

AN ORDINANCE authorizing Madison Associates Limited Partnership, the owners of the premises numbered 400 Madison Street, commonly known as the Alexandria House, and their successors in title, to maintain existing encroachments in, upon and over the public rights of way in the block bound by North Pitt, Madison, North Royal and Wythe Streets, all of which are public streets of the City of Alexandria, Virginia.

WHEREAS, due to inconsistent fill conditions at the aforesaid location, comprised of earth and earthy material, the exterior walls of the premises encroach on the public rights of way; and

WHEREAS, the aforesaid encroachments range from zero inches to a maximum of three and one-half inches (3 1/2"), creating minor variations in the alignment of the outside of the lower parts of the exterior walls; and

WHEREAS, due to the aforesaid minor encroachments certain contracts for the sale of condominiums in the premises are in danger of being unconsumated which would work great hardship on the owners and their clients; and

WHEREAS, the aforesaid minor encroachments have been approved by the Planning Commission of the City of Alexandria, Virginia, and it is determined that these encroachments are not detrimental to the public interest; therefore

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Madison Associates Limited Partnership, the owners of the premises numbered 400 Madison Street, commonly known as the Alexandria House, and their successors in title, be and the same hereby are authorized to maintain the existing encroachments of the premises in the block bound by North Pitt, Madison, North Royal and Wythe Streets, until such encroachments are removed or destroyed, provided this authority shall not be construed to relieve such owners of any negligence on their part on account of such encroachments, and subject to the hereinafter contained provisions.

Section 2. That the privilege hereby granted to maintain these encroachments shall be subject to the maintaining by the owners of the encroachments of public liability and property damage insurance indemnifying the City of Alexandria, Virginia, such policy to be presented forthwith to the City Attorney for approval.

Section 3. That the use of the encroachments pursuant to the authority hereby granted shall be considered an agreement by the said owners, their heirs, successors and assigns, to save harmless the City of Alexandria, Virginia, from any liability by reason of the use of or maintenance of the said encroachments.

Section 4. 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: December 13, 1975