

## Ordinance No. 806

**AN ORDINANCE** authorizing the Richmond, Fredericksburg & Potomac Railroad Company, a corporation, to construct, maintain and use a railroad spur track in and over North Fayette Street, in the City of Alexandria, Virginia, and to permit the said company to abandon and to take up and retire certain other spur tracts in said public street.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the Richmond, Fredericksburg & Potomac Railroad Company, a corporation, be and it hereby is authorized to construct, maintain and use a railroad spur track in and over North Fayette Street, a public street in the City of Alexandria, Virginia, the center line of said spur track being coincident with the easterly line of Fayette Street from the south line of Pendleton Street to a point approximately 150 feet north of the north line of Pendleton Street where the said track crosses to the center of North Fayette Street to meet the existing track.

Section 2. That the said company be and it hereby is authorized to abandon in place an existing spur track in North Fayette Street, extending from the north line of Oronoco Street to the north line of Pendleton Street, provided, however, that such abandoned track shall be removed and the street shall be resurfaced, all at the expense of said company, upon ninety (90) days notice from the City of Alexandria.

It is agreed by the company that in exchange for the privilege herein granted to abandon said track in place, the company agrees to save the City harmless from any liability arising as a result of the existence of said abandoned track in said public street. The company will also keep the area between the rails of the abandoned track and the street area immediately adjacent thereto in good repair and in safe condition.

Section 3. That the said company be and it hereby is authorized to remove from the center of North Fayette Street a spur track now extending approximately 300 feet north of the north line of Pendleton Street, as well as the lead from said spur track now crossing Pendleton Street and servicing the Alexandria Hay and Grain Company, said removals being subject to conditions hereinafter set forth.

Section 4. That before any work is started on the construction of the spur track authorized in Section 1 hereof, or before the said City street is used under the authority therein granted, plans, specifications, and profile for the grading and alignment of said track shall be submitted to and approved by the Director of Public Works. All adjacent street areas shall be brought to uniform grade. Construction, grading, draining, 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.

Section 5. That the said company shall keep all of its spur tracks authorized by this ordinance to be constructed and/or maintained in and over North Fayette Street and the street area immediately adjacent thereto in good repair and in safe condition as long as the said spur tracks remain in the street. Use of the street by said company pursuant to the privileges 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 said spur tracks.

Section 6. That the special privileges 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 tracks and terminate said privilege upon ninety (90) days notice. Upon abandonment of said spur track or tracks, or upon termination of said privileges, the company, or its successors or assigns, shall, at its expense, remove the said track or tracks 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 7. All spur tracks referred to in Sections 1, 2, and 3 herein, are more particularly shown on a plat known as Richmond, Fredericksburg & Potomac Plat No. R.E. 55-36, dated October 23, 1953, and on file in the office of the Director of Public Works, City Hall, Alexandria, Virginia.

Section 8. 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

**Final Passage: January 12, 1954**