

RESOLUTION NO. 23-_____

A Resolution to Abandon Portions of Existing Public Utility Easements

WHEREAS, Lennar Carolinas, LLC (the “**Owner**”) is the owner of certain tracts of land in or near the Town of Apex which are described in the deed recorded in Deed Book 18750, Page 0035, Wake County Registry (the “**Subject Property**”);

WHEREAS, as part of the Reams Grove development, public utility easement interests across the Subject Property were conveyed to the Town by an instrument recorded in Book of Maps 2022, Pages 2213-2221, Wake County Registry;

WHEREAS, the Owner desires the Town to abandon those portions of public utility easement interests in those certain areas designated as "EXISTING PUBLIC UTILITY EASEMENT TO BE ABANDONED" as shown on that certain survey plat entitled “EASEMENT ABANDONMENT EXHIBIT REAMS GROVE SUBDIVISION” prepared by WithersRavenel, dated May 22, 2023, said survey being attached hereto as Exhibit A; (the "**Abandoned Portions of Easements**");

WHEREAS, the Abandoned Portions of Easements are further labeled and identified on Exhibit A as follows:

- AREA A – EXISTING PUBLIC UTILITY EASEMENT TO BE ABANDONED (740 S.F.)
- AREA B – EXISTING PUBLIC UTILITY EASEMENT TO BE ABANDONED (255 S.F.)
- AREA C – EXISTING PUBLIC UTILITY EASEMENT TO BE ABANDONED (588 S.F.)
- AREA D – EXISTING PUBLIC UTILITY EASEMENT TO BE ABANDONED (911 S.F.)

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

WHEREAS, the Town Council considers it advisable to abandon the Abandoned Portions of Easement.

NOW, THEREFORE, BE IT RESOLVED by the Town Council as follows:

1. The Town Council of the Town of Apex hereby abandons the Abandoned Portions of Easements as shown as easement areas A through D 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 Portions of Easements 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 areas labeled "PROPOSED PUBLIC UTILITY EASEMENT TO BE DEDICATED" as shown on Exhibit A attached hereto.

3. That the Town Manager or Assistant 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 public utility 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 _____ 2023, 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 _____ 2023.

TOWN OF APEX

Jacques K. Gilbert, Mayor

ATTEST:

Allen L. Coleman, Town Clerk, CMC, NCCCC