

AREA), planted areas, drives and common facilities (2.1, 2.5). MERCANTILE and DEVELOPER and their employees, customers, invitees, and licensees are hereby granted the nonexclusive easement and right to use and enjoy all COMMON AREAS subject to the provisions of Exhibit J annexed hereto and made a part of this AGREEMENT. In addition MERCANTILE is hereby granted the right to install in the ceiling of the enclosed mall special effect lighting illuminating the mall entrance to MERCANTILE BUILDING, provided that the location of such lighting is approved by PROJECT ARCHITECT and that such lighting is on MERCANTILE'S electric meter.

12.2 SALES IN COMMON AREAS. DEVELOPER covenants that no vending machines, kiosks or similar selling or service devices and no selling or solicitation of any kind (including charges for admission, rides or entertainment) shall be conducted or permitted in the enclosed mall or on any other COMMON AREAS, and no person, firm or corporation shall install such vending machines, kiosks or other similar devices or conduct or permit any such selling, nor conduct or permit any solicitation of any kind in the enclosed mall or any other COMMON AREAS, unless MERCANTILE shall consent prior thereto in writing. MERCANTILE hereby consents to the kiosks shown on Exhibit A provided that each does not exceed 200 square feet, that each be located so that there is a 12 foot wide walk space on each side between the kiosks and the mall perimeter, but there shall be no kiosks within 150 feet of the mall entryway to the MERCANTILE store and no kiosks shall be permitted to deal in food or beverages. If DEVELOPER shall violate or permit the violation of this 12.2, MERCANTILE, during all periods of violation, shall not be required to make any payment required under 12.8 prorated to a daily rate, and provided further that all rents, income, or fees received by DEVELOPER in violation of this 12.2 shall, within 10 days of receipt, be paid to MERCANTILE.

12.3 SIDEWALK CONSTRUCTION. MERCANTILE shall construct and repair the sidewalks for MERCANTILE BUILDING, but DEVELOPER shall clean such sidewalks. All sidewalks, malls and aisles in ENTIRE PREMISES shall be of concrete construction and said parking areas shall be paved with

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