

56434

Ordinance No. 56434

Providing for the laying off, opening, widening, extending and establishing of 35th Avenue South, from College Street to Frink Boulevard, and of College Street, from 31st Avenue South, as established herein to Lake Park Drive; providing for the establishing of the curb grades of said avenue and street; providing for the condemnation, appropriation, taking and damaging of land and other property necessary therefor; *****.

Council Bill No.

INTRODUCED: NOV 5 1928	BY: THELTO & SEWERS
REFERRED: NOV 5 1928	TO:
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REPORTED: NOV 13 1928	VETO:
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ENGROSSED: VOL 62 PAGE 42	BY: CM
COMPARED BY:	
AND	

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REPEALED
BY
ORDINANCE

ORDINANCE No. 56434

No. 59843

AN ORDINANCE Providing for the laying off, opening, widening, extending and establishing of 35th Avenue South, from College Street to Frink Boulevard, and of College Street, from 35th Avenue South as established herein to Lake Park Drive; providing for the establishing of the curb grades of said avenue and street; providing for the condemnation, appropriation, taking and damaging of land and other property necessary therefor; and for the making of the necessary slopes for cuts and fills upon the property abutting upon said avenue and street; and providing for the condemnation 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 named avenue and street be laid off, opened, widened, extended and established as public streets and highways and that the curb grades 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 35th Avenue South, from College Street to Frink Boulevard, and College Street, from 35th Avenue South as established herein to Lake Park Drive, 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:

That portion of Government Lot Two (2), Section Ten (10), Township Twenty-four (24) North, Range Four (4) East, W.M., described as follows:

Beginning at the intersection of the south margin of Dose Terrace, as established by deed, Ordinance No. 54312, with the west margin produced south of 35th Avenue South, as established by deed, Ordinance No. 54157; thence south $0^{\circ}10'55''$ east along said west margin of 35th Avenue South produced south, a distance of Ninety-nine and Ninety-eight one-hundredths (99.98) feet to a point of curvature; thence south and southeasterly along the arc of a curve to the left having a radius of Four Hundred Forty (440) feet, a distance of Two Hundred Seventy and Eighteen one-hundredths (270.18) feet to a point of compound curve; thence continuing southeasterly along the arc of a curve to the left having a radius of One Hundred Fifteen (115) feet a distance of Fifty and Forty-six one-hundredths (50.46) feet to an intersection with the north margin of College Street as now established; thence east along said north margin a distance of One Hundred Thirty-three and Fourteen one-hundredths (133.14) feet to an intersection with the west margin of the pavement of Lake Park Drive; thence north

0° 05' 56" west along said west margin a distance of Thirty and no-one-hundredths (30.00) feet; thence south 44°54'04" west a distance of Twenty-one and Twenty-one one-hundredths (21.21) feet; thence south 89°54' 04" west a distance of Sixty-one and Thirty-five one-hundredths (61.35) feet to a point of curvature; thence westerly and northwesterly along the arc of a curve to the right having a radius of Eighty-five and no-one-hundredths (85.00) feet a distance of Eighty-one and Twenty one-hundredths (81.20) feet to a point of compound curve; thence northwesterly and northerly along the arc of a curve to the right having a radius of Four Hundred Ten (410) feet a distance of Two Hundred Fifty-one and Seventy-six one-hundredths (251.76) feet to a point of tangency; thence north 0° 10' 55" west along the tangent to said curve at said point a distance of One Hundred and Two one-hundredths (100.02) feet to an intersection with the south margin of Dose Terrace as established by deed, Ordinance 26135; thence west along a straight line a distance of Thirty and no-one-hundredths (30.00) feet to the point of beginning.

That portion of Government Lots One (1) and Two (2), Section Ten (10), Township Twenty-four (24) North, Range Four (4) East, W.M., described as follows:

Beginning at the intersection of the east margin of 35th Avenue South, as established by deed, Ordinance No. 54157, with the north boundary line produced east of C. P. Dose's Lake Washington Addition to the City of Seattle, as recorded in Volume 12 of Plats, Page 85; thence north 0°10'55" west along said east margin produced north a distance of Two Hundred Sixty-three and Twenty-one one-hundredths (263.21) feet to a point of curvature; thence northeasterly along the arc of a curve to the right having a radius of Three Hundred Thirty-five (335) feet a distance of One Hundred Fifty-four and Eighty-eight one-hundredths (154.88) feet to a point of tangency; thence north 26°12'05" east along the tangent to said curve at said point a distance of Ninety-two and Seventy-eight one-hundredths (92.78) feet to a point of curvature; thence northeasterly, northerly and northwesterly along the arc of a curve to the left having a radius of Two Hundred Ninety (290) feet, a distance of Three Hundred Twenty-eight and Fifty-eight one-hundredths (328.58) feet to a point on said curve, from which the radius bears south 51°16'59" west; thence north 8°02'44" west a distance of Sixteen and Eighteen one-hundredths (16.18) feet to an intersection with the southerly margin of the pavement of Frink Boulevard; thence north 70°04'30" west a distance of Ninety-one and Twenty-seven one-hundredths (91.27) feet; thence south 45° 37' 55" east a distance of Sixty-one and no-one-hundredths (61.00) feet to a point of curvature; thence southeasterly, southerly and southwesterly along the arc of a curve to the right having a radius of Two Hundred Sixty (260) feet a distance of Three Hundred Twenty-five and Ninety-seven one-hundredths (325.97) feet to a point of tangency; thence south 26°12' 05" west along the tangent to said curve at said point a distance of Ninety-two and Seventy-eight one-hundredths (92.78) feet to a point of curvature; thence southwesterly along the arc of a curve to the left having a radius of Three Hundred Sixty-five (365) feet a distance of One Hundred Sixty-nine and no-one-hundredths (169.00) feet to a point of tangency; thence south 0°10'55" east along the tangent to said curve at said point a distance of Two Hundred Sixty-three and Twenty-four one-hundredths (263.24) feet to an intersection with the north line produced east of said C.P.Dose's Lake Washington Addition to the City of Seattle; thence north 89° 45' 00" east along said north line Thirty and no-one-hundredths (30.00) feet to the point of beginning.

Section 2. That the following described lots, blocks, tracts or parcels of land and appurtenances thereunto belonging,

be and the same are hereby condemned, appropriated, and taken in fee simple for general municipal purposes, to-wit:

All that portion of Government Lot Two, Section Ten (10), Township Twenty-four (24) North, Range Four (4) East, W.M., described as follows:

Beginning at the intersection of the west margin of 35th Avenue South, as established by deed, Ordinance No. 54157, with the north boundary line of C. P. Dose's Lake Washington Addition to the City of Seattle; thence north $0^{\circ}10'55''$ west along said west margin produced northerly a distance of Two Hundred Sixty-three and Twenty-four one-hundredths (263.24) feet to a point of curve; thence northerly along the arc of a curve to the right having a radius of Three Hundred Sixty-five (365) feet, a distance of Ninety-three one-hundredths (.93) feet to the true point of beginning; thence continuing along said arc of a curve to the right a distance of One Hundred One and Eighteen one-hundredths (101.18) feet to a point on said curve from which the radius bears south $74^{\circ}09'14''$ east; thence north $89^{\circ}35'21''$ west a distance of Twenty-three and Thirty-four one-hundredths (23.34) feet; thence south $0^{\circ}11'15''$ east a distance of One Hundred and no-one-hundredths (100.00) feet; thence south $89^{\circ}35'21''$ east a distance of Nine and Fourteen one-hundredths (9.14) feet to the true point of beginning;

Also that portion of Government Lot Two (2), Section Ten (10), Township Twenty-four (24) North, Range Four (4) East, W.M., described as follows:

Beginning at the intersection of the east margin of 35th Avenue South, as established by deed, Ordinance No. 54157, with the north boundary line of C. P. Dose's Lake Washington Addition to the City of Seattle; thence north $0^{\circ}10'55''$ west along said east margin produced northerly a distance of Two Hundred Sixty-three and Twenty-one one-hundredths (263.21) feet to a point of curvature; thence northeasterly along the arc of a curve to the right having a radius of Three Hundred Thirty-five (335) feet, a distance of Sixty-two one-hundredths (.62) feet to the true point of beginning; thence continuing northeasterly along said arc of a curve to the right a distance of Twenty-three and Thirty-nine one-hundredths (23.39) feet to a point on said arc from which the radius bears south $86^{\circ}04'34''$ east; thence south $0^{\circ}11'15''$ east a distance of Twenty-three and Thirty-eight one-hundredths (23.38) feet; thence north $89^{\circ}35'21''$ west a distance of Eighty-six one-hundredths (.86) feet to the true point of beginning;

and that said lands and appurtenances thereunto belonging are to be condemned, 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 35th Avenue South and College Street, as laid off, opened, widened, extended and established in Section 1 hereof, be and the same are hereby established at the following elevations above City Datum, to-wit:

At the west margin of the pavement of Lake Park Drive at existing elevations:

North Curb	30.50 feet
South Curb	31.90 feet

At a point approximately Twenty-six (26) feet westerly from the last mentioned point at the point of curvature of a vertical curve:

North Curb	32.06 feet
South Curb	32.99 feet

At a point Forty-eight (48) feet west of the last mentioned point at Station 1+34.55 on the center line of College Street, as established in Section 1 hereof, said point being also at the point of curvature of a curve to the right at the point of tangency of a vertical curve:

North Curb	36.82 feet
South Curb	37.32 feet

At a point Ninety-five and Fifty-three one-hundredths (95.53) feet northwesterly, measured along the center line from the last mentioned point, at the point of tangency of said curve to the right at Station 2+30.08 on said center line:

Northeasterly Curb	50.00 feet
Southwesterly Curb	50.50 feet

At a point One Hundred (100) feet south of the south margin of Dose Terrace as now established, at the point of curvature of a vertical curve:

East Curb	86.09 feet
West Curb	86.39 feet

At the south margin of Dose Terrace at the point of tangency of a vertical curve:

East Curb	95.00 feet
West Curb	95.00 feet

At the north margin of Dose Terrace as now established, from the west:

East Curb	95.00 feet
West Curb	95.00 feet

At a point One Hundred Forty-four (144) feet north of the last mentioned point at the point of curvature of a vertical curve:

East Curb	88.35 feet
West Curb	88.35 feet

At a point Eighty (80) feet north of the last mentioned point at the point of tangency of a vertical curve:

East Curb	88.19 feet
West Curb	88.19 feet

At a point One Hundred Seventy-six and Forty-nine one-hundredths (176.49) feet north from the last mentioned point being Station 10+36.54 on the center line, said point being also the point of curvature of a curve to the right with a center line radius of Three Hundred Fifty (350) feet:

East Curb	95.63 feet
West Curb	95.63 feet

At a point Ninety-one and Seventeen one-hundredths (91.17) feet from the last mentioned point, measured along the center line at the point of curvature of a vertical curve:

East Curb	99.47 feet
West Curb	99.47 feet

At a point One Hundred Twenty (120) feet north from the last mentioned point measured along the center line at the point of tangency of a vertical curve:

East Curb	99.78 feet
West Curb	99.78 feet

At a point Forty-two and Seventy-eight one-hundredths (42.78) feet northerly, measured along the center line from the last mentioned point, said point being at Station 12+ 90.49 on said center line, and being also at the point of curvature of a curve to the left with a center line radius of Two Hundred Seventy-five (275) feet:

East Curb	98.19 feet
West Curb	98.19 feet

At a point Three Hundred Forty-four and Seventy-seven one-hundredths (344.77) feet northerly measured along the center line from the last mentioned point, said point being approximately at the intersection of the center line of said 35th Avenue South with the southerly margin of the pavement on Frink Boulevard at elevations conforming with the existing grade on Frink Boulevard:

Northeasterly Curb	85.36 feet
Southwesterly Curb	85.50 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 4. That in the grading of the above named avenue and street, the city shall acquire the right in the case of a cut to remove the lateral support of the property abutting on said avenue and street. 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 ($1\frac{1}{2}$) feet for each foot of elevation of fill for the purpose of acquiring lateral support for said avenue and street, reserving unto the abutting property owners, respectively, the right at any time to remove such slopes upon pro-

viding other adequate lateral support for said avenue and street.

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 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 avenue and 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 avenue and street, as set forth in Section 4 hereof, are hereby condemned, appropriated, taken and damaged for the public use for such purposes; and 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 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; provided, however, that 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 and 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 13 day of NOVEMBER, 1928,

and signed by me in open session in authentication of its passage this 13 day of NOVEMBER, 1928, John E. Jarrell

President of the City Council.

Approved by me this 15 day of NOVEMBER, 1928, Frank Edwards

Mayor.

Filed by me this 15 day of NOVEMBER, 1928, W. W. Carroll

Attest City Comptroller and Ex-Officio City Clerk.

By Deputy Clerk.

(SEAL)

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City Comptroller and Ex-Officio City Clerk.

By Deputy Clerk.

(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.

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and signed by me in open session in authentication of its passage this 13 day of

NOVEMBER, 1928. John E. Farrell
President of the City Council.

Approved by me this 15 day of NOVEMBER, 1928.
Frank Edwards
Mayor.

Filed by me this 15 day of NOVEMBER, 1928.
W. W. Carroll
Attest
City Comptroller and Ex-Officio City Clerk.

(SEAL)

Published NOV 27 1928
By [Signature] Deputy Clerk.
By [Signature] Deputy Clerk.