

ARTICLE 8 - CONDEMNATION:

Should it be determined for any reason that the right, title and interest of the owner in and to the lands referred to in Article 1 above shall be acquired by condemnation, or other judicial proceedings, the owner shall cooperate in the prosecution of the proceedings and this agreement shall, without more, constitute a stipulation which may be filed in the proceedings and be final and conclusive evidence of the proper award to be made in such proceedings. In the event this contract is filed in such proceedings, it shall constitute an appearance and waiver of all rights to service or summons or other process, and the right to appointment of commissioners or a jury to determine the award.

ARTICLE 9 - DISPUTES:

a. Except as otherwise provided in this contract, any dispute concerning a question of fact arising under this contract which is not disposed of by agreement shall be decided by the Contracting Officer, who shall reduce his decision to writing and mail or otherwise furnish a copy thereof to the owner. The decision of the Contracting Officer shall be final and conclusive unless, within 30 days from the date of receipt of such copy, the owner mails or otherwise furnishes to the Contracting Officer a written appeal addressed to the Secretary. The decision of the Secretary or his duly authorized representative for the determination of such appeals shall be final and conclusive unless determined by a court of competent jurisdiction to have been fraudulent, or capricious, or arbitrary, or so grossly erroneous as necessarily to imply bad faith, or not supported by substantial evidence. In connection with any appeal proceeding under this clause, the owner shall be afforded an opportunity to be heard and to offer evidence in support of its appeal. Pending final decision of a dispute hereunder, the owner shall proceed diligently with the performance of the contract and in accordance with the Contracting Officer's decision.