

Ordinance No. 757

AN ORDINANCE authorizing the Southern Railway Company, a corporation, to construct, maintain, and use a railroad spur track in and across Pendleton Street in the City of Alexandria, Virginia.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the Southern Railway Company, a corporation, be and it hereby is authorized to construct, maintain, and use a railroad spur track in and across Pendleton Street, a public street in the City of Alexandria, said spur track crossing beginning at a point in the north line of Pendleton Street approximately 56 feet east of the east line of Lee Street, and crossing Pendleton Street along a 12° curve to a point on the south line of said Pendleton Street approximately 90 feet east of the east line of Lee Street, as shown on a drawing prepared by said Southern Railway Company, dated September 18, 1952, and on file in the office of the Director of Public Works.

Section 2. That before any work is started on the construction of the spur track above mentioned or before the said City street is used under the authority hereby granted, plans, specifications, and profile for the grading and alignment of said track shall be submitted to and be approved by the Department of Public Works. All adjacent street areas shall be brought to uniform grade. Construction, grading, drainage, paving, and all other necessary work shall be done at the expense of the Company but under the supervision of the Department of Public Works, and such work shall be done in a manner which will leave the street always safe and in a proper and appropriate condition for vehicular and pedestrian traffic.

Whenever the section of Pendleton Street east of the east line of Lee Street (the section over which said spur track will cross) is graded and paved by the City, the Southern Railway Company, or its successors or assigns, if said spur track be then in existence, shall pave, at its own expense, all space between the rails and all space within two feet outside of each rail, from the north line of Pendleton Street to the south line of Pendleton Street, in like manner as the said City street on either side of the spur track is then paved.

Section 3. That the Southern Railway Company shall keep such spur track and the street area immediately adjacent thereto in good repair and in safe condition so long as the spur track remains in the street. 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 of 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 may require the removal of said track and terminate said privilege upon ninety days notice. Also, the special privilege to use the said street is granted upon the condition that the construction, maintenance, or use of the said spur track shall in no way interfere with the extension of the Pendleton Street sewer, or with the construction of the contemplated Potomac Interceptor Sewer, which will begin at approximately the location of the spur track. Changes

in or reconstruction of the spur track will probably be made necessary by either the extension of the Pendleton Street sewer or the construction of the Potomac Interceptor Sewer, or both, and a further condition for the granting of the privilege is that such changes shall be made promptly by and at the expense of the Company, but under the supervision of the Department of Public Works. Upon abandonment of said spur track, or upon termination of said privilege, the Company, or its successors or assigns, shall, at its expense, remove the said track and return the street to a safe and proper condition and pave the disturbed portion 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 be published in a newspaper of general circulation 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 clerk of the council 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.

Marshall J. Beverley
Mayor

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