

AN ORDINANCE authorizing the owner of premises numbered 316 Franklin Street, and her successors in title, to maintain an encroachment for a brick wall in, upon and over the public right of way of Franklin Street, one of the public streets in the City of Alexandria, Virginia.

WHEREAS, ANNIE W. USSERY is the owner of premises known as 316 Franklin Street in the City of Alexandria, Virginia; and

WHEREAS, the owner of said premises desires to construct a brick garden wall to be located along the front of the premises of 316 Franklin Street, which said garden wall will be 4 feet 8 inches high and will encroach on the public right of way of Franklin Street for a distance of 30.07 feet and to a depth of 17 1/2 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 Annie W. Ussery, and her successors in title, be and they are hereby authorized to construct and maintain the above described brick garden wall, which said wall will encroach into the public right of way of Franklin Street to a depth of 17 1/2 feet, until such encroachment is removed or destroyed, 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.

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 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 nothing in this ordinance shall be construed to relieve the owner and her successors in title from being subject to the requirements of any department, agency, instrumentality or other law of the City.

Section 5. 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 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: DECEMBER 17, 1968