

Ordinance No. 46316

Providing for the laying off, opening, widening, extending and establishing of Dayton Avenue, from North 70th Street as established by Ordinance No. 42799, to North 68th Street.

Council Bill No. 30088

INTRODUCED: DEC 31 1923	BY: [Signature]
REFERRED: DEC 31 1923	TO: [Signature]
REFERRED:	
REPORTED: JAN 1 1924	VETO:
SECOND READING:	PUBLISHED:
THIRD READING:	VETO SUSTAINED:
SIGNED: JAN 1 1924	PASSED OVER VETO:
PRESENTED TO MAYOR:	APPROVED: JAN 1 1924
FILED:	PUBLISHED: JAN 22 1924
ENGROSSED:	BY: [Signature]
VOL. 301 PAGE 362	
COMPARED BY:	

*95283 - award of jury
76490 - Report on Council on comparative cost*

Ordinance No. 40316

Providing for the laying off, opening, widening, extending and establishing of Dayton Avenue from North 70th Street as established by Ordinance No. 42799, to North 68th Street.

Council Bill No. 36688

INTRODUCED: DEC 21 1922	BY:
REFERRED: DEC 21 1922	TO:
REFERRED:	
REPORTED: JAN 4 1923	VETO:
SECOND READING:	PUBLISHED:
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ENGROSSED:	BY:
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COMPARED BY:	

95283 - award of jury
76930 - Report on Council on comparative bill

46316
ORDINANCE NO. _____

AN ORDINANCE providing for the laying off, opening, widening, extending and establishing of Dayton Avenue, from North 70th Street as established by Ordinance No. 42799, to North 68th Street; providing for the establishing of the curb grades of Dayton Avenue from North 70th Street as established by Ordinance No. 42799, to North 68th 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 Dayton Avenue and for the establishing of the grades and for the making of the necessary slopes for cuts and fills upon the property abutting on said Dayton 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 Dayton 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 be established; 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 Dayton Avenue, from North 70th Street as established by Ordinance No. 42799, to North 68th Street, 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:

That portion of Tract 24, Windell's Division of Green Lake Addition to the City of Seattle described as follows: Beginning at the southeast corner of said tract; thence north $89^{\circ}50'5''$ west along the south line of said tract a distance of 25.67 feet; thence north $1^{\circ}24'20''$ east a distance of 287.03 feet to an intersection of the south margin of North 70th Street as established by Ordinance No. 42799; thence east along said south margin a distance of 0.37 feet; thence south along the line which is an extension of the west margin, from the north, of Dayton Avenue as platted in Hillman's Lakefront Addition to the City of Seattle, Division No. 4, a distance of 20 feet; thence east along a straight line a distance of 18.73 feet to an intersection with the west line of said Tract 24, at a point 267.02 feet north from the southeast corner of said Tract; thence south along the east line of said Tract a distance of 267.02 feet to the point of beginning.

That portion of Tract 25, Windell's Division of Green Lake Addition to the City of Seattle described as follows: Beginning at the southwest corner of said Tract; thence north along the west line thereof a distance of 267.02 feet to a point on the south margin of North 70th Street as established by Ordinance No. 42799; thence east along said south margin a distance of 40.44 feet; thence southerly along a straight line a distance of 267.05 feet to a point on the south line of said Tract distant 34.34 feet east from the southwest corner thereof; thence west along said south line a distance of 34.34 to the point of beginning.

Section 2. That the curb grades of Dayton Avenue, from North 70th Street as established by Ordinance No. 42799, to North 68th Street, be, and the same are hereby established to the following elevations above City Datum, to-wit:

At the south margin of North 70th Street from the east, as established by Ordinance No. 42799, at elevations conforming to the established grade on said North 70th Street:

East Curb,	253.00 ft.
West curb,	253.50 ft.

At the north margin of North 68th Street, at elevations conforming with the existing grades on North 68th Street:

East curb,	257.55 ft.
West curb,	258.40 ft.

That in the grading of the above named avenue the city shall acquire the right in the case of a cut to remove the lateral support abutting on said 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 and 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 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 avenue.

Section 3. That all lands, right, 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 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 avenue, 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, 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 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 14 day of JANUARY 1924 and signed by me in open session in authentication of its passage this 14 day of JANUARY 1924

President of the City Council.

Approved by me this 16 day of JANUARY 1924

[Signature]
Mayor.

Filed by me this 16 day of JANUARY 1924

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

[SEAL]

By *[Signature]*
Deputy Clerk.

Published.....

City Comptroller and Ex-Officio City Clerk.

By *[Signature]*
Deputy Clerk.