

Ordinance No. 42969

Providing for the laying off,
opening, widening, extending
and establishing of SPENCER
STREET, from 44th Avenue South
to Rainier Avenue*****
Providing for the establishing
of the curb grades*****
Providing for the condemnation
***** and for the estab-
lishing of the grades*****
Providing for the necessary
slopes for cuts and fills****

Council Bill No. 32522

INTRODUCED: DEC 12 1921	BY: STREETS & SEWERS
REFERRED: DEC 12 1921	TO: STREETS & SEWERS
REFERRED:	
REPORTED: DEC 19 1921	VETO:
SECOND READING: DEC 19 1921	PUBLISHED:
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PRESENTED TO MAYOR: DEC 19 1921	APPROVED: DEC 21 1921
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COMPARED BY:	

*44608 - authorizing dismissal of suit for condemnation, improve sum
property - 1921
90248 - Amend - City
41470 - Report for Council on expense bill*

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Providing for the condemnation ***** and for the establishing of the grades*****
Providing for the necessary slopes for cuts and fills****

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*41608 - authorizing dismissal of suit for condemnation imposed upon City's certain property - 1921
90248 - dismissal of suit
41670 - report on dismissal on appeal bill*

A. H. Dimock

Prepared at request of
Street Committee Oct 70593

SWM

ORDINANCE NO. 42969

AN ORDINANCE Providing for the laying off, opening, widening, extending and establishing of Spencer Street, from 44th Avenue South to Rainier Avenue, and of the Alley between 44th Avenue South and Rainier Avenue, from Graham Street to Kenny Street; providing for the establishing of the curb grades of Spencer Street, from 44th Avenue South to Rainier Avenue and of the Alley between 44th Avenue South and Rainier Avenue, from Graham Street to Kenny 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 street and alley and for the establishing of the grades and for the grading of the above described street and alley 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 alley 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 street and alley be laid off, opened, widened, extended and established as public streets and highways, and that the curb grades of the above named street and alley be established and that said street and alley 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 Spencer Street, from 44th Avenue South to Rainier Avenue, and the Alley between 44th Avenue South and Rainier Avenue, from Graham Street to Kenny Street, 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 SUNNYSIDE 5-ACRE TRACTS, AN ADDITION TO
THE CITY OF SEATTLE.

That portion of Tract Twenty-two (22) described as follows:
Beginning at the intersection of the north margin of Spencer Street, as platted in the Sound Trustee Company's 5th Addition to The City of Seattle, and the east margin of 44th Avenue South, as established by deed, Ordinance No. 30012; thence east along said north margin a distance of two hundred seventy-two and sixty-two one-hundredths (272.62) feet to an intersection with the west margin of Rainier Avenue, as established by Ordinance No. 29364; thence north along said

Westerly margin a distance of thirty-four and sixty-six one-hundredths (34.66) feet; thence West parallel with the South margin of said Spencer Street a distance of one hundred forty-eight and sixty-one one-hundredths (148.61) feet; thence North along a straight line a distance of one hundred thirty-three and ten one-hundredths (133.10) feet to a point on the North line of said tract, said point being distant one hundred twenty (120) feet East from the intersection of said North line with the East margin of 44th Avenue South, as established by deed, Ordinance No. 30012; thence West along said North line a distance of twenty (20) feet; thence South parallel with the next to the last above described line a distance of one hundred thirty-three and one one-hundredth (133.01) feet; thence West parallel with the South margin of said Spencer Street a distance of one hundred (100) feet to an intersection with the East margin of 44th Avenue South as established by deed, Ordinance No. 30012; thence South along said East margin a distance of thirty-five and eighty-five one-hundredths (35.85) feet to point of beginning.

That portion of Tract Twenty-three (23) described as follows:

Beginning at a point on the North line of said tract, said point being distant one hundred (100) feet East from the intersection of said North line with the East margin of 44th Avenue South, as established by deed, Ordinance No. 32594; thence South parallel with said East margin a distance of one hundred fifteen and one one-hundredth (115.01) feet to an intersection with the North line of Block One (1), J. A. Campbell's Addition to The City of Seattle; thence East along said North line a distance of twenty (20) feet; thence North parallel with the next to the last above described line a distance of one hundred fifteen and one one-hundredth (115.01) feet to an intersection with the North line of said tract; thence West along said North line a distance of twenty (20) feet to point of beginning.

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

Beginning at a point on the North margin of Graham Street, as now established, said point being distant one hundred ninety-two (192) feet East from the intersection of the said North margin with the East line of Tract Eight (8), Galva Addition to The City of Seattle; thence North along a straight line a distance of one hundred (100) feet to a point of intersection with the South line of Tract Three (3), said Galva Addition, said point being distant four and thirty-nine one-hundredths (4.39) feet West from the Southeast corner of said tract; thence East along said South line and said South line produced a distance of seven and one one-hundredth (7.01) feet to an intersection with the East boundary line of said Galva Addition; thence Northerly along the East boundary line of said Galva Addition a distance of two hundred fourteen and twenty one-hundredths (214.20) feet to an intersection with the North boundary line of said Tract Twenty-one (21), said point of intersection being also the Northeast corner of said Galva Addition; thence East along the North line of said Tract Twenty-one (21) a distance of twelve and sixty-nine one-hundredths (12.69) feet to an intersection

with the West line of Lot Four (4), Block One (1), The Sound Trustee Company's 5th Addition to The City of Seattle; thence Southerly along said West boundary line produced a distance of sixty-one and ninety-three one-hundredths (61.93) feet; thence continuing Southerly along the arc of a curve to the left having a uniform radius of eight hundred fifty-one (851) feet (the radius of said curve making an angle of eighty degrees, fifty-nine minutes and thirty-five seconds ($80^{\circ} 59' 35''$) with said produced line) a distance of one hundred thirty-nine and forty-six one-hundredths (139.46) feet; thence South along a straight line a distance of one hundred thirteen and eighteen one-hundredths (113.18) feet to a point of intersection with the North margin of Graham Street, as now established, said point being distant two hundred twelve (212) feet East from the intersection of the said North margin with the East line of Tract Eight (8), Galva Addition to The City of Seattle; thence West along said North margin a distance of twenty (20) feet to the point of beginning.

IN HILLMAN CITY, DIVISION NO. 5, AN ADDITION
TO THE CITY OF SEATTLE.

That portion of Block Three (3) described as follows:

Beginning at a point on the North line of said block, said point being distant one hundred ten (110) feet East from the Northwest corner of said block; thence South parallel with the West line of said block a distance of thirty-four and fifty one-hundredths (34.50) feet to an intersection with the South line of said block; thence East along said South line a distance of twenty (20) feet; thence North parallel with the West line of said block a distance of thirty-four and forty-five one-hundredths (34.45) feet to an intersection with the North line of said block; thence West along said North line a distance of twenty (20) feet to point of beginning.

IN J. A. CAMPELL'S ADDITION TO THE CITY OF SEATTLE

The West ten (10) feet of Lots One (1) to Five (5) inclusive, Block One (1); the East ten (10) feet of Lots Six (6) to Ten (10) inclusive, Block One (1).

IN GALVA, AN ADDITION TO THE CITY OF SEATTLE

That portion of Tract Three (3) described as follows:

Beginning at a point on the South line of said tract, said point being distant ninety-two (92) feet East from the Southwest corner of said tract; thence East along said South line a distance of four and thirty-nine one-hundredths (4.39) feet to the Southeast corner of said tract; thence Northerly along the Easterly line of said tract a distance of ten and eighteen one-hundredths (10.18) feet; thence South along a straight line a distance of nine and twenty-five one-hundredths (9.25) feet to point of beginning.

Section 2. That the curb grades of Spencer Street, from 44th Avenue South to Rainier Avenue, and of the alley between 44th Avenue South and Rainier Avenue, from Graham Street to Kenny Street, be and the same are hereby established at the following elevations above city datum, to-wit:

ON SPENCER STREET

At the east margin of 44th Avenue South, as established by deed, Ordinance No. 30012, at elevations to conform with the existing grade on 44th Avenue South:

North Curb	154.90-Feet
South Curb	154.20-Feet

At a point one hundred twenty (120) feet east of the east margin of 44th Avenue South, as established by deed, Ordinance No. 30012:

North Curb	153.70-Feet
South Curb	153.70-Feet

At the west margin of Rainier Avenue, as established by condemnation, Ordinance No. 29364, at elevations to conform with the existing grade on Rainier Avenue:

North Curb	150.60-Feet
South Curb	149.80-Feet

ON THE ALLEY BETWEEN 44th AVENUE SOUTH AND RAINIER AVENUE, FROM GRAHAM STREET TO KENNY STREET.

At the south margin of Kenny Street:

On the east margin of Alley	166.66-Feet
On the center line of Alley	166.91-Feet
On the west margin of Alley	167.11-Feet

At a point thirty (30) feet south of the last mentioned point:

On the east margin of Alley	166.62-Feet
On the center line of Alley	166.15-Feet
On the west margin of Alley	166.62-Feet

At a point thirty (30) feet north of the north margin of Spencer Street, as established herein:

On the east margin of Alley	155.35-Feet
On the center line of Alley	154.88-Feet
On the west margin of Alley	155.35-Feet

At the north margin of Spencer Street, as established herein:

On the east margin of Alley	154.02-Feet
On the center line of Alley	154.12-Feet
On the west margin of Alley	154.22-Feet

At the south margin of Spencer Street:

On the east margin of Alley	152.56-Feet
On the center line of Alley	152.94-Feet
On the west margin of Alley	153.32-Feet

At a point thirty (30) feet south of the south margin of Spencer Street, measured along the east margin of the Alley:

On the east margin of Alley	153.03-Feet
On the center line of Alley	152.56-Feet
On the west margin of Alley	153.03-Feet

At the north margin of Bateman Street produced from the west:

On the east margin of Alley	150.92-Feet
On the center line of Alley	150.45-Feet
On the west margin of Alley	150.92-Feet

At the south margin of Bateman Street produced from the west:

On the East margin of Alley	150.47-Feet
On the center line of Alley	150.00-Feet
On the west margin of Alley	150.47-Feet

At a point thirty (30) feet north of the north margin of Graham Street:

On the east margin of Alley	139.53-Feet
On the center line of Alley	139.06-Feet
On the west margin of Alley	139.53-Feet

At the north margin of Graham Street:

On the east margin of Alley	137.23-Feet
On the center line of Alley	137.41-Feet
On the west margin of Alley	137.51-Feet

That the curb gradients shall be of a uniform rate of grade between the elevations established herein:

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 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 streets and highways; 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 19 day of DECEMBER 1921
and signed by me in open session in authentication of its passage this 19 day of DECEMBER 1921
Robert B. Hesketh
President of the City Council.

Approved by me this 21 day of DECEMBER 1921
Henry H. Lawrence
Mayor.

Filed by me this 21 day of DECEMBER 1921
Attest: [Signature]
City Comptroller and Ex-Officio City Clerk.

[SEAL]

Published DEC 24 1921
By [Signature]
City Comptroller and Ex-Officio City Clerk.
By [Signature]
Deputy Clerk.