

ORDINANCE NO. 3011

AN ORDINANCE authorizing the owner of the premises located in the 1600 block of Dechantel Street, and its successors in title, to construct and maintain an encroachment into the public right-of-way of Dechantel Street, in the City of Alexandria, Virginia, consisting of a 10-foot by 107.6-foot extension of a parking garage, for the purposes of public parking.

WHEREAS, Dechantel Garage, Inc. is the owner of the premises located in the 1600 block of Dechantel Street in the City of Alexandria, Virginia; and

WHEREAS, Dechantel Garage, Inc. desires to construct and maintain, in a parking garage, an additional 35 spaces for public parking purposes which will encroach 10 feet into the public right-of-way on the north side of Dechantel Street and be 107.6 feet in length; and

WHEREAS, the public right-of-way at that point on Dechantel Street will not be 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 Dechantel Garage, Inc., and its successors in title, be and the same hereby is authorized to construct and maintain an encroachment consisting of an additional 35 spaces for public parking purposes in a parking garage, which spaces will encroach into the public right-of-way on the north side of Dechantel Street, a distance of 10 feet, and be 107.6 feet in length, until such encroachment is removed or destroyed, provided this authority shall not be construed to relieve such owner of liability for 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 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.

Section 3. 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 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 owner 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: February 23, 1985