

Ordinance No. 1357

AN ORDINANCE authorizing the owner of premises numbered 1704 Mount Vernon Avenue, and its successors in title, to maintain an encroachment in, upon and over the public right of way of Mount Vernon Avenue, one of the public streets in the City of Alexandria, Virginia.

WHEREAS, Alexandria Rambler is the owner of premises known as 1704 Mount Vernon Avenue in the City of Alexandria, Virginia; and

WHEREAS, the owner proposes to encroach into the right of way of Mount Vernon Avenue by installing light standards approximately twenty-six inches (26") within said right of way line; 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 Alexandria Rambler and its successors in title be and they hereby are authorized to construct and maintain the encroaching light standards, said encroachment being more particularly described as follows:

Approximately twenty-six inches (26") east of the westerly right of way line of Mount Vernon Avenue in the City of Alexandria, Virginia, for a distance equal to the existing frontage of premises 1704 Mount Vernon Avenue.

The authorization granted by this ordinance shall be effective until the said encroachment is removed or destroyed, provided this authority shall not be construed to relieve the owner of any negligence on its 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 encroachment of public liability and property damage insurance indemnifying the City of Alexandria, such policy to be presented 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, its 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 owner 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: Oct. 26, 1965