

Ordinance No. 1293

AN ORDINANCE authorizing the owners of premises numbered 433 South Fairfax Street, and their successors in title, to maintain encroachments in, upon and over the public right of way of South Fairfax Street and of Wilkes Street, two public streets of the City of Alexandria, Virginia.

WHEREAS, William E. Mullen and David A. Dale are the owners of premises known as and numbered 433 South Fairfax Street in the City of Alexandria, Virginia, and

WHEREAS, the owners of the said premises desire to beautify their property by the construction of three brick flower boxes which will extend into the public right of way to the following extent:

A. Along Wilkes Street, beginning at the southeast corner of the house and running in a westerly direction, will be a flower box 7 feet long and extending into the public right of way of Wilkes Street a depth of 12 inches.

B. Along Wilkes Street, beginning at a point approximately 16 feet west of the southeast corner of the house and running in a westerly direction will be a flower box 17.5 feet long and extending into the public right of way of Wilkes Street a distance of 18 inches.

C. Along South Fairfax Street, beginning at the southeast corner of the house and running in a northerly direction will be a flower box 10 feet long and extending 28 inches into the public right of way of South Fairfax Street, 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 William E. Mullen and David A. Dale, 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 Wilkes Street for a depth of 12 inches and 18 inches, and the encroachment of one flower box into the public right of way of South Fairfax Street for a depth of 28 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 of 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 flower 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.

FRANK E. MANN
Mayor

Final Passage: November 24, 1964