

56728

Ordinance No. 56728

Providing for the laying off, opening, widening, extending and establishing of 55th Avenue South, between Orcas Street and Wilson Avenue; providing for the establishing of the curb grades of said avenue; 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 on said avenue; and providing that the entire cost ~~thereof~~

Council Bill No. 46998

INTRODUCED: 17 1928	STREETS & SEWERS
REFERRED: 17 1928	TO: STREETS & SEWERS
REFERRED:	
REPORTED: DEC 24 1928	VETO:
SECOND READING: DEC 24 1928	PUBLISHED:
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SIGNED: DEC 24 1928	PASSED OVER VETO:
PRESENTED TO MAYOR: DEC 24 1928	APPROVED: DEC 31 1928
FILED: DEC 31 1928	PUBLISHED: JAN 10 1929
ENGROSSED: VOL. 82 PAGE 154	BY: C.M.
COMPARED BY:	AND

126766 - Award of Jury
128639 - Report on Southern common re
129513 - Report C. Counsel on hearing on roll
60471

Prepared at request of

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At the south margin of Orcas Street as now established, at elevations conforming with the existing grade on Orcas Street:

East Curb	149.30 feet
West Curb	149.80 feet

At a point Ninety (90) feet south of the south margin of Orcas Street at the point of curvature of a vertical curve:

East Curb	156.77 feet
West Curb	157.32 feet

At a point One Hundred Sixty (160) feet south of the last mentioned point at the point of tangency of a vertical curve:

East Curb	163.82 feet
West Curb	164.56 feet

Opposite the intersection of the west margin of 55th Avenue South, as established herein, with the northeasterly margin of Wilson Avenue, as now established; at elevations conforming with the existing grade on Wilson Avenue:

East Curb	164.00 feet
West Curb	164.80 feet

At the northeasterly margin of Wilson Avenue, as now established, at elevations conforming with the existing grade on Wilson Avenue:

East Curb	162.80 feet
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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 avenue, the city shall acquire the right in the case of a cut to remove the lateral support of the property 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 ($1\frac{1}{2}$) 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 and maintaining other adequate lateral support for said avenue.

Section 4. That all lands, rights, privileges and other

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70572 *Apply to pay deficiency*

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AN ORDINANCE Providing for the laying off, opening, widening, extending and establishing of 55th Avenue South, between Orcas Street and Wilson Avenue; providing for the establishing of the curb grades of said avenue; 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 on said 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 avenue be laid off, opened, widened, extended and established as a public street and highway, and that the curb grades of the same 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 55th Avenue South, between Orcas Street and Wilson Avenue, be and the same is hereby laid off, opened, widened, extended and established as a public street and highway over and across the following described lots, blocks or tracts of land, to-wit:

IN THE SUBDIVISIONAL PLAT OF B.W. JOHN AND C. H. HANFORD'S 5 ACRE TRACTS, and Addition to the City of Seattle, as determined by the Superior Court of King County, Washington, Cause No. 76774.

The east 35 feet of Tract 7.

That portion of Tract 6, described as follows: Beginning at the northeast corner of said tract 6; thence west along the north line thereof a distance of Thirty-five (35) feet; thence south along a line Thirty-five (35) feet west from and parallel with the east line of said tract a distance of One Hundred One and Eighteen one-hundredths (101.18) feet to an intersection with the northeasterly margin of Wilson Avenue as now established; thence southeasterly along said northeasterly line a distance of Fifty-eight and Seventy-one one-hundredths (58.71) feet to an intersection with the east line of said tract; thence north along said east line a distance of One Hundred Forty-eight and Ten one-hundredths (148.10) feet to the point of beginning.

Section 2. That the curb grades of 55th Avenue South, from Orcas Street to Wilson Avenue be and the same are hereby established at the following elevations above City datum, to-wit:

At the south margin of Orcas Street as now established, at elevations conforming with the existing grade on Orcas Street:

East Curb	149.30 feet
West Curb	149.80 feet

At a point Ninety (90) feet south of the south margin of Orcas Street at the point of curvature of a vertical curve:

East Curb	156.77 feet
West Curb	157.32 feet

At a point One Hundred Sixty (160) feet south of the last mentioned point at the point of tangency of a vertical curve:

East Curb	163.82 feet
West Curb	164.56 feet

Opposite the intersection of the west margin of 55th Avenue South, as established herein, with the northeasterly margin of Wilson Avenue, as now established; at elevations conforming with the existing grade on Wilson Avenue:

East Curb	164.00 feet
West Curb	164.80 feet

At the northeasterly margin of Wilson Avenue, as now established, at elevations conforming with the existing grade on Wilson Avenue:

East Curb	162.80 feet
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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 avenue, the city shall acquire the right in the case of a cut to remove the lateral support of the property 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 ($1\frac{1}{2}$) 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 and maintaining other adequate lateral support for said 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 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, as set forth in Section 3 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 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 24 day of DECEMBER, 1928.

and signed by me in open session in authentication of its passage this 24 day of DECEMBER, 1928

John S. [Signature]
President of the City Council.

Approved by me this 31 day of DECEMBER

Frank Edwards
Mayor.

Filed by me this 31 day of DECEMBER, 1928.

A. W. Carroll
City Comptroller and Ex-Officio City Clerk.

(SEAL) JAN 10 1929

By [Signature]
Deputy Clerk.

Published _____

A. W. Carroll
City Comptroller and Ex-Officio City Clerk.
By [Signature]
Deputy Clerk.