

RECEIVED
MAY 21 2002
MAIL
MANAGEMENT
STB

205444

March 27, 2002

The Honorable Vernon Williams, Secretary
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001

Office of the Secretary

MAY 21 2002

STB

Re: Request for waiver of filing fees.

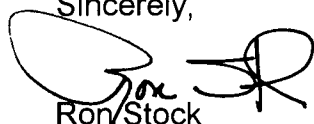
Florida Midland Railroad Company – Abandonment in – Lake and Sumter
Counties, Florida. STB Docket No. AB-325 (Sub No. 2X).

Dear Secretary Williams:

As a local government entity, the City of Leesburg requests that all filing fees in connection with the attached filing be waived in accordance with 49 CFR 1002.2 requirements.

Should you have any questions regarding this request, please feel free to contact me at (352) 728-9709.

Sincerely,



Ron Stock
City Manager
City of Leesburg

cc: [illegible]

cc: [illegible]



LEESBURG

The Lakefront City

Post Office Box 490630 • Leesburg, Florida 34749-0630
352/728-9700 • Fax 352/728-9734 • TDD 352/728-4138

- AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER -

March 27, 2002

The Honorable Vernon Williams, Secretary
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001

RECEIVED
MAY 21 2002
MAIL
MANAGEMENT
STB

205444

Re: Florida Midland Railroad Company – Abandonment in – In Lake and Sumter
Counties, Florida. STB Docket No. AB-325 (Sub No. 2X).

Dear Secretary Williams:

This request is filed on behalf of the City of Leesburg, Florida, a municipal corporation, which has a special interest in using certain property in the case listed above for recreational trails. The City of Leesburg desires to have the STB issue a Public Use Condition as well as an Interim Trail Use Condition rather than an outright abandonment authorization for the following Florida Midland Railroad Company property in the above case:

The railroad property consisting of two railroad corridors lying in the vicinity of Leesburg, Lake County, Florida east of the Sumter county line to the West at Milepost ST-769.43, to near Dixie Avenue to the East at Milepost ST-773.7, and near Talley Road to the north at Milepost AS-800.8, and near Main Street to the south at milepost AS-803.7 in Lake County, Florida.

The City of Leesburg now requests to obtain a Public Use Condition on the property and we hereby ask the STB to find that this property is suitable for public use, specifically trail use. We further respectfully request the STB to place a condition on the abandonment by issuing an order prohibiting the carrier from disposing of the corridors in the vicinity of Leesburg, other than the tracks, ties, signal equipment, except for public use.

Justification for issuing this Public Use Condition is that the corridors are along the route of the Florida Trail and the Tavares-Leesburg Trail, otherwise known as the Tav-Lee Trail, in Lake County. These trails will ultimately connect to the Florida Trail from Tavares to Leesburg from the east, and to the South Lake County Trail southward. The corridor would make an excellent recreational trail and is crucial in the completion of the Florida Trail. Conversion of the property to trail use is also in accordance with local land use plans. In addition, the corridor provides important wildlife habitat and open space and its preservation as a recreational trail is consistent with those purposes. The City of Leesburg requests a time period of 180 days to begin negotiations with the carrier to convert the property for use as a recreational trail.



LEESBURG

The Lakefront City

Post Office Box 490630 • Leesburg, Florida 34749-0630
352/728-9700 • Fax 352/728-9734 • TDD 352/728-4138

- AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER -

Office of the Secretary

May 21, 2002

Public Affairs

Honorable Vernon Williams
Page 2
March 27, 2002

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 Leesburg is willing to assume full responsibility for the management of, for any legal liability arising out of the transfer or use (unless user is immune from liability in which case it need only

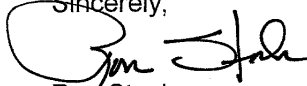
indemnify FMRC against any potential liability), and for the payment of any and all taxes that may be levied or assessed against the right-of-way described in this letter.

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

By my signature below, I CERTIFY service upon Florida Midland Railroad Company, at P. O. Box 967 Plymouth, Florida 32768-0967, AND a copy to CSX Transportation at 301 W. Bay Street, Suite 800, S/C J915, Jacksonville, Florida 32202, by U.S. Mail, this 27th day of March, 2002.

Should you have any questions regarding this request please feel free to contact me at (352) 728-9709.

Sincerely,



Ron Stock
City Manager
City of Leesburg



LEESBURG
The Lakefront City