

RESOLUTION NO. 2026-_____

A Resolution to Abandon Existing Utility Easements

WHEREAS, Bee Safe Creekside, LLC (the “**Owner**”) is the owner of a certain tract of land in or near the Town of Apex which is a portion of the lands described in the deed recorded in Deed Book 16740, Page 0027, Wake County Registry, and shown as Lot 2 on the survey plat titled “Bee Safe Storage at Creekside Landing” Sheet 2 of 3, by the John R. McAdams Company, Inc., dated October 18, 2017 and recorded in Book of Maps 2018, Page 1039, Wake County Registry (the “**Subject Property**”);

WHEREAS, public drainage, waterline, and sewer easement interests across the Subject Property were never formally conveyed to the Town by deed or plat, but said storm sewer, waterline and sanitary sewer lines are shown on the unrecorded survey “Exhibit for the Town of Apex Waterline Easement Abandonment Lot 2” by Priest, Craven & Associates, Inc., attached hereto as Exhibit A (the “**Drainage, Waterline, and Sewer Easements**”);

WHEREAS, the Owner desires the Town to abandon any interest that the Town has in the Drainage, Waterline, and Sewer Easements across the Subject Property;

WHEREAS, the Town has no need for the Drainage, Waterline, and Sewer Easements and they have no market value; and

WHEREAS, the Town Council considers it advisable to abandon the Drainage, Waterline, and Sewer Easements.

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 Drainage, Waterline, and Sewer Easements 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 has in the easement recorded in Deed Book 11741, Page 1246, Wake County Registry, and any other easement interests it may have on the Subject Property not specifically identified as abandoned herein.

2. The Drainage, Waterline, and Sewer Easements shall be abandoned effective upon the recording at the Wake County Register of Deeds of an instrument dedicating new waterline and sewer easements across the Subject Property, as shown as “20’ TOA WATERLINE ESMT” and “20’ TOA SSWR ESMT” on the attached drawing titled “Preliminary Utility Plan” for Bee Flex Minor Commercial Master Plans by Priest, Craven & Associates, Inc., attached hereto as Exhibit B.

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 Drainage, Waterline, and Sewer Easements.

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 _____, _____ 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 _____ 2026.

TOWN OF APEX

Jacques K. Gilbert
Mayor | Town of Apex

ATTEST:

Allen L. Coleman, CMC
Town Clerk | Town of Apex