

ORDINANCE NO. 1999

AN ORDINANCE authorizing the Southern Railway, its successors and assigns to construct, maintain and use a railroad spur track in North Union Street in the vicinity of Pendleton Street, in the City of Alexandria, Virginia.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the Southern Railway Company, A Virginia corporation, and its successors and assigns be and they hereby are authorized to construct, maintain and use a railroad spur track in and over the following portion of North Union Street in the City of Alexandria, Virginia:

A crossing of Union Street crossing the centerline of Union approximately 40' south of the south right-of-way line of Pendleton Street.

Section 2. That the alignment, grading, drainage, paving and all work necessary to construct such spur shall be subject to the specifications of the Director of the Department of Transportation and Environmental Services of the City. All construction shall be at the expense of the company.

Section 3. That Goodyear or equivalent type rubber crossings shall be installed and maintained by the company on all of the spur track in said street.

Section 4. That said company shall not stop, stand or park locomotives or cars on the public street at any time in such manner as to interfere with emergency vehicles.

Section 5. That said company, its successors and assigns shall keep such spur track and the space in the vicinity of the rails in good repair and safe condition so long as the spur track remains in the street.

Section 6. That the company shall not start construction in the street until it has first executed an agreement to save the City of Alexandria, Virginia, harmless and indemnify it from any claim or liability by reason of the construction, presence, use or maintenance of said tracks. That the City Manager is authorized to execute such an agreement on behalf of the City. That the company shall not start construction in the street until it has first given the Director of Transportation and Environmental Services at least ten (10) days' written notice.

Section 7. That the privilege to use said street shall be construed to be a bare license. Upon the failure of the company to comply with any provision of this ordinance, the city may give notice of such noncompliance to the company. If the company has not brought itself into compliance within sixty (60) days after receipt of said notice, the privilege to use said street shall be deemed terminated. Upon abandonment of tracks or upon termination of said privilege by the City, the company, or its successors or assigns shall at their expense remove said tracks and pave and return that portion of the street disturbed by tracks to a safe and proper condition.

Section 8. 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: January 28, 1975