

ORDINANCE NO. 3178

AN ORDINANCE authorizing the owner of the premises situated at 304 Duke Street, and his successors in title, to maintain an existing encroachment consisting of the facade of the building facing onto the public right-of-way of Duke Street in the City of Alexandria, Virginia.

WHEREAS, Thomas E. Crocker is the owner of the premises situated at 304 Duke Street in the City of Alexandria, Virginia; and

WHEREAS, Thomas E. Crocker desires to maintain an existing facade which encroaches onto the public right-of-way of Duke Street; and

WHEREAS, the existing encroachment consists of the facade of the building located at 304 Duke Street which intrudes approximately 0.98 foot into the right-of-way of Duke Street;

WHEREAS, the public right-of-way at that point has not been 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 Thomas E. Crocker, and his successors in title, be and the same hereby are authorized to use and maintain the above-described encroachment consisting of a facade of the building at 304 Duke Street which encroaches onto the public right-of-way at 304 Duke Street, approximately 0.98 foot, until such encroachment is removed or destroyed, provided that this authority shall not be construed to relieve such owner or his successors 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 use 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, 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 his 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 to use and maintain the encroachment as hereinabove described shall 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 such encroachment, 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: January 24, 1987