

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 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

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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 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.

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

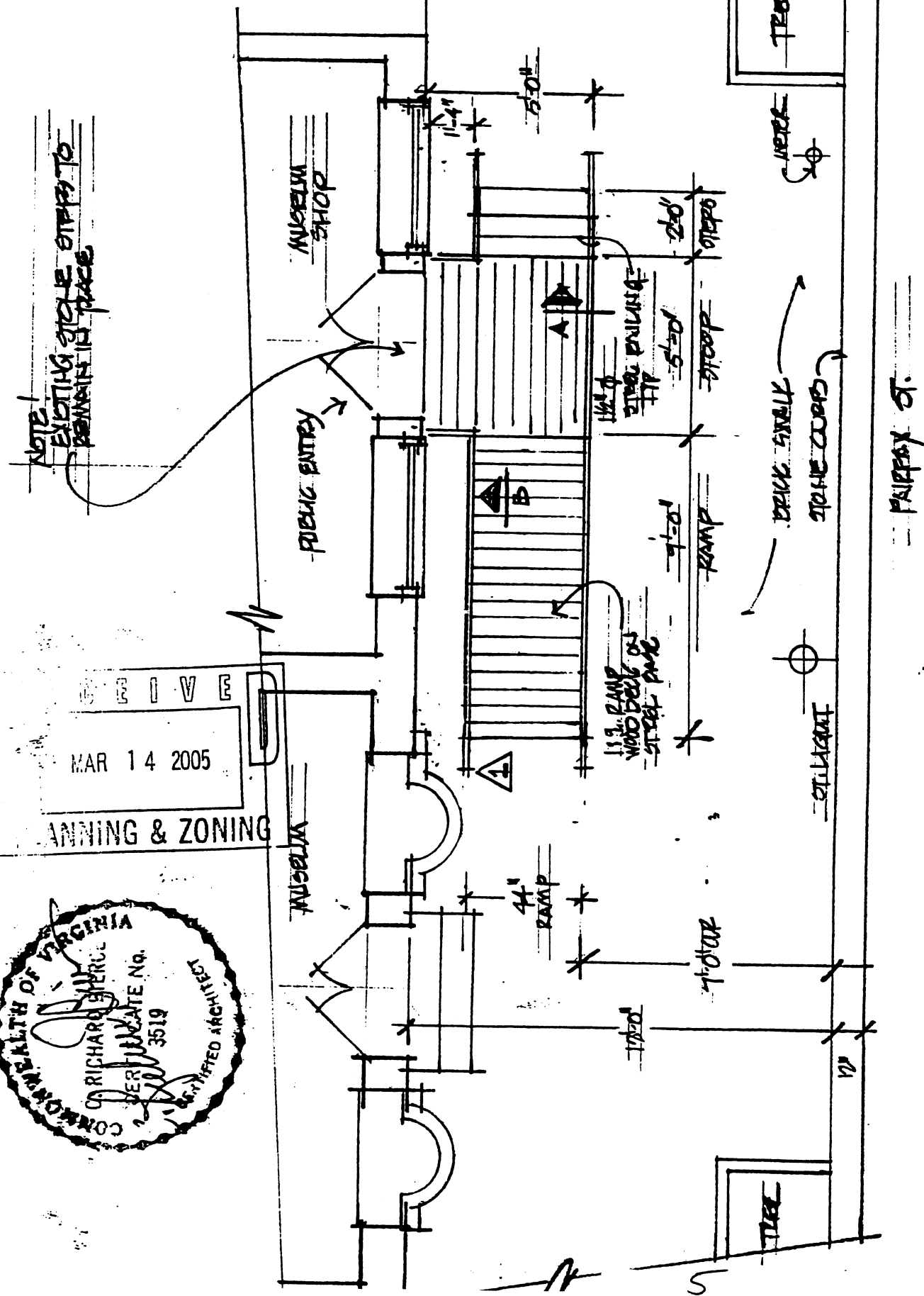
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15 WILLIAM D. EUILLE  
16 Mayor

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18 Attachment: Encroachment plat and elevation drawings

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

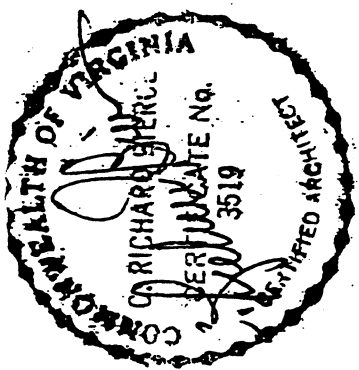
NOTE!  
EXISTING STAIRS TO REMAIN IN PLACE



RECEIVE

MAR 14 2005

PLANNING & ZONING



MAR 30 2004  
of 3  
2-15-05

G. R. DEESE, AIA  
REGISTERED  
101 S. ROYAL

PLAN - SIDEWALK ENCROACHMENT RAMP  
1/4" = 10'

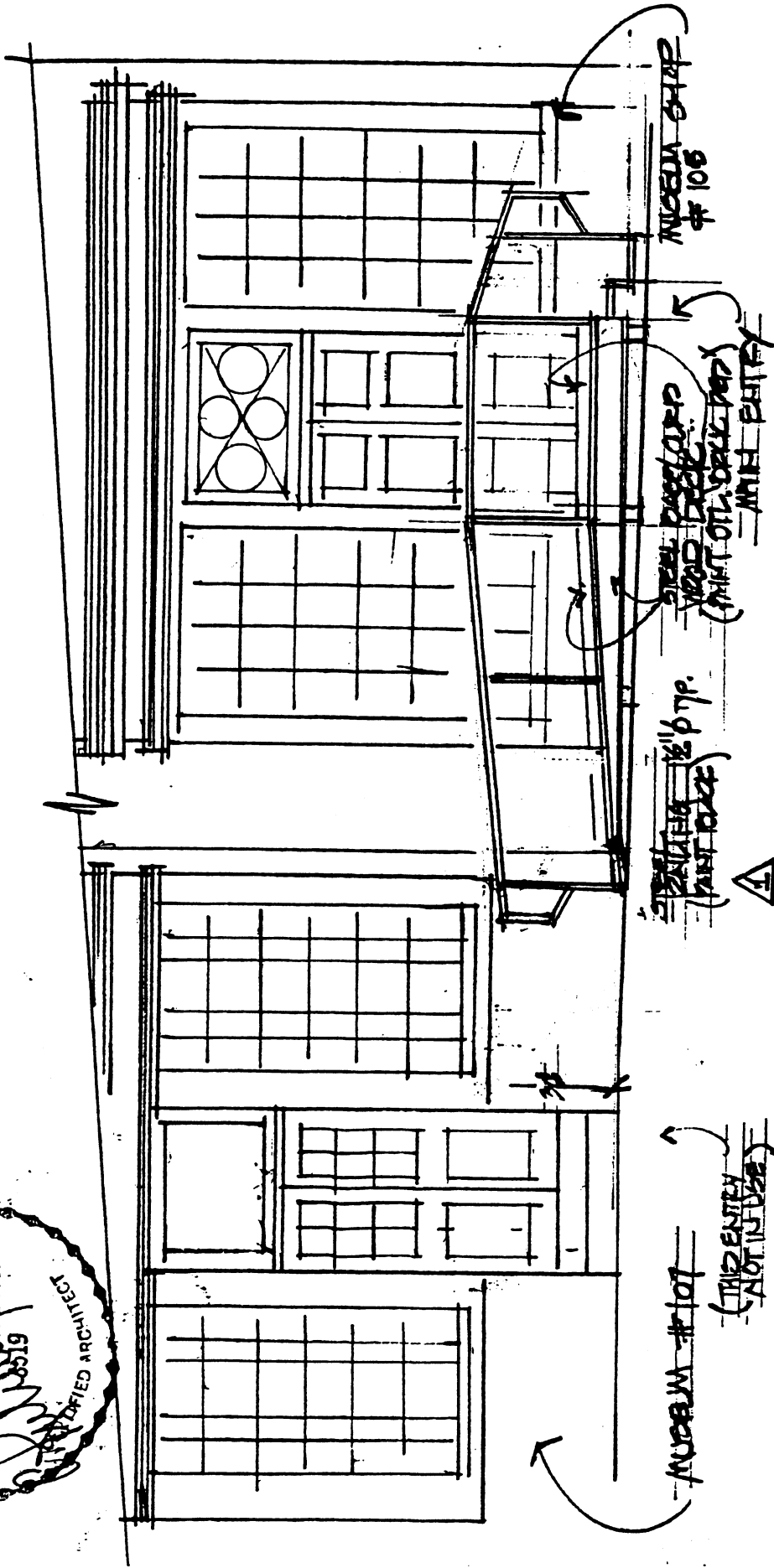
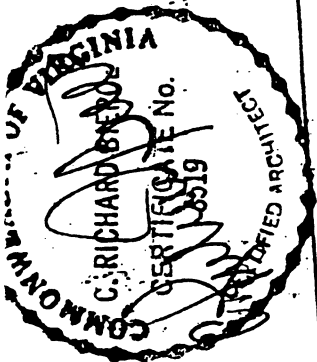
TRIPLE LEAD GLASS  
NOTTOWAY MUSEUM  
105 S. PALMER ST.

PALMER ST.

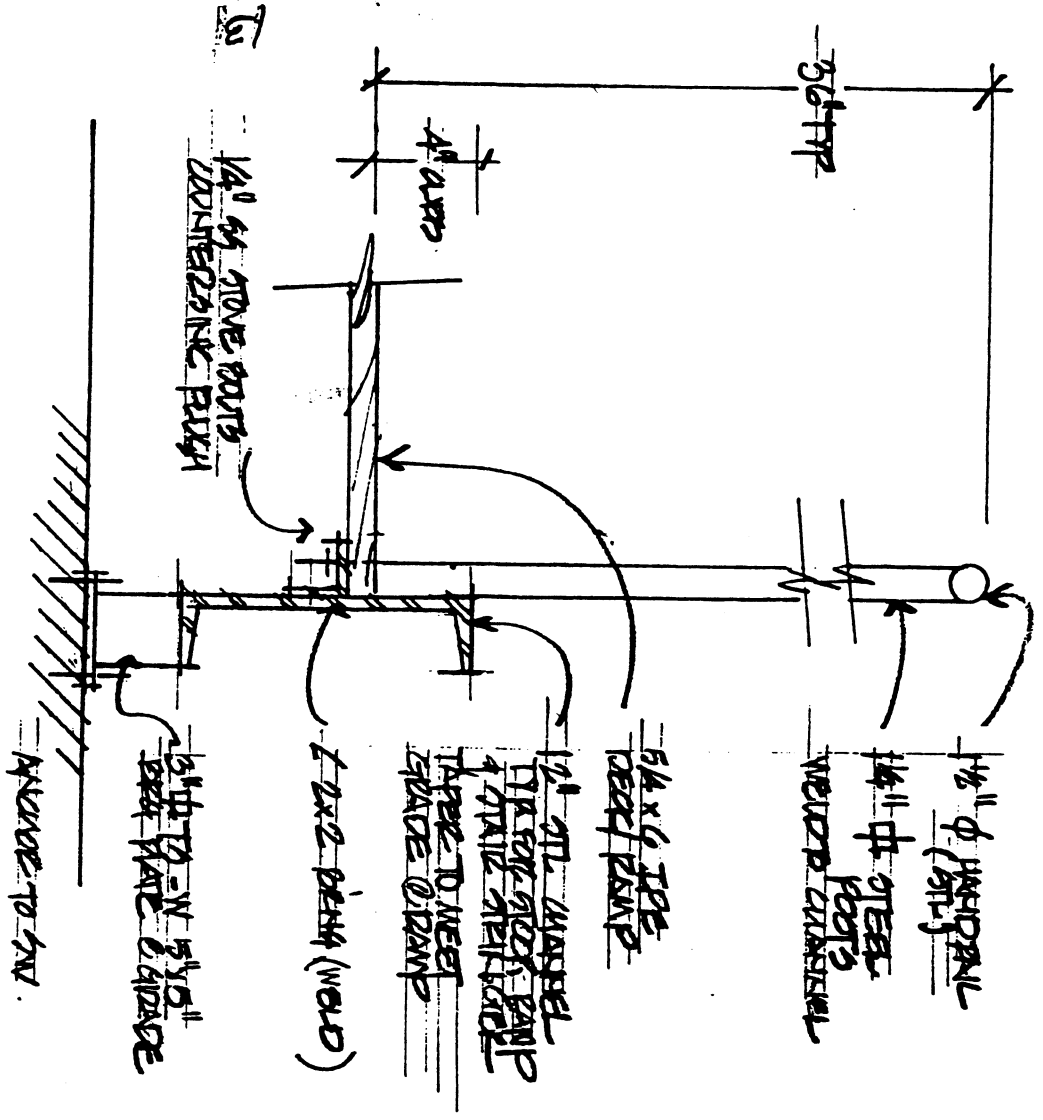
STAIRS  
THRU CURB

TRIPLE LEAD GLASS

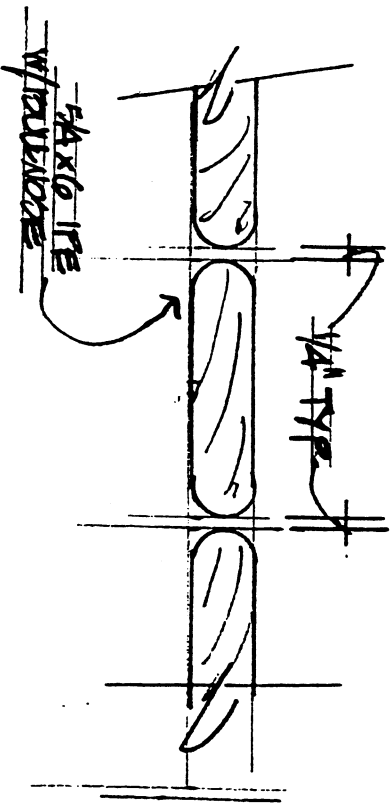




STABLE LEAD DEALER HOTELKEY MUSEUM 100 S. PARKWAY	ELEVATION OF MUSEUM & BANK/STREET 1/4/61/04	C. R. BERO, AIA REGISTERED 1/21/9. 1904/5	JAN 2 2004 2/1/3
			△ CAMP 2/15/04



SECTION 'A'  
W.E.P.O.



SECTION 'B'  
W.E.P.O.  
(SKATE BOARD DETAIL)

GRAND AIR - LEAD DOORWAY  
APOTHECARY MUSEUM  
105 S. PALMER

RAMP DETAILS

C. F. BECKE ARCHITECT  
101 S. ROYAL

APR 30 2004  
3/9

ORDINANCE NO. 4401

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



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

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

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

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

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

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

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

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

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

WILLIAM D. EUILLE  
Mayor

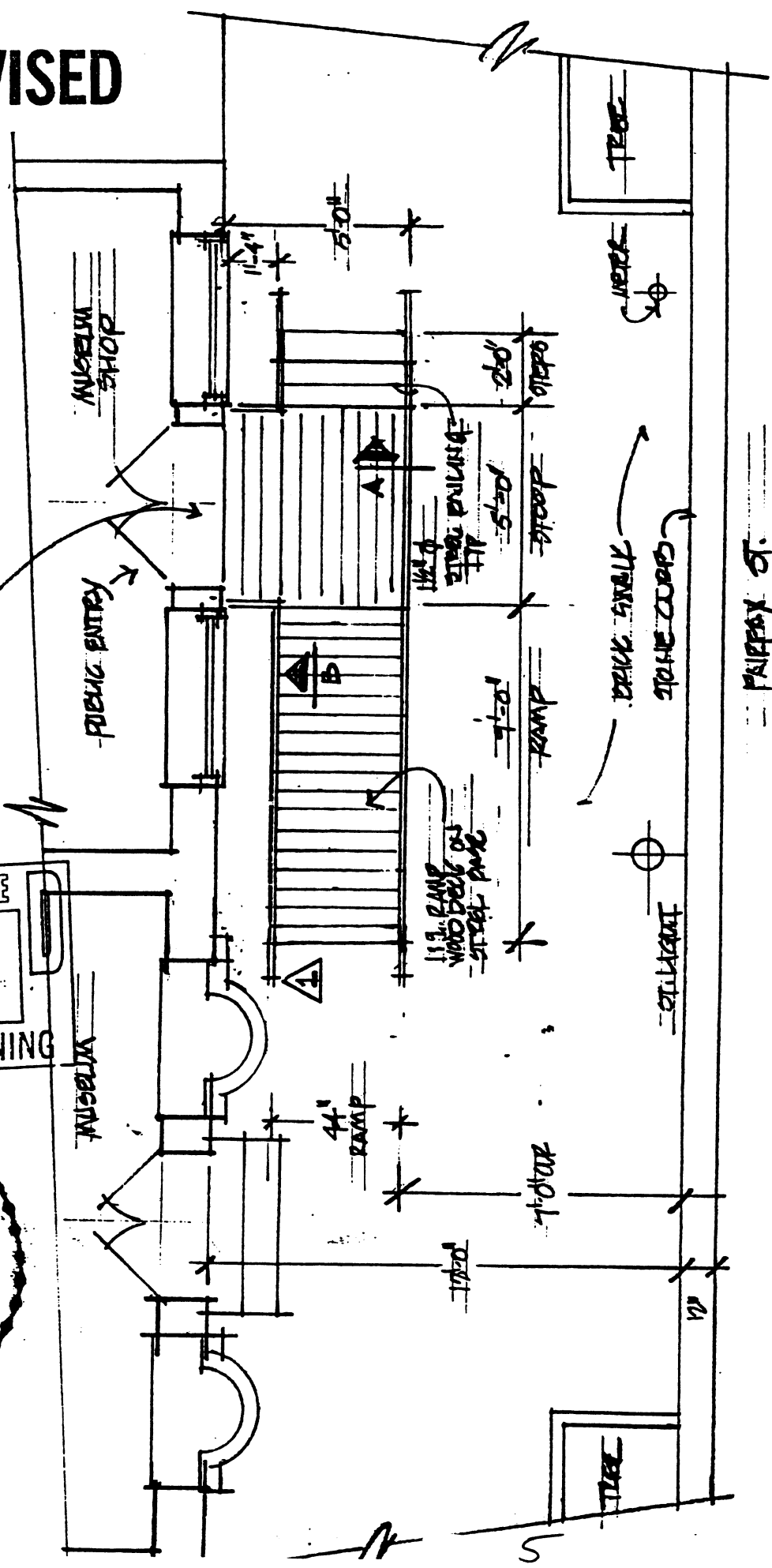
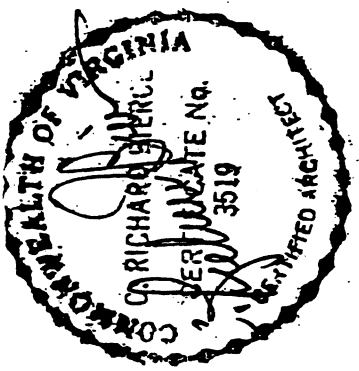
Attachment: Encroachment plat and elevation drawings

Final Passage: May 14, 2005

# REVISED

NOTE: EXISTING STAIRS STAY TO REMAIN IN PLACE

RECEIVE  
MAR 14 2005  
PLANNING & ZONING



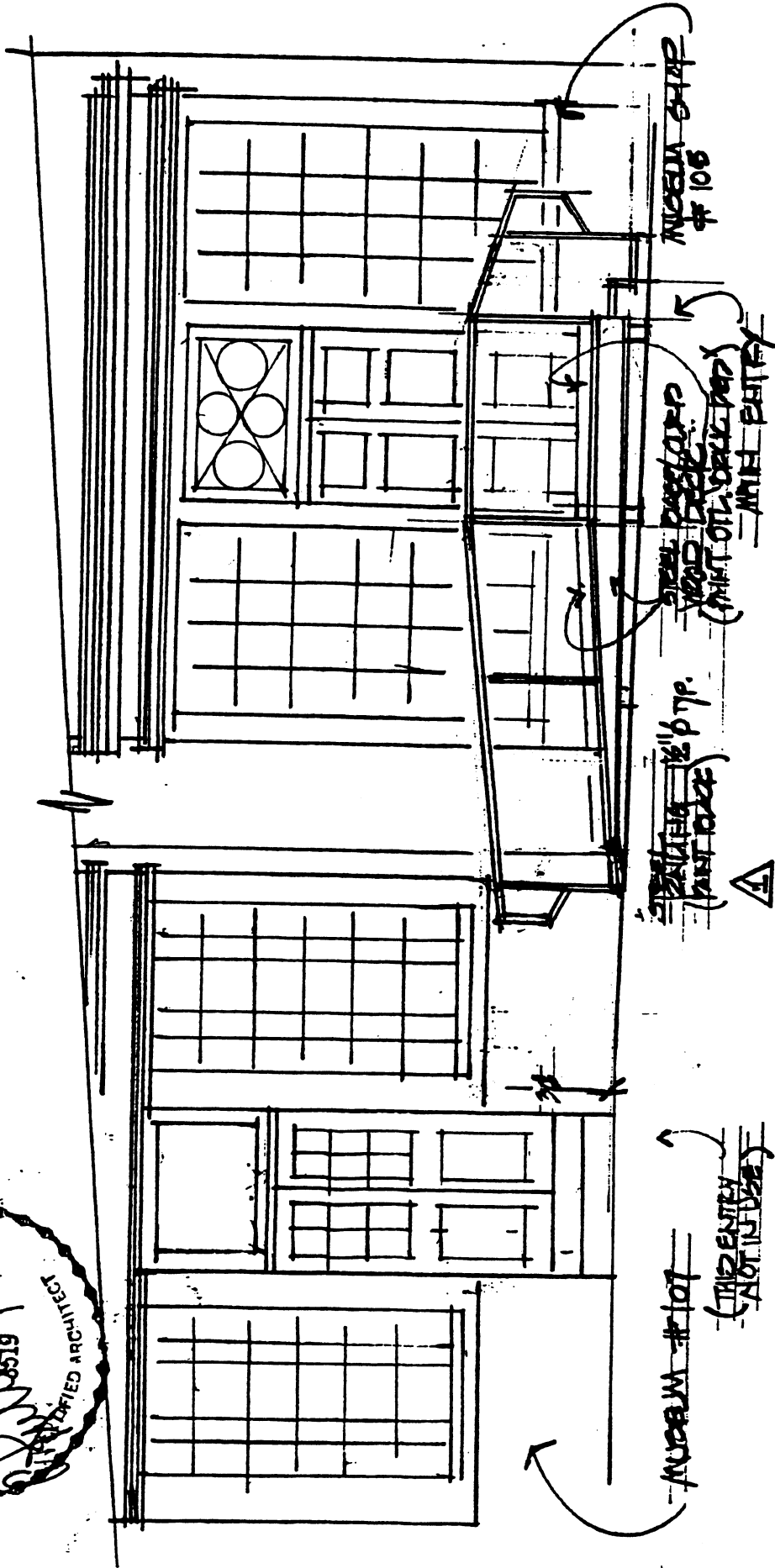
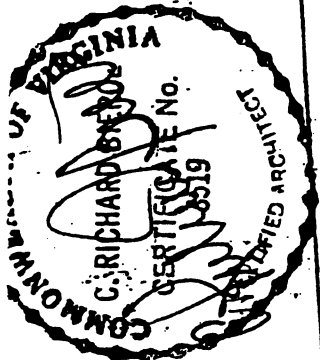
JAN 30  
2004  
of 3  
2-15-05

G. C. DIEBIE, AIA  
REGISTERED ARCHITECT  
101 N. ROYAL

PLAN - SIDEWALK ENCLOSUREMENT RAMP  
1/4" = 1'-0"

TRAILER LEAD BEATER  
MUSEUM  
1015 S. PALMER AVE





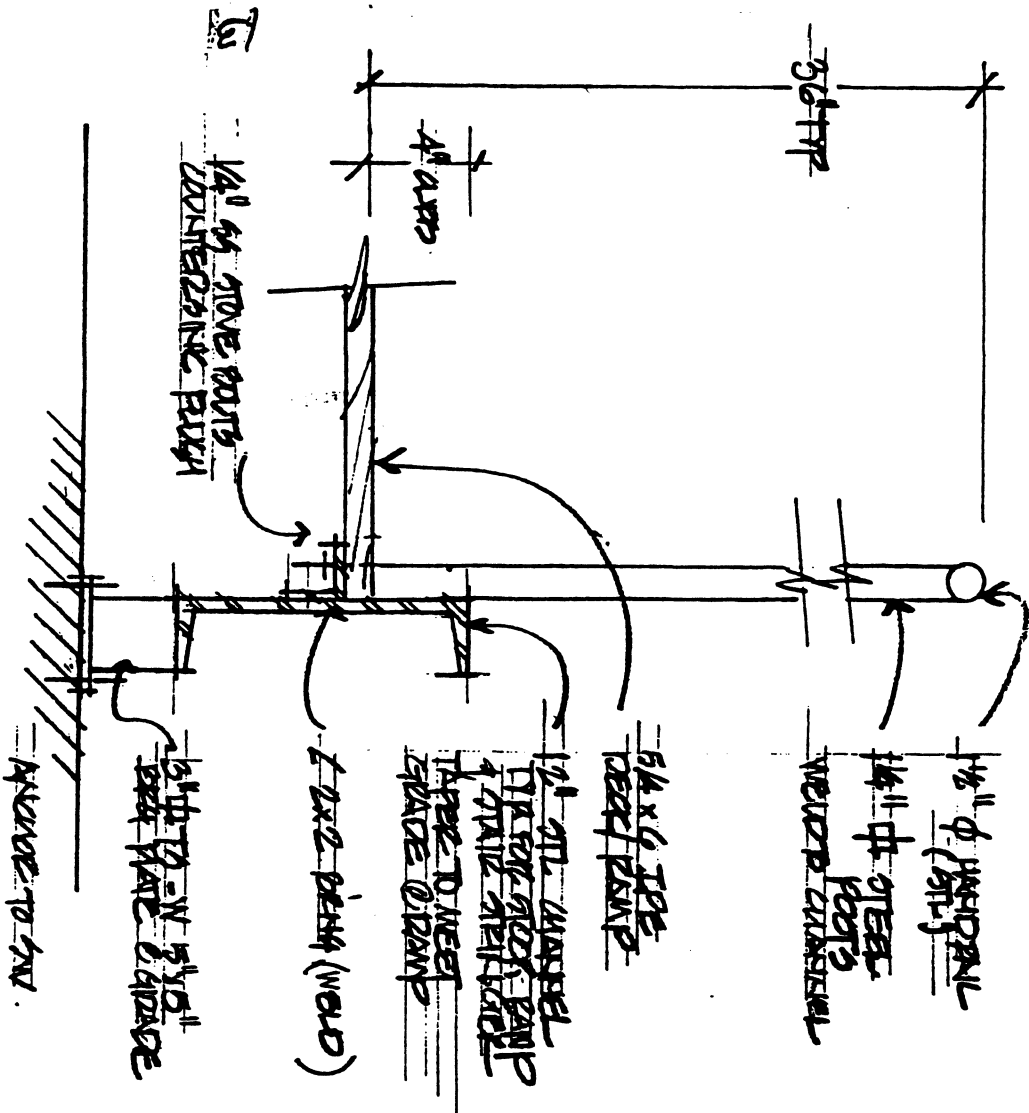
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STAGER LEAD CENTER  
 POTTERY MUSEUM  
 100 S. FAIRWAY

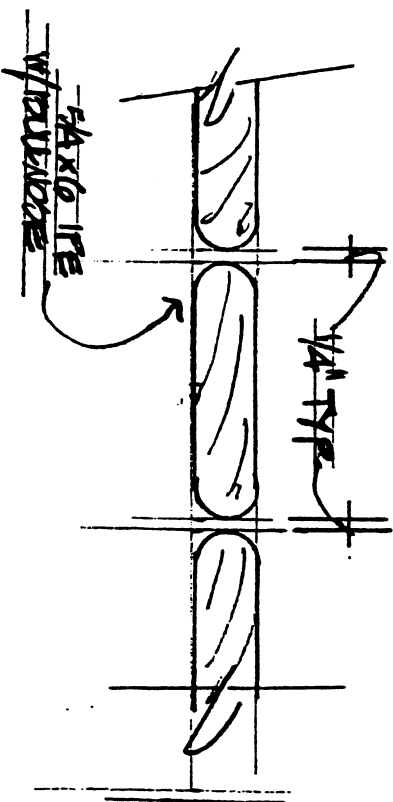
ELEVATION OF MUSEUM &  
 PAINT SHOP  
 14 1/2' x 10'

C. RICHARD GREER  
 ARCHITECT  
 1419 S. FAIRWAY

JAN 20  
 2004  
 2/13  
 ZAMP  
 2/12/04



SECTION 'A'  
RAMP



SECTION 'B'  
RAMP  
(GRADE BOARD DETAIL)

GRADUATE - LEAD ROBOTER  
APPOINTMENT MUSEUM  
105 S. PALMER

RAMP DETAILS

C. P. BIGGIE AIA  
ARCHITECT  
101 S. ROYAL

JAN 30  
2004  
3 of 3