

**RESOLUTION NO. 20-0505-05**  
**RESOLUTION AUTHORIZING TOWN MANAGER TO APPROVE AND EXECUTE**  
**RIGHT OF WAY ENCROACHMENT AGREEMENTS WITH THE NORTH CAROLINA**  
**DEPARTMENT OF TRANSPORTATION ON BEHALF OF THE TOWN OF APEX**

Council Member \_\_\_\_\_ moved, seconded by Council Member ,  
\_\_\_\_\_ and the Town of Apex Town Council (the "Council") approved by a  
vote of \_\_\_\_ to \_\_\_\_, that the following Resolution be adopted by the Council:

WHEREAS, Town Council is authorized to approve and execute contracts on behalf of the  
Town of Apex pursuant to North Carolina law; and

WHEREAS, the Town Council may, by resolution, authorize Town officers and employees  
to approve and execute certain agreements on behalf of the Town of Apex; and

WHEREAS, the Town has a recurring need to enter into Right of Way Encroachment  
Agreements with the North Carolina Department of Transportation ("NC DOT") when Town of Apex  
utility facilities are located within or cross NC DOT rights of way; and

WHEREAS, the Town Council deems it to be efficient and appropriate to authorize the Town  
Manager or his designee to approve and execute such Right of Way Encroachment Agreements on  
behalf of the Town.

NOW, THEREFORE, be it resolved by the Town Council of the Town of Apex as follows:

For the purpose stated above, the Town Manager or his designee is hereby authorized to  
approve and execute Right of Way Encroachment Agreements with NC DOT to locate Town of Apex  
utilities within or crossing NC DOT rights of way on behalf of the Town of Apex.

This Resolution is effective upon adoption.

This the 5th day of May 2020.

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

**ATTEST:**

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