

**RESOLUTION NO. \_\_\_\_\_**

**RESOLUTION AUTHORIZING TOWN MANAGER TO APPROVE AND EXECUTE  
RIGHT OF WAY ENCROACHMENT AGREEMENTS WITH THE NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION ON BEHALF OF THE TOWN OF APEX**

Council Member \_\_\_\_\_ moved, seconded by Council Member \_\_\_\_\_, and the Town of Apex Town Council (the “Council”) approved by a vote of \_\_\_\_ to \_\_\_\_, that the following Resolution be adopted by the Council:

WHEREAS, Town Council is authorized to approve and execute contracts on behalf of the Town of Apex pursuant to North Carolina law; and

WHEREAS, the Town Council may, by resolution, authorize Town officers and employees to approve and execute certain agreements on behalf of the Town of Apex; and

WHEREAS, the Town has a recurring need to enter into Right of Way (“ROW”) Encroachment Agreements with the North Carolina Department of Transportation (“NC DOT”) when Town of Apex facilities are located within or cross NC DOT rights of way; and

WHEREAS, the Town Council previously delegated to the Town Manager or their designee the authority to approve and execute ROW Encroachment Agreements with NC DOT for utility facilities on May 5th, 2020; and

WHEREAS, the Town has a recurring need to enter into ROW Encroachment Agreements with NC DOT when transportation, recreation, and other non-utility facilities are located within or cross NC DOT rights of way; and

WHEREAS, the Town Council deems it to be efficient and appropriate to authorize the Town Manager or their designee to approve and execute any and all Right of Way Encroachment Agreements with the NC DOT on behalf of the Town.

NOW, THEREFORE, be it resolved by the Town Council of the Town of Apex as follows:

For the purpose stated above, the Town Manager or their designee is hereby authorized to approve and execute Right of Way Encroachment Agreements with NC DOT to locate any and all types of Town of Apex facilities within or crossing NC DOT rights of way on behalf of the Town of Apex.

This Resolution is effective upon adoption.

This the \_\_\_\_ day of \_\_\_\_\_, 2022.

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

**ATTEST:**

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