

**RESOLUTION NO. 26-\_\_\_\_\_**

**A Resolution to Abandon Portion of Existing Waterline Easement**

WHEREAS, That's Showbiz Baby, LLC (the "Owner") is the owner of a certain tract of land in or near the Town of Apex which is described in the deed recorded in Deed Book 19501, Page 0298, Wake County Registry (the "Subject Property");

WHEREAS, public waterline easement interests across the Subject Property were conveyed to the Town by an instrument recorded in Book of Maps 2001, Pages 2440 - 2442, Wake County Registry;

WHEREAS, the Owner desires the Town to abandon any interest that the Town has in that portion of public waterline easement in that certain area designated as "20' TOWN OF APEX PUBLIC WATER EASEMENT TO BE ABANDONED" as shown on that certain exhibit entitled "WATERLINE EASEMENT EXHIBIT" prepared by Bohler Engineering NC, PLLC, dated December 2, 2024, said exhibit being attached hereto as Exhibit A; (the "**Abandoned Portion of Waterline Easement**");

WHEREAS, the Abandoned Portion of Waterline Easement is further described as follows:

COMMENCING at a concrete monument, said concrete monument being along the westerly right-of-way of NC Highway 55, thence leaving the right-of-way of NC Highway 55 N 22° 24' 38" E 137.37' to a computed point, said computed point also being THE POINT AND PLACE OF BEGINNING;

Thence from the POINT AND PLACE OF BEGINNING N 15° 55' 51" W 27.56' to a computed point;

Thence N 18° 32' 28" W 15.32' to a computed point;

Thence N 71° 27' 32" E 20.00' to a computed point;

Thence S 18° 32' 28" E 6.20' to a computed point;

Thence N 75° 20' 57" E 30.41' to a computed point;

Thence N 77° 28' 36" E 44.24' to a computed point;

Thence N 76° 32' 49" E 47.31' to a computed point;

Thence N 52° 01' 11" E 46.77' to a computed point;

Thence N 45° 13' 44" E 20.22' to a computed point;

Thence S 36° 37' 07" E 20.20' to a computed point;

Thence S 45° 13' 44" W 18.54' to a computed point;

Thence S 52° 01' 11" W 52.30' to a computed point;

Thence S 76° 32' 49" W 51.81' to a computed point;

Thence S 77° 28' 36" W 44.03' to a computed point;

Thence S 75° 20' 57" W 29.16' to a computed point;

Thence S 15° 55' 51" E 17.56' to a computed point;

Thence S 74° 04' 09" W 20.00' to a computed point, said computed point also being THE POINT AND PLACE OF BEGINNING and containing 4,711 square feet or 0.108

acres, more or less.

WHEREAS, the Town has no need for the Abandoned Portion of Waterline Easement and they have no market value; and

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

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 Abandoned Portion of Waterline Easement as shown on Exhibit A 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 Portion of Waterline Easement 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 area labeled "20' WATER EASEMENT PROPOSED" as shown on Exhibit A.

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 Abandoned Portion of Waterline 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 \_\_\_\_\_ 2026, 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

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Jacques K. Gilbert, Mayor

ATTEST:

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Allen L. Coleman, Town Clerk, CMC, NCCCC