

Ordinance No. 76702

AN ORDINANCE granting permission to the Chicago, Milwaukee, St. Paul and Pacific Railroad Company to improve the westerly side of East Marginal Way, from Diagonal Avenue to West Dakota Street, by sewers, etc., by private contract, and appropriating money from the City Property Assessment Redemption Fund to pay a portion of the cost thereof.

*1/20/48  
PASS*

FILE NO. *77141*

Council Bill No. 67998

INTRODUCED: JAN 19 1948	BY: STREETS & SEWERS
REFERRED: JAN 19 1948	TO: FINANCE STREETS & SEWERS
REFERRED:	
REPORTED: JAN 26 1948	VETO:
SECOND READING: JAN 26 1948	PUBLISHED:
THIRD READING: JAN 26 1948	VETO SUSTAINED:
SIGNED: JAN 28 1948	PASSED OVER VETO:
PRESENTED TO MAYOR: JAN 27 1948	APPROVED: JAN 28 1948
FILED: JAN 28 1948	PUBLISHED:
ENGROSSED: VOL. <i>Q-2</i> PAGE <i>102</i>	BY: <i>M. H.</i>
COMPARED BY:	

AND

TM 1-27-48 48

ORDINANCE NO. 70702

AN ORDINANCE granting permission to the Chicago, Milwaukee, St. Paul, and Pacific Railroad Company, to improve the westerly side of East Marginal Way, from Diagonal Avenue to West Dakota Street, by sewers, etc., by private contract, and appropriating money from the City Property Assessment Redemption Fund, to pay a portion of the cost thereof.

WHEREAS the Chicago, Milwaukee, St. Paul and Pacific Railroad Company has requested permission (Comptroller's File No. 197144), to construct a sewer in East Marginal Way, from Diagonal Avenue to West Dakota Street, by private contract, at its own cost and expense, except as hereinafter specified; and

WHEREAS the City of Seattle and said company are the sole owners of the property abutting on said sewer to be benefited thereby, and

WHEREAS it is desirable to expedite the construction of said sewer as much as possible in order to provide facilities for a large industrial development; and

WHEREAS said work can be accomplished more quickly and at less expense by private contract than by a local improvement district; and

WHEREAS it is fitting and proper that the City of Seattle pay its share of the cost of said work as though it were performed in the manner provided by law for local improvements; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. That the Chicago, Milwaukee, St. Paul and Pacific Railroad Company be and it is hereby granted permission to improve the westerly side of East Marginal Way, from Diagonal Avenue to West Dakota Street, by the construction of sewers, together with the necessary appurtenances; providing for the necessary surface drainage, and doing such other work as may be necessary in connection therewith, at its own cost and expense, except as hereinafter provided.

Section 2. That the entire cost and expense of said improvement shall be borne by the Chicago, Milwaukee, St. Paul and Pacific Railroad Company, except as provided in Section 3 hereof, and all work shall be performed under direct supervision of the City Engineer and shall be done in accordance with the Standard Plans and Specifications of the City of

Seattle, and in accordance with special plans and specifications prepared by the City Engineer and approved by the Board of Public Works. Before proceeding with the preparation of said plans and specifications, the City Engineer shall require a deposit of money to guarantee the payment of the cost of the preparation of said plans and specifications, together with the cost of making the necessary surveys, inspection and incidental expenses to be incurred by the City in connection with such improvement, the amount of such deposit to be based on an estimate to be made by the City Engineer. In the event that said Chicago, Milwaukee, St. Paul and Pacific Railroad Company desires to prepare its own plans and specifications, it shall so notify the City Engineer and such plans and specifications shall be submitted to the City Engineer before filing with the Board of Public Works. After approval by the Board of Public Works, such plans shall be the property of the City of Seattle and shall be filed in the office of the City Engineer.

Section 3. That because the City of Seattle owns property for General Municipal Purposes, abutting on said sewer, which will be benefited by said construction, the City of Seattle shall pay its proportional share of the cost of said work as if the work were performed in the manner provided by law for local improvement districts, said proportion being hereby fixed and determined as fourteen per cent (14%) of the total cost, but in no event shall the City's liability for said improvement exceed the sum of Five Thousand Dollars (\$5,000.00). No portion of the cost of said improvement shall be paid by the City of Seattle until said improvement has been completed and accepted by the Board of Public Works. Upon acceptance, said railroad company shall submit to the City Engineer for his approval a claim for reimbursement of the City's share of the cost.

Said claim shall be supported by proper affidavits and sufficient evidence to indicate the total cost of the improvement and the validity of the claim and no portion of said cost shall be honored for payment to said company without the approval of the City Engineer, who is hereby authorized and directed to voucher said claim, when approved for payment.

Section 4. That in order to effectuate the purposes hereinabove specified, the sum of Five Thousand Dollars (\$5,000.00) or so much thereof as may be necessary, is hereby appropriated from the City Property Assessment Redemption Fund and the City Comptroller is authorized and directed to draw and the City Treasurer to pay, the necessary warrant therefor.

Section 5. Before commencement of the work herein authorized, the said Chicago, Milwaukee, St. Paul and Pacific Railroad Company shall furnish a satisfactory bond, conforming to the requirements of Sections 1159, 1159-1 and 1161 of Remington's Revised Statutes of the State of Washington, and to insure the performance of the work in a satisfactory manner and to save and protect the City from any damage or cost which may arise by reason of the doing of such work and also to guarantee the completion of the work within the time herein specified, or in lieu of furnishing the above required bond, said Chicago, Milwaukee, St. Paul and Pacific Railroad Company may procure from the contractor employed by it to perform said work, and file with the City Comptroller, a good and sufficient bond, conforming to all requirements mentioned above, which said bond shall be payable and run jointly and severally to the said City of Seattle and the said Chicago, Milwaukee, St. Paul and Pacific Railroad Company, as obligees, and which said bond shall authorize an action thereon for breach of its conditions by the said City of Seattle and the said Chicago, Milwaukee, St. Paul and Pacific Railroad Company, either jointly or severally. The amount of the bond required in

either case shall be the full amount of the cost of the work as estimated by the City Engineer.

Section 6. That after the approval of the plans and specifications for the work by the Board of Public Works, the said Chicago, Milwaukee, St. Paul and Pacific Railroad Company shall notify the City Engineer of the date when it will be ready to begin the work provided for herein, but such work shall not be begun except upon written notice so to do by the City Engineer. Such work shall be completed within Six (6) Months from the date of such notice.

Section 7. All the improvements and facilities constructed under authority of this ordinance shall, upon completion and acceptance by the Board of Public Works, become the property of the City of Seattle.

(To be used for all Ordinances except Emergency.)

Section 8. 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 January, 1948,  
and signed by me in open session in authentication of its passage this 26 day of  
January, 1948 M. B. Mitchell  
President of the City Council.

Approved by me this 28 day of January, 1948  
[Signature]  
Mayor.

Filed by me this 28 day of January, 1948

Attest: Nashomas  
City Comptroller and Ex-Officio City Clerk.

By: [Signature]  
Deputy Clerk.

City Comptroller and Ex-Officio City Clerk.

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

(SEAL)

Published \_\_\_\_\_

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