Pumpkinvine Nature Trail

Volume 3, No. 2, Summer 1994

Fifty Friends enjoy spring trail hike

by Cathy Stoner

Fifty eager hikers, including children in slings and snugglies and on foot, gathered at Abshire Park in Goshen for the March 19 spring trail hike on the 1.75-mile demonstration section of the Pumpkinvine Nature Trail. The group was led by naturalist Merle Jacobs, who encouraged walkers to keep eyes peeled for flora and fauna such as wild cucumber vine and sassafras trees. The crisp clear weather brought a preview of spring, and those assembled were ready to enjoy the first of many pleasurable walks along the trail.

But before the group set off, the unofficial leaders of the hike emerged: Clarence Yoder (Friends board treasurer) and Brent Cummings (a board member who works for the Elkhart County Sheriff's Department). They carried a bolt cutter and warned walkers that the berry brambles would not be the only thorny part of the trek. Several people whose property adjoins the trail were expected to block the way at at least one point. The group was advised not to antagonize these adjacent landowners who dispute the validity of the Friends' title to the old railroad corridor.

They carried a bolt cutter and warned walkers that the berry brambles would not be the only thorny part of the trek.

So the walk began with some trepidation about

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National and state officials visit Friends

by John D. Yoder

Officials of the National Park Service (NPS) say the Pumpkinvine has the potential to make an excellent trail. Paul Labovitz and Rory Robinson of the Rivers, Trails and Conservation Assistance Program of the National Park Service made that assessment after learning more about the trail during an April 18-20 consultation. Also participating in part of the three-day consultation were Tom Kidd and Otto Jose of the Streams and Trails section of the Indiana Department of Natural Resources (IDNR) Division of Outdoor Recreation.

The four men talked with local officials and park department personnel about the community,

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June 4th was National Trail Days

by Donald C. Boyer, Trail Day Coordinator

As part of this national event, we opened a short section of the trail to the public. Turnout was good and most were not yet members. Our visitors came to see for themselves what this trail was all about. After experiencing the trail, most expressed surprise about just how beautiful it was.

Event helpers were Merle & Elizabeth Jacobs, Myron Yoder, Mike Bontrager, and Rich Hackie.

One other important thing did *not* occur during the trail walk. There was no harassment by our opposition. Maybe the day will come that they will join us in building this trail. Until then we will negotiate and compromise, but we will not be intimidated to stray off our trail.●

Upcoming Friends Events

July 22-30

Elkhart County 4-H Fair. Lots of volunteers are needed to staff our booth for two-hour shifts. This is a great opportunity to meet other people who are interested in the trail. To volunteer, call Quinn Holdeman, Jr., at 825-7258.

TBA Trail cleanup. Check for announcements in local media for date and time to clear away more of the brush and overgrowth on the trail.

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- Two Board Resignations
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Friends of the Pumpkinvine Nature Trail are cyclists, hikers, equestrians, and naturalists who by education and fund raising support the area park departments in their effort to create a linear park for non-motorized transportation, recreation, and nature study on the former Penn Central corridor between Goshen and Shipshewana, Ind.

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Quiet title action update

by Galen Kauffmann

As many of you are aware the Friends of the Pumpkinvine Nature Trail, Inc. are currently involved in a quiet title action against several landowners adjacent to the trail. This quiet title action was filed in Elkhart County Superior Court #3 in January of 1994 against a number of adjacent landowners between State Road 4 and County Road 28. It was decided early on that this 1.75 mile stretch would make an ideal demonstration section which could be developed to give local residents a taste of what the entire trail could be like.

Being aware that various adjacent owners were claiming ownership of the corridor under a variety of legal theories, it was decided that a quiet title action would be in the best interests of all involved to establish ownership once and for all. A quiet title action is a legal tool whereby a plaintiff can establish clear title to land by bringing into court an individual making an adverse claim of ownership and there compelling him either to establish his claim or forever be stopped from asserting it.

The action was initially filed against eighteen adjacent owners including seventeen individuals and one farm corporation. Early in the proceedings nine of these individuals dropped out of the suit either by having quitclaimed any interest they might have to the Friends or by failing to defend their interests and thereby losing by default their right to claim ownership. More recently six more defendants, representing three households, and one farm corporation, have dropped out. Currently there is only one individual still active as a defendant in the case.

During the course of this suit the defendants, through their attorney, have failed to meet several key deadlines for production of documents and other information. New deadlines were set in early June for the defense attorney to deliver the requested information to the Friends attorneys or risk losing the suit by default. At the time of the writing of this article it appears that these deadlines have been met. Both sides have filed Motions for Summary Judgement in regards to the legal sufficiency of the deeds held by both the remaining defendant and the Friends. A hearing on these Motions is scheduled for June 29 in Superior Court #3 in Goshen.

The team of attorneys representing the Friends is made up of James Brotherson of Chester, Pfaff & Brotherson, Elkhart, Indiana, and James Byron and Charles Grodnik of Thorne, Grodnik, Ransel, Duncan, Byron & Hostetler, Elkhart, Indiana.' These three, and others in their firms, have devoted an enormous amount of time to lead the Friends in this process, and are providing this service completely free of charge. The Board of Directors is aware that we could not begin to pay for the excellent representation that they have given us. Please feel free to drop them a note of appreciation and be sure to patronize their firms when the need for legal representation arises.●

Annual meeting report

About fifty members attended the second annual meeting of the Friends of the Pumpkinvine Nature Trail, Thursday, April 21, at Schrock Pavilion in Goshen's Shanklin Park. The group discussed the major events of the past year: buying the railroad corridor from Penn Central, filing a quiet title action against adjacent landowners, and meeting with representatives of the National Park Service.

The group also honored four volunteers for their outstanding service to the Friends. Attorneys James Brotherson and James Byron of Elkhart received a standing ovation in recognition of their many hours of pro bono work on behalf of the Friends. Board president John Yoder told the group, "You cannot believe the amount of research and time these two gentlemen have devoted to this rails-to-trails project. Their contribution has been invaluable."

Also recognized for their important contribution to the nature trail project were husband and wife Merle and Elizabeth Jacobs of Goshen. Merle, a retired Goshen College Zoology professor, has done extensive study of the wildlife along the trail. Elizabeth spent weeks researching deeds of adjacent landowners, and so made a vital contribution to the timely filing of the quiet title action.

Each of the four volunteers of the year was presented with a ceramic plate handcrafted by Dick Lehman, featuring the new Friends of the Pumpkinvine logo.

The group elected four new board members to two-year terms. They are Eric Amt and Anthony Warning of Elkhart, Larry Hahn of Wakarusa, and Myron Yoder of Goshen.

Before the meeting adjourned, members met with the committee of their choice to plan upcoming events and discuss ideas for helping the Friends of the Pumpkinvine Nature Trail.●

Fifty Friends (continued from page 1)

the impending encounter. But that was not to overshadow the trail's beauty and promise. Dr. Jacobs pointed out several kinds of vegetation along the way, and walkers mused about future bike and ski trips on the path. When the group reached the trail block, they found railroad ties and piles driven into the ground across the way and the whole fence strung full of barbed wire. As the bolt cutters were applied, a few comments were exchanged about who was trespassing on the railroad bed, and video cameras on both sides recorded the faces of all present. But the walkers picked their way uneventfully through a cut in the wire and around a woman partially blocking the opening.

The group reached the halfway point of the hike at Butts Lake, where tripods with telescopes were set up so people could view Canada geese, lesser scaup, mallards, and other waterfowl. Then hikers retraced their steps along the trail, which despite cleanup efforts was still laced with jagger bushes. They returned to find the opening in the fence redecorated with more barbed wire and bright orange safety flags. This drew some comments about how considerate the trail blockers were.

The hike sparked imaginations and gave a foretaste of many enjoyable days to come on the trail. And most people had enough thorns in socks and pantlegs to inspire them to come out for the April 23 Earth Day celebration and trail cleanup. ●

Officials visit Friends (continued from page 1)

the trail, and the issues involved in the trail project. They met with the Friends board and gave helpful advice based on their experience with other trail projects. Labovitz and Robinson also walked on the demonstration section of the trail.

A highlight of their visit was a meeting with some residents adjacent to the trail to hear their concerns. Most members of the Friends board were present. The meeting was a valuable opportunity to interact and become acquainted with people who for the most part have not been trail supporters. The Friends board will address these residents' concerns through personal consultation, planning and design documents, and other public meetings with NPS staff.

When asked to compare it with similar trail projects, Labovitz and Robinson mentioned several strengths of the Pumpkinvine project:

1. The Friends have purchased the trail. Many groups have taken much longer to do so.
2. The Friends have a strong organization.
3. The Friends have access to decision makers in the community.
4. The Indiana Department of Natural Resources is interested in the project and the Friends can draw on their expertise.
5. The Friends have a good product to "sell." The trail has the right length, topography, and community to make it a success.
6. The Friends have excellent legal counsel.

The time spent with NPS and IDNR staff was useful. Their experience with other trail projects gave the Friends board a broader perspective on trail issues.

More consultations are planned for later this summer. ●

Friends participate in Great Race Expo

For the third year the Friends of the Pumpkinvine Nature Trail participated in the Great Race Expo sponsored by The Elkhart Truth. On Saturday, April 2, at the Concord Mall, volunteers provided information about the progress of the trail, gathered signatures on petitions, and sold T-shirts to benefit the Friends of the Pumpkinvine. This annual event keeps the local community informed about activities of the Friends. People who volunteered their time at the expo were Bob Garricho, Kathleen Hackel, Frank and Trudy Herkenroder, Joe Lehman, and Jim Stickle. ●

A report from the president

You may have heard about our decision in March to withdraw an application for federal funds to develop the Pumpkinvine Nature Trail. I'd like to explain how that happened.

Since last fall, the Friends of the Pumpkinvine Nature Trail, Inc., had been planning to ask the Elkhart County commissioners to sign an application for funds from the Intermodal Surface Transportation Efficiency Act (ISTEA) to develop the demonstration section of the Pumpkinvine. ISTEA contains funds specifically set aside for transportation enhancements like the preservation of abandoned railway corridors and bicycle-pedestrian facilities. The law says that these funds cannot be used to build roads or bridges and that if a state does not fund enhancement projects it can lose highway funds.

We had received assurances from the Federal Highway Administration (FHA), the Indiana Department of Transportation (INDOT) and the Michiana Area Council of Governments (MACOG) that we were eligible to receive these funds, if the highest elected official in the local public agency signed the application. In fact, it was an official of the FHA who suggested we could develop the trail with ISTEA funds as a private group in October 1993 an idea I had never considered up to that point.) In fact it was the FHA person in Indianapolis who suggested we apply as a private group in the first place.

However, as with any new law, misunderstandings occur. On March 10 we learned from the Indiana Department of Transportation that a private group can not apply for ISTEA funds–a position that completely reverses what they had told us in the fall. A local public agency city, town or county government must own the land to receive ISTEA funds.

The upshot of all of this is that we will need to wait until we have formed a solid partnership with a local public agency (who would own the land) before we apply for ISTEA funds again. Those agencies are still rightly concerned about clarifying ownership and ongoing maintenance costs issues we have and are addressing. For our part, we believe we will accomplish many things that we couldn't if we gave the land away right now.

Meanwhile, we have plenty to keep us occupied this year.

1. Clearing a walking path through the demonstration section from S.R. 4 to C.R. 28;
2. Working with the city of Goshen to develop its demo section beside Abshire Park;
3. Holding meetings with adjacent residents and the staff from the National Park Service;
4. Doing preliminary engineering and environmental study of Pumpkinvine (something required for ISTEA);
5. Working to sandblast and plank the bridge over Rock Run Creek;
6. Continue fundraising to pay off our debt.

This last point requires further explanation. We have unfinished financial business that requires our attention. In order to close the gap between the contributions we received and the $100,000 purchase price of the Pumpkinvine corridor, we borrowed $33,000 in December 1993.

In the following months we've had additional expenses that come with being landowners, too: interest on our loan, insurance costs, taxes, a survey to establish the trail boundary at S.R. 4 and direct legal expenses. Even though we are extremely fortunate to be receiving free legal counsel from the firms of Chester, Pfaff and Brotherson and Thorne, Grodnik, Ransel, Duncan, Byron & Hostetler, there are still legal expenses associated with quieting the title on the demonstration section, e.g., filing fees and the cost of a court recorder to take depositions.

Our goal for the next three months is to pay off our debts and keep up with day-to-day expenses. We're looking to our friends to help achieve those goals. (In addition, we will be approaching foundations, businesses and some individuals for contributions.)

Think about becoming a trail founder with a $500 contribution. Join the more than 60 members who have already given $500 or more to the Friends. We will recognize your gift by inscribing your name on a special Founder's plaque to be placed at the trailhead in Goshen. It's a legacy to our community you can be proud of.

Whatever your level of financial support, we are grateful. ●

Four trail walks planned

Join other Friends for nature walks on the Pumpkinvine demonstration section this summer and fall. Meet at Abshire Park in Goshen at 2 p.m. The dates are: July 10, Aug. 7, Sept. 11 and Oct. 16. Bring good walking shoes, a camera and binoculars for birdwatching. Naturalist Merle Jacobs will lead the walks.●

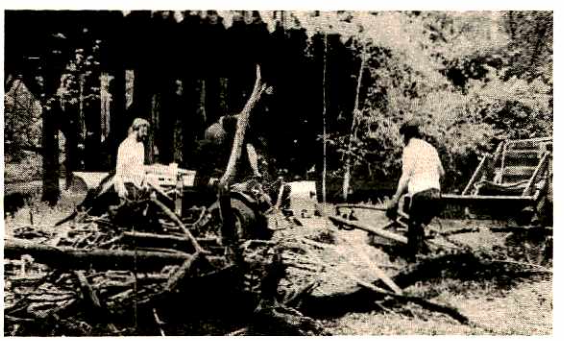
The Pumpkinvine railroad trestle bridge after a day of hard work.

Photos by Myron Yoder

Cleaning Up Our Bridge

Four people spent Saturday, May 14, cleaning up debris around a Pumpkinvine railroad trestle bridge over the Little Elkhart River in Middlebury, Indiana. The cleanup was a cooperative effort, with workers from the Friends of the Pumpkinvine (board members Mike Bontreger and Myron Yoder), the Friends of the Elkhart River, and the city of Middlebury.

Clutter under the trestle bridge the morning of the 14th.



Stages along the way– Sam _____, Derek Hart, and Mike Bontreger (pictured left to right).

Mike Bontreger

Two board members resign

The board of the Friends of the Pumpkinvine Nature Trail accepted the resignations of two board members who have served faithfully for the last three years.

Chet Peachey of Goshen was one of the original board members, and has been the board's secretary. Peachey says time constraints led to his decision to resign, but he plans to continue to support the Pumpkinvine project as his time allows.

Sharol Raber of Bristol has helped the Friends in many ways, organizing volunteers for special events, and providing valuable insight to the board from her experience on the board of the Elkhart County Parks & Recreation Department.

Our hearty thanks to Chet and Sharol for their years of hard work for the Friends.●

Recent Contributors

The following people and organizations have recently made contributions to the Friends of the Pumpkinvine Nature Trail, Inc. Names in bold type are Founders, who contributed $500 or more.

Best Western Inn
Coachmen Industries, Inc.
Michiana Bicycle Association
Modern Educational Systems, Inc.

Eric C. Amt
Dennis G. Bailey
Rex & Janice Baker
Glen & Carol Bixler
Joe & Jill Blocker
Wendy Brinson
Art & Joyce Chapman
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Gregg Nussbaum & Judy Snyder
Dick & Jennie Plawecki
Michael Roth
Lisa Stauffer
Loren & Miriam Stauffer
Glenn & Geneva Stoltzfus
Bart Timm
Robert & Anne Toth
Benjamin Violette
Robert and Esther Wert
Barbara A. Witter

Is it time to renew your membership?

If the date on the label of this newsletter has passed, it's time to renew your membership in the Friends of the Pumpkinvine Nature Trail. Membership levels are:

___ Individual	$15	___ Contributing	$100
___ Family	$25	___ Patron	$250
___ Sustaining	$50	___ Founder	$500

Founding members will receive special recognition at the trailhead in Goshen. For your contribution you receive the Friends newsletter, and you join the circle of Friends dedicated to creating a unique asset for our community, the Pumpkinvine Nature Trail.

Send your renewal to: Friends of the Pumpkinvine Nature Trail, PO Box 392, Goshen, IN 46527.

Address correction requested

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