

- WITNESSES
- (v) 25 foot permanent easement (50 feet during construction) reserved for conveyance by Optionor, Rocky Creek and/or Optionee, their successors and assigns, to the proper sewer authority to construct a sewer line for the purpose of connecting with the Brushy Creek trunk line, to be located in the general area of the natural drainage basin; provided, however, the size of the line shall not be less than 8 inches, with Optionee, its successors and assigns, to have tap-on rights without payment of additional consideration therefor.

In that regard, it is understood and agreed that the Optionee shall be entitled to reimbursement of all option monies paid in consideration of the initial granting of this option, and any extensions thereof, in the event any one or more of the following conditions have not been met at or prior to the time of closing:

- (a) Receipt by Optionee of confirmation from the Greenville County Zoning Administrator that the property is zoned R-M Multi-Family Residential District allowing a maximum density of 12.5 residential apartment units per acre.
- (b) Receipt by Optionee of written confirmation of the adequacy and accessibility of all public utilities to the property as necessary to furnish electrical power, water and sewer for full development of the entire parcel under its present zoning. In this regard, the Optionor specifically warrants to Optionee that a twenty (20) inch water line is located at the intersection of Pelham Road and Old Boiling Springs Road and that an easement can be obtained at reasonable cost and without penalty to provide service to the property; and, that Brushy Creek and Rocky Creek trunk lines are available to the property and Optionee can obtain an easement at a reasonable cost, without penalty, to provide sewer access from those lines to the property.
- (c) All reasonable assistance by Optionor in obtaining appropriate easements to provide access from the property to public utilities, including water and sewer service, as described above.
- (d) Confirmation satisfactory to Optionee that there are no pending plans for construction of roads or highways on or upon the property which would affect its use, or for the taking of the property for any other public purpose.
- (e) Confirmation that the intended use of the property is consistent with all applicable environmental laws, rules and regulations, and that the flood plain is satisfactory for such use.
- (f) Optionor, during the term of this option, shall not cause or allow to be placed against or upon the property any further lien, encumbrance, easement or right of way other than outlined in this Paragraph (5).
- (6) In the event that the Optionee exercises the option herein provided but fails to fulfill the terms of the transaction by payment of all amounts due, both at closing and under the promissory note then to be given, Optionee