

**Ordinance No. 65772**

Providing for the acquisition, condemnation or purchase of certain lands, property and property rights for a sewer right-of-way for sewer purposes over and across a portion of the Southeast one-quarter of Section 28 Township 24 North, Range 4 East, W. M., \* \* \* \* \* and providing for the payment therefor.

**Council Bill No. 56705**

INTRODUCED: OCT 14 1935	STREETS & SEWERS
REFERRED: OCT 14 1935	STREETS & SEWERS
REFERRED:	FINANCE
REPORTED: OCT 21 1935	VETO:
SECOND READING: OCT 21 1935	PUBLISHED:
THIRD READING: OCT 21 1935	VETO SUSTAINED:
SIGNED: OCT 21 1935	PASSED OVER VETO:
PRESENTED TO MAYOR: OCT 21 1935	APPROVED: OCT 22 1935
FILED: OCT 22 1935	PUBLISHED: OCT 31 1935
ENGROSSED: VOLUME 2 PAGE 224	BY: 78 ✓
COMPARED BY:	AND

Form T. 6M. 7-31 McCann.

CRS-LR  
10-14-35  
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ORDINANCE NO. 65772

AN ORDINANCE providing for the acquisition by condemnation or purchase of certain lands, property and property rights for a sewer right-of-way for sewer purposes over and across a portion of the Southeast one-quarter of Section 28, Township 24 North, Range 4 East, W. M., Government Lot 13 in Section 33, Township 24 North, Range 4 East, W. M., Government Lot 12 in Section 33, Township 24 North, Range 4 East, W. M., John Buckley Donation Land Claim No. 42, a portion of filled Duwamish River Bed lying between the meander lines of the John Buckley Donation Claim and the Henry Van Asselt Donation Claim, the Henry Van Asselt Donation Land Claim No. 50, the Francis McNatt Donation Land Claim No. 38, a portion of the filled Duwamish River Bed lying between the meander line of the John Buckley Donation Claim and the meander lines of the Francis McNatt Donation Claim and the Timothy Grow Donation Claim, and a portion of the Timothy Grow Donation Land Claims No. 44 and No. 48; 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 a right-of-way for sewer purposes be acquired over and across the following described property, to-wit:

A strip of land ten (10) feet in width extending from the north line of the John Buckley Donation Land Claim No. 42 to the south line of Section 33, Township 24 North, Range 4 East, W. M., over and across the following described tracts of land, to-wit:

The John Buckley Donation Land Claim No. 42.

That portion of filled in Duwamish River Bed lying between the meander lines of the John Buckley Donation Claim and the Henry Van Asselt Donation Claim.

The Henry Van Asselt Donation Land Claim No. 50.

The Francis McNatt Donation Land Claim No. 38.

Portion of the filled in Duwamish River Bed lying between the meander line of the John Buckley Donation Claim and the meander lines of the Francis McNatt Donation Claim and the Timothy Grow Donation Claim.

Portion of Timothy Grow Donation Land Claims No. 44 and No. 48.

The westerly margin of said strip to coincide with the easterly margin of East Marginal Way, otherwise known as State Road No. 1 (Pacific Highway) as now established.

Also that strip of land of varying width over and across Government Lots 12 and 13, Section 33, Township 24 North, Range 4 East, W. M., and a portion of the Southwest one-quarter of Section 28, Township 24 North, Range 4 East, W. M., described as follows:

Beginning at a point on the east margin of East Marginal Way, said point being seventy-five (75) feet northwesterly of the intersection of said east margin with the south line of Section 28, Township 24 North, Range 4 East, W. M., the same being the south limits of the City of Seattle; thence northeasterly at right angles to said east margin to a point ninety (90) feet distant from the survey line located fifty (50) feet easterly of the westerly margin of said East Marginal Way as now established at that point; thence southeasterly along a line ninety (90) feet distant from and parallel to said survey line to its intersection with the east line of Government Lot 13, Section 33, Township 24 North, Range 4 East, W. M.; thence southeasterly a distance of three hundred eighty-five (385) feet, more or less, along a straight line to a point seventy (70) feet northeasterly of a point on said survey line and measured at right angles thereto, the last named point being distant seven hundred three and twenty-five one-hundredths (703.25) feet southeasterly measured along said survey line from its intersection with the south line of Section 28, Township 24 North, Range 4 East, W. M.; thence southeasterly one hundred fifty (150) feet, more or less, along a straight line to a point sixty (60) feet easterly of said survey line as measured along a produced radial line of a curve in said survey line having a radius of two thousand eight hundred sixty-four and ninety-three one-hundredths (2,864.93) feet, at a point eight hundred fifty-three and twenty-five one-hundredths (853.25) feet southeasterly along said line from its intersection with the south line of Section 28 aforesaid; thence along the arc of the curve to the right having a radius of two thousand nine hundred twenty-four and ninety-three one-hundredths (2,924.93) feet (said curve being parallel to and distant sixty (60) feet easterly of said survey line curve) to the north line of the J. Buckley Donation Claim No. 42; thence west along the north line of said Donation Claim to the easterly margin of said East Marginal Way; thence northwesterly along said east margin of East Marginal Way to point of beginning.

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Section 2. That only such rights in the lands described in Section 1 hereof shall be acquired as shall be necessary for the construction, reconstruction, operation and maintenance of said sewer, reserving unto the respective owners the right to use said property in any way and for any purpose not inconsistent with the rights hereby authorized to be acquired.

Section 3. That the entire cost of the improvement provided for herein shall be paid from the Seattle Sewer Bonds, 1926 Construction Fund, created by Ordinance No. 51248, as amended by Ordinance No. 55496, and/or such other funds as the City Council may direct.

Section 4. That the City Engineer be and he is hereby authorized to acquire by purchase and agreement the lands, property and property rights necessary to carry out the provisions of this ordinance, and in case of failure so to purchase and acquire that 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 the lands, property and property rights necessary to carry out the provisions of this ordinance.

(To be used for all Ordinances except Emergency.)

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 21 day of OCTOBER, 1935,  
and signed by me in open session in authentication of its passage this 21 day of  
OCTOBER, 1935 Frank J. Faulk

President \_\_\_\_\_ of the City Council.

Approved by me this 22 day of OCTOBER, 1935.  
Charles H. Smith  
Mayor.

Filed by me this 22 day of OCTOBER, 1935.

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

By C. M. Smith  
Deputy Clerk.

City Comptroller and Ex-Officio City Clerk.

By \_\_\_\_\_  
Deputy Clerk.

(SEAL)

Published \_\_\_\_\_

OCT 31 1935