

A Resolution to Abandon Portions of Existing Public Utility Easements

WHEREAS, as part of the Center Street Station development, the developer dedicated by plat public utility easement interests (“Easements”) to the Town as shown on Book of Maps 2019, Pages 818-824; and

WHEREAS, in the course of construction it was determine that the location of certain Easements dedicated by plat were inaccurate; and

WHEREAS, the developer desires to correct the location of the Easements by the dedication of new public utility easements designated as “New TOAPUE” on the survey attached hereto as Exhibit A (Sheet 2 of 3); and

WHEREAS, the developer desires the Town to abandon those certain areas of land designated as “To Be Abandoned TOAPUE” on the attached Exhibit A (Sheet 3 of 3), which shows 15 areas of PUE to be abandoned (the "Abandoned Portions of Easements ") as follows:

1. A1: 42 sf to be abandoned between Lots #44 and #45.
2. B1: 66 sf to be abandoned between Lots #42 and #43;
3. C1: 49 sf to be abandoned on Lot #30;
4. D1: 37 sf to be abandoned on Lot #29;
5. E1: 88 sf to be abandoned on Lot #13;
6. F1: 3 sf to be abandoned on Lot #15;
7. G1:19 sf to be abandoned on Lot #16;
8. H1: 36 sf to be abandoned on Lot #19;
9. I1: 36 sf to be abandoned on Lot #20;
10. J1: 36 sf to be abandoned on Lot #21;
11. K1: 22 sf to be abandoned on Lot #28;
12. L1: 30 sf to be abandoned on Lot #27;
13. M1: 16 sf to be abandoned on the 10’ Type ‘A’ Buffer adjacent to Lot #25;
14. N1: 68 sf to be abandoned on Lot #9;
15. O1: 512 sf to be abandoned across Lots #29 - #40.

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

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

NOW, THEREFORE, BE IT RESOLVED by the Town Council that:

- (1) The Abandoned Portions of Easements as shown on Exhibit A hereto are hereby abandoned in accordance with Paragraph (2) below.
- (2) This abandonment shall be abandoned effective upon, and only upon, the recording of Exhibit A at the Wake County Register of Deeds which dedicates to the Town of Apex the areas described as “New TOAPUE” on Exhibit A.
- (3) The easements described as “New TOAPUE” on Exhibit A are hereby accepted by the Town of Apex upon recording of the plat at the Wake County Register of Deeds in accordance with Paragraph (2) above.

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 17th day of December, 2019, in the Apex 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 17th day of December, 2019.

TOWN OF APEX

Jacques K. Gilbert, Mayor

ATTEST:

Donna B. Hosch, Town Clerk, MMC, NCCMC