

216860

North Carolina
RAIL-TRAILS

"To Preserve Rail Corridors and Promote Rail-Trails"

Post Office Box 61348 • Durham, NC 27715-1348



Mr. Vernon A. Williams
Office of the Secretary
Surface Transportation Board
1925 K Street, NW Suite 700
Washington, DC 20423

ENTERED
Office of Proceedings

JUN 27 2006

Part of
Public Record

June 20, 2006

RE: Joint Petition to Substitute Trail User In AB-560 (Sub No.1)
X, Aberdeen & Rockfish Railroad Company d/b/a Dunn-Erwin
Railway – Abandonment and Discontinuances – in Harnett
County, NC

Dear Secretary Williams,

Pursuant to 49 CFR Part 1152.29(f) and Section 8(d) of the National Trails System Act, 16 U.S.C. section 1247(d), Aberdeen & Rockfish d/b/a Dunn-Erwin Railway and North Carolina Rail-Trails, Inc. (Land Trust) consummated, on April 19, 2000, a trail use/rail banking agreement with regard to a rail line between Mile Post SDS-53 and Mile Post SDS 56.66 and Mile Post SDE – 0.00 and Mile Post SDE – 2.02 for a total of 5.68 miles.

North Carolina Rail-Trails, Inc. (Land Trust) and Harnett County North Carolina hereby files this joint petition to substitute the trail user from Land Trust to Harnett County, NC.

North Carolina Rail-Trails, Inc., received the railway's liability, tracks and ties and the quit claim deed filed April 20, 2000 Harnett County Deed Book 1412 Pages 0932-0939, Plat Record Map #2000 Pages 658-658i.

The Aberdeen & Rockfish Railroad gave the Dunn-Erwin Railway as a charitable tax-deductible donation. In the deed the railroad assigned a perpetual trail easement in the rail corridor for the benefit of the North Carolina Conservation Easement Tax Credit Program.

On June 15, 2002, The Dunn-Erwin Trail officially opened to the public. The trail is owned by the Land Trust and managed in partnership with the Dunn-Erwin Trail Authority with representatives from the Land Trust, Dunn, Erwin, Harnett County, Dunn & Erwin Chambers of Commerce, the Regional Tourism Authority and Friends of the Trail.

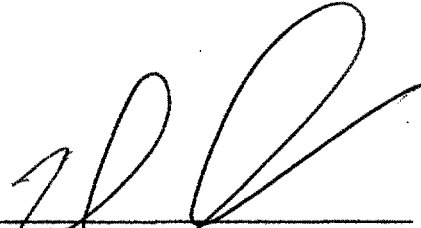
On June 20, 2006 Harnett County purchased the rail corridor from the Land Trust to make it eligible for Transportation Enhancement Development Funding. The 5-mile long 10 foot wide granite screening surfaced rail-trail was sold for \$128,000. Its appraised value is \$160,000.

Pursuant to 49 CFR Part 1152.29(f), North Carolina Rail-Trails and Harnett County NC hereby request that the STB vacate the existing NITU and issue an appropriate replacement NITU identifying Harnett County, NC as the new trail user with regard to the line between Mile Post SDS-53 and Mile Post SDS 56.66 and Mile Post SDE - 0.00 and Mile Post SDE - 2.02. A Statement of Harnett County, NC's willingness to assume financial responsibility and a copy of the file deed is enclosed.

Respectfully Submitted,



AL Capelhart, President
North Carolina Rail-Trails, Inc.
PO Box 61348
Durham, NC 27715
919/542-0022



Neil Emory, Manager
Harnett County, North Carolina
PO Box 759
Lillington, NC 27546
910/893-7555

Enclosures

Cc Aberdeen & Rockfish Railroad d/b/a
Dunn-Erwin Railway

STATEMENT OF WILLINGNESS TO ASSUME FINANCIAL RESPONSIBILITY

In order to continue interim trail use and rail banking under Section 8(d) of the National Trail System Act, 16 U.S.C. s1247 (d) and 49 CFE s1152.29, Harnett County North Carolina is willing to assume full responsibility for the management of, for any legal liability arising out the transfer or use of and for payment of any and all taxes that may be levied or assessed against the right of way previous owned and operate by North Carolina Rail-Trails, Inc. (Land Trust).

The property, known at the Dunn-Erwin Railway/Rail-Trail is between Mile Post SDS-53 and Mile Post SDS 56.66 and Mile Post SDE – 0.00 and Mile Post SDE – 2.02 in Harnett County North Carolina.

A map depicting the railway right of way and rail-trail is attached.

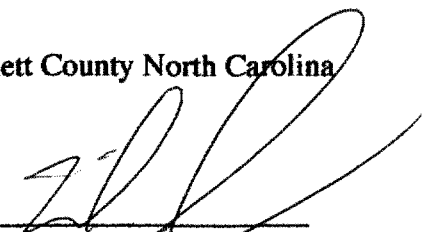
Harnett County acknowledges that the use of the right of way is subject to the user's continuing to meet the responsibilities described above and with just compensation, and recognition of the conservation trail easement in the right of way, subject to possible future reconstruction and reactivation of rail service in the right-of way.

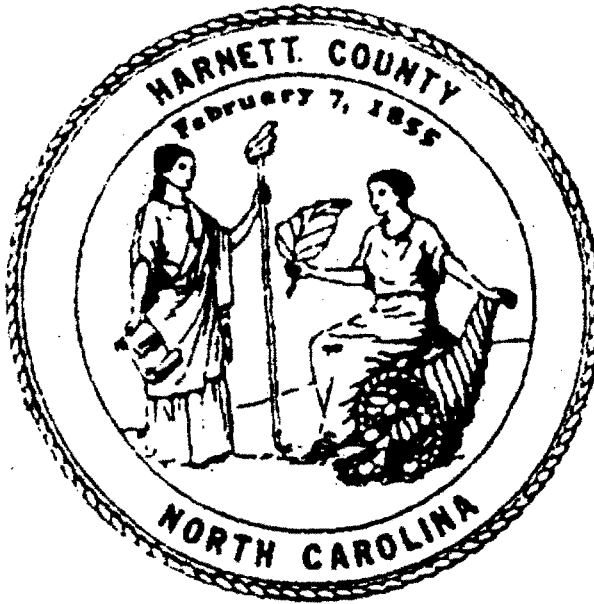
By my signature below, I certify service upon North Carolina Rail-Trails, Inc. PO Box 61348 Durham, NC 27115 by U.S first class mail posted the 20th day of June 2006.

Respectfully submitted

Harnett County North Carolina

By


Neil Emory, Manager
PO Box 759
Lillington, NC 27546



KIMBERLY S. HARGROVE
REGISTER OF DEEDS, HARNETT
305 W CORNELIUS HARNETT BLVD
SUITE 200
LILLINGTON, NC 27546

Filed For Registration: 06/22/2006 11:22:51 AM
Book: RE 2244 Page: 381-385
Document No.: 2006011538
DEED 5 PGS \$23.00
Recorder: ELMIRA MCLEAN

State of North Carolina, County of Harnett

KIMBERLY S. HARGROVE , REGISTER OF DEEDS

DO NOT DISCARD

2006011538

2006011538



2006011538

HARNETT COUNTY TAX ID#

06-1507-9007

6-22-06 BY SKB

FOR REGISTRATION REGISTER OF DEEDS
KIMBERLY S. HARGROVE
HARNETT COUNTY, NC
2006 JUN 22 11:22:51 AM
BK:2244 PG:381-385 FEE:\$23.00

INSTRUMENT # 2006011538

Prepared by: Jennifer J. Slusser, PO Box 778, Lillington, NC 27546

Parcel ID No.: 061507 9007

NORTH CAROLINA

HARNETT COUNTY

NON-WARRANTY D E E D

THIS DEED, made and entered into this 20th day of June, 2006, by and between North Carolina Rail-Trails, Inc., the land trust, Post Office Box 61348, Durham, North Carolina 27715, hereinafter called Grantor, and County of Harnett of 102 Front Street, Lillington, North Carolina 27546, hereinafter called Grantee;

W I T N E S S E T H :

That said Grantor, for valuable consideration to it in hand paid, the receipt of which is hereby acknowledged, and the valuable considerations received by preserving and conserving the Dunn-Erwin Railway corridor for future rail use has remised and released and by these presents does remise, release, convey, and forever quitclaim unto the Grantee, its heirs and/or successors and assigns, all right, title, claim and interest of the Grantor in and to all of its right-of-way and other property, including any and all land, crossings, bridges, trestles, culverts, buildings, signals, signage, crossing control devises, communication lines, and poles that are affixed as of the date of this deed to the land in Harnett County between the below described points, situate, lying between Dunn, North Carolina and Erwin, North Carolina, located on the Erwin Spur of the Florence Division of CSX Transportation between Mile Post SDS-53 and Mile Post SDS - 56.66 and Mile Post SDE-0.00 and Mile Post SDE-2.02, including all spur corridors at various locations, hereinafter designated "the Premise," and more particularly described in Exhibit "A", description attached

hereto and incorporated herein, and containing 61.33 acres, more or less. A map showing above-described property is recorded in Map No. 2005-863-864 Harnett County Registry.

The Grantee's obligations in the railbanking and conservation requires the following four reservations:

1. That when Surface Transportation Board of the United States Department of Transportation restores rail service trail accommodations will exist in the same corridor; and
2. That conservation requirements do not allow any buildings, permanent structures, or other encroachments to be in or on the rail corridor than currently exist; and
3. That for pedestrian, bicycle and future railroad safety no new at grade crossings of the Premises, are to be permitted; and
4. That the exercise of such reservations and rights does not unreasonably interfere with the conservation and safe use of the rail corridor.

To have and to hold the aforesaid parcel of land and all privileges thereunto belonging to it, the Grantee, its heirs and/or successors and assigns, free and discharged from all right, title, claim or interest whatsoever of the Grantor or anyone claiming by, through or under it either in law or equity, unto the proper use benefit and enjoyment, being restricted by the above stated reservation herein referenced, to the Grantee, the Grantee's heirs and assignees or successors and assigns.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

IN WITNESS WHEREOF, the Grantor has hereunto set their hands and seals, or if corporate has caused this instrument to be signed in its corporate name by its duly authorized officer and its seal to be hereunto affixed by authority of its Board of Directors, the day and year first above written.

(THE REMAINDER OF THIS PAGE IS INTENTIONALLY BLANK)



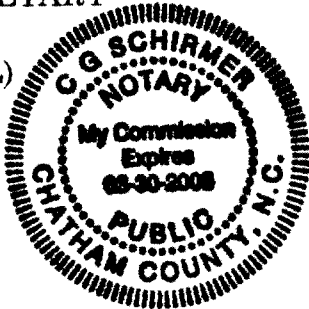
NORTH CAROLINA RAIL-TRAILS, INC.

Albert C. Capehart, Jr. (SEAL)
ALBERT C. CAPEHART, JR., PRESIDENT

ATTEST:

Carolyn R. Townsend
SECRETARY

(SEAL)



NORTH CAROLINA

Chatham COUNTY

I, C. G. Schirmer a Notary Public of the County and state aforesaid, certify that Carolyn R. Townsend personally came before me this day and acknowledged that he or she is Secretary of North Carolina Rail-Trails, Inc., a corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its President, Albert C. Capehart, Jr., sealed with its corporate seal, and attested by himself or herself as its Secretary.

Witness my hand and official stamp, this the 21 day of June, 2006.

C. G. Schirmer
Notary Public

My Commission Expires: 03-30-2008

EXHIBIT "A"

The property hereinabove described was acquired by the Grantor by instrument recorded in Book 1412, Page 0932-09745, Plat recorded Maps #2000, Pages 658-658i Harnett County Registry from the Aberdeen & Rockfish Railroad, Co., d/b/a Dunn-Erwin Railway acquired from CSX Transportation, recorded Book 846, Page 967-968 Harnett County Registry ; recorded Book 745, Page 163-165 Harnett County Registry from CSX Transportation, Successor to Seaboard Air Line Railroad, Successor to the Durham and Southern Railroad, and Successor to the Cape Fear and Northern Railroad, original recipients of the railroad property as recorded in Harnett County Register of Deeds Office in:

Deed Book	Page
161	164
161	165
161	167
161	168
161	169
161	170
161	171
161	384
161	385
161	386
162	72
162	74
162	75
162	143
162	445
163	28
163	29
163	153
163	467
163	473
164	9
164	10
164	12
165	22
165	26
165	60
165	61
165	62
168	26
169	240

All of the above being recorded in the Office of the Public Records, Registered of Deed Harnett County, Lillington, North Carolina.

Further, it is the intent of the GRANTOR to convey to the GRANTEE by this non-warranty deed all of its right-of-way and real property between the Beginning Points and Termination Points, whether covered by the above referenced deed recordings or not.



KIMBERLY S. HARGROVE
REGISTER OF DEEDS, HARNETT
305 W CORNELIUS HARNETT BLVD
SUITE 200
LILLINGTON, NC 27546

Filed For Registration: 10/26/2005 10:12:20 AM
Book: PLAT 2005 Page: 863-864
Document No.: 2005019304
MAP 2 PGS \$21.00

Recorder: ELMIRA MCLEAN

State of North Carolina, County of Harnett

KIMBERLY S. HARGROVE , REGISTER OF DEEDS

DO NOT DISCARD



2005019304

ERWIN QUADRANGLE
NORTH CAROLINA
7.5 MINUTE SERIES (TOPOGRAPHIC)
2110 000 FEET
78° 37' 30" W
35° 22' 30" N

2110 000 FEET

78° 37' 30" W

35° 22' 30" N

2110 000 FEET

78° 37' 30" W

35° 22' 30" N

2110 000 FEET

78° 37' 30" W

35° 22' 30" N

2110 000 FEET

78° 37' 30" W

35° 22' 30" N

2110 000 FEET

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35° 22' 30" N

2110 000 FEET

78° 37' 30" W

35° 22' 30" N

2110 000 FEET

78° 37' 30" W

35° 22' 30" N

Dunn-Erwin Railway

DUNN QUADRANGLE
NORTH CAROLINA
7.5 MINUTE SERIES (TOPOGRAPHIC)

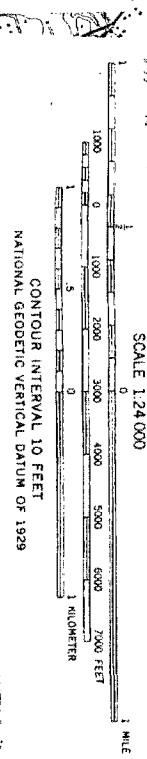
78° 30' W
35° 22' 30" N

Scale 1:62,500
FOUR OAKS



ERWIN, N. C.
N3515-W7837.5/7.5
1973

1973



SCALE 1:24 000
CONTOUR INTERVAL 10 FEET
NATIONAL GEODETIC VERTICAL DATUM OF 1929

DUNN, N. C.
N3515-W7830/7.5
1973

PHOTOREVISED 1981
DMA 525+1 SE-SERIES 7842

1973

1981

7842

1. James E. Jordan, lately met this girl and flew under my
 suspicion from an act of bad-manners with regard to my apartment
 and was subsequently arrested. He is a very handsome man, but
 the boundaries had changed and directly refracted as shown
 last irregularly found in book. From the fact that the con
 of prison was celebrated a 1000 lbs. I met this girl was
 supposed to accompany him to \$1.40.50 on various articles
 of mail. 10.20.50. address on 1000 and was 1000 lbs.

[illegible]

1. Definition of a Group A set G is called a group if it satisfies the following conditions:

- G is closed under the operation $\cdot$.
- $\cdot$ is associative, i.e., $(a \cdot b) \cdot c = a \cdot (b \cdot c)$ for all $a, b, c \in G$.
- There exists an identity element $e \in G$ such that $a \cdot e = e \cdot a = a$ for all $a \in G$.
- For every $a \in G$, there exists an inverse element $a^{-1} \in G$ such that $a \cdot a^{-1} = a^{-1} \cdot a = e$.

2. Examples of Groups

- The set of integers $\mathbb{Z}$ under addition $+$ is a group. The identity element is 0 .
- The set of non-zero real numbers $\mathbb{R} \setminus \{0\}$ under multiplication $\cdot$ is a group. The identity element is 1 .
- The set of all $n \times n$ invertible matrices over a field F under matrix multiplication is a group. The identity element is the identity matrix I_n .

3. Properties of Groups

- Every group has a unique identity element.
- Every element in a group has a unique inverse.
- If $a \cdot b = c$ in a group, then $a = c \cdot b^{-1}$ and $b = a^{-1} \cdot c$.

4. Subgroups A subset H of a group G is called a subgroup if H is itself a group under the same operation as G .

5. Normal Subgroups A subgroup N of a group G is called a normal subgroup if $g \cdot n = n \cdot g$ for all $g \in G$ and $n \in N$.

6. Quotient Groups If N is a normal subgroup of G , then the quotient group G/N is defined as the set of cosets aN for $a \in G$, with the operation $(aN) \cdot (bN) = (a \cdot b)N$.

7. Isomorphism Two groups $(G, \cdot)$ and $(H, \cdot)$ are isomorphic if there exists a bijective function $f: G \rightarrow H$ such that $f(a \cdot b) = f(a) \cdot f(b)$ for all $a, b \in G$.

8. Automorphism An isomorphism from a group G to itself is called an automorphism.

9. Endomorphism A homomorphism from a group G to itself is called an endomorphism.

10. Morphism A homomorphism between two groups is called a morphism.

11. Kernel The kernel of a homomorphism $f: G \rightarrow H$ is the set of elements $a \in G$ such that $f(a) = e_H$, where e_H is the identity element of H .

12. Image The image of a homomorphism $f: G \rightarrow H$ is the set of elements $f(a)$ for $a \in G$.

13. First Isomorphism Theorem If $f: G \rightarrow H$ is a homomorphism, then $G/\ker(f) \cong \text{Im}(f)$.

14. Second Isomorphism Theorem If $f: G \rightarrow H$ is a homomorphism and N is a normal subgroup of G , then $f(N) \cong f(N) \cap \ker(f)$.

15. Third Isomorphism Theorem If $f: G \rightarrow H$ is a homomorphism and N is a normal subgroup of G , then $f(N) \cong f(N) \cap \ker(f)$.

16. Fourth Isomorphism Theorem If $f: G \rightarrow H$ is a homomorphism and N is a normal subgroup of G , then $f(N) \cong f(N) \cap \ker(f)$.

17. Fifth Isomorphism Theorem If $f: G \rightarrow H$ is a homomorphism and N is a normal subgroup of G , then $f(N) \cong f(N) \cap \ker(f)$.

18. Sixth Isomorphism Theorem If $f: G \rightarrow H$ is a homomorphism and N is a normal subgroup of G , then $f(N) \cong f(N) \cap \ker(f)$.

19. Seventh Isomorphism Theorem If $f: G \rightarrow H$ is a homomorphism and N is a normal subgroup of G , then $f(N) \cong f(N) \cap \ker(f)$.

20. Eighth Isomorphism Theorem If $f: G \rightarrow H$ is a homomorphism and N is a normal subgroup of G , then $f(N) \cong f(N) \cap \ker(f)$.

21. Ninth Isomorphism Theorem If $f: G \rightarrow H$ is a homomorphism and N is a normal subgroup of G , then $f(N) \cong f(N) \cap \ker(f)$.

22. Tenth Isomorphism Theorem If $f: G \rightarrow H$ is a homomorphism and N is a normal subgroup of G , then $f(N) \cong f(N) \cap \ker(f)$.

23. Eleventh Isomorphism Theorem If $f: G \rightarrow H$ is a homomorphism and N is a normal subgroup of G , then $f(N) \cong f(N) \cap \ker(f)$.

24. Twelfth Isomorphism Theorem If $f: G \rightarrow H$ is a homomorphism and N is a normal subgroup of G , then $f(N) \cong f(N) \cap \ker(f)$.

25. Thirteenth Isomorphism Theorem If $f: G \rightarrow H$ is a homomorphism and N is a normal subgroup of G , then $f(N) \cong f(N) \cap \ker(f)$.

26. Fourteenth Isomorphism Theorem If $f: G \rightarrow H$ is a homomorphism and N is a normal subgroup of G , then $f(N) \cong f(N) \cap \ker(f)$.

27. Fifteenth Isomorphism Theorem If $f: G \rightarrow H$ is a homomorphism and N is a normal subgroup of G , then $f(N) \cong f(N) \cap \ker(f)$.

28. Sixteenth Isomorphism Theorem If $f: G \rightarrow H$ is a homomorphism and N is a normal subgroup of G , then $f(N) \cong f(N) \cap \ker(f)$.

29. Seventeenth Isomorphism Theorem If $f: G \rightarrow H$ is a homomorphism and N is a normal subgroup of G , then $f(N) \cong f(N) \cap \ker(f)$.

30. Eighteenth Isomorphism Theorem If $f: G \rightarrow H$ is a homomorphism and N is a normal subgroup of G , then $f(N) \cong f(N) \cap \ker(f)$.

31. Nineteenth Isomorphism Theorem If $f: G \rightarrow H$ is a homomorphism and N is a normal subgroup of G , then $f(N) \cong f(N) \cap \ker(f)$.

32. Twentieth Isomorphism Theorem If $f: G \rightarrow H$ is a homomorphism and N is a normal subgroup of G , then $f(N) \cong f(N) \cap \ker(f)$.

33. Twenty-first Isomorphism Theorem If $f: G \rightarrow H$ is a homomorphism and N is a normal subgroup of G , then $f(N) \cong f(N) \cap \ker(f)$.

34. Twenty-second Isomorphism Theorem If $f: G \rightarrow H$ is a homomorphism and N is a normal subgroup of G , then $f(N) \cong f(N) \cap \ker(f)$.

35. Twenty-third Isomorphism Theorem If $f: G \rightarrow H$ is a homomorphism and N is a normal subgroup of G , then $f(N) \cong f(N) \cap \ker(f)$.

36. Twenty-fourth Isomorphism Theorem If $f: G \rightarrow H$ is a homomorphism and N is a normal subgroup of G , then $f(N) \cong f(N) \cap \ker(f)$.

37. Twenty-fifth Isomorphism Theorem If $f: G \rightarrow H$ is a homomorphism and N is a normal subgroup of G , then $f(N) \cong f(N) \cap \ker(f)$.

38. Twenty-sixth Isomorphism Theorem If $f: G \rightarrow H$ is a homomorphism and N is a normal subgroup of G , then $f(N) \cong f(N) \cap \ker(f)$.

39. Twenty-seventh Isomorphism Theorem If $f: G \rightarrow H$ is a homomorphism and N is a normal subgroup of G , then $f(N) \cong f(N) \cap \ker(f)$.

40. Twenty-eighth Isomorphism Theorem If $f: G \rightarrow H$ is a homomorphism and N is a normal subgroup of G , then $f(N) \cong f(N) \cap \ker(f)$.

41. Twenty-ninth Isomorphism Theorem If $f: G \rightarrow H$ is a homomorphism and N is a normal subgroup of G , then $f(N) \cong f(N) \cap \ker(f)$.

42. Thirtieth Isomorphism Theorem If $f: G \rightarrow H$ is a homomorphism and N is a normal subgroup of G , then $f(N) \cong f(N) \cap \ker(f)$.

43. Thirty-first Isomorphism Theorem If $f: G \rightarrow H$ is a homomorphism and N is a normal subgroup of G , then $f(N) \cong f(N) \cap \ker(f)$.

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52. Fortieth Isomorphism Theorem If $f: G \rightarrow H$ is a homomorphism and N is a normal subgroup of G , then $f(N) \cong f(N) \cap \ker(f)$.

53. Forty-first Isomorphism Theorem If $f: G \rightarrow H$ is a homomorphism and N is a normal subgroup of G , then $f(N) \cong f(N) \cap \ker(f)$.

54. Forty-second Isomorphism Theorem If $f: G \rightarrow H$ is a homomorphism and N

"ERWIN"

[illegible][illegible]

NOTE:
2 1/2" DOME A MINIMUM CAP SET ON TOP
OF 1/2" REBAR DRIVEN TO GRADE.
STAIRS:
DOWN-DRIVE
NO #4 REB
JOHN-TEP+ASSOC
BAL-7944

This division of property is
Exempt from the Harriet County
Subdivision Regulations

Subdivision Administrator Date 10-19-06

NO APPROVAL NECESSARY BY
TOWN OF FRAMM PLANNING BOARD
10/19/05
DATE: 10/19/05
SUPERVISOR ADMINISTRATOR

NO APPROVAL NECESSARY BY
CITY OF DALLAS PLANNING BOARD
DATE: 11/15/2011
APPROVED: [Signature]
TITLE: [Signature]

NO APPROVAL NECESSARY
Shirley Bennett
REVIEW OFFICER

NORTH CAROLINA
 MASSMINT COUNTY
 This Magistrate was presented for swearing in and seated
 in this office on May Nineteen
 Two, 1968 day of June
 at 10:15 o'clock P.M.
 I, James H. Lee
 County Clerk
 do hereby certify that the foregoing is true and correct.
 My Commission Expires June 30, 1970
 My James H. Lee
 County Clerk

VICINITY MAP
NOT TO SCALE
(NOTE: ROTATION FROM PLAN)

2005010304

FOR REGISTRATION REGISTER OF DEEDS
KINGSTON S. HORTON
HARRIS COUNTY, NC
2005 OCT 26 12:12:25 AM
HC:2005 PG:063-BEA FEE:\$21.00

INSTRUMENT # 2025219304

**CONTROL SURVEY PREPARED FOR
NORTH CAROLINA
RAIL-TRAILS**

RAIL-TRAILS
AVERASHORO & DUKE
TOWNSHIPS
NORTH CAROLINA

JORDAN - TEW & ASSOCIATES, P.A.
ENGINEERING, SURVEYING, PLANNING, & MATERIALS TESTING
P.O. BOX 249 DUNN, N.C. 28335
DUNN PH. (910) 892-5159 FAYE PH (910) 483-1489

DRAWN BY:
T. BAKER
SURVEYED BY:
R.N. MIT.
CHECKED BY:
R. JORDAN
DATE:
03-24-00
REVISIONS:
04-12-00
9-22-05

2005. 863

Sheet 1 of 10