

Ordinance No. 1282

AN ORDINANCE authorizing the owner of premises numbered 401 Wilkes Street, and his successors in title to maintain an encroachment in, upon and over the public rights of way of Wilkes Street and Royal Street, two of the public streets of the City of Alexandria, Virginia.

WHEREAS, John W. Cassidy is the owner of the premises known as 401 Wilkes Street in the City of Alexandria, Virginia; and

WHEREAS, in connection with the construction of flower boxes in the remodeling of the said premises there will be a certain encroachment extending out into the rights of way on the north side of Wilkes Street and the east side of Royal Street, which said encroachment consists of flower boxes which will run approximately parallel to the property lines and encroach approximately 19½ inches into the right of way of Wilkes Street for a distance of approximately 13½ feet, and will encroach approximately 19½ inches into the right of way of Royal Street for a distance of approximately 52 feet; 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 John W. Cassidy and his successors in title be and they are hereby authorized to construct and maintain the above described encroachment in, upon and over the said public rights of way of Wilkes Street and Royal Street where the said streets are abutted by the premises known as 401 Wilkes 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 19½ inches as aforesaid shall be terminated and extinguished whenever the City of Alexandria shall need either or both portions of the public rights 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