

ORDINANCE NO. 3476

AN ORDINANCE authorizing the owner of the property at 917 Princess Street, and the owner's successors in title, to establish and maintain an encroachment into the public rights-of-way of Princess Street and North Patrick Street in the City of Alexandria, Virginia.

WHEREAS, the Third Baptist Church of Alexandria is the owner of the property located at 917 Princess Street in the City of Alexandria, Virginia; and

WHEREAS, as part of its renovations at 917 Princess Street, the Third Baptist Church of Alexandria desires to establish and maintain two entrances and steps which will encroach into the public right-of-way along Princess Street, and well as to establish and maintain a new entrance, a renovated entrance, a wall and a planter wall which will encroach into the public right-of-way at 401-407 North Patrick Street; and

WHEREAS, the public right-of-way at 917 Princess Street and 401-407 North Patrick Street will not be significantly impaired by this encroachment; and

WHEREAS, this encroachment has been approved by the Planning Commission of the City of Alexandria at one of its regular meetings subject to certain conditions; and

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the Third Baptist Church and its successors in title (hereafter collectively "Owner") be, and the same hereby are, authorized to establish and maintain an encroachment into the public right-of-way of 917 Princess Street and 401-407 North Patrick Street in the City of Alexandria, said encroachment consisting of the following: (a) two entrances and steps, each encroaching 6.00 feet in width and 11.00 feet in length into the public right-of-way at 917 Princess Street; (b) a renovated entrance encroaching 2.67 feet in width and 10.00 feet in length into the public right-of-way at 401-407 North Patrick; (c) a wall encroaching 0.50 feet in width and 52.00 feet in length into the public right-of-way at 401-407 North Patrick, said wall measuring in height 5 feet on the north, tapering to 3 feet, 6 inches in the middle and rising to 4 feet, 6 inches on the south; (d) an entrance encroaching 2.67 feet in width and 10.00 feet in length into the public right-of-way at 401-407 North Patrick; (e) a planter wall encroaching 0.50 feet in width and 52 feet in length in the public right-of-way at 401-407 North Patrick, said planter wall measuring in height 4 feet, 6 inches on the north and tapering to 3 feet on the south. This encroachment, which is shown on the plat entitled "Plat Showing Encroachments on North Patrick Street and Princess Street by

Baptist Church of Alexandria," prepared by Holland Engineering and dated April 27, 1990, and maintained in the office of the Director of the Department of Planning and Community Development as part of the file in Encroachment No. 90-002, may remain until it is removed or destroyed or the authorization to maintain it is terminated by the city; provided, that this authorization to establish and maintain the encroachment shall not be construed to relieve Owner of liability for any negligence on its part on account of or in connection with the encroachment and shall be subject to the provisions set forth below.

Section 2. That the authorization hereby granted to establish and maintain the encroachment described in Section 1 shall be subject to and conditioned upon Owner maintaining, at all times and at its own expense, liability insurance, covering both bodily injury and property damage, 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

Property Damage: \$1,000,000 each occurrence
 \$1,000,000 aggregate

This liability insurance policy shall identify the City of Alexandria and Owner as named insureds and shall provide for the indemnification of the City of Alexandria and Owner against any and all loss occasioned by the establishment, construction, placement, existence, use or maintenance of the encroachment. Evidence of the policy and any renewal thereof shall be filed with the city attorney's office. Any other provision herein to the contrary notwithstanding, in the event this policy of insurance lapses, is canceled, is not renewed or otherwise ceases to be in force and effect, the authorization herein granted to establish and maintain the encroachment shall, at the option of the city, forthwith and without notice or demand by the city, terminate. In that event, Owner shall, upon notice from the city, remove the encroachment from the public right-of-way, or the city, at its option, may remove the encroachment at the expense and risk of Owner. Nothing in this section shall relieve Owner of its obligations and undertakings required under this ordinance.

Section 3. That by accepting the authorization hereby granted to establish and maintain the encroachment and by so establishing and/or maintaining the encroachment, Owner shall be deemed to have promised and agreed to save harmless the City of Alexandria from any and all liability (including attorneys' fees and litigation expenses) by reason of the establishment, construction, placement, existence, use or maintenance of the encroachment.

Section 4. That the authorization herein granted to establish and maintain the encroachment shall be subject to Owner's maintaining the area of the encroachment at all times unobstructed and free from accumulation of litter, snow, ice and other potentially dangerous matter.

Section 5. That nothing in this ordinance is intended to constitute, or shall be deemed to be, a waiver of sovereign immunity by or on behalf of the City of Alexandria.

Section 6. That the authorization herein granted to establish and maintain the encroachment shall be terminated whenever the City of Alexandria desires to use the affected public right-of-way for any purpose whatsoever and, by written notification, demands from Owner the removal of the encroachment. Said removal shall be completed by the date specified in the notice and shall be accomplished by Owner without cost to the city. If Owner cannot be found, or shall fail or neglect to remove the encroachment within the time specified, the city shall have the right to remove the encroachment, at the expense of Owner, and shall not be liable to Owner for any loss or damage to the structure of the encroachment caused by the removal.

Section 7. That this ordinance shall be effective upon the date and at the time of its final passage.

JAMES P. MORAN, JR.
Mayor

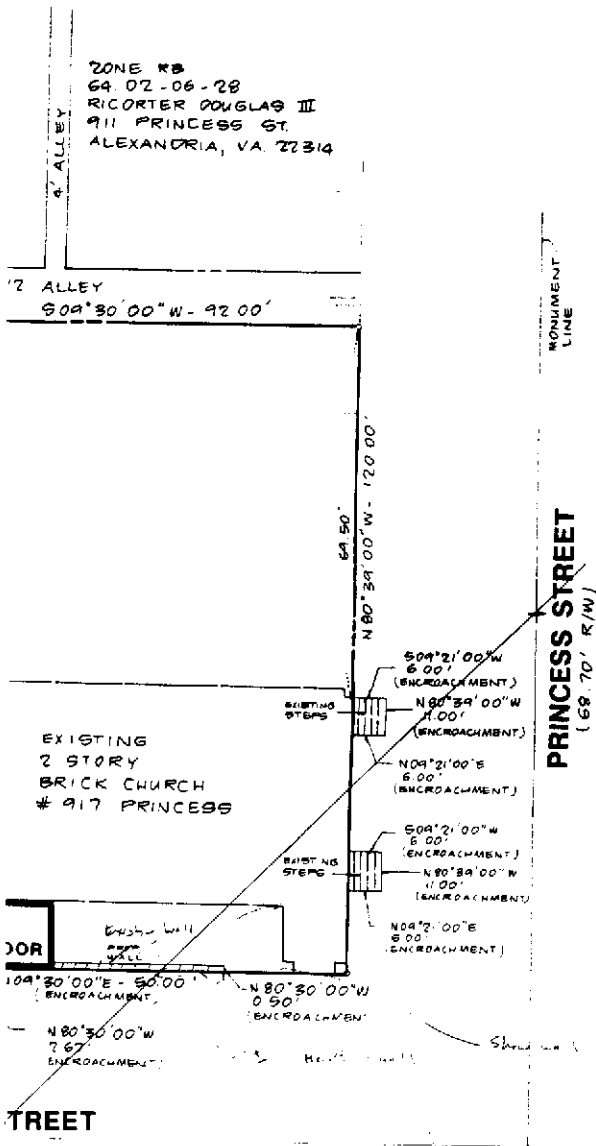
Attachment: Encroachment Plat

Final Passage: October 13, 1990

PLAT SHOWING
ENCROACHMENTS ON
NORTH PATRICK STREET
AND
PRINCESS STREET
BY

BAPTIST CHURCH
OF ALEXANDRIA

CITY OF ALEXANDRIA, VIRGINIA
SCALE: 1"=20' DATE: APRIL 26, 1990



MONUMENT LINE

PRINCESS STREET
(68.70' R/W)

FILE COPY

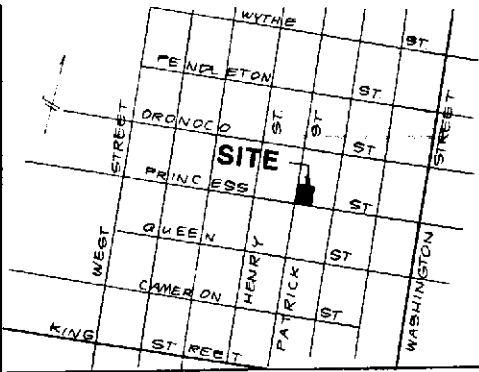
ENC 90-002

CERTIFIED CORRECT
Robert L. Franca 4-27-90
ROBERT L. FRANCA DATE
LAND SURVEYOR VA. NO. 1726



Holland Engineering
2111 EISENHOWER AVE.
ALEXANDRIA, VA 22314

Drawn By HW	Date 4-90	Revisions
Checked By R.W	Date 4-90	
Field Strip/Word Copy		
Scale: 1" = 20'	Job No.: 81K 508	



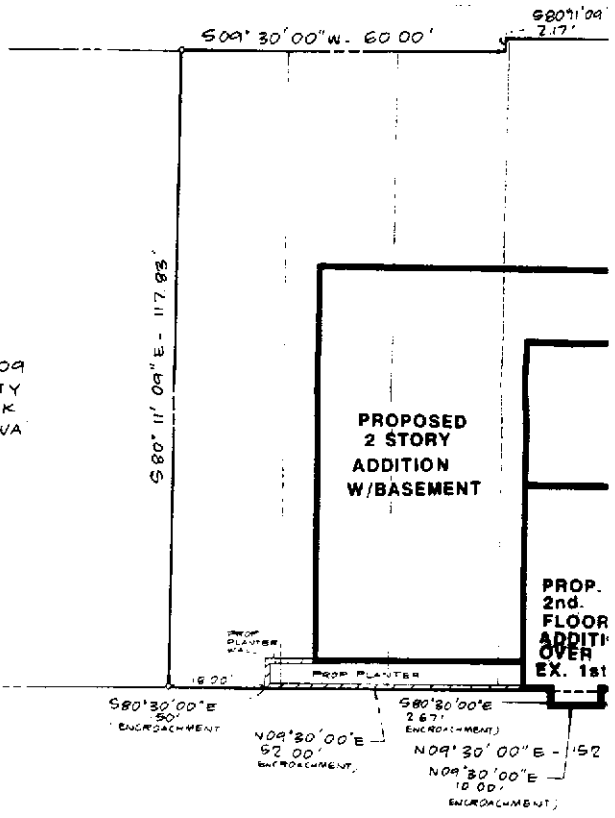
VICINITY MAP
(NO SCALE)

ZONE RB
64.02.06-18
REBECCA R MILLER
410 N ALFRED ST
ALEXANDRIA, VA 22314

ZONE RB
64.02.06-19
LOVELL A LEE
8726 BRADDOCK AVE
ALEXANDRIA, VA 22309

ZONE RB
64.02.06-20
CHARLES L TAYLOR ETUX
406 N ALFRED ST
ALEXANDRIA, VA 22314

ZONE RB
64.02.06-21-01
LEIGH A GIRONARD
404 N ALFRED ST
ALEXANDRIA, VA 22314



ZONE RB
TM. 64.02-06-09
WILLIAM CHARITY
415 N. PATRICK
ALEXANDRIA, VA
22314

OWNER
BAPTIST CHURCH OF ALEXANDRIA
917 PRINCESS STREET
ALEXANDRIA, VA. 22314

NORTH PATRICK
(64 25' R)

NOTES

- 1 NO TITLE REPORT FURNISHED
- 2 BOUNDARY SURVEY PROVIDED BY OTHERS.
- 3 THE PROPERTY DELINEATED HEREON IS SHOWN ON CITY OF ALEXANDRIA ASSESSMENT MAPS AS PARCELS 64.02.06-10, 11 & 12 AND IS ZONED RB RESIDENTIAL.

AREA TABLE

AREA OF NORTH PATRICK STREET ENCROACHMENT	82.7	OR	0.0019 AC
AREA OF PRINCESS STREET ENCROACHMENT	132.0	OR	0.0030 AC
TOTAL	214.7	OR	0.0049 AC