

**Resolution No.22-\_\_\_\_\_**

**A RESOLUTION TO ABANDON A PORTION OF AN EXISTING  
5' PUBLIC UTILITY EASEMENT**

WHEREAS, KTJ 366, LLC (“**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 18115, Page 1215, Wake County Registry (the “**Subject Property**”); and

WHEREAS, a 5' Public Utility Easement was conveyed to the Town across the Subject Property by an instrument recorded in Book of Maps 2009, Page 0289, Wake County Registry on Lots 1 and 2 (the “**Plat**”); and

WHEREAS, the Owner requested that the Town abandon the portion of the public utility easement in that certain area designated as “Existing 5' Public Utility Easement A Portion of Hereby Abandoned BM 2009/Page 289” as shown on that certain survey plat entitled “Site Plan Final Plat Of: Salem Street Mixed Use” prepared by McKim & Creed, said survey being attached hereto as **Exhibit A (the “Easement Area to be Abandoned”)**; and

WHEREAS, the Easement Area to be Abandoned is more particularly described as follows:

Commencing from a McKim & Creed control point identified as MC #2 having North Carolina (NAD 83-2011) Grid Coordinates of N: 721,600.864 E: 2,044,041.036', thence from said MC #2 along a tie line a bearing and distance of S 32° 11' 13" E 181.45' to a computed point, the northwest corner of said abandoned easement; thence the following five calls all to computed points: S 77° 59' 45" E 5.14', S 25° 26' 18" W 80.45', N 64° 33' 42" W 3.21' and N 25° 13' 36" E 18.04', a curve having a chord bearing and distance of N 20° 48' 32" E 21.35', an arc length of 21.38' and a radius of 138.50' to the beginning containing 343 SF / 0.008 acres, more or less.

WHEREAS, the Town has no future purpose or need for the Easement Area to be Abandoned and it has no market value; and

WHEREAS, the Town Council considers it advisable to abandon the Easement Area to be Abandoned.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Apex hereby abandons the Easement Area to be Abandoned as shown on Exhibit A hereto and more particularly described above.

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 \_\_\_\_\_, 2022, 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 \_\_\_\_\_, 2022.

TOWN OF APEX

\_\_\_\_\_  
Catherine Crosby  
Town Manager

ATTEST:

\_\_\_\_\_  
Allen Coleman, Town Clerk, CMC, NCCCC

