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Developer and each of the Department Stores shall not constitute a waiver or estoppel with respect to any claim or cause of action brought by the Developer and the Department Stores, or any of them, which has not previously approved the Design Plan, or any phase or portion thereof.

ARTICLE III

EASEMENTS AND LICENSES

Section 3.01. Employee Parking. The Developer and the Department Stores agree to use their best efforts to prohibit their tenants and concessionaires, employees and agents from parking their vehicles in any part of the Parking Area other than on such portions thereof as may be specifically designated on the Plot Plan as areas for employee parking or on such portions thereof as may, from time to time, be designated for such purpose by agreement between the Developer and the Department Stores.

Section 3.02. Easements in the Common Facilities. Subject to the limitation hereinafter set forth, each party hereto hereby grants to each of the other parties hereto, and to the respective tenants, subtenants, concessionaires and licensees, officers, employees, agents, customers and invitees of each, for the benefit of each grantee's Site, the non-exclusive right, privilege and easement for the term of this Agreement to use the Common Facilities located on its Site for the purposes for which the Common Facilities are designed, without payment of any fee or other charge being made therefor. The foregoing easement is subject to the limitation that at such time that the Developer or any of the Department Stores commence construction of an addition pursuant to the provisions of Section 8.02 hereof, the easement granted pursuant to this Section 3.02 shall, with respect to the portion of the Common Facilities located within the Permissible Building Lines designated for such