

AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
19949	596655	Print Legal Ad-IPL01964040 - IPL0196404		\$3,454.76	4	91 L

Attention: Amy Amy Degen

TOWN OF APEX
PO BOX 250
APEX, NC 275022312

Allen.Coleman@apexnc.org

TOWN OF APEX, NORTH CAROLINA
OFFICE OF THE TOWN CLERK
PO BOX 250, APEX, NC 27502
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Phone (919) 249-1260
NOTICE OF THE TOWN COUNCIL'S INTENT TO EXCHANGE
REAL PROPERTY

Please take notice that at its next regular meeting on the 8 th day of October, 2024, the Apex Town Council intends to authorize the exchange of real property owned by it described below as "the Town Tract" for real property owned by Sure & Steadfast Properties Limited Partnership ("ACRE"), described below as "the ACRE Tract."

(1) The Town Tract is a portion of PIN # 0741-32-6706 located in White Oak Township, Apex, North Carolina, and is more particularly described as follows: BEING A PORTION OF TRACT C-1 OF A DIVISION OF TRACT "C" AS SHOWN ON THE SURVEY FOR THE TOWN OF APEX DATED JAN 3, 1989, ASHLEY ELKINS, RLS AND RECORDED AT BOOK OF MAPS 1989, PAGE 59, WAKE COUNTY, NORTH CAROLINA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT A 30IN WHITE OAK TREE AT THE NORTHEAST CORNER OF THE ABOVE REFERENCED SURVEY, DESCRIBED AT THAT TIME AS A 24IN WHITE OAK TREE WITH STATE PLAN COORDINATES N 713.917.474 E 2.045.176.348; THENCE SOUTH 89°52'59" WEST, PASSING OVER A REFERENCE IRON PIN AT 3.45 FEET AND AN IRON PIN FOUND ON THE WESTERLY RIGHT-OF-WAY (ROW) OF EXISTING PERRY ROAD (60.0' R.O.W.) AT 1305.43 FEET, FOR A TOTAL DISTANCE OF 1329.28 FEET TO A POINT, SAID POINT BEING ON THE CENTERLINE OF A PROPOSED 110' ROW; THENCE ALONG SAID PROPOSED CENTERLINE THE FOLLOWING THREE COURSES: - A CURVE FROM SAID POINT OF BEGINNING SOUTHERLY AND SOUTHWESTERLY A DISTANCE OF 419.85 FEET ALONG THE CURVE CONCAVE TO THE WEST, HAVING A RADIUS OF 1,202.781 FEET WITH A CHORD ANGLE SOUTH 10°46'12" WEST FOR 417.72 FEET TO A COMPUTED POINT; - A TANGENT SOUTH 22°30'45" WEST FOR 110.19 FEET TO A COMPUTED POINT IN THE FUTURE CENTERLINE OF THE PERRY ROAD RIGHT-OF-WAY; - A CURVE FROM SAID TANGENT POINT SOUTHERLY AND SOUTHEASTERLY A DISTANCE OF 197.22 FEET ALONG THE CURVE CONCAVE TO THE EAST, HAVING A RADIUS OF 1,310.34 FEET WITH A CHORD ANGLE SOUTH 16°35'32" WEST FOR 197.03 FEET TO A COMPUTED POINT; SAID POINT BEING THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID CENTERLINE OF THE FUTURE PERRY ROAD EXTENSION WITH A CURVE FROM SAID POINT OF BEGINNING SOUTHERLY AND SOUTHEASTERLY A DISTANCE OF 928.00 FEET ALONG A CURVE CONCAVE TO THE EAST, HAVING A RADIUS OF 1,244.07 FEET WITH A CHORD ANGLE SOUTH 09°10'23" EAST FOR 906.63 FEET TO A COMPUTED POINT ALONG THE NORTHERN RIGHT-OF-WAY OF US 1 HIGHWAY; THENCE LEAVING SAID PROPOSED ROW AND ALONG THE US HIGHWAY 1 ROW SOUTH 58°34'57" WEST, A DISTANCE OF 977.38 FEET TO A CALCULATED POINT; THENCE ALONG THE NORTHERN US HIGHWAY 1 ROW TO A FOUND 6-IN CONCRETE MONUMENT WITH STATE PLANE COORDINATES N 711,809.272 AND E 2,042.981.00; THENCE SOUTH 58°55'33" WEST, A DISTANCE OF 221.57 FEET TO THE CENTER OF REEDY BRANCH; THENCE ALONG SAID BRANCH THE FOLLOWING TWENTY-THREE (23) COURSES: NORTH 20°02'18" WEST, A DISTANCE OF 329.56 FEET; NORTH 74°05'29" WEST, A DISTANCE OF 84.99 FEET; NORTH 17°23'59" EAST, A DISTANCE OF 217.31 FEET; NORTH 55°30'13" WEST, A DISTANCE OF 96.25 FEET; NORTH 03°43'27" WEST, A DISTANCE OF 208.74 FEET; NORTH 42°12'57" WEST, A DISTANCE OF 115.08 FEET; NORTH 20°21'51" WEST, A DISTANCE OF 204.80 FEET; NORTH 20°31'32" WEST, A DISTANCE OF 30.00 FEET; NORTH 00°41'48" WEST, A DISTANCE OF 181.88 FEET; NORTH 12°04'12" WEST, A DISTANCE OF 179.91 FEET; NORTH 41°37'43" WEST, A DISTANCE OF 8.65 FEET; NORTH 27°36'56" EAST, A DISTANCE OF 18.18 FEET; NORTH 21°03'46" WEST, A DISTANCE OF 13.80 FEET; NORTH 31°11'08" EAST, A DISTANCE OF 10.66 FEET; NORTH 00°04'20" EAST, A DISTANCE OF 11.34 FEET; NORTH 46°43'00" WEST, A DISTANCE OF 13.69 FEET; NORTH 76°43'52" WEST, A DISTANCE OF 11.75 FEET; NORTH 06°15'16" WEST, A DISTANCE OF 7.49 FEET; NORTH 66°29'35" EAST, A DISTANCE OF 15.99 FEET; NORTH 32°25'43" WEST, A DISTANCE OF 9.99 FEET; SOUTH 79°43'00" WEST, A DISTANCE OF 7.50 FEET; NORTH 78°53'05" WEST, A DISTANCE OF 10.59 FEET; NORTH 05°25'53" WEST, A DISTANCE OF 4.86 FEET; THENCE LEAVING SAID BRANCH SOUTH 88°08'27" EAST ALONG THE SOUTHERN BORDER OF THE HEREIN DESCRIBED TRACT 1, BEING ALSO THE SOUTHERN BOUNDARY OF THAT 48.786 ACRE TRACT OF LAND SHOWN ON THE SURVEY FOR MYRTLE S. HOPSON DATED MAY 2, 1997, DRAWN BY SMITH AND SMITH SURVEYORS AND RECORDED AT BOOK OF MAPS 1997, PAGE 835, WAKE COUNTY, A DISTANCE OF 1329.43 FEET TO THE POINT OF BEGINNING, CONTAINING 34.81 ACRES, MORE OR LESS.

(2) The ACRE Tract is a portion of PIN # 0741-33-1566 located in White Oak Township, Apex, North Carolina, and is more particularly described as follows: BEING A PORTION OF THAT 48.786 ACRE TRACT OF LAND SHOWN ON THE SURVEY FOR MYRTLE S. HOPSON DATED MAY 2, 1997, DRAWN BY SMITH AND SMITH SURVEYORS AND RECORDED AT BOOK OF MAPS 1997, PAGE 835, WAKE COUNTY, NORTH CAROLINA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A 30IN WHITE OAK TREE REFERENCED ON SAID SURVEY AS A24IN WHITE OAK TREE WITH STATE PLAN COORDINATES N 713.917.474 E 2.045.176.348; THENCE SOUTH 01°18'17" WEST, A DISTANCE OF 752.20 FEET; THENCE NORTH 88°08'27" WEST, ALONG THE NORTHERN BOUNDARY OF THE TOWN OF APEX PROPERTY SHOWN AS TRACT C-1 OF A DIVISION OF TRACT "C" AS SHOWN ON THE SURVEY FOR THE TOWN OF APEX DATED JAN 3, 1989, ASHLEY ELKINS, RLS AND RECORDED AT BOOK OF MAPS 1989, PAGE 59, WAKE COUNTY, A DISTANCE OF 1489.45 FEET TO THE CENTERLINE OF THE FOREMENTIONED FUTURE PERRY ROAD ROW; THENCE ALONG SAID CENTERLINE THE FOLLOWING THREE (3) COURSES: - A CURVE FROM SAID TANGENT POINT NORTHERLY AND NORTHEASTERLY A DISTANCE OF 197.22 FEET ALONG THE CURVE CONCAVE TO THE EAST, HAVING A RADIUS OF 1,310.34 FEET WITH A CHORD ANGLE NORTH 16°35'32" EAST FOR 197.03 FEET TO A COMPUTED POINT; - A TANGENT NORTH 22°30'45" EAST FOR 110.19 FEET TO A COMPUTED POINT IN THE FUTURE CENTERLINE OF THE PERRY ROAD RIGHT-OF-WAY; - A CURVE FROM SAID POINT OF BEGINNING NORTHERLY AND NORTHEASTERLY A DISTANCE OF 419.85 FEET ALONG THE CURVE CONCAVE TO THE WEST, HAVING A RADIUS OF 1,202.78 FEET WITH A CHORD ANGLE NORTH 10°46'12" EAST FOR 417.72 FEET TO A COMPUTED POINT; THENCE NORTH 89°53'00" EAST, A DISTANCE OF 1329.28 FEET PASSING OVER A REFERENCE IRON PIN AT A DISTANCE OF 1329.28 FEET TO THE POINT OF BEGINNING, CONTAINING 23.27 ACRES, MORE OR LESS.

(3) Other Consideration. ACRE will pay to the Town additional consideration for the exchange, calculated as follows:

(a) If the closing of the swap occurs within 60 days of the approval of the resolution authorizing the exchange, the consideration to be paid by ACRE to the Town shall equal \$160,000.00 per acre for the difference in acreage between the Town Tract and the ACRE Tract. The difference in acreage is 11.54 acres. The consideration in this alternative (a) shall equal \$1,846,400.00.

(b) If the closing of the swap occurs between 60 days after the approval of the resolution authorizing the exchange and August 31, 2025, the consideration to be paid by ACRE to the Town shall equal \$168,000.00 per acre for the difference in acreage between the Town Tract and the ACRE Tract. The difference in acreage is 11.54 acres. The consideration in this alternative (b) shall equal \$1,938,720.00.

(c) If the closing of the swap occurs after August 31, 2025, the consideration to be paid by ACRE to the Town shall equal \$176,400 per acre for the difference in acreage between the Town Tract and the ACRE Tract. The difference in acreage is 11.54 acres. The consideration in this alternative (c) shall equal \$2,035,656.00.

(4) The value of the Town Tract is approximately \$3,916,125.00 and the value of the ACRE Tract is approximately \$2,385,175.00.

Submitted by:
Allen L. Coleman, CMC, NCCOC
This the 8th day of October, 2024
IPL0196404
Sep 27 2024

STATE OF NORTH CAROLINA
COUNTY OF WAKE, COUNTY OF DURHAM

Before the undersigned, a Notary Public of Dallas County, Texas, duly commissioned and authorized to administer oaths, affirmations, etc., personally appeared Tara Pennington, who being duly sworn or affirmed, according to law, doth depose and say that he or she is Accounts Receivable Specialist of the News & Observer Publishing Company, a corporation organized and doing business under the Laws of the State of North Carolina, and publishing a newspaper known as The News & Observer, Wake and State aforesaid, the said newspaper in which such notice, paper, document, or legal advertisement was published was, at the time of each and every such publication, a newspaper meeting all of the requirements and qualifications of Section 1-597 of the General Statutes of North Carolina and was a qualified newspaper within the meaning of Section 1-597 of the General Statutes of North Carolina, and that as such he or she makes this affidavit; and is familiar with the books, files and business of said corporation and by reference to the files of said publication the attached advertisement for TOWN OF APEX was inserted in the aforesaid newspaper on dates as follows:

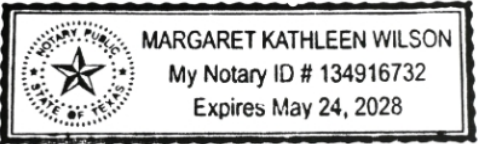
1 insertion(s) published on:
09/27/24

Tara Pennington

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Margaret K. Wilson

Notary Public in and for the state of Texas, residing in Dallas County



Extra charge for lost or duplicate affidavits.
Legal document please do not destroy!