

Section 8.5. Release of Certain Land. In addition to the rights granted by Section 11.2 hereof, the parties hereto reserve the right at any time and from time to time to amend this Agreement for the purpose of effecting the release of and removal from this Agreement and the leasehold estate created hereby (i) of any unimproved part of the Leased Land (on which neither the Building nor any Leased Equipment is situated) on which the County then proposes to construct improvements for lease to the Lessee or any subsidiary or affiliated corporation thereof under another and different lease agreement or (ii) any part (or interest in such part) of the Leased Land with respect to which the County proposes to grant an easement or convey fee title to a railroad, public utility or public body in order that railroad, utility services or roads may be provided for the Project; provided, that if at the time any such amendment is made any amount is outstanding and unpaid upon the Note there shall be deposited with the Assignee the following:

- (a) A copy of said amendment as executed.
- (b) A resolution of the County Board (i) stating that the County is not in default under any of the provisions of this Agreement, Assignment or Lease and the Lessee is not to the knowledge of the County in default under any of the provisions of this Agreement, (ii) giving an adequate legal description of that portion (together with the interest in such portion) of the Leased Land to be released, (iii) stating the purpose for which the County desires the release, (iv) stating that the said improvements which will be so constructed will be such as will promote the continued industrial development of South Carolina, and (v) requesting such release.
- (c) A resolution of the board of directors or the executive committee of the Lessee approving such amendment and stating that the Lessee is not in default under any of the provisions of this Agreement.

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