

ORDINANCE NO. 2754

AN ORDINANCE authorizing Hunting Creek Associates, the owner of lands lying south of Hunting Towers Apartments and east of South Washington Street, and its successors in title, to construct and maintain an encroachment consisting of an entrance wall to the proposed Porto Vecchio Condominium in the public right-of-way on the east side of South Washington Street in the City of Alexandria, Virginia.

WHEREAS, Hunting Creek Associates is the owner of the property situated south of Hunting Towers Apartments and east of South Washington Street in the City of Alexandria, Virginia; and

WHEREAS, Hunting Creek Associates desires to construct and maintain an entrance wall to the proposed Porto Vecchio Condominium which will encroach into the public right-of-way on the east side of South Washington Street; 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 Hunting Creek Associates, and its successors in title, be and the same hereby is authorized to construct and maintain an encroachment consisting of an entrance wall in two parts as more particularly described herein:

Part I. Beginning at the juncture of the southwesterly corner of the land of Hunting Towers Apartments, Inc., Section One, and the northwesterly corner of the land of Hunting Creek Associates (proposed Porto Vecchio Condominium) on the eastern right-of-way of South Washington Street; thence following the right-of-way of South Washington Street South $07^{\circ} 06' 10''$ West, 73.76 feet; thence South $65^{\circ} 50' 10''$ East, 6.34 feet; thence departing the right-of-way of South Washington Street South $24^{\circ} 09' 50''$ West, 0.01 feet to a point within the lands of the City of Alexandria, Virginia, the true point of beginning; thence through the aforesaid lands of the City of Alexandria, Virginia, now utilized as South Washington Street, the following courses and distances: South $23^{\circ} 23' 23''$ West, 6.00 feet to a point; thence North $66^{\circ} 36' 37''$ West, 6.00 feet to a point; thence North $23^{\circ} 23' 23''$ East, 1.67 feet to a point; thence with

the arc of a curve to the right having a radius of 12.33 feet and a central angle of $90^{\circ} 00' 00''$ an arc distance of 19.37 feet to a point of tangency; thence North $23^{\circ} 23' 23''$ East, 12.17 feet to a point; thence South $66^{\circ} 36' 37''$ East, 2.67 feet to a point; thence South $23^{\circ} 23' 23''$ West, 12.17 feet to a point of curvature; thence with the arc of a curve to the left having a radius of 9.67 feet and a central angle of $90^{\circ} 00' 00''$ an arc distance of 15.18 feet to a point; thence North $23^{\circ} 23' 23''$ East, 1.67 feet to a point; thence South $66^{\circ} 36' 37''$ East, 6.00 feet to the true point of beginning and containing 114 square feet of land.

Part II. Beginning at the juncture of the southwesterly corner of the lands of Hunting Towers Apartments, Inc., Section One, and the northwesterly corner of the lands of Hunting Creek Associates (proposed Porto Vecchio Condominium) on the eastern right-of-way of South Washington Street; thence following the right-of-way of South Washington Street South $07^{\circ} 06' 10''$ West, 73.76 feet; thence South $65^{\circ} 50' 10''$ East, 33.30 feet; thence South $23^{\circ} 47' 30''$ West, 31.65 feet; thence departing the right-of-way of South Washington Street North $66^{\circ} 12' 30''$ West, 26.74 feet to a point within the lands of the City of Alexandria, Virginia, the true point of beginning; thence through the aforesaid lands of the City of Alexandria, Virginia, now utilized as South Washington Street, the following courses and distances: South $23^{\circ} 23' 23''$ West, 6.00 feet to a point; thence North $66^{\circ} 36' 37''$ West, 6.00 feet to a point; thence North $23^{\circ} 23' 23''$ East, 1.67 feet to a point; thence with the arc of a curve to the left having a radius of 9.67 feet and a central angle of $90^{\circ} 00' 00''$ an arc distance of 15.18 feet to a point of tangency; thence South $23^{\circ} 23' 23''$ West, 12.17 feet to a point; thence North $66^{\circ} 36' 37''$ West, 2.67 feet to a point; thence North $23^{\circ} 23' 23''$ East, 12.17 feet to a point of curvature; thence with the arc of a curve to the right having a radius of 12.33 feet and a central angle of $90^{\circ} 00' 00''$ an arc distance of 19.37 feet to a point; thence North $23^{\circ} 23' 23''$ East, 1.67 feet to a point; thence South $66^{\circ} 36' 37''$ East, 6.00 feet to the true point of

beginning and containing 114 square feet of land.

The authority for such encroachment shall not be construed to relieve such owner of liability for any negligence on its part on account of such encroachment and is subject to the hereinafter contained provisions.

Section 2. That the privilege hereby granted to construct 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 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 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 30 days from the date of such notice, without cost to the City of Alexandria; provided further, that the privilege hereby granted shall terminate upon the removal or destruction of such encroachment.

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 14, 1982