

In the event Cincinnati shall exercise the option granted to it under this Section, Cincinnati shall not be entitled to any abatement or diminution of the amounts payable under Section 4.01 hereof.

SECTION 6.04. Release of Land, Easements. The Recipient agrees that so long as Cincinnati is not in default hereof Cincinnati may convey fee title, grant easements, rights of way, licenses, execute party wall agreements or terminate any of the foregoing or enter into such other similar agreements for the purposes of providing railroad service, utility services, roadway or roadway access whether for the Project or other land or for such other similar purposes as may be deemed necessary or desirable by Cincinnati upon receipt of the following:

(a) a legal description of the real property proposed to be conveyed or affected by such grant, license or agreement;

(b) the instrument in the form necessary for such purpose;

(c) a certificate of the president or chief financial officer of Cincinnati stating that Cincinnati is not in default under this Agreement;

(d) a certificate from an Authorized Representative of Cincinnati stating that (i) the conveyance, grant, license or agreement will not impair the character or significance of the Project for the purpose for which it was last designed or modified and is not detrimental to the proper conduct of the business of Cincinnati at the Project, and (ii) such conveyance, grant, license or agreement will not destroy the means of ingress to the Project or egress therefrom;

(e) the consideration, if any, paid to Cincinnati in return for such conveyance, grant or easement.

Upon receipt of the foregoing, the Recipient shall promptly execute and deliver any release required to effect such conveyance, grant or agreement and shall apply the consideration, if any, paid therefor in prepayment of the obligations of Cincinnati under Section 4.01 hereof.

No release effected under the provisions of this section of this Agreement shall entitle Cincinnati to any abatement or diminution of the amounts payable under Section 4.01 hereof.

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