

ORDINANCE NO. 3256

AN ORDINANCE authorizing the Cloverdale Partnership to extend the existing display window at 1217 King Street to a total of 24 inches into the public right-of-way, to increase the number of display windows at 1225 King Street which extend 24 inches into the public right-of-way from two to three and to install flower boxes under the second story windows at 1225 King Street which extend eight inches into the public right-of-way.

WHEREAS, the Cloverdale Partnership desires to extend the display window encroachments at 1217 and 1225 King Street to 24 inches and to add, at the latter address, second floor flower boxes which will encroach eight inches into the public right-of-way; and

WHEREAS, the sidewalk area at 1217 and 1225 King Street is sufficiently wide for pedestrian traffic; and

WHEREAS, the public right-of-way at these points on King Street will not be significantly impaired by these encroachments; and

WHEREAS, these 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 Cloverdale Partnership, and its successors in interest, be and the same hereby is authorized to construct and maintain encroachments consisting of display windows, one at 1217 King Street and three at 1225 King Street, which will encroach into the public right-of-way along the north side of the 1200 block of King Street, a distance of 24 inches, and consisting of flower boxes under the second floor windows at 1225 King Street which will encroach into the public right-of-way along the north side of the 1200 block of King Street a distance of eight inches, until such encroachments are removed or destroyed; provided, that this authority shall not be construed to relieve the Cloverdale Partnership, or its successors in interest, of liability for any negligence on its part on account of such encroachments and shall be subject to the hereinafter contained provisions.

Section 2. That the privilege hereby granted to construct and maintain the encroachments shall be subject to the owner, the Cloverdale Partnership, and its successors in interest, 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, 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 existence, placement, use or maintenance of said encroachments, such policy or policies and evidence of 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 encroachments 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 existence, placement, use and maintenance of said encroachments, pursuant to the authority hereby granted, shall be considered an agreement by Cloverdale Partnership and its successors and assigns to save harmless the City of Alexandria from any and all liability by reason of the existence, placement, use and 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 Cloverdale Partnership and its successors in interest shall pay to the city the annual charge established in § 3-2-85 of The Code of the City of Alexandria.

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 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 owner 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 owner, and shall not be liable for any loss or damage to the structure of the encroachments whatsoever.

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: December 12, 1987