

ORDINANCE NO. 3301

AN ORDINANCE authorizing the owner of the property at 1709 Prince Street to maintain an encroachment in the public right-of-way of Reineker's Lane, near the intersection of Reineker's Lane and Diagonal Road, for the construction of a brick wall, with an identifying sign, brick and precast seating, brick planters and appropriate landscaping.

WHEREAS, Station Center Associates is the owner of the property at 1709 Prince Street, bounded by Prince Street, Daingerfield Road, Reineker's Lane and Diagonal Road in the City of Alexandria, Virginia; and

WHEREAS, the building on this property almost completely covers the northwest portion of the lot on which it is located and in order to provide a brick wall on which a building identification sign may be mounted, as well as public seating and decorative brick planters and appropriate landscaping to enhance the property, such structures must encroach into the public right-of-way of Reineker's Lane; and

WHEREAS, the said encroachment, more particularly described below, has been approved by the city planning commission on May 3, 1988; and

WHEREAS, it is the opinion of the Council of the City of Alexandria that this encroachment into the public right-of-way of Reineker's Lane is not detrimental to the public interest; therefore,

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the owner of the property at 1709 Prince Street and its successors in title (collectively, the "Owner") be and the same hereby is authorized to maintain an encroachment into the public right-of-way along the east side of Reineker's Lane, more particularly described and shown on the attached plat, dated May 25, 1988, and prepared by VVKR, which plat is incorporated herein and made a part hereof, until such encroachment is removed or terminated; provided, that the privilege to maintain this encroachment shall not be construed to relieve the Owner of liability for any negligence on its part on account of or in connection with such encroachment; and provided further, that this privilege shall be subject to the hereinafter contained provisions.

Section 2. That the privilege hereby granted to maintain this encroachment shall be subject to the Owner, at all times, maintaining the encroachment in conformity with the staff recommendations approved by the planning commission on May 3, 1988, and with all applicable codes and ordinances, including, without limitation, section 3-2-85 of the Alexandria City Code relating to annual charges for commercial encroachments.

Section 3. That the privilege hereby granted to maintain this encroachment shall be subject to the Owner, 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 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 encroachment, such policy or policies and evidence of any renewal thereof to be presented to the city attorney for approval; provided, that any other provision herein to the contrary notwithstanding, in the event any such policy of insurance shall lapse, be cancelled, be not renewed or otherwise cease to be in force and effect, 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; provided further, that nothing in this section shall relieve the Owner of its obligations and undertakings required under this ordinance.

Section 4. That the existence, placement, use and maintenance of this encroachment, pursuant to the privilege hereby granted, shall be considered an agreement by the Owner to save harmless the City of Alexandria and its officers, agents and employees from any and all demands, claims, causes of actions, suits and liability made, filed or alleged against it or them by reason of the existence, placement, use and maintenance of the encroachment.

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

Section 6. That the privilege hereby granted to maintain this encroachment shall be terminated whenever the City of Alexandria shall desire to use any or all of the portion of the public right-of-way that is subject to the encroachment for any purpose whatsoever and shall, by written notification, demand from the Owner the removal of the encroachment, which removal shall be completed promptly, within no more than 60 days from the date of such notice, without cost to the City of Alexandria; provided, that, if the Owner cannot be found, or shall fail or neglect to remove the encroachment when required to do so, the

city shall have the right to remove same at the expense of the Owner and, in doing so, the city shall not be liable for any loss or damage incurred by the Owner.

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: June 18, 1988

1
AS 101

Reinekers Lane

Diagonal Road

Reinekers Lane

TC 15.88

HC. RAMP 16.23

COR. C.B. 17.25

COR. C.B. 17.53

TC 18.03

TC P.C. 20.22

TC 20.47

TC P.A.H.

21.67

20.04

17.6

15.7

15.8

15.9

22'-0"

LIMITS OF ENROACHMENT

5' SIGN

HIGH POINT

5' SEWING



Station Center

ATTACHMENT 1