

regulations, permits and licenses as are, now or hereafter, applicable or issued, as the case may be, with respect to such operations, provided, however, the only damages recoverable in such cause of action are those determined to have been proximately caused by, and directly related to, Grantees' operation and failure to comply with the statute(s) or regulation(s) governing the activity of which the Grantor complains, and provided further that the Grantor shall have the right to seek injunctive relief only if the Grantees have consistently and repeatedly failed to comply with such federal, state and local laws and regulations, permits and licenses as are, now or hereafter, applicable or issued, as the case may be, with respect to such operations, and the only injunctive relief that may be sought in such event shall be to require Grantees to comply with such federal, state and local laws or regulations, permits and licenses.

3.2 Non-Waiver of Applicable Laws. All federal, state and local laws and regulations, permits and licenses shall apply, and the Grantees shall comply with same as if the Grantors herein had not waived any right to seek damages arising from the location and operation of said rock quarry, rock crushing plant, asphalt plant and related activities.

4. Additions to Sloan Property. The easement hereby granted shall also be appurtenant to any land that may hereafter come into common ownership with the Sloan Property as herein described and that is contiguous thereto. An area physically