

RESOLUTION NO. 24-_____

A Resolution to Abandon Existing Public Utility Easement

WHEREAS, Andoria Enterprises, 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 18897, Page 0978, 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 2007, Pages 0907-0908, Wake County Registry;

WHEREAS, the Owner desires the Town to abandon any interest that the Town has in that public utility easement in that certain area designated as "VARIABLE TOA PUE B.M. 2007, PG. 908 HEREBY ABANDONED (HATCHED) AS DESCRIBED USING L1 – L8" as shown on that certain survey plat entitled “EXHIBIT MAP FOR TOWN OF APEX” prepared by Smith & Smith Surveyors, P.A., dated January 19, 2024, said survey being attached hereto as Exhibit A; (the "**Abandoned Easement**");

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

VARIABLE TOA PUE B.M. 2007, PG. 908 HEREBY ABANDONED (HATCHED) AS DESCRIBED USING L1 – L8

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

WHEREAS, the Town Council considers it advisable to abandon the Abandoned 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 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 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’ TOA PUE (WATER) 0.0038 AC. ~ 167 SF. (SHADED) AS DESCRIBED USING L9 – L13” as shown on Exhibit A attached hereto.

3. That the Town Manager or Deputy 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 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