

Ordinance No. 65616

AN ORDINANCE Providing for the laying off, opening, widening, extending and establishing of NORTH 45th STREET, between its intersection with Winslow Place and Green Lake Way, and its intersection with Woodland Park Avenue; providing for the establishing of curb grades thereof; providing for the acquisition, appropriation, taking and damaging of the land and other property necessary therefor and for the making of the necessary slopes for cuts ****and providing for the payment therefor.

*1-18-35
Winslow
Green Lake
Park*

Council Bill No. 58587

INTRODUCED: AUG 12 1935	BY: STREETS & SEWERS
REFERRED: AUG 12 1935	TO: STREETS & SEWERS
REFERRED: AUG 12 1935	FINANCE
REPORTED: AUG 26 1935	VETO:
SECOND READING: AUG 26 1935	PUBLISHED:
THIRD READING: AUG 27 1935	VETO SUSTAINED:
SIGNED: AUG 26 1935	PASSED OVER VETO:
PRESENTED TO MAYOR: AUG 27 1935	APPROVED: AUG 29 1935
FILED: AUG 29 1935	PUBLISHED: SEP 5 1935
ENGROSSED: VOL. 2 PAGE 242	BY: F.D. ✓
COMPARED BY:	AND

65936 - appr. \$750 by warrants on gas tax Highway fund for acquisition of U

66223 - sets aside for street use

150270 award

66239 - Post costs

P.

CRS/LP
7-12-35

ORDINANCE No. 65616

AN ORDINANCE Providing for the laying off, opening, widening, extending and establishing of NORTH 45th STREET, between its intersection with Winslow Place and Green Lake Way, and its intersection with Woodland Park Avenue; providing for the establishing of curb grades thereof; providing for the acquisition, appropriation, taking and damaging of the 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, by purchase and/or condemnation; providing for the acquisition and taking of property in fee simple for general municipal purposes; 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 NORTH 45th STREET, between its intersection with Winslow Place and Green Lake Way, and its intersection with Woodland Park Avenue, be laid off, opened, widened, extended and established as a public street and highway; that curb grades thereof be established; and that slope rights be acquired therefor.

Section 2. That NORTH 45th STREET, between its intersection with Winslow Place and Green Lake Way, and its intersection with Woodland Park 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 lots, blocks, and tracts of land, to-wit:

In 3rd MOTOR LINE ADDITION to the CITY OF SEATTLE, as recorded in Volume 4 of King County Plats, at page 39:

- All of Lot 1, and the northerly half of Lot 2, Block 9;
- All of Lot 12, and the northerly half of Lot 13, Block 9;
- All of Lot 1, and the northerly half of Lot 2, Block 12;
- All of Lot 12, and the northerly half of Lot 13, Block 12.

In WOODLAND ADDITION to SALMON BAY CITY, now a part of the CITY OF SEATTLE, as recorded in Volume 2 of King County Plats, at page 66:

That portion of Lot 4, Block 35, described as follows:
Beginning at a point on the southerly line of said lot, said point being 13.25 feet west of the southeast corner of said lot; thence westerly, northwesterly and northerly along the arc of a curve to the right, the radius of said curve being 21.24 feet, to the point of intersection of the said curve with the southeasterly margin of Green Lake Way; thence southerly along the

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semi-tangent to the said curve at the last named point a distance of 21.35 feet to a point on the south line of said Lot 4, the same being the north margin of North 45th Street; thence easterly along the said south line of said lot a distance of 21.35 feet to the point of beginning.

Section 3. That the following lots, blocks, tracts and 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:

In 3rd MOTOR LINE ADDITION to the CITY OF SEATTLE, as recorded in Volume 4 of King County Plats, at Page 39:

All of Lot 2, Block 9, except the southerly five feet thereof, and except the portion condemned for street purposes under Section 2 of this ordinance;

All of Lot 2, and the northerly seven feet of Lot 3, Block 12, except that portion of said Lot 2 condemned for street purposes under Section 2 of this ordinance;

All of Lot 13, Block 12, except the portion condemned for street purposes under Section 2 of this ordinance;

And that all of said lands and appurtenances thereunto belonging are to be acquired, condemned, taken and appropriated only after just compensation therefor has been made, or paid into court for the owners thereof, in the manner provided by law.

Section 4. That the curb grades of said North 45th Street, from Winslow Place and Green Lake Way to Woodland Park Avenue, be and the same are hereby established at the following elevations above city datum, to-wit:

Opposite the intersection of the south margin of North 45th Street, as established herein, with the east margin of Winslow Place, at an elevation conforming with the established grade on Winslow Place:

South Curb 257.00 feet

Opposite the intersection of the south margin of North 45th Street, as established herein, with the west margin of Whitman Avenue, on the north, produced southerly, at an elevation conforming with the established grade on Whitman Avenue:

South Curb 241.50 feet

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Opposite the intersection of the south margin of North 45th Street, as established herein, with the east margin of Whitman Avenue on the north, produced southerly, at an elevation conforming with the established grade on Whitman Avenue:

South Curb 238.00 feet

Opposite the intersection of the south margin of North 45th Street, as established herein, with the west margin of Whitman Avenue on the south, at an elevation conforming with the established grade on Whitman Avenue:

South Curb 229.30 feet

Opposite the intersection of the south margin of North 45th Street, as established herein, with the east margin of Whitman Avenue on the south, at an elevation conforming with the established grade on Whitman Avenue:

South Curb 228.50 feet

Opposite the intersection of the south margin of North 45th Street, as established herein, with the west margin of Woodland Park Avenue on the north, produced southerly, at an elevation conforming with the established grade on Woodland Park Avenue:

South Curb 216.00 feet

Opposite the intersection of the south margin of North 45th Street, as established herein, with the west margin of Woodland Park Avenue, on the south, at an elevation conforming with the established grade on Woodland Park Avenue:

South Curb 215.50 feet

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

Section 5. That in the grading of the above named North 45th Street, the city shall acquire the right in the case of a cut to remove the lateral support of the property abutting on said North 45th 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 North 45th Street;

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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 North 45th Street.

Section 6. 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 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 North 45th Street, in conformity with the grades established in Section 4 hereof, and in the construction of the necessary slopes for cuts and fills upon the real property abutting upon said North 45th Street, as set forth in section 5 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 acquired, taken, damaged and appropriated only after just compensation has been made, or paid into court for the owners thereof, in the manner provided by law.

Section 7. That the entire cost of the improvement provided for herein shall be paid from the Gas Tax Highway Fund or such other funds as the City Council may direct;

provided, however, that the portion of the improvement set forth in section three hereof shall be paid from the General Fund of the City of Seattle.

Section 8. That the City Engineer be and he is hereby authorized and directed to acquire the lands, rights, privileges and other property by purchase and agreement; said lands, rights, privileges and other property to be conveyed to The City of Seattle by warranty deeds accompanied by an owner's title insurance policy;

200-1000

or an agreement accompanied by a certificate of title; said deeds, agreements, policies and certificates of title to be approved as to form and sufficiency by the Corporation Counsel. And that in the event of failure to so purchase and acquire, the Corporation Counsel be and he is hereby directed to begin and prosecute the actions and proceedings necessary, in the manner provided by law, to condemn, take, damage and appropriate said lands, rights, privileges and other property; and to take such other action as may be necessary to carry out the provisions of this ordinance.

(To be used for all Ordinances except Emergency.)

Section 9. 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 26 day of AUGUST, 1935,
and signed by me in open session in authentication of its passage this 26 day of
AUGUST, 1935 Frank J. Raube
President _____ of the City Council.

Approved by me this 29 day of AUGUST, 1935.
Charles H. Smith
Mayor.

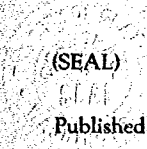
Filed by me this 29 day of AUGUST, 1935.

Attest: A. V. Cannon
City Comptroller and Ex-Officio City Clerk.

By C. M. Scott
Deputy Clerk.

City Comptroller and Ex-Officio City Clerk.

By _____
Deputy Clerk.



Published SEP 5 1935