

Ordinance No. 45588

Providing for the laying off, opening, extending, and establishing of BROAD STREET, from Denny Way to 4th Avenue North; providing for the establishing of the grades of said street, and 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 street, etc.

Council Bill No. 35326

INTRODUCED: JUL 30 1923	BY: STREETS & SEWERS
REFERRED: JUL 30 1923	TO: STREETS & SEWERS
REFERRED:	
REPORTED: AUG 6 1923	VETO:
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COMPALED BY:	

92946 - Award of Jury

93742 - Report on Counsel on Judgement on Verdicts
95641 - " " " Confirmation of Roll
72025 - Sub 2 149 of 2004 3rd add to 615

Prepared at request of

St. Louis Committee

#90550

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ORDINANCE NO. 45588

AN ORDINANCE Providing for the laying off, opening, extending and establishing of BROAD STREET, from Denny Way to 4th Avenue North; providing for the establishing of the grades of said street, and 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 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 abutting on said 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 the property specially benefited in the manner provided by law, except as herein otherwise provided;

WHEREAS, public necessity and convenience demand that the above described street be laid off, opened, extended and established as a public street and highway and that the curb grades of the same 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 and other property, NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. That BROAD STREET, from Denny Way to 4th Avenue North be and the same is hereby laid off, opened, extended, and established as a public street and highway over and across the following lots, blocks and tracts of land, to-wit:

IN D. T. DENNY'S 3rd ADDITION TO NORTH SEATTLE, NOW A PORTION OF THE CITY OF SEATTLE

That portion of Lot Six (6), Block Forty-eight (48), described as follows:

Beginning at a point on the south line of said lot, said point being distant ninety-seven and seventy-four one-hundredths (97.74) feet east from the southwest corner of said lot; thence east along said south line a distance of twenty-two and twenty-six one-hundredths (22.26) feet to the southeast corner of said lot; thence north along the east line thereof a distance of twenty-five and seventy-four one-hundredths (25.74) feet; thence southwesterly along a straight line a distance of thirty-four and three one-hundredths (34.03) feet to the point of beginning.

That portion of Lot Seven (7), Block Forty-nine (49), described as follows:

Beginning at a point on the south line of said lot, said point being distant one hundred two and fifty-three one-hundredths (102.53) feet west from the southeast corner of said lot; thence west along the south line thereof a distance of seventeen and forty-seven one-hundredths (17.47) feet to the southwest corner of said lot; thence north along the west line thereof a distance of fifty-nine and ninety-eight one-hundredths (59.98) feet to the northwest corner of said lot; thence east along the north line thereof a distance of sixty-nine and thirty-four one-hundredths (69.34) feet; thence southwesterly along a straight line a distance of seventy-nine and twenty-seven one-hundredths (79.27) feet to the point of beginning.

That portion of Lot Eight (8), Block Forty-nine (49), described as follows:

Beginning at a point on the south line of said lot, said point being distant fifty and sixty-six one-hundredths (50.66) feet west from the southeast corner of said lot; thence west along the south line thereof a distance of sixty-nine and thirty-four one-hundredths (69.34) feet to the southwest corner of said lot; thence north along the west line thereof a distance of forty-two and ten one-hundredths (42.10) feet; thence northeasterly along a straight line a distance of twenty-three and sixty-three one-hundredths (23.63) feet to a point on the north line of said lot, said point being distant fifteen and forty-six one-hundredths (15.46) feet east from the northwest corner of said lot; thence east along the said north line a distance of one hundred four and fifty-four one-hundredths (104.54) feet to the northeast corner of said lot; thence south along the east line thereof a distance of one and thirty-eight one-hundredths (1.38) feet; thence southwesterly along a straight line a distance of seventy-seven and forty-five one-hundredths (77.45) feet to the point of beginning.

That portion of Lot Nine (9), Block Forty-nine (49), described as follows:

Beginning at a point on the south line of said lot, said point being distant fifteen and forty-six one-hundredths (15.46) feet east from the southwest corner of said lot; thence east along said south line a distance of one hundred four and fifty-four one-hundredths (104.54) feet to the southeast corner of said lot; thence north along the east line thereof a distance of fifty-nine and ninety-eight one-hundredths (59.98) feet to the northeast corner of said lot; thence west along the north line thereof a distance of fifty-two and sixty-eight one-hundredths (52.68) feet; thence southwesterly along a straight line a distance of seventy-nine and twenty-seven one-hundredths (79.27) feet to the point of beginning.

That portion of Lot Ten (10), Block Forty-nine (49), described as follows:

Beginning at a point on the south line of said lot, said point being distant sixty-seven and thirty-two one-hundredths (67.32) feet east from the southwest corner of said lot; thence east along said south line a distance of fifty-two and sixty-eight one-hundredths (52.68) feet to the southeast corner of said lot; thence north along the east line thereof a distance of fifty-nine and ninety-eight one-hundredths (59.98) feet to the northeast corner of said lot; thence west along the north line thereof a distance of eighty-two one-hundredths (0.82)

feet; thence southwesterly along a straight line a distance of seventy-nine and twenty-seven one-hundredths (79.27) feet to the point of beginning.

That portion of Lot Eleven (11), Block Forty-nine (49), described as follows:

Beginning at a point on the south line of said lot, said point being distant one hundred nineteen and eighteen one-hundredths (119.18) feet east from the southwest corner of said lot; thence east along said south line a distance of eighty-two one-hundredths (0.82) feet to the southeast corner of said lot; thence north along the east line thereof a distance of ninety-five one-hundredths (0.95) feet; thence southwesterly along a straight line a distance of one and twenty-five one-hundredths (1.25) feet to the point of beginning.

That portion of Lot Four (4), Block Forty-nine (49), described as follows:

Beginning at a point on the north line of said lot, said point being distant eighty-two and sixty-eight one-hundredths (82.68) feet west from the northeast corner of said lot; thence west along said north line a distance of thirty-seven and thirty-two one-hundredths (37.32) feet to the northwest corner of said lot; thence south along the west line thereof a distance of forty-three and seventeen one-hundredths (43.17) feet; thence northeasterly along a straight line a distance of fifty-seven and six one-hundredths (57.06) feet to the point of beginning.

That portion of Lot Three (3), Block Forty-nine (49), described as follows:

Beginning at a point on the south line of said lot, said point being distant eighty-two and sixty-eight one-hundredths (82.68) feet west from the southeast corner of said lot; thence west along said south line a distance of thirty-seven and thirty-two one-hundredths (37.32) feet to the southwest corner of said lot; thence north along the west line thereof a distance of fifty-nine and ninety-eight one-hundredths (59.98) feet to the northwest corner of said lot; thence east along the north line thereof a distance of eighty-nine and nineteen one-hundredths (89.19) feet; thence southwesterly along a straight line a distance of seventy-nine and twenty-seven one-hundredths (79.27) feet to the point of beginning.

That portion of Lot Two (2), Block Forty-nine (49), described as follows:

Beginning at a point on the south line of said lot, said point being distant thirty and eighty-one one-hundredths (30.81) feet west from the southeast corner of said lot; thence west along said south line a distance of eighty-nine and nineteen one-hundredths (89.19) feet to the southwest corner of said lot; thence north along the west line thereof a distance of nineteen and fourteen one-hundredths (19.14) feet; thence northeasterly along a straight line a distance of fifty-three and ninety-eight one-hundredths (53.98) feet to a point on the north line of said lot, said point being distant thirty-five and thirty-one one-hundredths (35.31) feet east from the northwest corner of said lot; thence north along said north line a distance of eighty-

of forty-seven and ten one-hundredths (47.10) feet to the point of beginning.

That portion of Lot One (1), Block Forty-nine (49), described as follows:

Beginning at a point on the south line of said lot, said point being distant thirty-five and thirty-one one-hundredths (35.31) feet east from the southwest corner of said lot; thence east along said south line a distance of eighty-four and sixty-nine one-hundredths (89.69) feet to the southeast corner of said lot; thence north along the east line thereof a distance of fifty-nine and ninety-eight one-hundredths (59.98) feet to the northeast corner of said lot; thence west along the north thereof a distance of thirty-two and eighty-three one-hundredths (32.83) feet; thence southwesterly along a straight line a distance of seventy-nine and twenty-seven one-hundredths (79.27) 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 D. T. DENBY'S 3rd ADDITION TO NORTH SEATTLE, NOW A PORTION OF THE CITY OF SEATTLE

That portion of Lot Eight (8), Block Forty-nine (49), described as follows:

Beginning at a point on the north line of said lot, said point being distant one hundred four and fifty-four one-hundredths (104.54) feet west from the northeast corner of said lot; thence west along the north line thereof a distance of fifteen and forty-six one-hundredths (15.46) feet to the northwest corner of said lot; thence south along the west line thereof a distance of seventeen and eighty-eight one-hundredths (17.88) feet; thence northeasterly along a straight line a distance of twenty-three and sixty-three one-hundredths (23.63) feet to the point of beginning.

That portion of Lot Two (2), Block Forty-nine (49), described as follows:

Beginning at a point on the south line of said lot, said point being distance eight-nine and nineteen one-hundredths (89.19) feet east from the southwest corner thereof; thence east along said south line a distance of thirty and eighty-one one-hundredths (30.81) feet to the southeast corner of said lot; thence north along the east line thereof thirty-five and sixty-four one-hundredths (35.64) feet; thence southwesterly along a straight line a distance of forty-seven and ten one-hundredths (47.10) feet to the point of beginning.

✓ That portion of Lot Two (2), Block Forty-nine (49), described as follows:

(Beginning at a point on the west line of said lot, said point being distant nineteen and fourteen one-hundredths (19.14) feet north from the southwest corner of said lot; thence

north along said west line a distance of thirty and eighty-four one-hundredths (30.84) feet to a point on a line ten (10) feet south from and parallel with the north line of said lot; thence east along said parallel line a distance of twenty-six and sixty-six one-hundredths (26.66) feet to an intersection with the northwesterly margin of Broad Street as established herein; thence southwesterly along said northwesterly margin to the point of beginning;

and that said land 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 Broad Street, from Denny Way to 4th Avenue North, be and the same are hereby established at the following elevations above city datum, to-wit:

Opposite the intersection of the southeasterly margin of Broad Street, as established herein, with the north margin of Denny Way, at an elevation to conform with the existing grade on Denny Way:

Southeasterly curb	128.00 feet
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Opposite the intersection of the northwesterly margin of Broad Street, as established herein, with the east margin of Nob Hill Avenue:

Northwesterly curb, at an elevation to conform with the existing grade on said Nob Hill Avenue	129.00 feet
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Southeasterly curb	127.80 feet
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Opposite the intersection of the southeasterly margin of Broad Street, as established herein, with the west margin of 4th Avenue North:

Northwesterly curb	123.55 feet
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Southeasterly curb, at an elevation to conform with the existing grade on 4th Avenue North	122.50 feet
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Opposite the intersection of the northwesterly margin of Broad Street, as established herein, with the south margin of John Street at an elevation to conform with the existing grade on John Street:

Northwesterly Curb	123.40 feet
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That the curb gradients shall be of a uniform rate of grade between the elevations established herein.

Section 4. That for the purpose of grading said 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 street, all necessary lands, privileges, and other property and property rights are hereby condemned, appropriated, taken or damaged, and that in the case of cuts the right is hereby appropriated to remove the lateral support to lands abutting upon said street 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 (1½') horizontally for each foot of elevation of fill, to afford lateral support for said street, reserving unto the abutting property owners 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 damaged 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 of said street 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, 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 that no part thereof shall be paid from the General Fund of The City of Seattle, except that that portion of the improvement provided for in Section 2 of this ordinance shall be paid for 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 .8. 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 6 day of AUGUST 1923
and signed by me in open session in authentication of its passage this 6 day of
AUGUST 1923 *C.B. Fitzgerald*

President of the City Council.

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

Filed by me this 9 day of AUGUST 1923
Attest: *H. W. Carrall*
City Comptroller and Ex-Officio City Clerk.

By: *H. W. Carrall*
Deputy Clerk.

By: *H. W. Carrall*
Deputy Clerk.

[SEAL]
Published AUG 17 1923