

Ordinance No. 100118

AN ORDINANCE providing for the acquisition by condemnation of land and other property in Block 63, A. A. Denny's 5th Addition to the City of Seattle for park, recreation and general corporate purposes.

7-20-71. Pass

COMPTROLLER
FILE NUMBER 269119

Council Bill No. 91718

INTRODUCED: JUL 1 9 1971	BY: <i>Parks & Public Grounds</i> <i>Finance</i>
REFERRED: JUL 1 9 1971	TO: <i>Parks & Public Grounds</i> <i>Finance</i>
REFERRED:	
REFERRED:	
REPORTED: JUL 2 6 1971	SECOND READING: JUL 2 6 1971
THIRD READING: JUL 2 6 1971	SIGNED: JUL 2 6 1971
PRESENTED TO MAYOR: JUL 2 7 1971	APPROVED: JUL 2 9 1971
RETD. TO CITY CLERK: JUL 2 9 1971	PUBLISHED: JUL 3 1 1971
VETOED BY MAYOR:	VETO PUBLISHED:
PASSED OVER VETO:	VETO SUSTAINED:

CWC

Unanimous Vote
YES..... NO.....

RECEIVED BY COUNCIL
JUL 14 4 58 PM '74

SEE BACK COVER

ORD 101673 -ACCEPTING CONDEMNATION AWARD RE PROPERTY IN B.63, A.A. DENNY'S 5TH ADD. FOR PARK,
RECREATION & GENERAL CORPORATE PURPOSES; & MAKING APPROP'S THEREFOR.

Park
D.C.D.

PUB (BC)
BLDG.
ENG.
E.O.
A.C.
F.R.
C.O.
LIGHT

ORDINANCE 100118

AN ORDINANCE providing for the acquisition by condemnation of land and other property in Block 63, A. A. Denny's 5th Addition to the City of Seattle for park, recreation, and general corporate purposes.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. That public convenience and necessity demand that the following described real property:

All air rights lying at or above an elevation of 202 feet above mean sea level, City of Seattle datum, appurtenant to the following described property:

That portion of Lots 2 and 3, Block 63, A. A. Denny's 5th Addition to the City of Seattle, as per plat recorded in Volume 1 of Plats, page 89, records of King County, Washington, lying easterly and northeasterly of a line described as follows:

Beginning at a point on the southerly line of said Lot 3, 78 feet more or less westerly of the easterly line thereof; thence northwesterly parallel with said easterly line of said Lot 3 to a point which is 47 feet more or less northerly of said southerly line; thence northerly to a point on the northerly line of said Lot 2 which is 25 feet more or less westerly of the easterly line thereof and the end of this line description, said line being the easterly and northeasterly margin of the relocated alley in said Block 63 of A. A. Denny's 5th Addition, as shown on location map of Primary State Highway No. 1, Seattle Freeway, Jackson Street to Olive Way, bearing the date of approval of February 17, 1959, revised July 3, 1962, which map is shown of record in Volume 2 of Highway Plats, page 32, under Auditor's File No. 5053500, records of King County, Washington; TOGETHER WITH the right to construct and maintain structural support upon said portions of Lots 2 and 3 sufficient to allow full utilization of said air rights for park, recreation and open space.

together with all rights, privileges, and other property pertaining thereto be and the same are hereby condemned, appropriated and taken for a public use, namely for park and recreation purposes.

Section 2. That public convenience and necessity demand that the following described real property comprising all property and property rights in Lots 2 and 3, Block 63, A. A. Denny's 5th Addition to the City of Seattle not described in Section 1 hereof:

that portion of Lots 2 and 3, Block 63, A. A. Denny's 5th Addition to the City of Seattle, as per plat recorded in Volume 1 of Plats, page 89, records of King County, Washington, lying easterly and northeasterly of a line described as follows:

Beginning at a point on the southerly line of said Lot 3, 78 feet more or less westerly of the easterly line thereof; thence northwesterly parallel with said easterly line of said Lot 3 to a point which is 47 feet more or less northerly of said southerly line; thence northerly to a point on the northerly line of said Lot 2 which is 25 feet more or less westerly of the easterly line thereof and the end of this line description, said line being the easterly and northeasterly margin of the relocated alley in said Block 63 of A. A. Denny's 5th Addition, as shown on location map of Primary State Highway No. 1, Seattle Freeway, Jackson Street to Olive Way, bearing the date of approval of February 17, 1959, revised July 3, 1962, which map is shown of record in Volume 2 of Highway Plats, page 32, under Auditor's File No. 5053500, records of King County, Washington; EXCEPT all air rights appurtenant to said portion of Lots 2 and 3 lying above a plane of elevation located 202 feet above mean sea level, City of Seattle datum; SUBJECT TO the right to construct and maintain structural support upon said portion of Lots 2 and 3 sufficient to allow full utilization of said air rights for park, recreation and open space.

together with all rights, privileges, and other property pertaining thereto be and the same are hereby condemned, appropriated and taken for public use, namely for general corporate purposes.

Section 3. Said lands, rights, privileges, and other property are to be so appropriated and taken only after just compensation has been made or paid into court to the owners thereof in the manner provided by law.

Section 4. That the entire cost of the acquisition provided for in Section 1 of this ordinance shall be paid from the Park Acquisition and Development Fund or from such other general fund of The City of Seattle as may be provided by law.

Section 5. That the entire cost of the acquisition provided for in Section 2 of this ordinance shall be paid from the General Fund or from such other general funds of The City of Seattle as may be provided by law.

(To be used for all Ordinances except Emergency.)

Section 6. That the Corporation Counsel is hereby authorized and directed to begin and prosecute proceedings in the manner provided by law to condemn, take, damage, and appropriate the lands and property necessary to carry out the provisions of this ordinance and stipulate for the purpose of minimizing damages.

Section ⁷ This ordinance shall take effect and be in force thirty days from and after its passage and approval, if approved by the Mayor; otherwise it shall take effect at the time it shall become a law under the provisions of the city charter.

Passed by the City Council the 26 day of July, 1971,
and signed by me in open session in authentication of its passage this 26 day of July, 1971. *Charles M. Barrell*

President _____ of the City Council.

Approved by me this 29 day of July, 1971. *Wm. Uhlman*
Mayor.

Filed by me this 29 day of July, 1971.

Attest:

C. J. Granderson
City Comptroller and City Clerk.

(SEAL)

Published JUL 31 1971

By *J. P. Fent*
Deputy Clerk.

The City of Seattle--Legislative Department

MR. PRESIDENT:

Date Reported
and Adopted

JUL 26 1971

Your Committee on FINANCE and PARKS AND PUBLIC GROUNDS
to which was referred C.B. 91718,

providing for the acquisition by condemnation of land and other property in Block 63, A. A. Denny's 5th Addition to the City of Seattle for park, recreation and general corporate purposes,

RECOMMEND THAT THE SAME DO PASS.

George E. Cooley Fin. Chairman

Wm E. Luai P&PG Chairman

Committee

Committee

ORDINANCE NO. 100118

AN ORDINANCE providing for the acquisition by condemnation of land and other property in Block 63, A. A. Denny's 5th Addition to the City of Seattle for park, recreation, and general corporate purposes.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. That public convenience and necessity demand that the following described real property:

All air rights lying at or above an elevation of 202 feet above mean sea level, City of Seattle datum, appurtenant to the following described property:

That portion of Lots 2 and 3, Block 63, A. A. Denny's 5th Addition to the City of Seattle, as per plat recorded in Volume 1 of Plats, page 49, records of King County, Washington, lying easterly and northeasterly of a line described as follows:

Beginning at a point on the southerly line of said Lot 2, 75 feet more or less westerly of the easterly line thereof; thence northwesterly parallel with said easterly line of said Lot 2 to a point which is 47 feet more or less northerly of said southerly line; thence northerly to a point on the northerly line of said Lot 2 which is 25 feet more or less westerly of the easterly line thereof and the end of this line description, said line being the easterly and northeasterly margin of the relocated alley in said Block 63 of A. A. Denny's 5th Addition, as shown on location map of Primary State Highway No. 1, Seattle Freeway, Jackson Street to Olive Way, bearing the date of approval of February 17, 1959, revised July 3, 1962, which map is shown of record in Volume 2 of Highway Plats, page 32, under Auditor's File No. 595350, records of King County, Washington; TOGETHER WITH the right to construct and maintain structural support upon said portions of Lots 2 and 3 sufficient to allow full utilization of said air rights for park, recreation and open space.

together with all rights, privileges, and other property pertaining thereto be and the same are hereby condemned, appropriated and taken for a public use, namely for park and recreation purposes.

Section 2. That public convenience and necessity demand that the following described real property comprising all property and property rights in Lots 2 and 3, Block 63, A. A. Denny's 5th Addition to the City of Seattle not described in Section 1 hereof:

that portion of Lots 2 and 3, Block 63, A. A. Denny's 5th Addition to the City of Seattle, as per plat recorded in Volume 1 of Plats, page 49, records of King County, Washington, lying easterly and northeasterly of a line described as follows:

Beginning at a point on the southerly line of said Lot 2, 75 feet more or less westerly of the easterly line thereof; thence northwesterly parallel with said easterly line of said Lot 2 to a point which is 47 feet more or less northerly of said southerly line; thence northerly to a point on the northerly line of said Lot 2 which is 25 feet more or less westerly of the easterly line thereof and the end of this line description, said line being the easterly and northeasterly margin of the relocated alley in said Block 63 of A. A. Denny's 5th Addition, as shown on location map of Primary State Highway No. 1, Seattle Freeway, Jackson Street to Olive Way, bearing the date of approval of February 17, 1959, revised July 3, 1962, which map is shown of record in Volume 2 of Highway Plats, page 32, under Auditor's File No. 595350, records of King County, Washington; EXCEPT all air rights appurtenant to said portion of Lots 2 and 3 lying above a plane of elevation located 202 feet above mean sea level, City of Seattle, datum:

SUBJECT TO the right to construct and maintain structural support upon said portion of Lots 2 and 3 sufficient to allow full utilization of said air rights for park, recreation and open space.

together with all rights, privileges, and other property pertaining thereto be and the same are hereby condemned, appropriated and taken for public use, namely for general corporate purposes.

Section 3. Said lands, rights, privileges, and other property are to be so appropriated and taken only after just compensation has been made or paid into court to the owners thereof in the manner provided by law.

Section 4. That the entire cost of the acquisition provided for in Section 1 of this ordinance shall be paid from the Park Acquisition and Development Fund or from such other general fund of the City of Seattle as may be provided by law.

Section 5. That the entire cost of the acquisition provided for in Section 2 of this ordinance shall be paid from the General Fund or from such other general funds of the City of Seattle as may be provided by law.

Section 6. That the Corporation Counsel is hereby authorized and directed to begin and prosecute proceedings in the manner provided by law to condemn, take, demarcate and appropriate the lands and property necessary to the acquisition of the property of the City of Seattle.

Affidavit of Publication

STATE OF WASHINGTON, KING COUNTY--SS.

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, ORDINANCE NO 100118

was published on July 31, 1971

[Signature]

Subscribed and sworn to before me on

July 31, 1971

[Signature]

Notary Public for the State of Washington, residing in Seattle.

(Note: RCW 42.00.020 states: "It shall not be necessary for a notary public in certifying an oath to be used in any of the courts in this state, to append an impression of his official seal.")

location map of Primary State Highway No. 1, Seattle, Freeway, Jackson Street to Olive Way, bearing the date of approval of February 17, 1959, which map revised July 3, 1963, which map is shown of record in Volume 2 of Highway Plats, page 32, under Auditor's File No. 505450, records of King County, Washington; TOGETHER WITH the right to construct and maintain structural support upon said portions of Lots 2 and 3 sufficient to allow full utilization of said air rights for park, recreation and open space.

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Section 2. That public convenience and necessity demand that the following described real property comprising all property and property rights in Lots 2 and 3, Block 63, A. A. Denny's 5th Addition to the City of Seattle not described in Section 1 hereof:

that portion of Lots 2 and 3, Block 63, A. A. Denny's 5th Addition to the City of Seattle, as per plat recorded in Volume 1 of Plats, page 19, records of King County, Washington, lying easterly and northeasterly of a line described as follows:

Beginning at a point on the southerly line of said Lot 2, 75 feet more or less westerly of the easterly line thereof; thence northwesterly parallel with said easterly line of said Lot 3 to a point which is 47 feet more or less northerly of said southerly line; thence easterly to a point on the northerly line of said Lot 2 which is 25 feet more or less westerly of the easterly line thereof and the end of this line description, said line being the easterly and northeasterly margin of the relocated alley in said Block 63 of A. A. Denny's 5th Addition, as shown on location map of Primary State Highway No. 1, Seattle, Freeway, Jackson Street to Olive Way, bearing the date of approval of February 17, 1959, revised July 3, 1963, which map is shown of record in Volume 2 of Highway Plats, page 32, under Auditor's File No. 505450, records of King County, Washington; EXCEPT all air rights appurtenant to said portion of Lots 2 and 3 lying above a plane of elevation located 202 feet above mean sea level, City of Seattle, datum:

SUBJECT TO the right to construct and maintain structural support upon said portion of Lots 2 and 3 sufficient to allow full utilization of said air rights for park, recreation and open space.

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Section 7. This ordinance shall take effect and be in force thirty days from and after its passage and approval, if approved by the Mayor; otherwise it shall take effect at the time it shall become a law under the provisions of the city charter.

Passed by the City Council the 26th day of July, 1971, and signed by me in open session in authentication of its passage this 26th day of July, 1971.

CHARLES M. CARROLL, President of the City Council. Approved by me this 29th day of July, 1971.

WES UHLMAN, Mayor.

Filed by me this 29th day of July, 1971.

Attest: C. G. ERLANDSON, City Comptroller and City Clerk.

(Seal) By J. F. FENTON, Deputy Clerk.

Publication ordered by C. G. ERLANDSON, Comptroller and City Clerk.

Date of Official Publication in the Daily Journal of Commerce, Seattle, July 31, 1971. (C-419)

Wes Uhlman

Subscribed and sworn to before me on

July 31, 1971

John Beaman

Notary Public for the State of Washington, residing in Seattle.

(Note: RCW 42.28.060 states—"It shall not be necessary for a notary public in certifying as aforesaid to be sworn in any of the courts in this state, in append an impression of his official seal.")