

ORDINANCE NO. 3192

AN ORDINANCE authorizing the owner of the premises located at 701 South Van Dorn Street, and its successors in title, to construct and maintain an encroachment into the public right-of-way on the traffic island at the intersection of Courtney Avenue and South Van Dorn Street, in the City of Alexandria, Virginia, consisting of an 8 feet 6 1/2 inch long by 4 feet 6 1/2 inch high sign containing 38 square feet.

WHEREAS, Vulcan Materials Company is the owner of the premises located at 701 South Van Dorn Street in the City of Alexandria, Virginia; and

WHEREAS, Vulcan Materials Company desires to construct and maintain a sign which will encroach into the public right-of-way on the traffic island at the intersection of Courtney Avenue and South Van Dorn Street and will be 8 feet 6 1/2 inches long by 4 feet 6 1/2 inches high containing 38 square feet; and

WHEREAS, the public right-of-way at that point on South Van Dorn Street will not be significantly impaired by this encroachment, and Vulcan Materials Company has agreed to landscape and beautify the traffic island; 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 Vulcan Materials Company, and its successors in title, be and the same hereby is authorized to construct and maintain an encroachment consisting of a sign, not to be artificially illuminated, and of a length of 8 feet 6 1/2 inches, a height of 4 feet 6 1/2 inches, and 1 foot 6 inches above the curb line, which will encroach into the public right-of-way on the traffic island at the intersection of Courtney Avenue and South Van Dorn Street, all as located and depicted in diagram "A" attached hereto and incorporated herein by reference, until such encroachment is removed or destroyed; provided, this authority shall not be construed to relieve such owner of liability for any negligence on its part on account of such encroachment and subject to the hereinafter contained provisions.

Section 2. That the privilege hereby granted to construct and maintain the encroachment shall be subject to the owner of the encroachment, at its own expense, maintaining at all times in full force and effect public liability and property damage insurance, with a company authorized to transact business in the Commonwealth of Virginia, with minimum limits as follows:

Bodily Injury: \$1,000,000 each occurrence  
\$1,000,000 aggregate

All Risk Property Damage: \$1,000,000 each occurrence  
\$1,000,000 aggregate

said policy or policies of insurance to identify the City of Alexandria and the owner as named insureds, and to indemnify the City of Alexandria and the owner against all loss occasioned by the construction, existence, placement, use or maintenance of said encroachment, such policy or policies and evidence of the renewal thereof to be presented to the city attorney for approval; provided that, any other provision herein to the contrary notwithstanding, in the event such policy or policies of insurance shall lapse, be canceled, be not renewed or otherwise cease to be in force and effect, then the privilege herein granted shall at the option of the city forthwith and without notice or demand by the city cease and determine, and the owner shall remove said encroachment from the public right-of-way or the city at its option may remove same at the expense and risk of the owner; and provided further that nothing in this section 2 shall relieve the owner of its obligations and undertakings required under this ordinance.

Section 3. That the privilege hereby granted to construct and maintain the encroachment shall be subject to the owner of the encroachment maintaining the area landscaped with live plantings and in a litter-free fashion, so long as the encroachment shall exist in the public right-of-way.

Section 4. That the construction, existence, placement, use and maintenance 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 and all liability by reason of the construction, existence, placement, use and maintenance of the said encroachment.

Section 5. That nothing herein contained shall be deemed a waiver of sovereign immunity by or on behalf of the City of Alexandria.

Section 6. That the owner of the encroachment shall pay to the city the annual charge established in section 3-2-85 of The Code of the City of Alexandria.

Section 7. That the privilege hereby granted shall be terminated whenever the City of Alexandria shall desire to use 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

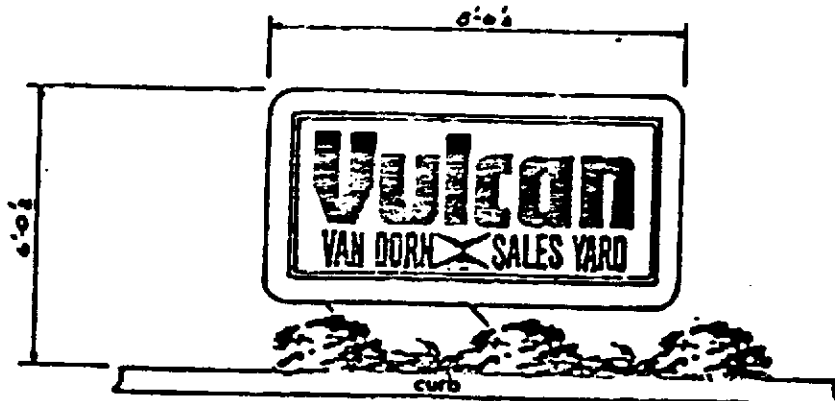
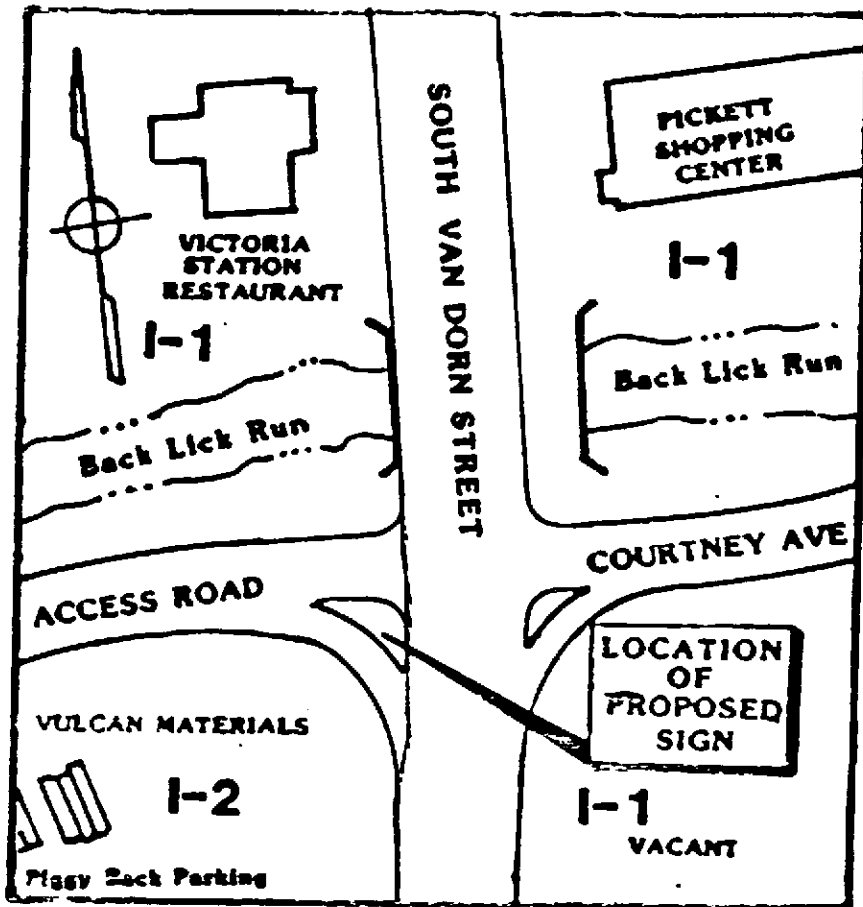
to the City of Alexandria; provided, however, that if the owner cannot be found, or shall fail or neglect to remove the encroachment when required to do so, then the city shall have the right to remove same at the expense of the owner, and shall not be liable for any loss or damage to the structure of the encroachment whatsoever.

Section 8. 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 requests. 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: March 24, 1987

DIAGRAM "A"



VIEW A-A  
SCALE: 1" = 1'-0"