

ORDINANCE NO. 1465

AN ORDINANCE authorizing the Crowder's Transfer and Storage Company to construct, maintain and use a truck weighing scale within the right-of-way of North Payne Street, one of the public streets in the City of Alexandria, Virginia.

WHEREAS, Crowder's Transfer and Storage Company is the owner of premises known as 1219 First Street in the City of Alexandria, Virginia; and

WHEREAS, the owner proposes to construct, maintain and use a truck weighing scale within the right-of-way of North Payne Street, the proposed truck scale to be located approximately 5.79 feet to the east of the existing curb on North Payne Street adjacent to the applicant's building; said scale measures 60 feet in length, 8 feet in width and will encroach approximately 7.25 feet into the public right-of-way on North Payne Street; and

WHEREAS, it is determined the said encroachment is not detrimental to the public interest; therefore

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Crowder's Transfer and Storage Company and its successors in title be and they hereby are authorized to construct and maintain the encroaching truck weighing scale, being more particularly described and shown in a plat attached hereto. 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 because 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 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 the special privilege to use the said street of Alexandria herein granted shall be considered a limited and concurrent right, and the same shall in no manner be considered a right

in perpetuity, and the City may require the removal of said weighing scale and terminate said privilege upon written notice. Upon abandonment of said weighing scale, the Company, its successors and assigns, shall, at its expense, remove the said truck weighing scale and return the street to a safe and proper condition, paving or otherwise improving the disturbed portion of the street in like manner as the remainder of the street is paved at the time of the removal.

Section 6. 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: FEBRUARY 27, 1968