

# Stewart, Wald & McCulley recovers \$328,000 from the federal government on behalf of landowners in Kokomo, Indiana

KOKOMO, INDIANA, UNITED STATES, June 30, 2023 /EINPresswire.com/ -- [Stewart, Wald & McCulley](#), a Missouri law firm specializing in Rails-to-Trails litigation has recovered over \$328,000 from the federal government on behalf of landowners as a result of the Cloverleaf Rail Trail conversion in Kokomo, Indiana. This is Stewart, Wald & McCulley's second success for landowners in the area.



The landowners in these cases own(ed) land along a 2.38-mile stretch from milepost 181.26, at the west right-of-way line of Webster Street to milepost 183.64, at the south right-of-way line of Defenbaugh Street.

In the late 1800's and early 1900's Toledo, St. Louis & Western Railroad was granted an easement to establish rail service along portions of this 2.38 miles of railway. This line was most recently owned by Winamac Southern Railway Company and US Rail Holdings, LLC, who had the same easement rights for railroad purposes when the line was converted to a recreational trail.

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Landowners adjacent to the Cloverleaf Trail, who owned the land on August 24, 2017 are encouraged to contact SWM to pursue their claims. Opportunity to bring a claim is limited.”

*Michael J. Smith*

On July 6, 2017, Winamac Southern Railway Company and US Rail Holdings, LLC officially requested to use the defunct railroad corridor for the recreational trail. The Surface Transportation Board approved the project under the [National Trails System Act \(“Trails Act”\)](#) and issued a

[Notice of Interim Trail Use](#) on August 24, 2017. The Trails Act permits the conversion of abandoned railroad corridors into nature and hiking trails, which simultaneously preserves the right of way for possible future railroad use, a federal process known as railbanking. The process prevents the land burdened by the railroad easement from reverting to the adjoining

landowners, and gives the trail sponsor a new easement, thereby blocking the rights of the landowners to regain their property within the corridor.

Stewart, Wald & McCulley filed the lawsuit, TBS Properties, LLC v. United States, Case No. 21-1564, in the United States Court of Federal Claims on July 12, 2021. After almost 2 years of litigation, the landowners reached a settlement with the federal government. Stewart, Wald & McCulley, LLC had also previously brought a case in this area, Hazen XXVI, LLC v. United States, Case No. 17-1794, in the United States Court of Federal Claims on November 15, 2017. As of May 2023, between the two cases, twenty-six landowners have received settlement payments with a combined recovery of over \$328,000.

Following their successes, Stewart, Wald & McCulley has filed a subsequent lawsuit bringing Trails Act claims for additional landowners who were not part of the 2017 or 2021 litigation, Thomas D. Heflin v. United States, Case No. 23-818 in the United States Court of Federal Claims was filed on June 5, 2023. Attorney Michael J. Smith states "Landowners adjacent to the Cloverleaf Trail, who owned the land on August 24, 2017 are encouraged to contact Stewart, Wald & McCulley to pursue their claims. Opportunity to bring a claim is limited, as the statute of limitation will bar future claims as of August 24, 2023."

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