

RESOLUTION NO. 23-_____

A Resolution to Abandon Portion of Existing Public Utility Easement

WHEREAS, Home Depot U.S.A., Inc. (the “**Owner**”) is the owner of a certain tract of land in or near the Town of Apex which is described in the deed recorded in Deed Book 8498, Page 2419, Wake County Registry (the “**Subject Property**”);

WHEREAS, public utility easement interests across the Subject Property were conveyed to the Town by an instrument recorded in Book of Maps 2000, Pages 1384, Wake County Registry;

WHEREAS, the Owner desires the Town to abandon any interest that the Town has in that portion of public utility easement interest in that certain area designated as "55' COMBINED STORM AND WATER ESMT BM 2000 PG 1384 (TO BE ABANDONED)" as shown on that certain survey plat entitled “EASEMENT PLAT HOME DEPOT, APEX” prepared by Surveying and Mapping, LLC, dated August 9, 2023, said survey being attached hereto as Exhibit A; (the "**Abandoned Portion of Easement**");

WHEREAS, the Abandoned Portion of Easement is further labeled and identified on Exhibit A as follows:

55' COMBINED STORM AND WATER ESMT BM 2000 PG 1384 (TO BE ABANDONED) AREA: 0.38 ACRES

WHEREAS, the Town has no need for the Abandoned Portion of Easement and it has no market value; and

WHEREAS, the Town Council considers it advisable to abandon the Abandoned Portion of Easement.

NOW, THEREFORE, BE IT RESOLVED by the Town Council as follows:

1. The Town Council of the Town of Apex hereby abandons any and all interest it has in the Abandoned Portion of Easement as shown on Exhibit A attached hereto in accordance with Paragraph (2) below, provided however, the Town specifically retains any and all property interest it may have in the property not specifically identified as abandoned herein.

2. The Abandoned Portion of Easement shall be abandoned effective upon, and only upon, the recording of instruments at the Wake County Register of Deeds that convey to the Town of Apex the area labeled “20' HEREBY DEDICATED TOWN OF APEX PUBLIC WATERLINE EASEMENT AREA: 0.13 ACRES” as shown on Exhibit A attached hereto.

3. That the Town Manager or Assistant Town Manager is hereby authorized

to make, execute, and deliver to the owners of the Subject Property an instrument, in a form suitable for recording, releasing whatever interest the Town might have in and to the Abandoned Portion of Easement.

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 _____ 2023, in the 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 ____ day of _____ 2023.

TOWN OF APEX

Jacques K. Gilbert, Mayor

ATTEST:

Allen L. Coleman, Town Clerk, CMC, NCCCC