

Ordinance No. 75504

AN ORDINANCE providing for the laying off, opening, widening, extending and establishing of West Bertona Street, from Arapahoe Place to the east margin of 39th Avenue West together with the right to make the necessary slopes for cuts and fills upon the abutting property in the reasonable original grading of said street, providing for the acquisition, appropriation, taking, and damaging of land and other property necessary therefor by purchase and/or condemnation and providing for the payment therefor

Council Bill No. 66841

INTRODUCED: NOV 18 1946	BY STREETS & SEWERS
REFERRED: NOV 18 1946	TO: FINANCE STREETS & SEWERS
REFERRED:	
REPORTED: NOV 25 1946	VETO:
SECOND READING: NOV 25 1946	PUBLISHED:
THIRD READING: NOV 25 1946	VETO SUSTAINED:
SIGNED: NOV 25 1946	PASSED OVER VETO:
PRESENTED TO MAYOR: NOV 26 1946	APPROVED: NOV 27 1946
FILED: NOV 27 1946	PUBLISHED: DEC 9 1946
ENGROSSED: VOL. <u>P2</u> <u>326</u>	BY: <u>m. n.</u> ✓

COMPARED BY:

AND

M. G.

CRS:MM
11-14-46

ORDINANCE NO. 25564

AN ORDINANCE providing for the laying off, opening, widening, extending and establishing of West Bertona Street, from Arapahoe Place to the east margin of 39th Avenue West together with the right to make the necessary slopes for cuts and fills upon the abutting property in the reasonable original grading of said street, providing for the acquisition, appropriation, taking, and damaging of land and other property necessary therefor by purchase and/or condemnation 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 West Bertona Street be laid off, opened widened, extended and established as a public street and highway, from Arapahoe Place to the east margin of 39th Avenue West.

Section 2. That West Bertona 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 described tract of land situate in King County, Washington, to-wit:

The north 18 feet of the north one-half of the north one-half of the northwest one-quarter of the southwest one-quarter of the southeast one-quarter, of Section 15, Township 25 North, Range 3 East, W.M.; except the easterly 102 feet thereof, which has heretofore been deeded for street purposes and the deed accepted by Ordinance No. 69319.

Section 3. That in the reasonable original grading of the above named West Bertona Street, the City shall acquire the right in the case of a cut to remove the lateral support of the property described in Section 2 above. 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 West Bertona 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 West Bertona Street;

Section 4. That all lands, right, 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 construction of the necessary slopes for cuts and fills as set forth in Section 3 hereof, be and the same 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.

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 City Engineer be and he is hereby authorized and directed to acquire the above described land and other property by purchase and agreement, said land and other property to be conveyed to the City of Seattle by warranty deed, accompanied by a sufficient policy of title insurance; said deed and title policy 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 authorized and directed to begin and prosecute the actions and proceedings in the manner provided by law, to condemn, take, damage and appropriate said land and other property necessary to carry out the provisions of this ordinance.

(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 25 day of November, 1946,
and signed by me in open session in authentication of its passage this 25 day of
November, 1946 M. D. Mitchell

President.....of the City Council.

Approved by me this 27 day of November, 1946
[Signature]
Mayor.

Filed by me this 27 day of November, 1946
A. Thomas
Attest: A. Thomas
City Comptroller and Ex-Officio City Clerk.

By [Signature]
Deputy Clerk.

(SEAL)

Published DEC 9 1946

City Comptroller and Ex-Officio City Clerk.

By.....
Deputy Clerk.

DEPARTMENT OF PUBLIC WORKS OF
THE CITY OF SEATTLE

OFFICE OF CITY ENGINEER

C. L. WARTELLE, CITY ENGINEER

IN RE:

November 18, 1946.

Honorable City Council
Seattle, Washington

Gentlemen:

We are submitting herewith for your approval council bill providing for the condemnation of portion of the property required for the dedication of West Bertona Street, between Arapahoe Place and 39th Avenue West, to its full width.

Specifically the bill provides for the taking of an 18-foot strip along the south margin of the street as it now exists. The widening of this street is necessary for the reason that its improvement is included in Resolution No. 14129, 38th Avenue West, et al., by grading, paving, etc.

We have endeavored to acquire this property by negotiation but so far have not been very successful. It is hoped that the passage of this bill will make it possible for us to successfully complete the acquisition of the property by negotiation.

Yours very truly,



C. L. WARTELLE,
City Engineer

C. L. W.
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Enc.

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C. L. WARTELLE,
City Engineer

PNR:HK
Enc.

75564

35 mm

Map

276690

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