

**RESOLUTION NO. 25-\_\_\_\_\_**

**Resolution to Abandon an Existing Sanitary Sewer Easement**

WHEREAS, William Nolan Cooke and Evelyn Black Cooke (the “**Owners**”), as Trustees of the William Nolan Cooke Revocable Trust dated the 9<sup>th</sup> day of March, 2000 and the Evelyn Black Cooke Revocable Trust dated the 9<sup>th</sup> day of March, 2000, respectively, as tenants in common, are the owners of those certain tracts of land in or near the Town of Apex which are described in the deeds recorded in Deed Book 8537, Page 2648 and Deed Book 8537, Page 2652, Wake County Registry (the “**Subject Properties**”);

WHEREAS, public sanitary sewer easement interests designated as “**PARCEL 1**” comprising of a 30-foot sanitary sewer easement totaling approximately 0.2 acres across the Subject Properties were conveyed to the Town by an instrument recorded in Deed Book 6273, Page 0906, Wake County Registry (the “**Easement**”), as shown on that map prepared by David W. Barrier entitled “Easement Survey for James Street/Middle Creek Interceptor” dated July 25, 1994, and recorded in Book of Maps 1994, Page 1308, Wake County Registry (the “**Survey**”);

WHEREAS, the Owner desires the Town to abandon any interest that the Town has in the Easement as shown on the Survey, said survey being attached hereto as Exhibit A;

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

WHEREAS, the Town Council considers it advisable to abandon the 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 Easement as shown on Exhibit A attached hereto in accordance with Paragraph (2) below, provided however, the Town specifically retains any other easement interests it may have on the Subject Property not specifically identified as abandoned herein.
2. The Easement shall be abandoned effective upon the adoption of this Resolution by the Town of Apex Town Council.
3. That the Town Manager, or their designee, 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 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 \_\_\_\_\_ 2025, 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 \_\_\_\_\_ 2025.

TOWN OF APEX

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

ATTEST:

\_\_\_\_\_  
Allen L. Coleman, Town Clerk, CMC, NCCCC