

AN ORDINANCE authorizing the owner of premises numbered 1028 King Street, and his successors in title, to install and maintain an encroachment consisting of an exhaust duct in, upon and over a portion of the public right of way of South Henry Street, one of the public streets in the City of Alexandria, Virginia.

WHEREAS, Walter P. Lemshewsky is the owner of the premises known as 1028 King Street; and

WHEREAS, the owner of said premises proposes to install an exhaust duct on the side of the existing building at 1028 King Street, which duct will encroach one foot (1') into the public right of way of South Henry Street; 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 Walter P. Lemshewsky, and his successors in title, be and they hereby are authorized to install and maintain an exhaust duct, which duct will be two feet four inches (2'4") wide, a minimum of ten feet (10') above the public sidewalk and will encroach one foot (1') into the public right of way of South Henry 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 construct and maintain this encroachment shall be subject to the maintaining by the owner, his successors and assigns, 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 installation and use of the encroachment pursuant to the authority hereby granted shall be considered an agreement by the said owner, his successors and assigns, to save harmless the City of Alexandria from any liability by reason of the installation, use or maintenance of said encroachment.

Section 4. That the privilege hereby granted to install and 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 any public purpose and shall, by written notification, demand from the owner 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: MAY 25, 1971