

ORDINANCE NO. 4776

AN ORDINANCE authorizing the United States General Services Administration (GSA) to construct and maintain an encroachment for a perimeter security line consisting of hardened garden fences, retractable and non-retractable bollards and security booths within the public access easement for the public right of ways known as Jamieson Avenue, Courthouse Square South, and Elizabeth Lane all adjacent to the Albert V. Bryan United States Federal Courthouse.

WHEREAS, the GSA is the tenant of the property located at 401 Courthouse Square in the City of Alexandria, Virginia; and

WHEREAS, GSA desires to establish and maintain a security perimeter consisting of hardened garden fences, retractable and non-retractable bollards and security booths which will encroach into the public access easement for the public right of ways known as Jamieson Avenue, Courthouse Square South, and Elizabeth Lane all adjacent to the Albert V. Bryan United States Federal Courthouse.; and

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

WHEREAS, it has been determined by the Council of the City of Alexandria that this encroachment is not detrimental to the public interest; now, therefore,

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the GSA be, and the same hereby is, authorized to establish and maintain an encroachment into the public access easement for the public right of ways known as Jamieson Avenue, Courthouse Square South, and Elizabeth Lane all adjacent to the Albert V. Bryan United States Federal Courthouse in the City of Alexandria, said encroachment consisting of a perimeter security line consisting of hardened garden fences, retractable and non-retractable bollards and security booths as shown in the attached exhibit titled AV Bryan Courthouse Illustrative Site Plan dated February 2012 and labeled as Exhibit A, until the encroachment 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 GSA of liability for any negligence on their 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 said encroachment shall in addition be subject to and conditioned upon the following terms:

- (a) Neither the City of Alexandria nor any public or private utility company shall be responsible for damage to GSA's property encroaching into the public right-of-way

during repair, maintenance or replacement of the public right-of-way or any public facilities or utilities in the area of encroachment.

- (b) The GSA shall be responsible for replacement and repairs to the adjacent City right-of-way, including any areas damaged during construction activity.

Section 3. That by accepting the authorization hereby granted to establish and maintain the encroachment and by so establishing and/or maintaining the encroachment, GSA 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) arising 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 GSA 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 or any of its officers or employees.

Section 6. That this ordinance shall be effective upon the date and at the time of its final passage.

WILLIAM D. EUILLE
Mayor

Attachment: Exhibit A

Final Passage: October 13, 2012