

# Ordinance No. 1273

**AN ORDINANCE authorizing the owners of premises numbered 306 and 308 Franklin Street, and their successors in title, to maintain an encroachment in, upon and over the public right of way of Franklin Street, one of the public streets of the City of Alexandria, Virginia.**

WHEREAS, Mr. and Mrs. Charles E. Persinger are the owners of premises known as 306 and 308 Franklin Street in the City of Alexandria, Virginia; and

WHEREAS, in connection with the construction of two houses on said lots of ground there will be certain encroachments extending out into the right of way on the south side of Franklin Street for a depth of approximately 19 feet, which said encroachments consist of a brick retaining wall which will run parallel to the property line and encroach approximately 19 feet into the right of way of Franklin Street, three other retaining walls running generally perpendicular to the aforementioned wall and being between said aforementioned wall and the existing property line, and two sidewalks leading from the said two houses under construction out into the right of way a distance of approximately 19 feet; and

WHEREAS, it is determined that the said encroachments are not detrimental to the public interest; therefore

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Mr. and Mrs. Charles E. Persinger and their successors in title be and they hereby are authorized to construct and maintain the above described encroachments in, upon and over the said public right of way of Franklin Street where said street is abutted by premises known as 306 and 308 Franklin Street, until such encroachments or the buildings being constructed on the aforesaid two lots are removed or destroyed, provided this authority shall not be construed to relieve such owners of any negligence on their part on account of such encroachments, and subject to the hereinafter contained provisions.

Section 2. That the privilege hereby granted to construct and maintain these encroachments shall be subject to the maintaining by the owners of the building or buildings abutting the said encroachments public liability and property damage insurance indemnifying the City of Alexandria, such policy or policies to be presented forthwith to the City Attorney for approval.

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

Section 4. That the privilege hereby granted to construct and maintain these encroachments as hereinabove described shall be terminated whenever the City of Alexandria shall need for street-widening purposes the right of way or some portion thereof occupied by these encroachments, and shall, by written notification, demand from the owner or owners of the subject property the removal of such encroachments or any portion thereof, which said removal shall be completed promptly and without cost to the City of Alexandria.

Section 5. 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 the final passage.

FRANK E. MANN

Mayor

Final Passage: June 23, 1964