

Ordinance No. 1292

AN ORDINANCE authorizing the owners of premises numbered 310 Wolfe Street, and their successors in title, to maintain encroachments in, upon and over the public right of way of Wolfe Street, one of the public streets of the City of Alexandria, Virginia.

WHEREAS, Mr. and Mrs. I. W. Rhodes are the owners of premises known as and numbered 310 Wolfe Street in the City of Alexandria, Virginia, and

WHEREAS, the owners of the said premises desire to beautify their property by the construction of two brick flower boxes, which said two flower boxes will be located along the front building wall of their home at 310 Wolfe Street; one will be approximately 30 inches long, located just east of and abutting the existing stoop on the said premises, and the other flower box will be 35 inches long and is located 95 inches east of the east end of the first mentioned flower box; both flower boxes will encroach into the public right of way a depth of 12 inches, 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. I. W. Rhodes, and their successors in title, be and they hereby are authorized to construct and maintain the above described encroachments of two flower boxes into the public right of way of Wolfe Street, for a depth of 12 inches, until the said encroaching flower boxes are removed or destroyed, provided this authority shall not be construed to relieve the 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 encroachments of 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 encroachments 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 encroachments.

Section 4. That the privilege hereby granted to construct and maintain the encroachments, 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 encroachments, which said removal shall be completed promptly and without cost to the City of Alexandria.

Section 5. That no plant material be used in said boxes that will exceed an overall height of 30 inches.

Section 6. 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.

Final Passage: November 24, 1964

FRANK E. MANN
Mayor