

**RESOLUTION NO. 24-\_\_\_\_\_**

**A Resolution to Abandon Portion of Existing Access Easement**

WHEREAS, Argos Ready Mix (Carolinas) Corp. (the “**Owner**”) 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 2415, Page 0270, Wake County Registry (the “**Subject Property**”);

WHEREAS, access easement interests across the Subject Property were conveyed to the Town by an instrument recorded in Deed Book 1615, Page 0138, Wake County Registry, said easement being in that certain limited portion of the Subject Property described as follows:

Beginning in the easterly right of way line of N.C. Highway #55 approximately 140 feet north of the northwest corner for Clem Childers, runs thence perpendicular to said highway 76 feet to a point; thence a 15 degree 15 minute right variance for 336 feet to a point; thence a 10 degree 51 minute left variance for 398 feet to a point in the center line of said railroad right of way (the “**Easement**”);

WHEREAS, the Owner desires the Town to abandon any interest that the Town has in that portion of the Easement described as follows:

Beginning at a Point located on the Northern Right of Way of NC 55 – East Williams Street, Said Point being located S 64°44'34" W a distance of 67.63', and S 24°07'44" E a distance of 33.60' from an Existing Iron Pipe (NC Grid Coordinates NAD 83(2011) N: 713,518.75, E: 2,048,186.62') Thence, from said Beginning Point, N 66°13'43" E a distance of 81.32' to a Point; Thence, N 70°55'48" E a distance of 147.75' to a Point; Thence, S 18°48'05" E a distance of 50.00' to a Point; Thence, S 70°55'48" W a distance of 145.46' to a Point; Thence, S 66°13'43" W a distance of 78.96' to a Point; Thence, N 24°07'44" W a distance of 50.00' to a Point, Being the Point and Place of Beginning, having an area of 0.260 Acres (11,337 Square Feet), More or Less (the "**Abandoned Portion of Easement**");

WHEREAS, the Town has no need for the Abandoned Portion of Easement, and it has no market value; and

WHEREAS, the Town Council considers it advisable to abandon the Abandoned Portion of Easement.

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

1. The Town Council of the Town of Apex hereby abandons any and all interest it has in the Abandoned Portion of Easement in accordance with Paragraph (2) below, provided however, the Town specifically retains any and all property interest it has in the portion of the Easement, and any other easement interests it may have on the

Subject Property, not specifically identified as abandoned herein.

2. The Abandoned Portion of Easement shall be abandoned effective upon and only upon, the recording of instruments at the Wake County Register of Deeds that convey to the Town of Apex a new access easement area in that certain limited portion of the Subject Property described as follows:

Beginning at a Point located on the Northern Right of Way of NC 55 – East Williams Street, Said Point being located S 64°44'34" W a distance of 67.63', and S 24°07'44" E a distance of 86.54' from an Existing Iron Pipe (NC Grid Coordinates NAD 83(2011) N: 713,518.75, E: 2,048,186.62') Thence, from said Beginning Point N 65°52'30" E a distance of 92.98' to a Point; Thence, with a curve turning to the left, an arc length of 39.41', radius of 80.50', chord bearing of N 51°51'04" E, chord length of 39.01' to a Point; Thence, N 37°49'38" E a distance of 34.74' to a Point; Thence, with a curve turning to the right, an arc length of 69.33', radius of 120.00', chord bearing of N 54°22'43" E, chord length of 68.37' to a Point; Thence, S 18°48'05" E a distance of 50.00' to a Point; Thence, with a curve turning to the left, an arc length of 40.21', radius of 70.00', chord bearing of S 54°16'58" W, chord length of 39.66' to a Point; Thence, S 37°49'38" W a distance of 34.74' to a Point; Thence, with a curve turning to the right, an arc length of 63.88', radius of 130.50', chord bearing of S 51°51'04" W, chord length of 63.25' to a Point; Thence, S 65°52'30" W a distance of 92.98' to a Point; Thence, N 24°07'44" W a distance of 50.00' to a Point, Being the Point and Place of Beginning, having an area of 0.269 Acres (11,707 Square Feet), More or Less.

3. That the Town Manager or Assistant Town Manager is hereby authorized to make, execute, and deliver to the owners of the Subject Property an instrument, in a form suitable for recording, releasing whatever interest the Town might have in and to the Abandoned Portion of Easement.

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 \_\_\_\_\_ 2024, 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 \_\_\_\_\_ 2024.

TOWN OF APEX

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Jacques K. Gilbert, Mayor

ATTEST:

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Allen L. Coleman, Town Clerk, CMC, NCCCC