

Ordinance No.

Providing for the laying off, opening, widening, extending and establishing of EAST 59th STREET**** providing for the condemnation*****for the establishing of the grades***** providing that the cost of such improvement be paid by special assessment upon property specially benefited****

Council Bill No. 31647

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|------------------------------------|--------------------------|
| INTRODUCED: APR 18 1921 | BY: |
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| VOL. 201 PAGE 481 | JLB |
| COMPARED BY: | |
| AND | |

53912 Award of Jury
95866 - Special Committee on Compensation

KLM

ORDINANCE NO. 10322

AN ORDINANCE providing for the laying-off, opening, widening, extending and establishing of EAST 59th STREET, from 5th Avenue Northeast to 10th Avenue Northeast; providing for the establishing of the curb grades of said EAST 59th STREET, from 5th Avenue Northeast to 10th Avenue Northeast; 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 street; and for the establishing of the grades and for the grading of the above described street 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 street and approaches thereto; and providing that the entire cost of such improvement shall be paid by special assessment upon property specially benefited in the manner provided by law.

WHEREAS Public necessity and convenience demand that the above named street shall be laid off, opened, widened, extended and established as a public street and highway and that the curb grades of the above named street be established and that said street 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 EAST 59th STREET, from 5th Avenue Northeast to 10th Avenue Northeast, be and the same is hereby laid off, opened, widened, extended and established as a public street and highway over and across the following lots, blocks or tracts of land, to-wit:

IN THE PLAT OF DAY'S ACRE GARDENS,
AN ADDITION TO THE CITY OF SEATTLE.

The north thirty (30) feet of Tract
Eight (8).

The south thirty (30) feet of Tract
Nine (9).

The north thirty (30) feet of Tract
Thirteen (13), except that portion thereof con-
demned by Ordinance No. 22149.

The north thirty (30) feet of Tract
Twenty-eight (28), except that portion thereof
condemned by Ordinance No. 22149.

The south thirty (30) feet of Tract
Twenty-nine (29), except that portion thereof
condemned by Ordinance No. 22149.

The south thirty (30) feet of Tract
Thirty-two (32).

The north thirty (30) feet of Tract
Thirty-three (33), except the east three (3)
feet thereof, deeded to the City of Seattle,
Ordinances No. 28410 and 28413.

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Section 2. That the curb grades of
EAST 59th STREET, from 5th Avenue Northeast to
10th Avenue Northeast be and the same are here-
by established at the following elevations above
city datum, to-wit:

ON EAST 59th STREET.

At the east margin of 5th Avenue North-
east, at elevations to conform with the exist-
ing grade on 5th Avenue Northeast:

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|------------|-------------|
| North Curb | 214.00-Feet |
| South Curb | 214.00 " |

At a point one-hundred seven and eighty-
six one-hundredths (107.86) feet east of the
east margin of 5th Avenue Northeast, measured
along the center line of East 59th Street at
the beginning of a vertical curve:

| | |
|------------|-------------|
| North Curb | 203.26-Feet |
| South Curb | 203.26 " |

At a point one-hundred sixty (160) feet east of the last mentioned point, at the point of tangency of a vertical curve:

| | |
|------------|-------------|
| North Curb | 193.42-Feet |
| South Curb | 193.42 " |

At a point one-hundred fifty (150) feet east of the last mentioned point, at the beginning of a vertical curve:

| | |
|------------|-------------|
| North Curb | 189.88-Feet |
| South Curb | 189.88 " |

At a point one-hundred sixty (160) feet east of the last mentioned point at the point of tangency of a vertical curve:

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|------------|-------------|
| North Curb | 181.27-Feet |
| South Curb | 181.50 " |

At the west margin of 8th Avenue Northeast, as established by Ordinance No. 22149:

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|------------|-------------|
| North Curb | 177.90-Feet |
| South Curb | 178.25 " |

At the east margin of 8th Avenue Northeast;

| | |
|------------|-------------|
| North Curb | 177.28-Feet |
| South Curb | 177.70- " |

At the west margin of 10th Avenue Northeast, at elevations to conform with the existing grade on 10th Avenue Northeast:

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|------------|-------------|
| North Curb | 173.43-Feet |
| South Curb | 174.00 " |

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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 street and approaches thereto, the city shall

acquire the right in the case of a cut to remove the lateral support abutting upon said street. 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 street, 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 street and approaches thereto.

Section 3. That all lands, rights, privileges and other property lying within the limits of the lots, blocks or 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, privileges and other property necessary to be taken, used or damaged in the grading of said street 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 street 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 ^{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.

(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 25 day of APRIL, 1921
and signed by me in open session in authentication of its passage this 25 day of APRIL, 1921
Robert B. Hesketh
President..... of the City Council.

Approved by me this 28 day of APRIL, 1921
Stephen M. Caldwell
Mayor.

Filed by me this 28 day of APRIL, 1921
Attest: W. H. Carrall
City Comptroller and Ex-Officio City Clerk.

[SEAL]
Published MAY 3 1921
By: W. H. Carrall
City Comptroller and Ex-Officio City Clerk.
By: W. H. Carrall
Deputy Clerk.