

ORDINANCE NO. 2186

AN ORDINANCE authorizing the owners of the premises numbered 826 Duke Street, and their successors in title, to maintain an encroachment for a fence in, upon and over the public right-of-way of South Alfred Street, one of the public streets in the City of Alexandria, Virginia.

WHEREAS, Joel Baskin and Zempthria Raymond Baskin are the owners of premises known as 826 Duke Street in the City of Alexandria, Virginia; and

WHEREAS, the owners of said premises desire to construct a fence which will encroach on the public right-of-way of South Alfred Street approximately four (4) feet; and

WHEREAS, the sidewalk area at that point is sufficiently wide for pedestrian traffic and will not be affected by the said encroachment; 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 Joel Baskin and Zempthria Raymond Baskin, and their successors in title, be and they hereby are authorized to construct and maintain the above-described fence, which fence will encroach on the public right-of-way of South Alfred Street to a depth of four (4) 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 hereinafter contained provisions.

Section 2. That the privilege hereby granted to install and maintain the 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 to the city attorney for approval.

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

Section 4. That the privilege hereby granted to install and maintain the encroachment as hereinabove described shall be terminated whenever the City of Alexandria shall desire to use that portion of the public right-of-way for any purpose whatsoever, and shall by written notification demand from the owner the removal of such encroachment, which said removal shall be completed promptly, within no more than thirty (30) days from the date of such notice, without cost to the City of Alexandria.

Section 5. 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.

FRANK E. MANN
Mayor

FINAL PASSAGE: JUNE 28, 1977