

## **RESOLUTION NO. 21-1109-24**

### **A Resolution to Abandon Portions of an Existing Public Sanitary Sewer Easement**

WHEREAS, Bovestments, LLC 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 16547, Page 1437, Wake County Registry (the “**Subject Property**”);

WHEREAS, public sanitary sewer easement interests across the Subject Property were conveyed to the Town by an instrument recorded in Book of Maps 2019, Pages 1330 & 1331, Wake County Registry;

WHEREAS, Bovestments, LLC requested that the Town abandon the public sanitary sewer easement interests in that certain area of land designated as "AREA C OF EXISTING VARIABLE WIDTH TOWN OF APEX PUBLIC SANITARY SEWER EASEMENT CONTAINING 0.2825 ACRES ~ 12, 304 SF. (HATCHED AREA)," (herein after “**Area C**”) on the Easement Plat for Bovestments, LLC and Northside Acquisition, LLC by Smith & Smith Surveyors, P.A. and attached hereto as **Exhibit A**;

WHEREAS, Area C is more particularly described as:

Lying and being in the Town of Apex, White Oak Township, Wake County, North Carolina and described more fully as follows to wit:

BEGINNING at an existing 12” metal spike being a southern corner of “Variable Width Town of Apex Public Sewer Easement” (B.M. 2019, PG. 1331) where L181 ends and L182 begins, also located South 45° 20’ 07” West, 952.77 feet from an existing concrete R/W monument “A” bearing NAD 83 (2011) coordinate values of North 727,549.60 feet, East 2,045,075.54 feet (B.M. 2018, PG. 8); thence North 66° 03’ 47” East, 22.24 feet to a 12” metal spike set; thence North 03° 43’ 41” West, 53.28 feet to a point; thence North 66° 03’ 47” East, 4.05 feet to an existing 12” metal spike; thence South 30° 20’ 57” East, 63.32 feet to an existing 12” metal spike; thence North 59° 39’ 03” East, 174.97 feet to a point; thence North 88° 21’ 11” East, 83.29 feet to a point; thence South 59° 39’ 03” West, 248.03 feet to an existing 12” metal spike; thence South 30° 20’ 57” East, 5.00 feet to an existing 12” metal spike; thence South 59° 39’ 03” West, 50.00 feet to a 12” metal spike; thence North 30° 20’ 57” West, 63.62 feet to the BEGINNING, being all of Area “C” (hatched) containing 0.2825 total acres more or less (12,304 square feet more or less) being a portion of an existing “Existing Variable Width Town of Apex Public Sewer Easement” as shown on a map prepared by Smith & Smith

Surveyors, P.A. entitled “Easement Plat for Bovestments, LLC and Northside Acquisition, LLC”, dated October 1, 2021.

WHEREAS, all existing sewer line facilities within the Area C to be abandoned have been removed or relocated;

WHEREAS, the Bovestments intends to dedicate a “New Variable Width Town of Apex Sanitary Sewer Easement “B” 0.6512 Acre ~ 28, 366 SF (SHADED)” as shown on Exhibit A. (**“New Easement Area B”**).

WHEREAS, Northside Acquisition, LLC 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 16547, Page 1429, Wake County Registry.

WHEREAS, the Northside Acquisition, LLC intends to dedicate a “New Variable Width Town of Apex Sanitary Sewer Easement “A” 0.0144 Acre ~ 629 SF (SHADED)” as shown on Exhibit A. (**“New Easement Area A”**).

WHEREAS, upon dedication of a New Easement Area “A” & New Easement Area “B,” the Town no longer has any need of Area C and it has no market value;

WHEREAS, the Town Council considers it advisable to abandon the Area C.

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

- (1) The Town Council hereby approves the abandonment of the portion of existing variable width Town of Apex public sanitary sewer easement Area C as more particularly described above and containing 0.2825 acres ~ 12, 304 sf. (hatched area) as shown on Exhibit A.
- (2) This abandonment shall be effective upon, and only upon, the recording of the Easement Plat attached as Exhibit A at the Wake County Register of Deeds and dedicating to the Town of Apex the New Easement Area “A” & New Easement Area “B” referenced on Exhibit A.

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 November 2021, in the Town Hall.

Upon call for a vote the following Council Members voted in the affirmative:

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and the following Council Members voted in the negative:

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This the \_\_\_\_ day of November, 2021.

TOWN OF APEX

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Jacques K. Gilbert, Mayor

ATTEST:

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Donna B. Hosch, MMC, Town Clerk