

RESOLUTION NO. 24-_____

A Resolution to Abandon Portions of Existing Public Utility Easements

WHEREAS, North Carolina II, LP (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 18404, Page 1246, Wake County Registry (the “**Subject Property**”);

WHEREAS, public utility easement interests designated as “TOWN OF APEX PUBLIC UTILITY EASEMENT” across the Subject Property were conveyed to the Town by an instrument recorded in Book of Maps 2006, Page 1768, Wake County Registry (the “**Easements**”);

WHEREAS, the Owner desires the Town to abandon any interest that the Town has in that portion of the Easements in those certain areas designated as " TOWN OF APEX PUBLIC UTILITY EASEMENT B.M. 2006, PG. 1768 HEREBY ABANDONED (HATCHED)" and “PORTION OF TOWN OF APEX PUBLIC UTILITY EASEMENT B.M. 2006, PG. 1768 HEREBY ABANDONED (HATCHED)” as shown on that certain survey plat entitled “EXHIBIT MAP FOR TOWN OF APEX” prepared by Smith & Smith Surveyors, P.A., dated January 31, 2024, said survey being attached hereto as Exhibit A; (the "**Abandoned Portions of Easements**");

WHEREAS, the Abandoned Portions of Easements are further labeled and identified on Exhibit A as follows:

TOWN OF APEX PUBLIC UTILITY EASEMENT B.M. 2006, PG. 1768 HEREBY ABANDONED (HATCHED); and

PORTION OF TOWN OF APEX PUBLIC UTILITY EASEMENT B.M. 2006, PG. 1768 HEREBY ABANDONED (HATCHED).

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

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

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 Portions of Easements 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 has in the portion of the Easements shown on Exhibit A designated as “REMAINING PORTION OF TOWN OF APEX PUBLIC UTILITY EASEMENT B.M. 2006, PG. 1768,” and any other easement interests it may have on the Subject Property not specifically identified as abandoned herein.

2. The Abandoned Portions of Easements shall be abandoned effective upon the adoption of this Resolution by the Town of Apex Town Council.

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 Portions of Easements.

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 _____ 2024, 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 _____ 2024.

TOWN OF APEX

Jacques K. Gilbert, Mayor

ATTEST:

Allen L. Coleman, Town Clerk, CMC, NCCCC