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| Introduction and first reading: | 5/10/05 |
| Public hearing: | 5/14/05 |
| Second reading and enactment: | 5/14/05 |

INFORMATION ON PROPOSED ORDINANCE

Title

AN ORDINANCE authorizing the owner of 315 North Payne Street to establish and maintain an encroachment for a retaining wall and fence.

Summary

The proposed ordinance permits the owner of 315 North Payne Street to establish and maintain an encroachment for a retaining wall and fence, five and one-half feet wide and 30 feet long, into the public sidewalk right-of-way at 315 North Payne Street.

Sponsor

Staff

Eileen P. Fogarty, Director, Planning & Zoning
Ignacio B. Pessoa, City Attorney

Authority

§ 2.04(e), Alexandria City Charter

Estimated Costs of Implementation

None

Attachments in Addition to Proposed Ordinance and its Attachments (if any)

None

Encroachment Ord Cover 315 North Payne Street.wpd

ORDINANCE NO. _____

AN ORDINANCE authorizing the owner of 315 North Payne Street to establish and maintain an encroachment for a retaining wall and fence.

WHEREAS, Linda Lewis (“Owner”) is the Owner of the property located at 315 North Payne Street, in the City of Alexandria, Virginia; and

WHEREAS, Owner desires to establish and maintain retaining wall and fence which will encroach into the public sidewalk right-of-way at that location; and

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

WHEREAS, this encroachment has been approved by the Planning Commission of the City of Alexandria at one of its regular meetings subject to certain conditions; 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 Owner be, and the same hereby is, authorized to establish and maintain an encroachment into the public sidewalk right-of-way at 315 North Payne Street, in the City of Alexandria, said encroachment consisting of a retaining wall and fence extending no more than five and one-half feet into, and 30 feet along, the public right-of-way of North Payne Street in front of the property, as generally shown on the plat and elevation drawings attached hereto, 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 Owner of liability for any negligence on his 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 be subject to and conditioned upon Owner maintaining, at all times and at his own expense, liability insurance, covering both bodily injury and property damage, with a company authorized to transact business in the Commonwealth of Virginia and with minimum limits as follows:

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| Bodily Injury: | \$1,000,000 each occurrence |
| | \$1,000,000 aggregate |

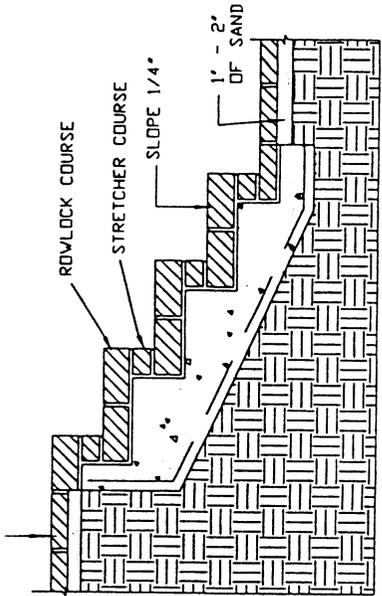
1 to Owner for any loss or damage to the structure of the encroachment or personal property
2 within the encroachment area, caused by the removal.
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4 Section 8. That this ordinance shall be effective upon the date and at the time of its
5 final passage.
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8 WILLIAM D. EUILLE
9 Mayor
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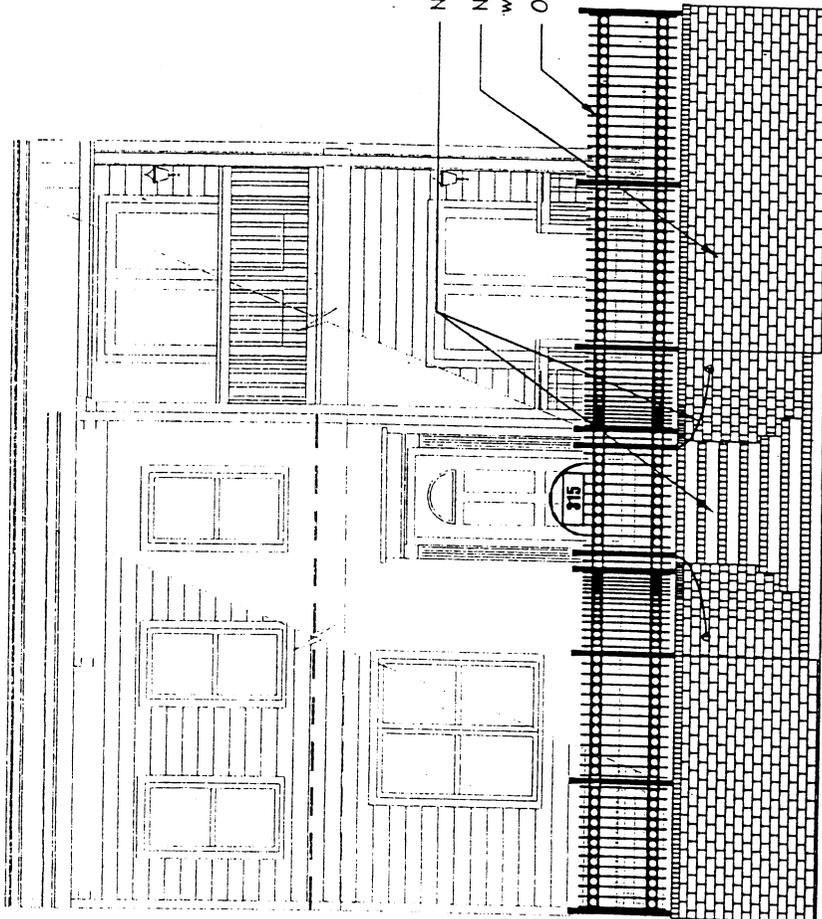
11 Attachment: Encroachment plat and elevation drawings
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13 Introduction: 5/10/05
14 First Reading: 5/10/05
15 Publication:
16 Public Hearing:
17 Second Reading:
18 Final Passage:
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Typ. Brick Stair Detail

Scale: N.T.S.



Proposed Retaining Wall & Fence

Scale: 1/4" = 1'-0"