

# Ordinance No. 1278

**AN ORDINANCE** authorizing the owners of premises numbered 113 South Patrick Street, and their successors in title, to maintain an encroachment in, upon and over the public right of way of South Patrick Street, one of the public streets of the City of Alexandria, Virginia.

WHEREAS, Oscar A. Handle, Jr. and William P. Brown, II, are the owners of premises known as 113 South Patrick Street in the City of Alexandria, Virginia; and

WHEREAS, the existing building at 113 South Patrick Street presently encroaches a depth of approximately six inches (6") into the right of way of the said street; and

WHEREAS, in connection with certain remodeling of the said building being undertaken by the owners thereof it is proposed to encroach an additional eight inches (8") into the said public right of way by the addition of a six-inch (6") aluminum grill and a two-inch (2") split rock facing to the front of the building, making a total encroachment into the public right of way of fourteen inches (14"); 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 Oscar A. Handle, Jr. and William P. Brown, II, and their successors in title, be and they hereby are authorized to construct and maintain the above described encroachment of a total depth of fourteen inches (14") into the public right of way of South Patrick Street, until the encroaching building is 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, and subject to the hereinafter contained provisions.

Section 2. That the privilege hereby granted to construct and maintain this encroachment shall be subject to the maintaining by the owners of the encroaching building public liability and property damage insurance indemnifying the City of Alexandria, such policy to be presented forthwith to the City Attorney for approval.

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

Section 4. That the privilege hereby granted to construct and maintain the additional encroachment of eight inches (8"), as aforesaid, shall be terminated and extinguished whenever the City of Alexandria shall need that portion of the public right of way for street widening or for any other public purpose and shall, by written notification, demand from the owners of the subject property the removal of such encroachment, 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 its final passage.

FRANK E. MANN  
Mayor

Final Passage: July 1, 1964