

Protective Covenants Summary

Section 13.1 establishes restrictive covenants in favor of the Tenant (Sheetz, Inc.) for the duration of the lease and any extensions or renewals, as long as Sheetz or its permitted assignee operates a convenience store on the Demised Premises. During this period, Landlord agrees not to permit any property owned or controlled by Landlord within a one-mile radius, including adjacent properties, to be used for:

- 1 Retail sale of gasoline and other motor fuels.
- 2 A store deriving 50% or more of its income from tobacco, e-cigarettes, CBD, cannabis (if legal), or related products.
- 3 A "Convenience Store" (defined as a retail business primarily offering quick purchase of food, beverage, tobacco, and related products/services, including brands like BP Express, Wawa, 7-Eleven, Hess, Rutter's, Speedway, Quik Trip, Kangaroo, Murphy Oil, Circle K, Royal Farms, or similar operators).
- 4 Specific retailers: McDonald's, Starbucks, and Dunkin Donuts.

These restrictions do not apply to properties already used for such purposes at the time the lease is mutually executed ("Non-Conforming Restricted Property"). If such use ceases, the property cannot be used for any of the restricted purposes thereafter. This section protects Sheetz from direct competition and certain types of retail operations in the immediate vicinity, supporting its business interests during the lease term. **Section 13.2** prohibits certain objectionable uses on both Landlord's Adjacent Properties and the Demised Premises throughout the lease term. Specifically, these properties cannot be leased, sold, occupied, or used for:

- 1 Bingo parlors
- 2 Laundry or dry cleaning establishments (except for pickup or delivery only)
- 3 Schools or academies that would restrict the sale of alcohol, tobacco, CBD, or cannabis products from the Demised Premises
- 4 Businesses selling, exhibiting, or delivering pornographic or obscene materials
- 5 Head shops
- 6 Game rooms or arcades
- 7 Off-track betting parlors
- 8 Pawn shops
- 9 Junk yards
- 10 Flea markets

- 11 Recycling facilities
- 12 Auditoriums
- 13 Movie theaters
- 14 Taverns, nightclubs, or saloons (with an exception for restaurants offering a full lunch and dinner menu, where alcohol is incidental to food service)
- 15 Health or fitness clubs
- 16 Bowling alleys
- 17 Carnivals, amusement rides, fireworks sales, Christmas tree sales, fruit and vegetable stands, truck or tent sales, or other ad hoc sales by itinerant vendors, carnivals, amusement rides, or similar uses (without Tenant's prior written consent)
- 18 Any residential use

This section ensures that the surrounding properties maintain a commercial environment compatible with Sheetz's operations and avoids uses that could negatively impact the business or its customer base.