

ORDINANCE NO. 2610

AN ORDINANCE authorizing the owner of the premises situated at 1801 Mount Vernon Avenue, and its successors in title, to construct and maintain an encroachment consisting of a mansard roof upon and over the public right-of-way of East Duncan Avenue in the City of Alexandria, Virginia.

WHEREAS, Alexandria Toyota, Inc. is the owner of the premises situated at the northeast corner of Mount Vernon Avenue and East Duncan Avenue in the City of Alexandria, Virginia; and

WHEREAS, Alexandria Toyota, Inc. desires to construct and maintain a mansard roof which will encroach three (3) feet onto and be at least 10 feet above the right-of-way of East Duncan Avenue; and

WHEREAS, the sidewalk area at that point is sufficiently wide for pedestrian traffic; and

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

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Alexandria Toyota, Inc. and its successors in title, be and hereby is authorized to construct and maintain the above-described mansard roof, which roof will encroach three (3) feet onto and be at least 10 feet above the right-of-way of East Duncan Avenue, until such encroachment is removed or destroyed; provided, this authority shall not be construed to relieve such owner of any negligence on its part on account of such encroachment and subject to the hereinafter contained provisions.

Section 2. That the privilege hereby granted to construct and maintain the 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 to the city attorney for approval. That the maintenance and use of said encroachment, pursuant to the authority hereby granted, shall be considered an agreement by the owner and its successors and assigns to save harmless the City of Alexandria from any liability by reason of the use and maintenance of said encroachment.

Section 3. That the privilege hereby granted to maintain the existing encroachment as hereinabove described shall be terminated whenever the City of Alexandria shall desire to use that portion of the public right-of-way for any purpose

whatsoever, and shall by written notification demand from the owner the removal of such existing encroachment, which removal shall be completed promptly, within no more than 30 days from the day of such notice, without cost to the City of Alexandria.

Section 4. That the title of and an informal memorandum explaining 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 city clerk shall have the full text of this ordinance printed in sufficient numbers to supply copies to meet request. The city clerk 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: July 8, 1981