

Ordinance No. 42113

Providing for the laying off, opening, extending and establishing of 39th AVENUE NORTH, from East Harrison Street to East Mercer Street, etc.

Council Bill No. 31570

INTRODUCED: MAR 28 1921	BY: STREETS AND SEWERS
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51771 - award of jury
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48635 - report to Gen'l. and

Prepared at request of

Pet. # 79188 -

ELY-JR
3-18-21

Howe

ORDINANCE NO. 42112

AN ORDINANCE Providing for the laying off, opening, extending and establishing of 39th Avenue North, from East Harrison Street to East Mercer Street; providing for the establishing of the curb grades of 39th Avenue North, from East Harrison Street to McGilvra Boulevard; providing for the condemnation, appropriation, taking and damaging of land and other property necessary for the laying off, opening, extending and establishing of the above described avenue, and for the establishing of the grades and the grading of the above described avenue and approaches thereto in conformity with 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 avenue be laid off, opened, extended and established as a public street and highway, and that the curb grades of said avenue be established, and that said avenue 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 39th Avenue North, from East Harrison Street to East Mercer Street, be and the same is hereby laid off, opened, extended and established as a public street and highway over and across the following lots, blocks or tracts of land, to-wit:

IN THE REPLAT OF JOHN J. MCGILVRA'S ADDITION TO THE CITY OF SEATTLE AND BLOCKS 13, 14, 18, 20 to 29 INCLUSIVE, AND THE SOUTH HALF OF 19, OF JOHN J. MCGILVRA'S SECOND ADDITION TO THE CITY OF SEATTLE.

That portion of Tract One Hundred Forty-three (143), described as follows:

Beginning at a point on the east line of said tract, said point being distant five and fifty-eight one-hundredths (5.58) feet north of the northeast corner of Block One Hundred Forty-two (142), of Pacific Coast Addition, an Addition to The City of Seattle; thence north along the east line of said Tract One Hundred Forty-three (143), a distance of six and twenty-four one-hundredths (6.24) feet to a point of curve;

thence northeasterly along the arc of a curve to the right, having a uniform radius of fifty (50) feet, a distance of seventy-seven and sixty-five one-hundredths (77.65) feet to a point of tangency on the north margin of East Harrison Street; thence west along said north margin produced west, a distance of thirteen and thirty-one one-hundredths (13.31) feet; thence northerly along a straight line a distance of three hundred sixty and thirty-nine one-hundredths (360.39) feet to a point on the north line of said tract, said point being distant two hundred seventy-three and fifteen one-hundredths (273.15) feet east of the northwest corner of said tract; thence west along said line a distance of forty and seven one-hundredths (40.07) feet; thence southerly along a straight line a distance of four hundred fifteen and eighty-nine one-hundredths (415.89) feet to the point of beginning.

That portion of Tract One Hundred Forty-five (145) lying easterly of the following described line;

Beginning at a point on the south line of said tract, said point being distant two hundred nineteen and forty-nine one-hundredths (219.49) feet east from the southwest corner of said tract; thence northerly along the arc of a curve to the right, having a uniform radius of six hundred seventy-one and twelve one-hundredths (671.12) feet (the radius of said curve bearing south $73^{\circ} 23' 15''$ east from said point), a distance of eighty-three and sixty-seven one-hundredths (83.67) feet to a point of reverse curve; thence continuing northerly along the arc of a curve to the left, having a uniform radius of three hundred forty (340) feet, a distance of one hundred thirty-eight and forty-seven one-hundredths (138.47) feet to a point of tangency on the east line of said tract.

IN PACIFIC COAST ADDITION, AN ADDITION TO THE
CITY OF SEATTLE.

That portion of Lots Three (3) to Seven (7) inclusive, Tract One Hundred Forty-four (144), described as follows;

Beginning at a point on the south line of Lot Seven (7), said point being distant two hundred thirty-three and eight one-hundredths (233.08) feet east from the southwest corner of said lot; thence northerly along a straight line a distance of one hundred eighty and thirty-three one-hundredths (180.33) feet to a point on the north line of Lot Five (5), said tract, said point being distant two hundred nineteen and nineteen one-hundredths (219.19) feet east from the northwest corner of said lot; thence continuing northerly along said line produced, a distance of ten and ninety-five one-hundredths (10.95) feet to a point of curvature; thence northerly along the arc of a curve to the right, having a uniform radius of six hundred seventy-one and twelve one-hundredths (671.12) feet, a distance of one hundred nine and twenty-two one-hundredths (109.22) feet to an intersection with the north line of Lot Three (3), said tract, said point being distant two hundred

eighteen and eighty-four one-hundredths (218.84) feet east from the northwest corner of said Lot Three (3); thence east along said north line a distance of forty and twenty-two one-hundredths (40.22) feet; thence southerly along the arc of a curve to the left, having a uniform radius of six hundred thirty-one and twelve one-hundredths (631.12) feet (said curve being concentric with the last above described curve), a distance of one hundred six and eighty-two one-hundredths (106.82) feet to a point of tangency; thence southerly along a straight line a distance of one hundred ninety-three and seventy one-hundredths (193.70) feet to a point on the south line of said Lot Seven (7), said point being distant two hundred seventy-three and fifteen one-hundredths (273.15) feet east from the southwest corner of said lot; thence west along said south line a distance of forty and seven one-hundredths (40.07) feet to the point of beginning.

That portion of Lots One (1) and Two (2), Tract One Hundred Forty-four (144), lying easterly of the following described line:

Beginning at a point on the south line of said Lot Two (2), said point being distant two hundred eighteen and eighty-four one-hundredths (218.84) feet east from the southwest corner of said lot; thence northerly along the arc of a curve to the right, having a uniform radius of six hundred seventy-one and twelve one-hundredths (671.12) feet (the radius of said curve bearing south $83^{\circ} 51' 13''$ east from said point), a distance of one hundred twenty-two and fifty-nine one-hundredths (122.59) feet to a point on the north line of said Lot One (1), said point being distant two hundred nineteen and forty-nine one-hundredths (219.49) feet east from the northwest corner of said lot.

That portion of Lots One (1) and Two (2), Block Thirty-five (35), lying westerly of the following described line:

Beginning at a point on the north line of said Lot One (1), said point being distant twenty-four and forty-seven one-hundredths (24.47) feet east from the northwest corner of said lot; thence southwesterly along a line twenty (20) feet southeasterly from and parallel with the northwesterly line of said lot, a distance of fifty-nine and fifty-two one-hundredths (59.52) feet to a point of curve; thence along the arc of a curve to the left, having a uniform radius of one hundred (100) feet, a distance of forty-six and twenty-three one-hundredths (46.23) feet to a point of tangency; thence southwesterly along the tangent of said curve a distance of seventeen and fifty-eight one-hundredths (17.58) feet to an intersection with the southwesterly line of said Lot Two (2).

LAKE WASHINGTON SHORE LANDS, AN ADDITION TO THE
CITY OF SEATTLE.

That portion of Block Thirty-four (34) lying westerly of the following described line:

Beginning at a point on the north line of said block, said point being distant fifty and forty one-

hundredths (50.40) feet east from the northwest corner of said block; thence westerly and southwesterly along the arc of a curve to the left having a uniform radius of fifty (50) feet, a distance of forty-seven and eighty-four one-hundredths (47.84) feet to a point of tangency; thence southwesterly along a line twenty (20) feet southeasterly from and parallel with the northwesterly line of said block a distance of one hundred five and forty-five one-hundredths (105.45) feet to an intersection of the south line of said block.

Section 2. That the curb grades of 39th Avenue North, as extended herein, from East Harrison Street to McGilvra Boulevard, be and the same are hereby established to the following elevations above city datum, to-wit:

At the south margin of East Harrison Street, at existing elevations:

East Curb	25.00 feet
West Curb	25.50 feet

At the north margin of East Harrison Street:

East Curb	21.00 feet
West Curb	21.00 feet

Opposite the intersection of the easterly margin of said 39th Avenue North and the southerly line of Lot Seven (7), Tract One Hundred Forty-four (144), Pacific Coast Addition, an Addition to The City of Seattle:

East Curb	16.00 feet
West Curb	16.00 feet

At a point one hundred ninety-three and seventy one-hundredths (193.70) feet northerly from the last mentioned point, measured along the easterly margin of said 39th Avenue North, at the beginning of a curve to the right:

East Curb	16.35 feet
West Curb	16.35 feet

At a point one hundred thirty-three and six one-hundredths (133.06) feet northerly from the last mentioned point, measured along the easterly margin of said 39th Avenue North, at a point of compound curve:

Easterly Curb	17.44 feet
Westerly Curb	17.44 feet

At a point forty-six and twenty-three one-hundredths (46.23) feet northeasterly from the last mentioned point, measured along the easterly margin of said 39th Avenue North, at a point of tangency on a roadway connecting with East Mercer Street:

East Curb 17.66 feet

Opposite the intersection of a line twenty (20) feet easterly from and parallel with the westerly margin of said 39th Avenue North, with the north line of Lot One (1), Tract One Hundred Forty-four (144), Pacific Coast Addition, an Addition to The City of Seattle, on the roadway connecting with McGilvra Boulevard, at the point of curvature of a vertical curve:

Northwesterly Curb 17.84 feet

At a point sixty-four (64) feet northeasterly from the last mentioned point on the roadway connecting with McGilvra Boulevard, at the point of tangency of a vertical curve:

Southeasterly Curb 22.16 feet

Northwesterly Curb 22.16 feet

At a point approximately two hundred fifty-nine (259) feet north of the intersection of the center line of said 39th Avenue North with the center line of East Mercer Street, at elevations to conform with the existing grades on McGilvra Boulevard:

East Curb 65.36 feet

West Curb 65.86 feet

At a point one hundred twenty-two (122) feet southwesterly, measured along the southeasterly margin of said 39th Avenue North, from the intersection of said southeasterly margin produced, with the south margin of East Mercer Street on the roadway connecting with East Mercer Street:

Southeasterly Curb 17.95 feet

Northwesterly Curb 18.00 feet

Opposite the intersection of the southeasterly margin produced of said 39th Avenue North, with the south margin of East Mercer Street, on roadway connecting with East Mercer Street:

Southeasterly Curb 15.00 feet

Northwesterly Curb 15.00 feet

That the curb gradients shall be of a uniform rate of grade between the elevations established herein, except in those cases where they are specified as lying in vertical curves.

That in the grading 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 upon 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. 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 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 such avenue and approaches thereto.

Section 3. That all lands, rights, 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 public street and highway; and that all lands, rights, privileges and other property necessary to be taken, used or damaged in the grading 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 approaches thereto, 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 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 14 day of APRIL 1921 and signed by me in open session in authentication of its passage this 14 day of APRIL 1921 Robt. B. Beech President of the City Council.

Approved by me this 6 day of APRIL 1921 Mayor.

Filed by me this 6 day of APRIL 1921 Attest: J. W. Carrall City Comptroller and Ex-Officio City Clerk.

[SEAL]

Published APR 12 1921 By J. W. Carrall City Comptroller and Ex-Officio City Clerk. Deputy Clerk.