

RESOLUTION NO. 24-_____

A Resolution to Abandon Portions of Existing Easements

WHEREAS, Hendrick Automotive Group (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 12782, Page 1538, Wake County Registry (the “**Subject Property**”);

WHEREAS, public waterline easement, public sanitary sewer easement, and public access easement interests across the Subject Property were conveyed to the Town by an instrument recorded in Book of Maps 2011, Pages 0500 - 0503, Wake County Registry;

WHEREAS, the Owner desires the Town to abandon any interest that the Town has in that portion of public waterline easement and public sanitary sewer easement in those certain areas designated as "PUBLIC WATERLINE EASEMENT TO BE ABANDONED" and “PUBLIC SANITARY SEWER EASEMENT TO BE ABANDONED” as shown on that certain survey plat entitled “PUBLIC WATERLINE AND SANITARY SEWER EASEMENT ABANDONMENT” prepared by ACRO Development Services, dated June 26, 2024, said survey being attached hereto as Exhibit A; (the "**Abandoned Portions of Utility Easements**");

WHEREAS, the Abandoned Portions of Utility Easements are further described as follows:

Public Waterline Easement Portion to be Abandoned:

BEGINNING, FOR REFERENCE, AT THE NORTHEASTERLY CORNER OF THAT 1.17 ACRE TRACT AS CONVEYED TO HENDRICK AUTOMOTIVE GROUP BY DEED OF RECORD IN DEED BOOK 17028, PAGE 671;

THENCE SOUTH 45° 38’ 46” WEST, ACROSS GRANTOR’S TRACT, A DISTANCE OF 170.13 FEET TO THE TRUE POINT OF BEGINNING;

THENCE ACROSS GRANTOR’S TRACT, THE FOLLOWING SEVEN (7) COURSES AND DISTANCES:

NORTH 22° 07’ 13” EAST, A DISTANCE OF 0.70 FEET TO A POINT;

NORTH 56° 23’ 54” WEST, A DISTANCE OF 23.79 FEET TO A POINT;

NORTH 00° 22’ 47” WEST, A DISTANCE OF 152.85 FEET TO A POINT;

NORTH 22° 52’ 47” WEST, A DISTANCE OF 59.24 FEET TO A POINT;

NORTH 67° 07’ 13” EAST, A DISTANCE OF 20.00 FEET TO A POINT;

SOUTH 22° 52’ 47” EAST, A DISTANCE OF 63.22 FEET TO A POINT;

SOUTH 00° 22’ 47” WEST, A DISTANCE OF 169.48 FEET TO THE TRUE POINT OF BEGINNING, CONTAINING 0.102 ACRE OF LAND, MORE OR LESS.

Public Sanitary Sewer Easement Portion to be Abandoned:

BEGINNING, FOR REFERENCE, AT THE NORTHEASTERLY CORNER OF THAT 1.17 ACRE TRACT CONVEYED TO HENDRICK AUTOMOTIVE GROUP, LLC BY DEED OF RECORD IN DEED BOOK 17028, PAGE 671;

THENCE NORTH 83° 06' 01" WEST, ACROSS GRANTOR'S TRACT, DISTANCE OF 94.27 FEET TO A POINT BEING THE TRUE POINT OF BEGINNING;

THENCE ACROSS GRANTOR'S TRACT, THE FOLLOWING FOUR (4) COURSES AND DISTANCES:

NORTH 77° 10' 43" WEST, A DISTANCE OF 30.40 FEET TO A POINT;
NORTH 03° 31' 53" EAST, A DISTANCE OF 121.27 FEET TO A POINT;
NORTH 69° 20' 06" EAST, A DISTANCE OF 32.89 FEET TO A POINT;
SOUTH 03° 31' 53" WEST, A DISTANCE OF 139.66 FEET TO THE TRUE POINT OF BEGINNING, CONTAINING 0.104 ACRE OF LAND, MORE OR LESS.

WHEREAS, the Town has no need for the Abandoned Portions of Utility Easements and they have no market value; and

WHEREAS, the Owner desires the Town to abandon any interest that the Town has in that portion of public access easement in that certain area designated as "Access Easement to be Abandoned PB 2011 PG 484-487" as shown on that certain survey plat entitled "PUBLIC ACCESS EASEMENT ABANDONMENT" prepared by ACRO Development Services, dated June 26, 2024, said survey being attached hereto as Exhibit B; (the "**Abandoned Portion of Access Easement**");

WHEREAS, the Abandoned Portion of Access Easement is further described as follows:

Public Access Easement Portion to be Abandoned:

BEGINNING, FOR REFERENCE, AT THE SOUTHEASTERLY CORNER OF SAID 28.27 ACRE PARCEL;

THENCE NORTH 18° 40' 07" EAST, ACROSS GRANTOR'S TRACT, A DISTANCE OF 186.94 FEET TO THE TRUE POINT OF BEGINNING;

THENCE ACROSS GRANTOR'S TRACT, THE FOLLOWING SIXTEEN (16) COURSES AND DISTANCES:

NORTH 67° 57' 58" WEST, A DISTANCE OF 26.00 FEET TO A POINT;
NORTH 22° 15' 55" EAST, A DISTANCE OF 205.11 FEET TO A POINT OF CURVATURE TO THE RIGHT;

WITH THE ARC OF SAID CURVE TO THE RIGHT, HAVING A DELTA OF 94° 11' 01", A RADIUS OF 78.00 FEET, AN ARC LENGTH OF 128.22 FEET, HAVING A CHORD BEARING AND DISTANCE OF NORTH 69° 21' 26" EAST, 114.26 FEET TO A POINT OF TANGENCY;

SOUTH 63° 33' 04" EAST, A DISTANCE OF 23.25 FEET TO A POINT;
SOUTH 64° 52' 24" EAST, A DISTANCE OF 3.31 FEET TO A POINT;
SOUTH 26° 22' 33" WEST, A DISTANCE OF 26.00 FEET TO A POINT;
NORTH 65° 10' 22" WEST, A DISTANCE OF 2.70 FEET TO A POINT;
NORTH 63° 33' 04" WEST, A DISTANCE OF 23.89 FEET TO A POINT OF CURVATURE TO THE LEFT;

WITH THE ARC OF SAID CURVE TO THE LEFT, HAVING A DELTA OF

54° 24' 38", A RADIUS OF 52.00 FEET, AN ARC LENGTH OF 49.38 FEET, HAVING A CHORD BEARING AND DISTANCE OF SOUTH 89° 14' 37" WEST, 47.55 FEET TO A POINT;

SOUTH 01° 36' 27" WEST, A DISTANCE OF 10.55 FEET TO A POINT ON THE ARC OF A CURVE TO THE RIGHT;

WITH THE ARC OF SAID CURVE TO THE RIGHT, HAVING A DELTA OF 38° 13' 27", A RADIUS OF 49.17 FEET, AN ARC LENGTH OF 32.80 FEET, HAVING A CHORD BEARING AND DISTANCE OF SOUTH 20° 41' 12" WEST, 32.20 FEET TO A POINT OF COMPOUND CURVATURE TO THE RIGHT;

WITH THE ARC OF SAID CURVE TO THE RIGHT, HAVING A DELTA OF 16° 09' 46", A RADIUS OF 48.65 FEET, AN ARC LENGTH OF 13.72 FEET, HAVING A CHORD BEARING AND DISTANCE OF SOUTH 41° 42' 36" WEST, 13.68 FEET TO A POINT;

SOUTH 63° 08' 45" WEST, A DISTANCE OF 10.85 FEET TO A POINT ON THE ARC OF A CURVE TO THE RIGHT;

WITH THE ARC OF SAID CURVE TO THE RIGHT, HAVING A DELTA OF 40° 49' 40", A RADIUS OF 20.50 FEET, AN ARC LENGTH OF 14.61 FEET, HAVING A CHORD BEARING AND DISTANCE OF SOUTH 42° 40' 46" WEST, 14.30 FEET TO A POINT OF TANGENCY;

SOUTH 22° 15' 55" WEST, A DISTANCE OF 161.71 FEET TO THE TRUE POINT OF BEGINNING, CONTAINING 0.222 ACRE OF LAND, MORE OR LESS.

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

WHEREAS, the Town Council considers it advisable to abandon the Abandoned Portions of Utility Easements and the Abandoned Portion of Access 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 Portions of Utility Easements as shown on Exhibit A in accordance with Paragraph (2) below, provided however, the Town specifically retains any and all property interest it may have in the property not specifically identified as abandoned herein.

2. The Abandoned Portions of Utility Easements 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 the areas labeled "PUBLIC WATERLINE EASEMENT" and "PUBLIC SANITARY SEWER EASEMENT" as shown on that certain survey plat entitled "PUBLIC WATERLINE AND SANITARY SEWER EASEMENT DEDICATION" prepared by ACRO Development Services, dated June 26, 2024, said survey being attached hereto as Exhibit C.

3. The Town Council of the Town of Apex hereby abandons any and all

interest it has in the Abandoned Portion of Access Easement as shown on Exhibit B, in accordance with Paragraph (4) below, provided however, the Town specifically retains any and all property interest it may have in the property not specifically identified as abandoned herein.

4. The Abandoned Portion of Access 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 the area labeled “26’ ACCESS EASEMENT” as shown on that certain survey plat entitled “PUBLIC ACCESS EASEMENT DEDICATION” prepared by ACRO Development Services, dated June 26, 2024, said survey being attached hereto as Exhibit D.

5. 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 Portions of Utility Easements and the Abandoned Portion of Access 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:

and the following Council Members voted in the negative:

This the ____ day of _____ 2024.

TOWN OF APEX

Jacques K. Gilbert, Mayor

ATTEST:

Allen L. Coleman, Town Clerk, CMC, NCCCC