

Ordinance No. 1001

AN ORDINANCE authorizing the Richmond, Fredericksburg and Potomac Railroad Company, its successors and assigns, to construct, maintain and use a spur track in and along North Fayette Street from a point 169 feet south of the south line of Wythe Street to a point approximately 200 feet north of the north line of Wythe Street in the City of Alexandria, Virginia.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the Richmond, Fredericksburg and Potomac Railroad Company, its successors and assigns, be and they are hereby authorized to construct, maintain and use a railroad spur track in and along North Fayette Street from a point 169 feet south of the south line of Wythe Street to a point approximately 200 feet north of the north line of Wythe Street in the City of Alexandria, Virginia. Said track shall be located in accordance with the plat entitled "Proposed Extension To Victory Van Siding On Fayette Street, Supvr. Off., Alexandria, Va., Scale: 1" = 50', 9/11/58" and made a part hereof. Said track shall begin at a new point of switch shown on the said drawing located on the industrial track of the Richmond, Fredericksburg and Potomac Railroad Company located in the center of Fayette Street; thence running in a southerly direction by a frog and switch to and along the westerly side of Fayette Street to a point where it connects with the present spur track serving Victory Van Corporation. The center of said spur track along the westerly side of Fayette Street being 8 feet eastwardly from and parallel to said west line of Fayette Street.

Section 2. That before any work is started on the construction of the said spur track hereinbefore mentioned or before the streets of the City of Alexandria are used under authority hereby granted, plans, profile and specifications for the grading and the alignment of track shall be first submitted to and be approved by the Director of Public Works. All space between rails of said spur track and all space within two feet outside of each rail shall be paved as now or hereafter directed by the Director of Public Works. Such paving shall be brought up to the top of the rails. Construction, the relocation of facilities, grading, necessary drainage, and paving between rails and the two feet on each side thereof, and all other work shall be done at the cost of the said Richmond, Fredericksburg and Potomac Railroad Company and under the supervision of the Director of Public Works, and such work, including construction of the switch point, shall be done in a manner which will leave the streets safe and in proper condition for vehicular traffic.

Section 3. That the Richmond, Fredericksburg and Potomac Railroad Company, its successors and assigns, shall keep such spur track, the space between the rails and two feet on each side thereof in good repair and in safe condition so long as the spur track remains in the street. Use of the street by said company, its successors and assigns, pursuant to the privilege hereby granted shall be considered an agree-

ment by the Company, its successors and assigns, to save the City of Alexandria harmless from any liability by reason of the construction, use or maintenance of the said spur track.

Section 4. That the special privilege to use the said street of Alexandria herein granted shall be considered a limited and concurrent right, and the same shall in no manner be considered a right in perpetuity, and the City may require the removal of said tracks and terminate said privilege upon 90 days' notice. Upon abandonment of said spur track, the Company, its successors and assigns, shall, at its expense remove the said track and return the street to a safe and proper condition, paving the disturbed portion of the street in like manner as the remainder of the street is paved at the time of the removal.

Section 5. That this ordinance shall be published in a newspaper of general circulation in the City not later than five days following its introduction together with a notice containing the time and place for a public hearing. The Clerk of the Council shall note the date of introduction and first reading, the date of publication, the date of the public hearing, and the date of the second reading and final passage in the minutes of the meeting. This ordinance shall become effective the date of its final passage.

LEROY S. BENDHEIM
Mayor

Final Passage: October 14, 1958