

ORDINANCE NO. 2840

AN ORDINANCE authorizing the Alexandria Waterfront Restoration Group to construct and maintain encroachments consisting of two chimneys and brick facing over an entrance for the Torpedo Factory Building No. 1 into the adjoining rights-of-way of North Union Street and North Lee Street in the City of Alexandria, Virginia.

WHEREAS, the Alexandria Waterfront Restoration Group is the owner of a building known as Torpedo Factory Building No. 1, bounded on the west by North Lee Street, on the north by Cameron Street, on the east by North Union Street and on the south by an alley running between North Lee Street and North Union Street, located in the City of Alexandria, Virginia; and

WHEREAS, the said owner and applicant desires to construct and maintain a chimney which will encroach into the public right-of-way on the east side of North Lee Street; and

WHEREAS, the said owner and applicant desires to construct and maintain a chimney which will encroach into the public right-of-way on the west side of North Union Street; and

WHEREAS, the said owner and applicant desires to construct and maintain an entrance, brick facing for which will encroach into the public right-of-way on the west side of North Union Street; and

WHEREAS, the proposed encroachments will consist of a chimney that will encroach a maximum of two (2) feet into the public right-of-way on the east side of North Lee Street up to a maximum of two (2) feet, beginning at a point approximately 10 feet above the sidewalk; a chimney that will encroach into the public right-of-way on the west side of North Union Street up to a maximum of two (2) feet, beginning at a point approximately 10 feet above the sidewalk; and a brick facing that will encroach a maximum of eight (8) inches into the public right-of-way on the west side of North Union Street, said encroachment being the brick facing for an entrance that will be approximately 46 feet and two (2) inches wide; and

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

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the Alexandria Waterfront Restoration Group, be and it hereby is authorized to construct and maintain the above-described encroachments which will consist of the

following: a chimney that will encroach into the public right-of-way on the east side of North Lee Street up to a maximum of two (2) feet, beginning at a point approximately 10 feet above the sidewalk; a chimney that will encroach into the public right-of-way on the west side of North Union Street up to a maximum of two (2) feet, beginning at a point approximately 10 feet above the sidewalk; and a brick facing that will encroach a maximum of eight (8) inches into the public right-of-way on the west side of North Union Street, said encroachment being the facing for an entrance that will be approximately 46 feet and two (2) inches wide, until such encroachments are removed or destroyed, provided this authority shall not be construed to relieve such owner of liability for 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 construct the 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 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 the said encroachments.

Section 4. That the privilege hereby granted to maintain the encroachments as hereinabove described shall be terminated whenever the City of Alexandria shall desire to use those portions of the public rights-of-way for any purpose whatsoever and shall by written notification demand from the owner the removal of such encroachments, 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.

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: June 29, 1983