

ORDINANCE NO. 42799

AN ORDINANCE providing for the laying off, opening, widening, extending and establishing of North Seventieth Street, from Greenwood Avenue to Fremont Avenue; of North Seventy-first Street, from Dayton Avenue to Fremont Avenue; and of Dayton Avenue, from North Seventieth Street to North Seventy-second Street; all in The City of Seattle; providing for the changing and establishing of the curb grades of North Seventieth Street, from Greenwood Avenue to Fremont Avenue; North Seventy-first Street, from Dayton Avenue to Fremont Avenue; and of Dayton Avenue, from North Seventieth Street to North Seventy-second Street; all in The City of Seattle; 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 streets and avenue, and for the changing and establishing of the grades and the grading and regrading of the above described streets and avenues and approaches thereto in conformity with the grades established herein; for the necessary slopes, for the cuts and fills upon the property abutting on said streets and avenues 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 streets and avenue be laid off, opened, widened, extended and established as public streets and highways and that the curb grades of the above named streets and avenue and approaches thereto be changed and established, and that said streets and 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 North Seventieth Street, from Greenwood Avenue to Fremont Avenue; North Seventy-first Street, from Dayton Avenue to Fremont Avenue; and Dayton Avenue, from North Seventieth Street to North

Seventy-second Street; all in The City of Seattle; be and the same are hereby laid off, opened, widened, extended and established as public streets and highways over and across the following lots, blocks or tracts of land, to-wit:

IN WINDELL'S DIVISION OF GREEN LAKE ADDITION
TO THE CITY OF SEATTLE.

That portion of Tract One (1) described as follows:

Beginning at a point on the east margin of Greenwood Avenue as established by Ordinance No. 19334, said point being distant forty-five and sixty-five one-hundredths (45.65) feet north from its intersection with the south line of said tract; thence north along said east margin a distance of fourteen and eighty-two one-hundredths (14.82) feet to the northwest corner of said tract; thence east along the north line of said tract a distance of one hundred fifty-nine and ninety-four one-hundredths (159.94) feet to the northeast corner of said tract; thence south along the east line of said tract a distance of fifteen and no one-hundredths (15.00) feet; thence west along a straight line a distance of one hundred fifty-nine and ninety-four one-hundredths (159.94) feet to the point of beginning.

That portion of Tract Twenty (20) described as follows:

Beginning at a point on the west line of said tract, said point being distant forty-five and forty-one one-hundredths (45.41) feet north from the southwest corner of said tract; thence north along the west line of said tract a distance of fifteen and seven one-hundredths (15.07) feet to the northwest corner of said tract; thence east along the north line of said tract a distance of one hundred thirty-two (132) feet to the northeast corner of said tract; thence south along the east line of said tract a distance of fifteen and twenty-two one-hundredths (15.22) feet; thence west along a straight line a distance of one hundred thirty-two (132) feet to the point of beginning.

That portion of Tract Twenty-one (21) described as follows:

Beginning at a point on the west line of said tract, said point being two hundred eighty-seven and twenty-three one-hundredths (287.23) feet north from the southwest corner of said tract; thence north along the west line of said tract a distance of fifteen and twenty-two one-hundredths (15.22) feet to the northwest corner of said tract; thence east

along the north line of said tract a distance of one hundred four (104) feet to a point on the west line of a street deeded to the City of Seattle, Ordinance No. 20171; thence south along the west margin of said street a distance of fifteen and thirty-four one-hundredths (15.34) feet; thence west along a straight line a distance of one hundred four (104) feet to the point of beginning.

That portion of Tract Twenty-four (24) described as follows:

Beginning at a point on the west line of said tract, said point being distant two hundred eighty-seven and eleven one-hundredths (287.11) feet north from the southwest corner of said tract; thence north along the west line of said tract a distance of fifteen and thirty-eight one-hundredths (15.38) feet to the northwest corner of said tract; thence east along the north line of said tract a distance of one hundred thirty-two (132) feet to the northeast corner of said tract; thence south $0^{\circ} 5' 52''$ West along the east line of said tract a distance of thirty-five and fifty-two one-hundredths (35.52) feet; thence north $89^{\circ} 51' 17''$ West a distance of eighteen and seventy-three one-hundredths (18.73) feet; thence north $1^{\circ} 24' 20''$ East a distance of twenty (20) feet; thence west along a straight line a distance of one hundred thirteen and twenty-five one-hundredths (113.25) feet to the point of beginning.

That portion of Tract Twenty-five (25) described as follows:

Beginning at a point on the east line of said tract, said point being distant two hundred sixty-six and ninety-one one-hundredths (266.91) feet north from the southeast corner of said tract; thence north along the east line of said tract a distance of thirty-five and sixty-eight one-hundredths (35.68) feet to the northeast corner of said tract; thence west along the north line of said tract a distance of one hundred thirty-two (132) feet to the northwest corner of said tract; thence south along the west line of said tract a distance of thirty-five and fifty-two one-hundredths (35.52) feet; thence east along a straight line a distance of one hundred thirty-two (132) feet to the point of beginning.

That portion of Tract Twenty-six (26) described as follows:

Beginning at a point on the west line of said tract, said point being distant two hundred sixty-six and ninety-one one-hundredths (266.91) feet north from the southwest corner of said tract; thence north along the west line of said tract a distance of thirty-five and sixty-eight one-hundredths

(35.68) feet to the northwest corner of said tract; thence east along the north line of said tract a distance of one hundred thirty-two (132) feet to the northeast corner of said tract; thence south along the east line of said tract a distance of thirty-five and eighty-three one-hundredths (35.83) feet; thence west along a straight line a distance of one hundred thirty-two (132) feet to the point of beginning.

X
That portion of Tract Twenty-seven (27) described as follows:

Beginning at a point on the west line of said tract, said point being distant two hundred sixty-six and eighty one-hundredths (266.80) feet north from the southwest corner of said tract; thence north along the west line of said tract a distance of thirty-five and eighty-three one-hundredths (35.83) feet to the northwest corner of said tract; thence east along the north line of said tract a distance of one hundred thirty-two (132) feet to the northeast corner of said tract; thence south along the east line of said tract a distance of thirty-five and ninety-eight one-hundredths (35.98) feet; thence west along a straight line a distance of one hundred thirty-two (132) feet to the point of beginning.

That portion of Tract Twenty-eight (28) described as follows:

Beginning at a point on the west line of said tract, said point being distant two hundred sixty-six and seventy one-hundredths (266.70) feet north from the southwest corner of said tract; thence north along the west line of said tract a distance of thirty-five and ninety-eight one-hundredths (35.98) feet to the northwest corner of said tract; thence east along the north line of said tract a distance of one hundred thirty-two (132) feet to the northeast corner of said tract; thence south along the east line of said tract a distance of thirty-six and fourteen one-hundredths (36.14) feet; thence west along a straight line a distance of one hundred thirty-two (132) feet to the point of beginning.

That portion of Tract Twenty-nine (29) described as follows:

Beginning at a point on the west line of said tract, said point being distant two hundred sixty-six and fifty-nine one-hundredths (266.59) feet north from the southwest corner of said tract; thence north along the west line of said tract a distance of thirty-six and fourteen one-hundredths (36.14) feet to the northwest corner of said tract; thence east along the north line of said tract a distance of one hundred twenty-three and forty-eight one-hundredths (123.48) feet to the west margin of Fremont Avenue as established by Ordinance No. 21768; thence south along the said west margin a distance of thirty-six and fifteen one-hundredths

(36.15) feet; thence west along a straight line a distance of one hundred twenty-three and thirty-one one-hundredths (123.31) feet to the point of beginning.

IN HILLMAN'S LAKE FRONT ADDITION TO THE CITY OF SEATTLE--DIVISION NO. 4.

The south ten (10) feet of Lot Twenty-two (22), Block Two (2), except that portion condemned by Ordinance No. 19334.

The south ten (10) feet of Lots Twenty-three (23) to Forty-two (42) inclusive, Block Two (2).

UNPLATTED.

That portion of the northwest quarter of the southwest quarter (N.W. $\frac{1}{4}$ of S.W. $\frac{1}{4}$) of Section Six (6), Township Twenty-five (25) North, Range Four (4) East, W. M., described as follows:

Beginning at the intersection of the north line of Tract Twenty-nine (29), Windell's Division of Green Lake Addition to the City of Seattle, and the west margin of Fremont Avenue as established by Ordinance No. 21768; thence west along the north line of Tracts Twenty-nine (29), Twenty-eight (28), Twenty-seven (27), Twenty-six (26) and Twenty-five (25), said Addition, a distance of six hundred forty and twenty-four one-hundredths (640.24) feet to the east margin of Dayton Avenue as platted in Hillman's Lake Front Addition Division No. 4, to the City of Seattle; thence north no degrees, three minutes, five seconds East (N.0° 03' 05" E.) along said east margin a distance of three hundred seventy-five and sixty-two one-hundredths (375.62) feet to the south margin of the alley produced west as platted in Block Five (5), Hillman's Lake Front Addition Division No. 3, to the City of Seattle; thence east along said south margin produced a distance of thirty (30) feet; thence south no degrees, three minutes, five seconds West (S.0° 03' 05" W.) a distance of one hundred (100) feet; thence north eighty-nine degrees, fifty-eight minutes, sixteen seconds East (N.89° 58' 16" E.) a distance of six hundred nine and ninety-nine one-hundredths (609.99) feet to the west margin of Fremont Avenue as established by Ordinance No. 21768; thence south along said west margin a distance of sixty (60) feet; thence south eighty-nine degrees, fifty-eight minutes, sixteen seconds West (S.89° 58' 16" W.) a distance of six hundred ten and four one-hundredths (610.04) feet; thence south no degrees, three minutes, five seconds West (S.0° 03' 05" W.) a distance of two hundred one and twenty-nine one-hundredths (201.29) feet; thence south eighty-nine degrees, fifty-one minutes, seventeen seconds East (S.89° 51' 17" E.) a distance of six hundred ten and twenty-three one-hundredths (610.23) feet to the west margin of Fremont Avenue

as established by Ordinance No. 21768; thence south along said west margin a distance of thirteen and seventy-three one-hundredths (13.73) feet to the point of beginning.

Section 2. That the curb grades of the streets and avenue named below be and the same are hereby changed and established to the following elevations above city datum, to-wit:

On North Seventieth Street as established herein:

At the east margin of Greenwood Avenue to conform with the existing grades on Greenwood Avenue:

North curb 316.95 feet

South curb 316.90 feet

At the west margin of Phinney Avenue:

North curb 308.90 feet

South curb 308.90 feet

At the east margin of Phinney Avenue:

North curb 307.90 feet

South curb 307.90 feet

Opposite a point two (2) feet east of the east margin of Phinney Avenue at the P. C. of a vertical curve:

North curb 307.72 feet

South curb 307.72 feet

Opposite a point two hundred fifty-eight (258) feet east of the east margin of Phinney Avenue at the P. T. of a vertical curve:

North curb 274.02 feet

South curb 274.02 feet

At the west margin of Dayton Avenue:

North curb	253.70 feet
South curb	253.70 feet

At the east margin of Dayton Avenue as established herein:

North curb	252.70 feet
South curb	252.70 feet

Opposite a point two hundred six (206) feet east of the intersection of the north margin of North Seventh Street as established herein and the east margin of Dayton Avenue as established herein at the P.C. of a vertical curve:

North curb	221.86 feet
South curb	221.86 feet

Opposite a point two hundred fifty-six (256) feet east of the last above mentioned point:

North curb	198.67 feet
South curb	198.56 feet

At the west margin of Fremont Avenue as established by Ordinance No. 21768:

North curb	194.00 feet
South curb	193.75 feet

At the east margin of Fremont Avenue at existing elevations:

North curb	193.91 feet
South curb	193.65 feet

On North Seventy-first Street as established herein

At the west margin of Dayton Avenue at existing elevations:

North curb	258.80 feet
South curb	258.20 feet

At the east margin of Dayton Avenue as established herein:

North curb	257.60 feet
South curb	257.10 feet

Opposite a point one hundred fifty-three (153) feet east of the east margin of Dayton Avenue as established herein at the P.C. of a vertical curve:

North curb	227.00 feet
South curb	226.78 feet

Opposite a point two hundred fifty-six (256) feet east of the last above described point at the P.T. of a vertical curve:

North curb	200.78 feet
South curb	200.62 feet

At the west margin of Fremont Avenue as established by Ordinance No. 21768:

North curb	199.79 feet
South curb	199.41 feet

At the east margin of Fremont Avenue at existing elevations:

North curb	199.79 feet
South curb	199.41 feet

On Dayton Avenue as established herein

At the north margin of North Seventieth Street as established herein:

East curb	253.00 feet
West curb	253.50 feet

At the south margin of North Seventy-first Street as established herein:

East curb	257.05 feet
West curb	257.55 feet

At the north margin of North Seventy-first Street:

East curb	258.26 feet
West curb	258.76 feet

At a point sixty-four (64) feet north from the north margin of North Seventy-first Street, at the P. C. of a vertical curve:

East curb	263.85 feet
West curb	264.35 feet

At a point seventy-two (72) feet north from the last mentioned point, at the P. T. of a vertical curve:

East curb	265.71 feet
West curb	266.38 feet

At the south margin of North 72nd Street:

East curb	263.00 feet
West curb	264.00 feet

That the curb gradients shall be of 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 and regrading of the above named streets and avenue and approaches thereto the City shall acquire the right in case of a cut to remove the lateral support abutting on said streets and avenues and approaches thereto, and in every case the right to remove said lateral support shall include the right to carry the slope back into and extending upon the abutting real property at least one (1) foot for each foot of depth of cut, and in the case of a fill the right shall be acquired to extend and maintain upon the abutting real property slopes of one and one-half ($1\frac{1}{2}$) feet to each foot of fill, reserving unto the abutting property owners the right at any time to remove such slope upon the providing of other adequate lateral support for said streets, avenue 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 public streets and highways, and that all lands, rights, privileges and other property necessary to be taken, used or damaged in the grading and regrading of said streets, avenue and approaches thereto described in Section 2 hereof in conformity with the grades established herein and in the construction of the necessary slopes for cuts and fills upon the real property abutting upon said streets and avenue and

approaches thereto, be and the same are hereby condemned, appropriated, taken and damaged to the public use for such purposes, but such lands, rights and privileges and other property are to be taken, damaged and appropriated only after just compensation has been made or paid into Court for the owner 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 17 day of OCTOBER 1921

and signed by me in open session in authentication of its passage this 17 day of OCTOBER 1921

Robert H. Berkeley
President of the City Council.

Approved by me this 19 day of OCTOBER 1921

Filed by me this 19 day of OCTOBER 1921

Attest: Hugh McCarroll
City Comptroller and Ex-Officio City Clerk.

[SEAL]

By: Hugh McCarroll
Deputy Clerk.

Published

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City Comptroller and Ex-Officio City Clerk.

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Deputy Clerk.