

ORDINANCE NO. 2845

AN ORDINANCE authorizing Marcus Kiriakow, the proprietor of Marco's Restaurant located at 811 South Washington Street, to maintain and operate an encroachment consisting of an outdoor sidewalk cafe consisting of an area running 27 feet across the front of the property and extending nine (9) feet from the front of said property and containing approximately 243 square feet.

WHEREAS, the proprietor of Marco's Restaurant desires to maintain a sidewalk cafe which will encroach into the public right-of-way at 811 South Washington Street, an area running 27 feet across the front of the property and extending nine (9) feet from the front of the property and containing approximately 243 square feet; 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; therefore,

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Marcus Kiriakow, the proprietor of Marco's Restaurant, be and he hereby is authorized to construct and maintain an encroachment consisting of an outdoor cafe with an area running 27 feet across the front of the property and extending nine feet from the front of the property and containing approximately 243 square feet.

Section 2. That the privilege hereby granted to construct and 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 in the amount of ONE MILLION DOLLARS (\$1,000,000.00) in the aggregate and TWO HUNDRED THOUSAND DOLLARS (\$200,000.00) for each incident.

Section 3. That the privilege hereby granted to use the sidewalk area as an outdoor cafe may 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 anything encroaching upon the public right-of-way, 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, Virginia.

Section 4. That the area designated for use as an outdoor cafe shall be delineated by a barrier, planter or fence, and the area used for an outdoor cafe shall be for sit-down service only, and a sign shall be posted denoting that no food or drinks are to be carried out of the food service area into the adjacent right-of-way.

Section 5. That the area used as an outdoor cafe shall be cleaned at the end of each day that it is used and the 75 feet on each side of the area to be used as an outdoor cafe shall be policed for litter on a daily basis.

Section 6. That no outside music shall be played or broadcast by speakers in the sidewalk nor may any lights in the food service area be allowed that interfere with motor vehicle traffic or pedestrians using the street.

Section 7. That the area used as an outdoor cafe shall not be used to display or to sell anything but food and beverages. All service within the area shall be from within the restaurant and none shall be from the right-of-way.

Section 8. 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: September 17, 1983