

1	Introduction and first reading:	5/10/05
2	Public hearing:	5/14/05
3	Second reading and enactment:	5/14/05

INFORMATION ON PROPOSED ORDINANCE

Title

AN ORDINANCE authorizing the Stabler Leadbeater Apothecary Museum to establish and maintain an encroachment for a temporary stoop and access ramp.

Summary

The proposed ordinance permits the Stabler Leadbeater Apothecary Museum to establish and maintain an encroachment for a temporary stoop and access ramp, five feet wide and 17 feet long, into the public sidewalk right-of-way at 105-107 South Fairfax 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 Apothecary.wpd

ORDINANCE NO. _____

AN ORDINANCE authorizing the Stabler Leadbeater Apothecary Museum to establish and maintain an encroachment for a temporary stoop and access ramp.

WHEREAS, the Stabler Leadbeater Apothecary Museum (“Owner”) is the Owner of the property located at 105-107 South Fairfax Street, in the City of Alexandria, Virginia; and

WHEREAS, Owner desires and is required by law to establish and maintain a temporary stoop and access ramp 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 105-107 South Fairfax Street, in the City of Alexandria, said encroachment consisting of a temporary wood and metal stoop and access ramp extending no more than five feet into, and 17 feet along, the public right-of-way of South Fairfax 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:

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

1 Property Damage: \$1,000,000 each occurrence
2 \$1,000,000 aggregate
3

4 This liability insurance policy shall identify the City of Alexandria and Owner as named
5 insureds and shall provide for the indemnification of the City of Alexandria and Owner against
6 any and all loss occasioned by the establishment, construction, placement, existence, use or
7 maintenance of the encroachment. Evidence of the policy and any renewal thereof shall be filed
8 with the city attorney's office. Any other provision herein to the contrary notwithstanding, in the
9 event this policy of insurance lapses, is canceled, is not renewed or otherwise ceases to be in
10 force and effect, the authorization herein granted to establish and maintain the encroachment
11 shall, at the option of the city, forthwith and without notice or demand by the city, terminate. In
12 that event, Owner shall, upon notice from the city, remove the encroachment from the public
13 right-of-way, or the city, at its option, may remove the encroachment at the expense and risk of
14 Owner. Nothing in this section shall relieve Owner of his obligations and undertakings required
15 under this ordinance.
16

17 Section 3. That the authorization hereby granted to establish and maintain said
18 encroachment shall in addition be subject to and conditioned upon the following terms:
19

- 20 (a) Neither the City of Alexandria nor any public utility company shall be responsible
21 for damage to Owner's property encroaching into the public right-of-way during
22 repair, maintenance or replacement of the public right-of-way or any public facilities
23 or utilities in the area of encroachment.
24
- 25 (b) The Director of Planning and Zoning shall review the encroachment permit one year
26 after construction is complete, and shall docket the matter for consideration by the
27 Planning Commission and City Council if: (a) there have been documented
28 violations of the permit conditions, (b) the director has received a request from any
29 person to docket the permit for review as a result of a complaint that rises to the
30 level of a violation, or (c) the director has determined that there are problems with
31 the encroachment and that new or revised conditions are needed.
32

33 Section 4. That by accepting the authorization hereby granted to establish and
34 maintain the encroachment and by so establishing and/or maintaining the encroachment, Owner
35 shall be deemed to have promised and agreed to save harmless the City of Alexandria from any
36 and all liability (including attorneys' fees and litigation expenses) arising by reason of the
37 establishment, construction, placement, existence, use or maintenance of the encroachment.
38

39 Section 5. That the authorization herein granted to establish and maintain the
40 encroachment shall be subject to Owner maintaining the area of the encroachment at all times
41 unobstructed and free from accumulation of litter, snow, ice and other potentially dangerous
42 matter.
43

44 Section 6. That nothing in this ordinance is intended to constitute, or shall be
45 deemed to be, a waiver of sovereign immunity by or on behalf of the City of Alexandria or any
46 of its officers or employees.

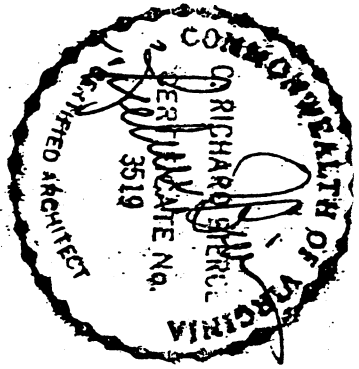
1 Section 7. That the authorization herein granted to establish and maintain the
2 encroachment shall be terminated whenever the City of Alexandria desires to use the affected
3 public right-of-way for any purpose whatsoever and, by written notification, demands from
4 Owner the removal of the encroachment. Said removal shall be completed by the date specified
5 in the notice and shall be accomplished by Owner without cost to the city. If Owner cannot be
6 found, or shall fail or neglect to remove the encroachment within the time specified, the city
7 shall have the right to remove the encroachment, at the expense of Owner, and shall not be liable
8 to Owner for any loss or damage to the structure of the encroachment or personal property
9 within the encroachment area, caused by the removal.

10
11 Section 8. That this ordinance shall be effective upon the date and at the time of its
12 final passage.

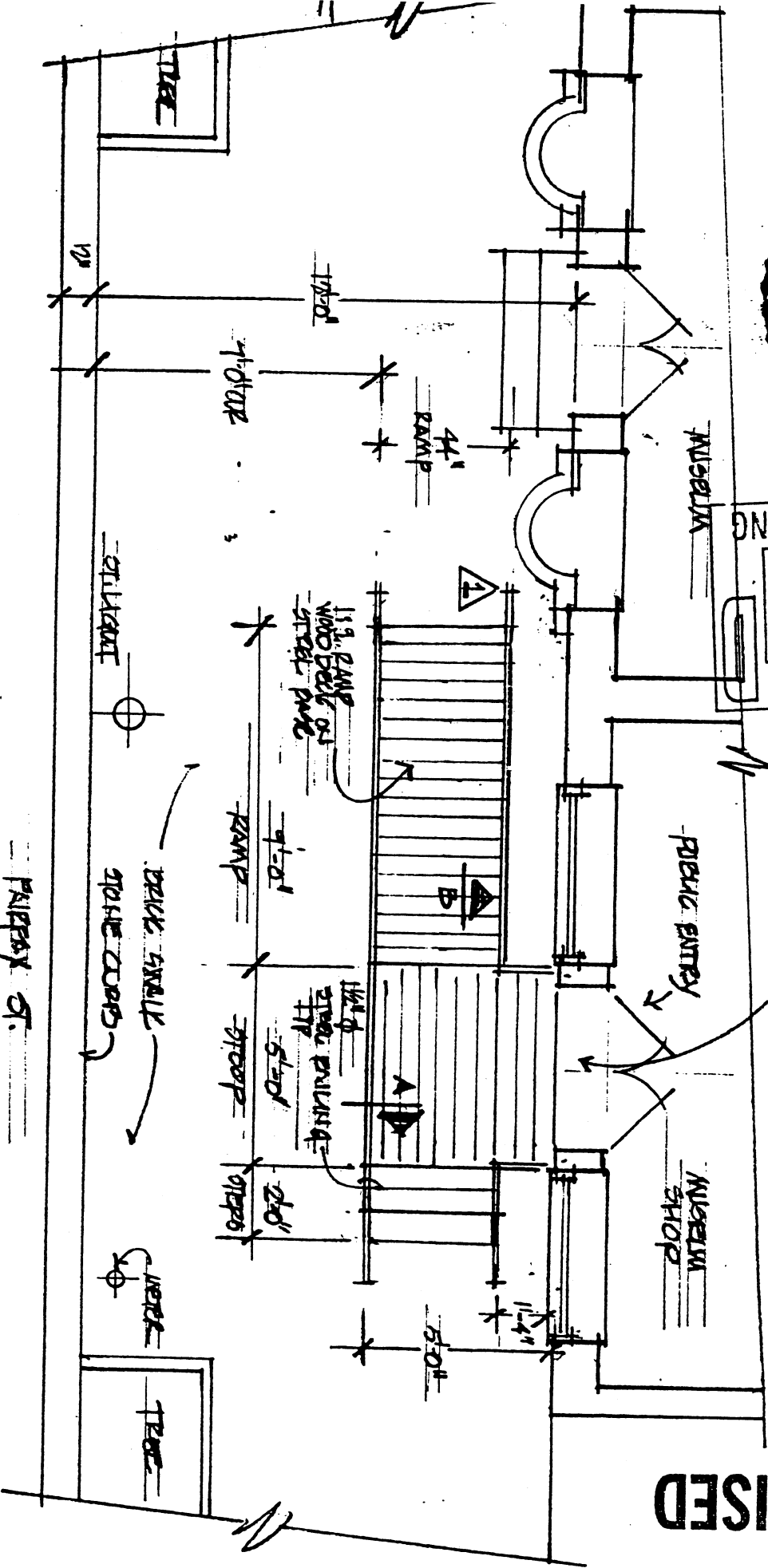
13
14
15 WILLIAM D. EUILLE
16 Mayor

17
18 Attachment: Encroachment plat and elevation drawings

19
20 Introduction: 5/10/05
21 First Reading: 5/10/05
22 Publication:
23 Public Hearing:
24 Second Reading:
25 Final Passage:



PLANNING & ZONING
 MAR 14 2005
 DEWE



NOTE!
 EXISTING STAIRS STAYS TO
 REMAINS IN PLACE

REVISED

STABLE LEAD CENTER
 POTTERY MUSEUM
 1055 S. PALEBOX ST.

PLANT SIDEWALK RECONSTRUCTION
 1/11/01

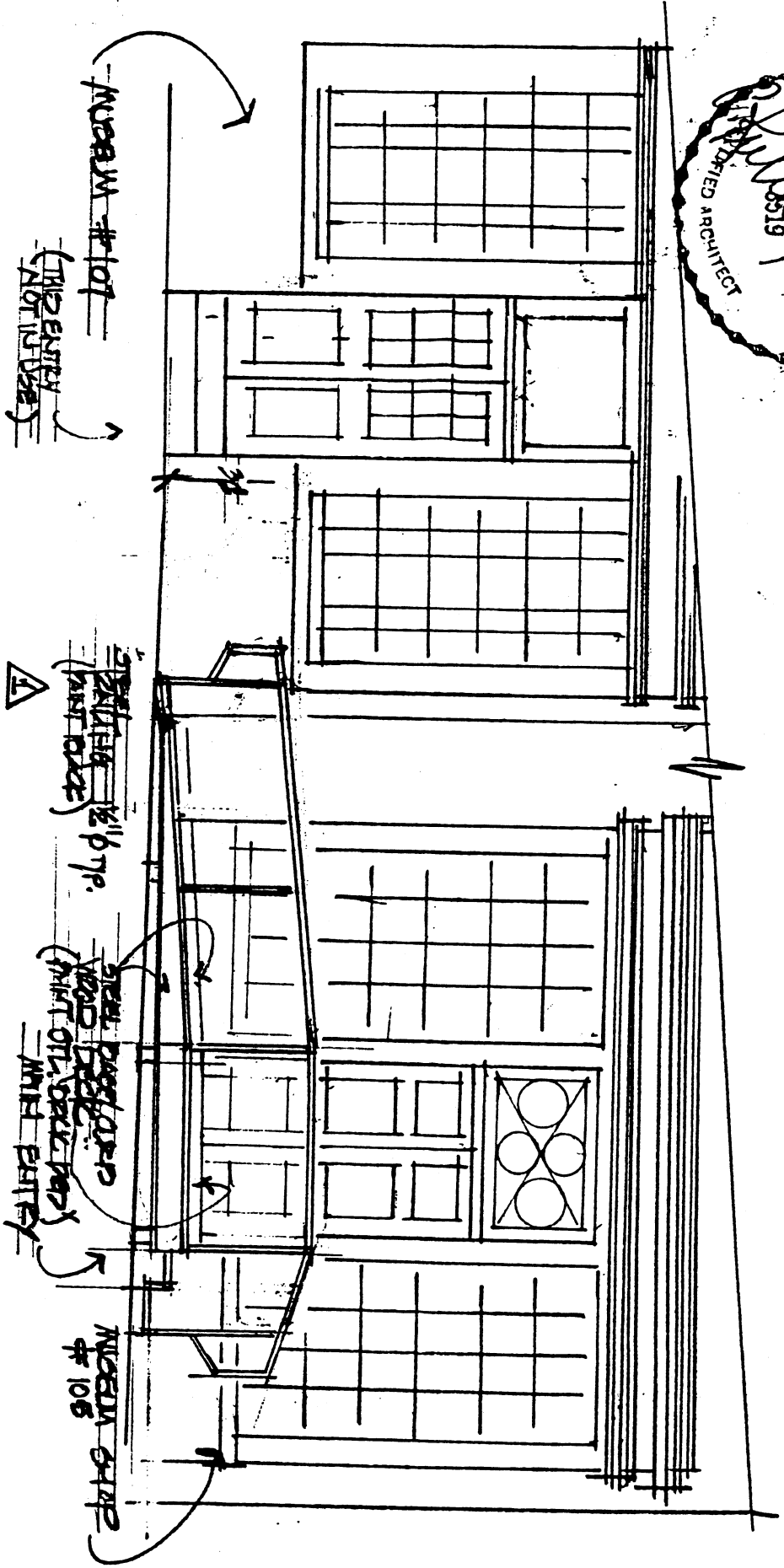
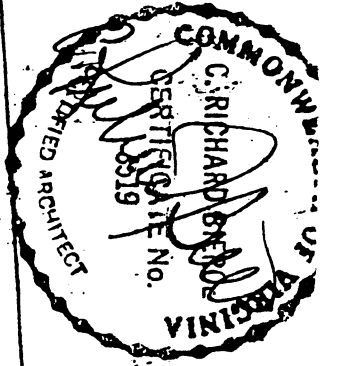
PALEBOX ST.

C. C. DEWEE, AIA
 REGISTERED
 12/19/1994

JAN 30
 2004

2-15-05

ENC2004-0002



12

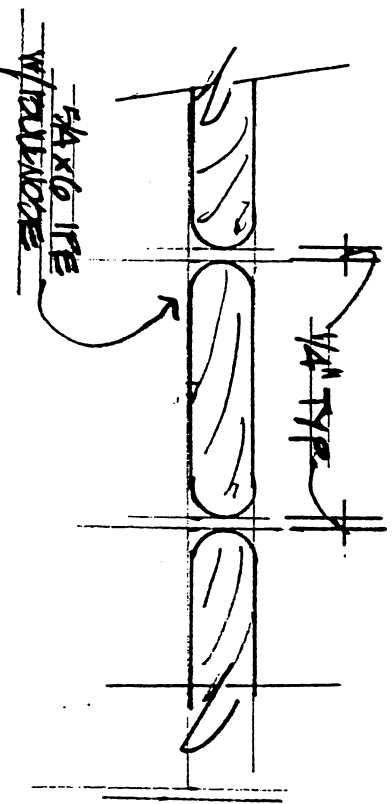
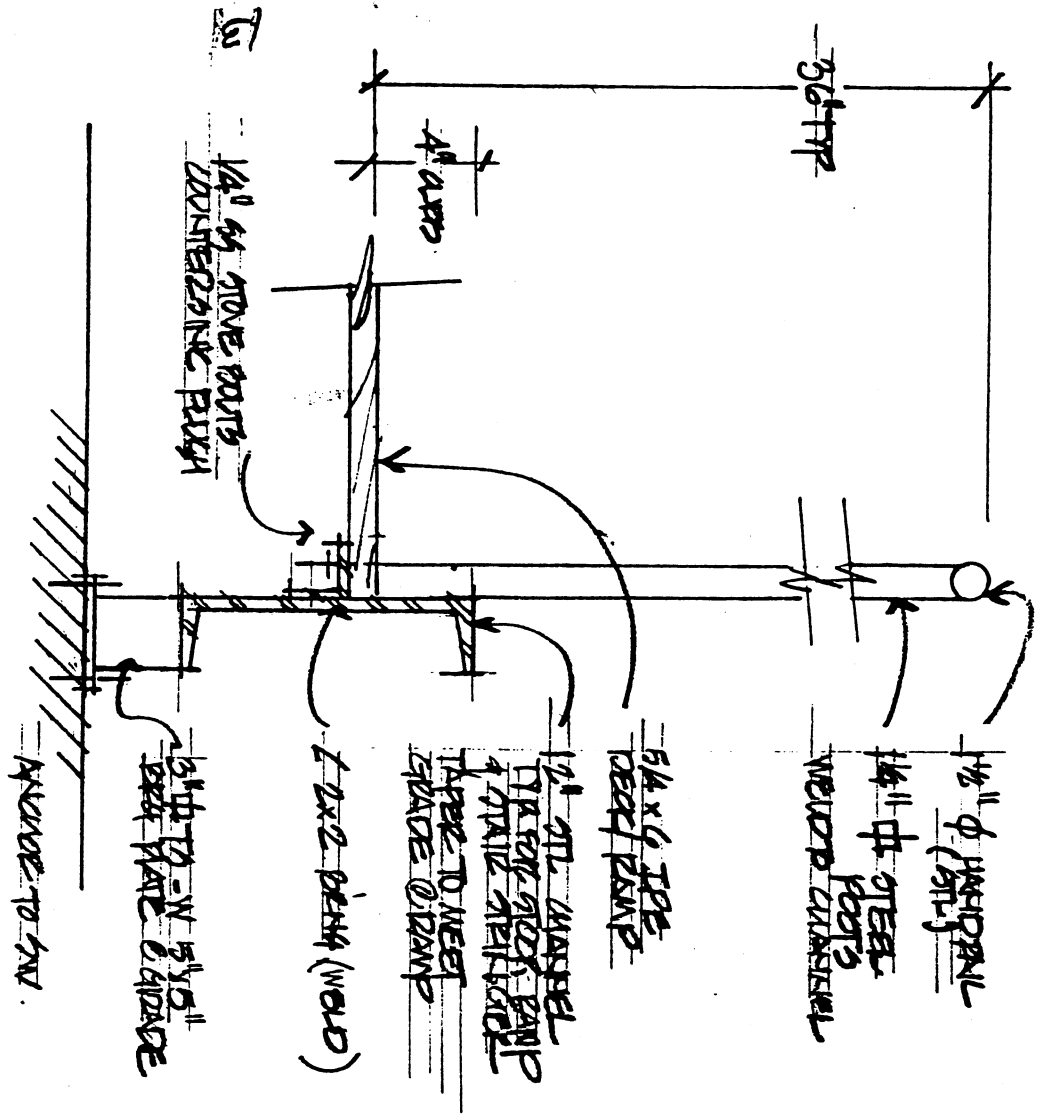
STANLEY LEON BENDER
APOTHECARY MUSEUM
108 on Fairway

ELEVATION of MUSEUM &
KAMP/STRIP
1/16/48

C. R. BENDER, AIA
APOTHECARY
121 G. BAYL

△
KAMP
2.15.04

JAN 30
2004
2/2/03



SECTION 'A'
10'-0"

SECTION 'B'
3'-0"
(STEEL BOARD DETAIL)

STAIRS - LEAD IDENTIFICATION
APPROXIMATE MEASUREMENT
1015 S. FAIRFAX

RAMP DETAILS

C. F. BIEBLE
ARCHITECT
101 S. ROYAL

JAN 30
2004
3/5