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EASEMENT

THIS INDENTURE made this seventh day of June, A. D. 1943, between THE DEPARTMENT OF AGRICULTURE OF THE STATE OF MICHIGAN, ACTING BY AND THROUGH THE COMMISSIONER OF AGRICULTURE, hereinafter called the "Commissioner", of the first part, and GRAND TRUNK WESTERN RAILROAD COMPANY, a corporation of the States of Michigan and Indiana, having its principal offices at Detroit, Michigan, hereinafter called the "Grand Trunk", of the second part,

RECORDED IN 1943 IN 204
BERNARD J. ... Registrar of Deeds
WAYNE COUNTY, MICHIGAN

WITNESSETH THAT:

WHEREAS by agreement between the parties hereto dated the 23rd day of September, A. D. 1939, in connection with an agreement between the Michigan State Highway Department, the City of Detroit, and the Grand Trunk, providing for the construction of a grade separation at the intersection of State Fair Avenue and the Grand Trunk's right-of-way and tracks in the City of Detroit, Michigan, it was agreed, among other things, that the Grand Trunk would arrange to have the Industrial Land Company, a subsidiary, convey by warranty deed to the State of Michigan a certain triangular parcel of land, therein described, and that, in consideration thereof, first party would, through the Commissioner of Agriculture, grant to the Grand Trunk the easements hereinafter described and granted, and

WHEREAS the said Industrial Land Company has now conveyed said triangular parcel of land to the State of Michigan by warranty deed in accordance with the provisions of said agreement and the Grand Trunk has requested the Commissioner to

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grant to it the said easements in accordance with the provisions of said agreement, and

WHEREAS the following described lands over which an easement is granted are state lands, being a part of the Michigan State Fair grounds and the purpose and object of this easement is to permit the Grand Trunk to operate its railroad on account of the changes made necessary by the separation of the grades at State Fair Avenue for the convenience of the public and the service, convenience and benefit to the State in the operation of the State Fair, and

WHEREAS authority to execute this easement has been conferred by Public Act No. 63 of 1943 for the State of Michigan.

NOW, THEREFORE, The Department of Agriculture of the State of Michigan, acting by and through the Commissioner of Agriculture, first party, and pursuant to the authority conferred by said Public Act No. 63 of the Laws of the State of Michigan for 1943, for and in consideration of the sum of One Dollar (\$1.00), the receipt of which is hereby confessed and acknowledged, and of the said agreement of September 23, 1939, above mentioned, and the conveyance of the property above referred to by the Industrial Land Company, a subsidiary of the second party hereto, and the benefits and service to be derived by said first party, hereby grants unto Grand Trunk Western Railroad Company, second party, certain user easements, so-called, to run with the land, but limited in duration as hereinafter set forth, of the following described three parcels of land adjacent and parallel to the Grand Trunk's right-of-way at and near its intersection with the State Fair Avenue in the City of Detroit, Wayne

County, Michigan, to be occupied by embankments of filling material necessary to laterally support the roadbed and tracks of the Railroad Company, and incidental uses relating thereto in connection with and as a part of the construction of a grade separation at the said intersection of State Fair Avenue and the Grand Trunk's right-of-way and tracks in the City of Detroit, said three parcels of land being more particularly described as follows, to-wit:

Land located in the City of Detroit, Wayne County, Michigan, as follows:

PARCEL 1.

A parcel of land 10 feet in width adjacent to the westerly property line of the Grand Trunk Western Railroad Company and southerly from State Fair Avenue, in the N. W. $\frac{1}{4}$ of N. E. $\frac{1}{4}$ of the S. E. $\frac{1}{4}$ of Section 2, T. 1 S., R. 11 E., Greenfield Township, Wayne County, Michigan, more particularly described as:

Commencing at the intersection of the southerly line of State Fair Avenue and the westerly property line of the Grand Trunk Western Railroad Company, described as being 50 feet westerly at right angles from and parallel to the center line of the present westward main track of the railroad; thence westerly along the southerly line of State Fair Avenue a distance of 11.59 feet to a point which is 10 feet westerly of the westerly property line of the railroad measured at right angles therefrom; thence southeasterly in a straight course parallel with the said westerly property line of the railroad a distance of 280.19 feet to a point; thence easterly parallel with the southerly line of the State Fair Avenue a distance of 11.59 feet to a point in the aforesaid westerly property line of the railroad; thence northwesterly on the westerly property line of the railroad a distance of 280.19 feet to point of beginning, containing an area of .064 acres, more or less.

PARCEL 2.

A parcel of land 15 feet in width adjacent to the easterly property line of the Grand Trunk Western Railroad Company north of State Fair Avenue, in the east 1/2 of the S. W. 1/4 of the N. E. 1/4 of Section 2, T. 1 S., R. 11 E., Greenfield Township, Wayne County, Michigan, more particularly described as:

Commencing at the intersection of the easterly north and south 1/8 line of Section 2, and the easterly property line of the Grand Trunk Western Railroad, described as being 34 feet easterly at right angles from and parallel to the center line of the present westward main track of the railroad; thence in a northwesterly direction on the said easterly property line of the railroad a distance of 1101.12 feet to a point in the northerly east and west 1/8 line of said section 2; thence easterly on said 1/8 line a distance of 17.15 feet to a point; thence in a southeasterly direction parallel with and distant 15 feet easterly measured at right angles from the easterly property line of the railroad a distance of 1001.76 feet to a point in the easterly north and south 1/8 line of said section 2; thence easterly on said 1/8 line a distance of 1101.12 feet to the point of beginning, containing an area of 0.3 acres, more or less.

A parcel of land 15 feet in width adjacent to the easterly property line of the Grand Trunk Western Railroad Company north of State Fair Avenue, in the east 1/2 of the S. W. 1/4 of the N. E. 1/4 of Section 2, T. 1 S., R. 11 E., Greenfield Township, Wayne County, Michigan, more particularly described as:

Commencing at the intersection of the easterly north and south 1/8 line of Section 2, and the westerly property line of the Grand Trunk Western Railroad, described as being 34 feet easterly at right angles from the center line of the present westward main track of the railroad; thence in a northwesterly direction on the said westerly property line of the railroad a distance of 1101.12 feet to a point in the northerly east and west 1/8 line of said section 2; thence westerly on said 1/8 line a distance of 17.15 feet to a point; thence in a southeasterly direction parallel with and distant 15 feet easterly measured at right angles from the westerly property line of the railroad a distance of 1001.76 feet to a point in the westerly north and south 1/8 line of said section 2; thence westerly on said 1/8 line a distance of 1101.12 feet to the point of beginning, containing an area of 0.3 acres, more or less.

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PARCEL 2.

A parcel of land 15 feet in width adjacent to the easterly property line of the Grand Trunk Western Railroad Company north of State Fair Avenue, east $\frac{1}{4}$ of the S. W. $\frac{1}{4}$ of the N. E. $\frac{1}{4}$ of Section 2, T. 1 S., R. 11 E., Greenfield Township, Wayne County, Michigan, more particularly described as:

Commencing at the intersection of the east and south $\frac{1}{8}$ line of Section 2, and the easterly property line of the Grand Trunk Western Railroad, described as being 34 feet easterly at right angles from and parallel to the center line of the westward main track of the railroad; thence in a northwesterly direction on the said easterly property line of the railroad a distance of 1102.12 feet to a point in the northerly east and west $\frac{1}{8}$ line of said Section 2; thence easterly on said $\frac{1}{8}$ line a distance of 17.19 feet to a point; thence in a southeasterly direction parallel with and distant 15 feet easterly measured at right angles from the easterly property line of the railroad a distance of 1067.76 feet to a point in the aforesaid easterly north and south $\frac{1}{8}$ line; thence southerly on said $\frac{1}{8}$ line a distance of 22.99 feet to the point of beginning, containing an area of 0.374 acres, more or less.

PARCEL 3.

A parcel of land 20 feet in width adjacent to the westerly property line of the Grand Trunk Western Railroad Company north of State Fair Avenue, in the E. $\frac{1}{4}$ of the S. W. $\frac{1}{4}$ of the N. E. $\frac{1}{4}$ of Section 2, T. 1 S., R. 11 E., Greenfield Township, Wayne County, Michigan, more particularly described as:

Commencing at the intersection of the easterly north and south $\frac{1}{8}$ line of Section 2, and the westerly property line of the Grand Trunk Western Railroad, described as being 38 feet westerly at right angles from and parallel to the center line of the present westward main track of the railroad; said point being 236.61 feet north of the center line of State Fair Avenue, said center line being also the east and west $\frac{1}{4}$ line of section 2; thence in a northwesterly direction on the westerly property line of the railroad a distance of 642.39 feet to a point; thence westerly at right angles to the last described course a distance of 20 feet to a point; thence in a southeasterly direction parallel with the western property line of the railroad a distance of 687.02 feet to a point on the aforesaid north and south $\frac{1}{8}$ line of Section 2; thence northerly on said $\frac{1}{8}$ line a distance of 39.95 feet to the point of beginning, containing an area of 0.308 acres, more or less.

The other easements hereby granted are to remain in force as long as they may be required by the Grand Trunk Company, its successors and assigns, for railroad purposes.

This easement is granted subject to the approval in writing of the Detroit Racing Association which holds the lease on that part of the State Fair grounds in the City of Detroit and affected by said easement.

IN WITNESS WHEREOF, the said party of the first part caused this instrument to be executed by its duly authorized officials on the day and date first above written.

DEPARTMENT OF AGRICULTURE
STATE OF MICHIGAN

Signed, Sealed and Delivered
in the Presence of:

Emma M. Weinman
Emma M. Weinman
Thomas C. Carter
Thomas C. Carter

Chas. Figli
Chas. Figli
Commissioner of Agriculture
and
Chairman, Board of Managers
Michigan State Fair

June 2, 1943

Mr. Charles Figy
Commissioner of Agriculture
Lansing, Michigan

Dear Mr. Figy:

I am herewith returning your file relating to the proposed grant of easement by the Department of Agriculture on certain property in the City of Detroit, Wayne County, Michigan, to the Grand Trunk Western Railroad Company.

Acting upon the request contained in your letter of May 19, 1943, the State Administrative Board at its meeting on June 1, 1943 authorized the Commissioner of Agriculture to execute the proposed easement presented by him pursuant to Act 63 of the Public Acts of 1943.

Very truly yours

E. A. Gump
E. A. Gump
Secretary
STATE ADMINISTRATIVE BOARD

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encs.

STATE ADMINISTRATIVE BOARD
LANSING, MICHIGAN
GOVERNOR DAVID F. KELLY, CHAIRMAN
EUGENE A. GUMP, SECRETARY

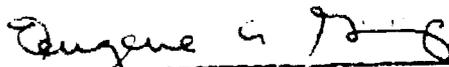
STATE ADMINISTRATIVE BOARD
LANSING, MICHIGAN

GOVERNOR DAVID F. KELLY, CHAIRMAN
EUGENE A. GUMP, SECRETARY

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I, Eugene A. Gump, the duly appointed, qualified and acting Secretary of the State Administrative Board of the State of Michigan, DO HEREBY CERTIFY that the attached copy of an excerpt taken from the minutes of a regular meeting of the State Administrative Board of the State of Michigan held on the 1st day of June, 1943, is a true, correct and compared copy of the original minutes of said meeting on file and of record.

WITNESS my hand this 19th day of August, 1943.


EUGENE A. GUMP SECRETARY
MICHIGAN STATE ADMINISTRATIVE BOARD

The following communication was read by the Secretary:

CHARLES FIGY
Commissioner
DEPARTMENT OF AGRICULTURE
Lansing, Michigan

May 19, 1943

State Administrative Board
Lansing, Michigan

Gentlemen:

Attached is copy of an easement over certain lands now owned or to be acquired by the State of Michigan to the Grand Trunk Western Railroad Company, a corporation of the State of Michigan and Indiana.

This easement has to do with the side tracks leading from the main line of the Grand Trunk Western Railroad in the City of Detroit and extending over a portion of the State Fair grounds.

I understand that this easement is carrying out an agreement that was entered into between the Grand Trunk Western Railroad Company, the City of Detroit, the State Highway Department, and the State through the Board of Managers of the Michigan State Fair at the time the grade separation was constructed over State Fair Avenue.

This railroad siding was completed about 1941 and has been used for State Fair purposes since that time.

I understand that the reason for this easement not having been signed was delivered at the time the work was completed was the fact that a previous Attorney General had ruled that a perpetual easement operated as a deed and consequently the Commissioner of Agriculture, or any other State agency, could not deed this property without an enabling act by the legislature.

In order to consummate the transaction an enabling act was passed by the legislature and a copy of the enabling act, which was signed by the Governor, is attached, with a letter from the Attorney General's office approving the easement and to forward the same. He suggested a change in the language of the act, which change was made.

I am also attaching copy of a communication from H. C. Coons of the Highway Committee, with the State Administrative Board information in relation to the agreement with the Grand Trunk Western Railroad, and copy of a letter from a former Attorney General reporting changes in the language of the easement which, without this, would be necessary for the legislature to pass the enabling act.

I might say that the letter was read to your board on January 23, 1943 and was approved by the board. I am attaching a copy of the original agreement that was before your board in 1941 and dealt with by Mr. Coons in his communication to the Administrative Board and by former Attorney General who objected to certain provisions which the easement contain.

While I have no definite information as regards the matter, I conclude that the reason that the easement was not signed by the Commissioner of Agriculture and delivered to the Grand Trunk Western Railroad Company was due to the fact that after a review of the easement as prepared by

6714 MR150
Attorney for the Grand Trunk Western Railroad Co.
advised that an enabling act by the Legislature

If in the opinion of the State Administrative Board
should be signed by the Commissioner of Agriculture
the State Fair grounds, then I would respectfully
val of this easement carry with it the authorization of
your board that I sign this easement on behalf of

The reason for making the above request is with the knowledge that
Section 4 of Act 13 of the Public Acts of 1921 in regard to the acts
of the Commissioner of Agriculture provides that they shall be subject
to the approval of the State Administrative Board.

Very truly yours,

(Signed) Charles Figy, Commissioner
State Department of Agriculture

CF:w
Enc.

Moved by Mr. Shepherd and supported by Mr. Elliott that the Commissioner of
Agriculture be authorized to execute the proposed easement presented by him
pursuant to Act 63 of the Public Acts of 1943.
Motion unanimously carried."

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EASEMENT
BETWEEN

THE DEPARTMENT OF AGRICULTURE
OF THE STATE OF MICHIGAN

AND

GRAND TRUNK WESTERN RAILROAD
COMPANY.

RECEIVED
COUNTY CLERK
MICHIGAN
SEP 29 1943 PM 2 01
DEPT. OF AGRICULTURE

STATE DEPT. OF AGRICULTURE
MICHIGAN COUNTY, MICH. 488
This instrument was received for record
SEP 29 1943 PM 2 01 at 2 o'clock
W. C. R. on Page 144
REGISTER OF DEEDS

RETURN TO -
L. L. Laid
400 W
MORTIMERSON

REGISTER