

ORDINANCE NO. 1837

AN ORDINANCE authorizing the owner of premises numbered 222 South Washington Street, and his successors in title, to construct and maintain an encroachment consisting of a basement stairway enclosed by a railing and gate, in, upon and over the public right-of-way of South Washington Street, which is a public street in the City of Alexandria, Virginia.

WHEREAS, GEORGE D. BARNES, SR., is the owner of premises known as 222 South Washington Street, in the City of Alexandria, Virginia; and

WHEREAS, the owner of said premises proposes to construct a stairway for access to the basement area of the building, which stairway, enclosed by a railing and gate, will encroach approximately eight feet into the public right-of-way of South Washington Street in front of the said building; 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 GEORGE D. BARNES, SR., and his successors in title, be and they hereby are authorized to construct and maintain the above-described stairway enclosed by a railing and gate, which will encroach into the public right-of-way of South Washington Street to a total depth of approximately eight feet, 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 railing and gate enclosing the said basement stairway shall be no less than 42 inches in height, and that the said gate shall be equipped with a spring-closing and locking device sufficient to prevent the opening or leaving open of the said gate except when the stairway is in use.

Section 3. 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 4. 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 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 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 in the meeting. This ordinance shall become effective the date of its final passage.

CHARLES E. BEATLEY, JR.  
MAYOR