

Ordinance No. 1296

AN ORDINANCE authorizing the owners of premises numbered 415 Prince Street, and their successors in title, to maintain an encroachment in, upon and over the public right of way of Prince Street, one of the public streets of the City of Alexandria, Virginia.

WHEREAS, Miss Elizabeth Elliott and Miss Harriett Straus are the owners of premises known and numbered 415 Prince Street in the City of Alexandria, Virginia; and

WHEREAS, the owners of the said premises desire to beautify their property by the construction of a brick flowerbox to be located along the front building wall of their home at 415 Prince Street, which said flowerbox will be sixteen inches (16") high, one hundred inches (100") long and will encroach and extend into the public right of way of Prince Street a depth of twenty inches (20"); 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 Miss Elizabeth Elliott and Miss Harriett Straus, and their successors in title, be and they hereby are authorized to construct and maintain the above described flowerbox, which said flowerbox will encroach into the public right of way of Prince Street for a depth of twenty inches (20"), until the said encroaching flowerbox is destroyed or removed, provided this authority shall not be construed to relieve the 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 encroachment 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 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 encroachment, 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: December 8, 1964