

2/64/25

AB 295 (Sub-No. 6X)

The Indiana Rail Road Company and Monroe County Parks and Recreation Department hereby request that the Board modify its Decision and Notice of Interim Trail Use or Abandonment served May 17, 2005 in this proceeding to afford the parties an additional 180 days to conclude a trail use agreement for the line.

On May 17, 2005 the Board served a Decision and Notice of Interim Trail Use or Abandonment in this proceeding which afforded the parties (The Indiana Rail Road Company and the Monroe County Parks and Recreation Department) 180 days, until November 14, 2005, to negotiate a trail use agreement. On October 17, 2005 the parties moved for an extension of the time of six months for concluding a trail use agreement. The Board granted that request by a decision served November 8, 2005, extending the time in which to conclude a trail use agreement to May 13, 2006.

Unexpected issues have arisen which have delayed the conclusion of a trail use agreement. Accordingly, the parties request that the Board amend its May 17, 2005 order, as amended by its November 8, 2005 order, to afford them an additional 180 days, to November 9, 2006, to conclude a trail use agreement consistent with the Trails Act and the Board's order, and to notify the Board that they have done so.

Respectfully submitted,

THE INDIANA RAIL ROAD COMPANY

By: _____ /S/ _____¹

One of its attorneys

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Dated: April 28, 2006

¹ Document filed electronically

CERTIFICATE OF SERVICE

I hereby certify that on this 28th day of April, 2006 I served a copy of the foregoing JOINT MOTION FOR EXTENSION OF PERIOD TO NEGOTIATE TRAIL USE AGREEMENT on the Monroe County Parks Department by electronic mail and also by depositing a copy thereof in the United States mails, postage prepaid, addressed to counsel for such party listed below:

William Steger
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John Broadley

Dated: April 28, 2006

² Document filed electronically