

RESOLUTION NO. 21-0112-02

A Resolution to Abandon Existing Water and Sewer Utility Easements and Temporary Construction Easements

WHEREAS, the Town of Apex presently has water and sewer utility easement interests and temporary construction easement interests as shown in Deed Book 15436 Page 046, and Deed Book 15414 Page 1903, and as shown on the survey attached hereto as Exhibit A;

WHEREAS, the developer desires the Town to abandon portions of a water utility easement, a sewer utility easement, and temporary constructions easements as shown and identified by markings defined in the legend on that certain plat entitled "UTILITY EASEMENT ABANDONMENT PLAT FOR HOLLEMAN HILLS SUBDIVISION," dated 1/5/2021 attached hereto as Exhibit A (the "Abandonment Plat").

WHEREAS, the developer desires the Town abandon a water utility easement as shown on the Abandonment Plat as "PORTION OF TOWN OF APEX WATER UTILITY EASEMENT DB 15436, PH 463, HEREBY ABANDONED 6415 SF";

WHEREAS, the developer desires the Town to abandon a sewer utility easement as shown on the Abandonment Plat as "TOWN OF APEX SEWER UTILITY EASEMENT DB 15436 PG 463 HEREBY ABANDONED 3765 SF";

WHEREAS, the developer desires the Town to abandon a temporary construction easement as shown on the Abandonment Plat as "TOWN OF APEX TEMP. CONST. EASE. DB 15436, PG 463 HEREBY ABANDONED 1891 SF";

WHEREAS, the developer desires the Town to abandon a temporary construction easement as shown on the Abandonment Plat as "TOWN OF APEX TEMP. CONST. EASE. DB 15436, PG 463 HEREBY ABANDONED 1644 SF";

WHEREAS, the developer desires the Town to abandon a temporary construction easement as shown on the Abandonment Plat as "TEMPORARY CONSTRUCTION EASEMENT DB 15414, PG 1903 TO BE ABANDONED 1995 SF";

WHEREAS, the Town Council considers it advisable to abandon the water and sewer utility easements and temporary construction easements;

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

- (1) The Town Council hereby authorizes the abandonment of the water and sewer utility easements and temporary construction easements as shown on the Abandonment Plat attached hereto as Exhibit A hereto in accordance with Paragraph (2) below.
- (2) The abandoned water and sewer utility easements and temporary construction

easements shall be abandoned effective upon, and only upon, the recording of the “MASTER SUBDIVISION PLAT HOLLEMAN HILLS SUBDIVISION PHASES 1 & 2” at the Wake County Register of Deeds.

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 12th day of January 2021, 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 12th day of January 2021.

TOWN OF APEX

Jacques K. Gilbert, Mayor

ATTEST:

Donna B. Hosch, Town Clerk, MMC

Toa\Holleman Hills water utility easement abandonment (2020-41)