

ORDINANCE NO. 2526

AN ORDINANCE authorizing the owner of the premises situated at 829 Queen Street, and the successors in title, to maintain existing encroachments consisting of a building wall and two concrete stoops in, upon and over the public right-of-way of the northeast corner of North Alfred Street and Queen Street in the City of Alexandria, Virginia.

WHEREAS, Port City Builders, Inc. is the owner of the premises situated at the northeast corner of North Alfred Street and Queen Street in the City of Alexandria, Virginia; and

WHEREAS, Port City Builders, Inc. desires to maintain an existing building wall that encroaches from 1.49 feet to 1.7 feet onto North Alfred Street and from 0.30 foot to 0.34 foot onto Queen Street, and two existing concrete stoops that encroach onto North Alfred Street a distance of 3.7 feet and 4.1 feet; and

WHEREAS, the sidewalk area at that point is sufficiently wide for pedestrian traffic; and

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

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Port City Builders, Inc., and its successors in title, be and hereby is authorized to maintain the above-described concrete stoops and building wall, which building wall encroaches from 1.49 feet to 1.7 feet onto North Alfred Street and from 0.30 foot to 0.34 foot onto Queen Street and which concrete stoops encroach onto North Alfred Street a distance of 3.7 feet and 4.1 feet, until such encroachments are removed or destroyed; provided, this authority shall not be construed to relieve such owner of any negligence on its part on account of such encroachments and subject to the hereinafter contained provisions.

Section 2. That the privilege hereby granted to maintain the existing encroachments shall be subject to the maintaining by the owner of the encroachments 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 use of said existing encroachments, 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 use and maintenance of said encroachments.

Section 4. That the privilege hereby granted to maintain the existing encroachments 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 existing encroachments, which removal shall be completed promptly, within no more than thirty (30) days from the day 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: November 12, 1980