

ORDINANCE NO. 1478

AN ORDINANCE authorizing the owner of premises numbered 816 Timber Branch Parkway, and his successors in title, to maintain an encroachment for a brick wall, in upon and over the public right of way of Timber Branch Parkway, one of the public streets in the City of Alexandria, Virginia.

WHEREAS, John W. Waller is the owner of premises known as 816 Timber Branch Parkway in the City of Alexandria, Virginia; and

WHEREAS, the owner of said premises proposes to construct a brick wall located along the front of the premises of 816 Timber Branch Parkway, which wall will encroach on the public right of way to a depth of approximately two feet (2'); 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 John W. Waller, and his successors in title, be and they are hereby authorized to construct and maintain the above described brick wall, which wall will encroach into the public right of way of Timber Branch Parkway to a depth of approximately two feet (2'), 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 construct and maintain this encroachment shall be subject to the maintaining by the owners of the encroachment of 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 construction and use of the encroachment pursuant to the authority hereby granted shall be considered an agreement by the said owners, their 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 owners 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.

Charles E. Beatley, Jr.  
Mayor

**FINAL PASSAGE: MAY 28, 1968**