

January 3, 2018

244925

VIA E-FILE

The Honorable Cynthia T. Brown
Chief, Section of Administration
Surface Transportation Board
395 E. Street, S.W., Room #100
Washington, DC 20423-0001

ENTERED
Office of Proceedings
January 3, 2018
Part of
Public Record

**JOINT NOTICE OF INTERIM TRAIL USE / RAIL BANKING AGREEMENT
BETWEEN MIDWESTERN RAILROAD PROPERTIES, INCORPORATED, A
WHOLLY-OWNED SUBSIDIARY OF UNION PACIFIC RAILROAD COMPANY AND
THE IOWA NATURAL HERITAGE FOUNDATION
IN ACCORDANCE WITH 49 C.F.R. 1152.29(h)**

**Re: Abandonment of and Discontinuance of Service on the Royal Industrial Lead from
M.P. 475.15 to M.P. 477.1 near Laurens, in Pocahontas County, Iowa; STB Docket
No. AB-33 (Sub-No. 304X)**

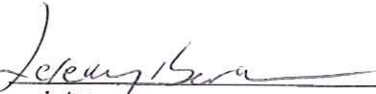
Dear Ms. Brown:

Midwestern Railroad Properties, Incorporated, a Delaware corporation, a wholly-owned subsidiary of Union Pacific Railroad Company ("Union Pacific") and the Iowa Natural Heritage Foundation (the "Foundation") have entered into a trail use/rail banking agreement (the "Trail Use Agreement") covering the rail line from Mile Post 475.15 to Mile Post 477.1 near Laurens, Iowa, on the Royal Industrial Lead (the "Line"). Attached to this Joint Notice as **Exhibit A** and made a part hereof is a map depicting an accurate description of the Line, including Mile Posts, that is the subject of said Trail Use Agreement. In accordance with the requirements of 49 C.F.R. 1152.29(h), Union Pacific and the Foundation hereby certify that the Trail Use Agreement includes provisions requiring the trail sponsor, the Foundation, to fulfill the responsibilities described at 49 C.F.R. 1152.29(a)(3). A copy of the Foundation's Statement of Willingness to

Assume Financial Responsibility under the Trail Use Agreement is attached hereto as **Exhibit B** and is hereby made a part hereof.

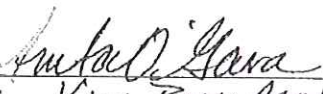
Sincerely,

UNION PACIFIC RAILROAD COMPANY

By: 
General Attorney

Sincerely,

IOWA NATURAL HERITAGE FOUNDATION

By: 
Title: Vice President

Enclosure

cc:

EXHIBIT B

**Iowa Natural Heritage Foundation's
Statement of Willingness To Assume Financial Responsibility**

Iowa Natural Heritage Foundation (the "Foundation") acquired the Line as defined below on September 29, 2017 under a Purchase and Sale Agreement between Midwestern Railroad Properties, Incorporated, a Delaware corporation, a wholly-owned subsidiary of Union Pacific Railroad Company (collectively, "Union Pacific Railroad Company") and the Foundation dated August 14, 2017.

In order to establish interim trail use and rail banking under 16 U.S.C. 1247(d) and 49 CFR 1152.29 with respect to the right-of-way owned by Union Pacific Railroad Company [see Discontinuance of Service AB-33 (Sub-No. 304X)], the Foundation hereby represents to the Surface Transportation Board and Union Pacific Railroad Company that the Foundation assumes responsibility for (1) managing the right-of-way, (2) any legal liability arising out of the transfer or use of the right-of-way (unless the sponsor is immune from liability, in which case it need only indemnify Union Pacific Railroad Company against any potential liability), and (3) the payment of any and all taxes that may be levied or assessed against the right of way. The right of way is known as Royal Industrial Lead from Mile Post 475.15 to Mile Post 477.1 near Laurens in Pocahontas County, Iowa (the "Line"). The right-of-way is part of a line of railroad proposed for abandonment by Union Pacific Railroad Company in Docket No. STB AB 33 (Sub No. 304X). A map of the property depicting the right-of-way is attached hereto as **Exhibit A** and is hereby made a part hereof.

The Foundation acknowledges that use of the right-of-way is subject to the Foundation's continuing to meet its responsibilities described above and subject to possible future reconstruction and reactivation of the right-of-way for rail service. A copy of this statement is being served on the railroad on the same date it is being served on the Surface Transportation Board.

IOWA NATURAL HERITAGE FOUNDATION

By: Amela O'Gara
Title: Vice President

Agreed to and Acknowledged by Union Pacific Railroad Company this 3rd day of January, 2018.

By: Jeremy Brown
Title: General Attorney

PARCEL 2 = 3.15 ACRES +/-

MILEPOST
477.1

PARCEL 1 = 22.60 ACRES +/-

MILEPOST
475.15

Sale boundary is 50 feet
north of, and parallel to,
the centerline of the
mainline track.

RIGHT OF WAY AND TRACK MAP
THE CHICAGO, ROCK ISLAND AND PACIFIC RAILWAY CO.

OPERATED BY
C. R. I. & P. RY. CO.

GOWRIE TO SIBLEY, IOWA.

Branch Line Dakota Division

STATION 2793+95 TO STATION 2945+35

Valuation Section No. 49 - Iowa.

SCALE 1 INCH = 400 FEET

JUNE 30, 1915

OFFICE OF CHIEF ENGINEER
CHICAGO, ILL.

549
14
14

GRANTOR:
C.R.I. & P. RY. CO.
C.R.I. & P. RY. CO.

GRANTEE:
M.R.P.I.
M.R.P.I.

INSTRUMENT:
TRK. EASE.
TRK. EASE.
Q.C.D.

LEGEND:

SALE AREA



UPRRCO. R/W OUTLINED

TOTAL SALE AREA = 25.75 ACRES +/-

CADD
FILENAME

0258251

SCAN
FILENAME

1A549014-258251.TIF

NOTE: BEFORE YOU BEGIN ANY WORK, SEE
AGREEMENT FOR FIBER OPTIC PROVISIONS.

EXHIBIT "A"

UNION PACIFIC RAILROAD COMPANY

LAURENS, POCAHONTAS AND BUENA VISTA COUNTY, IOWA

M.P. 475.15 TO 477.25 - ROYAL IND. LEAD

TO ACCOMPANY AGREEMENT WITH
IOWA NATURAL HERITAGE FOUNDATION
MAP MRPI-CRIP V-549 / 13 & 14
SCALE: 1" = 800'

OFFICE OF REAL ESTATE
OMAHA, NEBRASKA DATE: 4-18-2017
PJB FILE: 0258251