

ORDINANCE NO. 3125

AN ORDINANCE authorizing the owners of the premises located at 1301 Princess Street, and their successors in title, to construct and maintain an encroachment consisting of a picket fence onto the public rights-of-way at the corner of Princess Street and North Payne Street in the City of Alexandria, Virginia.

WHEREAS, Trig A. and Carol G. Johnson are the owners of the premises located at 1301 Princess Street in the City of Alexandria, Virginia; and

WHEREAS, Trig A. and Carol G. Johnson desire to construct and maintain a three- (3) foot-high picket fence which will encroach four (4) feet into the public right-of-way of Princess Street and 13 feet into the public right-of-way of North Payne Street; and

WHEREAS, the public rights-of-way at this point will not be significantly impaired 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 Trig A. and Carol G. Johnson, and their successors in title, be and the same hereby are authorized to construct and maintain the above-described encroachment consisting of a three- (3) foot-high picket fence which will encroach four (4) feet into the public public right-of-way of Princess Street and 13 feet into the public right-of-way of North Payne Street, until such encroachment is 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 encroachment and subject to the hereinafter contained provisions.

Section 2. That the privilege hereby granted to maintain this encroachment shall be subject to the maintaining by the owners 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 owners and their 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 by this ordinance to construct and maintain this encroachment as hereinabove described shall be terminated whenever the City of Alexandria shall desire to use that portion of the public rights-of-way for any purpose whatsoever and shall, by written notification, demand from the owners the removal of such encroachment, which removal shall be completed, 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.

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JAMES P. MORAN, JR.  
Mayor

Final Passage: May 17, 1966