

ORDINANCE NO. 1756

AN ORDINANCE authorizing the owner of premises numbered 800 Wolfe Street, and its successors in title, to maintain an encroachment consisting of an awning in, upon and over a portion of the public right-of-way of Wolfe Street, one of the public streets in the City of Alexandria, Virginia.

WHEREAS, ODD FELLOWS JOINT STOCK COMPANY is the owner of premises known as 800 Wolfe Street in the City of Alexandria, Virginia; and

WHEREAS, the owner of said premises proposes to construct from the front entrance an awning eight feet (8') in width, which will encroach no more than nineteen feet eight inches (19'8") into the public right-of-way of Wolfe 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 ODD FELLOWS JOINT STOCK COMPANY and its successors in title be and they hereby are authorized to maintain an awning which will be eight feet (8') wide and which will encroach no more than nineteen feet eight inches (19'8") upon and over the public right-of-way of Wolfe Street, until such encroachment is removed or destroyed, provided this authority shall not be construed to relieve such owner of any negligence on its 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, its successors and assigns, 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 privilege hereby granted to construct and maintain this encroachment shall be subject to the providing by the owner, its successors and assigns, of adequate protection to insure the safety of pedestrians walking beneath the canopy.

Section 4. 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 5. 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 any 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 6. That the privilege hereby granted to construct and maintain this encroachment shall be subject to the maintaining by the owner, its successors and assigns, of the encroachment, of a bond, insurance or other security of an amount and form to be determined by the director of public works which will insure that this encroachment is maintained in good general condition and a reasonably good state of repair and that it will be removed when the funeral home now on the premises shall cease to do business on the premises, 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. Notwithstanding the foregoing, the City Manager may waive the removal provision of this section if he finds that the best interest of the City will not be adversely affected.

Section 7. That this ordinance shall be published in a newspaper of general circulation published 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: APRIL 11, 1972