

Ordinance No. 464

AN ORDINANCE authorizing the Washington and Old Dominion Railway Company, a corporation, to construct, maintain and use a railroad spur track over and across Swann Avenue in the City of Alexandria, Virginia.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ALEXANDRIA, VIRGINIA AS FOLLOWS

Section 1. That the Washington and Old Dominion Railway Company, a corporation, be and it hereby is authorized to construct, maintain and use a railroad spur track of standard gage across and over Swann Avenue in the City of Alexandria, Virginia. Said track shall begin on the south side of said Swann Avenue and shall run northwardly with a 32° 45' curve to the right to the north side of said street, and it shall be so located that the centerline of said track at the centerline of Swann Avenue is 688 feet west of the centerline of U. S. Highway No. 1.

Section 2. That before any work is started on the construction of the said spur track hereinbefore mentioned or before the city street is used under authority hereby granted, plans, profile and specifications for the grading and alignment of said track shall be first submitted to and approved by the city engineer. All space between rails of said spur track, and all space within two feet outside of each rail, shall be paved with concrete. Such concrete shall extend two inches below the ties, and it shall be brought up to the top of the rails. All adjacent street area shall be brought up to uniform grade. Construction, grading, necessary drainage, paving, and all other work shall be done at the cost of the company and under the supervision of the city engineer, and such work shall be done in a manner which will leave the streets always safe and in proper condition for vehicular and pedestrian traffic.

Section 3. That the Washington and Old Dominion Railway Company shall keep such spur track and the street area between the rails and two feet on each side thereof in good repair and in safe condition so long as the spur track remains in or across the street. It shall be unlawful and constitute a misdemeanor punishable by a fine of not less than \$25.00 nor more than \$100.00 to cause or allow cars or locomotives to stand on the rails of said track in said street area. Use of the street by said company pursuant to the privilege hereby granted shall be considered an agreement by the company to save the City of Alexandria harmless from any liability by reason of the construction, use or maintenance of the said spur track.

Section 4. That the special privilege to use the said street in the city herein granted shall be considered a limited and concurrent right, and the same shall in no manner be considered a right in perpetuity; and the City of Alexandria may require the removal of said track and the termination of said privilege upon sixty days' notice. Upon abandonment of said spur track or upon termination of said privilege, the company shall at its own expense remove the said track and return the street to a safe and proper condition and pave the disturbed part of the street in like manner as the remainder of the street is paved at the time of removal.

Section 5. That this ordinance shall take effect immediately upon its passage.

William T. Wilkins
Mayor

May 28, 1946