

AN ORDINANCE authorizing the owners of premises numbered 200 King Street, also known as 105 South Lee Street, and their successors in title, to maintain an encroachment consisting of two bay windows in, upon and over a portion of the public right-of-way of South Lee Street, one of the public streets in the City of Alexandria, Virginia.

WHEREAS, Harrison Picot and Margaret Ellis are owners of the premises numbered 200 King Street, also known as 105 South Lee Street, in the City of Alexandria, Virginia; and

WHEREAS, the owners of said premises propose to add two bay windows to the front of the existing building at 200 King Street, also known as 105 South Lee Street, which addition will encroach one foot eight inches (1' 8") into the public right-of-way of South Lee 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 Harrison Picot and Margaret Ellis, and their successors in title, be and they hereby are authorized to add two bay windows to the front of the existing building at 200 King Street, also known as 105 South Lee Street, which addition will encroach one foot eight inches (1' 8") into the public right-of-way of South Lee Street, 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 construct and maintain this encroachment shall be subject to the maintaining by the owners of the encroachment, and their successors and assigns, 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, and their successors and assigns, to save harmless the City of Alexandria from any liability by reason of the installation, use or maintenance of said encroachment.

Section 4. That the construction and use of the encroachment pursuant to the authority hereby granted shall be considered an agreement by the said owners, and their successors and assigns, to keep the remainder of the right-of-way in front of the premises free from all sale signs or other obstructions at all times.

Section 5. That the privilege hereby granted to install 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 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 title of and an informal memorandum explaining 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 city clerk shall have the full text of this ordinance printed in sufficient numbers to supply copies to meet request. The city clerk 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 23, 1974