

ORDINANCE NO. 3317

AN ORDINANCE authorizing Bogle Development, Inc., and its successors in interest, to construct and maintain an encroachment in the public right-of-way of Wolfe Street in the City of Alexandria, Virginia, consisting of a portion of a two-story dwelling approximately 16 feet in length and two feet in depth.

WHEREAS, Bogle Development, Inc., desires to construct and maintain an encroachment on the public right-of-way of Wolfe Street in order to reconstruct a portion of the residence which previously existed at 119 Wolfe Street; and

WHEREAS, the public right-of-way at that point on Wolfe Street will not be significantly impaired by this encroachment; and

WHEREAS, the planning commission of the City of Alexandria has recommended against approval of the said encroachment and, notwithstanding such recommendation, the city council has determined that this encroachment is not detrimental to the public interest and that the encroachment should be granted, subject to the applicant's submitting to the Board of Architectural Review-Old and Historic Alexandria District Panel a request for approval of certain revisions to the window treatment of the proposed dwelling; now, therefore,

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Bogle Development, Inc., and its successors in interest, be and the same hereby are authorized to maintain an encroachment consisting of the front portion of the residence at 119 Wolfe Street, which will encroach into the public right-of-way along the north side of Wolfe Street for a distance of approximately 16 feet in length and two feet in depth, as more particularly shown on the attached plat entitled "Wall Check Survey of the Lands of 119 Wolfe Street, City of Alexandria, Virginia," bearing revision date of June 17, 1988, which is incorporated herein, until such encroachment is removed or destroyed; provided, that this authority shall not be construed to relieve such owner of liability for any negligence on its part on account of such encroachment and shall be subject to the hereinafter contained provisions.

Section 2. That the privilege hereby granted to construct and maintain the encroachment shall be subject to Bogle Development, Inc. making application to the Board of Architectural Review-Old and Historic Alexandria District Panel ("BAR") for an amendment to the certificate of appropriateness, approved on November 19, 1986, in Case BAR-86-199, to modify the window treatment, and only the window treatment, on that portion of the

front facade of the structure at 119 Wolfe Street which is encompassed within the encroachment, so that the window treatment closely resembles the window treatment shown on the plan submitted by Lewis/Wisnewski & Associates, Ltd., to, and approved on June 16, 1986, by, the BAR in Case BAR-86-105.

Section 3. That the privilege hereby granted to construct and maintain the encroachment shall be subject to the owner of the encroachment, at its own expenses, 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 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 4. That the privilege hereby granted to maintain the encroachment shall be subject to the owner of the encroachment maintaining the area subject and proximate to the encroachment landscaped with live plantings and in a litter-free fashion, and removing ice, snow and other hazardous accumulations therefrom, so long as the encroachment shall exist in the public right-of-way.

Section 5. That the 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 existence, placement, use and maintenance of the said encroachment.

Section 6. That nothing herein contained shall be deemed a waiver of sovereign immunity by or on behalf 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 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 and provided further, however, that the City of Alexandria shall not demand the removal of such encroachment unless like demand is made as to other similarly encroaching structures on the north side of the 100 block of Wolfe Street, Alexandria, Virginia.

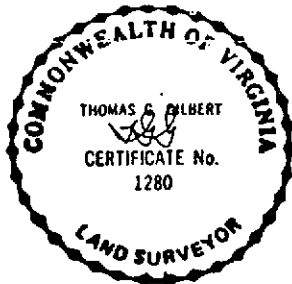
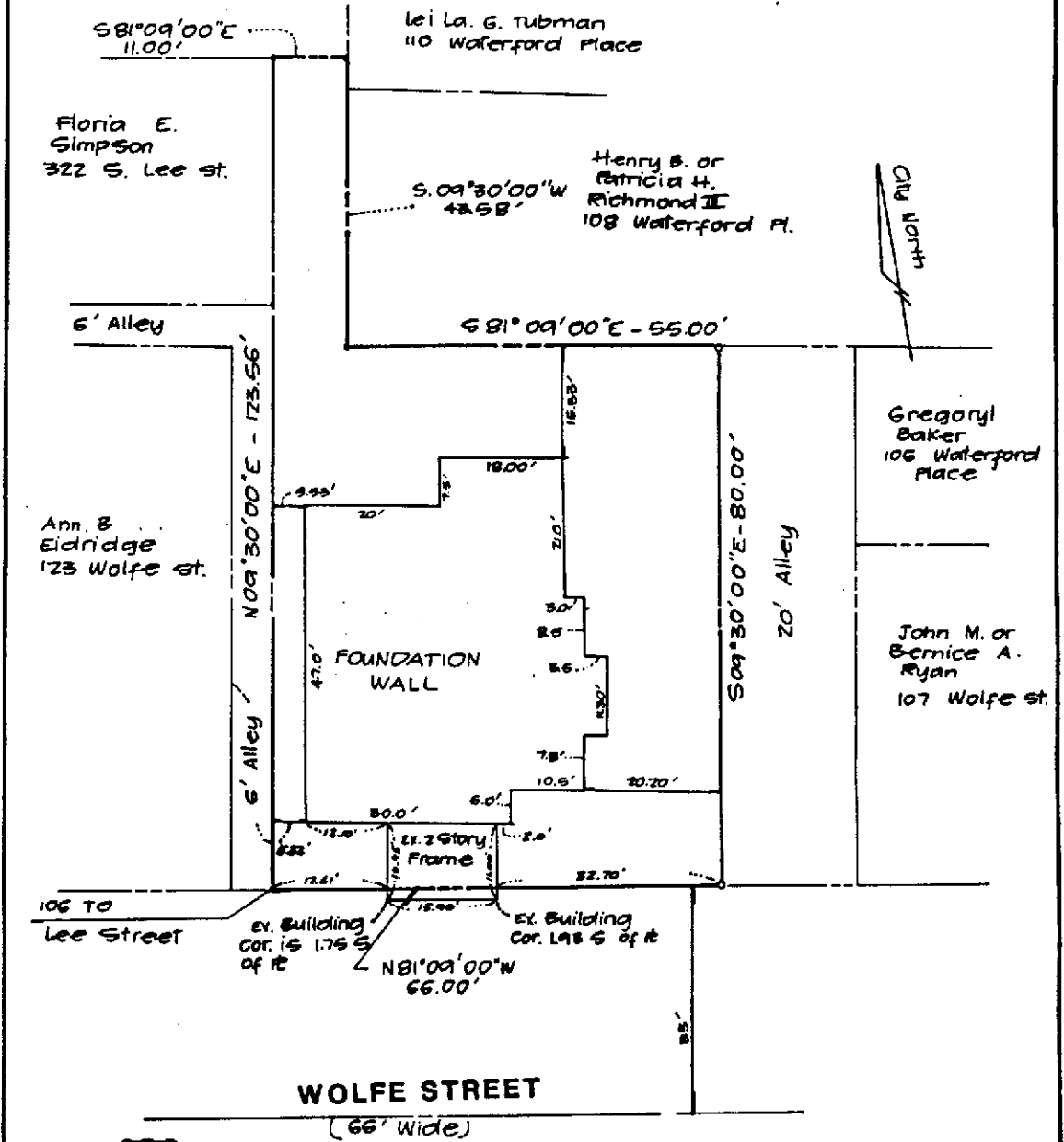
Section 8. That the title of and an informal memorandum explaining this ordinance shall be published in a newspaper of general circulation published in the city not later than five days following its introduction together with a notice containing the time and place for a public hearing. The city clerk 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: June 28, 1988

WALL CHECK SURVEY
OF THE LANDS OF
119 WOLFE STREET
CITY OF ALEXANDRIA, VIRGINIA

SCALE: 1" = 20' DATE: DEC. 18, 1987.



- NOTES:
- 1.) No Title Report furnished.
 - 2.) Foundation walls only.

<p>CERTIFIED CORRECT</p> <p><i>Thomas G. Gilbert</i> 12/18/87</p> <p>Thomas G. Gilbert Date</p> <p>Certified Land Surveyor Va. # 1280</p>	<p>Howe</p> <p>Engineers</p> <p>Phone: 548-2188</p> <p>110 N. Royal St. Alexandria, Virginia</p> <p>ENGINEERS · SURVEYORS · PLANNERS</p>	<p>DRN. BY: HT.</p>	<p>REVISIONS</p>
		<p>CHK'D. BY: WD.</p>	<p>DATE: 12/18/87</p>
		<p>FB/PG</p>	
		<p>SCALE: 1" = 20'</p>	<p>JOB NO. 61K 80</p>