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March 9, 2006

The Honorable Vernon Williams
Surface Transportation Board
1925 K Street, N.W., Suite 700
Washington, D.C. 20423-0001

Re: STB Docket No. AB 857 0 X
Great Western Railway of Colorado
Abandonment Exemption, Weld County, Colorado
Objection to Further Extension of NITU Negotiating Period

Dear Secretary Williams:

Butcher & Widlund, L.L.C. represents Steve and Colleen Nealy as legal counsel. Mr. & Mrs. Nealy are the owners of certain property located in Weld County, Colorado over which the former Great Western Railway of Colorado right-of-way traverses. The reversion of the abandoned railroad right-of-way would be perfected in the Nealys but for the trail use and rail banking actions pursued by Great Western Railway and the Colorado municipalities of Eaton, Severance and Windsor with the Surface Transportation Board.

Pursuant to the decision of interim trail use or abandonment ("NITU") served on April 7, 2004, a 180-day period was authorized for the Colorado municipalities of Eaton, Severance and Windsor to negotiate an interim trail use / rail banking agreement with Great Western Railway of Colorado, LLC. This 180-day negotiating period was extended by decisions served on October 27, 2004, April 14, 2005 and September 22, 2005, with the latest extension scheduled to expire on March 28, 2006.

The Nealys understand that no interim trail use / rail banking agreement has been reached to date between Great Western Railway of Colorado, LLC and the three municipalities. The Nealys also understand that Great Western Railway of Colorado, LLC intends to seek yet another extension of the initial 180-day negotiating period which commenced on or about April 7, 2004.

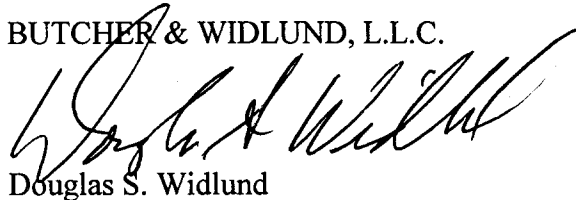
The Honorable Vernon Williams
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The Nealys hereby object to the granting of any further extensions of the negotiating period under the NITU, which is set to expire March 28, 2006. The parties have had ample time, almost two years, to complete an interim trail use / rail banking agreement to no avail. The majority of the former railroad right-of-way is located within unincorporated Weld County. As evidenced by the letter from Weld County to the three municipalities attached hereto, Weld County will not participate in the establishment of a trail. This leaves in serious doubt the ability of the three municipalities to construct, maintain and regulate the proposed trail.

Further extensions of the negotiating period are not warranted, as any such extension will not promote the establishment of trail use and rail banking consistent with the National Trails System Act. Rather, the extension of the negotiating period will only serve to improperly delay full abandonment of the right-of-way to the prejudice of the Nealys and other property owners along the former Great Western Railway line.

Yours truly,

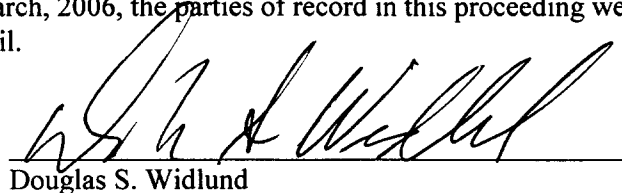
BUTCHER & WIDLUND, L.L.C.



Douglas S. Widlund

Attachment

I hereby certify that on the 9th day of March, 2006, the parties of record in this proceeding were served with this document via United States Mail.



Douglas S. Widlund



OFFICE OF BOARD OF COUNTY COMMISSIONER

915 10th Street
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GREELEY, CO 80632
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FAX: (970) 352-0242

February 27, 2006

Keith McIntyre, Mayor
Town of Eaton
223 First Street
Eaton, CO 80615

Pierre Demilt, Mayor
Town of Severance
231 W. 4th Avenue
P.O. Box 122
Severance, CO 80546

Edward Starck, Mayor
Town of Windsor
301 Walnut Street
Windsor, CO 80550

Re: Intergovernmental Agreement for Great Western Trail

Dear Mayors McIntyre, Demilt, and Starck:

On Monday, February 13, 2006, the Board of County Commissioners of Weld County, Colorado, met with a group of landowners named the "Revisionary Property Owners" ("RPO"). The landowners own approximately 75 percent of the properties upon which the Great Western Railroad ("GWRR") has track right-of-way and which is the subject of the Intergovernmental Agreement for Great Western Trail ("Trail IGA"), dated September 26, 2005. Each of the landowners claims to have reversionary interests in the track right-of-way upon cessation of its use for railroad purposes. For example, the original right-of-way deed from John E. and Flora L. Law to GWRR's predecessor, The Northern Construction Company, says the following:

"It is understood however that the above described premises are conveyed as and for a right of way for the construction and operation over, through, across and upon the same by the second party, its successors and assigns, of a line of railroad and in event the second party, its successors and assigns, shall cease or fail to maintain and operate a railroad to be therein constructed for a continuous period of 2 years, then and in such event said premises and every part thereof shall revert to first parties, their heirs and assigns . . ." (Emphasis added)

All of the landowners believe the track right-of-way has been abandoned by virtue of the Great Western Railroad discontinuing rail operations and removing the rails and other railroad related appurtenances at least two years ago. Furthermore, the landowners have expressed their objection to the location of a recreational trail proposed for location immediately adjacent to properties they actively farm.

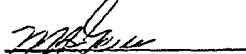
Letter, Mayors McIntyre, Demilt, and Starck
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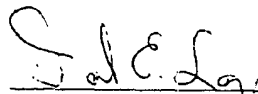
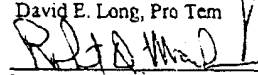
The RPO believes the reversionary interests held by each landowner either prohibits the issuance of a Certificate of Interim Trail Use or Abandonment by the Federal Surface Transportation Board, or creates in each landowner a right to compensation by the United States for a taking of the track right-of-way. In the latter sense, their claims would be similar to those sought by the plaintiffs in the case of *Toews v. United States*, 376 F.3d 1371 (Fed. Cir., 2004).

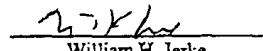
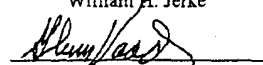
Given the strong opposition by the RPO landowners and their claims of reversionary interests, the Board of County Commissioners does not believe it is appropriate to enter into the Trail IGA. The Board appreciates, however, your courtesy in inquiring as to the Board's interest.

If you should have any questions regarding this letter, please direct such questions to Mr. Bruce T. Barker, Weld County Attorney, at (970) 356-4000, ext. 4390.

Sincerely,
BOARD OF COUNTY COMMISSIONERS


M. J. Geile, Chair


David E. Long, Pro Tem

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William H. Jerke

Glenn Vaid

pc: Bruce Barker, Weld County Attorney