

RESOLUTION 20-1201-14

A Resolution to Abandon Portions of Existing Public Utility Easements

WHEREAS, as part of the Sweetwater development, the developer dedicated by plat public utility easement interests to the Town as 5' Town of Apex Utility Easements ("Easements") as shown on the following:

Book of Maps 2019, Page 201 for Lots 127-134;  
Book of Maps 2019, Page 1190 for Lots 28-30, Lots 62-79; and Lots 115-126;  
Book of Maps 2019, Page 261 for Lots 46-61; and  
Book of Maps 2019, Page 262 for Lots 43-45.

WHEREAS, the developer desires the Town to abandon those certain areas of land as shown on that certain plat entitled "TOWN OF APEX PUBLIC UTILITY EASEMENT ABANDONMENT PLAT OF SWEETWATER SUBDIVISION PHASE 3B AND 3C PROPERTY OF MULTIPLE OWNERS," dated 10-29-2020, designated as "TOWN OF APEX UTILITY EASEMENT HEREBY ABANDONED ALL DOTTED HATCH" on the attached Exhibit A, (the "Abandoned Portions of Easements") reserving the following Town of Apex Public Utility Easements ("TOAPUE") as shown on Exhibit A:

11' x 5' TOAPUE across the following lots:

121 & 120

12' x 5' TOAPUE across the following lots:

133 & 132, 130 & 129, 129 & 128, 128 & 127, 127 & 126, 126 & 125, 125 & 124, 124 & 123, 123 & 122, 122 & 121, 119 & 118, 118 & 117, 117 & 116, 116 & 115, 115, 71, 73, 77, 78, 79, 29, 30, 43, 61 & 60, 60 & 59, 59 & 58, 56 & 55, 54 & 53, 53 & 52, 52 & 51, 51 & 50, 50 & 49, 48 & 47, 47 & 46, 46 & 45

13' x 5' TOAPUE across the following lots:

134 & 133, 132 & 131, 131 & 130, 120 & 119, 64, 65, 68 & 69, 72, 74, 58 & 57, 57 & 56, 55 & 54, 49 & 48, 45 & 44, 44 & 43, 28

14' x 5' TOAPUE across the following lots:

66, 67

20' x 5' TOAPUE across the following lots:

75 & 76

27' x 5' TOAPUE across the following lots:

62 & 63

WHEREAS, the Town no longer has any need of the Abandoned Portions of Easements and they have no market value;

WHEREAS, the Town Council considers it advisable to abandon the Abandoned Portions of Easements;

NOW, THEREFORE, BE IT RESOLVED by the Town Council that:

- (1) The Abandoned Portions of Easements as shown on Exhibit A hereto are hereby abandoned in accordance with Paragraph (3) below.
- (2) The Town of Apex reserves an easement in the following areas described above and labeled on Exhibit A as TOAPUE:

11' x 5' TOAPUE across the following lots:  
121 & 120

12' x 5' TOAPUE across the following lots:  
133 & 132, 130 & 129, 129 & 128, 128 & 127, 127 & 126, 126 & 125, 125 & 124, 124 & 123, 123 & 122, 122 & 121, 119 & 118, 118 & 117, 117 & 116, 116 & 115, 115, 71, 73, 77, 78, 79, 29, 30, 43, 61 & 60, 60 & 59, 59 & 58, 56 & 55, 54 & 53, 53 & 52, 52 & 51, 51 & 50, 50 & 49, 48 & 47, 47 & 46, 46 & 45

13' x 5' TOAPUE across the following lots:  
134 & 133, 132 & 131, 131 & 130, 120 & 119, 64, 65, 68 & 69, 72, 74, 58 & 57, 57 & 56, 55 & 54, 49 & 48, 45 & 44, 44 & 43, 28

14' x 5' TOAPUE across the following lots:  
66, 67

20' x 5' TOAPUE across the following lots:  
75 & 76

27' x 5' TOAPUE across the following lots:  
62 & 63

- (3) This abandonment shall be abandoned effective upon, and only upon, the recording of Exhibit A at the Wake County Register of Deeds.

Upon motion duly made by Council Member \_\_\_\_\_, and duly seconded by Council Member \_\_\_\_\_, the above Resolution was duly adopted by the Apex Town Council at the meeting held on the \_\_\_\_ day of December, 2020, in the Apex Town Hall.

Upon call for a vote the following Council Members voted in the affirmative:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

and the following Council Members voted in the negative:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

This the 1<sup>st</sup> day of December, 2020.

TOWN OF APEX

\_\_\_\_\_  
Jacques K. Gilbert, Mayor

ATTEST:

\_\_\_\_\_  
Donna B. Hosch, Town Clerk, MMC, NCCMC