

## RESOLUTION NO. 21-0727-17

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

WHEREAS, Howard C. Pickett is the Owner and HJ&J, LLC is the Leaseholder of a certain tract of land in or near the Town of Apex which is described in the deed recorded in Deed Book 9830, Page 1949, and Book 17636, Page 1161, Wake County Registry (the “**Subject Property**”);

WHEREAS, public utility easement interests across the Subject Property were conveyed to the Town by an instrument recorded in Book of Maps 2003, Page 0180, Wake County Registry;

WHEREAS, HJ&J, LLC requested that the Town abandon the public utility easement interests in that certain area of land designated as "PORTION OF EXISTING 20' PUBLIC UTILITY EASEMENT TO BE ABANDONED B.M. 2003 PG 180 (0.049 AC) (HATCHED AREA)" on the Site Plan Final Plat for HJ&J, Inc. Building Addition (the “**Site Plan**”) attached hereto as Exhibit A; (the “**Area to be Abandoned**”);

WHEREAS, all existing waterline facilities within the Area to be Abandoned have been removed or relocated;

WHEREAS, the Owner intends to dedicate a “New 20’ Town of Apex Public Utility Easement” as shown on the Site Plan attached as Exhibit A. (“**New Easement**”).

WHEREAS, upon dedication of a New Easement the Town no longer has any need of the Area to be Abandoned and it has no market value;

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

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

- (1) The Town Council hereby approves the abandonment of the portion of existing 20’ public utility easement to be abandoned as shown on Exhibit A.
- (2) This abandonment shall be effective upon, and only upon, the recording of the Site Plan attached as Exhibit A at the Wake County Register of Deeds and dedicating to the Town of Apex the New Easement 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 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