

AN ORDINANCE authorizing Lindsay Cadillac Company, the owner of property located in the City of Alexandria, bounded by Kenwood Avenue, Osage Street and Fern Street, and its successors in title, to maintain an encroachment for a building in, upon and over the public right-of-way of Fern Street, one of the public streets in the City of Alexandria, Virginia.

WHEREAS, Lindsay Cadillac Company is the owner of property located in the City of Alexandria, bounded by Kenwood Avenue, Osage Street and Fern Street; and

WHEREAS, Lindsay Cadillac Company is in the process of constructing an addition to its existing facilities located on this property, which addition will encroach on the public right-of-way of Fern Street approximately .29 foot (3-1/2 inches); and

WHEREAS, the sidewalk area at that point is sufficiently wide for pedestrian traffic; 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 Lindsay Cadillac Company and its successors in title, be and it hereby is, authorized to construct and maintain the above-described addition to its current facilities, which addition will encroach on the public right-of-way of Fern Street to a depth of .29 foot (3-1/2 inches), until such encroachment is removed or destroyed, provided this authority shall not be construed to relieve such owner of any negligence on its part on account of such encroachment and subject to hereinafter contained provisions.

Section 2. That the privilege hereby granted to erect 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 construction and the use of said encroachment, pursuant to the authority hereby granted, shall be considered an agreement by the owner and its successors and assigns to save harmless the City of Alexandria from any liability by reason of the erection, use and maintenance of the said encroachment.

Section 4. That the privilege hereby granted to erect 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 costs 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: October 24, 1978