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BUTLER COUNTY
ECONOMIC DEVELOPMENTENTERED
Office of Proceedings

MAY 02 2005

Part of
Public Record

April 26, 2005

The Honorable Vernon A. Williams
Secretary
Surface Transportation Board
1925 K. Street NW Suite 715
Washington, DC 20423

FILING FEE WAIVED

RE: STB DOCKET No. AB-870X, Butler County, Kansas -
Abandonment Exemption - In Butler County, KS.

Dear Secretary Williams:

Butler County, Kansas, a governmental entity of the State of Kansas, pursuant to 49 C.F.R. 1152.29 expresses its interest in acquiring for interim trail use and rail banking under the National Trails System Act, 16 U.S.C. 1247(d), and 49 C.F.R. 1152.29, the right-of-way of Butler County authorized for abandonment in STB Docket No. 870X.

Butler County is a government entity of the State of Kansas and as such requests a waiver of the STB filing fee of \$200.00 dollars.

The abandonment authorization has not yet been exercised by Butler County. The line is scheduled to be salvaged. No notice of consummation has been filed with the Board. Accordingly, the rail line remains subject to the Board's jurisdiction to issue a Decision and Notice of Interim Trails Use or Abandonment.

**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, Butler County is willing to assume full responsibility for 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 the railroad against any potential liability), and for the payment of any and all taxes that may be levied or assessed against the right-of-way owned by Butler County, identified below.

121 S. Gordy • El Dorado, Kansas 67042

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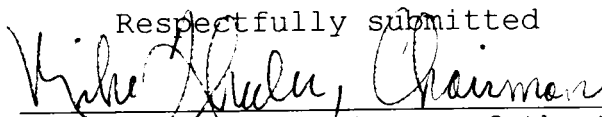
Page 2. STB DOCKET No. AB-870X

The property is located between railroad milepost 483.62, at Augusta, and milepost 494.22, near Andover, in Butler County, KS. The right-of-way is the subject of an exemption for abandonment in STB Docket No. AB-870X.

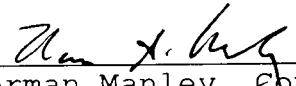
Butler County acknowledges that use of the right-of-way is subject to the users continuing to meet its responsibilities described above and subject to possible future reconstruction and reactivation of the right-of-way for rail service.

A map depicting the right-of-way is attached. The right-of-way to be rail banked and used on an interim basis for a trail is colored in yellow. By my signature below, I certify service upon Karl Morell, Attorney for Butler County by U.S. Mail, postage prepaid, this April 26, 2005.

Respectfully submitted

A handwritten signature in cursive script, appearing to read "Mike Wheeler, Chairman".

Mike Wheeler, Chairman of the Board
On behalf of Butler County Board of
Commissioners

Approved: 
Norman Manley, County Counsel

Cc: County Administrator
County Clerk
BCED



1" = 1.58 mi

* * *