

Ordinance No. 48664

Providing for the laying off, opening, widening, extending and establishing of MYRTLE STREET, from Seward Park Avenue as now established to 55th Avenue South, and of 55th AVENUE SOUTH, from Willow Street to Myrtle Street; providing for the establishing of the curb grades of Myrtle Street from Seward Park Avenue as now established to 55th Avenue South, etc.

Council Bill No. 35385

INTRODUCED: AUG 20 1923	BY: STREETS & SEWERS
REFERRED: AUG 20 1923	TO: STREETS & SEWERS
REFERRED:	
REPORTED: AUG 27 1923	VETO:
SECOND READING: AUG 27 1923	PUBLISHED:
THIRD READING: AUG 27 1923	VETO SUSTAINED:
SIGNED: AUG 27 1923	PASSED OVER VETO:
PRESENTED TO MAYOR: AUG 27 1923	APPROVED:
FILED: AUG 28 1923	PUBLISHED: SEP 11 1923
ENGROSSED:	BY:
VOL. 21 PAGE 47	<i>LB</i>
COMPARED BY:	
AND	

93552 - Award of Jury
94695 - Report Co. Counsel by confirmation roll

Prepared at request of

V. E. Y.

ELY:HK
8-15-23

A. J. ...

ORDINANCE NO. 45654
ORDINANCE No. 46082

AN ORDINANCE providing for the laying off, opening, widening, extending and establishing of MYRTLE STREET, from Seward Park Avenue as now established to 55th Avenue South, and of 55th AVENUE SOUTH, from Willow Street to Myrtle Street; providing for the establishing of the curb grades of Myrtle Street from Seward Park Avenue as now established to 55th Avenue South, and of 55th Avenue South, from the intersection of Molly Street and Seward Park Avenue as now established to Myrtle Street; 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 avenue, and for the establishing of the grades and for the grading of the above described street and avenue in conformity with the grades established herein; providing for the necessary slopes for cuts and fills upon the property abutting upon said street and avenue; 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 named street and avenue be laid off, opened, widened, extended and established as public streets and highways, and that the curb grades of the above named street and avenue be established and that said street and avenue 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 Myrtle Street, from Seward Park Avenue as now established to 55th Avenue South, and 55th Avenue South, from Willow Street to Myrtle Street, be and the same are hereby laid off, opened, widened, extended, and established as public streets and highways over and across the following lots, blocks, or tracts of land, to-wit:

UNPLATTED

That portion of the south one-half (1/2) of the southwest quarter (1/4) of the northwest quarter (1/4) of Section Twenty-six (26), Township Twenty-four (24) North, Range Four (4), East, W.M., except the south twenty (20) feet thereof, lying east of a line fifty (50) feet west from and parallel with the west boundary lines of Blocks Nine and Ten (9&10), Brighton Beach, an Addition to The City of Seattle.

That portion of Government Lot Three (3), Section twenty-six (26), Township Twenty-four (24) North, Range Four (4) East W.M., described as follows: Beginning at the intersection of the north boundary line of said subdivision with the east margin of Seward Park Avenue as established by Ordinance No. 32174; thence north $89^{\circ}59'25''$ east along said north boundary line a distance of six hundred thirty-seven and forty-five one-hundredths (637.45) feet; thence south $0^{\circ}10'8''$ west a distance of thirty-five and ninety-three hundredths (35.93) feet; thence north $89^{\circ}45'22''$ west a distance of six hundred forty-one and fifty-eight one-hundredths (641.58) feet to an intersection with the east margin of said Seward Park Avenue; thence northerly along said easterly margin a distance of thirty-three and thirty-seven one-hundredths (33.37) feet to the point of beginning.

Section 2. That the curb grades of Myrtle Street, from Seward Park Avenue as now established to 55th Avenue South; and of 55th Avenue South, from the intersection of Seward Park Avenue and Holly Street to Myrtle Street, be and the same are hereby established at the following elevations above City datum, to-wit:

ON MYRTLE STREET

Opposite the intersection of the north margin of Myrtle Street, as now established, with the easterly curb line, of Seward Park Avenue as now established as existing elevations.

North Curb 125.16 feet.

At the intersection of the south curb line of Myrtle Street, as established by this ordinance, with the easterly curb line of Seward Park Avenue as now established at existing elevations.

South Curb, 124.49 feet.

At the west margin of 55th Avenue South as established herein.

North Curb 88.50 feet.
South Curb 88.10 feet.

ON 55th AVENUE SOUTH

At a point five (5) feet south of the south margin of Holly Street as now established at elevations to conform with the existing grade on Seward Park Avenue.

East Curb 162.00 feet.

At a point one hundred forty-four (144) feet south of the south margin of Holly Street as now established at elevations conforming with the existing grade on Seward Park Avenue.

East Curb	161.00 feet
West Curb	161.30 feet.

At a point two hundred seventy-four (274) feet north of the north margin of Willow Street as now established on the east at the point of curvature of a vertical curve.

East Curb	134.96 feet
West Curb	135.26 feet.

At a point one hundred twenty (120) feet south of the last mentioned point at the point of tangency of a vertical curve.

East Curb	123.64 feet
West Curb	123.94 feet.

At the north margin of Willow Street as now established on the east.

East Curb	115.00 feet
West Curb	115.50 feet.

At the south margin of Willow Street as now established on the east.

East Curb	113.91 feet
West Curb	114.41 feet.

At a point three hundred twelve (312) feet north of the north margin of Myrtle Street at the point of curvature of a vertical curve.

East Curb	105.65 feet
West Curb	106.15 feet.

At a point one hundred twenty (120) feet south of the last mentioned point at the point of curvature of a reverse vertical curve.

East Curb	98.75 feet
West Curb	99.25 feet.

At a point one hundred twenty (120) feet south of the last mentioned point at the point of tangency of a vertical curve.

East Curb	91.00 feet
West Curb	91.50 feet.

At the north margin of Myrtle Street.

East Curb	88.00 feet
West Curb	88.50 feet.

At the south margin of Myrtle Street.

East Curb	87.00 feet
West Curb	87.50 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.

Section 3. That in the grading of the above named street and avenue, the City shall acquire the right in case of a cut to remove the lateral support of the property abutting on said street and avenue. 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 ($1\frac{1}{2}$) feet for each foot of elevation of fill for the purpose of acquiring 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 for such street and avenue.

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 purpose of public streets and highways,

and that all lands, rights, privileges and other property necessary to be taken, used or damaged in the grading of said street and avenue, 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 and avenue, 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 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 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 and 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 27 day of AUGUST 1923
and signed by me in open session in authentication of its passage this 27 day of AUGUST 1923
A. Blaine
President Pro tem of the City Council.

Approved by me this 6 day of SEPTEMBER 1923
Wm. Brown
Mayor.

Filed by me this 6 day of SEPTEMBER 1923
Attest: J. W. Carroll
City Comptroller and Ex-Officio City Clerk.

[SEAL] By: A. Starch
Deputy Clerk.

Published SEP 11 1923
By: J. W. Carroll
City Comptroller and Ex-Officio City Clerk.
By: A. Starch
Deputy Clerk.