

Ordinance No. 19723

AN ORDINANCE PROVIDING FOR
the regrading of Fifth Avenue North,
from Harrison Street to Roy Street.

Council Bill No. 6898

INTRODUCED:

NOV 23 1908

REFERRED:

NOV 23 1908

REFERRED:

REPORTED:

DEC -7 1908

SECOND READING:

DEC -7 1908

THIRD READING:

DEC -7 1908

SIGNED:

DEC -7 1908

PRESENTED TO MAYOR:

DEC 11 1908

FILED:

DEC 15 1908

ENGROSSED:

VOL. F1 PAGE 3/3

COMPARED BY:

Compared by Barnes & Johnson
AND

BY:

SPARKMAN

TO:

STREET COM.

VETO:

VETO PUBLISHED:

VETO SUSTAINED

APPROVED:

DEC 15 1908

PUBLISHED:

DEC 16 1908

BY:

HB.

2000
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ORDINANCE NO. 19723

AN ORDINANCE Providing for the changing and establishing of the grades of Fifth Avenue North, from Harrison Street to Roy Street, and approaches thereto, all in the City of Seattle; and providing for the condemnation, appropriation, taking and damaring of land and other property necessary for the grading and regrading of said Avenue and approaches thereto, all in the City of Seattle, in conformity with such established grades; and for the construction of all necessary slopes for cuts and fills upon the property abutting upon said Avenue and approaches thereto, all in the City of Seattle; and providing that the payment for such improvement be made by special assessment upon property specially benefited, in the manner provided by law; and repealing all ordinances and parts of ordinances in conflict herewith.

WHEREAS, Public necessity and convenience demand that the grades of Fifth Avenue North, from Harrison Street to Roy Street, and approaches thereto, all in the City of Seattle, be changed and established, and that said Avenue and approaches thereto, all in the City of Seattle, be graded and regraded in conformity with such established grades, and

WHEREAS, Such improvement will be of special benefit to certain lands and other property; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE, AS FOLLOWS:

Section 1. That the grades of Fifth Avenue North, from Harrison Street to Roy Street, and approaches thereto, all in the City of Seattle, be and the same are hereby changed and established at the following elevations above city datum, to-wit:

At the north margin of Harrison Street,	91.48 ft.
East Curb,	91.50 ft.
West Curb,	

At the south margin of Republican Street,	82.68 ft.
East Curb,	83.28 ft.
West Curb,	

At the north margin of Republican Street,	82.40 ft.
East Curb,	83.00 ft.
West Curb,	

At the south margin of Mercer Street,	80.03 ft.
East Curb,	81.28 ft.
West Curb,	

At the north margin of Mercer Street,
East Curb,
West Curb,

80.13 ft.
81.18 ft.

At the south margin of Roy Street,
East Curb,
West Curb,

91.10 ft.
91.00 ft.

That the grades of the approaches to said Avenue be changed and established to conform to the grades established herein, to such distance back from said Avenue, not exceeding one hundred twenty (120) feet, as may be necessary.

That the curb grades shall be straight between the elevations established herein.

That in the construction of the necessary slopes for cuts and fills, upon property abutting upon said Avenue and approaches thereto, all in the City of Seattle, in conformity with such established grades, each cut shall be carried back into and extend upon the abutting real property one (1) foot for each foot in depth of cut, and each fill shall be carried back and extend upon the abutting real property one and one-half ($1\frac{1}{2}$) feet for each foot in elevation of fill.

Section 2. That all lands, rights, privileges and other property necessary to be taken, used or damaged in the grading and regrading of said Fifth Avenue North, from Harrison Street to Roy Street, and approaches thereto, all in the City of Seattle, in conformity with the grades established in Section one (1) hereof, and in the construction of the necessary slopes for cuts and fills upon the real property abutting upon said Avenue and approaches thereto, all in the City of Seattle, are hereby condemned to the public use for such purposes. Said lands, rights, privileges and other property are 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 3. That the improvement provided for in this ordinance be paid for by special assessment upon property specially benefited, in the manner provided by law. Any part of the costs of said improvement that is not finally assessed against the property specially benefited, shall be paid from the General Fund of the City of Seattle.

Section 4. 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, and also to take the steps necessary to make such special assessment.

Section 5. That all ordinances and parts of ordinances in conflict herewith, be, and the same are hereby, in all things repealed.

(To be used in all ordinances except in emergency ordinances)

Section 6 This ordinance shall take effect thirty (30) days after its passage and approval, if approved by the Mayor; otherwise it shall become a law and take effect as provided by the city charter.

Passed the City Council the 7th day of DECEMBER 1908, and signed by me in open session in authentication of its passage this 7th day of DECEMBER 1908.

H. H. Murphy
President PRO-TEM of the City Council.

Approved by me this 15th day of DECEMBER 1908.

John H. Sullivan
Mayor.

Filed by me this 15th day of DECEMBER 1908.

Attest: A. M. Carroll
City Comptroller and ex-officio City Clerk.

(SEAL)

By _____ Deputy Clerk.

DEC 16 1908

Published

A. M. Carroll
City Comptroller and ex-officio City Clerk.

By A. M. Carroll
Deputy Clerk.

JOSEPH BLETHEN, being duly sworn, says he is the publisher of **THE MORNING TIMES** and the **SEATTLE DAILY BULLETIN**, a daily newspaper, printed and published at Seattle, King County, State of Washington; that it is a newspaper of general circulation in said County and State, and that the annexed, being Ordinance No. 19723, was published in said newspaper, and not in a supplement thereof, and is a true copy of the notice as it was published in the regular and entire issue of said paper on the 16th day of December 1908, and that said newspaper was regularly distributed to its subscribers on said day.

ORDINANCE NO. 19723.
AN ORDINANCE providing for the changing and establishing of the grades of Fifth Avenue North, from Harrison Street to Roy Street, and approaches thereto, all in the City of Seattle; and providing for the condemnation, appropriation, taking and damaging of land and other property necessary for the grading and regrading of said Avenue and approaches thereto, all in the City of Seattle, in conformity with such established grades; and for the construction of all necessary slopes for cuts and fills upon the property abutting upon said Avenue and approaches thereto, all in the City of Seattle; and providing that the payment for such improvement be made by special assessment upon property specially benefited, in the manner provided by law; and repealing all ordinances and parts of ordinances in conflict herewith.

Whereas, Public necessity and convenience demand that the grades of Fifth Avenue North, from Harrison Street to Roy Street, and approaches thereto, all in the City of Seattle, be changed and established, and that said Avenue and approaches thereto, all in the City of Seattle, be graded and regraded in conformity with such established grades; and

Whereas, Such improvement will be of special benefit to certain lands and other property; now, therefore,
Be it ordained by the City of Seattle as follows:

Section 1. That the grades of Fifth Avenue North, from Harrison Street to Roy Street, and approaches thereto, all in the City of Seattle, be and the same are hereby changed and established at the following elevations above city datum, to-wit:

At the north margin of Harrison Street:
East curb, 91.45 feet.
West curb, 91.50 feet.

At the south margin of Republican Street:
East curb, 82.68 feet.
West curb, 82.25 feet.

At the north margin of Republican Street:
East curb, 82.40 feet.
West curb, 82.00 feet.

At the south margin of Mercer Street:
East curb, 80.03 feet.
West curb, 81.28 feet.

At the north margin of Mercer Street:
East curb, 80.13 feet.
West curb, 81.18 feet.

At the south margin of Roy Street:
East curb, 91.19 feet.
West curb, 91.00 feet.

That the grades of the approaches to said Avenue be changed and established to conform to the grades established herein, to such distance back from said Avenue not exceeding one hundred twenty (120) feet, as may be necessary.

That the curb grades shall be straight between the elevations established herein.

That in the construction of the necessary slopes for cuts and fills, upon property abutting upon said Avenue and approaches thereto, all in the City of Seattle, in conformity with such established grades, each cut shall be carried back into and extend upon the abutting real property one (1) foot for each foot in depth of cut, and each fill shall be carried back and extend upon the abutting real property one and one-half (1 1/2) feet for each foot in elevation of fill.

Section 2. That all lands, rights, privileges and other property necessary to be taken, used or damaged in the grading and regrading of said Fifth Avenue North, from Harrison Street to Roy Street, and approaches thereto, all in the City of Seattle, in conformity with the grades established in Section one (1) hereof, and in the construction of the necessary slopes for cuts and fills upon the real property abutting upon said Avenue and approaches thereto, all in the City of Seattle, are hereby condemned to the public use for such purposes. Said lands, rights, privileges and other property are 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 3. That the improvement provided for in this ordinance be paid for by special assessment upon property specially benefited, in the manner provided by law. Any part of the costs of said improvement that is not finally assessed against the property specially benefited, shall be paid from the General Fund of the City of Seattle.

Section 4. 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, and also to take steps necessary to make such special assessment.

Section 5. That all ordinances and parts of ordinances in conflict herewith, be, and the same are hereby, in all things repealed.

Section 6. This ordinance shall take effect thirty (30) days after its passage and approval, if approved by the Mayor; otherwise it shall become a law and take effect as provided by the city charter.

Passed the City Council the 7th day of December, 1908, and signed by me in open session in authentication of its passage this 7th day of December, 1908.

WM. H. MURPHY,
President pro tem. of the City Council.

Approved by me this 15th day of December, 1908.

JOHN F. MILLER, Mayor.

Filed by me this 15th day of December, 1908.

Attest: (Seal) H. W. CARROLL,
City Controller and ex-officio City

Clerk.

Published December 18, 1908.

Subscribed and sworn to before me this 16th day of December 1908.

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

Ord 19723

FILED

At _____ o'clock _____ M.

JAN 4 1909

H. W. CARROLL,
CITY COMPTROLLER
AND EX-OFFICIO CITY CLERK