

ORDINANCE NO. 3076

AN ORDINANCE authorizing the owner of the building located at 601 North Fairfax Street, and its successors in title, to construct and maintain an encroachment consisting of a stairway and landing area into the public right-of-way of Wythe Street in the City of Alexandria, Virginia.

WHEREAS, the Sheet Metal Workers National Pension Fund is the owner of the building at 601 North Fairfax Street in the City of Alexandria, Virginia; and

WHEREAS, the Sheet Metal Workers National Pension Fund desires to construct and maintain a stairway and landing area which will encroach into the public right-of-way of Wythe Street between North Fairfax and North Lee Streets; and

WHEREAS, the proposed encroachment will consist of a stairway and landing area which will project approximately 20 feet in length and 12 feet in width into the right-of-way of Wythe Street, which right-of-way is scheduled to be developed into a city park and from which park vehicular traffic will be barred; and

WHEREAS, the public right-of-way at this location will not be impaired significantly by this encroachment; 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 the Sheet Metal Workers National Pension Fund, and its successors in title, be and the same hereby is authorized to construct and maintain the above-described encroachment consisting of a stairway and landing area which will encroach approximately 20 feet in length and 12 feet in width into the public right-of-way of Wythe Street until such encroachment is removed or destroyed, provided this authority shall not be construed to relieve such owner of liability for any negligence on their 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 a policy of public liability and property damage insurance indemnifying the City of Alexandria and naming the city as an additional-named insured therein, 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 granted by this ordinance to construct and maintain this encroachment shall expire of its own limitations if the encroaching stairway and landing area are not completely constructed by the owner of the building within thirty (30) days after the date of final passage hereof.

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.

JAMES P. MORAN, JR.
Mayor

Final Passage: September 14, 1985