

ORDINANCE NO. 3852

AN ORDINANCE to amend and reordain Ordinance No. 3014, which authorizes the owner of the property at the northeast corner of the intersection of Prince Street and Reineker's Lane in the City of Alexandria, and said owner's successors in title, to maintain an encroachment into the public right-of-way of the 1700 block of Prince Street consisting of an underground parking garage.

WHEREAS, Ordinance No. 3014 (attached hereto) identifies the owner of the real property at the northeast corner of the intersection of Prince Street and Reineker's Lane (the "Property") as the Dominion Company, and authorizes the Dominion Company and its successors in title to maintain an encroachment into the public right-of-way of the 1700 block of Prince Street consisting of an underground parking garage; and

WHEREAS, at the time of the enactment of Ordinance No. 3014 on February 23, 1985, the owners of the Property were not the Dominion Company, but rather James J. Driscoll and Peter C. Labovitz, Trustees, but Ordinance No. 3014 erroneously identified the owner of the Property as the Dominion Company; and

WHEREAS, in its present form, Ordinance No. 3014 hinders the ability of the current owners of the Property, who are successors to James J. Driscoll and Peter Labovitz, Trustees, from obtaining title insurance for the Property, and these owners have requested assistance from the city in correcting the identification of the Property's owner at the time Ordinance No. 3014 was enacted; now, therefore,

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Ordinance No. 3014, enacted on February 23, 1985, be, and the same hereby is, amended to delete all references to "the Dominion Company" as the owner of the Property and to replace each such reference with "James J. Driscoll and Peter C. Labovitz, Trustees."

Section 2. That Ordinance No. 3014, as amended by Section 1 of this ordinance, be, and the same hereby, is confirmed and ratified.

Section 3. That this ordinance shall be considered effective on and since February 23, 1985.

KERRY J. DONLEY
Mayor

Final Passage: March 23, 1996

ORDINANCE NO. 3014

AN ORDINANCE authorizing the owner of property located in the 1700 block of Prince Street at the northeast corner of the intersection of Prince Street and Reineker's Lane, and its successors in title, to construct and maintain an encroachment consisting of an underground parking garage for a proposed office building into the public right-of-way of the north side of Prince Street in the City of Alexandria, Virginia.

WHEREAS, the Dominion Company is the owner of the property located in the 1700 block of Prince Street at the northeast corner of the intersection of Prince Street and Reineker's Lane in the City of Alexandria, Virginia; and

WHEREAS, Dominion Company desires to construct and maintain an underground parking garage in a proposed office building which will encroach 12 feet into the public right-of-way of the 1700 block of Prince Street and be 77 feet 6 inches in length; and

WHEREAS, the proposed encroachment will be entirely subsurface; and

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

WHEREAS, the said encroachment has been approved by the Planning Commission of the City of Alexandria, Virginia, and it is determined that this encroachment is not detrimental to the public interest; therefore,

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Dominion Company, and its successors in title, be and the same hereby is authorized to construct and maintain an encroachment consisting of an underground parking garage below the street surface, which garage encroaches into the public right-of-way of the 1700 block of Prince Street a distance of 12 feet, is approximately 77.6 feet in length and contains approximately 930 square feet, until such encroachment is removed or destroyed, provided this authority shall not be construed to relieve such owner of liability for any negligence on its part on account of such encroachment and subject to the hereinafter contained provisions.

Section 2. That the privilege hereby granted to construct the encroachment shall be subject to verification by the owner or its successors and assigns that a bond to ensure the timely and correct construction within the encroachment area has been provided to the city.

Section 3. That the privilege hereby granted to construct and maintain the encroachment shall be subject to the maintaining by the owner of the encroachment of public liability and property damage insurance indemnifying the City of Alexandria, such policy to be presented to the city attorney for approval.

Section 4. That the maintenance and use 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 liability by reason of the use and maintenance of the said encroachment.

Section 5. That the privilege hereby granted to maintain the encroachment as hereinabove described shall be terminated whenever the City of Alexandria shall desire to use that portion of the public right-of-way for any purpose whatsoever and shall by written notification demand from the owner 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.

Section 6. 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 request. 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.

CHARLES E. BEATLEY, JR.
Mayor

Final Passage: February 23, 1985

