

**TOWN OF HUNTERSVILLE
RESOLUTION AUTHORIZING ABANDONMENT OF AN EASEMENT**

WHEREAS, the Town of Huntersville is the owner of certain real property described as a portion of Lot 20 and all of Lot 27 of the J. McHolbrook Estate, a plat of which is duly recorded in the Office of the Register of Deeds for Mecklenburg County, North Carolina in Map Book 4, at Page 307. The property was acquired by Deed dated December 18, 2015, of record in the aforesaid Register of Deeds in Deed Book 30491, at Page 604, and is located at 405 Gilead Road identified as Tax Parcel No. 017-105-02; and

WHEREAS, 407 Gilead Road, LLC, is the owner of certain real property described as Lot 21 of the J. McHolbrook Estate, a plat of which is duly recorded in the aforesaid Register of Deeds in Map Book 4, at Page 307, conveyed by Special Warranty Deed dated March 25, 2009, of record in the aforesaid Register of Deeds in Deed Book 24612, at Page 233, and is located at 407 Gilead Road identified as Tax Parcel No. 017-105-07; and

WHEREAS, there is a twenty-four foot (24') easement, hereinafter referred to as the "Access Easement", reserved and granted for a nonexclusive access easement on, over and across Lot 21 of the J. McHolbrook Estate for the benefit of Lots 20 and 27. The provisions for such reservation are described in Deed Book 24265, at Page 742. The easement is identified as the "Grantor Access Easement" on a survey entitled "ALTA/ACSM Land Title Survey for: Ida L. Price" by Douglas E. Morrison, PLS, of R.B. Pharr & Associates, PA, dated July 30, 2008, last revised August 14, 2008; and

WHEREAS, 407 Gilead Road, LLC, owner of Lot 21, has requested that the Town release and abandon the Access Easement on, over and across its land, which was created for the benefit of Lots 20 and 27; and

WHEREAS, the Town has determined that the Access Easement is no longer needed, used by, or benefits Lots 20 and 27 and the Town will not be deprived of reasonable means of ingress and egress; and

WHEREAS, the Town desires to release and abandon to 407 Gilead Road, LLC, its interest in the Access Easement lying on, over and across Lot 21 to 407 Gilead Road, LLC, its successors, and/or assigns.

THEREFORE, THE BOARD OF COMMISSIONERS OF THE TOWN OF HUNTERSVILLE RESOLVES THAT:

1. The twenty-four foot (24') easement reserved and granted for a nonexclusive access easement on, over and across Lot 21 of the J. McHolbrook Estate for the benefit of Lots 20 and 27 is hereby no longer needed, or benefits Lots 20 and 27, and is hereby released and abandoned.
2. The appropriate Town officials are authorized to execute any instruments necessary to release the 24' Access Easement to 407 Gilead Road, LLC, and enter into a

Release and Abandonment of a Private Easement agreement, a copy of which is attached hereto as Exhibit A, and incorporated herein by reference.

Adopted this _____ day of April 2016.

TOWN OF HUNTERSVILLE

ATTEST:

Janet Pierson, Town Clerk
(SEAL)

John Aneralla, Mayor

APPROVED AS TO FORM:

Robert B. Blythe, Town Attorney