

ORDINANCE NO. 2445

AN ORDINANCE authorizing the owner of the premises situated at 907 and 909 Duke Street, and his successors and assigns in title, to maintain an encroachment for an existing building facade in, on, upon and over the northerly side of Duke Street, a public right-of-way located in the City of Alexandria, Virginia.

WHEREAS, Hamilton Morrison, Trustee, holds a fiduciary interest to the premises situated at 907 and 909 Duke Street in the City of Alexandria, Virginia; and

WHEREAS, Hamilton Morrison, Trustee, desires to maintain an existing building facade, which building facade encroaches on the public right-of-way of the northerly side of Duke Street, described as follows:

Beginning at a point in the north line of Duke Street, 733.00 feet west of Alfred Street and running thence into the right-of-way of Duke Street South  $09^{\circ} 19' 00''$  West, 0.83 feet; thence running within the right-of-way of Duke Street North  $79^{\circ} 21' 50''$  West, 16.92 feet to a point common to 907 and 909 Duke Street; thence North  $07^{\circ} 43' 20''$  East, 0.41 feet; thence continuing within the right-of-way of Duke Street North  $82^{\circ} 10' 50''$  West, 20.26 feet to the southwesterly corner of the building known as 909 Duke Street; thence with the wall of said building North  $09^{\circ} 19' 00''$  East, 0.56 feet to the northerly line of the aforesaid Duke Street; thence with the northerly line of Duke Street South  $80^{\circ} 41' 00''$  East, 37.18 feet to the point of beginning.

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 Hamilton Morrison, Trustee, and his successors and assigns in title, be and he hereby is authorized to maintain the above-described building facade onto the northerly side of Duke Street, 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 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 is 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 his 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

Final Passage: March 15, 1980