

ORDINANCE NO. 5466

AN ORDINANCE to grant to the Tall Ship Providence Foundation, its successors and assigns, a franchise under certain conditions, permitting the franchisee to use the public rights-of-way and on other public property to moor an historic or a replica historic tall ship for the operation of tours, private charters, sightseeing cruises, private events and educational programming at the City waterfront for the benefit of the public.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That this Franchise is hereby granted to the Tall Ship Providence Foundation hereinafter referred to as "Grantee", its successors and assigns, to permit the Grantee to moor an historic or a replica historic tall ship and to design, construct and upgrade City infrastructure for the mooring of an historic or a replica historic tall ship in the City Marina (the City Marina is that area defined by City Code Sec. 6-3-2 —of the Code of the City of Alexandria, 1950, as amended) consistent with the Waterfront Small Area Plan and to conduct tours, private charters, sightseeing cruises, private events and educational programming at the City waterfront, including but not limited to the City Marina and the right to use public rights-of-ways and other public property for the benefit of the public.

Section 2. That the said Franchise is awarded to the Grantee after public notice and invitation for bids, as required by law, pursuant to Section 3 of Ordinance No. 5235, and after the invitation for bids was duly closed and all bids were fully and carefully investigated and evaluated.

Section 3. That the Grantee be, and hereby is, granted a Franchise for ten (10) years to moor and conduct tours, sightseeing cruises, private events and educational programming at the City waterfront, including but not limited to the City Marina and other public rights-of-ways and public property for the benefit of the public. The Grantee may also design, construct and upgrade City infrastructure for the mooring of the historic or a replica historic tall ship with the City's prior written consent and in compliance with all applicable federal, state and local laws. The Grantee shall strictly comply with the terms of this Ordinance and with the Franchise Agreement attached hereto and incorporated fully herein by reference, together with all applicable laws and regulations of the City of Alexandria, the Commonwealth of Virginia and the United States, and any regulatory agency having jurisdiction including without limitation, with the following conditions:

1. Comply with all requests of the City Manager.
2. This Franchise may be assigned or transferred; provided, however, that no such assignment or transfer shall be effective without the prior written consent of the City, which consent will not be unreasonably withheld.
3. The Grantee will obtain liability insurance to the satisfaction of the City Attorney, which insurance shall name the City as and additional insured.

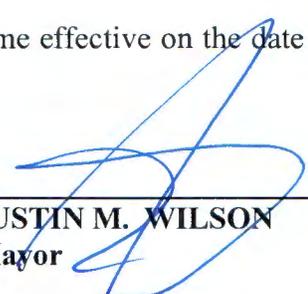
4. Additional conditions provided in the Franchise Agreement attached hereto and incorporated fully herein by reference.

5. The Grantee shall remove its property at its own expense at the expiration of termination of this Franchise or any extension hereof unless otherwise agreed to in writing that the City will accept such changes at no compensation to the Grantee.

Section 4. That the City Manager be and hereby is authorized to execute such documents as may be required to effectuate this Franchise hereby granted.

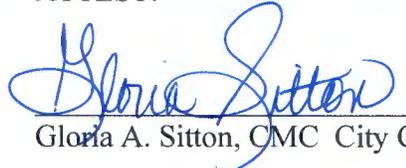
Section 5. That the City Clerk be and hereby is authorized to attest the execution of said documents and to affix thereon the official seal of the City of Alexandria, Virginia.

Section 6. That this Ordinance shall become effective on the date and at the time of its final passage.



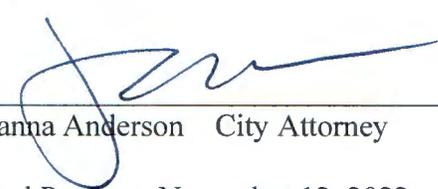
JUSTIN M. WILSON
Mayor

ATTEST:



Gloria A. Sitton, OMC City Clerk

Approved as to Form:



Joanna Anderson City Attorney

Final Passage: November 12, 2022