

parking area and equipment (herein referred to as "Improvements") in accordance with the plans and specifications provided by Lessee, but in no event will the front of the main building or any accessory building have a set back line of less than one hundred fifteen (115) feet and approximately parallel to and from the front property line, said plans to be furnished by Lessee, Tanner's Big Orange, Inc. Lessee at its own cost and expense, shall procure all necessary permits for the erection of the building and/or improvements.

#### ZONING AND BUILDING LAWS

3. Lessor hereby represents and warrants to Lessee ~~that~~ the use of the premises as a drive-in or sit-in restaurant, or a combination of both, for the sale and consumption on the premises of food and non-alcoholic beverages applicable to the demised premises. Lessor hereby acknowledges that Lessee is relying upon said representations and warranties in executing this lease and that matters so represented and warranted are material ones, and Lessor accordingly agrees that any breach of warranty or misrepresentation shall be grounds for Lessee, at its sole option and election, to terminate this lease. Lessor hereby further represents and warrants as follows:

3-A. That all water, sanitary sewers, storm drains, electric current, gas, and telephone facilities are available for connection to the demised premises in areas immediately adjacent thereto.

3-B. That all land hereby demised in its present state is capable of use for a drive-in restaurant with surrounding areas available for paving without the need of any fill or subjacent support.

#### LESSEE'S COVENANTS

4. The Lessee covenants and agrees that during the term of this lease and for such further time as the Lessee, or any person claiming under it, shall hold the demised premises or any part thereof:

- a. To pay the reserved rent on the days and in the manner aforesaid.
- b. To bear, pay and discharge all prorated existing and future taxes.

Lessee *[Signature]*  
 Lessor *[Signature]*  
 Lessor *[Signature]*