

ORDINANCE NO. 1458

AN ORDINANCE authorizing the owners of premises numbered 200 North Fairfax Street, and their successors in title, to maintain an encroachment for a free standing sign in, upon and over the public right of way of North Fairfax Street, one of the public streets of the City of Alexandria, Virginia.

WHEREAS, Joanne R. and Martin V. B. Bostetter, Jr. are the owners of the premises known as 200 North Fairfax Street in the City of Alexandria, Virginia; and

WHEREAS, the said owners are desirous of placing a free standing sign fifteen feet four inches (15'4") high, approximately fifty-four feet (54') north of the north curb line of Cameron Street and approximately one and one-half feet (1 1/2') west of the west curb line of North Fairfax Street; 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 Joanne R. and Martin V. B. Bostetter, Jr., and their successors in title, be and they hereby are authorized to install and maintain a free standing sign in front of 200 North Fairfax Street in the City of Alexandria, Virginia until such encroachment is removed or destroyed; the vertical post of which sign is to rise not more than fifteen feet four inches (15'4") above the sidewalk, the sign itself to be no more than three and one-half feet (3 1/2') high by two feet (2') wide, the distance from the bottom of the sign to the sidewalk to be not less than ten feet (10'), provided, however, that the vertical post of the sign be approximately fifty-four feet (54') north of the north curb line of Cameron Street and approximately one and one-half feet (1 1/2') west of the west curb line of North Fairfax Street; provided further that 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.

Section 2. That the privilege hereby granted to install and maintain the encroachment shall be subject to the maintaining by the owners 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 their 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 owners 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: November 28, 1967