

# CLARK HILL

---

248200

Eric M. Hocky  
T 215.640.8523  
F 215.640.8501  
Email: ehocky@clarkhill.com

ENTERED  
Office of Proceedings  
July 16, 2019  
Part of  
Public Record

Clark Hill PLC  
One Commerce Square  
2005 Market Street  
Suite 1000  
Philadelphia, PA 19103  
T 215.640.8500  
F 215.640.8501  
clarkhill.com

July 16, 2019

## VIA E-FILING

Cynthia T. Brown  
Chief, Section of Administration  
Office of Proceedings  
Surface Transportation Board  
395 E Street SW  
Washington, DC 20024

Re: Seminole Gulf Railway, L.P. - Exempt Abandonment -  
In Sarasota County, Florida  
STB Docket No. AB 400 (Sub-No. 7X)

Dear Ms. Brown:

Pursuant to 49 C.F.R. §1152.29(h), Seminole Gulf Railway, L.P. (“SGLR”) as the owner and operator of the rail line being abandoned (and the lessee – from CSX Transportation, Inc. (“CSXT”) – of the underlying land), CSXT as the owner of the underlying land, and Sarasota County, as the holder of the NITU, hereby jointly notify the Board that the County closed on the acquisition and interim trail use of the 7.68-mile rail line extending between Milepost SW 890.29 on the north side of Ashton Road and Milepost SW 884.70, and between Milepost AZA 930.30 and Milepost AZA 928.21 located at the north side of State Highway 780 (Fruitville Road), partly within the City of Sarasota, and partly outside the City, under a Purchase and Sale Agreement, and Addenda (the “Agreement”). A map of the rail line is attached hereto as Exhibit A.

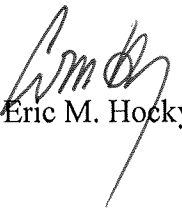
SGLR, CSXT and the County certify that the Agreement includes provisions requiring the County to fulfill the responsibilities described in 49 CFR §1152.29(a)(2) as was set forth in the Statement of Willingness by the County dated March 12, 2019, and attached hereto as Exhibit B.

Cynthia T. Brown  
Chief, Section of Administration  
July 16, 2019  
Page 2

The filing of this letter has been authorized by SGLR, CSXT and the County. Please let us know if there are any questions regarding this filing.

Respectfully,

CLARK HILL PLC



Eric M. Hocky

EMH/e

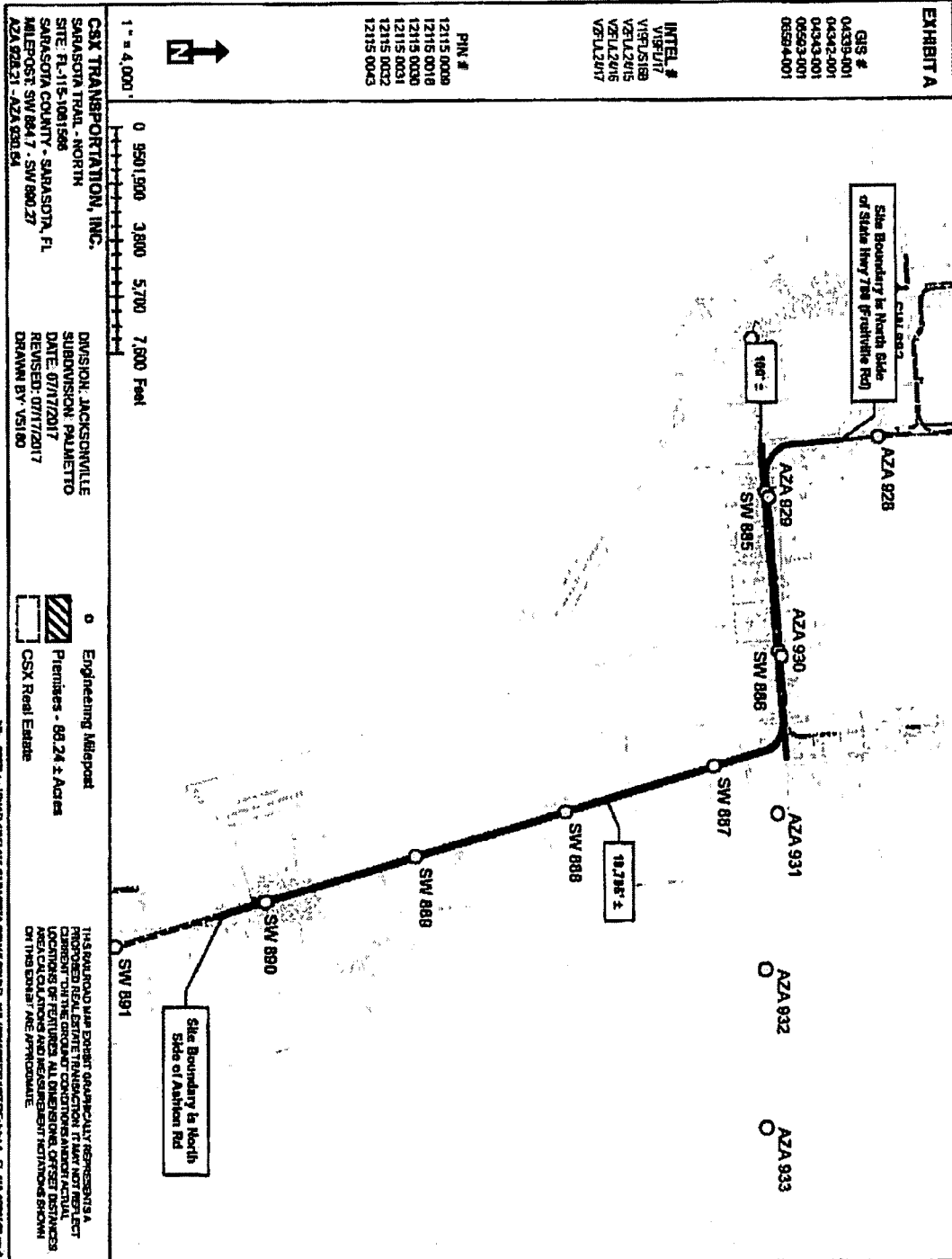
Enclosure

cc: Sarasota County  
Seminole Gulf Railway, L.P.  
CSX Transportation, Inc.

**EXHIBIT A**

**MAP**

# EXHIBIT "A"



**EXHIBIT B**  
**STATEMENT OF WILLINGNESS**



**SARASOTA COUNTY**  
"Dedicated to Quality Service"

**BOARD OF COUNTY COMMISSIONERS**

1660 Ringling Blvd., Sarasota, FL 34236  
phone: 941-861-5344 fax: 941-861-5987

March 12, 2019

Cynthia T. Brown  
Chief, Section of Administration Office of Proceedings  
Surface Transportation Board  
395 E. Street, SW Washington, DC 20024

Re: ***Seminole Gulf Railway, L.P. - Exempt Abandonment - In Sarasota County, Florida, STB Docket No. AB 400 (Sub No. 7X)***

Dear Ms. Brown:

This request is filed on behalf of Sarasota County, which is a political subdivision of the State of Florida, hereinafter referred to as "proponent." Proponent understands that in accordance with the Board's policy as set forth in 49 C.F.R. 1002.2(e)(1), any applicable filing fees will be waived by the Board for filings made by a local government entity such as Sarasota County.

Proponent requests issuance of a Public Use Condition as well as an Interim Trail Use Condition rather than an outright abandonment authorization for the rail line between Milepost SW 890.29 on the north side of Ashton Road and Milepost SW 884.70, and between Milepost AZA 930.30 and Milepost AZA 928.21 on the north side of State Highway 780 (Fruitville Road), partly lying within the City of Sarasota, Sarasota County, Florida, with the remainder lying within unincorporated Sarasota County, Florida, identified on Exhibit "A" attached.

**A. Request for Public Use Condition**

Proponent asks the STB to find that this property is suitable for other public use, specifically trail use, and to place the following conditions on the abandonment:

1. An order prohibiting the carrier from disposing of the corridor, other than the tracks, ties and signal equipment, except for public use on reasonable terms. Justification for this condition is the corridor would make an excellent recreational trail and conversion of the property to trail use is in accordance with local plans. In addition, the corridor provides open space

and its preservation as a recreational trail is consistent with those purposes. Further, the proposed trail would extend an inter regional trail network from the City of Sarasota, to the City of Venice as part of an existing 14.14 mile rails-to-trails facility to the south (The Legacy Trail). The time period sought is 180 days from the effective date of the abandonment authorization in order to allow time to consummate a trail use agreement with Seminole Gulf Railway on this rail corridor.

2. An order barring removal or destruction of potential trail-related structures such as bridges, trestles, culverts and tunnels. The justification for this condition is that these structures have considerable value for recreational trail purposes. The time period requested is 180 days from the effective date of the abandonment authorization for the same reason as indicated above.

#### **B. Request for Interim Trail Use.**

The railroad right-of-way in this proceeding is suitable for rail banking. In addition to the public use conditions sought above, proponent also makes the following request:

#### **STATEMENT OF WILLINGNESS TO ASSUME FINANCIAL RESPONSIBILITY**

In order to establish interim trail use and rail banking under Section 8(d) of the National Trails System Act, 16 U.S.C. §1247(d), and 49 CFR 1152.29, Sarasota County is willing to assume full responsibility for management of, for any legal liability arising out of the transfer of use of *(unless the user is immune from liability, in which case it need only indemnify the railroad against any potential liability)*, and for payment of any and all taxes that may be levied or assessed against the right-of-way leased and operated by Seminole Gulf Railway, L.P. (and owned by CSX Transportation, Inc. and its affiliate The Atlantic Land and Improvement Company).

The property, known as the North Legacy Trail Extension, Phase 2, extends between railroad Milepost SW 890.29 on the north side of Ashton Road and Milepost SW 884.70, and between Milepost AZA 930.30 and Milepost AZA 928.21 on the north side of State Highway 780 (Fruitville Road), partly lying within the City of Sarasota, Sarasota County, Florida, with the remainder lying within unincorporated Sarasota County, Florida, a total distance of 7.68 miles. The right-of-way is all of the line of railroad proposed for abandonment in STB Docket No. AB- 400 (Sub No. 7X).

A map depicting the right-if-way is attached as Exhibit A.

Sarasota County acknowledges that use of the right-of-way is subject to the user's continuing to meet its responsibilities described above and subject to possible future reconstruction and reactivation of the right-of-way for rail service.

Cynthia T. Brown  
March 12, 2019

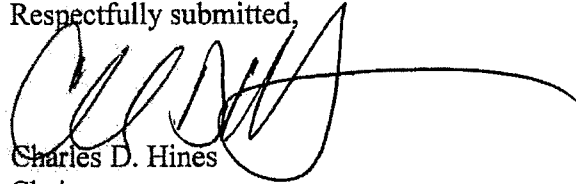
Page 3 of 3

By my signature below, I certify service of a copy of this request upon:

Seminole Gulf Railway, L.P.  
4110 Center Pointe Drive, Suite 207 Ft. Myers, Florida 33916

CSX Transportation, Inc. 500 Water Street, 1915  
Jacksonville, Florida 32202

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Charles D. Hines', with a long horizontal flourish extending to the right.

Charles D. Hines  
Chair

c: Seminole Gulf Railway, L.P.  
CSX Transportation, Inc.  
Sarasota County Commissioner  
Jonathan R. Lewis, County Administrator  
Brad E. Johnson, Assistant County Administrator  
Hayley A. Baldinelli, Manager, Property Management



# EXHIBIT "A"

