

**Ordinance No. 45594**

Providing for the laying off, opening, extending and establishing of 45th AVENUE SOUTH, from Brandon Street to Bennett Street as established herein, and of BENNETT STREET, from 45th Avenue South as established herein to the west line of Tract 17, Columbia Heights, an Addition to The City of Seattle.

**Council Bill No. 35295**

INTRODUCED: JUL 23 1923	BY: STREETS & SEWERS
REFERRED: JUL 23 1923	TO: STREETS & SEWERS
REFERRED:	
REPORTED: JUL 30 1923	VETO:
SECOND READING: JUL 30 1923	PUBLISHED:
THIRD READING: JUL 30 1923	VETO SUSTAINED:
SIGNED: JUL 30 1923	PASSED OVER VETO:
PRESENTED TO MAYOR: JUL 30 1923	APPROVED: AUG 9 1923
FILED: AUG 9 1923	PUBLISHED: AUG 18 1923
ENGROSSED:	BY: L.B.
VOL. X / PAGE 1	
COMPARED BY:	

AND

93248 - award of jury  
94233 - Report CC in confirmation of will  
49445 - App from gen Fund to pay judgements

Prepared at request of

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*July*

ORDINANCE NO. 45594

AN ORDINANCE Providing for the laying off, opening, extending and establishing of 45th AVENUE SOUTH, from Brandon Street to Bennett Street as established herein, and of BENNETT STREET, from 45th Avenue South as established herein to the west line of Tract Seventeen (17), Columbia Heights, an Addition to The City of Seattle; providing for the establishing of the curb grades of said 45th Avenue South and of said Bennett Street; 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 avenue and street; and for the establishing of the grades and for the grading 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 on said avenue and street; 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 named avenue and street be laid off, opened, extended and established as public streets and highways, and that the curb grades of the same be established and that said avenue and street be graded in conformity with such established grade; and,

WHEREAS, such improvement will be of special benefit to certain lands, premises and other properties, NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. That 45th AVENUE SOUTH, from Brandon Street to Bennett Street as established herein, and BENNETT STREET, from 45th Avenue South as established herein to the west line of Tract Seventeen (17), Columbia Heights, an Addition to The City of Seattle, be and the same are hereby laid off, opened, extended and established as public streets and highways over and across the following lots, blocks and tracts of land, to-wit:

IN COLUMBIA HEIGHTS, AN ADDITION TO THE CITY OF  
SEATTLE

That portion of Lot Three (3), Block Two (2), described as follows:

Beginning at the southwest corner of said lot; thence north along the west line thereof a distance of twenty (20) feet; thence east along a line twenty (20) feet north from and parallel with the south line of said lot a distance of seventy-eight and forty-four one-hundredths (78.44) feet to a point of curvature; thence easterly and southeasterly along the arc of a curve to the right having a uniform radius of sixty-eight and fifty-seven one-hundredths (68.57) feet, a distance of fifty-three and seventy-four one-hundredths (53.74) feet to the southeast corner of said lot; thence west along the south line of said lot a distance of one hundred twenty-six and seventy-eight one-hundredths (126.78) feet to the point of beginning.

The south twenty (20) feet of Lot Four (4), Block Two (2).

The south twenty (20) feet of Lot Five (5), Block Two (2).

The north twenty (20) feet of Lot Seventeen (17), Block Two (2).

The north twenty (20) feet of Lot Eighteen (18), Block Two (2).

That portion of Lot Nineteen (19), Block Two (2), described as follows:

Beginning at the southeast corner of said lot; thence west along the south line of said lot a distance of twenty (20) feet; thence north along a line twenty (20) feet west from and parallel with the east line of said lot a distance of two hundred fifty-seven and ninety-one one-hundredths (257.91) feet to a point of curvature; thence northerly, northwesterly and westerly along the arc of a curve to the left, having a uniform radius of twenty-eight and fifty-seven one-hundredths (28.57) feet, a distance of forty-four and seventy-eight one-hundredths (44.78) feet to a point of tangency on a line twenty (20)

feet south from and parallel with the north line of said lot; thence west along said parallel line a distance of seventy-eight and twenty-one one-hundredths (78.21) feet to an intersection with the west line of said lot; thence north along said west line a distance of twenty (20) feet to the northwest corner of said lot; thence east along the north line of said lot a distance of one hundred twenty-six and seventy-eight one-hundredths (126.78) feet to the northeast corner of said lot; thence south along the east line thereof a distance of three hundred six and forty one-hundredths (306.40) feet to the point of beginning.

That portion of Lot Twenty (20), Block Two (2), described as follows:

Beginning at the southwest corner of said lot; thence east along the south line thereof a distance of twenty (20) feet; thence north along a line twenty (20) feet east from and parallel with the west line of said lot, a distance of two hundred fifty-eight and eight one-hundredths (258.08) feet to a point of curvature; thence northerly and northwesterly along the arc of a curve to the left, having a uniform radius of sixty-eight and fifty-seven one-hundredths (68.57) feet, a distance of fifty-three and seventy-four one-hundredths (53.74) feet to the northwest corner of said lot; thence south along the west line of said lot a distance of three hundred six and forty one-hundredths (306.40) feet to the point of beginning.

Section 2. That the curb grades of 45th AVENUE SOUTH, from Brandon Street to Bennett Street as established herein, and of BENNETT STREET, from 45th Avenue South as established herein to the west line of Tract Seventeen (17), Columbia Heights, an Addition to The City of Seattle, both as established herein, be and the same are hereby established at the following elevations above city datum, to-wit:

At the north margin of Brandon Street at elevations to conform with the existing grade on Brandon Street:

East Curb	196.81 feet
West Curb	195.92 feet

At a point one hundred sixty-nine and ninety-nine one-hundredths (169.99) feet north from the north margin of Brandon Street, measured along the center line:

East Curb 217.50 feet

West Curb 217.50 feet

At a point eighty-eight (88) feet north of the last mentioned point at the point of curvature of a curve to the left:

East Curb 226.00 feet

West Curb 226.00 feet

At a point seventy-six and thirteen one-hundredths (76.13) feet northwesterly, measured along the center line, from the last mentioned point, at the point of tangency of a curve from the left:

North Curb 229.00 feet

South Curb 229.00 feet

At a point seventy-six (76) feet west of the last mentioned point:

North Curb 228.20 feet

South Curb 228.20

At a point eight (8) feet east of the west line of Tract Seventeen, in Columbia Heights, an Addition to The City of Seattle:

On the center line of the street, Curb 218.32 feet

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

Section 3. That for the purpose of grading said avenue and street in conformity with the grades established in Section 2 hereof, and constructing the necessary slopes for cuts and fills upon lands abutting on said avenue and 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 avenue and 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 avenue and street, reserving unto the abutting property owners respectively the right at any time to remove such slopes upon providing other adequate lateral support.

Section 4. 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 public streets and highways; and that all lands, rights, privileges and other property necessary to be taken, used or damaged in the grading ~~and grading~~ of said avenue and 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 avenue and street as provided for in Section 3 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 5. 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.

Section 6. 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 *[Signature]*

President of the City Council.

Approved by me this 9 day of AUGUST 1923  
*[Signature]*  
Mayor.

Filed by me this 9 day of AUGUST 1923  
Attest: *[Signature]*  
City Comptroller and Ex-Officio City Clerk.

[SEAL]

By: *[Signature]*  
Deputy Clerk.

Published AUG 18 1928

By: *[Signature]*  
City Comptroller and Ex-Officio City Clerk.

By: *[Signature]*  
Deputy Clerk.