

AN ORDINANCE authorizing the owner of premises numbered 1523 Princess Street, and his successors in title, to maintain an encroachment consisting of a 3-foot chain link fence in, upon and over the public right-of-way of Earl Street, one of the public streets in the City of Alexandria, Virginia.

WHEREAS, FRANCIS W. DAVID is the owner of premises known as 1523 Princess Street in the City of Alexandria, Virginia; and

WHEREAS, the owner of said premises proposes to construct a 3-foot chain link fence which encroaches eleven feet (11') into the public right-of-way of Earl Street; 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 FRANCIS W. DAVID, and his successors in title, be and they hereby are authorized to construct and maintain the above described 3-foot chain link fence into the public right-of way of Earl Street to a total depth of eleven feet (11'), 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 owner 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 owner, his 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 within thirty (30) days from the date of notice of removal 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: SEPTEMBER 9, 1969