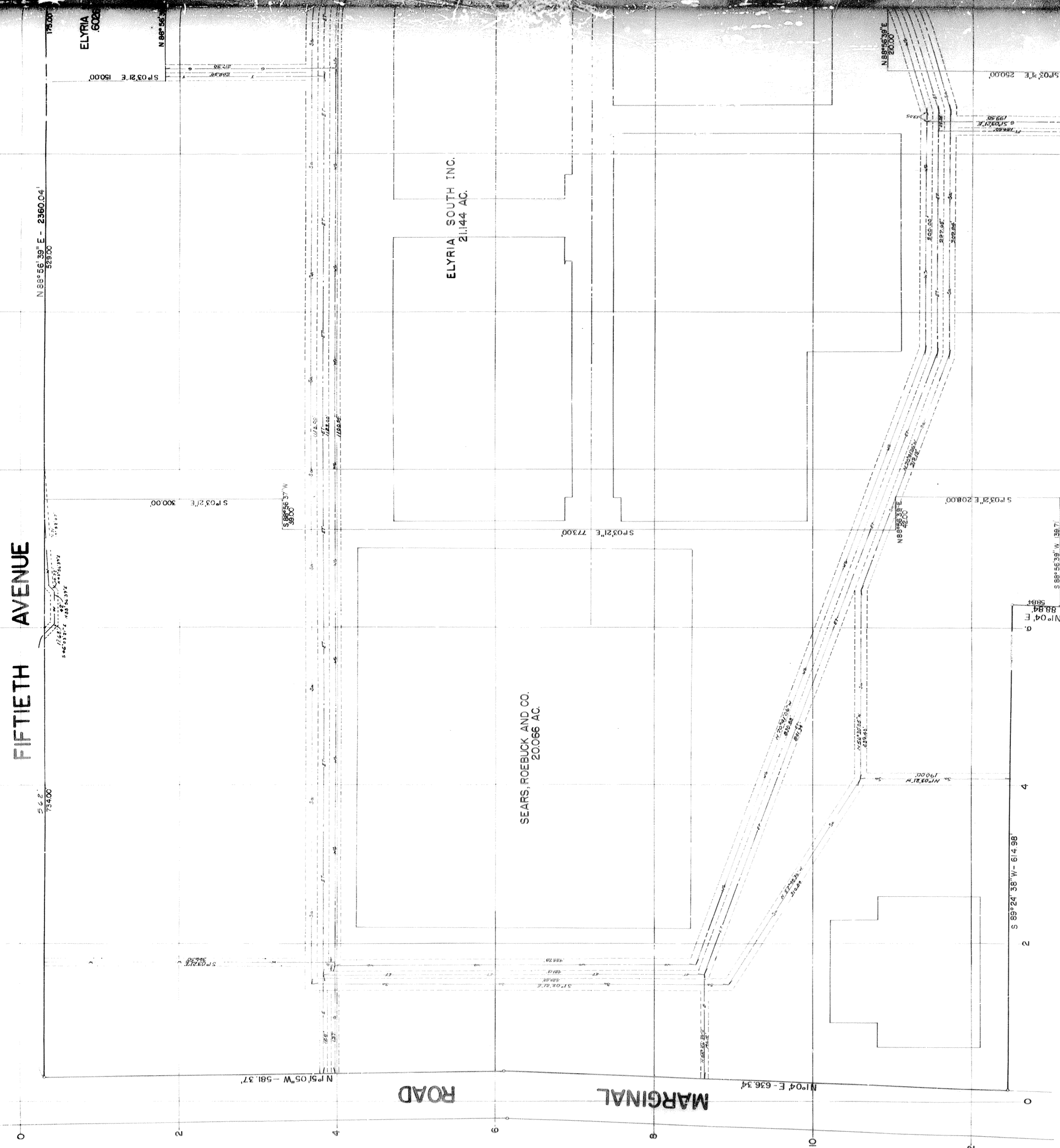


UTILITY EASEMENTS IN MIDWAY MALL



OHIO STATE ROUTE 57

For re-recording see Plat Vol. 24 Pgs. 41-41A # 682516
OR Vol 410 # 138928 pg 24

The undersigned
Sears, Roebuck and Co. (New York Corporation), by H.A. Benthin, Vice President, William J. Coughlin, Assistant Secretary
The Higbee Company (Delaware Corporation), by
Elyria North Inc. (Ohio Corporation), by
Elyria South Inc. (Ohio Corporation), by
Richard E. Waseby, Vice President and David H. Waseby, Asst. Sec.
Richard E. Waseby, Vice President and David H. Waseby, Asst. Sec.

The easement rights hereby granted unto the City of Elyria, to the use of the owners of the various public utilities, and their successors and assigns as may from time to time supply the various services, are limited for use for the designated purposes only, for the construction, maintenance, and repair of facilities to supply sanitary sewer, water, gas, electric, and telephone services, together with such rights of access to the designated easement areas from areas alongside and exterior there to, as may be reasonably necessary for the utilization of the easement areas, such granted rights being subject to the right of the grantors, their successors and assigns, which right is hereby expressly reserved to make, in any such facilities as they may from time to time deem necessary or advantageous for the use and development of their respective properties, and further subject to the right of each of the grantors, their respective successors and assigns, at any time to relocate the above granted easements on their respective properties at their sole cost and expense, it being understood that such right will be exercised in conformity with the normal rules and regulations then currently governing the use of such facilities as established by the owners thereof. Said easement rights are granted on condition that in the event any grantee of such rights later furnishing other adequate facilities to supply the above described utility services ceases to use any portion of said easement areas for the purposes herein above set forth for a period of one (1) year, the rights herein granted with respect to such portion of said easement areas shall terminate as to such grantee and be of no further force or effect.

WITNESSES
SEARS, ROEBUCK AND CO.
H.A. Benthin, Vice President
William J. Coughlin, Assistant Secretary

WITNESSES
THE HIGBEE CO.
H.A. Benthin, Vice President
William J. Coughlin, Assistant Secretary

WITNESSES
ELYRIA NORTH, INC.
Richard E. Waseby, Vice President
David H. Waseby, Asst. Sec.

WITNESSES
ELYRIA SOUTH, INC.
Richard E. Waseby, Vice President
David H. Waseby, Asst. Sec.

State of Illinois
County of Cook

Before me, a Notary Public in and for said county, personally came H. A. Benthin, Vice President of Sears, Roebuck and Co. and William J. Coughlin, Assistant Secretary of Sears, Roebuck and Co. who acknowledged the signing of the foregoing instrument as their voluntary act and deed and as the voluntary act and deed of Sears, Roebuck and Co. for the uses therein expressed.

State of Ohio
County of Cook

Before me, a Notary Public in and for said county, personally came H. A. Benthin, Vice President of Sears, Roebuck and Co. and William J. Coughlin, Assistant Secretary of Sears, Roebuck and Co. who acknowledged the signing of the foregoing instrument as his voluntary act and deed and as the voluntary act and deed of The Higbee Co. for the uses therein expressed.

State of Ohio
County of Cook

Before me, a Notary Public in and for said county, personally came Richard E. Waseby, Vice President and David H. Waseby, Asst. Sec. of Elyria North, Inc. who acknowledged the signing of the foregoing instrument as his voluntary act and deed and as the voluntary act and deed of Elyria North, Inc. for the uses therein expressed.

State of Ohio
County of Cook

Before me, a Notary Public in and for said county, personally came Richard E. Waseby, Vice President and David H. Waseby, Asst. Sec. of Elyria South, Inc. who acknowledged the signing of the foregoing instrument as his voluntary act and deed and as the voluntary act and deed of Elyria South, Inc. for the uses therein expressed.

