

**RESOLUTION NO. 23-\_\_\_\_\_**

**A Resolution to Abandon Existing Utility Easements**

WHEREAS, Wellfield Development, LLC (the “**Owner**”) is the owner of certain tracts of land in or near the Town of Apex which are described in the deeds recorded in Deed Book 18428, Page 2790; Deed Book 18428, Page 2793; Deed Book 18428, Page 2795; Deed Book 18429, Page 0004; and Deed Book 18429, Page 0008 in the Wake County Registry (the “**Subject Property**”);

WHEREAS, as part of the Park at Wimberly development, dry utility easement interests across the Subject Property are shown on an instrument recorded in Book of Maps 2023, Pages 1353-1363, Wake County Registry;

WHEREAS, the Owner desires the Town to abandon any interest the Town has in those certain areas designated as "EXISTING 10' DRY UTILITY EASEMENT TO BE ABANDONED" as shown on that certain survey plat entitled “EASEMENT ABANDONMENT PLAT LOTS 56-130 THE PARK AT WIMBERLY PHASES 1 AND 2” prepared by Robinson & Plante, P.C., dated August 14, 2023, said survey being attached hereto as Exhibit A; (the “**Abandoned Easements**”);

WHEREAS, the Abandoned Easements are further labeled and identified on Exhibit A as follows:

- AREA 1 – EXISTING 10' DRY UTILITY EASEMENT TO BE ABANDONED (1,180 S.F.)
- AREA 2 – EXISTING 10' DRY UTILITY EASEMENT TO BE ABANDONED (2,540 S.F.)
- AREA 3 – EXISTING 10' DRY UTILITY EASEMENT TO BE ABANDONED (1,360 S.F.)
- AREA 4 – EXISTING 10' DRY UTILITY EASEMENT TO BE ABANDONED (1,768 S.F.)
- AREA 5 – EXISTING 10' DRY UTILITY EASEMENT TO BE ABANDONED (997 S.F.)
- AREA 6 – EXISTING 10' DRY UTILITY EASEMENT TO BE ABANDONED (3,027 S.F.)
- AREA 7 – EXISTING 10' DRY UTILITY EASEMENT TO BE ABANDONED (1,780 S.F.)
- AREA 8 – EXISTING 10' DRY UTILITY EASEMENT TO BE ABANDONED (2,055 S.F.)
- AREA 9 – EXISTING 10' DRY UTILITY EASEMENT TO BE ABANDONED (1,780 S.F.)
- AREA 10 – EXISTING 10' DRY UTILITY EASEMENT TO BE ABANDONED (1,780 S.F.)
- AREA 11 – EXISTING 10' DRY UTILITY EASEMENT TO BE ABANDONED (1,520 S.F.)

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

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

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

The Town Council of the Town of Apex hereby abandons any interest that the Town may have in the Abandoned Easements as shown as easement areas 1 through 11 on Exhibit A attached hereto and more particularly described above, provided however, the Town specifically retains any and all property interest it may have in the property not specifically identified as abandoned herein.

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 \_\_\_\_\_ 2023, 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 \_\_\_\_\_ 2023.

TOWN OF APEX

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Jacques K. Gilbert, Mayor

ATTEST:

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Allen L. Coleman, Town Clerk, CMC, NCCCC