

RESOLUTION NO. 2024-_____

A Resolution to Abandon a Portion of an Existing Public Drainage Easement

WHEREAS, TTM Development, LLC (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 19065, Page 0572, Wake County Registry (the “**Subject Property**”);

WHEREAS, public utility easement interests designated as “NEW 20’ TOA PUE (DRAINAGE) 0.0867 ACRE, 3,775 SF” across the Subject Property were conveyed to the Town by an instrument recorded in Book of Maps 2019, Page 1552, Wake County Registry (the “**Easement**”);

WHEREAS, the Owner desires the Town to abandon any interest that the Town has in that portion of the Easement in that certain area designated as "PRIVATE SCM MAINTENANCE & ACCESS EASEMENT" as shown on that certain survey plat entitled “SITE PLAN FINAL PLAT FOR KIDDIE ACADEMY 905 ACTON STREET, APEX, N.C. 27523 NC PIN NO. 0722-66-4575 WHITE OAK TOWNSHIP, WAKE COUNTY NORTH CAROLINA FEBRUARY 12, 2024 SHEET 3 OF 3” prepared by TRUE LINE SURVEYING, P.C., dated January 15, 2024, and recorded in Book of Maps 2024, Page 0489, 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:

PRIVATE SCM MAINTENANCE & ACCESS EASEMENT

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 has in the portion of the Easement shown on Exhibit A bounded by lines L22, L24, L26, and L27, and any other easement interests it may have on the Subject Property not specifically identified as abandoned herein.
2. The Abandoned Portion of Easement 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 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 _____ 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