

247014

January 28, 2019

VIA E-FILE

The Honorable Cynthia T. Brown
Chief, Section of Administration
Surface Transportation Board
395 E. Street, S.W., Room #100
Washington, DC 20423-0001

ENTERED
Office of Proceedings
January 28, 2019
Part of
Public Record

**JOINT NOTICE OF INTERIM TRAIL USE / RAIL BANKING AGREEMENT
BETWEEN UNION PACIFIC RAILROAD COMPANY AND
THE CITY OF LEXINGTON, MISSOURI
IN ACCORDANCE WITH 49 C.F.R. 1152.29(h)**

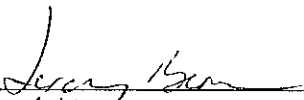
**Re: Abandonment of and Discontinuance of Service on the Lexington Industrial Lead
from M.P. 243.58 to M.P. 246.49 in Lexington, Lafayette County, Missouri; STB
Docket No. AB 33 (Sub-No. 297X)**

Dear Ms. Brown:

Union Pacific Railroad Company ("Union Pacific") and the City of Lexington, Missouri (the "City") have entered into a trail use/rail banking agreement (the "Trail Use Agreement") covering the rail line from milepost 243.58 to milepost 246.49 in Lexington, Lafayette County, Missouri, on the Lexington Industrial Lead (the "Line"). Attached to this Joint Notice as **Exhibit A** and made a part hereof is a map depicting an accurate description of the Line, including mileposts, that is the subject of said Trail Use Agreement. In accordance with the requirements of 49 C.F.R. 1152.29(h), Union Pacific and the City hereby certify that the Trail Use Agreement includes provisions requiring the trail sponsor, the City, to fulfill the responsibilities described at 49 C.F.R. 1152.29(a)(3). A copy of the City's Statement of Willingness to Assume Financial Responsibility under the Trail Use Agreement is attached hereto as **Exhibit B** and is hereby made a part hereof.

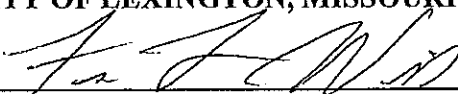
Sincerely,

UNION PACIFIC RAILROAD COMPANY

By: 
General Attorney

Sincerely,

CITY OF LEXINGTON, MISSOURI

A handwritten signature in cursive script, appearing to read "Fred L. Wiedner", is written over a horizontal line.

By: Fred L. Wiedner

Title: Mayor

Enclosure

cc:



PAGE 1 OF 3

NOTE: BEFORE YOU BEGIN ANY WORK, SEE AGREEMENT FOR FIBER OPTIC PROVISIONS.

EXHIBIT "A"

UNION PACIFIC RAILROAD COMPANY

LEXINGTON, LAFAYETTE COUNTY, MISSOURI

M.P. 743.58 TO 746.49 LEXINGTON, IND. LEAD

MAP UP V-7 / 1A, S-15A, S-15B & S-15C

SCALE: 1" = 300'

OFFICE OF REAL ESTATE

OMAHA, NEBRASKA DATE: 3-11-2018

PJO FILE: 0265233

LEGEND:

SALE AREA

UPPERED. R/W OUTLINED

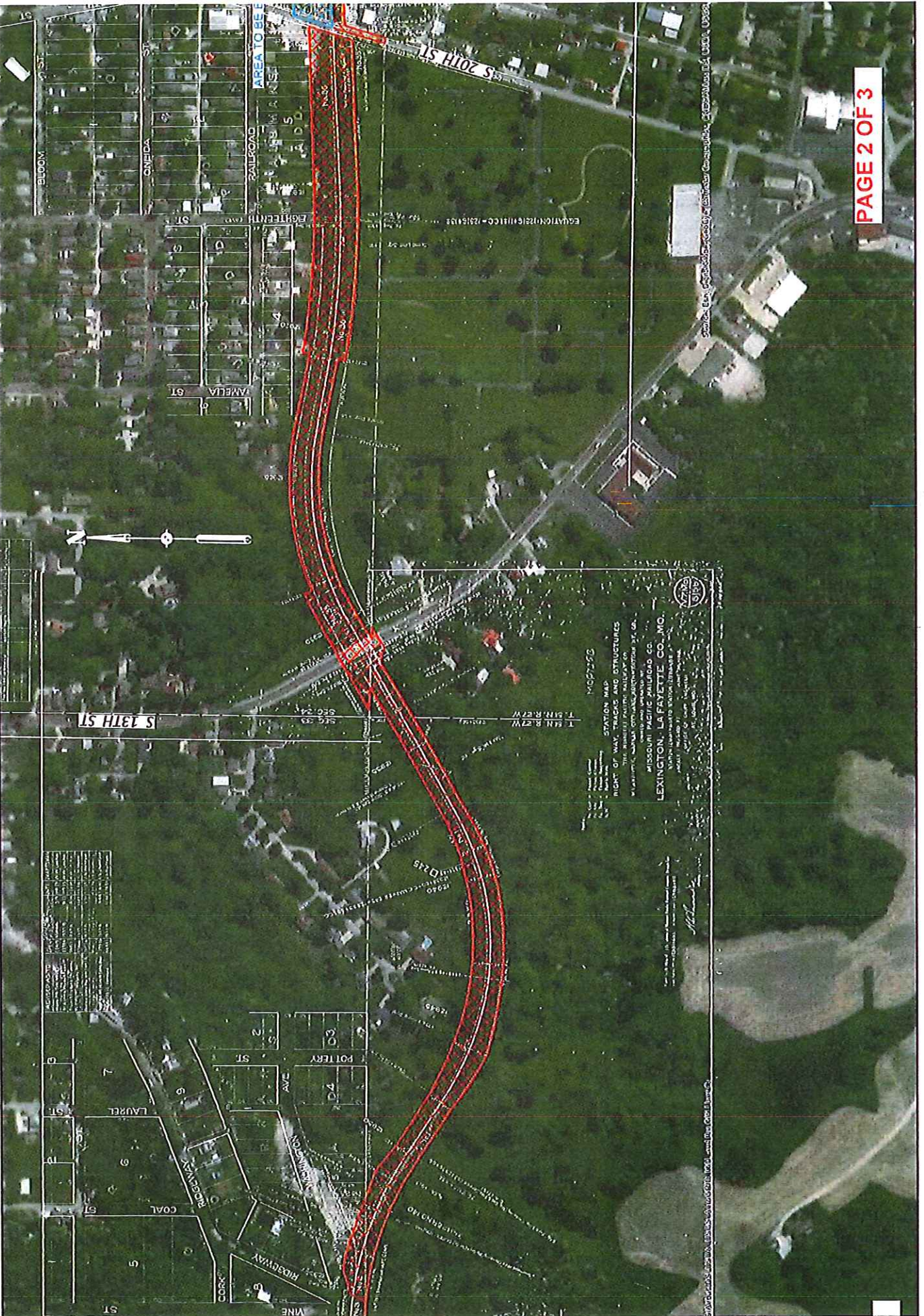
SALE AREA = 33.0439 ACRES +/-

CADD FILENAME

0265233

SCAN FILENAME

000715-260233.TIF



MOCT-53
STATION MAP
RIGHT OF WAY, TRACKS AND STRUCTURES
THE MISSOURI PACIFIC RAILROAD CO.
PLANNING, DESIGN, CONSTRUCTION, OPERATION, MAINTENANCE, REPAIRS, AND RENEWALS
MISSOURI PACIFIC RAILROAD CO.
LEXINGTON, LA FAYETTE CO. MO.
APPROVED FOR THE BOARD OF DIRECTORS
DATE: 10/1/00
BY: [Signature]
[Stamp: 2776 0135]



EXHIBIT B TO
JOINT NOTICE

**City of Lexington, Missouri's
Statement of Willingness To Assume Financial Responsibility**

The City of Lexington, Missouri (the "City") acquired the Line as defined below on December 21, 2018 under a Purchase and Sale Agreement between Union Pacific Railroad Company and the City dated November 7, 2018.

In order to establish interim trail use and rail banking under 16 U.S.C. 1247(d) and 49 CFR 1152.29 with respect to the right-of-way owned by Union Pacific Railroad Company [see Discontinuance of Service AB33 (Sub-No. 297X)], the City hereby represents to the Surface Transportation Board and Union Pacific Railroad Company that the City assumes responsibility for (1) managing the right-of-way, (2) any legal liability arising out of the transfer or use of the right-of-way (unless the sponsor is immune from liability, in which case it need only indemnify Union Pacific Railroad Company against any potential liability), and (3) the payment of any and all taxes that may be levied or assessed against the right of way. The right of way is known as the Lexington Industrial Lead from milepost 243.58 to milepost 246.49 in Lexington, Lafayette County, Missouri (the "Line"). The right-of-way is part of a line of railroad proposed for abandonment by Union Pacific Railroad Company in Docket No. AB 33 (Sub No. 297X). A map of the property depicting the right-of-way is attached hereto as **Exhibit A** and is hereby made a part hereof.

The City acknowledges that use of the right-of-way is subject to the City's continuing to meet its responsibilities described above and subject to possible future reconstruction and reactivation of the right-of-way for rail service. A copy of this statement is being served on the railroad on the same date it is being served on the Surface Transportation Board.

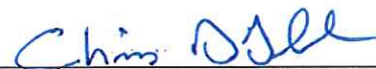
CITY OF LEXINGTON, MISSOURI



By: Fred L. Wiedner

Title: Mayor

Agreed to and Acknowledged by Union Pacific Railroad Company this 21st day of December, 2018.

By: 

Title: Assistant Vice President - Real Estate