

Ordinance No. 64960

Providing for the laying off, opening, widening, extending and establishing of SENECA STREET, between Boylston Avenue and East Union Street; providing for the establishing of curb grades thereof; providing for the acquisition and purchase or condemnation, appropriation, taking and damaging of land and other property necessary therefor, and for the making of the necessary slopes, cuts and fills upon the property abutting upon said street; and providing for the payment therefor

Sec. 6
ORDINANCE NO. 64960

Council Bill No. 53902

INTRODUCED: DEC 5 1932	BY: STREETS & SEWERS
REFERRED: DEC 5 1932	TO: STREETS & SEWERS
REFERRED:	FINANCE
REPORTED: SEP 4 1934	VETO: COMMITTEE OF WHOLE
RECOMMENDING: SEP 27 4 1934	PUBLISHED: STREETS & SEWERS
THIRD READING: SEP 4 1934	VETO SUSTAINED:
SIGNED: SEP 4 1934	PASSED OVER VETO:
PRESENTED TO MAYOR: SEP 5 1934	APPROVED: SEP 6 1934
FILED: SEP 6 1934	PUBLISHED: SEP 12 1934
ENGROBED:	BY: CM ✓
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COMPARED BY: _____ AND _____

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45860

Prepared at request of

ELY-6
11-23-32

AWM

APPROVED BY ORDINANCE NO. 64960

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AN ORDINANCE Providing for the laying off, opening, widening, extending and establishing of SENECA STREET, between Boylston Avenue and East Union Street; providing for the establishing of curb grades thereof; providing for the acquisition and purchase or 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 street; and providing for the payment therefor.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. That public necessity and convenience demand that Seneca Street, between Boylston Avenue and East Union Street, be laid off, opened, widened, extended and established as a public street and highway; and that curb grades thereof be established; and that slope rights be acquired therefor.

Section 2. That Seneca Street, between Boylston Avenue and East Union 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 and tracts of land, to-wit:

In A. A. DENNY'S BROADWAY ADDITION TO THE CITY OF SEATTLE,
as recorded in Volume 6 of Plats, Page 40.

That portion of lot 6, block 137, described as follows: Beginning at a point on the northeasterly line of said lot, said point being thirty and seventy-one one-hundredths (30.71) feet north $31^{\circ}46'08''$ west from the most easterly corner of said lot; thence south $27^{\circ}31'56''$ west a distance of thirty-eight and eighty-eight one-hundredths (38.88) feet to a point of curvature; thence southwesterly along the arc of a curve to the right having a radius of one hundred (100) feet, a distance of twenty-eight and eighty-four one-hundredths (28.84) feet to an intersection with the southeasterly line of said lot 6 at a point sixty (60) feet southwesterly from the most easterly corner of said lot; thence northeasterly along the southeasterly line of said lot a distance of sixty

(60) feet to the most easterly corner of said lot; thence northwesterly along the northeasterly line of said lot a distance of thirty and seventy-one (30.71) feet to the point of beginning.

That portion of lot 1, block 138, and vacated street adjoining, described as follows: Beginning at the most southerly corner of said lot; thence northwesterly along the southwesterly line of said lot a distance of thirty-nine and four one-hundredths (39.04) feet; thence northerly along the arc of a curve to the right having a radius of seventeen (17) feet, a distance of thirty-six and nine one-hundredths (36.09) feet to a point of tangency on the north line of said lot; thence east along the north line of said lot and said north line produced east, a distance of one hundred three and eighty one-hundredths (103.80) feet; thence westerly and southwesterly along the arc of a curve to the left having a radius of one hundred ten and forty-one one-hundredths (110.41) feet a distance of one hundred twenty and thirteen one-hundredths (120.13) feet to the point of beginning.

Section 3. That the curb grades on Seneca Street, between Boylston Avenue and East Union Street, be and the same are hereby established at the following elevations above city datum, to-wit:

At the northeasterly margin of Boylston Avenue, at existing elevations.

At a point sixty (60) feet southwesterly from the southwesterly margin of Harvard Avenue, at an elevation conforming with the existing grade on Seneca Street:

Northwesterly curb, 317.58 feet

Opposite the intersection of the center line of Seneca Street as established herein with the center line of Harvard Avenue, at elevations conforming with the established grade on Harvard Avenue;

Northwesterly curb, 313.49 feet
Southeasterly curb, 314.06 feet

Opposite the intersection of the southeasterly margin of Seneca Street as established herein with the south margin of East Union Street, at an elevation conforming with the established grade on East Union Street:

Southerly curb, 300.00 feet

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

Section 4. That in the grading of the above named Seneca Street, the city shall acquire the right in the case of a cut to remove the lateral support of the property abutting on said Seneca 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 (1½) feet for each foot of elevation of fill for the purpose of acquiring lateral support for said Seneca Street, 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 Seneca 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 2 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 Seneca 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 Seneca 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 and privileges and other property are to be taken, damaged and appropriated only after just compensation has been made or paid into Court for the owner thereof in the manner provided by law.

Section 6. That the entire cost of the improvement provided for herein shall be paid from funds realized from the sale of bonds authorized by the voters of The City of Seattle on November 8, 1932, pursuant to the terms of Ordinance No. 62995.

Section 7. That the City Engineer be and he is hereby authorized and directed to acquire the above land, together with the necessary rights for the establishing of the grades and the necessary slope rights therefor by purchase and agreement; and in case of failure to so purchase and acquire, 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.

Section 5 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 4 day of SEPTEMBER 1934
and signed by me in open session in authentication of its passage this 4 day of
SEPTEMBER 1934 *David L. Smith*
President of the City Council.

Approved by me this 6 day of SEPTEMBER 1934
Charles L. Smith
Mayor.

Filed by me this 6 day of SEPTEMBER 1934
Attest: *A. W. Cannon*
City Comptroller and Ex-Officio City Clerk.
By *C. M. H. Hall*
Deputy Clerk.

(SEAL)

Published SEP 12 1934

City Comptroller and Ex-Officio City Clerk.
By _____
Deputy Clerk.