

ORDINANCE NO. _____

AN ORDINANCE authorizing the owners of the properties located at 802 and 808 North Washington Street to construct and maintain encroachments for a portion of the front façade of the building at 802 North Washington Street and balconies on the building front façade of the building at 808 North Washington Street into the public right of way at those locations.

WHEREAS, 808 Washington LLC is the Owner (“Owner”) of the property located at 802 and 808 North Washington Street, in the City of Alexandria, Virginia; and

WHEREAS, Owner desires to construct and maintain encroachments for a portion of the front façade of the building at 802 North Washington Street and balconies on the building front façade of the building at 808 North Washington Street 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 these encroachments; and

WHEREAS, in Encroachment No. 2024-00008 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 April 1, 2025, which recommendation was approved by the City Council at its public hearing on April 26, 2025 and

WHEREAS, it has been determined by the Council of the City of Alexandria that these encroachments are not detrimental to the public interest; now, therefore,

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Owner is authorized to establish and maintain encroachments into the public sidewalk right-of-way at 802 and 808 North Washington Street as shown in the attached Encroachment Plat, in the City of Alexandria, said encroachments consisting of encroachments for a portion of the front façade of the building at 802 North Washington Street and balconies on the building front façade of the building at 808 North Washington Street, until the encroachments are removed or destroyed or the authorization to maintain it is terminated by the city; provided, that this authorization to establish and maintain the encroachments shall not be construed to relieve Owner of liability for any negligence on their part on account of or in connection with the encroachments and shall be subject to the provisions set forth below.

Section 2. That the authorization hereby granted to establish and maintain said encroachments 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:

1 Bodily Injury: \$1,000,000 each occurrence
2 \$1,000,000 aggregate
3
4

5 Property Damage: \$1,000,000 each occurrence
6 \$1,000,000 aggregate
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8 This liability insurance policy shall identify the City of Alexandria and Owner as named insureds
9 and shall provide for the indemnification of the City of Alexandria and Owner against any and
10 all loss occasioned by the establishment, construction, placement, existence, use or maintenance
11 of the encroachments. Evidence of the policy and any renewal thereof shall be filed with the city
12 attorney's office. Any other provision herein to the contrary notwithstanding, in the event this
13 policy of insurance lapses, is canceled, is not renewed or otherwise ceases to be in force and
14 effect, the authorization herein granted to establish and maintain the encroachments shall, at the
15 option of the city, forthwith and without notice or demand by the city, terminate. In that event,
16 Owner shall, upon notice from the city, remove the encroachments from the public right-of-way,
17 or the city, at its option, may remove the encroachments at the expense and risk of Owner.
18 Nothing in this section shall relieve Owner of their obligations and undertakings required under
19 this ordinance.
20

21 Section 3. That the authorization hereby granted to establish and maintain said
22 encroachments shall in addition be subject to and conditioned upon the following terms:
23

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

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

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

5
6 Section 6. That nothing in this ordinance is intended to constitute, or shall be
7 deemed to be, a waiver of sovereign immunity by or on behalf of the City of Alexandria or any
8 of its officers or employees.

9
10 Section 7. That the authorization herein granted to establish and maintain the
11 encroachments shall be terminated whenever the City of Alexandria desires to use the affected
12 public right-of-way for any purpose whatsoever and, by written notification, demands from
13 Owner the removal of the encroachments. Said removal shall be completed by the date specified
14 in the notice and shall be accomplished by Owner without cost to the city. If Owner cannot be
15 found, or shall fail or neglect to remove the encroachments within the time specified, the city
16 shall have the right to remove the encroachments, at the expense of Owner, and shall not be
17 liable to Owner for any loss or damage to the structure of the encroachments or personal property
18 within the encroachment areas, caused by the removal.

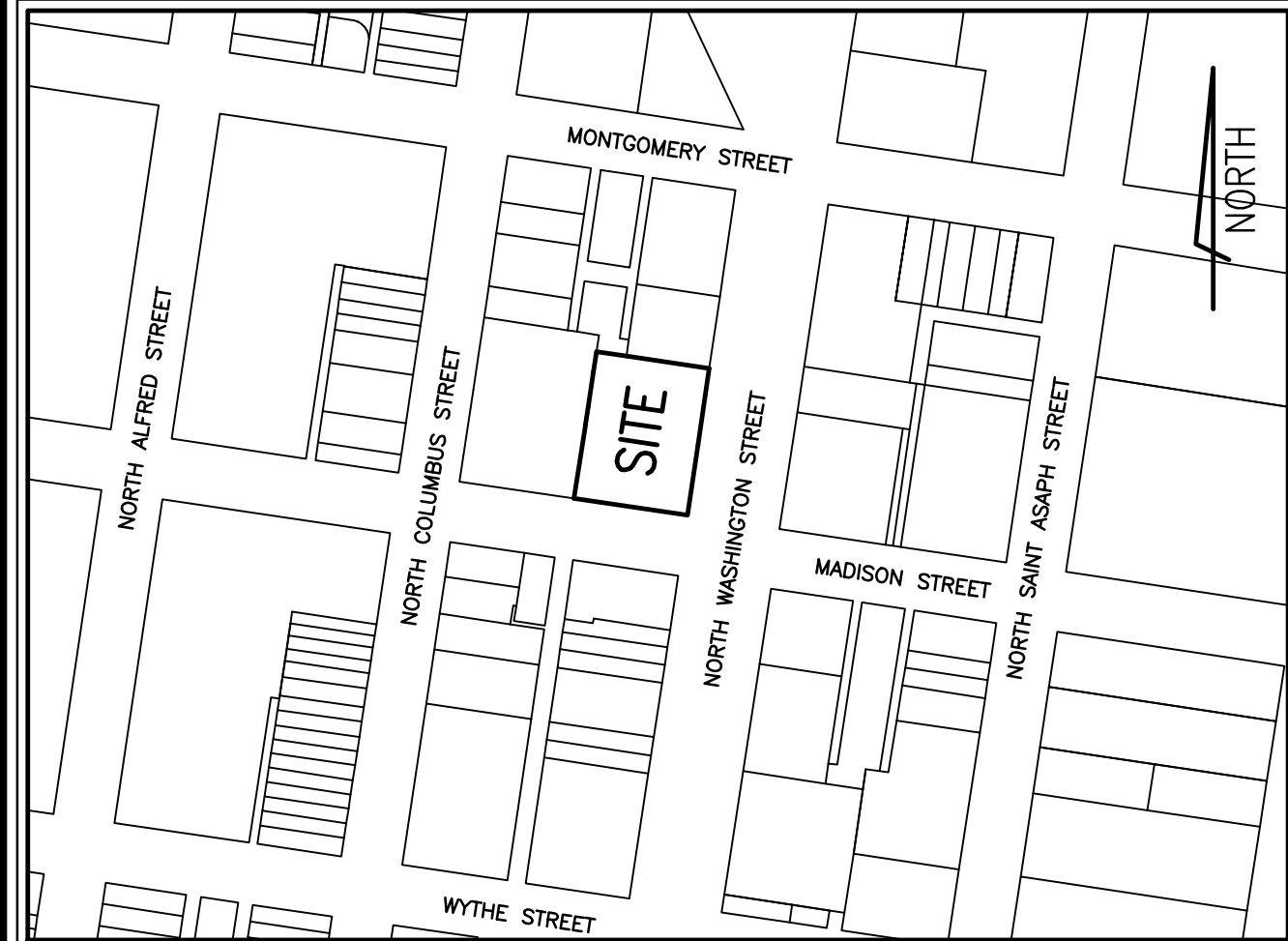
19
20 Section 8. The terms "Owner" shall be deemed to include 808 Washington LLC and
21 their respective successors in interest.

22
23 Section 9. That this ordinance shall be effective upon the date and at the time of its
24 final passage.

25
26
27 ALYIA GASKINS
28 Mayor

29
30 Attachment: Encroachment plat

31
32 Introduction: 05/13/25
33 First Reading: 05/13/25
34 Publication:
35 Public Hearing: 05/17/25
36 Second Reading: 05/17/25
37 Final Passage: 05/17/25
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39

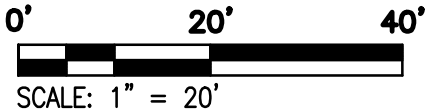
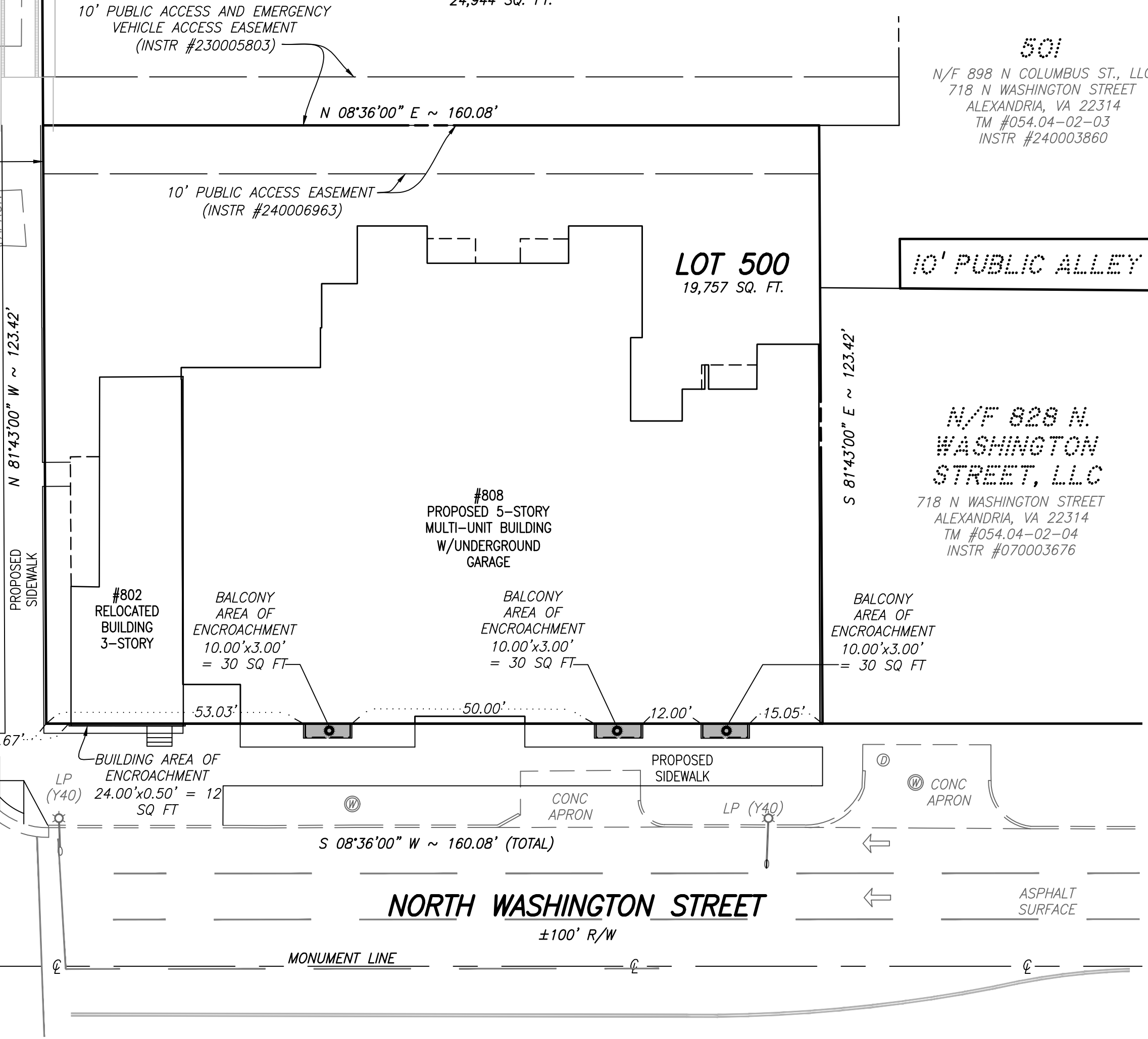


VICINITY MAP
SCALE 1" = 200'

PARCEL A
24,944 SQ. FT.

RECORD NORTH
(INSTR #240006963)

MONUMENT LINE
MADISON STREET
±66' R/W



- GENERAL NOTES:**
- TAX MAP: #054.04-02-13 (LOT 500)
 - OWNER: 808 WASHINGTON, LLC
7905-C CESSNA AVENUE
GAITHERSBURG, MD 20879-4113
INSTR #240009507
 - PLAT SUBJECT TO RESTRICTIONS OF RECORD.
 - A TITLE REPORT WAS NOT FURNISHED, THUS ALL EASEMENTS MAY NOT BE SHOWN.

ENGINEERING • LAND SURVEYING • PLANNING
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RC FIELDS & ASSOCIATES, INC.

ENCROACHMENT PLAT
SHOWING AREAS OF ENCROACHMENT
FOR PROPOSED BALCONIES AND
RELOCATED BUILDING ON
LOT 500

A CONSOLIDATION OF PARCELS 1 & 2,
POINT ALEXANDRIA INVESTMENTS, LLC
(INSTR #240006963)

CITY OF ALEXANDRIA, VIRGINIA
DATE: FEBRUARY 3, 2024 SCALE: 1" = 20'