

**Ordinance No.**

Providing for the laying off, opening, extending, widening and establishing of Forty-second Avenue South from Chicago Street to Empire Way; providing for the changing and establishing of curb grades on Forty-second Avenue South from Empire Way to Kenyon Street; providing for the condemnation, appropriation, taking and damaging of land and other property necessary for the laying off, extending, widening and, etc.

**Council Bill No.**

INTRODUCED: FEB 5 1917	BY: J. B. ...
REFERRED: FEB 7 1917	TO: COUNCIL MEMBERS
REFERRED:	
REPORTED: FEB 13 1917	VETO:
SECOND READING: FEB 13 1917	PUBLISHED:
THIRD READING:	VETO SUSTAINED:
SIGNED: J. B. ...	PASSED OVER VETO:
PRESENTED TO MAYOR:	APPROVED: FEB 13 1917
FILED:	PUBLISHED:
ENGROSSED:	BY:
VOL. R 1 PAGE 28	J. B. ...
COMPARED BY Compared by Scott Street	

68966 *Quart of Iron*

*Quart of Iron*

AJA/JA  
2-5-17

ORDINANCE No.....

AN ORDINANCE, providing for the laying off, opening, extending, widening and establishing of Forty-second Avenue South, from Chicago Street to Empire Way; providing for the changing and establishing of curb grades on Forty-second Avenue South from Empire Way to Kenyon Street; providing for the condemnation, appropriation, taking and damaging of land and other property necessary for the laying off, opening, extending, widening and establishing of the above avenue, and necessary for the grading and regrading of the above avenue, from Kenyon Street to Empire Way in conformity with such established grades, and necessary for the construction of slopes for cuts and fills, and for the making of temporary approaches on the intersecting side streets; providing that the entire cost of said improvement shall be paid by special assessment upon property especially benefited, in the manner provided by law.

WHEREAS, public necessity and convenience demand that the above named avenue be laid off, opened, extended, widened and established as a public street and highway, that the curb grades of the above named avenue be changed and established, and that the above named avenue be graded and regraded in conformity with such established grades;

AND WHEREAS, said 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 Forty-second Avenue South be and the same is hereby laid off, opened, extended, widened and established from Chicago Street to Empire way over and across the following lots, blocks or tracts of land, to-wit:

IN KITTINGER'S ADDITION TO THE CITY OF SEATTLE: the west thirty (30) feet of Lots one (1) to nine (9) inclusive, Block three (3).

UNPLATTED TRACTS OF LAND IN SECTION TWENTY-SEVEN (27), TOWNSHIP TWENTY-FOUR (24) NORTH, RANGE FOUR (4) EAST, W.M.

The east thirty (30) feet of the north half of the Southeast quarter of the Southwest quarter of said Section Twenty-seven (27). That portion of the South half of the Southeast quarter of the Northeast quarter of the Southwest quarter of said Section Twenty-seven (27) described as follows.

Beginning at the Southeast corner of said subdivision of said Section Twenty-seven (27); thence north along the east line thereof, a distance of one hundred forty-two and eighty-three one-hundredths (142.83) feet to a point on the southwest margin of Empire Way as established by Ordinance No. 30673; thence northwesterly along said southwesterly margin a distance of one hundred and eighty-four one-hundredths (100.84) feet; thence south along a line which is distant thirty

(30) feet west from and parallel with the east line of said subdivision of said Section Twenty-seven (27) a distance of two hundred thirty-eight and eighty-four one-hundredths (238.84) feet to a point on the south line thereof; thence east along said south line a distance of thirty (30) feet to the point of beginning.

Section 2. That the curb grades of Forty-second Avenue South from Empire Way to Kenyon Street, be, and the same are hereby changed and established to the following elevations above City Datum, to-wit:

- At the north margin of Kenyon Street:  
East and west curb, 109.00 feet.
- At the South margin of Bozeman Street:  
East and west curb, 104.00 feet.
- At the north margin of Bozeman Street:  
East and west curb, 103.68 feet.
- At the south margin of Chicago Street:  
East and west curb, 103.00 feet.
- At the north margin of Chicago Street:  
East and west curb, 103.00 feet.
- At the south margin of Holden Street:  
East and west curb, 105.00 feet.
- At a point 60 feet north of the south margin of Holden Street:  
East and west curb, 105.50 feet.
- At a point 175 feet north from the south margin of Holden Street (at the beginning of a vertical curve):  
East and west curb, 109.52 feet.
- At a point 375 feet north of the south margin of Holden Street (at the end of a vertical curve):  
East and west curb, 114.22 feet.
- At a point 60 feet south from the north margin produced, of Webster Street:  
East and west curb, 117.83 feet.
- At the north margin produced, of Webster Street:  
West curb, 117.83 feet.
- Opposite the intersection of the west margin of said Forty-second Avenue South and the Southwesterly margin of Empire Way at elevations established by Ordinance No. 30673:  
West curb, 117.16 feet.

That the curb gradients shall be straight lines between the elevations established herein except in those cases where they are specified as lying in vertical curves.

And in the grading and regrading of the above named avenue, the City of Seattle shall acquire the right,

in the case of a cut, to remove the lateral support of the real property abutting upon said avenue, and in every case the right to remove the lateral support shall include the right to carry the slopes back into and extending upon the abutting real property at least one (1) foot for each foot of depth of cut. That in the case of fills the right shall be acquired to extend and maintain, upon the abutting property slopes of one and one-half ( $1\frac{1}{2}$ ) feet for each foot of elevation of fill for the purpose of acquiring ample support for said avenue, reserving unto the abutting property owners, respectively, the right at any time, to remove such slopes upon providing other adequate support for such streets.

That in the grading and regrading of said avenue, the city shall acquire the right to grade temporary approaches on all intersecting side streets to such a distance back as may be necessary.

Section 3. That all lands, rights and privileges and other property lying within the limits of the lots, blocks and tracts of land described in Section 1 hereof, be and the same are hereby condemned, appropriated, taken and damaged for the purposes of public streets and highways and that all lands, rights and privileges and other property necessary to be taken, used or damaged in the grading and regrading of said avenue, in conformity with the grades established in Section 2 hereof and in the construction of the necessary slopes for cuts and fills upon the real property abutting upon said avenue and for the purpose of making temporary approaches on the side streets intersecting the above named avenue, are hereby condemned, appropriated, taken and damaged to the public use for such purposes; 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, in the manner provided by law.

Section 4. That the entire cost of the improvement provided for herein, shall be paid by special assessment upon the property specially benefited, in the manner provided by law, and that no part shall be paid from the General Fund of the City of Seattle.

Section 5. That the Corporation Counsel be, and he is hereby authorized to begin and prosecute actions and proceedings in the manner provided by law, to condemn, damage, take and appropriate lands and other property necessary to carry out the provisions of this ordinance, and also to take steps necessary to make such special assessment.

(To be used for all Ordinances except Emergency.)

Section 6. 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 the City Council the 13 day of 1917 and signed by me in open session in authentication of its passage this 13 day of 1917

President of the City Council.

Approved by me this 19 day of 1917 Mayor.

Filed by me this 19 day of 1917

Attest: City Comptroller and Ex-Officio City Clerk.

[SEA] By Deputy Clerk.

Published City Comptroller and Ex-Officio City Clerk.

By Deputy Clerk.