

ORDINANCE NO. 2435

AN ORDINANCE authorizing the owner of the premises situated at the southwest corner of Highland Place and Braxton Place, and her successors in title, to maintain an encroachment for an existing building facade in, on, upon and over the public right-of-way of the westerly side of Braxton Place, a public street in the City of Alexandria, Virginia.

WHEREAS, Virginia Yerby is the owner of the premises situated at the southwest corner of Highland Place and Braxton Place in the City of Alexandria, Virginia; and

WHEREAS, Virginia Yerby desires to maintain an existing building facade, which building facade encroaches on the public right-of-way of the westerly side of Braxton Place, approximately 5.7 feet; 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 Virginia Yerby, and her successors in title, be and she hereby is authorized to maintain the above-described building facade, 5.7 feet onto the westerly side of Braxton Place, until such encroachment is removed or destroyed, provided this authority shall not be construed to relieve such owner of any negligence on her part on account of such encroachment and subject to the hereinafter contained provisions.

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

Section 4. That the privilege hereby granted to 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 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.

CHARLES E. BEATLEY, JR.
Mayor

Introduction:	1/22/80	Public Hearing:	2/12/80
First Reading:	1/22/80	Second Reading:	2/12/80
Publication:	1/25/80	Final Passage:	2/12/80

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