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3 ORDINANCE NO. _____

4 AN ORDINANCE authorizing the United States General Services Administration (GSA) to
5 construct and maintain an encroachment for a perimeter security line consisting of hardened
6 garden fences, retractable and non-retractable bollards and security booths within the public
7 access easement for the public right of ways known as Jamieson Avenue, Courthouse
8 Square South, and Elizabeth Lane all adjacent to the Albert V. Bryan United States Federal
9 Courthouse.

10 WHEREAS, the GSA is the tenant of the property located at 401 Courthouse Square
11 in the City of Alexandria, Virginia; and

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13 WHEREAS, GSA desires to establish and maintain a security perimeter consisting of
14 hardened garden fences, retractable and non-retractable bollards and security booths which will
15 encroach into the public access easement for the public right of ways known as Jamieson
16 Avenue, Courthouse Square South, and Elizabeth Lane all adjacent to the Albert V. Bryan
17 United States Federal Courthouse.; and

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19 WHEREAS, the public right-of-way at that location will not be significantly
20 impaired by this encroachment; and

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22 WHEREAS, it has been determined by the Council of the City of Alexandria that
23 this encroachment is not detrimental to the public interest; now, therefore,

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25 THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

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27 Section 1. That the GSA be, and the same hereby is, authorized to establish and
28 maintain an encroachment into the public access easement for the public right of ways known as
29 Jamieson Avenue, Courthouse Square South, and Elizabeth Lane all adjacent to the Albert V.
30 Bryan United States Federal Courthouse in the City of Alexandria, said encroachment consisting
31 of a perimeter security line consisting of hardened garden fences, retractable and non-retractable
32 bollards and security booths as shown in the attached exhibit titled AV Bryan Courthouse
33 Illustrative Site Plan dated February 2012 and labeled as Exhibit A, until the encroachment is
34 removed or destroyed or the authorization to maintain it is terminated by the city; provided, that
35 this authorization to establish and maintain the encroachment shall not be construed to relieve
36 GSA of liability for any negligence on their part on account of or in connection with the
37 encroachment and shall be subject to the provisions set forth below.

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39 Section 2. That the authorization hereby granted to establish and maintain said
40 encroachment shall in addition be subject to and conditioned upon the following terms:

- 41
42 (a) Neither the City of Alexandria nor any public or private utility company shall be
43 responsible for damage to GSA's property encroaching into the public right-of-way

1 during repair, maintenance or replacement of the public right-of-way or any public
2 facilities or utilities in the area of encroachment.

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4 (b) The GSA shall be responsible for replacement and repairs to the adjacent City right-
5 of-way, including any areas damaged during construction activity.

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7 Section 3. That by accepting the authorization hereby granted to establish and
8 maintain the encroachment and by so establishing and/or maintaining the encroachment, GSA
9 shall be deemed to have promised and agreed to save harmless the City of
10 Alexandria from any and all liability (including attorneys' fees and litigation expenses) arising by
11 reason of the establishment, construction, placement, existence, use or maintenance of the
12 encroachment.

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14 Section 4. That the authorization herein granted to establish and maintain the
15 encroachment shall be subject to GSA maintaining the area of the encroachment at all times
16 unobstructed and free from accumulation of litter, snow, ice and other potentially dangerous
17 matter.

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

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23 Section 6. That this ordinance shall be effective upon the date and at the time of its
24 final passage.

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26
27 WILLIAM D. EUILLE
28 Mayor

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30 Attachment: Exhibit A

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32 Introduction:
33 First Reading:
34 Publication:
35 Public Hearing:
36 Second Reading:
37 Final Passage:
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