

ORDINANCE NO. 1445

AN ORDINANCE authorizing the owner of premises numbered 2519 King Street, and his successors in title, to maintain an encroachment for a brick wall in, upon and over the public right of way of King Street, one of the public streets in the City of Alexandria, Virginia.

WHEREAS, William S. Newell is the owner of premises known as 2519 King Street in the City of Alexandria, Virginia; and

WHEREAS, the owner of said premises has constructed a brick wall located along the front of the premises of 2519 King Street, which said wall encroaches on the public right of way to a depth of approximately four feet (4'); and

WHEREAS, the said encroachment has been approved by the Planning Commission of the City of Alexandria, Virginia and it is determined that this encroachment is not detrimental to the public interest; therefore

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That William S. Newell, and his successors in title, be and they are hereby authorized to maintain the above described constructed wall, which wall encroaches into the public right of way of King Street to a depth of approximately four feet (4'), until such encroachment is removed or destroyed, provided this authority shall not be construed to relieve such owner of any negligence on his part on account of such encroachment, and subject to the hereinafter contained provisions.

Section 2. That the privilege hereby granted to maintain the said constructed 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 his 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 maintain the said constructed encroachment as hereinabove described shall be terminated whenever the City of Alexandria shall desire to use 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 no 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.

CHARLES E. BEATLEY, JR.
Mayor

Final Passage: October 24, 1967