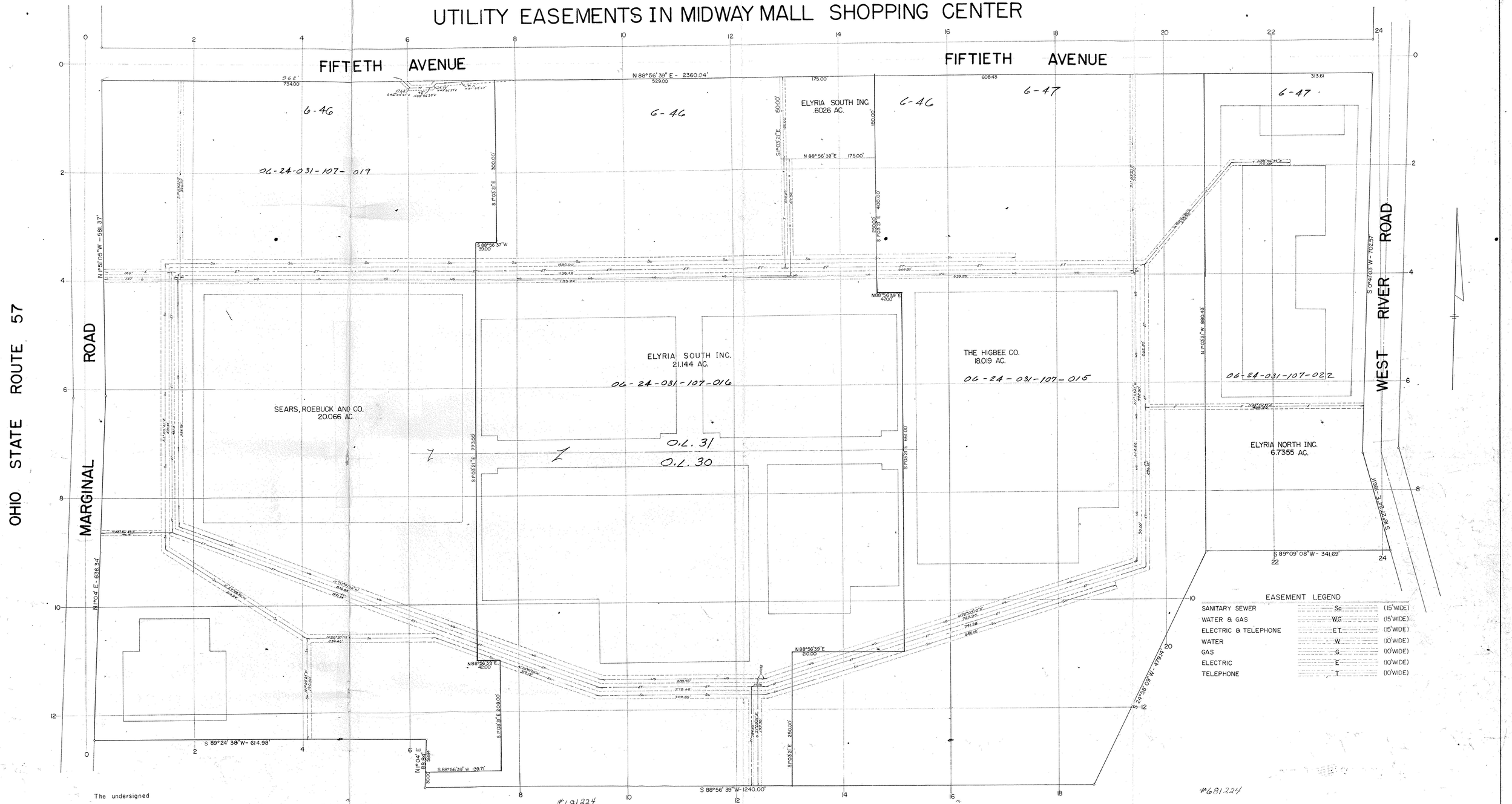
UTILITY EASEMENTS IN MIDWAY MALL SHOPPING CENTER



EASEMENT LEGEND

SANITARY SEWER	Sa	(15' WIDE)
WATER & GAS	W/G	(15' WIDE)
ELECTRIC & TELEPHONE	E.T.	(15' WIDE)
WATER	W	(10' WIDE)
GAS	G	(10' WIDE)
ELECTRIC	E	(10' WIDE)
TELEPHONE	T	(10' WIDE)

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 Richard E. Jacobs, V. Pres. and David H. Jacobs, Ass't. Sec.

Elyria South Inc. (Ohio Corporation), by Richard E. Jacobs, V. Pres. and David H. Jacobs, Ass't. Sec.

duly authorized in the premises by actions of their respective Boards of Directors, hereby certify that rights in the Utility Easement, as designated hereon, are hereon granted for the designated uses.

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 taps 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 (after 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 forth with terminate as to such grantee and be of no further force or effect.

WITNESSES — SEARS, ROEBUCK AND CO.

H. A. Benthin — Vice President

Assistant Secretary

State of Illinois, County of Cook } S.S.

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

In witness whereof I have hereunto set my hand and affixed my official seal this 19th day of July 1965.

Notary Public

My Commission Expires Nov. 8 1966

WITNESSES — THE HIGBEE CO.

State of
County of

Before me, a Notary Public in and for said county personally came

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.

In witness whereof I have hereunto set my hand and affixed my official seal this day of 1965.

Notary Public

WITNESSES — ELYRIA NORTH, INC.

Richard E. Jacobs — V. Pres.

David H. Jacobs — Ass't. Sec.

State of Ohio
County of

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

In witness whereof I have hereunto set my hand and affixed my official seal this 19th day of July 1965.

Notary Public

WITNESSES — ELYRIA SOUTH, INC.

Richard E. Jacobs — V. Pres.

David H. Jacobs — Ass't. Sec.

State of Ohio
County of

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

In witness whereof I have set my hand and affixed my official seal this 19th day of July 1965.

Notary Public

Approved this 5th day of NOVEMBER, 1965

City Engineer, Elyria, Ohio

Approved this 5th day of NOVEMBER, 1965

Safety Service Director, Elyria, Ohio

Approved and accepted by Ordinance No. 69-99 passed on this 6th day of JULY, 1965. Wherein the Utility Easements granted as shown and designated on the plat hereon, are accepted as such by the Council of the City of Elyria, Lorain County, Ohio.

In witness whereof I have hereunto set my hand and affixed my official seal this 5th day of NOVEMBER, 1965.

City Clerk, Elyria, Ohio

#682516

11:06 A.

Transferred this day of 1965

Auditor, Lorain County, Ohio

Filed for record this day of JUL 1965, at 2:34 P.M.

Recorded this day of NOV 1965, in Plat Book 24 Page 39

Fee $ 8.64

LORAIN COUNTY OHIO

Recorder, Lorain County, Ohio

File No. 681224

Deputy Recorder

Scale 1" = 60

We hereby certify that the plat information hereon, with respect to Utility Easements granted as shown and designated, is correct.

H.G. DILL CO., CONSULTING ENGINEERS

By Norman S. Tuber

Registered Surveyor No. 4813

Plat 24 41-41A

#8.64

.50 m.e.