

Ordinance No. 13074

AN ORDINANCE providing for the laying off, widening, extending and establishing of FOURTH AVENUE and FOURTH AVENUE South, from Westlake Avenue to Prefontaine Place, and providing for the changing and establishing of the grades of Fourth Avenue, et al.

575

Council Bill No. 25783

INTRODUCED: NOV 13 1905	BY: BURNETT
REFERRED: NOV 13 1905	TO STREET COM.
REPORTED:	
SECOND READING: DEC 2 1905	
THIRD READING: DEC 2 1905	
FINAL PASSAGE: DEC 2 1905	SIGNED: DEC 2 1905
PRESENTED TO MAYOR: DEC 5 1905	APPROVED: DEC 2 1905
FILED: DEC 5 1905	PUBLISHED:
ENGROSSED: VOL. 3 - 575	BY: A. J. S.
COMPARED BY:	FILE No.

F. 31120 - Award of Jury

Case No. 12837 - accident of 12/14/68 from  
available to Prefontaine RR

cause 50320

ORDINANCE NO. 110071

AN ORDINANCE providing for the laying off, widening, extending and establishing of FOURTH AVENUE and FOURTH AVENUE SOUTH, in the City of Seattle, from Westlake Avenue to Prefontaine Place, as a public street and highway, over and across certain lots, blocks, tracts and parcels of land in said city, and providing for the changing and establishing of the grades of the following named streets, viz: FOURTH AVENUE, from Union Street to Yesler Way; FOURTH AVENUE SOUTH, from Yesler Way to Main Street; WASHINGTON STREET, from Fourth Avenue South to Fifth Avenue South; YESLER WAY, from a point one hundred thirty-six and eight tenths (136.8) feet East of the West line of Third Avenue South to Fifth Avenue South; TERRACE STREET, from Fourth Avenue to Fifth Avenue; JEFFERSON STREET, from Third Avenue to Fifth Avenue; JAMES STREET, from Third Avenue to Fifth Avenue; CHERRY STREET, from Third Avenue to Fifth Avenue; COLUMBIA STREET, from Third Avenue to Fifth Avenue; MARION STREET, from Third Avenue to Fifth Avenue; MADISON STREET, from Third Avenue to Fifth Avenue; SPRING STREET, from Third Avenue to Seventh Avenue; SENECA STREET, from Third Avenue to Seventh Avenue; Fifth Avenue, from Seneca Street to Madison Street; and SIXTH AVENUE, from University Street to Madison Street, all in the City of Seattle, and providing for the taking and damaging of all land and other property necessary for the laying off, widening, extending and establishing of said Fourth Avenue and Fourth Avenue South, and for the grading and regrading of said Fourth Avenue, from Union Street to Yesler Way; Fourth Avenue South, from Yesler Way to Main Street; Washington Street, from Fourth Avenue South to Fifth Avenue South; Yesler Way, from a point one hundred thirty-six and eight tenths (136.8) feet East of the West line of Third Avenue South to Fifth Avenue South; Terrace Street, from Fourth Avenue to Fifth Avenue; Jefferson Street, from Third Avenue to Fifth Avenue; James Street, from Third Avenue to Fifth Avenue; Cherry Street, from Third Avenue to Fifth Avenue; Columbia Street, from Third Avenue to Fifth Avenue; Marion Street, from Third Avenue to Fifth Avenue; Madison Street, from Third Avenue to Fifth Avenue; Spring Street, from Third Avenue to Seventh Avenue; Seneca Street, from Third Avenue to Seventh Avenue; Fifth Avenue, from Seneca Street to Madison Street; and Sixth Avenue, from University Street to Madison Street, and approaches thereto, in conformity with such established grades, and in the construction of the necessary viaducts and slopes and retaining walls for cuts and fills upon the property abutting upon said streets and avenues, and providing for the ascertainment and payment of the just compensation to be made for the property and property rights taken or damaged for said purposes, and for an assessment upon the property benefited for the purpose of making such compensation, and paying the cost of said proceeding, and repealing all ordinances and parts of ordinances in conflict herewith.

WHEREAS, public necessity demands that Fourth Avenue and Fourth Avenue South, from Westlake Avenue to Prefontaine Place, in said City of Seattle, be laid off, widened, extended and established as a public

street, and that the grades of Fourth Avenue, from Union Street to Yesler Way; Fourth Avenue South, from Yesler Way to Main Street; Washington Street, from Fourth Avenue South to Fifth Avenue South; Yesler Way, from a point one hundred thirty-six and eight tenths (136.8) feet east of the west line of Third Avenue South to Fifth Avenue South; Terrace Street, from Fourth Avenue to Fifth Avenue; Jefferson Street, from Third Avenue to Fifth Avenue; James Street, from Third Avenue to Fifth Avenue; Cherry Street, from Third Avenue to Fifth Avenue; Columbia Street, from Third Avenue to Fifth Avenue; Marion Street, from Third Avenue to Fifth Avenue; Madison Street, from Third Avenue to Fifth Avenue; Spring Street, from Third Avenue to Seventh Avenue; Seneca Street, from Third Avenue to Seventh Avenue; Fifth Avenue, from Seneca Street to Madison Street; and Sixth Avenue, from University Street to Madison Street, all in the City of Seattle, be changed and established, and that such streets, and approaches thereto, be graded in conformity with such established grades; and

WHEREAS, such improvement will be of special benefit to certain lands, premises and other property, Now Therefore,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. That Fourth Avenue and Fourth Avenue South, in said City of Seattle, from Westlake Avenue to Prefontaine Place, be, and the same are, hereby laid off, extended, widened and established as public streets and highways, of a uniform width of eighty-four (84) feet, over and across certain lots, blocks, tracts and parcels of land in said city, more particularly described as follows, to-wit:

(1) All these lots, blocks, tracts and parcels of land lying between the center line of Fourth Avenue, as the same now exists, and a line forty-two (42) feet to the Eastward of and parallel with said center line of Fourth Avenue, from the Southerly marginal line of Westlake Avenue to the Northerly marginal line of Union Street.

(2) All of those lots, blocks, tracts and parcels of land lying between the center line of Fourth Avenue, as it now exists, and a line forty-two (42) feet to the Westward of and parallel with the said center line of Fourth Avenue, from the Southerly marginal line of Pike Street to the Northerly marginal line of Union Street.

(3) A strip of land eighty-four (84) feet in width, extending from the Northerly marginal line of Seneca Street, to the Southerly marginal line of Union Street, and being forty-two (42) feet in width on each side of the center line of Fourth Avenue produced, from Seneca Street to Union Street.

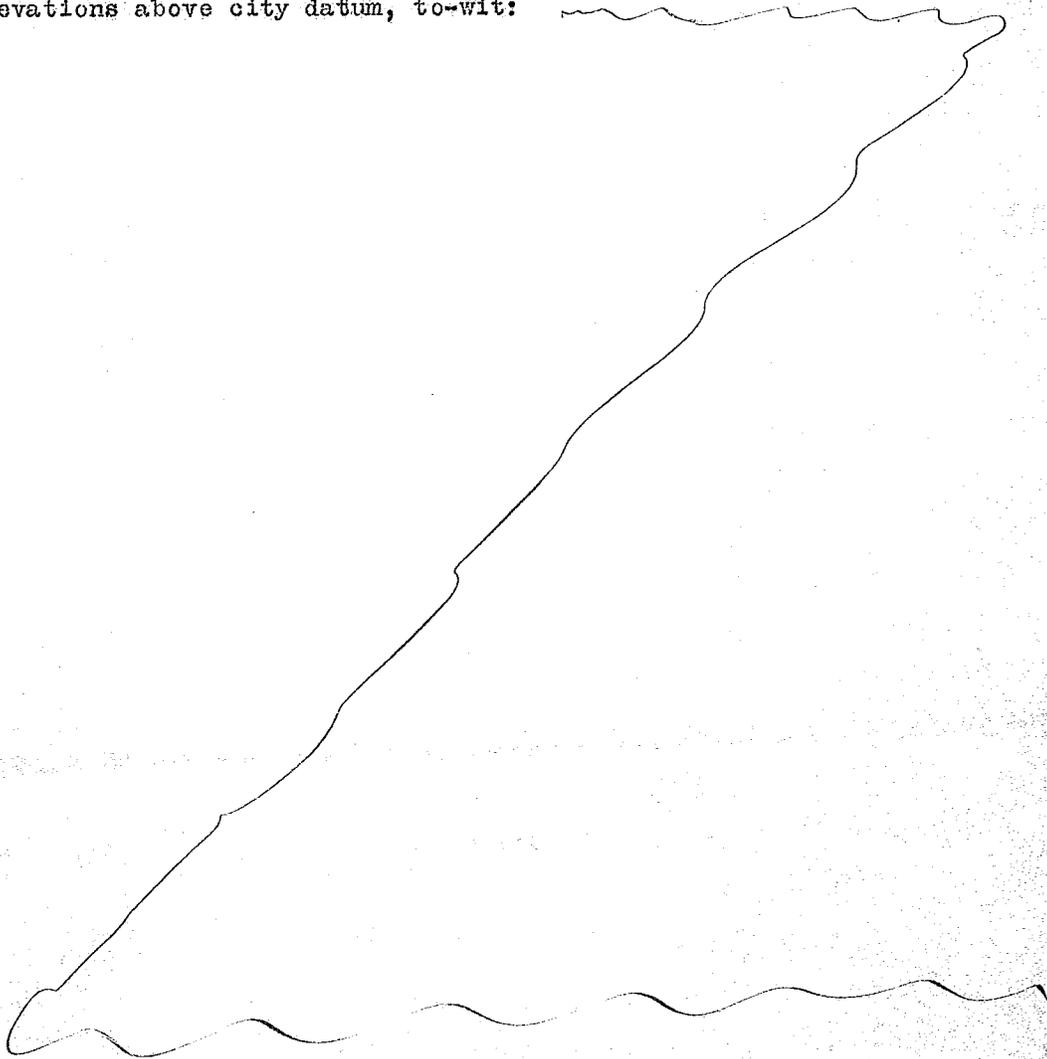
(4) All those lots, blocks, tracts and parcels of land lying between the center line of Fourth Avenue, as it now exists, and a line forty-two (42) feet to the Eastward of and parallel with the said center line of Fourth Avenue, from the Southerly marginal line of Seneca Street to the Northerly marginal line of Yesler Way.

(5) All those lots, blocks, tracts and parcels of land lying between the center line of Fourth Avenue, as it now exists, and a line forty-two (42) feet to the Westward of and parallel with the said center line of Fourth Avenue, from the Southerly marginal line of Seneca Street to the Northerly marginal line of Yesler Way.

(6) All those lots, blocks, tracts and parcels of land lying between the center line of Fourth Avenue South and a line fifty-one (51) feet to the Westward of and parallel with the said center line of Fourth Avenue South, as it now exists, from the Southerly marginal line of Yesler Way to the Northerly marginal line of Prefontaine Place.

Section 2. That the grades of ~~Fourth Avenue and Fourth Avenue South, from Washington Avenue to Prefontaine Place;~~ Fourth Avenue, from Union Street to Yesler Way; Fourth Avenue South, from Yesler Way to Main Street; Washington Street, from Fourth Avenue South to Fifth Avenue South; Yesler Way, from a point one hundred thirty-six and eight tenths (136.8) feet East of the West line of Third Avenue South to Fifth Avenue South; Terrace Street, from Fourth Avenue to Fifth Avenue;

Jefferson Street, from Third Avenue to Fifth Avenue; James Street, from Third Avenue to Fifth Avenue; Cherry Street, from Third Avenue to Fifth Avenue; Columbia Street, from Third Avenue to Fifth Avenue; Marion Street, from Third Avenue to Fifth Avenue; Madison Street, from Third Avenue to Fifth Avenue; Spring Street, from Third Avenue to Seventh Avenue; Seneca Street, from Third Avenue to Seventh Avenue; Fifth Avenue, from Seneca Street to Madison Street; and Sixth Avenue, from University Street to Madison Street, all in the City of Seattle, be and the same are hereby changed and established at the following elevations above city datum, to-wit:



ON FOURTH AVENUE:

At the south margin of Union Street,	East curb,	125.39	ft. ✓
	West curb,	124.90	" ✓
At the north margin of University Street	East curb,	139.51	" ✓
	West curb,	139.01	" ✓
At the south margin of University Street	East curb,	142.09	" ✓
	West curb,	141.59	" ✓
At the north margin of Seneca Street	East curb,	151.50	" ✓
	West curb,	151.00	" ✓
At the south margin of Seneca Street	East curb,	151.72	" ✓
	West curb,	151.22	" ✓
At the north margin of Spring Street,	East curb,	152.50	" ✓
	West curb,	152.00	" ✓
At the south margin of Spring Street	East curb,	152.50	" ✓
	West curb,	152.00	" ✓
At the north margin of Madison Street	East curb,	147.01	" ✓
	West curb,	146.51	" ✓
At the south margin of Madison Street	East curb,	145.50	" ✓
	West curb,	145.00	" ✓
At the north margin of Marion Street	East curb,	134.09	" ✓
	West curb,	133.59	" ✓
At the south margin of Marion Street	East curb,	130.95	" ✓
	West curb,	130.45	" ✓
At the north margin of Columbia Street	East curb,	119.56	" ✓
	West curb,	119.06	" ✓
At the south margin of Columbia Street	East curb,	116.43	" ✓
	West curb,	115.93	" ✓
At the north margin of Cherry Street	East curb,	105.04	" ✓
	West curb,	104.54	" ✓
At the south margin of Cherry Street	East curb,	101.91	" ✓
	West curb,	101.41	" ✓
At the north margin of James Street	East curb,	90.53	" ✓
	West curb,	90.03	" ✓
At the south margin of James Street	East curb,	87.40	" ✓
	West curb,	86.90	" ✓
At the north margin of Jefferson Street	East curb,	76.01	" ✓
	West curb,	75.51	" ✓
At the south margin of Jefferson Street	East curb,	72.88	" ✓
	West curb,	72.38	" ✓
At the north margin of Terrace Street	East curb,	61.50	" ✓
	West curb,	61.00	" ✓

ON FOURTH AVENUE SOUTH:

At the south margin of Yeeler Way	East curb,	57.20	ft. ✓
	West curb,	56.70	" ✓
At the northerly margin of Prefontaine Place,	West curb,	48.75	" ✓
East curb at a point opposite the foregoing,		49.25	" ✓
At the south margin of Washington Street	East curb,	44.00	ft. ✓
	West curb,	43.50	" ✓
At the north margin of Main Street	East curb,	37.00	" ✓
	West curb,	36.50	" ✓

ON WASHINGTON STREET:

At the East margin of Fourth Avenue South	North curb,	46.20	ft. ✓
	South curb,	44.50	" ✓
At the west margin of Fifth Avenue South	North curb,	78.40	" ✓
at the existing elevation,		78.40	" ✓
South curb at the existing elevation,		78.40	" ✓

ON YESSLER WAY:

At a point one hundred thirty-six and eight tenths (136.8) feet east of the west line of Third Avenue South,	North curb, 59.00 ft. ✓ South curb, 58.00 " ✓
At the west margin of Fourth Avenue South,	North and South curbs 75.83 " ✓
At the east margin of Fourth Avenue South,	North and South curbs, 84.28 " ✓
At the west margin of Fifth Avenue South,	North curb, 110.00 " ✓ South curb, 110.00 " ✓

~~ON TERRACE STREET~~

ON TERRACE STREET.

At the east margin of Fourth Avenue,	North curb, 84.30 ft. ✓ South curb, 84.30 " ✓
At the west margin of Fifth Avenue,	112.00 " ✓
North curb, at the existing elevation,	112.00 " ✓
South curb, at the existing elevation,	

ON JEFFERSON STREET.

At the east margin of Third Avenue,	North curb, 57.24 ft. ✓ South curb, 55.90 " ✓
At the east margin of Fourth Avenue,	North curb, 75.85 " ✓ South curb, 73.50 " ✓
At the west margin of Fourth Avenue,	North curb, 74.90 " ✓ South curb, 72.55 " ✓
At the west margin of Fifth Avenue,	
North curb, at the existing elevation,	125.00 " ✓
South curb, at the existing elevation,	123.50 " ✓

ON JAMES STREET.

At the east margin of Third Avenue,	North curb, 65.52 ft. ✓ South curb, 34.18 " ✓
At the west margin of Fourth Avenue,	North curb, 89.42 " ✓ South curb, 87.07 " ✓
At the east margin of Fourth Avenue,	North curb, 90.37 " ✓ South curb, 88.02 " ✓
At the west margin of Fifth Avenue,	
North curb, at the existing elevation,	143.75 " ✓
South curb, at the existing elevation,	143.75 " ✓

ON CHERRY STREET.

At the east margin of Third Avenue,	North curb, 73.93 ft. ✓ South curb, 72.58 " ✓
At the west margin of Fourth Avenue,	North curb, 103.93 " ✓ South curb, 101.58 " ✓
At the east margin of Fourth Avenue,	North curb, 104.88 " ✓ South curb, 102.53 " ✓
At the west margin of Fifth Avenue,	
North curb, at the existing elevation,	172.00 " ✓
South curb, at the existing elevation,	172.00 " ✓

ON COLUMBIA STREET.

At the east margin of Third Avenue	North curb,	84.20 ft.
	South curb,	82.55 "
At the west margin of Fourth Avenue	North curb,	118.45 "
	South curb,	116.10 "
At the east margin of Fourth Avenue	North curb,	119.40 "
	South curb,	117.05 "
At the west margin of Fifth Avenue,		
North curb, at the existing elevation		174.50 "
South curb, at the existing elevation		174.50 "

ON MARION STREET.

At the east margin of Third Avenue	North curb,	94.50 ft.
	South curb,	92.85 "
At the west margin of Fourth Avenue	North curb,	132.98 "
	South curb,	130.62 "
At the east margin of Fourth Avenue,	North curb,	133.93 "
	South curb,	131.57 "
At the west margin of Fifth Avenue		
North curb, at the existing elevation,		176.70 "
South curb, at the existing elevation,		176.70 "

ON MADISON STREET.

At the east margin of Third Avenue	North curb,	104.80 Ft.
	South curb,	103.15 "
At the west margin of Fourth Avenue	North curb,	146.11 "
	South curb,	145.04 "
At the east margin of Fourth Avenue,	North curb,	146.96 "
<del>XXXXXXXXXX</del>	South curb,	145.87 "
At the west margin of Fifth Avenue,		
North curb, at the existing elevation,		180.00 "
South curb, at the existing elevation,		180.00 "

ON SPRING STREET.

At the east margin of Third Avenue	North curb,	113.17 ft.
	South curb,	113.08 "
At the west margin of Fourth Avenue	North curb,	151.97 "
	South curb,	152.00 "
At the east margin of Fourth Avenue,	North curb,	152.67 "
	South curb,	152.70 "
At the west margin of Fifth Avenue,	North curb,	177.15 "
	South curb,	177.75 "
At the east margin of Fifth Avenue,	North curb,	178.15 "
	South curb,	178.75 "
At the west margin of Sixth Avenue,	North curb,	204.20 "
	South curb,	205.65 "
At the east margin of Sixth Avenue,	North curb,	205.20 "
	South curb,	206.65 "
At the west margin of Seventh Avenue,		
North curb, at the existing elevation,		226.70 "
South curb, at the existing elevation,		227.30 "

ON SENECA STREET.

At the east margin of Third Avenue,	North curb,	113.76 ft.
	South curb,	113.67 "
At the west margin of Fourth Avenue,	North curb,	150.97 "
	South curb,	151.08 "
At the east margin of Fourth Avenue,	North curb,	151.64 "
	South curb,	151.75 "
At the west margin of Fifth Avenue,	North curb,	168.20 "
	South curb,	168.90 "
At the east margin of Fifth Avenue,	North curb,	169.20 "
	South curb,	169.90 "
At the west margin of Sixth Avenue,	North curb,	185.20 "
	South curb,	185.90 "
At the east margin of Sixth Avenue,	North curb,	186.20 "
	South curb,	186.90 "
At the west margin of Seventh Avenue,		
North curb, at the existing elevation,		202.20 "
South curb, at the existing elevation,		203.20 "

ON FIFTH AVENUE.

At the south margin of Seneca Street,	East curb,	169.90 ft.
	West curb,	169.20 "
At the north margin of Spring Street,	East curb,	177.90 "
	West curb,	177.18 "
At the south margin of Spring Street,	East curb,	178.72 "
	West curb,	178.00 "
At the north margin of Madison Street,		
East curb, at the existing elevation,		184.50 "
West curb, at the existing elevation,		101.00 "

ON SIXTH AVENUE.

At the south margin of University Street,		
East curb at the existing elevation,		171.80 ft.
West curb at the existing elevation,		171.80 "
At the North margin of Seneca Street,	East curb,	185.90 "
	West curb,	185.20 "
At the south margin of Seneca Street,	East curb,	186.90 "
	West curb,	186.20 "
At the north margin of Spring Street,	East curb,	204.70 "
	West curb,	204.15 "
At the south margin of Spring Street,	East curb,	206.70 "
	West curb,	206.15 "
At the north margin of Madison Street,		
East curb, at the existing elevation,		224.10 "
West curb, at the existing elevation,		220.90 "

*Evidently a Clerical Error -  
 (Should have been 181.00 according to  
 pencil notation on scrapbook copy of  
 published Ord. in City Engineers vault. See also  
 Profiles 513-10.) Stark, 4-15-1932.  
 § 316-23*

All grade lines shall run straight between the respective points established herein.

Section 3. That all the lands, premises and other property within the limits of the lots, blocks, tracts and parcels of land bounded and described in Section One herein, be and the same are hereby condemned and appropriated to the public use for the purpose of a pub-

lic street and highway forever; and that all the lands, rights, privileges and other property necessary to be taken, used or damaged in the grading and re-grading of said Fourth Avenue, from Union Street to Yesler Way; Fourth Avenue South, from Yesler Way to Main Street; Washington Street, from Fourth Avenue South to Fifth Avenue South; Yesler Way, from a point one hundred thirty-six and eight tenths (136.8) feet East of the West line of Third Avenue South to Fifth Avenue South; Terrace Street, from Fourth Avenue to Fifth Avenue; Jefferson Street, from Third Avenue to Fifth Avenue; James Street, from Third Avenue to Fifth Avenue; Cherry Street, from Third Avenue to Fifth Avenue; Columbia Street, from Third Avenue to Fifth Avenue, Marion Street, from Third Avenue to Fifth Avenue; Madison Street, from Third Avenue to Fifth Avenue; Spring Street, from Third Avenue to Seventh Avenue; Seneca Street, from Third Avenue to Seventh Avenue; Fifth Avenue, from Seneca Street to Madison Street; and Sixth Avenue, from University Street to Madison Street, and approaches thereto, in conformity with such established grades, and in the construction of viaducts and slopes and retaining walls for cuts and fills upon the property abutting on said streets and avenues, and approaches thereto, are hereby condemned and appropriated to the public use for the purpose of making such changes of grade, and in the construction of the necessary viaducts and slopes and retaining walls in the grading and regrading of said streets and avenues. Said lands, rights, privileges and other property to be taken and appropriated only after just compensation has been made or paid into court for the owner, in the manner provided by law.

Section 4. That the corporation counsel be, and he is hereby, authorized and directed to file in the Superior Court of the State of Washington, for King County, in the name of the City of Seattle, a petition, complying with the requirements of the laws of the State of Washington, and praying that just compensation to be made for the property and property rights to be taken or damaged for the laying off,

widening, extending and establishing of said Fourth Avenue and Fourth Avenue South, from Westlake Avenue to Prefontaine Place as a public street, as provided in Section One herein, and for the property and property rights to be taken or damaged by reason of the changing of the grades of said streets and avenues, and the grading and re-grading of the same, in conformity therewith, and by the construction of the necessary viaducts and slopes and retaining walls for cuts and fills upon abutting property, as provided in Sections two and three herein, be ascertained by a jury, or by the court in case a jury be waived.

Section 5. An assessment shall be made in the manner provided by law for the purpose of raising the amount necessary to pay the compensation and damages which shall be awarded for the property taken or damaged as aforesaid, and the cost of making and collecting such assessment, and said assessment shall be made subject to the provisions of said laws upon all the property specially benefited.

Any part of the compensation, damages or costs that is not finally assessed against said property benefited shall be paid from the general fund of the City of Seattle.

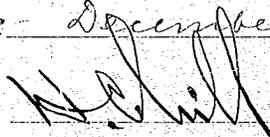
For the purpose of said special assessment, a supplementary petition shall be filed in said Court, and all other acts and proceedings necessary for the making, completion and collection of said assessment shall be taken and done as provided by the laws of the State of Washington.

Section 6. That all ordinances and parts of ordinances in conflict herewith, be, and the same are, hereby repealed.

Sec. 7. This Ordinance shall take effect and be in force 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 the City Council the 4<sup>th</sup> day of December 1905 and signed by me in open session in authentication of its passage

this 4<sup>th</sup> day of December 1905



President of the City Council.

Approved by me this 7<sup>th</sup> day of December 1905

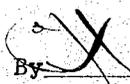
  
Mayor.

Filed by me this 7<sup>th</sup> day of December 1905

Attest:



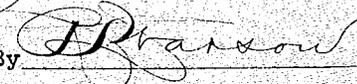
City Comptroller and ex-officio City Clerk.



By

Deputy Clerk.

Published DEC 11 1905 1905

  
City Comptroller and ex-officio City Clerk.  
By

Deputy Clerk.