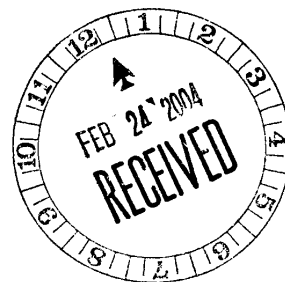


210146

BEFORE THE
SURFACE TRANSPORTATION BOARD

FINANCE DOCKET NO. 34463



PORTAGE COUNTY BOARD OF COMMISSIONERS
ACQUISITION EXEMPTION
PORTAGE PRIVATE INDUSTRY COUNCIL, INC.

FEE RECEIVED

FEB 24 2004

SURFACE
TRANSPORTATION BOARD

FILED

FEB 24 2004

VERIFIED NOTICE OF EXEMPTION
OF
PORTAGE COUNTY OHIO
PURSUANT TO 49 C.F.R. § 1150.31

ENTERED
Office of Proceedings

FEB 24 2004

Part of
Public Record

Keith G. O'Brien
Rea, Cross & Auchincloss
1707 L Street, N.W.
Suite 570
Washington, DC 20036
(202) 785-3700

Council for Portage County
Board of Commissioners

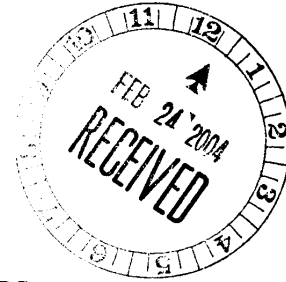
Dated: February 24, 2004

ORIGINAL

BEFORE THE
SURFACE TRANSPORTATION BOARD

FINANCE DOCKET NO. 34463

PORTAGE COUNTY BOARD OF COMMISSIONERS
ACQUISITION EXEMPTION
PORTAGE PRIVATE INDUSTRY COUNCIL, INC.



VERIFIED NOTICE OF EXEMPTION
OF
PORTAGE COUNTY OHIO
PURSUANT TO 49 C.F.R. § 1150.31

Name and Address of Applicant
Portage County Board of Commissioners
449 South Meridian Street
Ravenna, OH 44266

49 C.F.R. 1150.33 (a)

Applicant's Representative
Keith G. O'Brien
Rea, Cross & Auchincloss
1707 L Street, N.W.
Suite 570
Washington, DC 20036
(202) 785-3700

49 C.F.R. 1150.33 (b)

Statement of Agreement

49 C.F.R. 1150.33 (c)

Portage County Board of Commissioners ("PC") a non carrier, has entered into a Purchase and Sale Agreement with Portage Private Industry, Inc. ("PPIC") pursuant to which PC will acquire approximately 7.23 route mile of trackage currently owned by PPIC.

Operator of Property

49 C.F.R. 1150.33 (d)

The operator of the property will continue to be Akron Barberton Cluster Railway Company ("ABCR").

Brief Summary of Proposed Transaction

49 C.F.R. 1150.33 (e)

This transaction qualifies for a class exemption under 49 C.F.R. 1150.31 et seq because it involves acquisition by a non carrier of a rail property that will continue to be operated by a third party.

1. Name and Address of Transferor

Portage Private Industry Council, Inc.
715 East Main Street
Ravenna, OH 44266

2. Proposed Time Schedule for Consummation

The parties intend to consummate the proposed transaction upon effectiveness of the notice of exemption or soon thereafter.

3. Mileposts of the subject property

Pursuant to the Purchase and Sale Agreement, PC will purchase all of PPIC's rights, title and interest in a portion of a line formerly known as Conrails' "Freedom Secondary" line between milepost 190.05 $\pm$ near Kent, OH and milepost 182.82 $\pm$ near Ravenna, OH (and connecting side tracks).

4. Total route miles being acquired

7.23 route miles in Portage County, OH.

5. Map

A map depicting the are to be served is attached as Exhibit A.

Certification Regarding Projected Revenues

49 C.F.R. 1150.33 (g)

PC hereby certifies that projected revenues do not exceed that which would qualify it as a Class III carrier.

Caption Summary

49 C.F.R. 1150.34

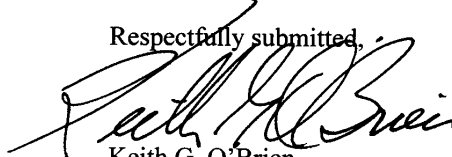
A caption summary in the appropriate form is attached as Exhibit B to this Notice.

Environmental and Historic Preservation Requirements 49 C.F.R. 1105

Pursuant to 49 C.F.R. 1105.6 (c)(2) the proposed transaction is exempt from environmental review under Section 1105.6 (c) (a)(i) because the action will not cause any operating changes that exceed the thresholds established in 49 C.F.R. 1105.7 (c) (4) or (5).

In addition this transaction is exempt from historic review under 49 C.F.R. 1105.8 (b) (1). Under this Section a sale, lease or transfer of a rail line is exempt if rail operations will continue and further Surface Transportation Board approval would be required to abandon service and there are no plans to dispose of or alter the properties subject to Board (Board) jurisdiction that are 50 years old or older.

Respectfully submitted,



Keith G. O'Brien
Rea, Cross & Auchincloss
1707 L Street, N.W.
Suite 570
Washington, DC 20036
(202) 785-3700

Council for Portage County
Board of Commissioners

Dated: February 24, 2004



Board of Commissioners

Christopher Smeiles
Chuck Keiper
Maureen T. Frederick

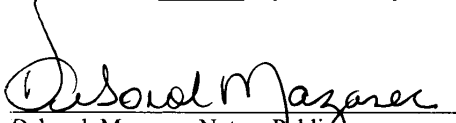
VERIFICATION

County of Portage)
) ss
State of Ohio)

I, **Christopher Smeiles**, being duly sworn, depose and state that I am the **President of the Portage County Board of Commissioners**, that my business address is **449 South Meridian Street, Ravenna, Ohio**, that I am authorized to verify the foregoing Notice of Exemption pursuant to 49 C.F.R. 1150.31 et seq in STB Finance Docket No. 34463 on behalf of Portage County, that I have examined all of the statements contained on the Notice, and all such statements are true and correct to the best of my knowledge, information and belief.


Christopher Smeiles
President
Portage County Board of Commissioners

Subscribed and Sworn to
Before me this 17th day of February, 2004.


Deborah Mazanec, Notary Public
My Commission expires July 14, 2008

DEBORAH MAZANEC, Notary Public
Residence - Portage County
State Wide Jurisdiction, Ohio
My Commission Expires July 14, 2008





[CAPTION SUMMARY]

SURFACE TRANSPORTATION BOARD

NOTICE OF EXEMPTION

FINANCE DOCKET NO. 34463

PORTAGE COUNTY BOARD OF COMMISSIONERS

ACQUISITION EXEMPTION

PORTAGE PRIVATE INDUSTRY COUNCIL, INC.

Portage County Board of Commissioners ("PC"), a non carrier, has filed a verified Notice of Exemption for PC to acquire approximately 7.23 route miles of trackage owned by Portage Private Industry Council, Inc. ("PPIC") between milepost 190.05 $\pm$ at Kent, Oh and milepost 182.82 $\pm$ near Ravenna, OH in Portage County, OH ("the Subject Line"). The subject line will continue to be operated Akron Barberton Cluster Railway Company ("ABCR").

An original and 10 copies of all pleadings referring to STB Finance Docket No. 34463 must be filed with the Surface Transportation Board, 1924 K Street, N.W., Washington, DC 20423-0001. In addition a copy of each pleading must be served on Keith G. O'Brien, Rea Cross & Auchincloss, Suite 570, 1707 L Street, N.W., Washington, DC 20036, (202) 785-3700.

This Notice is filed under 49 C.F.R. 1150. 31. If the notice contains false or misleading information, the exemption is void ab initio. Petitions to revoke the

exemption under 49 U.S.C. 10502 (d) may be filed at anytime. The filing of a petition to
revoke will not automatically stay the transaction.

Dated _____, 2004

Vernon A. Williams
Secretary