

Ordinance No. 45563

Providing for the laying off, widening, extending and establishing of 4th AVENUE NORTHEAST, from East 75th St. to 5th Ave. N.E.; providing for the changing and establishing of the curb grades of 4th Avenue Northeast and East 76th St.

Amended in Section L by Ordinance No. 45704

Council Bill No. 35297

INTRODUCED: JUL 23 1923	BY: STREETS & SEWERS
REFERRED: JUL 23 1923	TO: STREETS & SEWERS
REFERRED:	
RERORTED: JUL 30 1923	VETO:
SECOND READING: JUL 30 1923	PUBLISH:
THIRD READING: JUL 30 1923	VETO SUSTAINED:
SIGNED: JUL 30 1923	PASSED OVER VETO:
PRESENTED TO MAYOR: JUL 30 1923	APPROVED: 9 1923
FILED: AUG 9 1923	PUBLISHED: AUG 16 1923
ENGROSSED:	BY:
VOL. <u>71</u> PAGE <u>590</u>	<u>L.P.</u>
COMPARED BY:	

AND

94698 - Award of Jury
96634 - Report on Counsel on Confirmation roll
63202 - Sale of 12 B6 - children due to grandk.

Prepared at request of
Review Committee
#88630

AMENDED

IN SECTION / BY

ORDINANCE No. 45704

ORDINANCE NO. 45563

AN ORDINANCE Providing for the laying off, opening, widening, extending and establishing of 4th AVENUE NORTHEAST, from East 75th Street to 5th Avenue Northeast; providing for the changing and establishing of the curb grades of 4th Avenue Northeast, from East 75th Street to 5th Avenue Northeast, and of East 76th Street between Latona Avenue and 5th Avenue Northeast; 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 avenue, for the changing and establishing of the grades and for the grading and regrading of the above described avenue and street in conformity with the grades established herein; providing for the necessary slopes for cuts and fills upon the property abutting upon said avenue and street; and providing for the condemnation, appropriation and taking in fee simple of land and other property for general municipal purposes; and providing that the entire cost of such improvement shall be paid by special assessment upon property specially benefited, in the manner provided by law, except as herein otherwise provided.

WHEREAS, Public necessity and convenience demand that the above named avenue be laid off, opened, widened, extended and established as a public street and highway, and that the curb grades of the above named avenue and street be changed and established and that said avenue and street 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 4th Avenue Northeast, from East 75th Street to 5th 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 and tracts of land, to-wit:

IN C. L. STONE'S DIVISION OF GREEN LAKE ADDITION
TO THE CITY OF SEATTLE.

That portion of lot four (4), block six (6),
described as follows:

Beginning at the southeast corner of said lot; thence north along the east line thereof a distance of twenty-four and fifty-eight one-hundredths (24.58) feet; thence southwesterly along a straight line a distance of thirty-two and ninety-eight one-hundredths (32.98) feet to a point on the south line of said lot, said point being distant two and thirty-five one-hundredths (2.35) feet east from the southwest corner of said lot; thence east along the south line thereof a distance of twenty-two and sixty-five one-hundredths (22.65) feet to the point of beginning.

That portion of lot three (3), block six (6), described as follows:

Beginning at the southeast corner of said lot; thence north along the east line thereof a distance of fifty-one and seventy-one one-hundredths (51.71) feet; thence southwesterly along a straight line a distance of thirty-six and forty one-hundredths (36.40) feet to a point on the west line of said lot, said point being distant twenty-four and fifty-eight one-hundredths (24.58) feet north from the southwest corner of said lot; thence south along said west line a distance of twenty-four and fifty-eight one-hundredths (24.58) feet to the southwest corner of said lot; thence east along the south line thereof a distance of twenty-five (25) feet to the point of beginning.

That portion of lot two (2), block six (6), described as follows:

Beginning at the southeast corner of said lot; thence north along the east line thereof a distance of seventy-eight and eighty-four one-hundredths (78.84) feet; thence southwesterly along a straight line a distance of thirty-six and forty one-hundredths (36.40) feet to a point on the west line of said lot, said point being distant fifty-one and seventy-one one-hundredths (51.71) feet north from the southwest corner of said lot; thence south along said west line a distance of fifty-one and seventy-one one-hundredths (51.71) feet to the southwest corner of said lot; thence east along the south line thereof a distance of twenty-five (25) feet to the point of beginning.

That portion of lot one (1), block six (6), described as follows:

Beginning at the southwest corner of said lot; thence east along the south line thereof a distance of seven and eighty-seven one-hundredths (7.87) feet; thence northeasterly along a straight line a distance of twenty-four and ninety-four one-hundredths (24.94) feet to a point on the east line of said lot, said point being distant eighteen and fifty-one one-hundredths (18.59) feet north from the southwest corner of said lot; thence north along the said east

line a distance of eighty-three and forty-one one-hundredths (83.41) feet to the northeast corner of said lot; thence west along the north line thereof a distance of three and sixty-six one-hundredths (3.66) feet; thence southwesterly along a straight line a distance of thirty-one and six one-hundredths (31.06) feet to a point on the west line of said lot, said point being distant twenty-three and sixteen one-hundredths (23.16) feet south from the northwest corner thereof; thence south along said west line a distance of seventy-eight and eighty-four one-hundredths (78.84) feet to the point of beginning.

That portion of lot six (6), block five (5), described as follows:

Beginning at the northwest corner of said lot; thence south along the west line thereof a distance of eighty-three and forty-one one-hundredths (83.41) feet; thence northeasterly along a straight line a distance of thirty-six and forty one-hundredths (36.40) feet to a point on the east line of said lot, said point being distant forty-five and seventy-two one-hundredths (45.72) feet north from the southeast corner of said lot; thence north along said east line a distance of fifty-six and twenty-eight one-hundredths (56.28) feet to the northeast corner of said lot; thence west along the north line thereof a distance of twenty-five (25) feet to the point of beginning.

That portion of lot five (5), block five (5), described as follows:

Beginning at the northwest corner of said lot; thence south along the west line thereof a distance of fifty-six and twenty-eight one-hundredths (56.28) feet; thence northeasterly along a straight line a distance of thirty-six and forty one-hundredths (36.40) feet to a point on the east line of said lot, said point being distant seventy-two and eighty-five one-hundredths (72.85) feet north from the southeast corner thereof; thence north along said east line a distance of twenty-nine and fifteen one-hundredths (29.15) feet to the northeast corner of said lot; thence west along the north line thereof a distance of twenty-five (25) feet to the point of beginning.

That portion of lot four (4), block five (5), described as follows:

Beginning at the northwest corner of said lot; thence south along the west line thereof a distance of twenty-nine and fifteen one-hundredths (29.15) feet; thence northeasterly along a straight line a distance of thirty-six and forty one-hundredths (36.40) feet to a point on the east line of said lot, said point being distant

ninety-nine and ninety-eight one-hundredths (99.98) feet north from the southeast corner of said lot; thence north along the east line thereof a distance of two and two one-hundredths (2.02) feet; thence west along the north line thereof a distance of twenty-five (25) feet to the point of beginning.

That portion of lot three (3), block five (5), described as follows:

Beginning at the northwest corner of said lot; thence south along the west line thereof a distance of two and two one-hundredths (2.02) feet; thence northeasterly along a straight line a distance of two and seventy one-hundredths (2.70) feet to a point on the north line of said lot, said point being distant twenty-three and fourteen one-hundredths (23.14) feet west from the northeast corner of said lot; thence west along the north line thereof a distance of one and eighty-six one-hundredths (1.86) feet to the point of beginning.

That portion of lot nine (9), block three (3), described as follows:

Beginning at the southeast corner of said lot; thence north along the east line thereof a distance of twenty-five and thirty-two one-hundredths (25.32) feet; thence southwesterly along a straight line a distance of thirty-three and ninety-seven one-hundredths (33.97) feet to a point on the south line of said lot, said point being distant one and sixty-seven one-hundredths (1.67) feet east from the southwest corner of said lot; thence east along the south line thereof a distance of twenty-three and thirty-three one-hundredths (23.33) feet to the point of beginning.

That portion of lot ten (10), block three (3), described as follows:

Beginning at the southeast corner of said lot; thence north along the east line thereof a distance of fifty-two and forty-five one-hundredths (52.45) feet; thence southwesterly along a straight line a distance of thirty-six and forty one-hundredths (36.40) feet to a point on the west line of said lot, said point being distant twenty-five and thirty-two one-hundredths (25.32) feet north from the southwest corner of said lot; thence south along said west line a distance of twenty-five and thirty-two one-hundredths (25.32) feet to the southwest corner thereof; thence east along said south line a distance of twenty-five (25) feet, to the point of beginning.

That portion of lot eleven (11), block three (3), described as follows:

Beginning at the southeast corner of said lot; thence north along the east line thereof a distance of seventy-nine and fifty-nine one-hundredths (79.59) feet; thence southwesterly along a straight line a distance of thirty-six and forty one-hundredths (36.40) feet to a point on

the west line of said lot, said point being distant fifty-two and forty-five one-hundredths (52.45) feet north from the southwest corner of said lot; thence south along said west line a distance of fifty-two and forty-five one-hundredths (52.45) feet to the southwest corner of said lot; thence east along the south line thereof a distance of twenty-five (25) feet to the point of beginning.

That portion of lot twelve (12), block three (3), described as follows:

Beginning at the southeast corner of said lot; thence north along the east line thereof a distance of one hundred two (102) feet to the northeast corner of said lot; thence west along the north line thereof a distance of four and thirty-five one-hundredths (4.35) feet; thence southwesterly along a straight line a distance of thirty and seven one-hundredths (30.07) feet to a point on the west line of said lot, said point being distant seventy-nine and fifty-nine one-hundredths (79.59) feet north from the southwest corner of said lot; thence south along said west line a distance of seventy-nine and fifty-nine one-hundredths (79.59) feet to the southwest corner of said lot; thence east along the south line thereof a distance of twenty-five (25) feet to the point of beginning.

That portion of lot thirteen (13), block three (3), described as follows:

Beginning at the southeast corner of said lot; thence north along the east line thereof a distance of four and seventy-two one-hundredths (4.72) feet; thence southwesterly along a straight line a distance of six and thirty-three one-hundredths (6.33) feet to a point on the south line of said lot, said point being distant four and thirty-five one-hundredths (4.35) feet west from the southeast corner thereof; thence east along the south line thereof a distance of four and thirty-five one-hundredths (4.35) feet to the point of beginning.

Section 2. That the following described lots, blocks, tracts and parcels of land and the appurtenances thereunto belonging, be and the same are hereby condemned, appropriated and taken in fee simple for general municipal purposes, to-wit:

IN C. L. STONE'S DIVISION OF GREEN LAKE ADDITION
TO THE CITY OF SEATTLE

That portion of lot two (2), block six (6), described as follows:

Beginning at the northeast corner of said lot; thence south along the east line thereof a distance of twenty-three and sixteen (23.16) feet; thence southwesterly along a straight line a distance of thirty-six and forty one-hundredths (36.40) feet to a point on the west line of said lot, said point being distant fifty-one and seventy-one one-hundredths (51.71) feet north from the southwest corner thereof; thence north along the west line of said lot a distance of fifty and twenty-nine one-hundredths (50.29) feet to the northwest corner thereof; thence east along the north line thereof a distance of twenty-five (25) feet to the point of beginning.

That portion of lot one (1), block six (6), described as follows:

Beginning at the northwest corner of said lot; thence south along the west line thereof a distance of twenty-three and sixteen one-hundredths (23.16) feet; thence northeasterly along a straight line a distance of thirty-one and six one-hundredths (31.06) feet to a point on the north line of said lot, said point being distant three and sixty-six one-hundredths (3.66) feet west from the northeast corner of said lot; thence west along the north line thereof a distance of twenty-one and thirty-four one-hundredths (21.34) feet to the point of beginning.

Also, that portion of lot one (1), block six (6), described as follows:

Beginning at the southeast corner of said lot; thence north along the east line thereof a distance of eighteen and fifty-nine one-hundredths (18.59) feet; thence southwesterly along a straight line a distance of twenty-four and ninety-four one-hundredths (24.94) feet to a point on the south line of said lot, said point being distant seven and eighty-seven one-hundredths (7.87) feet east from the southwest corner of said lot; thence east along said south line a distance of seventeen and thirteen one-hundredths (17.13) feet to the point of beginning.

And that said lands and appurtenances thereunto belonging are to be taken and appropriated only after just compensation has been made or paid into court for the owners thereof in the manner provided by law.

Section 3. That the curb grades of 4th Avenue Northeast from East 75th Street to 5th Avenue Northeast, and of East 76th Street between Latona Avenue and 5th Avenue Northeast, be and the same are hereby ^{changed and} established at the following elevations above city datum, to-wit:

ON 4th AVENUE NORTHEAST

At the south margin of East 75th Street, at existing elevations:

Easterly curb,	223.91 feet
Westerly curb	222.07 feet

Opposite the intersection of the northwesterly margin of 4th Avenue Northeast as established herein with the south margin of East 76th Street:

Northwesterly curb	234.00 feet
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Opposite the intersection of the southeasterly margin of 4th Avenue Northeast as established herein with the south margin of East 76th Street:

Southeasterly curb,	237.80 feet
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Opposite the intersection of the north margin of 4th Avenue Northeast as established herein with the north margin of East 76th Street:

Northwesterly curb,	240.65 feet
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Opposite the intersection of the southeasterly margin of 4th Avenue Northeast as established herein with the north margin of East 76th Street:

Southeasterly curb	244.40 feet
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Opposite the intersection of the southeasterly margin of 4th Avenue Northeast as established herein with the west margin of 5th Avenue Northeast, at elevations conforming with the existing grade on 5th Avenue Northeast:

Southeasterly curb	246.10 feet
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Opposite the intersection of the northwesterly margin of 4th Avenue Northeast as established herein with the west margin of 5th Avenue Northeast:

At elevations conforming with existing grade on 5th Avenue Northeast:

Northwesterly curb,	252.10 feet
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ON EAST 76th STREET

At a point 326.24 feet east of the east margin of Latona Avenue, at the point of curvature of a vertical curve, at existing elevations:

North curb,	239.42 feet
South curb	237.88 feet

At a point 50 feet east of the last mentioned point, at the point of tangency of a vertical curve:

North curb,	239.16 feet
South curb,	237.75 feet

Opposite the intersection of the south margin of East 76th Street with the northeasterly margin of 4th Avenue Northeast as established herein:

North curb,	237.30 feet
South curb	236.40 feet

Opposite the intersection of the north margin of East 76th Street with the northwesterly margin of 4th Avenue Northeast as established herein:

North curb,	239.50 feet
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Opposite the intersection of the south margin of East 76th Street with the southeasterly margin of 4th Avenue Northeast as established herein:

South curb,	238.90 feet
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Opposite the intersection of the north margin of East 76th Street with the southeasterly margin of 4th Avenue Northeast as established herein:

North curb,	242.60 feet
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At the west margin of 5th Avenue Northeast, at existing elevations:

North curb,	243.36 feet
South curb,	241.36 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.

Section 4. That for the purpose of grading and regrading said avenue and street in conformity with the grades established in Section 3 hereof, and constructing the necessary slopes for cuts and fills upon lands abutting upon said avenue and street, all necessary lands, privileges and other property and property rights are

hereby condemned, appropriated, taken or damaged; that in the case of cuts the right is hereby appropriated to remove the lateral support to lands abutting upon said street and avenue and to carry the slopes back into and extending upon such lands at least one foot (1') for each foot of depth of cut; that in the case of fills the right is hereby appropriated to extend and maintain upon abutting and adjoining lands slopes extending one and one-half feet ($1\frac{1}{2}$ ') horizontally for each foot of elevation of fill, to afford lateral support for said street and avenue, reserving unto the abutting property owners respectively the right at any time to remove such slopes upon providing other adequate lateral support.

Section 5. 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 damages for the purposes 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 and regrading of said street and avenue in conformity with the grades established in Section 3 hereof, and in the construction of the necessary slopes for cuts and fills upon the real property abutting upon said street and avenue as provided for in Section 4 hereof, 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 6. That the entire cost of the improvement provided for herein shall be paid by special assessment upon property specially benefited in the manner provided by law, and no part thereof shall be paid from the General Fund of The City of Seattle except that all that portion of the improvement provided for in Section 2 hereof shall be paid from the General Fund of The City of Seattle.

Section 7. 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; also to take the steps necessary to make such special assessment

(To be used for all Ordinances except Emergency.)

Section 7. 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 30 day of JULY 1923
and signed by me in open session in authentication of its passage this 30 day of JULY 1923
W.B. Fitzgerald
President of the City Council.

Approved by me this 9 day of AUGUST 1923
Edmund Brown
Mayor.

Filed by me this 9 day of AUGUST 1923
Attest A.W. Carroll
City Comptroller and Ex-Officio City Clerk.

[SEAL]
By A.W. Carroll Deputy Clerk.
Published AUG 16 1923
By A.W. Carroll City Comptroller and Ex-Officio City Clerk.
By A.W. Carroll Deputy Clerk.