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7/25/21



Ms. Cynthia T. Brown,

Chief Section of Administration Office of Proceedings Surface
Transportation Board

395 E Street, S.W. Washington, D.C. 20423

Re: Docket No. AB 1314X, The Elk River Railroad, Inc. –
Abandonment Exemption – In Kanawha & Clay Counties, WV

Dear Ms. Cynthia Brown,

Below you will find a handwritten comment and a photo copy of a deed which is adjacent to the railroad concerning docket AB 1314 0 X. This entire document is being e-filed and e-mailed to the law firm listed below at the conclusion of this "letter".

WE MIGHT BE A SMALL COMMUNITY
BUT SHAME ON SOMEONE TO BLOCK
US FROM OUR HOMES JUST FOR A
BICYCLE - HORSE & WALKING TRAIL -
THE GOVERNOR NEEDS TO COME
HERE AND SEE FOR HIS SELF OUR
AREA BEFORE HE CAN MAKE JUDGEMENT
ON OUR PROPERTY IN FRONT OF OUR
HOMES - THE STATE WILL LOSE MONEY
NOT GAIN IF OUR ROAD IS CUT OFF
FROM VEHICLES -

THE GOVERNOR AND WHO ELSE
IS IN CONTROL OVER "THE RAILS TO
TRAILS" SHOULD OF CAME AND TALKED
TO EVERY ONE WHO WOULD BE
AFFECTED BY THIS BEFORE CONSIDERING
A TRAIL -

— WE HAVE RIGHTS TOO —
— AND YES WE DO PAY TAXES —
— MOST PEOPLE HERE ARE RETIRED —
— PUT YOURSELF IN OUR SHOES —

YOU WOULD TAKE AWAY FROM US
"THE SIMPLE LIFE OF PLEASURE"

I'M AT 483 SCENIC RIVER ROAD

I HAVE A LONG HISTORY OF MY
FAMILY BEING HERE - I'M THE
FIFTH GENERATION HERE -

TO DENY PEOPLE ON THIS WAY
OF GETTING TO THEIR PROPERTY
WOULD SURLY UPROOT THEM -

THE GOVERNOR / NO ONE HAS
BEEN HERE TO SEE THIS AREA
WHERE PEOPLE HAVE SETTLED.

SHAME ON YOU JUST BECAUSE
SOMEONE DECIDED TO PUT RAILS
TO TRAILS IN IT DOESN'T MAKE
ANY SINCE - THERE ARE HUNDREDS
OF PEOPLE FROM ALL OVER THAT
USE THIS ROAD FOR ATV'S -
CAMPING - FISHING - KAYAKING -
TO TAKE AWAY THAT FROM EVERYONE
IS A SHAME - IT'S HARD TO PUT IN
WORDS HOW DEVISTATING THIS IS -
WE PAY TAXES - THE BUSINESSES
PROFIT FROM EVERYONE WHO
HAS ACCESS TO THIS AREA /
UTILITY COMPANIES ALSO -

Below you will find a copy of a deed from 1922. This being the property mentioned in the handwritten letter that has been in the same family for 100 years. The original railroad was formed in the early 1900's. This deed indicates that in 1928 and currently the property owners has a rightful claim of the abandoned railroad property directly in front of their home. "Thence with the foot of the hill to stake poles from said house". The foot of the hill is on the opposite side of their property and encumbers said railroad property they claim ownership. In conversations with the railroad, they claim to own all the property along their right of way. I am sure many other such properties exist that either shows the property owner owns the property or they may have exist reversionary easements. Before proceeding with an abandonment there should be survey's done to insure the railroad indeed has clear deeds to the 53.4 miles of line. This should fall on the railroad to provide such rather than the 100-1000 individual adjacent property owners which have not been notified sufficiently by the railroad. Publishing in a poorly uncirculated county newspaper should not be acceptable as public notice.

John Walker)
Deed)
Ambrose Wehrle)
This Deed, Made this 4th day of March, 1922, by and between John Walker, Widower, of Clay County, West Virginia, party of the first part, and Ambrose Wehrle of Charleston, Kanawha County, West Virginia, party of the second part.

WITNESSETH: That the said party of the first part, for consideration of the sum of Eleven Hundred Dollars (\$1100.00) cash in hand paid to the said party of the second part to the said party of the first part, the receipt of which is hereby acknowledged, DOETH GRANT AND CONVEY unto the said Ambrose Wehrle, of the second part, the following tract or parcel of land together with the appurtenances thereunto or in anywise belonging, situate, lying and being in Union District of Clay County, West Virginia, on the South side of Elk Creek at the mouth of Camp Creek and being the same land that was conveyed to said party of the first part by William P. Walker and wife by deed dated the 19th day of March, 1916, recorded in the office of the clerk of the County Court of Clay County West Virginia in Deed Book No. 4. at page 602 and which said tract is bounded and described as follows to-wit:

BEGINNING at a stake on the bank of the River twenty (20) poles from the said John Walker house where he lived in the year 1889, (and where he now lives) and running across the bottom from the said River to the foot of the hill to a stake between two poles from said house; thence with the foot of the hill following the bend of the river to include all the River low ground as well as the said house joining S. D. Deed No. 1 with the meanders of said River binding thereon to the place of beginning; and containing two (2) acres more or less. And the said party of the first part does hereby reserve generally the property by this deed conveyed subject to the Swan and Goshorn Reservation and hereby reserving that tract of land containing about 3/4 acre more or less as E. Reed, by deed dated Feb 10, 1916, recorded in Deed Book 22, page 14, West Virginia Records and also the deeds to the C. C. & S. Railway Co.

WITNESS THE FOLLOWING SIGNATURES and seals:

John Walker, W

STATE OF WEST VIRGINIA

CLAY COUNTY TO-WIT:

I, L. J. Reed, a notary public of the said County of Clay County, West Virginia, do hereby certify that John Walker, (Widower) whose name is signed to the writing above by and between him and Ambrose Wehrle, on the 4th day of March 1922, has this day acknowledged the same before me.

My commission expires the 7 day of Jan, 1930.

Given under my hand this 6 day of March, 1922.

(\$1.50 in U. S. Revenue Stamps)

L. J. Reed, Notary

West Va., Clay County Court Clerk's Office March 9, 1922.

This Deed was this day presented to me in my office and thereupon, together with the certificate thereto annexed, is admitted to record.

Teste:

L. J. Reed
Clay County Court

Thanks for your time

Ken and Vivian Lowe

Cc:

A. Rebecca Williams Attorney The Elk River Railroad, Inc.
c/o Slover & Loftus LLP 1224 Seventeenth Street, NW
Washington, D.C. 20036 Via email:
arw@sloverandloftus.com