

# Ordinance No. 73188

AN ORDINANCE Providing for the laying off, opening, widening, extending and establishing of 10th AVENUE NORTH from the south line of Broadway Second Addition to the north line of E. Galer Street in conformity with the existing curb grades; 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 10th AVENUE NORTH; and providing for the payment therefor. *3/10/44*

# Council Bill No. 64419

APPROVED BY COUNCIL MAR 13 1944	COMMISSIONER OF STREETS & SEWERS
APPROVED BY COUNCIL MAR 13 1944	FINANCE STREETS & SEWERS
APPROVED BY COUNCIL MAR 20 1944	VEVA
APPROVED BY COUNCIL MAR 20 1944	PUBLIC WORKS
APPROVED BY COUNCIL MAR 20 1944	VEVA
APPROVED BY COUNCIL MAR 20 1944	FINANCE
APPROVED BY COUNCIL MAR 21 1944	APPROVED BY COUNCIL MAR 21 1944
APPROVED BY COUNCIL MAR 21 1944	APPROVED BY COUNCIL MAR 28 1944
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BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. That public necessity and convenience demand that the above 10th Avenue North be laid off, opened, widened, extended and established as a public street and highway in conformity with the existing curb grades.

Section 2. That 10th Avenue North from the south line of Broadway Second Addition to the north line of E. Galer Street be and the same is hereby laid off, opened, widened, extended and established as a public street and highway in accordance with the present established curb grades over and across the following tract of land, to-wit:

That portion of the south half of the southwest quarter of the southeast quarter of Section 20, Township 25 North, Range 4 East, W. M., more particularly described as follows:

Beginning at a point on the north line of said south half, the same being the southeast corner of Lot 6, Block 3, Broadway Second Addition as recorded in Volume 7 of King County Plats on Page 17; thence south  $0^{\circ}08'30''$  east along the west margin produced of 10th Avenue North as established in said Broadway Second Addition, a distance of 49.36 feet; thence north  $89^{\circ}51'30''$  east, a distance of 7.90 feet to a point on the westerly margin of 10th Avenue North as deeded to the City of Seattle and accepted by Ordinance No. 10598 and the true point of beginning; thence south  $18^{\circ}12'58''$  east, a distance of 54.23 feet to a point of curvature;

thence southerly along the arc of a curve to the right having a radius of 370 feet, a distance of 136.90 feet to a point of tangency; thence south  $0^{\circ}05'00''$  east along the tangent to said curve at said point, a distance of 129.29 feet to a point of curvature; thence southerly along the arc of a curve to the right having a radius of 370 feet, a distance of 132.18 feet to a point of tangency; thence south  $20^{\circ}33'08''$  west along the tangent to said curve at said point, a distance of 50 feet to a point of curvature; thence southerly along the arc of a curve to the left having a radius of 430 feet, a distance of 37.51 feet to a point on the westerly margin of 10th Avenue North as now established which said point will be hereafter referred to as point "O"; thence northerly along the said westerly margin of 10th Avenue North as follows, to-wit:

Along the arc of a curve to the right, the radius of said curve being 160 feet, a distance of 52.95 feet to a point of reverse curve; thence northerly along the arc of a curve to the left, having a radius of 215.56 feet, a distance of 169.30 feet to a point of tangency; thence north  $0^{\circ}05'00''$  west along the tangent to said curve at said point, a distance of 120.88 feet, to a point of curvature; thence along the arc of a curve to the left having a radius of 218.14 feet, a distance of 149.33 feet to a point of reverse curve; thence along the arc of a curve to the right having a radius of 160 feet, a distance of 58.90 feet to the true point of beginning. An independent tie to the point "O" above mentioned may be described as follows, to-wit:

Beginning at the southeast corner of the southwest quarter of the southeast quarter of said Section 20; thence south  $89^{\circ}14'15''$  west, a distance of 542.21 feet to the center line of 10th Avenue North as platted in Phinney's Addition; thence north  $0^{\circ}05'00''$  west along the produced center line of 10th Avenue North as platted in said Phinney's Addition, a distance of 107.72 feet; thence south

89°14'15" west, a distance of 15.76 feet to the point "O" above mentioned.

Section 3. That in the grading of the above named 10th Avenue North, the City shall acquire the right in the case of a cut to remove the lateral support of the property abutting on said 10th Avenue North. 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 10th Avenue North, 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 10th Avenue North.

Section 4. That all lands, rights, privileges and other property lying within the limits of the tract 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 10th Avenue North in conformity with the present established grades, and in the construction of the necessary slopes for cuts and fills upon the real property abutting upon said 10th Avenue North, 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 thereof, in the manner provided by law.

(To be used for all Ordinances except Emergency.)

Section 5. That the entire cost of the improvement provided for herein shall be paid from the City Street Fund or such other fund as the City Council may direct.

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.

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 20 day of March 1944 and signed by me in open session in authentication of its passage March 20 day of 1944

*James Scavotto*  
President Pro Tem of the City Council.

Approved by me this 21 day of March 1944

*John E. Carroll*  
Mayor.

Filed by me this 21 day of March 1944

Attest: *W. O. Thomas*  
City Comptroller and Ex-Officio City Clerk.

By: *E. Daines*  
Deputy Clerk.

(SEAL)

MAR 28 1944

Published

City Comptroller and Ex-Officio City Clerk.

By: Deputy Clerk.