

Ordinance No. 100225

AN ORDINANCE providing for the acquisition by condemnation of certain property and property rights necessary for storm drain purposes for the project titled LAKE WASHINGTON - Southeast Sewer Improvement (Contract No. 6) in Brighton Beach Orchard Addition to the City of Seattle; Brighton Beach Acre Tracts Addition to the City of Seattle, Washington; Hillman City Addition to the City of Seattle Division Number 6, and Hillman City Division No. 2; as a part of certain additions and betterments to the existing municipal sewerage utility and providing payment therefor.

8-24-71 Pass

Council Bill No. 91828

INTRODUCED: AUG 23 1971	BY: STS & SEWERS
REFERRED: AUG 23 1971	TO: <i>Streets & Sewers</i>
REFERRED:	
REPORTED: AUG 30 1971	SECOND READING: AUG 30 1971
THIRD READING: AUG 30 1971	SIGNED: AUG 30 1971
PRESENTED TO MAYOR: AUG 31 1971	APPROVED: SEP 7 1971
RET. TO CITY CLERK SEP 7 1971	PUBLISHED:
VETOED BY MAYOR:	VETO PUBLISHED:
PASSED OVER VETO:	VETO SUSTAINED:
ENGROSSED:	BY:
VOL..... PAGE.....	

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ROT:sc
8-13-71

ORDINANCE NO. 100225

AN ORDINANCE providing for the acquisition by condemnation of certain property and property rights necessary for storm drain purposes for the project titled LAKE WASHINGTON - Southeast Sewer Improvement (Contract No. 6) in Brighton Beach Orchard Addition to the City of Seattle; Brighton Beach Acre Tracts Addition to the City of Seattle, Washington; Hillman City Addition to the City of Seattle Division Number 6, and Hillman City Division No. 2; as a part of certain additions and betterments to the existing municipal sewerage utility and providing payment therefor.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. That public necessity and convenience demand that permanent easements for storm drain purposes be acquired over and across the following described real property, to wit:

The east 10 feet of Lot 5, Block 1, Brighton Beach Orchard Addition to the City of Seattle as Recorded in Volume 13 of Plats, page 14, Records of King County, Washington;

The east 10 feet of the west 15 feet of Tract 73, Brighton Beach Acre Tracts, as recorded in Volume 9 of Plats, page 43, Records of King County, Washington, EXCEPT the south one-half thereof and EXCEPT the north 27.5 feet thereof for street;

The north 10 feet of the south 17 feet of Lot 22, Block 11 of Hillman City Addition to the City of Seattle Division Number 6 as recorded in Volume 11 of Plats, page 23, records of King County, Washington;

That portion of Lot 3, Block E, Hillman City Division No. 2, as recorded in Volume 10 of Plats, page 63, Records of King County, Washington, described as follows: Beginning at a point on the south line of said lot, distant south 89°06'29" east 8.48 feet from the southwest corner of said lot; thence north 0°34'56" east 103.28 feet to the north line of said lot; thence south 89°06'45" east along said north line 10 feet; thence south 0°34'56" west 103.28 feet to the south line of said lot; thence north 89°06'29" west along said south line 10 feet to the point of beginning;

and that only such rights in the land above described shall be acquired as shall be necessary for the construction, reconstruction, alteration, operation and maintenance of storm drain lines and appurtenances, reserving unto the property owners the right to use said property in any way and any purpose not inconsistent with the rights herein authorized to be acquired, provided that the City shall have the right without prior institution of any suit or proceeding at law at such times as may be necessary, to enter upon said property for the purposes herein described, without incurring any legal obligation or liability therefor; provided that such work other than original construction, shall be accomplished in such a manner that the private improvements existing in said easement area shall not be disturbed or destroyed, or in the event that they are disturbed or destroyed they shall be replaced in as good condition as

they were immediately before the property was entered upon by the City; and provided that no building or buildings or other permanent structures shall be constructed nor permitted to remain within the boundaries of said easements without the written permission of the City Engineer.

In the original construction of the storm drains, the City shall have the right to clear said easements of all existing obstructions, including trees and rockeries.

Section 2. That public necessity and convenience demand that temporary construction easements for storm drain purposes be acquired over and across the following described real property, to-wit:

The west 10 feet of the east 20 feet of Lot 5, Block 1, Brighton Beach Orchard Addition to the City of Seattle as recorded in Volume 13 of Plats, page 14, Records of King County, Washington;

The east 10 feet of the west 25 feet of Tract 73, Brighton Beach Acre Tracts as recorded in Volume 9 of Plats, page 43, Records of King County, Washington, EXCEPT the south one-half thereof and EXCEPT the north 27.5 feet thereof for street;

The south 7 feet and the north 5 feet of the south 22 feet of Lot 22, Block 11, Hillman City Addition to the City of Seattle Division Number 6, as recorded in Volume 11 of Plats, page 23, Records of King County, Washington;

That portion of Lots 2 and 3, Block E, Hillman City Division No. 2 as recorded in Volume 10 of Plats, page 63, Records of King County, Washington, described as follows: Beginning at a point on the south line of Lot 3, distant south $89^{\circ}06'29''$ east 18.48 feet from the south-west corner of said lot; thence north $0^{\circ}34'56''$ east 103.28 feet to the north line of said lot; thence south $89^{\circ}06'45''$ east along the north line of said Lots 2 and 3 a distance of 10 feet; thence south $0^{\circ}34'56''$ west 103.28 feet to the south line of said Lot 2; thence north $89^{\circ}06'29''$ west along the south line of Lots 2 and 3 a distance of 10 feet to the point of beginning;

said temporary easements to be in full force and effect until the proposed storm drains are constructed and accepted by the City of Seattle and to become null and void and have no further effect on and after the date of official acceptance of said storm drains for the City of Seattle by its Board of Public Works.

In the original construction of the storm drains the City shall have the right to clear said temporary easement areas of all existing obstructions including trees and rockeries.

Section 3. That all lands, rights privileges and other property lying within the limits of the lots, blocks and tracts of land described in Section 1 hereof are hereby condemned, appropriated, taken and damaged for the purposes therein enumerated, and said lands, rights, privileges and other property are to be taken, damaged and appropriated only after just compensation has been made or paid into court for the owners thereof in the manner provided by law.

Section 4. That the right of temporary use of the lands and other property lying within the limits of the lots, blocks and tracts of land described in Section 2 hereof is hereby condemned for the purpose therein stated, and said right of temporary use is to be exercised only after just compensation has been made or paid into court for the owners of said property in the manner provided by law.

Section 5. That such acquisitions of storm drain easements are hereby declared to be part of the additions and betterments to and extensions of the existing municipal sewerage utility of The City of Seattle, according to the plan and system specified in Ordinance 87653 as supplemented by Ordinance 96327 and the cost of such acquisitions shall be paid from the Sewer Improvement Fund or from such other general funds of The City of Seattle as may be provided by law.

Section 6. That the Corporation Counsel be and he is hereby authorized and directed to begin and prosecute the actions and proceedings in the manner provided by law to condemn, take, damage and appropriate the lands and other property necessary to carry out the provisions of this ordinance.

Section 7. That in conducting said condemnation proceedings, the Corporation Counsel is hereby authorized to enter into stipulations for the purpose of minimizing damages.

(To be used for all Ordinances except Emergency.)

Section 8. 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 30 day of August, 1967,
and signed by me in open session in authentication of its passage this 30 day of
August, 1967. *Charles M. Darrell*
President of the City Council.

Approved by me this 7 day of September, 1967.
Wm. Ahlman
Mayor.

Filed by me this 7 day of September, 1967.

Attest: *A. H. Glendonson*
City Comptroller and City Clerk.

(SEAL)

Published.....
By *J. F. Fenton*
Deputy Clerk.



CITY OF SEATTLE
 DEPARTMENT OF ENGINEERING
 ROBERT J. GULINO, CITY ENGINEER
 MEMBER, BOARD OF PUBLIC WORKS

Wes Uhlman, Mayor

Seattle Municipal Building, Room 910
 600 Fourth Avenue, Seattle, Washington 98104
 Re: Lake Washington Southeast
 Sewer Improvement, Cont. #6

August 13, 1971

Honorable City Council
 1100 Municipal Building
 Seattle, Washington

Gentlemen:

VIA Wes Uhlman, Mayor

We transmit herewith for your acceptance a council bill providing for the acquisition by condemnation of certain property and property rights necessary for storm drain purposes for the project titled "LAKE WASHINGTON - Southeast Sewer Improvement (Contract No. 6)" and providing payment therefor.

This project has been declared to be part of the additions and betterments to and extensions of the existing municipal sewerage utility of The City of Seattle, according to the plan and system specified in Ordinance 87653 as supplemented by Ordinance 96327 and the cost of such acquisitions shall be paid from the Sewer Improvement Fund or from such other general funds of The City of Seattle as may be provided by law.

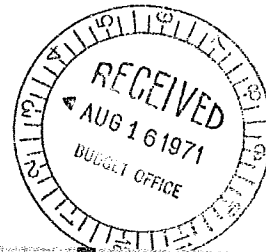
The council bill has been approved as to form by the Corporation Counsel and we recommend that this legislation be passed.

Yours very truly,
 ROBERT J. GULINO, P.E.
 City Engineer

By *Philip M. Buswell*
 PHILIP M. BUSWELL, P.E.
 Principal Assistant City Engineer

ROT:gs
 Att.

cc: Mayor Uhlman
 K. Selfridge



The City of Seattle--Legislative Department

MR. PRESIDENT:

Date Reported
and Adopted

Your Committee on STREETS AND SEWERS

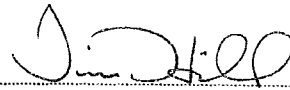
to which was referred C.B. 91828,

APR 30 1971

providing for the acquisition by condemnation of certain property and property rights necessary for storm drain purposes for the project titled Lake Washington - Southeast Sewer Improvement (Contract No. 6) in Brighton Beach Orchard Addition to the City of Seattle; Brighton Beach Acre Tracts Addition to the City of Seattle, Washington; Hillman City Addition to the City of Seattle Division Number 6, and Hillman City Division No. 2; as a part of certain additions and betterments to the existing municipal sewerage utility and providing payment therefor,

RECOMMENDS THAT THE SAME DO PASS.

..... Chairman



S&S
..... Chairman

..... Committee

..... Committee

ORDINANCE NO. 100225

AN ORDINANCE providing for the acquisition by condemnation of certain property and property rights necessary for storm drain purposes for the project titled LAKE ASHINGTON-Southeast Sewer Improvement (Contract No. 6) in Brighton Beach Orchard Addition to the City of Seattle; Brighton Beach Acre Tracts Addition to the City of Seattle, Washington; Hillman City Addition to the City of Seattle Division Number 5, and Hillman City Division No. 2; as a part of certain additions and betterments to the existing municipal sewerage utility and providing payment therefor.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. That public necessity and convenience demand that permanent easements for storm drain purposes be acquired over and across the following described real property, to-wit:

The east 10 feet of Lot 5, Block 1, Brighton Beach Orchard Addition to the City of Seattle as recorded in Volume 13 of Plats, page 11, Records of King County, Washington;

The east 10 feet of the west 15 feet of Tract 73, Brighton Beach Acre Tracts, as recorded in Volume 9 of Plats, page 43, Records of King County, Washington, EXCEPT the south one-half thereof and EXCEPT the north 27.5 feet thereof for street;

The north 10 feet of the south 17 feet of Lot 22, Block 11 of Hillman City Addition to the City of Seattle Division Number 5 as recorded in Volume 11 of Plats, page 23, records of King County, Washington;

That portion of Lot 3, Block E, Hillman City Division No. 2 as recorded in Volume 10 of Plats, page 63, Records of King County, Washington, described as follows: Beginning at a point on the south line of said lot, distant south 85° 06' 29" east 8.48 feet from the south west corner of said lot; thence north 0° 34' 56" east 103.28 feet to the north line of said lot; thence south 85° 06' 29" east along said north line 70 feet; thence south 0° 34' 56" west 103.28 feet to the south line of said lot; thence north 85° 06' 29" west along said south line 10 feet to the point of beginning;

and that only such rights in the land above described shall be acquired as shall be necessary for the construction, reconstruction, alteration, operation and maintenance of storm drain lines and appurtenances, reserving unto the property owners the right to use said property in any way and for any purpose not inconsistent with the rights herein authorized to be acquired, provided that the City shall have the right without prejudice to institute any suit or proceeding at law at such times as may be necessary to enter upon said property for the purposes herein described, without incurring any legal obligation or liability therefor; provided that such work other than original construction, shall be accomplished in such a manner that the private improvements existing in said easement areas shall not be disturbed or destroyed, or in the event that they are disturbed or destroyed they shall be replaced in as good condition as they were immediately before the property was entered upon by the City; and provided that no building or buildings or other permanent structures shall be constructed nor permitted to remain within the boundaries of said easements without the written permission of the City Engineer.

In the original construction of the storm drains, the City shall have the right to clear said easements of all existing obstructions, including trees and rockeries.

Section 2. That public necessity and convenience demand that temporary construction easements for storm drain purposes be acquired over and across the following described real property, to-wit:

The west 10 feet of the east 20 feet of Lot 5, Block 1, Brighton Beach Orchard Addition to the City of Seattle as recorded in Volume 13 of Plats, page 11, Records of King County, Washington;

The east 10 feet of the west 25 feet of Tract 73, Brighton Beach Acre Tracts as recorded in Volume 9 of Plats, page 43, Records of King County, Washington, EXCEPT the south one-half thereof and EXCEPT the north 27.5 feet thereof for street;

The south 7 feet and the north 5 feet of the south 22 feet of Lot 22, Block 11, Hillman City Addition to the City of Seattle Division Number 5, as recorded in Volume 11 of Plats, page 23, Records of King County, Washington;

That portion of Lots 2 and 3, Block E, Hillman City Division No. 2 as recorded in Volume 10 of Plats, page 63, Records of King County, Washington;

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, a.....

ORDINANCE NO 100225

was published on Sept. 8, 1971

M. E. Brown

Subscribed and sworn to before me on

Sept 8, 1971

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

(Note: RCW 43.22.060 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.--")

ements for storm drain purposes be acquired over and above the following described real property, to-wit:

The west 10 feet of the east 20 feet of Lot 5, Block 1, Brighton Beach Orchard Addition to the City of Seattle as recorded in Volume 13 of Plats, page 28, Records of King County, Washington;

The east 10 feet of the west 25 feet of Tract 73, Brighton Beach Acre Tracts as recorded in Volume 9 of Plats, page 43, Records of King County, Washington, EXCEPT the south one-half thereof and EXCEPT the north 27.5 feet thereof for street;

The south 7 feet and the north 5 feet of the south 22 feet of Lot 22, Block 11, Hillman City Addition to the City of Seattle Division Number 5, as recorded in Volume 11 of Plats, page 23, Records of King County, Washington;

That portion of Lots 2 and 3, Block E, Hillman City Division No. 2 as recorded in Volume 10 of Plats, page 63, Records of King County, Washington, described as follows: Beginning at a point on the south line of Lot 3, distant south 89° 01' 29" east 23.46 feet from the southwest corner of said lot; thence north 0° 34' 56" east 193.28 feet to the north line of said lot; thence south 89° 06' 46" east along the north line of said Lots 2 and 3 a distance of 10 feet; thence south 0° 34' 56" west 193.28 feet to the south line of said Lot 2; thence north 89° 06' 20" west along the south line of Lots 2 and 3 a distance of 16 feet to the point of beginning;

said temporary easements to be in full force and effect until the proposed storm drains are constructed and accepted by the City of Seattle and to become null and void and have no further effect on and after the date of official acceptance of said storm drains for the City of Seattle by its Board of Public Works.

In the original construction of the storm drains the City shall have the right to clear said temporary easement areas of all existing obstructions including trees and rockeries.

Section 3. That all lands, rights, privileges and other property lying within the limits of the lots, blocks and tracts of land described in Section 1 hereof are hereby condemned, appropriated, taken and damaged for the purposes therein enumerated, and said lands, rights, privileges and other property are to be taken, damaged and appropriated only after just compensation has been made or paid into court for the owners thereof in the manner provided by law.

Section 4. That the right of temporary use of the lands and other property lying within the limits of the lots, blocks and tracts of land described in Section 2 hereof is hereby condemned for the purpose therein stated, and said right of temporary use is to be exercised only after just compensation has been made or paid into court for the owners of said property in the manner provided by law.

Section 5. That such acquisitions of storm drain easements are hereby declared to be part of the additions and betterments and extensions of the existing municipal sewerage utility of The City of Seattle, according to the plan and system specified in Ordinance 87653 as supplemented by Ordinance 86327 and the cost of such acquisitions shall be paid from the Sewer Improvement Fund or from such other general funds of The City of Seattle as may be provided by law.

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Section 7. That in conducting said condemnation proceedings, the Corporation Counsel is hereby authorized to enter into stipulations for the purpose of minimizing damages.

Section 8. 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 30th day of August, 1971, and signed by me in open session in authentication of its passage this 30th day of August, 1971.

CHARLES M. CARROLL,
President of the City Council.

Approved by me this 7th day of September, 1971.

WES UHLMAN,
Mayor.

Filed by me this 7th day of September, 1971.

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

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

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

Date of Official Publication in the Daily Journal of Commerce, Seattle, September 8, 1971.
(C-445)