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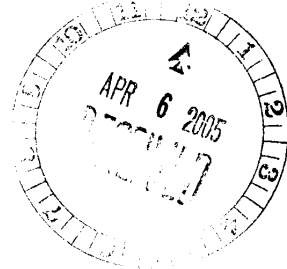
City of Marion

1100 8th Avenue • Marion, IA 52302
(319) 377-1581 • Fax (319) 377-7892 • www.cityofmarion.org

April 1, 2005

Mr. Vernon A. Williams, Secretary
Surface Transportation Board
1925 K Street NW – Room 711
Washington, DC 20423

RE: STB Docket No. AB-314 (Sub-No 2X)
Chicago Central & Pacific Railroad – Abandonment – Linn County, Iowa



Dear Mr. Williams:

On October 25, 2002, the Surface Transportation Board (STB) entered into a decision and served notice with respect to interim trail use/rail banking of the captioned abandonment, subject to public use trail, environmental and standard employee protective conditions. On November 17, 2004, the STB concurred with the City of Marion's request to extend the interim trail use/rail banking of the subject abandonment until April 14, 2005.

Per the attached correspondence between the City of Marion and the railroad, the parties have agreed to defer negotiations regarding the acquisition of the abandoned rail property until the environmental assessment under a U.S. Environmental Protection Agency Brownfields Environmental Assessment Grant has been completed.

Because the environmental assessment will not be completed prior to the upcoming April 14, 2005 deadline (see attached project status report from the city's consulting engineer), the City of Marion, Iowa, respectfully requests an additional six (6) month time extension regarding interim trail use/rail banking of the subject abandonment within the corporate limits of the City of Marion, Iowa. We have consulted with the railroad and they have consented to this extension (see attached print-out of e-mail from Art Spiros of the CN Railroad dated March 31, 2005).

Please feel free to contact City Manager Jeff Schott at 319-377-1581 if you have any questions or need additional information regarding this request.

Sincerely,


John B. Nieland, Mayor

JBN:st

attachment

cc: Michael J. Barron, Jr., Counsel, Canadian National Railroad
Art Spiros, Canadian National Railroad
Nancy J. Burns, Iowa Department of Transportation
John Hey, Iowa Department of Transportation
Troy Siefert, Iowa Department of Transportation



City of Marion

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March 28, 2005

Mr. Arthur L. Spiros
Real Estate Consultant
CN
17641 S. Ashland Avenue
Homeland, IL 60430

RE: STB Docket No. AB-314 (Sub-No 2X)
Chicago Central & Pacific Railroad – Abandonment – Linn County, Iowa

Dear Art:

As you know, the Surface Transportation Board (STB) approved an extension for the interim trail use/ rail banking of the subject abandonment pending completion of a Brownfields Environmental Assessment under a U.S. Environmental Protection Agency (EPA) grant through April 14, 2005. Although a significant portion of the environmental assessment has been accomplished, substantial elements remain to be completed. Attached is a project status report from Howard R. Green Company, the city's engineering consultant on this project.

The City and CN had previously agreed to defer negotiations regarding the acquisition of the abandoned rail property until the environmental assessment had been completed and the reports available to both parties.

Because the environmental assessment will not be completed prior to the upcoming April 14, 2005 deadline, I wanted to advise you that the city would be seeking another six-month extension from the STB. Based upon the status report from Howard R. Green Company, it is anticipated that the environmental assessment should be completed during this next period and negotiations can resume in earnest.

We would hope that CN can join us in supporting our upcoming extension request, as the company has so graciously done in the past. Please feel free to contact me at 319-377-1581 if you have any questions or need additional information regarding this request.

Sincerely,

Jeff Schott
City Manager

JS:st

attachment

cc: Michael J. Barron, Jr., Counsel, Canadian National Railroad
Todd Knause, Project Manager, Howard R. Green





Howard R. Green Company

March 18, 2005

Mr. Jeff Schott
City Manager
Marion City Hall
1100 8th Avenue
Marion, Iowa 52302

Re: CCPRR Investigation Status Report

Dear Jeff,

The following is a summary of completed tasks and anticipated completion dates of future tasks related to the investigation due diligence of the Chicago Central and Pacific Railroad (CCPRR) property and easement in Marion, Iowa by Howard R. Green Company.

- The Phase I Environmental Site Assessment (ESA) for the CCPRR property and easement from 12th Street to approximately 662 feet east of 35th Street has been completed and submitted to the City and EPA.
- A subsequent sampling and analyses plan (SAP) was submitted to and approved by EPA for a Phase II ESA of the CCPRR property and easement area from 12th Street to approximately 662 feet east of 35th Street.
- The Phase II ESA sampling and analyses activities have been completed and the final report is anticipated to be completed by the end of March.
- The Phase I ESA research and inspection of the remaining CCPRR property and easement between 12th Street and the western City limits has been completed and the final report is anticipated to be completed by the end of March.
- A subsequent SAP will be prepared and submitted to EPA for approval to address the recognized environmental conditions identified in the Phase I ESA on the CCPRR property and easement area from 12th Street to the western City limits. It is anticipated the SAP will be completed and ready for submittal to EPA for approval by mid April. It is anticipated to take 4 to 6 weeks for EPA to review the SAP.
- The Phase II ESA on the CCPRR property and easement area from 12th Street to the western City limits is anticipated to start during May with a final report completion date of the end of August.

If you have any questions or need further information on the CCPRR investigation, please give me a call at 841-4369.

Sincerely,
Howard R. Green Company

Todd Knause, P.G.
Project Manager

Jeff Schott

From: Art.Spiros@cn.ca
Sent: Thursday, March 31, 2005 2:19 PM
To: citymanager@cityofmarion.org
Cc: Michael.Barron@cn.ca
Subject: NITU - Marion Branch

Jeff:

In response to your letter of March 28th, we have no problem with you seeking a 6 month extension of the NITU with the STB. I letter has already gone out to you from Michael Barron alerting you to the April 14th deadline and advising you to seek the extension.

Our goal is to complete this transaction by year end.

Art Spiros

3/31/2005