

RESOLUTION NO. 24-_____

A Resolution to Abandon Portions of Existing Easements

WHEREAS, Pulte Home Company, LLC (the “**Owner**”) is the owner of certain tracts of land in or near the Town of Apex which are described in the deed recorded in Deed Book 19461, Page 2753, Wake County Registry (the “**Subject Property**”);

WHEREAS, 10’ public dry utility easement interests across the Subject Property were conveyed to the Town by an instrument recorded in Book of Maps 2024, Pages 2012 - 2019, Wake County Registry;

WHEREAS, the Owner desires the Town to abandon any interest that the Town has in that portion of public dry utility easement in those certain areas designated as "AREA #1: PuDUE To Be Abandoned (253 SF)," "AREA #2: PuDUE To Be Abandoned (252 SF)," and "AREA #3: PuDUE To Be Abandoned (489 SF), as shown on that certain survey plat entitled “EXHIBIT PUBLIC DRY UTILITY EASEMENT FOR PRESTWICK SUBDIVISION” prepared by MSS LAND CONSULTANTS, PC, dated April 2, 2025, 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:

AREA #1:

COMMENCING from a point marked by an iron pipe set on the on the eastern right-of-way margin of Larkspur Bowl Way (an existing 50’ public right-of-way); said point also being the northwesternmost corner of Lot 80 as shown on a plat prepared by MSS Land Consultants, PC, titled “MASTER SUBDIVISION FINAL PLAT, PRESTWICK, PHASES 1 & 2”, recorded in Book of Maps 2024, pages 2012-2019; thence, along the eastern right-of-way margin of Larkspur Bowl Way, through the arc of a curve to the right, having a radius of 175.52’, an arc length of 5.27’, and a chord course of N 00° 31’ 18” E 5.27’ to a point; thence, through Open Space 3 and Lot 79 as shown on said plat, N 72° 05’ 11” E 71.21’ to a point; said point being the POINT OF BEGINNING; thence, from said point of beginning, through Lot 79, Lot 78, Lot 77, and Lot 76, N 00° 29’ 42” E 101.32’ to a point in a northern line of Lot 76; thence, along a northern line of Lot 76, S 89° 30’ 18” E 2.50’ to a point; thence, through Lot 76, Lot 77, Lot 78, and Lot 79, the following two courses: 1) S 00° 29’ 09” W 100.48’ to a point; 2) S 72° 05’ 11” W 2.65’ to the point of beginning, containing 253 square feet of land; BEING all of “AREA #1” as shown on an exhibit prepared by MSS Land Consultants, PC, titled “PUBLIC DRY UTILITY EASEMENT FOR PRESTWICK SUBDIVISION”, dated April 2, 2025.

AREA #2

COMMENCING from a point marked by an iron pipe set on the eastern right-of-way margin of Larkspur Bowl Way (an existing 50’ public right-of-way); said point also being a western corner of Lot 80 as shown on a plat prepared by MSS Land Consultants, PC, titled “MASTER SUBDIVISION FINAL PLAT, PRESTWICK, PHASES 1 & 2”,

recorded in Book of Maps 2024, pages 2012-2019; along the eastern right-of-way margin of Larkspur Bowl Way, through the arc of a curve to the left, having a radius of 175.52', an arc length of 5.22', and a chord course of S 01° 11' 27" W 5.22' to a point; thence, through Lot 80, N 72° 05' 11" E 68.40' to a point; said point being the POINT OF BEGINNING; thence, from said point of beginning, through Lot 80, Lot 81, Lot 82, and Lot 83, the following two courses: 1) N 72° 05' 11" E 2.50' to a point; 2) S 17° 54' 49" E 101.00' to a point in a southern line of Lot 83; thence, along a southern line of Lot 83, S 72° 05' 11" W 2.50' to a point; thence, through Lot 83, Lot 82, Lot 81, and Lot 80, N 17° 54' 49" W 101.00' to the point of beginning, containing 252 square feet of land; BEING all of "AREA #2" as shown on an exhibit prepared by MSS Land Consultants, PC, titled "PUBLIC DRY UTILITY EASEMENT FOR PRESTWICK SUBDIVISION", dated April 2, 2025.

AREA #3

COMMENCING from a point marked by an iron pipe set on the northeastern right-of-way margin of Larkspur Bowl Way (an existing 50' public right-of-way); said point also being the southwesternmost corner of Lot 84 as shown on a plat prepared by MSS Land Consultants, PC, titled "MASTER SUBDIVISION FINAL PLAT, PRESTWICK, PHASES 1 & 2", recorded in Book of Maps 2024, pages 2012-2019; thence, along the northeastern right-of-way margin of Larkspur Bowl Way, through the arc of a curve to the left, having a radius of 175.52', an arc length of 2.00', and a chord course of S 59° 47' 00" E 2.00' to a point; thence, through Lot 84, N 29° 27' 01" E 68.09' to a point; said point being the POINT OF BEGINNING; thence, from said point of beginning, through Lot 84, Lot 85, Lot 86, Lot 87, and Lot 88, the following five courses: 1) N 29° 27' 01" E 3.90' to a point; 2) S 54° 05' 28" E 26.14' to a point; 3) S 59° 25' 04" E 97.05' to a point; 4) S 29° 27' 01" W 5.96' to a point; 5) N 57° 19' 50" W 123.19' to the point of beginning, containing 489 square feet of land; BEING all of "AREA #3" as shown on an exhibit prepared by MSS Land Consultants, PC, titled "PUBLIC DRY UTILITY EASEMENT FOR PRESTWICK SUBDIVISION", dated April 2, 2025.

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

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

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 “AREA #4: PuDUE To Be Dedicated (525 SF)” and “AREA #5: PuDUE To Be Dedicated (532 SF)” as shown on Exhibit A.

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 Portions of Utility Easements.

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 _____ 2025, 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 _____ 2025.

TOWN OF APEX

Jacques K. Gilbert, Mayor

ATTEST:

Allen L. Coleman, Town Clerk, CMC, NCCCC