

# Ordinance No. 1281

**AN ORDINANCE** authorizing the owner of premises numbered 305 South Washington Street, and his successors in title to maintain an encroachment in, upon and over the public right of way of South Washington Street, a public street in the City of Alexandria, Virginia.

WHEREAS, Andrew J. Koll, Jr. is the owner of the premises known as 305 South Washington Street in the City of Alexandria, Virginia; and

WHEREAS, in connection with the construction of a display window in the conversion of the premises into a shop it is proposed to encroach into the said public right of way approximately 1 foot and 9 inches, which said encroachment shall consist of a display window running approximately parallel to the property line of the said premises along South Washington Street; 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 Andrew J. Koll, Jr. and his successors in title be and they hereby are authorized to construct and maintain the above described encroachment in, upon and over the said public right of way of South Washington Street until such encroachment is removed or destroyed, provided this authority shall not be construed to relieve such owner of any negligence on his 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 owner of the building upon which the said encroachment is attached 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 encroachment pursuant to the authority hereby granted shall be considered an agreement by the said owner, his 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 the privilege hereby granted to construct and maintain the encroachment of 1 foot and 9 inches as aforesaid shall be terminated and extinguished whenever the City of Alexandria shall need the public right of way for street widening or for any other public purpose whatsoever and shall, by written notification, demand from the owner or 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: October 13, 1964