

ORDINANCE NO. 3087

AN ORDINANCE authorizing the Warwick Village Citizens Association to construct and maintain encroachments consisting of two signs located in the public right-of-way of Kennedy Street near the corner of Mount Vernon Avenue and one sign located in the public right-of-way of Aspen Street near the corner of Mosby Street, all of which are located in Warwick Village in the City of Alexandria, Virginia.

WHEREAS, the Warwick Village Citizens Association is the agent for the property owners of Warwick Village, which Village is located west of Mount Vernon Avenue in the City of Alexandria, Virginia;

WHEREAS, the Warwick Village Citizens Association desires to construct and maintain encroachments consisting of two signs 14 inches wide and 7 $\frac{1}{2}$ feet tall which will encroach into the public right-of-way of Kennedy Street near the corner of Mount Vernon Avenue, and one sign which is 24 inches wide and 7 $\frac{1}{2}$ feet tall which will encroach into the public right-of-way of Aspen Street near the corner of Mosby Street; and

WHEREAS, the public rights-of-way at these points will not be significantly impaired by these encroachments; 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 Warwick Village Citizens Association, the agent for the property owners of Warwick Village and its successors in interest, be and the same hereby is authorized to construct and maintain the above-described encroachments, one to consist of two signs located in the median strips of Kennedy Street near the corner of Mount Vernon Avenue, and the other to consist of a sign located in the median strip of Aspen Street near the corner of Mosby Street, until such encroachments are removed or destroyed, provided this authority shall not be construed to relieve such owners of liability for any negligence on their 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 owners 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 owners 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 owners 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.

JAMES P. MORAN, JR.
Mayor

Final Passage: October 19, 1985