

ORDINANCE NO. 1602

AN ORDINANCE authorizing the owners of premises numbered 607 South Lee Street, and their successors in title, to maintain the encroachment of the premises at 607 South Lee Street which extends from between 0.87 feet to 0.96 feet upon and over the public right-of-way of South Lee Street, one of the public streets in the City of Alexandria, Virginia.

WHEREAS, Mr. and Mrs. Robert D. Catterton are the owners of premises known as 607 South Lee Street in the City of Alexandria, Virginia; and

WHEREAS, the premises at 607 South Lee Street encroach from between 0.87 to 0.96 feet upon and over the public right-of-way of South Lee Street, and have apparently so encroached since 1889 when the property was first conveyed out by its present dimensions; and

WHEREAS, the said encroachment has been approved by the Planning Commission of the City of Alexandria, Virginia and it is determined that this encroachment is not detrimental to the public interest; therefore

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Mr. and Mrs. Robert D. Catterton, and their successors in title, be and they hereby are authorized to maintain the encroachment of the premises at 607 South Lee Street from between 0.87 feet to 0.96 feet upon and over the public right-of-way of South Lee Street, until such encroachment is removed or destroyed, provided this authority shall not be construed to relieve such owners of any negligence on their part on account of such encroachment, and subject to the hereinafter contained provisions.

Section 2. That the privilege hereby granted to maintain this encroachment shall be subject to the maintaining by the owners of the encroachment of public liability and property damage insurance indemnifying the City of Alexandria, such policy to be presented forthwith to the City Attorney for approval.

Section 3. That the use of the encroachment pursuant to the authority hereby granted shall be considered an agreement by the said owners, their successors and assigns, to save harmless the City of Alexandria from any liability by reason of the use or maintenance of the said encroachment.

Section 4. That the privilege hereby granted to maintain the encroachment, as aforesaid, shall be terminated and extinguished whenever the City of Alexandria shall need that portion of the public right-of-way for street widening or for any other public purpose and shall, by written notification, demand from the owners of the subject property the removal of such encroachment, which said removal shall be completed promptly within thirty (30) days from the date of notice of removal and without cost to the City of Alexandria.

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.

Charles E. Beatley, Jr.
Mayor

Final Passage: October 28, 1969