

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE authorizing the owner of the property located at 601 Wythe Street to construct and maintain encroachments in the public right of way for upper floor balconies, street-level bollards, a permanent planter, and a retaining wall at that location.

WHEREAS, Water Pollution Control Federation is the Owner (“Owner”) of the property located at 601 Wythe Street, in the City of Alexandria, Virginia; and

WHEREAS, Owner desires to establish and maintain upper floor balconies, street-level bollards, a permanent planter, and a retaining wall 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, in Encroachment No. 2025-00006 the Planning Commission of the City of Alexandria recommended approval to the City Council subject to certain conditions at one of its regular meetings held on October 9, 2025, which recommendation was approved by the City Council at its public hearing on October 18, 2025; 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 601 Wythe Street as shown in the attached Encroachment Plat, in the City of Alexandria, said encroachment consisting of upper floor balconies, street-level bollards, a permanent planter, and a retaining wall, 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 their 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 their 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 insureds  
5 and shall provide for the indemnification of the City of Alexandria and Owner against any and  
6 all loss occasioned by the establishment, construction, placement, existence, use or maintenance  
7 of the encroachment. Evidence of the policy and any renewal thereof shall be filed with the city  
8 attorney's office. Any other provision herein to the contrary notwithstanding, in the event this  
9 policy of insurance lapses, is canceled, is not renewed or otherwise ceases to be in force and  
10 effect, the authorization herein granted to establish and maintain the encroachment shall, at the  
11 option of the city, forthwith and without notice or demand by the city, terminate. In that event,  
12 Owner shall, upon notice from the city, remove the encroachment from the public right-of-way,  
13 or the city, at its option, may remove the encroachment at the expense and risk of Owner.  
14 Nothing in this section shall relieve Owner of their obligations and undertakings required under  
15 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 nor any private utility company will be held responsible for damage  
21                   to the approved encroachments arising from the repair, maintenance, or replacement  
22                   of any utilities that may exist within the area of the approved encroachments.  
23
- 24           (b)     If the City in the future needs the encroachment area, then the applicant shall remove  
25                   any structure that encroached into the public right-of-way within 60 days upon  
26                   written notification. If a longer period of time for removal is required, written  
27                   permission of the City must be obtained.  
28
- 29           (c)     The applicant is responsible for replacement and repairs to adjacent public right-of-  
30                   way including damages due to construction or maintenance of the encroaching  
31                   elements.  
32
- 33           (d)     Within the encroachment areas identified in the metes and bounds exhibit, the  
34                   applicant may not erect any additional equipment or structures or enlarge or intensify  
35                   any existing equipment or structures shall without prior approval of the Directors of  
36                   Planning and Zoning and Transportation & Environmental Services. No  
37                   administrative changes may be made after approval of the encroachment ordinance.  
38

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

1  
2 Section 5. That the authorization herein granted to establish and maintain the  
3 encroachment shall be subject to Owner maintaining the area of the encroachment at all times  
4 unobstructed and free from accumulation of litter, snow, ice and other potentially dangerous  
5 matter.

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

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

20  
21 Section 8. The terms "Owner" shall be deemed to include Water Pollution Control  
22 Federation and its respective successors in interest.

23  
24 Section 9. That this ordinance shall be effective upon the date and at the time of its  
25 final passage.

26  
27  
28 ALYIA GASKINS  
29 Mayor

30  
31 Attachment: Encroachment plat

32  
33 Introduction: 6/9/26

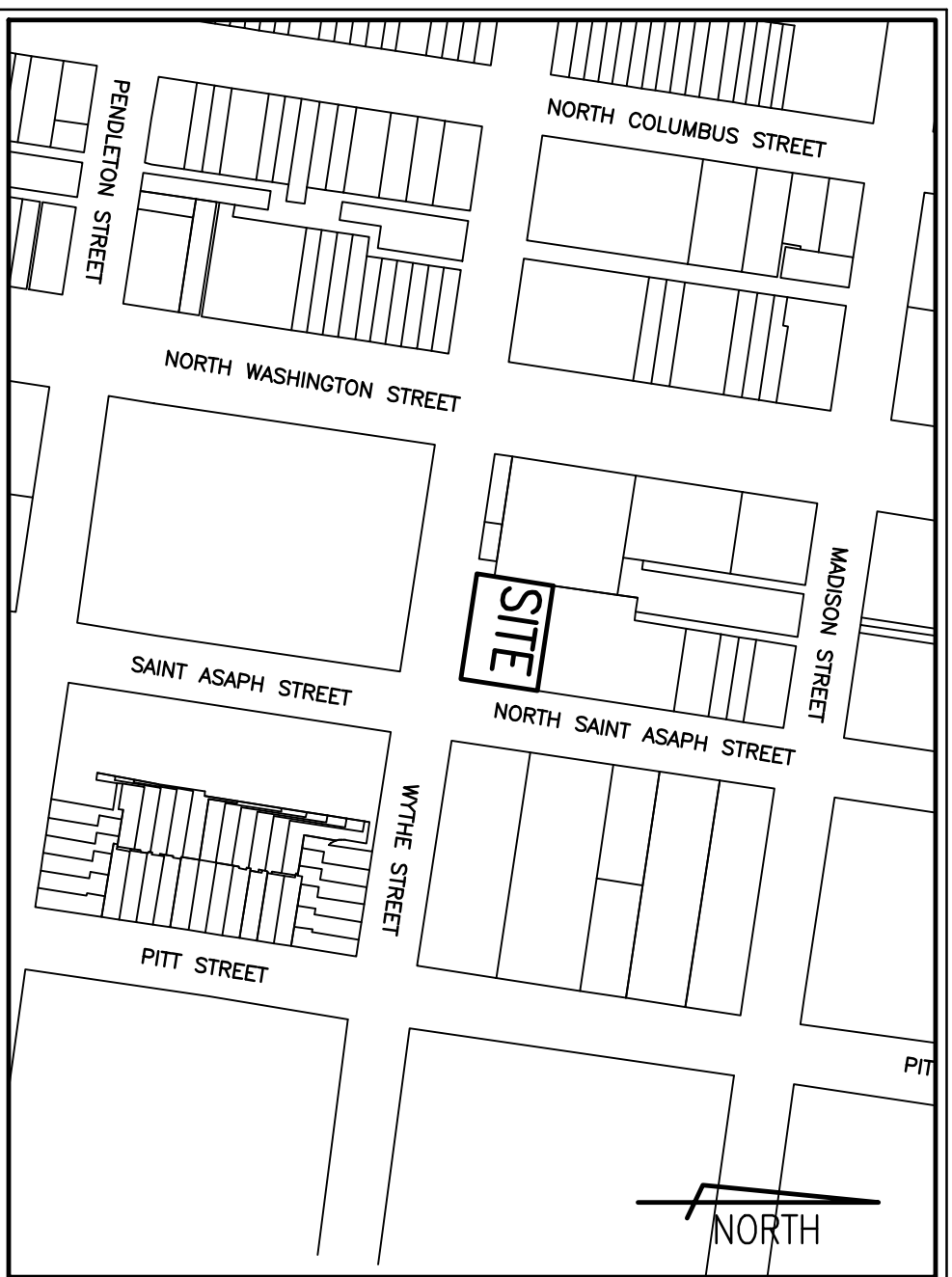
34 First Reading: 6/9/26

35 Publication:

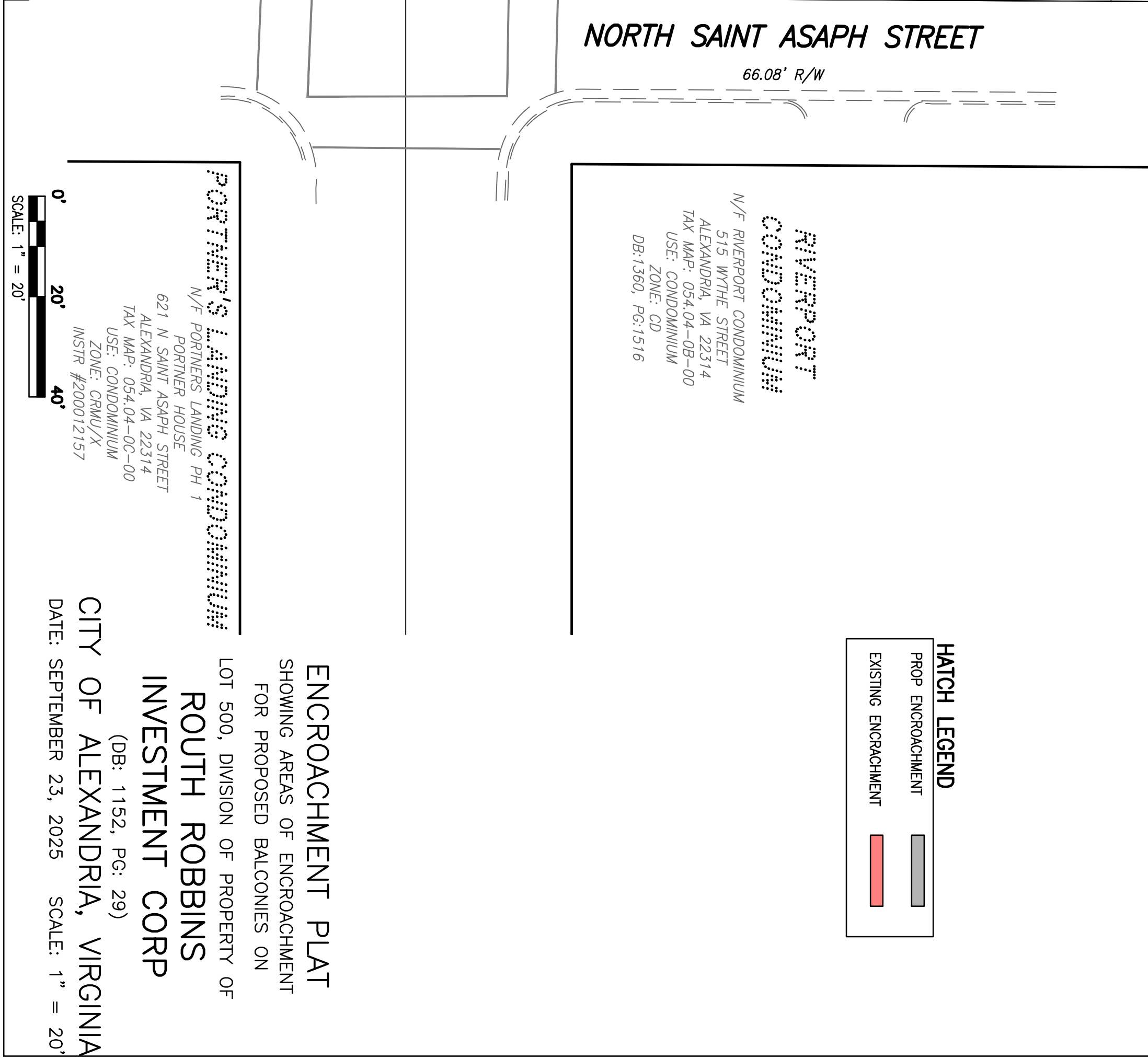
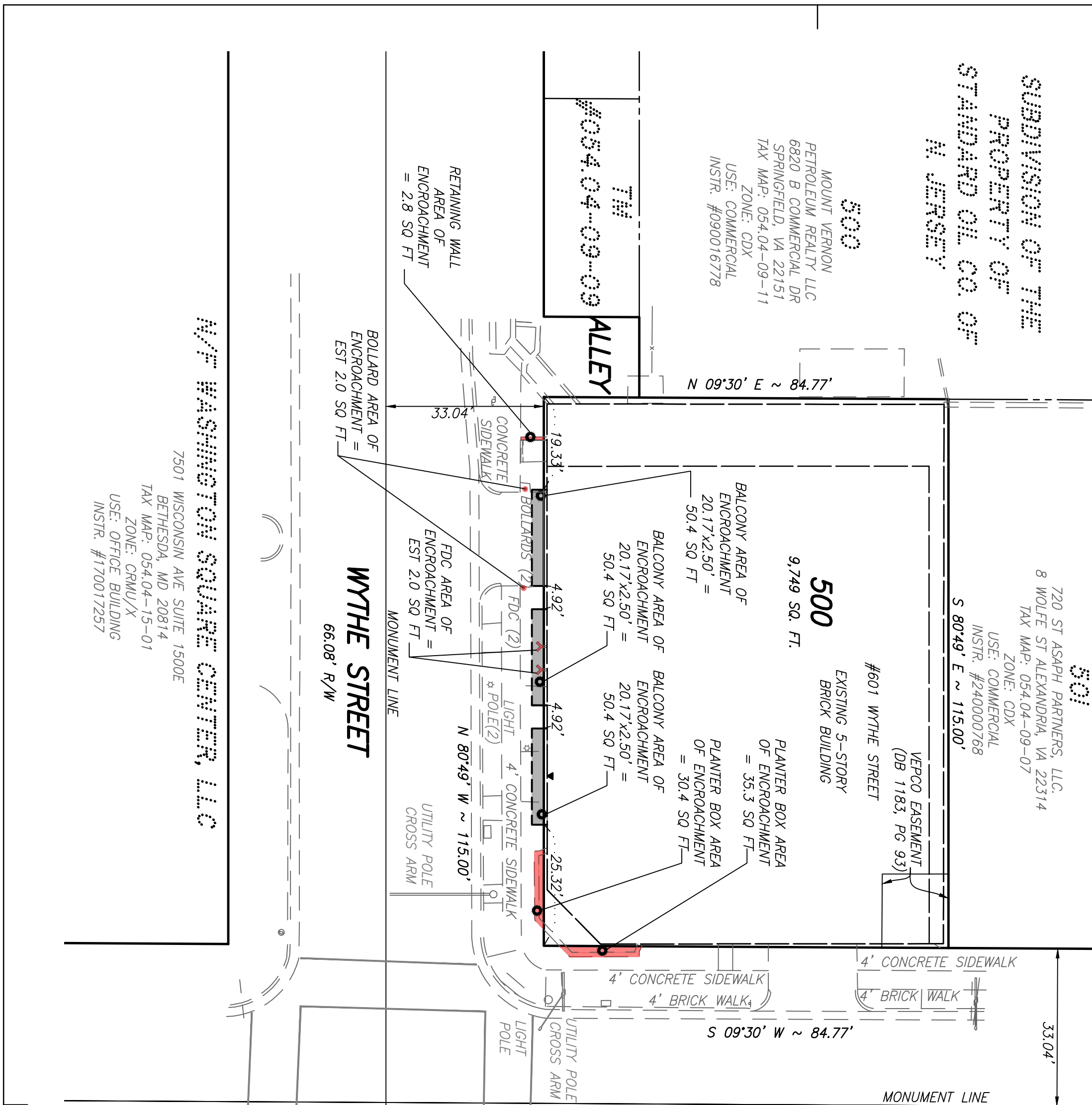
36 Public Hearing: 6/13/26

37 Second Reading: 6/13/26

38 Final Passage: 6/13/26



VICINITY MAP  
SCALE 1" = 200'



**GENERAL NOTES:**

1. TAX MAP: #054.04-09-08  
OWNER: WATER POLLUTION CONTROL FEDERATION  
601 WYTHE STREET  
ALEXANDRIA, VA 22314  
DB: 1152, PG: 29
2. PLAT SUBJECT TO RESTRICTIONS OF RECORD.
3. A TITLE REPORT FURNISHED HAS BEEN BY OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY, FILE NO. 2025-27492-G, DATED 2/10/2025 AND IS RELEIED UPON AS ACCURATE BY THE SURVEYOR.

**BALCONY HEIGHT NOTE:**

ALL PROPOSED BALCONIES ENCRACHING INTO THE WYTHE STREET PUBLIC RIGHT-OF-WAY SHALL HAVE A CLEARANCE OF 20' OR GREATER FROM THE SIDEWALK.

**EXISTING IMPROVEMENTS NOTE:**

ALL EXISTING BUILDING ELEMENTS AND SITE FURNISHING WITHIN THE PUBLIC RIGHT-OF-WAY AS DEPICTED IN THIS PLAT MAY REMAIN.

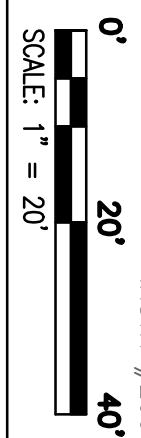
**HATCH LEGEND**



**RIVERPORT CONDOMINIUM**  
N/F RIVERPORT CONDOMINIUM  
515 WYTHE STREET  
ALEXANDRIA, VA 22314  
TAX MAP: 054.04-08-00  
USE: CONDOMINIUM  
ZONE: CD  
DB:1360, PG:1516

**PORTNER'S LANDING CONDOMINIUM**  
N/F PORTNER'S LANDING PH 1  
PORTNER HOUSE  
621 N SAINT ASAPH STREET  
ALEXANDRIA, VA 22314  
TAX MAP: 054.04-0C-00  
USE: CONDOMINIUM  
ZONE: CRMU/X  
INSTR #200012157

**ENCROACHMENT PLAT**  
SHOWING AREAS OF ENCROACHMENT  
FOR PROPOSED BALCONIES ON  
LOT 500, DIVISION OF PROPERTY OF  
**ROUTH ROBBINS INVESTMENT CORP**  
(DB: 1152, PG: 29)  
CITY OF ALEXANDRIA, VIRGINIA



DATE: SEPTEMBER 23, 2025 SCALE: 1" = 20'