

RESOLUTION NO. 26-_____

A Resolution to Abandon Portion of Waterline Easement

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 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 in that certain area designated as "20' TOWN OF APEX WATER EASEMENT TO BE ABANDONED" as shown on that certain survey plat entitled “TOWN OF APEX WATER EASEMENT TO BE ABANDONED” prepared by ACRO Development Services, dated April 30, 2026, said survey being attached hereto as Exhibit A; (the "**Abandoned Portion of Waterline Easement**");

WHEREAS, the Abandoned Portions of Waterline Easement is further described as follows:

SITUATED IN THE STATE OF NORTH CAROLINA, COUNTY OF WAKE, TOWN OF APEX, BEING ACROSS THAT 28.27 ACRE TRACT CONVEYED TO HENDRICK AUTOMOTIVE GROUP, LLC BY DEED OF RECORD IN DEED BOOK 12782, PAGE 1538, BEING A PORTION OF THE WATERLINE EASEMENT AS RECORDED IN BOOK OF MAPS 2011, PAGE 500 (ALL REFERENCES REFER TO THE RECORDS OF THE REGISTER OF DEEDS OFFICE, WAKE COUNTY, NORTH CAROLINA) AND BEING MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:
BEGINNING, FOR REFERENCE, AT A SOUTHEASTERLY CORNER OF SAID 28.27 ACRE TRACT AND BEING AN ANGLE POINT IN THE NORTH RIGHT OF WAY LINE OF LAURA VILLAGE DRIVE;
THENCE NORTH 16° 38' 33" EAST, ACROSS GRANTOR'S TRACT, A DISTANCE OF 191.67 FEET TO AN ANGLE POINT IN SAID WATERLINE EASEMENT, BEING THE TRUE POINT OF BEGINNING;

THENCE ACROSS GRANTOR'S TRACT, WITH THE PERIMETER OF SAID WATERLINE EASEMENT, THE FOLLOWING COURSES AND DISTANCES:

NORTH 22° 07' 13" EAST, A DISTANCE OF 139.14 FEET TO A POINT;
AND

NORTH 33° 22' 13" EAST, A DISTANCE OF 72.11 FEET TO A POINT;
THENCE SOUTH 34° 17' 11" EAST, CONTINUING ACROSS GRANTOR'S TRACT AND ACROSS SAID WATERLINE EASEMENT, A DISTANCE OF 21.62 FEET TO A POINT IN SAID WATERLINE EASEMENT;

THENCE ACROSS GRANTOR'S TRACT, WITH THE PERIMETER OF SAID WATERLINE EASEMENT, THE FOLLOWING COURSES AND DISTANCES:

SOUTH 33° 22' 13" WEST, A DISTANCE OF 61.92 FEET TO A POINT;
AND

SOUTH 22° 07' 13" WEST, A DISTANCE OF 128.96 FEET TO A POINT;
THENCE SOUTH 89° 48' 00" WEST, CONTINUING ACROSS GRANTOR'S TRACT AND ACROSS SAID WATERLINE EASEMENT, A DISTANCE OF 21.62 FEET TO THE TRUE POINT OF BEGINNING, CONTAINING 0.092 ACRE OF LAND, MORE OR LESS.

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

WHEREAS, the Town Council considers it advisable to abandon the Abandoned Portion of Waterline 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 Waterline Easement 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 Portion of Waterline 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 areas labeled "20' TOWN OF APEX PUBLIC WATER EASEMENT HEREBY

DEDICATED” as shown on that certain survey plat entitled “TOWN OF APEX PUBLIC WATER EASEMENT DEDICATION” prepared by ACRO Development Services, dated April 30, 2026, said survey being attached hereto as Exhibit B.

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 Waterline 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 _____ 2026, 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 _____ 2026.

TOWN OF APEX

Jacques K. Gilbert
Mayor

ATTEST:

Allen L. Coleman, CMC
Town Clerk