

## Ordinance No. 100337

AN ORDINANCE providing for the laying off, opening, widening, and establishing of 5th AVENUE NORTH between Valley Street and Republican Street at the existing center line grade; providing for the condemnation, appropriation, taking and damaging of land and other property necessary therefor; providing for the condemnation of property or property rights necessary for cut and fill slopes; and providing for payment therefor.

9-28-71 *JS*

COMPTROLLER  
FILE NUMBER \_\_\_\_\_

## Council Bill No. 91940

INTRODUCED: SEP 27 1971	BY: Streets & Sewers
REFERRED: SEP 27 1971	TO: Streets & Sewers
REFERRED:	
REFERRED:	
REPORTED: OCT 4 1971	SECOND READING: OCT 4 1971
THIRD READING: OCT 4 1971	SIGNED: OCT 4 1971
PRESENTED TO MAYOR: OCT 5 1971	APPROVED: OCT 8 1971
RETD. TO CITY CLERK: OCT 8 1971	PUBLISHED: OCT 9 1971
VETOED BY MAYOR:	VETO PUBLISHED:
PASSED OVER VETO:	VETO SUSTAINED:

*CW*

Unanimous Vote

YES..... NO.....

SEE BACK COVER

- Ord 101460 RE CONDEMNATION PROCEEDINGS TO ACQUIRE LAND & OTHER PROPERTY NECESSARY FOR LAYING OFF, OPENING, WIDENING & ESTABLISHING 5TH AVE N BETWEEN VALLEY ST & REPUBLICAN ST UNDER ORD 100337, KING COUNTY CUASE #741003, ACCEPTING A CONDEMNATION AWARD (PARCEL 4) & MAKING REIMBURSABLE APPROP THEREFOR.
- Ord 101501 RE CONDEMNATION FOR WIDENING 5TH AVE N UNDER ORD 100337, K.C. CAUSE 746324; AUTH DEPOSIT INTO COURT OF \$60,000 IN CONNECTION WITH RIGHT OF IMMEDIATE ENTRY TO BE GRANTED THE CITY AS TO PARCEL 2, AUTH PAYMENT OF SUCH DEPOSIT FROM SUMS HERETOFORE APPROPRIATED BY ORD 100183, & PARTIALLY SUPERSEDING ORD 100183.
- Ord 102028 RE CONDEMNATION PROCEEDINGS TO ACQUIRE LAND AND OTHER PROPERTY NECESSARY FOR LAYING OFF WIDENING AND ESTABLISHING 5TH AVE. N BETWEEN VALLEY ST. AND REPUBLICAN ST. UNDER ORD. 100337, AS SUPPLEMENTED BY ORD. 101501, MAKING AN APPROP FROM THE ARTERIAL CITY STREET FUND THEREFOR
- Ord 102246 TRANSFERRING JURISDICTION OVER CERTAIN GEN'L MUNI PURPOSES PROPERTY IN THE REPLAT OF BLKS 44 TO 53 INCL, MERCER'S 2ND ADD TO N. SEATTLE, TO THE ENG DEPT FOR STREET PURPOSES (5TH AVE N), & PROVIDING FOR REIMB OF THE CUMULATIVE RESERVE FND BY A TRANSFER OF FUNDS FROM AN APPROP HERETOFOR MADE BY ORD 100183 FROM THE ARTERIAL CITY ST FND IN CONNECTION WITH WIDENING OF 5TH AVE N.

PUB /  
BLDG (BQ) /  
HMQ /  
X B. O. /  
A. O. /  
S. B. /  
C. O. /  
L. O. /



ORDINANCE NO. 100337

AN ORDINANCE providing for the laying off, opening, widening, and establishing of 5th AVENUE NORTH between Valley Street and Republican Street at the existing center line grade; providing for the condemnation, appropriation, taking and damaging of land and other property necessary therefor; providing for the condemnation of property or property rights necessary for cut and fill slopes; and providing for payment therefor.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. That public necessity and convenience demand that 5th AVENUE NORTH be and the same is hereby laid off, opened, widened and established over and across the following described property, in King County, Washington, to wit:

The west 14.0 feet of Lots 8 through 13 inclusive, Block 63, D. T. Denny's Home Addition to the City of Seattle, as recorded in Volume 3 of Plats, page 115, Records of King County, Washington; TOGETHER WITH the west 14.0 feet of Republican Street as vacated by Ordinance 90487, lying between Block 63 and Block 62 said addition; Also,

The west 21 feet of Lots 7 through 12 inclusive, Block 48, Replat of Blocks 44 through 53 inclusive, Mercer's Second Addition to North Seattle, as recorded in Volume 9 of Plats, page 54, Records of King County, Washington; Also,

The west 18.0 feet of Lots 7 through 12 inclusive, Block 47, Replat of Blocks 44 through 53 inclusive, Mercer's Second Addition to North Seattle, as recorded in Volume 9 of Plats, page 54, Records of King County, Washington.

Section 2. That in the grading of 5th AVENUE NORTH between Valley Street and Republican Street, in conformity with the existing center line grade, the City shall acquire the right in the case of a cut or fill to remove the lateral support of the property abutting upon 5th AVENUE NORTH and in every case the right to remove said lateral support shall include the right to carry the slopes back into and extending upon the abutting real property 2 feet horizontally for each foot of depth of cut or for each foot of elevation of fill for the purpose of providing lateral support for 5th AVENUE NORTH, reserving unto the abutting property owners, respectively, the right at any time to replace said cut slopes and to remove said fill slopes upon providing and maintaining other adequate lateral support.

Section 3. That all lands, rights, privileges and other property, lying within the limits of the lots and blocks described in Section 1 hereof, are hereby condemned, appropriated, taken and damaged for the purpose therein enumerated; and that all lands, rights, privileges and other property necessary to be taken,

used or damaged in the grading of 5th AVENUE NORTH in conformity with existing center line grade and in the construction of necessary slopes for cuts or fills upon the real property abutting 5th AVENUE NORTH as set forth in Section 2 hereof, are hereby condemned, appropriated, taken and damaged for the public use for such purposes, and all such 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 such acquisitions as are herein above described, are hereby declared to be an addition to the Urban Arterial System as accepted by the Urban Arterial Board and the cost of such acquisition shall be paid from the Arterial City Street Fund, or from such general funds of the City of Seattle as may be provided by law.

Section 5. That the Corporation Council 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 6. That in conducting such condemnation proceedings, the Corporation Council is hereby authorized to enter into stipulations for the purpose of minimizing damages.



(To be used for all Ordinances except Emergency.)

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 4 day of October, 1971,  
and signed by me in open session in authentication of its passage this 4 day of  
October, 1971. *Charles M. Carroll*

President of the City Council.

Approved by me this 8 day of October, 1971. *Wm. L. Leman*  
Filed by me this 8 day of October, 1971. Mayor.

Attest *H. E. Anderson*  
City Comptroller and City Clerk.

(SEAL)

Published OCT 9 1971

By *D. H. Alprey*  
Deputy Clerk.



OFFICE OF THE MAYOR—CITY OF SEATTLE

September 20, 1971

Wes Uhlman, Mayor

The City Council  
The City of Seattle

Honorable Members:

The attached letter has been reviewed by the  
Office of Management and Budget. We concur  
with the recommendation contained therein  
and recommend that the same be adopted.

Sincerely,

Wes Uhlman  
Mayor

by

*R. W. Wilkinson, Jr.*

R. W. Wilkinson, Jr.  
Budget Director

Attachment  
RWW/HE/gm  
cc Engineering Department  
Mayor's Office (2)





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: 5th Avenue North,  
Widening, Etc.

September 10, 1971

Honorable City Council  
11th Floor, Municipal Building  
Seattle, Washington

Gentlemen:

VIA Mayor Uhlman

We transmit herewith for your acceptance a council bill providing for the laying off, opening, widening, and establishing of 5th Avenue North between Valley Street and Republican Street at the existing center line grade; providing for the condemnation, appropriation, taking and damaging of land and other property necessary therefor; providing for the condemnation of property or property rights necessary for cut and fill slopes; and providing for payment therefor.

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

*W. E. P. Smith*  
For By W. E. P. SMITH  
Assistant City Engineer -  
Administration

ROT:gs  
Att.

cc: Mayor Uhlman  
E. W. Ott  
K. Selfridge



# The City of Seattle--Legislative Department

MR. PRESIDENT:

Date Reported  
and Adopted

OCT 4 1971

Your Committee on STREETS AND SEWERS  
to which was referred C.B. No. 91940,

providing for the laying off, opening, widening, and establishing of 5th AVENUE NORTH between Valley Street and Republican Street at the existing center line grade: providing for the condemnation, appropriation, taking and damaging of land and other property necessary therefor: providing for the condemnation of property or property rights necessary for cut and fill slopes: and providing for payment therefor,

RECOMMENDS THAT THE SAME DO PASS.

Chairman

S&S  
Chairman

Committee

Committee

CWL:eh  
9/29/71



## ORDINANCE NO. 100337

AN ORDINANCE providing for the laying off, opening, widening, and establishing of 5th AVENUE NORTH between Valley Street and Republican Street at the existing center line grade; providing for the condemnation, appropriation, taking and damaging of land and other property necessary therefor; providing for the condemnation of property or property rights necessary for cuts and fill slopes; and providing for payment therefor.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. That public necessity and convenience demand that 5th AVENUE NORTH be and the same is hereby laid off, opened, widened and established over and across the following described property, in King County, Washington, to-wit:

The west 14.6 feet of Lots 8 through 12 inclusive, Block 43, D. J. Denry's Home Addition to the City of Seattle, as recorded in Volume 2 of Plats, page 1119, Records of King County, Washington; TOGETHER WITH the west 14.3 feet of Republican Street as vacated by Ordinance 30457, lying between Block 62 and Block 63 said addition, Also,

The west 21 feet of Lots 7 through 12 inclusive, Block 43, Replat of Blocks 44 through 52 inclusive, Mercer's Second Addition to North Seattle, as recorded in Volume 9 of Plats, page 54, Records of King County, Washington; Also,

The west 18.6 feet of Lots 7 through 12 inclusive, Block 47, Replat of Blocks 44 through 52 inclusive, Mercer's Second Addition to North Seattle, as recorded in Volume 9 of Plats, page 54, Records of King County, Washington.

Section 2. That in the grading of 5th AVENUE NORTH between Valley Street and Republican Street, in conformity with the existing center line grade, the City shall acquire the right in the case of a cut or fill to remove the lateral support of the property abutting upon 5th AVENUE NORTH and in every case the right to remove said lateral support shall include the right to carry the slopes back into and extending upon the abutting property 2 feet horizontally for each foot of depth of cut or for each foot of elevation of fill for the purpose of providing lateral support for 5th AVENUE NORTH, reserving unto the abutting property owners, respectively, the right at any time to replace said fill slopes and to remove said fill slopes upon recording and maintaining other adequate lateral support.

Section 3. That all lands, rights, privileges and other property, lying within the limits of the lots and blocks described in Section 1 hereof, are hereby condemned, appropriated, taken and damaged

for the purposes therein enumerated; and that all lands, rights, privileges and other property necessary to be taken, used or damaged in the grading of 5th AVENUE NORTH in conformity with existing center line grade and in the construction of necessary slopes for cuts or fills upon the real property abutting 5th AVENUE NORTH as set forth in Section 2 hereof, are hereby condemned, appropriated, taken and damaged for the public use for such purposes, and all such 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 such acquisitions as are herein above described, are hereby declared to be an addition to the Urban Arterial System as accepted by the Urban Arterial Board and the cost of such acquisition shall be paid from the Arterial City Street Fund, or from such general funds of the City of Seattle as may be provided by law.

Section 5. That the Corporation Council 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 6. That in conducting such condemnation proceedings, the Corporation Council is hereby authorized to enter into stipulations 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 4th day of October, 1971, and signed by me in open session in authentication of its passage this 4th day of October, 1971.

CHARLES M. CARROLL,  
President of the City Council.

Approved by me this 8th day of October, 1971.

WES UHLMAN,  
Mayor.

Filed by me this 8th day of October, 1971.

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

(Seal) By D. W. ALFREY,  
Deputy Clerk.

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

Date of Official Publication in the Daily Journal of Commerce, Seattle, October 9, 1971, (C-484).

## 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 100337

was published on Oct 9, 1971

Subscribed and sworn to before me on

Oct 9, 1971

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

(Note: NOW OBSOLETE: "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.")