

RESOLUTION NO. 608

A RESOLUTION BY THE GOVERNING BODY OF THE CITY OF COLUMBUS, KANSAS, GRANTING RIGHT-OF-WAY EASEMENT TO THE OWNERS OF COLUMBUS HARDWARE, INC., 321 E. MAPLE STREET, COLUMBUS, KANSAS, TO EXPAND ITS RETAIL FACILITY, BY APPROXIMATELY SIXTEEN (16) FEET BY NINETY (90) FEET, UPON A WESTERLY PORTION OF THE CITY'S EXISTING PLATTED STREET, NORTH TENNESSEE AVENUE.

WHEREAS, Columbus Hardware, Inc., is an established retail business in the City of Columbus, Kansas.

WHEREAS, Columbus Hardware, Inc., is located at 321 E. Maple Street, Columbus, Kansas, the real estate described as: ORIGINAL PLAT CO, BLOCK 13, Lot 19-20; 0.15 Acres.

WHEREAS, in order to accommodate its lawn and garden materials, and upgrade the exterior appearance of the business, the owners of Columbus Hardware, Inc. propose an expansion consisting of a sixteen (16) foot by ninety (90) foot permanent addition on the northeast portion of the existing structure, which is located approximately thirty (30) feet west of the center of the area platted for North Tennessee Avenue, and parallel and bordering the approximate east boundary of Block 13, Lot 20.

WHEREAS, the location of the proposed expansion of the structure encroaches on the City's original platted area for North Tennessee Avenue, thereby requiring the Governing Body to grant a right-of-way easement running upon the west side of the City's platted street to accommodate the business expansion.

WHEREAS, the proposed project requires a City water meter to be relocated to allow for the new construction, and Columbus Hardware, Inc. shall reimburse the City for the relocation costs including machine time, parts, supplies and labor totaling three hundred dollars (\$300.00).

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF COLUMBUS, KANSAS, that the Governing Body hereby grants a sixteen (16) foot by ninety (90) foot right-of-way easement upon the area located approximately thirty (30) feet west of the center of the area platted for North Tennessee Avenue, and parallel and bordering the approximate east boundary of Block 13, Lot 20, to the owners of Columbus Hardware, Inc. to accommodate the proposed expansion of the retail business, for as long as the structure exists and is maintained.

BE IT FURTHER RESOLVED that the City's costs for machine time, parts, supplies and labor to accommodate the business expansion and relocate the City's water meter, in the amount of three hundred dollars (\$300.00, shall be paid by the owners of Columbus Hardware, Inc.

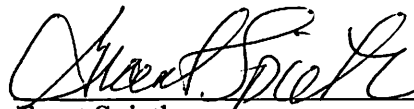
BE IT FURTHER RESOLVED that the granting of the right-of-way easement shall not create a prescriptive easement, an easement by necessity, an easement by implication nor a basis

for a claim of adverse possession.

BE IT FURTHER RESOLVED that in the event the structure ceases to exist, falls into disrepair or a dilapidated state, the right-of-way shall be revoked and the property shall revert to City control of the entire west side of North Tennessee Avenue, consistent with the one hundred (100) foot width originally platted for North Tennessee Avenue.

PASSED AND APPROVED by the Governing Body of the City of Columbus, Kansas,
this 1st day of March, 2021.

APPROVED:



Grant Spieth
Mayor, City of Columbus, Kansas



Cherri Chancellor
Columbus City Clerk

(SEAL)

