

Ordinance No. 40216 40216

Providing for the laying off, opening, widening, extending and establishing of 28th Ave. Northwest from W.75th St. to north City Limits; providing for the changing and establishing of the curb grades, etc.

(re-written)

Council Bill No. 29231

INTRODUCED: SEP 29 1919	BY: STREETS & SEWERS
REFERRED: SEP 29 1919	TO: STREETS & SEWERS
REFERRED:	
REPORTED: DEC 8 1919	VETO:
SECOND READING: DEC 8 1919	PUBLISHED:
THIRD READING: DEC 8 1919	VETO SUSTAINED:
SIGNED: DEC 8 1919	PASSED OVER VETO:
PRESENTED TO MAYOR: DEC 11 1919	APPROVED: DEC 9 1919
FILED: DEC 9 1919	PUBLISHED: DEC 13 1919
ENGROSSED: VOL. 71 PAGE 249	BY: L.S.B.
COMPALED BY:	

Book

*71891 - amount of fine
Ord 41581 - provide for 1/2 reduction cost
8/026 - Comm. C. re condemn award number Ord 40216 for 1/2 by purpose*

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FILED: DEC 9 1919	PUBLISHED: DEC 13 1919
ENROLED: VOL. 71 PAGE 219	BY: LJB
COMPALED BY:	

*77891 - amount of pay
Ord 41531 - provided for p. 24, sub. 100
81026 - Com. C. de condem award under Ord 40216 for St. Hy. purpose*

Pass

ORDINANCE NO. 40216

AN ORDINANCE Providing for the laying off, opening, widening, extending and establishing of 28th Avenue Northwest, from West 75th Street to the north City Limits; providing for the changing and establishing of the curb grades of said 28th Avenue Northwest, from West 75th Street to West 80th Street; providing for the condemnation, appropriation, taking and damaging of land and other property necessary for the laying off, opening, widening, extending and establishing of the above described avenue; and for the changing and establishing of the grades and the grading and regrading of the above described avenue and approaches thereto in conformity to the grades established herein; providing for the necessary slopes for cuts and fills upon the property abutting on said avenue and approaches thereto; and providing that the entire cost of such improvement shall be paid by special assessment upon the property specially benefited, in the manner provided by law.

WHEREAS, Public necessity and convenience demand that the above named avenue be laid off, opened, widened, extended, and established as a public street and highway, and that the curb grades of the above named avenue be changed and established and that said avenue and approaches thereto be graded and regraded 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 28th Avenue Northwest, from West 75th Street to the North City Limits, be and the same is hereby laid off, opened, widened, extended and established as a public street and highway across the following lots, blocks, or tracts of land, to-wit:

That portion of the southeast quarter of the southeast quarter of the southwest quarter of the northwest quarter (SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of NW $\frac{1}{4}$) of section two (2), township twenty-five (25) north of range three (3) east, W.M., described as follows:

Beginning at the southeast corner of said subdivision; thence north along the east line of said subdivision a distance of three hundred thirty-five and six one-hundredths (335.06) feet to the northeast corner thereof; thence west

along the north line of said subdivision a distance of fifty-five and ninety-five one-hundredths (55.95) feet; thence southerly along a straight line a distance of three hundred thirty-five and twelve one-hundredths (335.12) feet to a point on the south line of said subdivision, said point being distant fifty-six and two one-hundredths (56.02) feet west from the southeast corner thereof; thence east along said south line to the point of beginning.

That portion of the south one-half of the northeast quarter of the southeast quarter of the southwest quarter of the northwest quarter ($S\frac{1}{2}$ of $NE\frac{1}{4}$ of $SE\frac{1}{4}$ of $SW\frac{1}{4}$ of $NW\frac{1}{4}$) of section two (2), township twenty-five (25) north, range three (3) east, W.M., described as follows:

Beginning at the southeast corner of said subdivision; thence north along the east line thereof a distance of one hundred sixty-seven and fifty-three one-hundredths (167.53) feet to the northeast corner thereof; thence west along the north line of said subdivision, a distance of fifty-five and ninety-two one-hundredths (55.92) feet; thence south along a straight line a distance of one hundred sixty-seven and fifty-six one-hundredths (167.56) feet to a point on the south line of said subdivision, said point being distant fifty-five and ninety-five one-hundredths (55.95) feet west from the southeast corner thereof; thence east along said south line to the point of beginning.

That portion of the north one-half of the northeast quarter of the southeast quarter of the southwest quarter of the northwest quarter ($N\frac{1}{2}$ of $NE\frac{1}{4}$ of $SE\frac{1}{4}$ of $SW\frac{1}{4}$ of $NW\frac{1}{4}$) of section two (2), township twenty-five (25) north, range three (3) east, W.M., described as follows:

Beginning at the southeast corner of said subdivision; thence north along the east line thereof a distance of one hundred sixty-seven and fifty-four one-hundredths (167.54) feet to the northeast corner thereof; thence west along the north line of said subdivision a distance of fifty-five and eighty-nine one-hundredths (55.89) feet; thence south along a straight line a distance of one hundred sixty-seven and fifty-six one-hundredths (167.56) feet to a point on the south line of said subdivision, said point being distant fifty-five and ninety-two one-hundredths (55.92) feet west from the southeast corner thereof; thence east along said south line to the point of beginning.

That portion of the southeast quarter of the northeast quarter of the southwest quarter of the northwest quarter ($SE\frac{1}{4}$ of $NE\frac{1}{4}$ of $SW\frac{1}{4}$ of $NW\frac{1}{4}$) of section two (2), township twenty-five (25) north, range three (3) east, W.M., described as follows:

Beginning at a point which is north sixteen (16) feet, and west sixteen (16) feet from the southeast corner of said

subdivision; thence north along a line sixteen (16) feet west from and parallel to the east line of said subdivision, a distance of three hundred nineteen and nine one-hundredths (319.09) feet to the north line of said subdivision; thence west along said north line a distance of thirty-nine and eighty-three one-hundredths (39.83) feet; thence south along a straight line a distance of three hundred nineteen and thirteen one-hundredths (319.13) feet to a point on a line sixteen (16) feet north from and parallel with the south line of said subdivision, said point being distant thirty-nine and eighty-nine one-hundredths (39.89) feet west from the point of beginning; thence east along said line a distance of thirty-nine and eighty-nine one-hundredths (39.89) feet to the point of beginning.

That portion of the northeast quarter of the northeast quarter of the southwest quarter of the northwest quarter ($NE\frac{1}{4}$ of $NE\frac{1}{4}$ of $SW\frac{1}{4}$ of $NW\frac{1}{4}$) of section two (2), township twenty-five (25) north, range three (3) east, W.M., described as follows:

Beginning at a point on the south line of said subdivision, said point being distant twenty (20) feet west from the southeast corner thereof; thence north along a line twenty (20) feet west from and parallel with the east line of said subdivision, a distance of three hundred three and forty-seven one-hundredths (303.47) feet to a point on the south margin of West 80th Street as established by deed (Ordinance No. 39408); thence west along said south line a distance of thirty-five and seventy-seven one-hundredths (35.77) feet; thence south along a straight line a distance of three hundred three and fifty-one one-hundredths (303.51) feet to a point on the south line of said subdivision, said point being distant thirty-five and eighty-three one-hundredths (35.83) feet west from the point of beginning; thence east along said south line to the point of beginning.

That portion of the east one-half of the southeast quarter of the northwest quarter of the northwest quarter ($E\frac{1}{2}$ of $SE\frac{1}{4}$ of $NW\frac{1}{4}$ of $NW\frac{1}{4}$) of section two (2), township twenty-five (25) north, range three (3) east, W.M., described as follows:

Beginning at the northeast corner of said subdivision; thence south along the east line thereof a distance of six hundred fifty-six and twenty-seven one-hundredths (656.27) feet to an intersection with the northeasterly margin of Loyal Heights Right of Way, deeded to The City of Seattle and accepted by Ordinance No. 38262; thence northwesterly along said northeasterly margin a distance of ninety-four and one one-hundredths (94.01) feet; thence north along a straight line a distance of five hundred eighty and ninety-one one-hundredths (580.91) feet to a point on the north line of said subdivision, said point

being distant fifty-five and sixty-three one-hundredths (55.63) feet west from the northeast corner thereof; thence east along said north line to the point of beginning.

That portion of the northeast quarter of the northwest quarter ($\frac{1}{4}$ NE $\frac{1}{4}$ of NW $\frac{1}{4}$) of section two (2), township twenty-five (25) N, range three (3) east, W.M., described as follows:

Beginning at the northwest corner of said subdivision; thence south along the west line thereof a distance of seven hundred ninety-nine and eighty-three one-hundredths (799.83) feet; thence north $89^{\circ} 50' 28''$ east a distance of ten and thirty-five one-hundredths (10.35) feet; thence north along a straight line a distance of seven hundred ninety-nine and eighty-three one-hundredths (799.83) feet to a point on the north line of said subdivision, said point being distant ten and fifty one-hundredths (10.50) feet east from the northwest corner thereof; thence west along said north line to the point of beginning.

Section 2. That the curb grades of 28th Avenue Northwest, from West 75th Street to West 80th Street, be and the same are hereby changed and established at the following elevations above City Datum, to-wit:

At the south margin of West 75th Street:	
East and west curbs,	243.00 feet
At the north margin of West 75th Street:	
East and west curbs,	245.65 feet
At the south margin of West 77th Street:	
East and west curbs,	272.50 feet
At the north margin of West 77th Street:	
East and west curbs,	274.25 feet
At the south margin of West 80th Street:	
East and west curbs,	292.00 feet

That the curb gradients shall be straight lines between the elevations established herein; that in the grading and regrading of the above named avenue and approaches thereto, the city shall acquire the right, in the case of a cut, to

remove the lateral support abutting on said avenue. 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 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 (1½) feet for each foot of elevation of fill for the purpose of acquiring lateral support for said avenue and approaches thereto; reserving unto the abutting property owners, respectively, the right at any time to remove such slopes upon providing other adequate lateral support for said avenue and approaches thereto.

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 purpose of a public street and highway; and that all lands, rights and privileges and other property necessary to be taken, used or damaged in the grading and regrading of said streets in conformity with the grades established herein and in the construction of the necessary slopes for cuts and fills upon the property abutting on said avenue and approaches thereto, are hereby condemned, appropriated, taken and damaged to the public use for such purposes; that said lands, rights, privileges and other property are to be taken, damaged and appropriated only after just compensation has been made and 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 thereof shall be paid from the General Fund of the City of Seattle.

Section 5. That the Corporation Counsel be and he is hereby authorized and directed to 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.

(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 8 day of DECEMBER, 1919
and signed by me in open session in authentication of its passage this 8 day of
DECEMBER, 1919 *Richard Moore*

President Pro tem of the City Council.

Approved by me this 9 day of DECEMBER, 1919 *J. W. Carroll*
Acting Mayor.

Filed by me this 9 day of DECEMBER, 1919
Attest: *J. W. Carroll*
City Comptroller and Ex-Officio City Clerk.

[SEAL]

By: *J. W. Carroll*
Deputy Clerk.

DEC 13 1919

Published _____
By: *J. W. Carroll*
City Comptroller and Ex-Officio City Clerk.

By: *J. W. Carroll*
Deputy Clerk.