

Ordinance No. 48259

Providing for the acquisition by condemnation or purchase of a right of way for a pipe line and ditch for the diversion of the waters of Honey Creek into and through Peterson's Lake, thence, by increasing the natural flow of the creek forming the outlet of said Lake, to Cedar River, said right of way extending over and across portions of Sections 6, 5, 4, 8, and 9, etc.

C.D.

Council Bill No. 34962

INTRODUCED: MAY 21 1923	BY: ERICKSON
REFERRED: MAY 21 1923	TO FINANCE CITY UTILITIES
REFERRED:	
REPORTED: MAY 28 1923	VETO:
SECOND READING: MAY 28 1923	PUBLISHED:
THIRD READING: MAY 28 1923	VETO SUSTAINED:
SIGNED: MAY 28 1923	PASSED OVER VETO:
PRESENTED TO MAYOR: MAY 28 1923	APPROVED: JUN 26 1923
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ENGROSSED:	BY: <i>LB</i>
VOL. <i>71</i> PAGE <i>476</i>	
COMPARED BY:	

OK

C.F. 93745 Award of Jury

Out 94837- Releases ^{and accepts} r/w. easement over certain
property in Sec. 5-22-6

C.F. 255540- Release of easement, Sec. 5-22-6

Prepared at request of

HW

ORDINANCE NO. 45250

AN ORDINANCE Providing for the acquisition by condemnation or purchase of a right of way for a pipe line and ditch for the diversion of the waters of Honey Creek into and through Peterson's Lake, thence, by increasing the natural flow of the creek forming the outlet of said Lake, to Cedar River, said right of way extending over and across portions of Sections Six (6), Five (5), Four (4), Eight (8), and Nine (9), Township Twenty-two (22) North, Range Six (6) East, Willamette Meridian; providing for the taking and damaging of all land and other property, property rights and privileges necessary therefor; and providing for the ascertainment and payment of the just compensation to be made therefor.

WHEREAS, in the construction of certain additions to and betterments of the water supply system of The City of Seattle, at Swan Lake, under the provisions of Ordinance No. 37520, as amended, it is necessary in order to prevent the pollution of the waters of Swan Lake to divert the flow of Honey Creek from Swan Lake to and through Peterson's Lake located in the Northwest quarter of the Southwest quarter of Section Five (5), Township Twenty-two (22) North, Range Six (6) East, W.M., and to continue said diversion from Peterson's Lake to Cedar River by a suitable route for pipe line and ditch; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. That all lands and other property, property rights and privileges lying and being within the following described tracts or parcels of land in the County of King, State of Washington, necessary for the purpose of right of way for a ditch and pipe line to divert certain surface waters from the watershed of the Swan Lake Reservoir to an outlet in Cedar River, be and the same are hereby condemned, appropriated, taken and damaged for the public use, to-wit;

A strip of land fifty (50) feet in width extending over and across the south one-half of the northeast one-quarter of the southwest one-quarter (S $\frac{1}{2}$ -N.E. $\frac{1}{4}$ -S.W. $\frac{1}{4}$) of Section Six (6), Township Twenty-two (22) North, Range Six (6) East, Willamette Meridian, the center line of which 50-foot strip is described as follows: Beginning at a point on the west line of said northeast one-quarter of the southwest one-quarter (N.E. $\frac{1}{4}$ -S.W. $\frac{1}{4}$), said point being distant eighty-seven and nine-tenths (87.9) feet north no degrees, twenty-nine minutes, no seconds west (N 0° 29' 0" W) from the southwest corner of said northeast one-quarter of the southwest one-quarter; thence south forty-eight degrees, eighteen minutes, no seconds east (S 48° 18' 0" E) a distance of one hundred thirty and two-tenths (130.2) feet to a point on the south line of said northeast one-quarter of the southwest one-quarter, said point being distant ninety-six and five-tenths (96.5) feet north eighty-nine degrees, fifteen minutes, ten seconds east (N 89° 15' 10" E) from the southwest corner of said northeast quarter of the southwest quarter, said strip

(A)

of land containing one hundred forty-nine one-thousandths (0.149) acres more or less.

A Strip of land fifty (50) feet in width extending over and across the south one-half of the northeast one-quarter of the southwest one-quarter (S $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section Six (6), Township Twenty-two (22) North, Range Six (6) east, Willamette Meridian, the center line of which 50-foot strip is described as follows: Beginning at a point on the south line of said northeast one-quarter of the southwest one-quarter, said point being distant two hundred twenty-three and five-tenths (223.5) feet south eighty-nine degrees, fifteen minutes, ten seconds west (S 89°15'10"W) from the southeast corner thereof; thence north seventy-three degrees, fifty-two minutes, thirty seconds east (N 73°52'30" E) a distance of two hundred thirty-two and one-tenth (232.1) feet to a point on the east line of said northeast quarter of the southwest quarter, said point being distant sixty-one and six-tenths (61.6) feet north no degrees, twenty-eight minutes, no seconds west (N 0°28'0"W) from the southeast corner of said northeast quarter, said strip of land containing two hundred sixty-six one-thousandths (0.266) acres more or less.

A Strip of land extending over and across the southeast one-quarter of the southwest one-quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section Six (6), Township Twenty-two (22) North, Range Six (6) East, Willamette Meridian, the boundary lines of which strip are described as follows: Beginning at a point on the north line of said southeast one-quarter of the southwest one-quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$) said point being distant one hundred thirty-three and six-tenths (133.6) feet, north eighty-nine degrees, fifteen minutes, ten seconds east (N 89°15'10" E) from the northwest corner thereof; thence south forty-eight degrees, eighteen minutes, no seconds east (S 48° 18' 0" E) along the northerly line of said strip a distance of one hundred sixty-one and two-tenths (161.2) feet; thence south seventy-seven degrees, twelve minutes, forty-five seconds east (S 77° 12' 45" E) a distance of one hundred eighty-six and seven-tenths (186.7) feet; thence north seventy-three degrees, fifty-two minutes, thirty seconds east (N 73° 52' 30" E) a distance of five hundred seventy-four and nine-tenths (574.9) feet to an intersection with the north line of said southeast one-quarter of the southwest one-quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$); thence north eighty-nine degrees, fifteen minutes, ten seconds east (N 89° 15' 10" E) along said north line a distance of one hundred eighty-eight and five-tenths (188.5) feet to the southerly boundary line of said strip; thence south seventy-three degrees, fifty-two minutes, thirty seconds west (S 73° 52' 30" W) along said southerly boundary line a distance of eight hundred ninety-one and no tenths (891.0) feet; thence north forty-eight degrees, eighteen minutes, no seconds west (N 48° 18' 0" W) a distance of three hundred fifty and one-tenth (350.1) feet; thence north eighty-nine degrees, fifteen minutes, ten seconds east (N 89°15'10" E) a distance of seventy-four and one-tenth (74.1) feet to the point of beginning, said strip of land containing one and three hundred sixty-seven one-thousandths (1.367) acres more or less.

A Strip of land fifty (50) feet in width extending over and across the west one-half of the northwest one-quarter of the southeast one-quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section Six (6), Township Twenty-two (22) North, Range Six (6) East, Willamette Meridian, the center line of which fifty-foot strip is described as follows: Beginning at a point on the west line of said west one-half of the northwest one-quarter of the southeast one-quarter, said point being distant sixty-one and six-tenths (61.6) feet north no degrees, twenty-eight minutes, no seconds west (N 0° 28' 0"W) from the southwest corner thereof; thence north seventy-three degrees, fifty-two minutes, thirty seconds east (N73° 52' 30"E) a distance of seven hundred and four-tenths (700.4) feet to a point on the east line of said west one-half of the northwest one-quarter of the southeast one-quarter, said point being distant two hundred fifty-one and three-tenths (251.3) feet north no degrees, five minutes, no seconds west (N0° 05' 00"W) from the southeast corner thereof, said strip of land containing eight hundred four one-thousandths (0.804) acres more or less.

B4C

A Strip of land extending over and across the east one-half of the northwest one-quarter of the southeast one-quarter (E $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section Six (6), Township Twenty-two (22) North, Range Six (6) East, Willamette Meridian, the boundary lines of which strip are described as follows: Beginning at a point on the west line of said east one-half of the northwest one-quarter of the southeast one-quarter, said point being distant two hundred seventy-seven and three-tenths (277.3) feet north no degrees, five minutes, no seconds west (N 0° 05' 00"W) from the southwest corner thereof; thence north seventy-three degrees, fifty-two minutes, thirty seconds, east (N73° 52' 30"E) along the northerly line of said strip a distance of six hundred fifty-one and four-tenths (651.4) feet to an intersection with the southerly boundary line of the Cedar River Pipe Line right of way; thence north seventy-nine degrees fifty-two minutes, no seconds east (N79° 52' 00"E) a distance of seventy-two and one-tenth (72.1) feet to a point on the east line of said east one-half of the northwest quarter of the southeast one-quarter, said point being distant four hundred fifty-nine and nine-tenths (459.9) feet north no degrees, eighteen minutes, no seconds east (N 0° 18' 00"E) from the southeast corner thereof; thence south no degrees, eighteen minutes, no seconds west (S 0° 18' 00"W) along said east line a distance of forty-four and three-tenths (44.3) feet to an intersection with the southerly line of said strip; thence south seventy-three degrees, fifty-two minutes, thirty seconds west (S73° 52' 30"W) a distance of seven hundred two and nine-tenths (702.9) feet to an intersection with the west line of said east one-half of the northeast one-quarter of the southeast one-quarter; thence north no degrees, five minutes, no seconds west N 0° 05' 00"W) along said west line a distance of fifty-two (52) feet to the point of beginning, said strip of land containing eight hundred six one-thousandths (0.806) acres more or less.

D

A Strip of land extending over and across the northeast one-quarter of the southeast one-quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section Six (6), Township Twenty-two (22) North, Range Six (6) East, Willamette Meridian, the boundary lines of which strip are described as follows: Beginning at a point on the west line of the northeast quarter of the southeast quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section Six (6), Township Twenty-two (22) North, Range Six (6) East, said point being distant four hundred fifty-nine and nine-tenths (459.9) feet north, no degrees, eighteen minutes, no seconds east (N 0° 18' 00"E)

E

from the southwest corner thereof; thence north seventy-nine degrees, fifty-two minutes, no seconds east (N 79° 52' 00"E) along the southerly line of the Cedar River Pipe Line right of way a distance of thirty-seven and nine-tenths (37.9) feet; thence along the arc of a curve to the right having a radius of two thousand eight hundred thirty-one and ninety-three one-hundredths (2831.93) feet a distance of seventy-four and one-tenth (74.1) feet; thence continuing along said southerly line north eighty-one degrees, twenty-two minutes, no seconds east (N 81° 22' 00"E) a distance of two hundred twenty-one and no-tenths (221.0) feet to an intersection with the southerly line of said strip; thence south seventy-three degrees, fifty-two minutes, thirty seconds west (S 73° 52' 30"W) a distance of three hundred fifty-two and five-tenths (352.5) feet along said southerly line to an intersection with the west line of said northeast one-quarter of the southeast one-quarter; thence north no degrees, eighteen minutes, no seconds east (N 0° 18' 00"E) a distance of forty-four and three-tenths (44.3) feet along said west line to the point of beginning, said strip of land containing three hundred thirty-eight one-thousandths (0.338) acres more or less. (E)

A Strip of land fifty (50) feet in width extending over and across the northeast one-quarter of the southeast one-quarter (NE¼ SE¼) of Section Six (6), Township Twenty-two (22) North, Range Six (6) East, Willamette Meridian, the center line of which fifty-foot strip is described as follows: Beginning at a point on the east line of said northeast one-quarter of the southeast one-quarter, said point being distant four hundred ninety-two and eight-tenths (492.8) feet south one degree, three minutes, thirty seconds west (S 1° 03' 30"W) from the northeast corner thereof, said northeast corner being identical with the one-quarter section corner on the east line of Section Six (6), Township twenty-two (22) North, Range Six (6) East, Willamette Meridian; thence south seventy-three degrees, fifty-two minutes, thirty seconds west (S 73° 52' 30" W) a distance of seven hundred fifty-four and five-tenths (754.5) feet to an intersection with the northerly boundary of the Cedar River Pipe Line right of way, said strip of land containing eight hundred sixty-six one-thousandths (0.866) acres more or less. (F)

A Strip of land extending over and across the northwest one-quarter of the southwest one-quarter of Section Five (5), Township Twenty-two (22) North, Range Six (6) East, Willamette Meridian, the boundary lines of which strip of land are described as follows: Beginning at a point on the west line of said northwest one-quarter of the southwest one-quarter, said point being distant four hundred sixty-seven and six-tenths (467.6) feet south one degree, three minutes, thirty seconds west (S 1° 03' 30"W) from the one-quarter corner on the west line of said Section Five (5); thence north seventy-three degrees, fifty-two minutes, thirty seconds east (N 73° 52' 30"E) along the northerly boundary of said strip a distance of nine hundred fifty-four and two-tenths (954.2) feet; thence south eighty-three degrees, thirty-seven minutes, thirty seconds east (S 83° 37' 30" E) a distance of three hundred ninety-seven and eight-tenths (397.8) feet to the east line of said northwest one-quarter of the southwest one-quarter; thence south no degrees, eleven minutes, fifty seconds west (S 0° 11' 50" W) a distance of one hundred and six-tenths (100.6) feet to the southerly line of said strip; thence north eighty-three degrees, thirty

seven minutes, thirty seconds west (N 83° 37' 30" W) along said southerly line a distance of five hundred eight and three-tenths (508.3) feet; thence south seventy-three degrees, fifty-two minutes, thirty seconds west (S 73° 52' 30" W) a distance of eight hundred thirteen and six-tenths (813.6) feet to an intersection with the west line of said Section Five (5); thence north one degree, three minutes, thirty seconds east (N 1° 03' 30" E) along said west line a distance of fifty and four-tenths (50.4) feet to the point of beginning, said strip of land containing two and forty-eight one-thousandths (2.048) acres more or less.

A Strip of land one hundred (100) feet in width, extending over and across the northeast one-quarter of the southwest one-quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section Five (5), Township Twenty-two (22) North, Range Six (6) East, Willamette Meridian, the center line of which hundred-foot strip is described as follows: Beginning at a point on the west line of said northeast one-quarter of the southwest one-quarter, said point being distant two hundred seventy-six and five-tenths (276.5) feet south no degrees, eleven minutes, fifty seconds west (S 0° 11' 50" W) from the northwest corner thereof; thence south eighty-three degrees, thirty-seven minutes, thirty seconds east (S 83° 37' 30" E) a distance of eighty-two and one-tenth (82.1) feet; thence south sixty-nine degrees, forty minutes, thirty seconds east (S 69° 40' 30" E) a distance of three hundred forty-nine and five-tenths (349.5) feet; thence south thirty-two degrees, fifteen minutes, no seconds east (S 32° 15' 00" E) a distance of one hundred fifty and nine-tenths (150.9) feet; thence south sixty-two degrees, twenty-one minutes, ten seconds east (S 62° 21' 10" E) a distance of two hundred seven and five-tenths (207.5) feet; thence south eighty-five degrees, six minutes, twenty seconds east (S 85° 06' 20" E) a distance of three hundred ninety-two and seven-tenths (392.7) feet; thence south fifty-one degrees, seventeen minutes, five seconds east (S 51° 17' 05" E) a distance of two hundred thirty-eight and four-tenths (238.4) feet; thence south twenty-seven degrees, thirty-seven minutes, thirty seconds east (S 27° 37' 30" E) a distance of one hundred thirteen and one-tenth (113.1) feet to the east line of said northeast one-quarter of the southwest one-quarter; said one hundred-foot strip of land containing three and five hundred twenty-two one-thousandths (3.522) acres more or less.

A Strip of land one hundred (100) feet in width extending over and across the northwest one-quarter of the southeast one-quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section Five (5), Township Twenty-two (22) North, Range Six (6) East, Willamette Meridian, the center line of which one hundred-foot strip is described as follows: Beginning at a point on the west line of said northwest one-quarter of the southeast one-quarter, said point being distant four hundred and three-tenths (400.3) feet north no degrees, forty-two minutes, thirty-five seconds, west (N 0° 42' 35" W) from the southwest corner thereof; thence south twenty-seven degrees, thirty-seven minutes, thirty seconds east (S 27° 37' 30" E) a distance of four hundred thirteen and eight-tenths (413.8) feet; thence south forty-nine degrees, no minutes, twenty seconds east (S 49° 0' 20" E) a distance of fifty-nine and five-tenths (59.5) feet to a point of intersection with the south line of said northwest one-quarter of the southeast one-quarter, said point being distant two hundred thirty-one and nine-tenths (231.9) feet north

eighty-eight degrees, thirty-nine minutes, fifty seconds west (N 88° 39' 50"W) from the southwest corner of said northwest one-quarter of the southeast one-quarter, said strip of land containing one and eighty-seven one-thousandths (1.087) acres more or less.

A Strip of land one hundred (100) feet in width extending over and across the southwest one-quarter of the southeast one-quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section Five (5), Township Twenty-two (22) North, Range Six (6) East, Willamette Meridian, the center line of which one hundred-foot strip is described as follows: Beginning at a point on the north line of said southwest one-quarter of the southeast one-quarter, said point being distant two hundred thirty-one and nine-tenths (231.9) feet north eighty-eight degrees, thirty-nine minutes, fifty seconds west (N 88° 39' 50"W) from the northwest corner thereof; thence south forty-nine degrees, no minutes, twenty seconds east (S 49° 00' 20" E) a distance of six hundred fifty-seven and two-tenths (657.2) feet; thence south ten degrees, sixteen minutes, twenty seconds west (S 10° 16' 20" W) a distance of one hundred twenty-one and four-tenths (121.4) feet; thence south fifty-seven degrees, thirty-eight minutes, no seconds east (S 57° 38' 00" E) a distance of five hundred thirty-seven and eight-tenths (537.8) feet; thence south twenty-six degrees, forty-eight minutes, thirty seconds east (S 26° 48' 30" E) a distance of two hundred seven and no-tenths (207.0) feet; thence south eighty-two degrees, twenty-one minutes, thirty seconds east (S 82° 21' 30" E) a distance of one hundred thirty-seven and three-tenths (137.3) feet to the point of intersection with the east line of said southwest one-quarter of the southeast one-quarter, said point being distant three hundred twenty-five and seven-tenths (325.7) feet north one degree, thirty-nine minutes, forty seconds west (N 1° 39' 40" W) from the southeast corner thereof, said strip of land containing three and six hundred seventy-six one-thousandths (3.676) acres more or less.

Section 2. That the right is hereby condemned to increase the natural flow of that certain creek having its source in said Peterson's Lake, located in the Northwest quarter of the Southwest quarter of Section Five (5), of said township and range, by discharging into said creek additional waters other than the waters flowing into said creek from its natural drainage area, a maximum amount of thirty cubic feet per second, said increased amount of flow in said creek to extend over and across the Southeast quarter of the Southeast quarter of Section Five (5), the Northeast quarter of the Northeast quarter of Section Eight (8), the Southwest quarter of the Southwest quarter of Section Four (4), and the North half of the Northwest quarter of Section Nine (9), of said township and range, to a junction with Cedar River; that the further right is hereby acquired to enter into and upon

the lands herein described, over and through which the said creek flows from said Southeast quarter of the Southeast quarter of Section Five (5) to its junction with Cedar River, for the purpose of removing any obstructions that may occur from time to time in said stream, in order to prevent overflow or damage to the adjacent property.

Section 3. That the entire cost of the improvement provided for herein shall be paid from the Cedar River Water Extension Utility Bond Fund, 1917.

Section 4. 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.

Section 5. That in conducting said condemnation proceedings the Corporation Counsel be and he is hereby authorized to enter into agreements with the owners of said lots, tracts, and parcels of land hereinabove described and appropriated, or by stipulation made in court to reserve to the said owners the right to use the property hereby condemned and appropriated for any useful purpose, but no agreement or stipulation shall be made with or in favor of said owners which will prevent the use of said property by The City of Seattle insofar as their necessities may require in the maintaining or repairing of said ditch and pipe line.

(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 28 day of MAY 1923 and signed by me in open session in authentication of its passage this 28 day of

MAY 1923 *C. B. Fitzgerald* President of the City Council.

Approved by me this 7 day of JUNE 1923 *Christy Brown* Mayor.

Filed by me this 7 day of JUNE 1923 Attest: *A. W. Carroll* City Comptroller and Ex-Officio City Clerk.

[SEAL] By *A. W. Carroll* Deputy Clerk.

Published JUN 7 1923 By *A. W. Carroll* City Comptroller and Ex-Officio City Clerk. *A. W. Carroll* Deputy Clerk.