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**Ordinance No. 43578**

Providing for the laying off, opening, extending and establishing of a Public Alley, between Pasadena Place and 7th Ave. N.E., from E. 40th St. to E. 42nd St., providing for the establishing of the grades of said alley, etc.

*By Order of Council*  
*7/11/22*  
*1. 11/22*  
*11/22*  
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*11/22*

**Council Bill No. 33959**

INTRODUCED: OCT 23 1922	BY: STREETS & SEWERS
REFERRED: OCT 23 1922	TO: STREETS & SEWERS
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REPORTED: NOV 13 1922	VETO:
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ENGROSSED:	BY: <i>L.S.B.</i>
VOL. <i>21</i> PAGE <i>147</i>	
COMPARED BY:	
AND	

ORDINANCE NO. 14378

AN ORDINANCE Providing for the laying off, opening, extending and establishing of a Public Alley, between Pasadena Place and 7th Avenue Northeast, from East 40th Street to East 42nd Street; providing for the establishing of the grades of said alley; 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 alley; and for the establishing of the grades and for the grading of the above described alley in conformity with the grades established herein; providing for the necessary slopes for cuts and fills upon the property abutting upon said alley; and providing that the entire cost of said improvement shall be paid by special assessment upon property specially benefited, in the manner provided by law.

WHEREAS, Public necessity and convenience demand that an alley between Pasadena Place and 7th Avenue Northeast, from East 40th Street to East 42nd Street, be laid off, opened, extended and established as a public alley, and that the grades of the said alley be established and that said alley 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 a Public Alley between Pasadena Place and 7th Avenue Northeast, from East 40th Street to East 42nd Street, be and the same is hereby laid off, opened, extended and established over and across the following lots, blocks, or tracts of land, to-wit:

The east seven (7) feet of lots one (1) to twenty-one (21), inclusive, block nine (9), Latona First Addition to The City of Seattle.

The west seven (7) feet of lots one (1) to twenty-one (21), inclusive, block nine (9), Lake View Addition to The City of Seattle.

Section 2. That the grades of the alley established in Section 1 hereof, be and the same are hereby established at the following elevations above city datum, to-wit:

At the north margin of East 40th Street:

East margin of the alley	61.31 feet
At center line of the alley	61.66 feet
West margin of the alley	62.01 feet

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

East margin of the alley	64.99 feet
At center line of the alley	64.66 feet
West margin of the alley	64.99 feet

At a point two hundred eighty-five (285) feet south of the south margin of East 42nd Street: at the P.C. of a vertical curve:

East margin of the alley	85.93 feet
At center line of the alley	85.60 feet
West margin of the alley	85.93 feet

At a point eighty (80) feet north of the last mentioned point, at the point of reverse curve of a vertical curve:

East margin of the alley	90.33 feet
At center line of the alley	90.00 feet
West margin of the alley	90.33 feet

At a point eighty (80) feet north of the last mentioned point, at the point of tangency of a vertical curve:

East margin of the alley	93.99 feet
At center line of the alley	93.66 feet
West margin of the alley	93.99 feet

At a point thirty (30) feet south of the south margin of East 42nd Street:

East margin of the alley	101.73 feet
At center line of the alley	101.40 feet
West margin of the alley	101.73 feet

At the south margin of East 42nd Street:

East margin of the alley	103.32 feet
At center line of the alley	103.84 feet
West margin of the alley	104.47 feet

That in the grading of the above described alley, the City shall acquire the right in the case of a cut to remove the lateral support abutting on said alley. 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 (1½) feet for each foot of elevation of fill, for the purpose of acquiring lateral support for said alley, reserving unto the abutting property owners, respectively, the right at any time to remove such slopes upon providing other adequate lateral support for said alley.

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 alley, and that all lands, rights, privileges and other property necessary to be taken, used or damaged in the grading of said alley, in conformity with the grades established in Section 2 hereof, and in the construction of the necessary slopes for cuts and fills upon the property abutting on said alley, are hereby condemned, appropriated, taken and damaged to the public use for such purpose. 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 land 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 13 day of NOVEMBER 1922 and signed by me in open session in authentication of its passage this 13 day of

NOVEMBER 1922 W. B. Fitzgerald  
President of the City Council.

Approved by me this 17 day of NOVEMBER 1922 Charles Brown  
Mayor.

Filed by me this 17 day of NOVEMBER 1922 W. B. Fitzgerald  
Attest: City Comptroller and Ex-Officio City Clerk.

[SEAL] By W. B. Fitzgerald  
Deputy Clerk.

Published NOV 27 1922 By W. B. Fitzgerald  
City Comptroller and Ex-Officio City Clerk.  
By W. B. Fitzgerald  
Deputy Clerk.

92364- Award of Jury  
93019- Report car exhibited on confirmation roll

Prepared at request of  
S. B. Brown, File 81779