

1 with a company authorized to transact business in the Commonwealth of Virginia and with
2 minimum limits as follows:

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4 Bodily Injury: \$1,000,000 each occurrence
5 \$1,000,000 aggregate
6

7
8 Property Damage: \$1,000,000 each occurrence
9 \$1,000,000 aggregate
10

11 This liability insurance policy shall identify the City of Alexandria and Owner as named
12 insureds and shall provide for the indemnification of the City of Alexandria and Owner
13 against any and all loss occasioned by the establishment, construction, placement, existence,
14 use or maintenance of the encroachment. Evidence of the policy and any renewal thereof
15 shall be filed with the city attorney's office. Any other provision herein to the contrary
16 notwithstanding, in the event this policy of insurance lapses, is canceled, is not renewed or
17 otherwise ceases to be in force and effect, the authorization herein granted to establish and
18 maintain the encroachment shall, at the option of the city, forthwith and without notice or
19 demand by the city, terminate. In that event, Owner shall, upon notice from the city,
20 remove the encroachment from the public right-of-way, or the city, at its option, may
21 remove the encroachment at the expense and risk of Owner. Nothing in this section shall
22 relieve Owner of its obligations and undertakings required under this ordinance.
23

24 Section 3. That the authorization hereby granted to establish and maintain said
25 encroachment shall in addition be subject to and conditioned upon the following terms:
26

- 27 (a) Neither the City of Alexandria nor any public or private utility company shall be
28 responsible for damage to Owner's property encroaching into the public right-of-
29 way during repair, maintenance or replacement of the public right-of-way or any
30 public facilities or utilities in the area of encroachment.
31
- 32 (b) The Owner shall be responsible for replacement and repairs to the adjacent City
33 right-of-way, including any areas damaged during construction activity.
34
- 35 (c) In the event the City shall, in the future, have need for the area of the proposed
36 encroachment, the Owner shall remove any structure that encroached into the public
37 right-of-way, within 60 days, upon notification by the City. The Owner shall bear all
38 the cost associated with any future removal of the encroachments.
39

1 (d) Within the encroachment areas identified in the metes and bounds exhibit, the
2 applicant may not erect any additional equipment or structures or enlarge or intensify
3 any existing equipment or structures shall without prior approval of the Directors of
4 P&Z and T&ES. No administrative changes may be made after approval of the
5 encroachment ordinance.
6

7 (e) The proposed encroachment must comply with DSUP2020-10028.
8

9 Section 4. That by accepting the authorization hereby granted to establish and
10 maintain the encroachment and by so establishing and/or maintaining the encroachment,
11 Owner shall be deemed to have promised and agreed to save harmless the City of
12 Alexandria from any and all liability (including attorneys' fees and litigation expenses) arising by
13 reason of the establishment, construction, placement, existence, use or maintenance of the
14 encroachment.
15

16 Section 5. That the authorization herein granted to establish and maintain the
17 encroachment shall be subject to Owner maintaining the area of the encroachment at all times
18 unobstructed and free from accumulation of litter, snow, ice and other potentially dangerous
19 matter.
20

21 Section 6. That nothing in this ordinance is intended to constitute, or shall be
22 deemed to be, a waiver of sovereign immunity by or on behalf of the City of Alexandria or any
23 of its officers or employees.
24

25 Section 7. That the authorization herein granted to establish and maintain the
26 encroachment shall be terminated whenever the City of Alexandria desires to use the affected
27 public right-of-way for any purpose whatsoever and, by written notification, demands from
28 Owner the removal of the encroachment. Said removal shall be completed by the date specified
29 in the notice and shall be accomplished by Owner without cost to the city. If Owner cannot be
30 found, or shall fail or neglect to remove the encroachment within the time specified, the city shall
31 have the right to remove the encroachment, at the expense of Owner, and shall not be liable to
32 Owner for any loss or damage to the structure of the encroachment or personal property within
33 the encroachment area, caused by the removal.
34

35 Section 8. The terms "Owner" shall be deemed to include OT Block A1 Sub, LLC
36 and its respective successors in interest.
37

38 Section 9. That this ordinance shall be effective upon the date and at the time of
39 its final passage.
40

41
42 JUSTIN M. WILSON

Mayor

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Attachment: Encroachment plat

Introduction: 11/12/2024

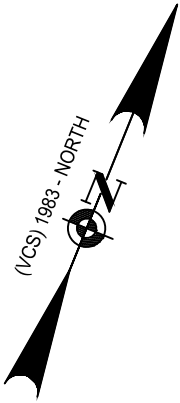
First Reading: 11/12/2024

Publication:

Public Hearing: 11/16/2024

Second Reading: 11/16/2024

Final Passage: 11/13/2024



SWANN AVENUE

85' RIGHT OF WAY

ENCROACHMENT ESMT.
HEREBY GRANTED
1,651 SQ. FT. OR 0.0379 AC.

N06°37'11"W 7.50'
N83°22'49"E 258.50'

N83°22'49"E 121.87'

144.63'

113.87'

92.07'

S06°37'11"E 99.57'

S83°22'49"W 8.00'

S06°37'11"E 484.13'

392.05'

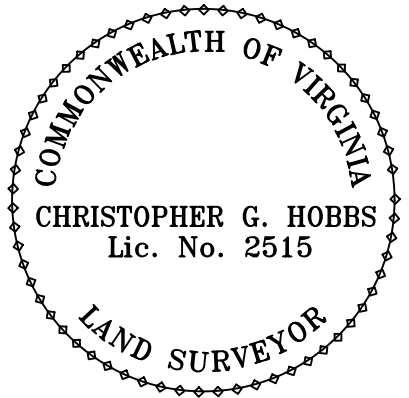
RICHMOND HIGHWAY - ROUTE #1

VARIABLE WIDTH RIGHT OF WAY

TAX MAP #025.03-0B-01

OT BLOCK A-1 SUB, LLC

INST. #210020071



NOTES

1. THE PROPERTY SHOWN HEREON IS LOCATED IN THE CITY OF ALEXANDRIA AND IS IDENTIFIED AS GPIN #025.03-0B-01.
2. CURRENT OWNER: OT BLOCK A-1 SUB, LLC, AS RECORDED IN INSTRUMENT #210020071.
3. THE CONDO DECLARATION FOR OAKVILLE TRIANGLE, BLOCK A CONDOMINIUM IS RECORDED IN INSTRUMENT #210019992.



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ENCROACHMENT EASEMENT EXHIBIT
TAX MAP #025.03-0B-01
OT BLOCK 1-A SUB, LLC
INSTRUMENT #2100200
CITY OF ALEXANDRIA, VIRGINIA

DRAWN: MEH
CHECKED: CGH
DATE: 08/05/2024

SCALE: 1" = 40'

SHEET:

1 of 1

P:\PW\Projects\14007\01\100\SURVEYS\Plats\Easement\Encroachment Easement\113612 - Encroachment Esmt Plat.dwg, 8/7/2024 10:25:57 AM