

**RESOLUTION NO. 21-0727-18**

**A Resolution to Abandon Portions of an Existing Public Utility Easement**

WHEREAS, Taylor Morrison of Carolinas, Inc. 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 17137, Page 1064, Wake County Registry (the “**Subject Property**”);

WHEREAS, a 10’ Public Utility Easement was conveyed to the Town across the Subject Property by an instrument recorded in Book of Maps 2021, Page 0362, Wake County Registry on Lots 265, 266, 267, and 268 (the “**Plat**”).

WHEREAS, an error in the Plat depicts the easement area greater than 10 foot in width across Lots 265, 266, 267, and 268.

WHEREAS, the Owner requested that the Town abandon the public utility easement dedicated in error in that certain area of land designated as "PUBLIC UTILITY EASEMENT AREA TO BE ABANDONED" on the survey attached hereto as Exhibit A (the "**EASEMENT AREA TO BE ABANDONED**");

WHEREAS, the EASEMENT AREA TO BE ABANDONED is more particularly described as:

COMMENCING AT AN IRON PIPE IN THE SOUTHWEST CORNER OF LOT 265, WESTFORD PHASE 3A, THENCE FROM SAID IRON PIPE NORTH 18°54'16" WEST 10.40 FEET TO THE POINT OF BEGINNING; THENCE NORTH 55°11'50" EAST 101.39 FEET TO A POINT; THENCE SOUTH 37°03'03" WEST 7.37 FEET TO A POINT; THENCE SOUTH 45°16'54" WEST 71.81 FEET TO A POINT; THENCE SOUTH 86°59'38" WEST 27.82 FEET TO THE POINT AND PLACE OF BEGINNING CONTAINING 0.018 ACRES, 781 SQUARE FEET.

WHEREAS, the Town has no need for the EASEMENT AREA TO BE ABANDONED and it has no market value;

WHEREAS, the Town Council considers it advisable to abandon the EASEMENT AREA TO BE ABANDONED;

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

The Town Council hereby abandons the EASEMENT AREA TO BE ABANDONED as shown on Exhibit A hereto and more particularly described above.

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 July 2021, 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 27th day of July 2021.

TOWN OF APEX

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

ATTEST:

\_\_\_\_\_  
Donna B. Hosch, MMC, Town Clerk

