

## **A Resolution to Abandon Existing Greenway Easement Interests**

WHEREAS, the Town of Apex presently has variable width greenway easement interests those certain areas of land designated as "EXISTING GREENWAY USE OF HATCHED EASEMENT HEREBY ABANDONED (SEE NOTE #17)" and "20' TOWN OF APEX PUBLIC GREENWAY EASEMENT BM2017 PG 423-431 HEREBY ABANDONED" and "20' TOWN OF APEX PUBLIC GREENWAY EASEMENT BM2017 PG 423-431 (DOTTED HATCH) HEREBY ABANDONED," all as shown on the survey attached entitled "Greenway Easement Abandonment Plat of Sweetwater Subdivision" dated 11-19-20 and attached hereto as Exhibit A, Sheets 1-4, hereinafter the "Existing Greenway Interests"); and

WHEREAS, the location of the greenway as constructed is slightly different than the location of the Existing Greenway Interests; and

WHEREAS, ExperienceOne Homes, LLC is dedicating new greenway easements in those certain areas of land designated as "VARIABLE WIDTH TOWN OF APEX GREENWAY EASEMENT" and "20' TOWN OF APEX GREENWAY EASEMENT," all as shown on the survey entitled "Greenway Easement Dedication Plat of Sweetwater Subdivision" dated 12-28-20 attached hereto as Exhibit B, Sheets 1-4 (hereinafter the "New Greenway Easements"); and

WHEREAS, ExperienceOne Homes, LLC has requested the Town to abandon the Existing Greenway Interests as shown on Exhibit A; and

WHEREAS, with the dedication of New Greenway Easements, the Town no longer has any need of the Existing Greenway Interests and they have no market value; and

WHEREAS, the Town Council considers it advisable to abandon the greenway interests in the Existing Greenway Interests;

NOW, THEREFORE, BE IT RESOLVED by the Town Council that:

- (1) The Town Council hereby authorizes the abandonment of the Existing Greenway Interests shown on Exhibit A hereto in accordance with Paragraphs (2) and (3) below.
- (2) The Town retains any and all utility easement interests within the Existing Greenway Interests hereby abandoned.
- (3) This abandonment of the Existing Greenway Interests shall be effective upon, and only upon, the recording of instruments at the Wake County Register of Deeds that convey to the Town of Apex the New Greenway Easement areas referenced on Exhibit B. Exhibit B attached hereto shall also be attached to said instruments to be recorded.

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 \_\_\_\_\_, 2022, 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 \_\_\_\_\_, 2022.

TOWN OF APEX

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

ATTEST:

\_\_\_\_\_  
Tesa Silver, Deputy Town Clerk, CMC