

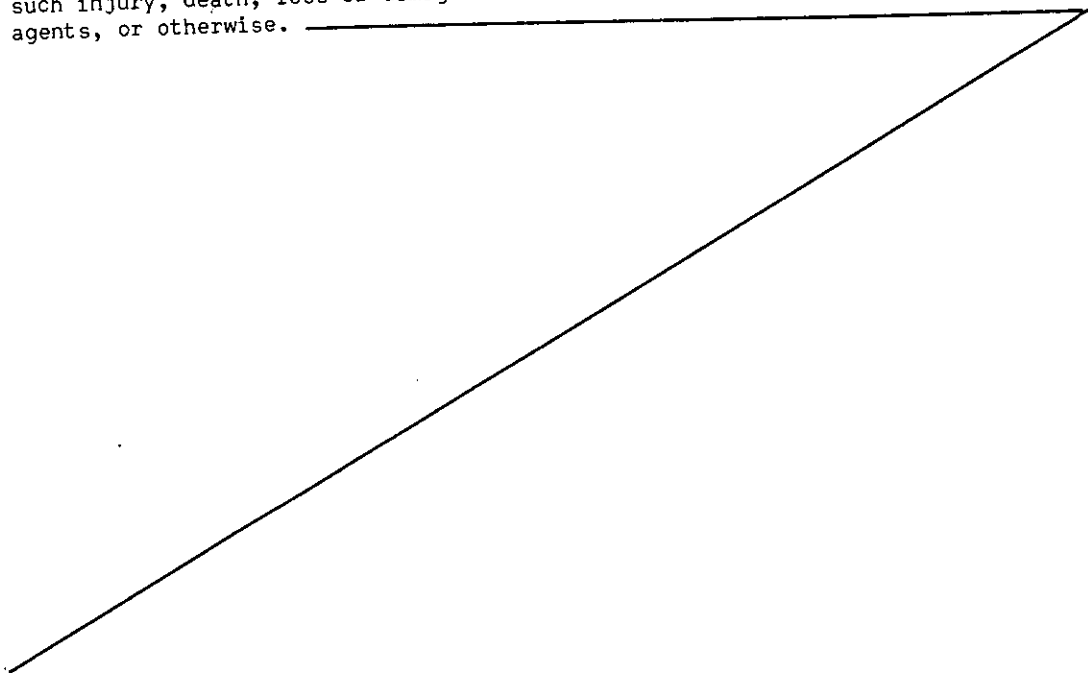
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10. RIGHT OF WAY (Cont'd):

The Industry hereby grants and conveys to the Railroad an easement or right of way over that portion of the land of the Industry's ownership which lies within 8 feet on each side of the center line of that portion of said sidetrack which commences at Survey Station 1+15 and extends to Survey Station 1+50, a mean distance of 35 feet; such grant and conveyance, however, to terminate automatically upon the termination of this agreement dated August 13, 1965.

11. GATE:

It is further understood and agreed that the Industry shall have the right and privilege to maintain at its expense a gate of materials and in a manner satisfactory to the Division Engineer of the Railroad across the said sidetrack at Survey Station 1+80, the said location being shown in ORANGE on the attached print; said gate to be maintained so as to afford a clearance, when open, of 8 feet on each side of the center line of said sidetrack, and to be equipped by Industry, at its expense, with double-end hasp so as to allow use of private padlock by Industry and Atlantic Coast Line standard switch lock by the Railroad. Notwithstanding the provisions of Article 8(d) or any other provision hereof, by reason of the additional hazard created by the gate it is further understood and agreed that the Industry shall and does hereby assume and agree to indemnify and hold harmless the Railroad, its successors and assigns, from and against all loss, costs, expense, including attorneys' fees, claims, suits and judgments whatsoever in connection with injury to or death of any person or persons, or loss of or damage to property, including said gate, caused by or in any way connected with the installation, maintenance, operation or presence of said gate across said sidetrack, or removal thereof, whether resulting from the operation of engines, cars or trains on said track, or from any cause whatsoever, and whether such injury, death, loss or damage results from negligence of the Railroad, its agents, or otherwise.



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