

Ordinance No. 900

AN EMERGENCY ORDINANCE authorizing the Richmond, Fredericksburg and Potomac Railroad Company, a corporation, to construct, maintain and use a railroad spur track in and over a portion of North Fayette Street in the City of Alexandria, Virginia.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the Richmond, Fredericksburg and Potomac Railroad, a corporation, be and it hereby is authorized to construct, maintain and use a railroad spur track in and over a portion of North Fayette Street in the City of Alexandria, Virginia, the centerline of said track being coincident with the centerline of the existing track of North Fayette Street at a point 170 feet more or less north of the north line of Montgomery Street, thence leaving said existing track and running southerly along an 18 degree curve to the left to a point 8 feet west of the east line of Fayette Street, thence along an 18 degree curve to the right to a point on the east line of Fayette Street, said point being 10 feet more or less north of the north line of Montgomery Street, at which point said spur track leaves the public right of way.

Section 2. 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 3. 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 4. 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 5. The spur track referred to in Sections 1, 2, 3, and 4 above is more particularly shown on a plat designated "R.E.55-41 R.F.& P.R.R.Co." which is dated January 23, 1956, and is on file in the office of the Director of Public Works, City Hall, Alexandria, Virginia.

Section 6. That the said company shall only use the spur tracks authorized by this ordinance to move trains and railroad cars and shall not allow trains or cars to stand or park on the track.

Section 7. That in the opinion of the City council an emergency exists and this ordinance is declared an emergency ordinance for the reason that utmost speed is desired in the construction of said spur track in order to avoid great expense, inconvenience, and delay to a large commercial project abutting said track.

Section 8. This ordinance shall become effective the date of its passage.

LEROY S. BENDHEIM
Mayor

Final passage: February 28, 1956