

ORDINANCE NO. 3228

AN ORDINANCE authorizing the owners of the premises situated at 210 King Street, and their successors in title, to construct and maintain an encroachment consisting of a covered window well to be placed in the sidewalk in the right-of-way of King Street, a public street in the City of Alexandria, Virginia.

WHEREAS, Benjamin or Linda Molayem are the owners of the premises situated at 210 King Street in the City of Alexandria, Virginia; and

WHEREAS, the owners desire to construct and maintain a window well which will encroach into the public right-of-way of King Street; and

WHEREAS, the requested encroachment consists of a window well four feet wide and extending into the public right-of-way a depth of two feet to which there will be permanently affixed a rigid translucent top or covering; and

WHEREAS, the public right-of-way at that point, in the opinion of the city council, shall not have been impaired significantly by this encroachment; and

WHEREAS, the said encroachment has been approved by the Planning Commission of the City of Alexandria, Virginia, at one of its regular meetings, and it is determined hereby that this encroachment is not detrimental to the public interest; now, therefore,

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Benjamin or Linda Molayem, and their successors in title, be and the same hereby are authorized to construct and maintain the above-described encroachment consisting of a window well to which is affixed permanently a rigid translucent top or covering, and which window well encroaches into the public right-of-way in front of 210 King Street a distance of two feet and is four feet wide, 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, also, to the hereinafter contained provisions.

Section 2. That the privilege hereby granted to construct and maintain the encroachment shall be subject to the maintaining by the owners of 210 King Street of a public liability and property damage insurance policy which shall name the City of Alexandria as a named insured thereon, in a form and with coverages satisfactory to the city attorney. Such insurance policy shall be presented to and approved by the city attorney prior to the construction of the encroachment.

Section 3. That the maintenance and use of such 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 construction, use and maintenance of the said encroachment.

Section 4. That the privilege hereby granted to 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, upon written notification, demand from the owners 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. The granting and future maintaining of this encroachment shall be subject to the provisions of section 3-2-85 of The Code of the City of Alexandria, Virginia, 1981, as amended.

Section 6. 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 on the date of its final passage.

JAMES P. MORAN, JR.
Mayor

Final Passage: June 24, 1987