

6/14/78

Vol 1087 PAGE 695

the Register of Mesne Conveyances of Greenville County,
South Carolina.

(a) Relocation of Utility System. The Developer and the Department Stores, or any of them, upon whose site any Utility System has been installed shall have the right, upon sixty (60) days' prior notice to the Developer and/or the Department Stores as may be serviced by such Utility System and to the owners of such portions of the Adjoining Premises as may be serviced by such Utility System, at any time and from time to time, to move and relocate any Utility System located on its Site to such other place on its Site as it shall designate. Any such relocation shall (i) be made at the sole cost and expense of the party making the relocation of the Utility System, (ii) not interfere with (other than the temporary inconvenience during the installation of the relocation of such Utility System) or increase the cost of the utility service or the conduct and operation of business of the Developer, Penney, Sears and Federated as the owners and/or lessees of their respective Sites and New South as the owner of the Adjoining Premises and (iii) be performed in accordance with sound and good engineering practices, including the right to remove or add fill dirt above underground utilities, and, after commencement, be continuously and diligently prosecuted to completion.

(b) Relocation of Permanent Access Easement. Subsequent to the expiration or termination of the Operating Agreement among the Developer and the Department Stores of even date herewith, the Developer and the Department Stores, or any of them, shall have the right upon sixty (60) days' prior notice to the Developer and/or the other Department Stores and to the owner of the Adjoining Premises, at any time and from time to time, to move and relocate the portion of the Permanent Access Easement located on its Site to such