

Ordinance No. 1360

AN ORDINANCE authorizing Circle Terrace, Incorporated, a Virginia corporation, and its successors or assigns, to maintain an encroachment for motor vehicle off-street parking spaces and parking dividers in, upon and over the public right of way of Central Avenue, one of the public streets in the City of Alexandria, Virginia.

WHEREAS, Circle Terrace, Incorporated, a Virginia corporation, is the owner of premises known as The Circle Terrace Hospital, which is adjacent to Central Avenue in the City of Alexandria, Virginia; and

WHEREAS, the owner of said premises desires to provide off-street parking along the easterly side of Central Avenue, which parking will encroach on Central Avenue approximately seven (7) 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 Circle Terrace, Incorporated, a Virginia corporation, and its successors or assigns, be and they are hereby authorized to maintain motor vehicle off-street parking spaces and parking dividers which will encroach into the public right of way of Central Avenue between Virginia Avenue and Circle Terrace until such encroachment is removed, destroyed, or terminated as hereinafter provided in Section 4, provided this authority shall not be construed to relieve such owners of any negligence on their part on account of such encroachment, and subject to the hereinafter contained provisions; such encroachment being more particularly located as follows, to-wit:

Beginning at a point on the easterly side of Central Avenue, said point being 18 feet more or less from the southerly side of Virginia Avenue; thence running along the easterly side of said Central Avenue to a point 27 feet more or less north of the northerly side of Circle Terrace; thence running in a westerly direction and perpendicular to Central Avenue 7 feet to a point; thence turning and running in a northerly direction parallel to but 7 feet west of the easterly side of Central Avenue to a point directly opposite and at right angle to the point of beginning; thence running in an easterly direction 7 feet to said point of beginning.

The above description is intended to define a strip of land 7 feet in width lying in Central Avenue adjacent to said

Avenue's easterly boundary and extending from a point 18 feet south of the southerly side of Virginia Avenue to a point 27 feet north of the northerly side of Circle Terrace.

Section 2. That the privilege hereby granted to install and maintain the encroachment shall be subject to the maintaining by the owner of the building abutting said encroachment 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 installation and use of the said encroachment, pursuant to the authority hereby granted, shall be considered an agreement by the owner and its successors and assigns, to save harmless the City of Alexandria from any liability by reason of the installation, use and maintenance of the said encroachment.

Section 4. That the privilege hereby granted to install and maintain the encroachment as hereinabove described shall be terminated whenever the City of Alexandria shall desire to regain that portion of the public right of way for any purpose whatsoever, and shall, by written notification, demand from the owner the removal of such encroachment, which said removal shall be completed promptly, within not more than thirty (30) days from the date of such notice, 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: Nov. 9, 1965