

# Ordinance No. 1252

**AN ORDINANCE** authorizing the owners and their successors in title to maintain an encroachment in, upon and under a public sidewalk located on the north side of Montgomery Street adjacent to their building located at 901 North Washington Street, said sidewalk being a portion of the public right of way.

WHEREAS, Banks & Lee, Incorporated are constructing an office building at the northeast corner of North Washington Street and Montgomery Street, to be known and numbered as 901 North Washington Street, and

WHEREAS, in connection with the construction of the said building it is necessary to construct an areaway in, upon and under the public sidewalk along the south side of the building, which said sidewalk is on the north side of Montgomery Street, and

WHEREAS, said areaway will begin at a point approximately 83 feet, 7¾ inches east of the southwest corner of the property line of the said property on which the said building is being constructed, and will be approximately 10 feet long and extend into the public right of way a depth of approximately 3½ feet and will be covered by a grating approved by the Traffic Department and by the Department of Public Works, and

WHEREAS, it is determined that the said encroachment is not detrimental to the public interest, therefore

## THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Banks & Lee, Incorporated, and its successors in title, be and they hereby are authorized to construct and maintain the above described encroachment in, upon and under the public sidewalk on the north side of Montgomery Street along the south side of their building known as 901 North Washington Street in the City of Alexandria, Virginia, until such encroachment or the building which it serves be 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.

Section 2. That the right hereby granted to construct and maintain this encroachment shall be subject to the maintaining by the owners of the building served by the encroaching areaway adequate public liability and property damage insurance indemnifying the City of Alexandria, such policy or policies of insurance to be presented to and approved by the City Attorney forthwith.

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

Section 4. 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.

**FRANK E. MANN**  
Mayor

Final Passage: January 28, 1964