

AN ORDINANCE authorizing the owner of premises numbered 401 Franklin Street, and his successors in title, to maintain an encroachment consisting of a 40 inch high picket fence in, upon and over the public right-of-way of Franklin Street, which is a public street in the City of Alexandria, Virginia.

WHEREAS, G. BRADFORD KRESS is the owner of premises known as 401 Franklin Street, in the City of Alexandria, Virginia; and

WHEREAS, the said owner proposes to erect a forty (40) inch high picket fence which will encroach twenty feet (20') into the public right-of-way of Franklin Street; and

WHEREAS, there is now no sidewalk along the portion of Franklin Street abutting the property of the said owner; and

WHEREAS, the said owner has agreed to construct, at his own expense, a sidewalk for pedestrian traffic on the said right-of-way of Franklin Street which abuts his property, said sidewalk to be outside the proposed fence; 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 G. BRADFORD KRESS, and his successors in title be, and they hereby are, authorized to construct and maintain the above-described forty (40) inch high fence into the public right-of-way of Franklin Street to a total depth of twenty feet (20'), until such encroachment is removed or destroyed, provided this authority shall not be construed to relieve such owner of any negligence on his 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 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 privilege hereby granted to construct and maintain this encroachment shall be subject to the construction by the owner of a sidewalk along Franklin Street outside the proposed fence, said sidewalk to be constructed at the owner's expense and in accordance with the specifications of the City of Alexandria, Virginia, Department of Public Works

Section 4. That the construction 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 construction, use or maintenance of the said encroachment.

Section 5. That the privilege hereby granted to construct 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 street widening or for any other 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 6. That this ordinance shall be published in a newspaper of general circulation published 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 10, 1972