

(A) Provided that the owner of the Out Parcel is unable to obtain governmental approval for a curb cut directly from the Out Parcel to Haywood-Howell Road after having filed an application(s) for such curb cut with appropriate governmental agency(ies) and shall have processed the application(s) through the governmental agency(ies), then easements for vehicular and pedestrian ingress and egress from the Out Parcel across the balance of the Premises to Haywood-Howell Road ("Driveway Easement") from both the southerly and northerly property lines of the Out Parcel to the driveway entranceway to the premises on Haywood-Howell Road, one of which driveway entranceways being presently located to the north of the Out Parcel and one of the driveway entranceways being presently located to the south of the Out Parcel. Notwithstanding the obtaining of curb cut(s) from the Out Parcel directly to Haywood-Howell Road, at the request of Lessee or the owner fo the Out Parcel, the Driveway Easement is to be granted by Lessor, subject to the approval of Lessor, ^{and holder of the Fee Mortgage,} which approval is not to be unreasonably withheld or unduly delayed. The Driveway Easement shall be 30 feet in width. The location of the commencement points of the Driveway Easement along the northerly and southerly property lines of the Out Parcel shall be determined by Lease. To the extent that the Driveway Easement is located within driveways serving the balance of the Premises, the Driveway Easement shall be non-exclusive and shall be usable in common by owners, invitees and lessees of the Out Parcel and the balance of the Premises. The owner of the Out Parcel shall indemnify and hold the owner and lessees of the balance of the Premises harmless against all liability claims arising from the use of the Driveway Easement by the owner of the Out Parcel, its lessees and invitees. The owner of the Out Parcel shall provide liability insurance relating to its use of the Driveway Easement, with limits as are required of Lessee under the Lease, which liability insurance policies shall name the owner and the Lessee of the balance of the Premises as additional insureds.

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