

209715

KENNEY & NIEHAUS, LTD.

KEVIN J. KENNEY
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LAURIE A. SCHOONMAKER
BRIAN C. KALAS*
JEFFERY A. CULVER

December 22, 2003

VIA UPS OVERNIGHT

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

ENTERED
Office of Proceedings

DEC 23 2003

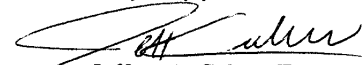
Part of
Public Record

Re: STB Finance Docket No. 34415, Ohio Department of Transportation –
Petition for Declaratory Order – Status of Track at Findlay, Hancock County, OH
Michigan Sugar Company's Comment in Support of Certain Portions of Norfolk
Southern Railway Company's Motion to Hold Proceeding in Abeyance and Response to
Petition for Declaratory Order Filed by the Ohio Department of Transportation

Dear Mr. Williams:

Enclosed please find the original and ten copies of Michigan Sugar Company's Comment in Support of Certain Portions of Norfolk Southern Railway Company's Motion to Hold Proceeding in Abeyance and Response to Petition for Declaratory Order Filed by the Ohio Department of Transportation. Please verify the filing of this pleading by stamping and returning the copy of this letter in the enclosed self-addressed, stamped envelope. Thank you.

Very truly yours,


Jeffery A. Culver, Esq.

cc: Michael Stokes
Senior Assistant Attorney General
Office of the Attorney General
One SeaGate (#2150)
Toledo, OH 43604-1551

Roger L. Miller
Betts, Miller & Russo
101 West Sandusky Street
Findlay, OH 45840

Fritz R. Kahn
Fritz R. Kahn P.C.
1920 N Street, NW (8th Floor)
Washington, D.C. 20036-4152

James R. Paschall
General Attorney
Norfolk Southern Railway Company
3 Commercial Place
Norfolk, VA 23510

Enclosures

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STB

LAW OFFICES

5470 MAIN STREET, SUITE 300 • SYLVANIA, OHIO 43560 • PHONE: 419.517.7000 • FAX: 419.517.7001

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209715

BEFORE THE
SURFACE TRANSPORTATION BOARD

ENTERED
Office of Proceedings

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Part of
Public Record

FINANCE DOCKET NO 34415

OHIO DEPARTMENT OF TRANSPORTATION
- PETITION FOR DECLARATORY ORDER -
STATUS OF TRACK AT FINDLAY, HANCOCK COUNTY, OH

MICHIGAN SUGAR COMPANY'S COMMENT IN SUPPORT OF
CERTAIN PORTIONS OF NORFOLK SOUTHERN RAILWAY COMPANY'S
MOTION TO HOLD PROCEEDING IN ABEYANCE AND
RESPONSE TO PETITION FOR DECLARATORY ORDER
FILED BY THE OHIO DEPARTMENT OF TRANSPORTATION

Charles D. Niehaus
Jeffery A. Culver
Kenney & Niehaus, Ltd.
5470 Main Street, Ste. 300
Sylvania, OH 43560
(419) 517-7000

Attorneys for Michigan Sugar Company

Dated: December 22, 2003

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MAIL
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STB

BEFORE THE
SURFACE TRANSPORTATION BOARD

FINANCE DOCKET NO 34415

OHIO DEPARTMENT OF TRANSPORTATION
- PETITION FOR DECLARATORY ORDER -
STATUS OF TRACK AT FINDLAY, HANCOCK COUNTY, OH

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RESPONSE TO PETITION FOR DECLARATORY ORDER
FILED BY THE OHIO DEPARTMENT OF TRANSPORTATION

The Michigan Sugar Company ("Michigan Sugar") appreciates the opportunity to present its views to the Surface Transportation Board ("STB") in support of certain portions of Norfolk Southern Railway Company's ("NS") Motion to Hold Proceeding In Abeyance and Response dated November 5, 2003 ("NS Response") which was filed in response to the Ohio Department of Transportation's Petition for Declaratory Order filed October 17, 2003.

I. BACKGROUND

The Michigan Sugar Company is an interested party to the matter instant in that it is one of the named defendants in the lawsuit brought by the Ohio Department of Transportation in Hancock

County, Ohio from which this matter originates.¹ Michigan Sugar is the owner of a parcel of land located in Hancock County, Ohio upon which sits a portion of rail spur (hereinafter “Rail Spur”) that allows rail access to its property. The Ohio Department of Transportation (“ODOT”) has brought suit against Michigan Sugar, NS and various other defendants in order to quiet title to the parcel. For a more detailed analysis of the facts giving rise to this action, please refer to NS Response at 2-4.

II. DISCUSSION

A. Jurisdiction and Preemption

Jurisdiction over the Rail Spur is proper with the Surface Transportation Board (“STB”) and not the Hancock County Court of Common Pleas. Title 49 of the United States Code (“U.S.C.”) §10501(b) clearly states, “The jurisdiction of the Board [i.e. the STB] over the construction, acquisition, operation, abandonment, or discontinuance of spur, industrial, team, switching, or side tracks, or facilities, even if the tracks are located, or intended to be located, entirely in one State, is exclusive.” It is clear that Congress intended to completely preempt all state authority over even intrastate rail lines when it enacted 49 U.S.C. §§10101 et seq. in 1995. In 49 U.S.C. §10501(b), Congress provided explicit preemption language pertaining to previous state and federal rail transportation legislation. “Except as otherwise provided in this part, the remedies provided under this part with respect to regulation of rail transportation are exclusive and preempt the remedies provided under Federal or State law.” 49 U.S.C. §10501(b). Case law affirms Congress’s intent.

The Court’s review of the nature and purpose of the ICCTA, as evidenced by both the legislative history and the plain language of the statute leads the Court to conclude that, in enacting the ICCTA, Congress intended to occupy completely the field of state economic regulation of railroads. The Court also finds that the ICCTA preempts state regulation of the abandonment of lines of railroad. **The ICCTA’s grant of exclusive**

¹ In the Court of Common Pleas, Hancock County, Ohio, Case No. 2002-CV-472, *Gordon Proctor, Director, Ohio Department of Transportation v. Michigan Sugar Company, et al.*, filed October 29, 2002, summons dated November 1, 2002.

jurisdiction to include wholly intrastate spur and industrial tracks indicates that Congress intended for the abandonment of all types of tracks to be under the STB's jurisdiction [emphasis added]. *Cedarrapids, Inc. v. Chicago, Central & Pacific Railroad Co.*, Case No. C02-0081, 2003 U.S. Dist. LEXIS 9005 at *20 (N.D. Iowa 2003).

Conforming changes are made to reflect the direct and complete pre-emption of State economic regulation of railroads. **The changes include extending exclusive Federal jurisdiction to matters relating to spur, industrial, team, switching or side tracks formerly reserved for State Jurisdiction under former section 10907.** The former disclaimer regarding residual State police powers is eliminated as unnecessary, in view of the Federal policy of occupying the entire field of economic regulation of the interstate rail transportation system. Although States retain the police powers reserved by the Constitution, the Federal scheme of economic regulation and deregulation is intended to address and encompass all such regulation and to be completely exclusive. *Id.* at *16-17 [emphasis added].

However, 49 U.S.C. §10906 seemingly contradicts this clear grant of jurisdiction to the STB by stating, "The Board does not have authority under this chapter over construction, acquisition, operation, abandonment, or discontinuance of spur, industrial, team, switching, or side tracks." This apparent contradiction was explained by the United States District Court for the Northern District of Iowa in *Cedarrapids, Inc. v. Chicago, Central & Pacific Railroad Co.*, Case No. C02-0081, 2003 U.S. Dist. LEXIS 9005 at *21-22 (N.D. Iowa 2003). The *Cedar Rapids* court held, "The Court does not interpret this provision of the statute to mean that the types of tracks mentioned therein are outside the jurisdiction of the STB. Instead, this provision simply provides that STB approval is not required prior to the construction, acquisition, operation, abandonment or discontinuance of these types of tracks." *Id.* at *21-22. The Seventh Circuit Court of Appeals reached the same conclusion; "The §10906 no-authority language means no authority, not no jurisdiction. These sorts of transactions involving spur track do not call for the Board authorization which is required for construction, acquisition, or operation of extended or additional rail line under §10901 and §10902, but the Board nonetheless retains exclusive jurisdiction under §10501(b)(2)." *United Transportation Union Illinois Legislative Bd. V. STB*, 183 F.3d 606, 612 (7th Cir. 1999). In other words, **jurisdiction** over the Rail Spur is vested in the STB, however, the STB has no **authority** over its "abandonment" or "discontinuance."

When reading 49 U.S.C. §10501(b) and 49 U.S.C. §10906 together, Congress's intent is clear and directly applicable to Michigan Sugar and those similarly situated. Michigan Sugar does not dispute that in recent years it has not utilized the Rail Spur. However, this is not to say that at some point in the future Michigan Sugar or any potential purchaser of the Michigan Sugar plant would not wish to utilize the Rail Spur to service the facility. In fact, potential successors of Michigan Sugar might specifically require rail transportation. What ODOT proposes is to permanently deprive the Michigan Sugar facility of access by rail simply because it (Michigan Sugar) is not currently using the Rail Spur. By ODOT's own admission it would be relatively easy to reactivate the Rail Spur at any time (See Petition and Appended Reply of the Ohio Department of Transportation filed with the STB on November 26, 2003 at Paragraph 8).

Congress intended federal law to preempt the decisions of state and local governmental bodies that could potentially burden interstate and even intrastate commerce as applied to rail transportation. After granting plenary jurisdiction to the STB, Congress then removed from the STB's authority all matters involving the "abandonment" or "discontinuance" of rail spur or side tracks. Therefore, jurisdiction is proper with the STB to hear the matter involving the Michigan Sugar Rail Spur, but it has no say as to whether the rail spur is abandoned or discontinued. For these reasons Michigan Sugar is in support of the applicable arguments raised by NS in its Motion to Hold Proceeding in Abeyance and Response to Petition for Declaratory Order Filed by the Ohio Department of Transportation.

B. Abandonment

Even if jurisdiction were proper with the Hancock County Court of Common Pleas (which it clearly is not) and even if the Hancock County Court were to hear the issue of "constructive abandonment," Michigan Sugar would still prevail. It is Michigan Sugar alone that is vested with the authority to abandon the easement by its express terms (a copy of the relevant Grant of Easement has

been attached hereto and labeled as Exhibit A). The easement granted to the New York, Chicago and St. Louis Railway Company (NS's predecessor) by the Great Lakes Sugar Company (Michigan Sugar's predecessor) (hereinafter "Easement") contains specific provisions regarding the duration/termination of the Easement:

TO HAVE AND TO HOLD the above described easement unto the Grantee, its successors and assigns, **until such time as the Grantor permanently ceases and abandons operation of its plant at Findlay, Hancock County, Ohio**, in which event the Grantee agrees that it will take up and remove its tracks then located on the property above described [emphasis added].

"The duration of an express easement may be fixed by the terms of the instrument by which it is created [...]" *Zelch v. Samonte*, Case No. 58283, 1991 Ohio App. LEXIS 1222 (Cuyahoga County App. 1991) at *4. Thus, abandonment of Michigan Sugar's portion of the Rail Spur is entirely within its discretion.² Michigan Sugar has yet to "permanently cease[s] operation of its plant at Findlay, Hancock County, Ohio," and therefore, the Easement upon its property has not yet been abandoned. It is clear that Michigan Sugar would prevail on the abandonment issue, however, the merits of such an argument need not be developed further, as such matters are exclusively within the jurisdiction of the STB and not the Hancock County Court of Common Pleas. Further, pursuant to 49 U.S.C. §10906, the STB has no authority over matters pertaining to the abandonment of rail spurs or side tracks.

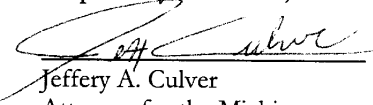
III. CONCLUSION

The explicit preemption language found in 49 U.S.C. §10501(b) dictates that jurisdiction over the status of spur track in Hancock County, Ohio is proper with the STB and not with the Hancock County Court of Common Pleas. The language of 49 U.S.C. §10906 then explicitly

² Michigan Sugar is aware that NS has also argued that NS has discretion to abandon its rail easement leading to the Michigan Sugar portion of the Rail Spur. Michigan Sugar, however, is differently situated in that Michigan Sugar can produce a written instrument, which according to its express terms, controls the duration and abandonment of the portion of Rail Spur upon its property.

states that the STB has no authority over the abandonment of spur track. Therefore, Michigan Sugar concurs with the NS Response as to matters pertaining to jurisdiction over the abandonment of the Rail Spur at issue before the STB. Michigan Sugar also wishes to emphasize the uniqueness of its position concerning the issue of abandonment. According to the express terms of the pertinent Easement, Michigan Sugar alone has discretion in matters pertaining to the duration/abandonment of the portion of the Rail Spur upon its property.

Respectfully Submitted,

A handwritten signature in dark ink, appearing to read "Jeffery A. Culver", is written over a horizontal line.

Jeffery A. Culver
Attorney for the Michigan
Sugar Company
5470 Main Street Suite# 300
Sylvania, Ohio 43560

Dated: December 22, 2003

CERTIFICATE OF SERVICE

I hereby certify that I this day have served a copy of the foregoing Comment in Support of Certain Portions of Norfolk Southern Railway Company's Motion to Hold Proceeding in Abeyance and Response to Petition for Declaratory Order Filed by the Ohio Department of Transportation upon counsel for the Ohio Department of Transportation and Norfolk Southern Railway Company by mailing a copy by Regular United States Mail delivery to:

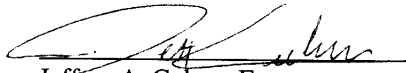
Michael Stokes
Senior Assistant Attorney General
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Fritz R. Kahn
Fritz R. Kahn P.C.
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James R. Paschall
General Attorney
Norfolk Southern Railway Company
3 Commercial Place
Norfolk, VA 23510

Roger L. Miller
Betts, Miller & Russo
101 West Sandusky Street
Findlay, Ohio 45840

Dated at Sylvania, Ohio, December 22, 2003



Jeffery A. Culver, Esq.

See Vol - 140 P.P. 563 of Deeds.

Ralph C. Lovering

Sworn to before me and subscribed in my presence this 14th day of July, 1937.

My Commission Expires Jan'y 1st 1938

Jos. Hodgson
Justice of the Peace

Transferred July 14, 1937. F. H. Huffman, Auditor, by W. C. Foster, Deputy.

Filed for Record July 14, 1937 at 4:08 o'clock P. M.

Recorded July 17, 1937, Russell W. Barnhill, Recorder.

Fee 50¢ Paid.

-2179-

GRANT OF EASEMENT

Great Lakes Sugar Company

TO

The New York, Chicago and
St. Louis Railroad Company

KNOW ALL MEN BY THESE PRESENTS, That the GREAT LAKES SUGAR COMPANY, a corporation existing under and by virtue of the laws of the State of Michigan, the GRANTOR, for and in consideration of the sum of One Dollar (\$1.00) and other valuable considerations,

received to its full satisfaction from THE NEW YORK, CHICAGO AND ST. LOUIS RAILROAD COMPANY, Terminal Tower, Cleveland, Ohio, the GRANTEE, does hereby grant unto said Grantee, its successors and assigns, an easement for the purpose of constructing, operating, maintaining, repairing and renewing railroad tracks over, across and upon the two parcels of land described as follows:

Situated in the East Half of the Southeast Quarter of Section 23 and in the West Half of the Southwest Quarter of Section 24, in Township One North, Range Ten East, Hancock County, Ohio:

PARCEL ONE:

Being a strip of land approximately twenty-six hundred ten and thirteen hundredths feet (2610.13') in length by twenty feet (20') in width, being ten feet (10') on each side of the following described center line of an existing industrial track leading into the plant of the Great Lakes Sugar Company near Findlay, Ohio:

Beginning at a point on the southeasterly right of way line of The New York, Chicago and St. Louis Railroad Company, said right of way line being parallel to and distant fifty feet (50') southeasterly measured at right angles from the center line of the main track of said Railroad Company, said point being one hundred forty-seven and sixty-four one-hundredths feet (147.64') measured southwesterly along said right of way line from the point at which it is intersected by the north line of the Southeast Quarter of said Section 23;

thence eastwardly along a curved line with a radius of six hundred three and eighty one-hundredths feet (603.80') and deflecting toward the right - a tangent to said curved line at the point of beginning forming an interior angle of 22°-42'-45" with said right of way line - a distance of sixty-five and sixty-six one-hundredths feet (65.66') to a point of compound curve;

thence continuing eastwardly along a curved line with a radius of eight hundred thirty-five and fifty-two one-hundredths feet (835.52') and deflecting toward the right a distance of three hundred forty-eight and seventy one-hundredths feet (348.70') to a second point of compound curve;

EXHIBIT

A

thence southeastwardly along a curved line with a radius of six hundred eighty-one and forty-two one-hundredths feet (681.42') and deflecting toward the right a distance of three hundred thirty-six and eleven one-hundredths feet (336.11') to a point on the east line of said Section 23, said point being located on said east line at a distance of two hundred twenty-eight and ninety-eight one-hundredths feet (228.98') measured south along said east line from the northeast corner of said Southeast Quarter of Section 23, a tangent to the curve at said point forming an interior angle of $49^{\circ}-14'-38''$ with said east line;

thence continuing southeastwardly along said last mentioned curved line a distance of one hundred eight and sixty-four one-hundredths feet (108.64') to a point of tangent;

thence southerly along a straight line tangent to said last described curved line a distance of five hundred twenty-two and fifty-five one-hundredths feet (522.55') to a point of curve;

thence continuing southerly along a curved line with a radius of nine hundred fifty-five and thirty-seven one-hundredths feet (955.37') and deflecting toward the right a distance of five hundred eighty-three and thirty-three one-hundredths feet (583.33') to a point of compound curve;

thence continuing southerly along a curved line with a radius of one thousand nine hundred ten and eight one-hundredths feet (1,910.08') and deflecting toward the right a distance of two hundred fifty and no one-hundredths feet (250.00') to a point of compound curve;

thence southwesterly along a curved line with a radius of five hundred nine and twenty one-hundredths feet (509.20') and deflecting toward the right a distance of three hundred ninety-five and fourteen one-hundredths feet (395.14') to a point of tangent which is at the end of said strip of land.

PARCEL TWO:

Beginning at a point which is the southeasterly corner of Parcel One above described:

thence southwestwardly along a straight line parallel to and distant ten feet (10') from the center line of said industrial track a distance of five hundred sixty-five and one one-hundredth feet (565.01') to a point of curve;

thence continuing southwestwardly along a curved line with a radius of five hundred eighty-three and sixty-nine one-hundredths feet (583.69') deflecting toward the right and parallel to and distant ten feet (10') from the center line of said industrial track a distance of ninety-five and eighty-one one-hundredths feet (95.81') to a point on the east line of said Section 23, said point being located at a distance of three hundred forty-six and ninety one-hundredths feet (346.90'), more or less, measured northerly from the southeast corner of said Section 23, a tangent to said curve at said point forming an interior angle of $56^{\circ}-20'-30''$ with said section line;

thence continuing southwestwardly along said last described curved line parallel to and distant ten feet (10') from the center line of said industrial track a distance of three hundred thirty-five and ninety-six one-hundredths feet (335.96') to a point;

thence north along a line parallel to said easterly line of Section 23 a distance of four hundred forty and forty one-hundredths feet (440.40'), more or less, to a point which is ten feet (10') northerly, measured at right angles, from the center line of the northerly industrial track leading into the plant of said Great Lakes Sugar Company;

thence easterly along a curved line with a radius of seven hundred six and seventy-eight one-hundredths feet (706.78') deflecting toward the right and parallel to and distant ten feet (10') from the center line of said northerly industrial track, a distance of one hundred

thirty and no one-hundredths feet (130.00') to a point of tangent;

thence continuing eastwardly along a straight line tangent to said last described curved line and parallel to and distant ten feet (10') northerly from the center line of said northerly industrial track a distance of one hundred ninety-one and ninety one-hundredths feet (191.90'), more or less, to a point on said easterly line of said Section 23, which point is located at a distance of six hundred thirty-nine and ten one-hundredths feet (639.10'), more or less, north of the southeast corner of said Section, said straight line forming an interior angle of $83^{\circ}35'30''$ with said section line;

thence continuing easterly along said last described straight line a distance of fifty-five and forty one-hundredths feet (55.40') to a point of curve;

thence continuing easterly along a curved line with a radius of two hundred sixty-three and eighty one-hundredths feet (263.80') deflecting toward the left and parallel to and distant ten feet (10') northerly from the center line of said northerly industrial track a distance of sixty-three and ninety one-hundredths feet (63.90') to a point of compound curve;

thence continuing northeasterly along a curved line with a radius of six hundred fifty-four and twenty-nine one-hundredths feet (654.29') deflecting toward the left and parallel to and distant ten feet (10') northerly from the center line of said northerly industrial track a distance of three hundred twelve and ten one-hundredths feet (312.10') to a point of compound curve;

thence continuing northeasterly along a curved line with a radius of five hundred sixty-two and sixty one-hundredths feet (562.60') deflecting toward the left and parallel to and distant ten feet (10') northerly from the center line of said northerly industrial track a distance of eighty and forty-five one-hundredths feet (80.45') to a point of curve;

thence continuing northeasterly along a straight line tangent to said last described curved line and distant ten feet (10') northerly from the center line of said northerly industrial track a distance of twelve and forty one-hundredths feet (12.40') to a point of curve;

thence southeasterly along a line forming an angle of 90° with the last described tangent line a distance of twenty feet (20') to the point of beginning.

The two parcels above described have a total area of five and eighty-six one-hundredths acres (5.86), more or less, of which three and ten one-hundredths acres (3.10), more or less, are located in Section 23 and two and seventy-six one-hundredths acres (2.76), more or less, in Section 24. The area of Parcel One is approximately one and twenty one-hundredths acres (1.20) and the area of Parcel Two is approximately four and sixty-six one-hundredths acres (4.66).

The Grantee, by the acceptance of this easement, agrees that the Grantor shall have the right to use any portion of Parcel Two, hereinabove described, not used by the Grantee in connection with constructing, operating, maintaining, repairing and renewing said railroad tracks thereon, provided, however, that the Grantor agrees to make no use of any portion of said Parcel Two closer than ten (10) feet from the nearest rail of any track or tracks now located thereon.

The Grantee agrees that it will not store its cars, or cars of parties other than the Grantor, on the tracks constructed, operated, maintained, repaired and renewed upon the premises hereinabove described so as to unreasonably interfere with the placement of cars on said tracks for the Grantor at its plant at Findlay, Ohio. The Grantor agrees to execute the usual side track agreement with the Grantee relative to the use of the tracks above described which connect with tracks owned by the Grantor and located on property of the

Grantor other than property hereinabove described.

TO HAVE AND TO HOLD the above described easement unto the Grantee, its successors and assigns, until such time as the Grantor permanently ceases and abandons operation of its plant at Findlay, Hancock County, Ohio, in which event the Grantee agrees that it will take up and remove its tracks then located on the property above described. And the Grantor does, for itself and its successors and assigns, covenant with the said Grantee, its successors and assigns, that at and until the ensailing of these presents, it is well seized of the above described premises, as a good and indefeasible estate in FEE SIMPLE, and has good right to bargain and sell the same in manner and form as above written, and that the same are free from all encumbrances whatsoever, and that it will WARRANT AND DEFEND said premises, with the appurtenances thereunto belonging, to the said Grantee, its successors and assigns, against all lawful claims and demands whatsoever.

IN WITNESS WHEREOF, said Great Lakes Sugar Company has caused its corporate name and seal to be hereunto signed and affixed by its duly authorized officers, this 14th day of June, A.D. 1937.

Signed, Sealed and Acknowledged in the presence of:

C. E. Olson
Josephine Kalley

GREAT LAKES SUGAR COMPANY
By J. E. Larrance President
And Searle Mowat Secretary

Great Lakes Sugar Company
Blissfield, Michigan, SEAL

STATE OF Michigan } ss.
COUNTY OF Wayne }

BEFORE ME, a Notary Public in and for said County and State, personally appeared the above named J. E. Larrance, President, and Searle Mowat, Secretary, respectively, of said Great Lakes Sugar Company, who acknowledged that they did sign and seal the foregoing instrument for and on behalf of said corporation, being thereunto duly authorized, and that the same is the free act and deed of said corporation and of themselves as such officers respectively.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal at Detroit, this 14 day of June, A.D. 1937.

Ira E. Van Enster
Notary Public (SEAL)
Wayne County, Michigan

Ira E. Van Enster
Notary Public
My Commission Expires Sept. 27, 1940

Filed for Record July 15, 1937, at 9:06 o'clock A. M.

Recorded July 17 1937, Russell W. Barnhill, Recorder.

Fee \$3.15 Paid. ✓

-2160-

CLARENCE G. &
STELLA E. KNIGHT

TO THE
HANCOCK COUNTY ROAD

R/W Form 1
Title
Revised 6-1-29-D

R/W Form 3
Both Sides
Adopted 10-15-26
Revised 3-1-27-B

Sheet 1 of 4 Sheets.

Sheet 2 of 4 sheets.

EASEMENT FOR HIGHWAY PURPOSES

KNOW ALL MEN BY THESE PRESENTS:

That Clarence G. and Stella E. Knight, the Grantor, for and in consideration of the sum of Fifteen Dollars (\$15.00) and for other good and valuable considerations to ___ paid by Hancock County the Grantee, the receipt whereof is hereby acknowledged,