

ORDINANCE NO. 3008

AN ORDINANCE authorizing the owners of the premises located at 900 Chalfonte Drive, and their successors in title, to maintain an existing encroachment consisting of a split rail fence into the public right-of-way of the southwest corner of Chalfonte Drive and Cameron Mills Road in the City of Alexandria, Virginia.

WHEREAS, Steven J. Sacher and Colleen Gibbons are the owners of the premises located at 900 Chalfonte Drive in the City of Alexandria, Virginia; and

WHEREAS, Steven J. Sacher and Colleen Gibbons desire to maintain an existing split rail fence which encroaches into the public right-of-way of the southwest corner of Chalfonte Drive and Cameron Mills Road; and

WHEREAS, the existing encroachment consists of a split rail fence that encroaches 9.5 feet into the right-of-way of Chalfonte Drive and 10.2 feet into the right-of-way of Cameron Mills Road;

WHEREAS, the public right-of-way at that point has not been significantly impaired by this encroachment; 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 Steven J. Sacher and Colleen Gibbons, and their successors in title, be and the same hereby are authorized to maintain the above-described encroachment consisting of a split rail fence, which split rail fence encroaches into the public right-of-way of the southwest corner of Chalfonte Drive approximately 9.5 feet, and into the right-of-way of Cameron Mills Road approximately 10.2 feet, until such encroachment is removed or destroyed, provided this authority shall not be construed to relieve such owners of liability for 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 the 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 to the city attorney for approval.

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

Section 4. That the privilege hereby granted to maintain the 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 owners the removal of such encroachment, which removal shall be completed promptly, within no more than 30 days from the date of such notice, without cost to the City of Alexandria.

Section 5. 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: January 12, 1985