

less the grantor, its successors and assigns, against any liabilities, claims, demands or requirements of any state, federal or local governmental law or agency resulting from the use of said road by the grantee, his heirs and assigns, whether the same result from singular use by the grantee, his heirs and assigns, or from such use in addition to that of the grantor.

The grantee, for himself and his heirs and assigns, further covenants that if any person other than the aforesaid whosoever, whatever his relation may be to either of the parties, shall enforce or seek to enforce against the grantor any liability arising, in whole or in part, from the use of said right of way by the grantee, his heirs and assigns, or their agents or invitees, whether participated in by the grantor or not, to indemnify the grantor and save it harmless against any loss, expense or liability arising therefrom. The terms loss, expense and liability in the preceding covenants of indemnity shall include any attorneys' fees incurred by the grantor, its successors or assigns.

5. The grantee, his heirs and assigns, shall not have the right to make any improvements or alterations of the area within the above described thirty (30) foot strip without first obtaining written consent of the grantor, its successors and assigns.

6. It is understood and agreed that the grantor, its successors and assigns, owes no duty or responsibility to the grantee, his heirs and assigns, resulting from its use of or for maintenance or upkeep of said roadway or its adjoining property but the grantee, his heirs and assigns, shall be liable to the grantor, its successors and assigns, for any damages to said roadway or adjoining lands of the grantor occasioned by his or their use thereof, and shall at his or their expense promptly repair any such damage which in the judgment of the grantor, its successors and assigns, is occasioned by such use. In the event the grantee, his heirs and assigns, fails to so remedy any such damage within a reasonable time upon being called upon by the grantor, its successors and assigns, the grantor, its successors and

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