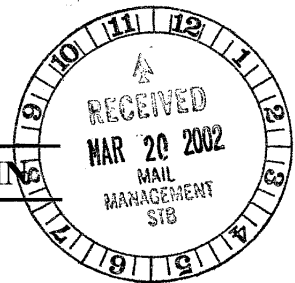




CITY OF GARDEN PLAIN



Mayor: Paul E. McPhillips, Sr.

Council members: Leon Kerschen, Wesley Washabaugh, Michael Stockemer,  
David Cordell, Tom Sandoval

March 7, 2002

The Honorable Vernon Williams  
Secretary  
Surface Transportation Board  
1925 K Street, N.W., Suite 715  
Washington, DC 20423-0001

ENTERED  
Office of the Secretary  
MAR 20 2002  
Part of  
Public Record

FILING FEE WAIVED

Re: Central Kansas Railway, L.L.C. Abandonment Exemption—In Sedgwick County, Kansas. STB  
Docket No. AB-406 (Sub No. 14X).

Dear Secretary Williams:

The City of Garden Plain submits this letter pursuant to 49 C.F.R. 1152.29 requesting the issuance of a Notice of Interim Trail Use ("NITU") in the captioned proceeding. Specifically, the City of Garden Plain is requesting an NITU for the following Central Kansas Railway, L.L.C. ("CKR") rights-of-way near Garden Plain, Kansas.

The property extends from railroad milepost 15.60 near 231<sup>st</sup> Street, to railroad milepost 19.5 near 295<sup>th</sup> Street, a distance of 3.9 miles, in Sedgwick County, Kansas. The right-of-way is part of a line of railroad proposed for abandonment in STB Docket No. AB-406 (Sub No. 14X).

**STATEMENT OF WILLINGNESS TO ASSUME FINANCIAL RESPONSIBILITY:**

In order to establish interim trail use and rail banking under Section 8(d) of the National Trails System Act, 16 U.S.C. 1247(d) and 49 C.F.R. 1152.29, the City of Garden Plain is willing to assume full responsibility for the management of, for any legal liability arising out of the transfer or use of (unless the user is immune from liability in which case it need only indemnify CKR against any potential liability), and for the payment of any and all taxes that may be levied or assessed against the right-of-way described in the first paragraph of this letter.

505 N. Main, P. O. Box 336, Garden Plain, KS 67050 Ph: (316) 531-2321  
Fax: (316) 535-2207 E-Mail: citygp@southwind.net

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SURFACE  
TRANSPORTATION

A map depicting the right-of-way is attached.

The City of Garden Plain acknowledges that the use of the rights-of-way is subject to the user's continuing to meet its responsibilities described above and subject to possible future reconstruction and reactivation of the right-of-way for rail service.

By my signature below, I certify service upon Central Kansas Railway, L.L.C., at 252 Clayton Street, 4<sup>th</sup> Floor, Denver, Colorado, 80206, by U.S. Main; postage prepaid, first class, this 6<sup>th</sup> day of March, 2002.

Respectfully submitted,

  
\_\_\_\_\_  
  
\_\_\_\_\_

On behalf of the City of Garden Plain.

Paul E. McPhillips, Sr., Mayor  
City of Garden Plain  
505 N. Main Street  
P.O. Box 336  
Garden Plain, KS 67050

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Fax: (316) 535-2207 E-Mail: [citygp@southwind.net](mailto:citygp@southwind.net)

Request for Waiver of Filing Fees.

The City of Garden Plain requests that filing fees be waived under 49 CFR 1002.2(f)(27) and Surface Transportation Board Decision STB Ex Parte No. 542 (Sub-No. 6), for the requested Notice of Interim Trail Use for Central Kansas Railway, L.L.C. Abandonment Exemption - STB Docket No. AB-406 (Sub No 14X).

The City of Garden Plain is a local government entity within the State of Kansas, acting in the public interest. The City of Garden Plain does not own, or propose to own a carrier, nor is it acting in the capacity of carrier or shipper in its actions before the Board.

By Paul E. McPhillips, Sr.  
Mayor

On behalf of the City of Garden Plain

Paul E. McPhillips, Sr., Mayor  
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