

ORDINANCE NO. 3253

AN ORDINANCE authorizing the owners of 101 North Union Street (Torpedo Factory Building Number 10), and their successors in title, to maintain existing encroachments and to extend them further into the public right-of-way along portions of North Union Street, King Street and a public alley on the east side of Torpedo Factory Building Number 10, consisting of stone and brick building facia not to extend more than 5.5 inches into the right-of-way in the City of Alexandria, Virginia.

WHEREAS, The Alexandria Waterfront Restoration Group (AWRG) is a tenant under a deed of lease, dated March 27, 1986, with the City of Alexandria; and

WHEREAS, AWRG desires to extend existing encroachments associated with Torpedo Factory Building Number 10 further into the public right-of-way of North Union Street, King Street and an alley on the east side of Torpedo Factory Building Number 10; and

WHEREAS, the public rights-of-way at these points on North Union Street, King Street and the public alley 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 has been determined that these encroachments are not detrimental to the public interest; therefore,

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That AWRG and their successors in title be, and the same hereby are, authorized to extend the existing encroachments associated with Torpedo Factory Building Number 10, consisting of stone and brick building facia to extend further into the public rights-of-way of North Union Street, King Street and the east side of Torpedo Factory Office Building Number 10, by no more than 5.5 inches, until such encroachments are removed or destroyed; provided, that this authority shall not be construed to release such owner of liability for any negligence on its part on account of or in connection with such encroachments and subject to the provisions set forth below.

Section 2. That the privilege hereby granted to extend the existing encroachments shall be subject to AWRG and their successors in title, at their 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, and with minimum limits as follows:

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

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

said policy or policies of insurance to identify the City of Alexandria and the owners as named insureds, and to indemnify the City of Alexandria and the owners against all loss occasioned by the construction, existence, placement, use or maintenance of said encroachments, said 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 the owners shall remove said encroachments from the public rights-of-way or the city, at its option, may remove same at the expense and risk of the owners; and provided further, that nothing in this Section 2 shall relieve the owners of their obligations and undertakings required under this ordinance.

Section 3. That the construction, existence, placement, use and maintenance of said encroachments, pursuant to the authority hereby granted, shall be considered a promise and agreement by the owners and their successors and assigns to save harmless the City of Alexandria from any and all claims, damages, expenses, losses and liability by reason of the construction, existence, placement, use or maintenance of the said encroachments.

Section 4. That nothing herein contained shall be deemed a waiver of sovereign immunity by or on behalf of the City of Alexandria.

Section 5. That the owners of the encroachments shall pay to the city the annual charge established in section 3-2-85 of the code of the City of Alexandria for the said encroachments.

Section 6. 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 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; provided, however, that if the owners cannot be found, or shall fail or neglect to remove the encroachments when required to do so, then the city shall have the right to remove same at the expense of the owners, and shall not be liable for any loss or damage to the structure of the encroachments whatsoever. Provided further, that the city shall

not terminate the privilege granted by this ordinance as long as the deed of lease, dated March 27, 1986, between the city and AWRG or its successors or assigns, remains in effect.

Section 7. 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: November 14, 1987