

RESOLUTION AUTHORIZING CONDEMNATION TO ACQUIRE CERTAIN PROPERTY OF
CONGDON PRESTON RESERVE, LLC, ET AL

WHEREAS, the governing body of the Town of Cary hereby determines that it is necessary and in the public interest to acquire certain property owned by Congdon Preston Reserve, LLC, et al., for the following public purposes:

In our continuing effort to provide the public with adequate transportation, The Town of Cary is seeking right of way necessary for the construction of the ST1198 Olde Weatherstone Way Traffic Signal Installation Improvements Project. The Town is condemning the herein described property interests, specifically to construct the ST1198 Olde Weatherstone Way Traffic Signal Installation Improvements Project.

WHEREAS, the proper officials or representatives of the Town of Cary have been unable to acquire the needed interest in this property by negotiated conveyance.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE TOWN OF CARY, THAT:

1. The Town of Cary shall acquire by condemnation, for the purposes stated above, the right of way interest in a portion of certain tracts described in Deed Book 14475 Page 2204, Wake County Registry.

The right of way area taken is more particularly described as follows:

FEE SIMPLE RIGHT-OF-WAY

Portion of that tract or parcel of land situated in Cary Township, Wake County North Carolina, more particularly described as follows:

Beginning at an Existing Iron Pipe on the Eastern 110 Foot Right of way of NW Cary Parkway (BM.1997 PG.2041); said Point of Beginning being the Southwest property corner of Congdon Preston Reserve, LLC, HTC Preston Reserve, LLC, Andrews Ventures Preston Reserve, LLC, St. Andrews Preston Reserve, LLC, Three Twelve Clematis Reserve, LLC, Weil Preston Reserve, LLC (PIN #0754-34-6463, DB.14475 PG.2204, BM.1998 PG.1274); thence from said point of beginning along said Eastern 110 Foot Right of way of NW Cary Parkway N03°-13'-06"E 10.06 feet to a New Iron Pipe; thence describing the edge of the new Right of way 2 the following two (2) courses and distances: (1) S84°-20'-44"E 32.73 feet to a New Iron Pipe; (2) S05°-39'-16"W 38.90 feet to a New Iron Pipe on Northern 60 Foot Right of way of Olde Weatherstone Way (BM.1997 PG.2041); thence along said Northern 60 Foot Right of way of Olde Weatherstone Way on a curve to the right having a Radius of 400.00 feet, an Arc Length of 3.46 feet, and a Chord Bearing and Distance of N81 °-55'-49"W 3.46 feet to an Existing Iron Pipe; thence along the Right of way N39°-28'-47"W 40.69 feet to said point of beginning.

New right of way being across the lands of Congdon Preston Reserve, LLC, HTC Preston Reserve, LLC, Andrews Ventures Preston Reserve, LLC, St. Andrews Preston Reserve, LLC, Three Twelve Clematis Reserve, LLC, Weil Preston Reserve, LLC (PIN #0754-44-6873, DB.14475 PG.2204, BM.1998 PG.1274); containing 840 Square feet, 0.019 Acres according to a Survey entitled "NCDOT Right of way Dedication Survey for the Town of Cary" by Calyx Engineers Consultants, dated October 30, 2017.

2. The attorneys representing the Town of Cary are directed to institute the necessary proceedings under NCGS §40A-1, et. Seq. as authorized by NCGS §40A-3(b)(4) and/or other appropriate statutory provisions and local acts to acquire the property herein described.

Harold Weinbrecht, Jr., Mayor

Adopted this 26th day of July 2018.

I, Virginia H. Johnson, Clerk of the Town of Cary, do hereby certify that the foregoing is a true copy of a resolution which was duly adopted by Town Council of the Town of Cary at its meeting on July 26, 2018.

Witness my hand and the official seal of the Town of Cary on this the 26th day of July 2018.

Virginia H. Johnson, Town Clerk

(Municipal Seal)

