

RESOLUTION AUTHORIZING SALE OF PROPERTY  
TO NCDOT FOR RIGHT OF WAY IMPROVMENTS

WHEREAS, the Town of Apex (“**Town**”) owns certain real property located at the southeast corner of the intersection of Old Raleigh Road and the Apex Peakway, which is more particularly described as PIN #0742-71-4974 (the “**Property**”); and

WHEREAS, the North Carolina Department of Transportation (“**NCDOT**”) has requested the Town sell, without consideration, a portion of the Property to install a right turn lane on the Apex Peakway to turn onto Old Raleigh Road; and

WHEREAS, North Carolina General Statute § 160A-274 permits the Town to, with or without consideration, exchange with, lease to, lease from, sell to or purchase from any other governmental entity any interest in real or personal property; and

WHEREAS, the Town desires to sell, without consideration, a portion of the Property to NCDOT for the purpose of transportation improvements beneficial to the Town’s residents and visitors (the “**Right of Way**”), that portion of the Property to be sold in fee simple as Right of Way is described as follows:

Right of Way

Point of beginning being S 57°47'16.2" E, 32.229 feet from -L- Sta 14+00 thence along a curve 125.932 feet and having a radius of 2849.383 feet. The chord of said curve being on a bearing of S 11°54'30.5" E, a distance of 125.922 feet thence to a point on a bearing of N 5°44'29.3" W 72.871 feet thence along a curve 58.835 feet and having a radius of 3680.000 feet. The chord of said curve being on a bearing of N 12°31'46.1" W, a distance of 58.835 feet thence to a point on a bearing of N 12°59'15.0" W 48.707 feet thence to a point on a bearing of N 34°58'43.8" E 33.040 feet thence to a point on a bearing of S 83°23'18.4" W 13.371 feet thence to a point on a bearing of S 34°58'43.8" W 25.232 feet thence to a point on a bearing of S 13°10'28.6" E 60.642 feet returning to the point and place of beginning. Having an area of 1347.596 Sqr feet being 0.031 acres. Exhibit A attached hereto for Illustrative Purposes Only.

WHEREAS, the Town desires to grant a temporary construction easement, without consideration, on a portion of the Property to NCDOT for the purpose of a transportation improvements beneficial to the Town’s residents and visitors (the “**TCE**”), that portion of the Property subject to the TCE is described as follows:

TCE

Point of beginning being S 72°31'20.1" E, 34.805 feet from -L- Sta 14+00 thence along a curve 58.835 feet and having a radius of 3680.000 feet. The chord of said curve being on a bearing of S 12°31'46.1" E, a distance of 58.835 feet thence to a point on a bearing of S 5°44'29.3" E 72.871 feet thence to a point on a bearing of S 71°43'4.1" E 8.890 feet thence to a point on a bearing of N 0°3'13.0" W 78.643 feet thence to a point on a bearing of N 9°1'27.6" W 130.229 feet thence to a point on a bearing of S 34°58'43.8" W 33.040 feet thence to a point on a bearing of S 12°59'15.0" E 48.707 feet returning to the point

and place of beginning. Having an area of 3251.076 Sqr feet being 0.075 acres. Exhibit A attached hereto for Illustrative Purposes Only.

THEREFORE, THE TOWN COUNCIL OF THE TOWN OF APEX HEREBY RESOLVES THAT:

1. In accordance with North Carolina General Statutes § 160A-274, the sale of that portion of the Property described above as Right of Way is hereby approved; and
2. In accordance with North Carolina General Statutes § 160A-274, a temporary construction easement on the portion of the Property described above as TCE is hereby approved; and

Adopted and effective the \_\_\_\_\_ day of \_\_\_\_\_, 2022.

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Jacques K. Gilbert  
Mayor

ATTEST:

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Jontesca Silver, CMC, NCCMC  
Deputy Town Clerk