

ORDINANCE NO. 3151

AN ORDINANCE authorizing the property manager and agent for Mark Center Plaza 1A Associates to construct and maintain encroachments consisting of two (2) signs, one located in the public right-of-way of Nottingham Drive at its terminus with Seminary Road, and one located in the public right-of-way of Nottingham Drive at its terminus with North Beauregard Street, both of which are located in the City of Alexandria, Virginia.

WHEREAS, Mark Winkler Management, Inc., the property manager and agent for Mark Center Plaza 1A Associates, desires to construct and maintain two (2) signs which will encroach into the public right-of-way of Nottingham Drive at its terminus with Seminary Road and into the public right-of-way of Nottingham Drive at its terminus with North Beauregard 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 property manager and agent for Mark Center Plaza 1A Associates, Mark Winkler Management, Inc., be and the same hereby is authorized to construct and maintain two (2) encroachments, one to consist of a sign 11 feet in length and 2 feet 10 inches in height, which will encroach into the public right-of-way of Nottingham Drive at its terminus with Seminary Road and one to consist of a sign 11 feet in length and 2 feet 10 inches in height which will encroach into the public right-of-way of Nottingham Drive at its terminus with North Beauregard 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 its part on account of such encroachments and subject to the hereinafter contained provisions.

Section 2. That the privilege hereby granted to construct and maintain the encroachments shall be subject to the maintaining by the owners of the encroachments of a public liability and property damage insurance policy 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: September 13, 1986