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Section 1.09. Conflict. In the event of any conflict between the provisions hereof and the provisions of the Easement Agreement, the provisions of the Easement Agreement shall control.

Section 1.10. Use of Portion of Federated Site by Developer for Parking. The Department Stores acknowledge that the Developer Site does not contain the minimum number of parking spaces required to satisfy the requirements of Section 1.03(z) hereof and certain other requirements of this Agreement and of the Supplemental Operating Agreements between the Developer and each of the Department Stores relating to the provision of parking by the Developer and that Developer shall have the right to use a portion of the Federated Site (hereinafter referred to as the "Easement Premises"), designated as the "Easement Premises" on the Plot Plan, in order to satisfy such requirements. The Department Stores further agree that during such period that the Developer has the right pursuant to this Section 1.10 to use the Easement Premises, or a portion thereof, to satisfy such parking requirements and uses the Easement Premises, or a portion thereof, for such purpose in accordance with the terms and conditions of this Section 1.10, the Developer shall be deemed to have satisfied such obligations with respect to such parking and that during such period Federated shall be relieved and released from any and all covenants and obligations required to be performed by Federated with respect to the Easement Premises, or such portion thereof, under the terms and conditions of this Agreement, the Supplemental Operating Agreement between the Developer and Federated and the Easement Agreement. Subject to the limitations herein set forth and subject to the rights, privileges and easements granted by Federated with respect to the use by such parties of the Easement Premises pursuant to Sections 3.02 and 3.03 hereof and pursuant to the Easement Agreement, Federated hereby grants to the Developer and

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