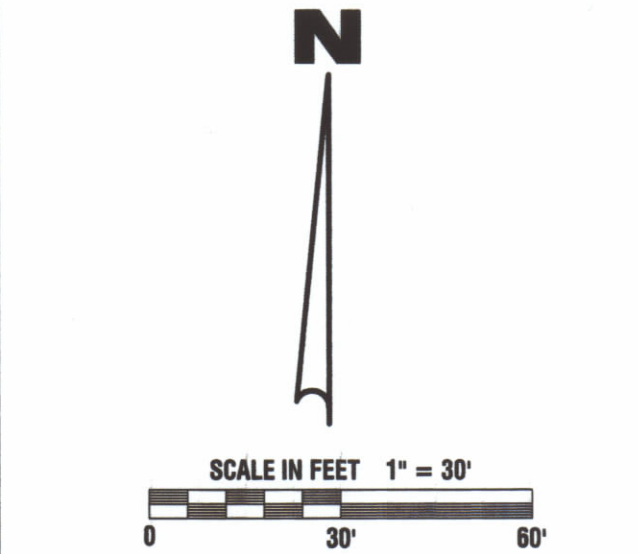
SCHEDULE B, PART II:

- 1 - Non observed
- 2 - Catch Basin (C.B.2) located in the center of lot is connected to Stormwater Manhole (STM. 4) by a 12" concrete pipe. C.B.2 appears to only serve the surveyed property. STM 4 does serve the public stormwater system. STM. 4 is connected to STM. 3 by a 12" Corrugated Plastic Pipe which lies to the north of the south property line.
- 3 - Existing Utilities as shown on map and a corner of concrete sidewalk in the southeast corner of the lot (see SE Lot Corner Detail).
- 4 - Contact Title Company
- 5 - Contact Title Company
- 6 - Contact City of Amery for Information
- 7 - Contact City of Amery for Information
- 8 - Contact City of Amery for Information
- 9 - Non observed
- 10 - No observed existing facilities observed. Said easement appears to be a blanket easement. See the Rider to Deed in Document Number 482668 regarding a reserved easement by Wisconsin Central LTD.
- 11 - Parcel labeled as Doc. No. 879783 on the map is encumbered by federal and state railroad interest. See Permitted Exceptions listed in Exhibit "A" in Document Number 873250 (previous Document Number 862343). Parcel labeled as Doc. No. 879783 on the map is encumbered by federal and state railroad interest. See Permitted Exceptions listed in Exhibit "A" in Document Number 879783 (previous Document Number 862343).
- 12 - Cooperative State Trail Easement recorded in Document Number 860684 and Document Number 696196, EXCLUDES an area described as the 300 foot wide Station Ground property at Amery, Wisconsin; believed to that area lying between Harriman Avenue and Keller Avenue and they do not affect the subject property.
- 13 - Contact Title Company

LEGEND	
	COUNTY SECTION CORNER OF RECORD
	1 5/16" IRON PIPE FOUND
	1" IRON PIPE FOUND
	3/4" O.D. IRON PIPE FOUND
	3/4" IRON REBAR FOUND
	3/4" X 18" IRON REBAR SET WEIGHING 1.50 LBS. PER LINEAR FOOT
	STEEL SURVEY MARK NAIL FOUND
	STEEL GIN SPIKE SET
	COMPUTED POSITION (NO MONUMENT)
	EXISTING HYDRANT
	EXISTING UNDERGROUND GAS
	GAS VALVE
	EXISTING SANITARY MANHOLE
	EXISTING STORMWATER MANHOLE
	EXISTING STORMWATER CATCH BASIN
	EXISTING STORMWATER LINE
	EXISTING UNDERGROUND TELEPHONE
	EXISTING UNDERGROUND FIBER OPTIC
	EXISTING TELE-PED
	EXISTING OVERHEAD ELECTRIC
	EXISTING TELEPHONE MANHOLE
	EXISTING GATE VALVE
	CURB STOP
	WATER LINE
	TRAFFIC SIGNS
	EDGE OF CONCRETE
	LIGHT POLE
	POWER POLE
	EXISTING SIDEWALK OR CONCRETE PAD
	EXISTING DECIDUOUS TREE (SIZE AS NOTED)
	EXISTING CONIFEROUS TREE (SIZE AS NOTED)
	SPOT ELEVATION
	STAKED SOIL BORING LOCATION

ALL SHOWN UNDERGROUND UTILITIES ARE SHOWN AS LOCATED BY DIGGER HOTLINE. LOCATED ON 4/08/2020. THIS MAP SHALL NOT BE REFERENCED IN REGARDS TO EXCAVATION. IF EXCAVATING CONTACT DIGGERS HOTLINE.

BEARINGS ARE REFERENCED TO THE SOUTH LINE OF THE SW1/4 BEARING S89°37'36"W. POLK COUNTY COORDINATE SYSTEM



DATE: April 20, 2020
REVISED: May 19, 2020

JOB NO.: 20-39
DRAWING: ALTA1

DRAFTED BY: EDWIN FLANUM

NORTHLAND SURVEYING
P.O. BOX 152
AMERY, WI 54001

