

Ordinance No. 45277

Providing for the laying off, opening, widening, extending and establishing of EAST 56th STREET, from 5th Avenue Northeast to 10th Avenue Northeast; providing for the establishing of the curb grades thereof; providing for the condemnation, appropriation, taking and damaging of land and other property necessary for the laying off, opening, widening, extending, etc.

Council Bill No. 34989

| | |
|-----------------------------------|---------------------------|
| INTRODUCED: MAY 28 1923 | BY: STREETS & SEWERS |
| REFERRED: MAY 28 1923 | TO: STREETS & SEWERS |
| REFERRED: | |
| REPORTED: JUN 4 1923 | VETO: |
| SECOND READING: JUN 4 1923 | PUBLISHED: |
| THIRD READING: JUN 4 1923 | VETO SUSTAINED: |
| SIGNED: JUN 4 1923 | PASSED OVER VETO: |
| PRESENTED TO MAYOR: JUN 4 1923 | APPROVED: JUN 7 1923 |
| FILED: JUN 7 1923 | PUBLISHED: JUN 16 1923 |
| ENGROSSED: | BY: <i>[Signature]</i> |
| VOL. <i>71</i> PAGE <i>184</i> | |
| COMPARED BY: | |

AND

74699 - *encl of Jury*
75422 - *Report for Counsel on approval roll.*

Prepared at request of

St. Helen Committee

File # 87982

LDW

ORDINANCE NO. 45277

AN ORDINANCE Providing for the laying off, opening, widening, extending and establishing of EAST 56th STREET, from 5th Avenue Northeast to 10th Avenue Northeast; providing for the establishing of the curb grades thereof; 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 in conformity with the grades established herein; providing for the necessary slopes for cuts and fills upon the property abutting on said street 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 street 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 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 56th 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 DAY'S ACRE GARDENS, AN ADDITION TO THE CITY OF SEATTLE

- The north thirty (30) feet of Tract Two (2);
- The south thirty (30) feet of Tract Three (3);
- The south thirty (30) feet of Tract Eighteen (18), except the east five (5) feet thereof;
- The north thirty (30) feet of Tract Nineteen (19), except the east five (5) feet thereof;
- The south thirty (30) feet of Tract Twenty-three (23), except the west five (5) feet thereof.

Section 2. That the curb grades of East 56th Street, from 5th Avenue Northeast to 10th Avenue Northeast, be and the same are hereby established to the following elevations above city datum, to-wit:

At the east margin of 5th Avenue Northeast, at elevation conforming with the existing grade on 5th Avenue Northeast:

| | |
|------------|--------------|
| North Curb | 218.60 feet |
| South Curb | 218.60 feet. |

At a point fifteen (15) feet east of the last mentioned point at the point of curvature of a vertical curve:

| | |
|------------|--------------|
| North Curb | 218.45 feet |
| South Curb | 218.45 feet. |

At a point three hundred (300) feet east of the last mentioned point at the point of tangency of a vertical curve:

| | |
|------------|--------------|
| North Curb | 203.60 feet |
| South Curb | 203.60 feet. |

At a point ninety-three (93) feet east of the last mentioned point at the point of curvature of a vertical curve:

| | |
|------------|--------------|
| North Curb | 195.30 feet |
| South Curb | 195.30 feet. |

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 | 187.35 feet |
| South Curb | 187.60 feet. |

At a point five (5) feet west of the west margin of 8th Avenue Northeast at elevations conforming with the existing grade on 8th Avenue Northeast:

| | |
|------------|--------------|
| North Curb | 186.92 feet |
| South Curb | 187.30 feet. |

At a point five (5) feet east of the east margin of 8th Avenue Northeast at elevations conforming with the existing grade on 8th Avenue Northeast:

| | |
|------------|--------------|
| North Curb | 186.92 feet |
| South Curb | 187.30 feet. |

At a point twenty-seven and fifty one-hundredths (27.50) feet west of the west margin of 10th Avenue Northeast at an elevation conforming with the existing grade on 10th Avenue Northeast:

| | |
|------------|--------------|
| North Curb | 191.46 feet. |
|------------|--------------|

At a point fifteen (15) feet west of the west margin of 10th Avenue Northeast at an elevation conforming with the existing grade on 10th Avenue Northeast:

| | |
|------------|--------------|
| South Curb | 191.70 feet. |
|------------|--------------|

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, the City shall acquire the right in the case of a cut to remove the lateral support abutting on 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 real 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 street, 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.

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 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, 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,

(To be used for all Ordinances except Emergency.)

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.

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 4 day of JUNE 1923 and signed by me in open session in authentication of its passage this 4 day of JUNE 1923 [Signature] President of the City Council.

Approved by me this 7 day of JUNE 1923 [Signature] Mayor.

Filed by me this 7 day of JUNE 1923 [Signature] City Comptroller and Ex-Officio City Clerk.

[SEAL]

By [Signature] Deputy Clerk.

Published JUN 16 1923 [Signature] City Comptroller and Ex-Officio City Clerk. By [Signature] Deputy Clerk.