

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB-853 (SUB-NO. 1X)

KANSAS & OKLAHOMA RAILROAD, INC.
-- ABANDONMENT EXEMPTION --
IN HODGEMAN, COMANCHE, KIOWA AND PRATT COUNTIES, KANSAS

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Public Record

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Attorney for:
KANSAS & OKLAHOMA
RAILROAD, INC.

Dated: August 3, 2019

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SUPPLEMENTAL FILING

Kansas & Oklahoma Railroad, Inc. ("K&O"), files this Supplemental Information pursuant to the Board's decision in this proceeding, served on September 13, 2019.

At the request of the Board's staff, K&O searched its records for the Donative Quitclaim Deed between K&O and Sunflower Rail-Trail Conservancy, Inc. ("SRTC"). Unfortunately, to date, K&O has not been able to locate any relevant documents.¹

On June 4, 2019, SRTC filed a reply to Elster. Attached to the SRTC filing are a copy of the Donative Quitclaim Deed recorded in the Register of Deeds' office in Kiowa County. Also attached is a Donative Bill of Sale referencing the Line Donation Contract between K&O and SRTC, dated July 15, 2008. In addition, attached to the SRTC reply is an Assignment referencing the Donation Contract dated as of July 15, 2008.

¹ Mr. Marc Elster ("Elster") alleges that he was informed by K&O that it has no record of any interim trail use agreement. K&O informed Elster that it has not been able to locate the Agreements, not that no such agreements exist.

SRTC also pointed out that it has received approval of a federal National Recreational Trail Program pass-through grant which will be used to build a one-mile segment of the trail at issue in this proceeding.

Based largely on the evidence and documents previously submitted by SRTC, it is obvious that SRTC and K&O timely entered into a railbanking agreement under the National Trails System Act. Also, contrary to Elster's allegations, the agreements entered into between SRTC and K&O are not "null and void". If Elster were correct, no railbanking could ever be consummated in the State of Kansas.

Respectfully submitted,



Karl Morell

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Attorney for:
KANSAS & OKLAHOMA
RAILROAD

Dated: October 7, 2019

CERTIFICATE OF SERVICE

I hereby certify that on October 3, 2019, I served the forgoing document on all parties of record.

A handwritten signature in black ink, reading "Karl Morell", written over a horizontal line.

Karl Morell