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BALL JANIK LLP

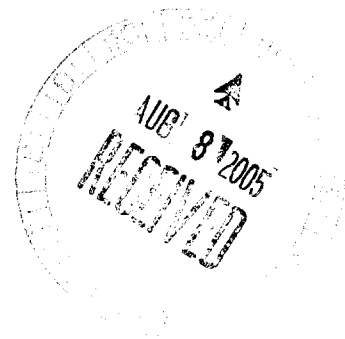
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KARL MORELL

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August 8, 2005

**ENTERED
Office of Proceedings**

AUG 8 2005

**Part of
Public Record**

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

Re: STB Docket No. AB-563 (Sub-No. 1X), Kansas Eastern Railroad, Inc. –
Abandonment Exemption -- In Butler and Greenwood Counties, KS

Dear Secretary Williams:

By letter filed September 7, 2004, with the Surface Transportation Board ("Board"), Butler County, Kansas ("Butler County"), requested the issuance of an interim trail use ("NITU"), under the National Trails System Act, 16 U.S.C. § 1247(d), for the rail line located between milepost 471.0, near Leon, and milepost 438.5, at Severy (the "Line").

By letter dated September 30, 2004, Kansas Eastern Railroad, Inc. ("KER") notified the Board that KER has not consummated the abandonment of the Line and was willing to negotiate for trail use with Butler County.

Butler County and KER hereby jointly seek to modify the requested NITU to include only that portion of the Line located between milepost 471.0, near Leon, and milepost 457.9, at the Butler County-Greenwood County border, near Beaumont, KS. In so doing, Butler County and KER seek to eliminate from the scope of the NITU the portion of the Line located in Greenwood County, Kansas. Once the requested NITU is issued, KER will consummate the abandonment of the portion of the Line located in Greenwood County.

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The Honorable Vernon Williams
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If you have any questions concerning this matter, please call me.

Sincerely,

A handwritten signature in black ink, appearing to read "Karl Morell". The signature is fluid and cursive, with the first name "Karl" and last name "Morell" clearly distinguishable.

Karl Morell

cc: Chairman Will Carpenter
Cecilia Fex, Esq.