

ORDINANCE NO. 2533

AN ORDINANCE authorizing the owner of the premises situated at 901-903 Prince Street, and its successors in title, to maintain an encroachment for a second-story addition to an existing building in, upon and over the public right-of-way of Prince Street in the City of Alexandria, Virginia.

WHEREAS, the 901 Prince Street Partnership is the owner of the premises situated at 901-903 Prince Street in the City of Alexandria, Virginia; and

WHEREAS, the 901 Prince Street Partnership desires to maintain an encroachment of 67.2 square feet for a second-story addition to an existing building on Prince Street; 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; now, therefore,

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the 901 Prince Street Partnership, and its successors in title, be and it hereby is authorized to maintain the above-described second-story addition, which second-story addition encroaches upon the public right-of-way of Prince Street and contains an area of 67.2 square feet, 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 the hereinafter contained provisions.

Section 2. That the privilege hereby granted 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 use of said encroachment, pursuant to 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 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 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: December 13, 1980