

Ordinance No. 77831

AN ORDINANCE providing for the acquisition by condemnation of certain land, property and property rights for a right of way for sewer purposes over and across the unplatted Reserve shown upon the plat of Bay Terrace Addition, and certain other land; and providing for the payment therefor.

Council Bill No. 69150

INTRODUCED: MAR 14 1949	BY: STREETS & SEWERS
REFERRED: MAR 14 1949	TO: FINANCE
REFERRED:	STREETS & SEWERS
REPORTED: MAR 21 1949	VETO:
SECOND READING: MAR 21 1949	PUBLISHED:
THIRD READING: MAR 21 1949	VETO SUSTAINED:
SIGNED: MAR 21 1949	PASSED OVER VETO:
PRESENTED TO MAYOR: MAR 22 1949	APPROVED: MAR 23 1949
FILED: MAR 23 1949	PUBLISHED: MAR 26 1949
ENGROSSED:	BY: M. D. ✓
VOL. 9-2 PAGE 464	
COMPARED BY:	
AND	

M.G.

c.c.

0-8089 accepts awards

Ordinance No. 77891

AN ORDINANCE providing for the acquisition by condemnation of certain land, property and property rights for a right of way for sewer purposes over and across the unplatted Reserve shown upon the plat of Bay Terrace Addition, and certain other lands; and providing for the payment therefor.

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VOL. <u>9-2</u> PAGE <u>1164</u>	
COMPARED BY:	

AND

10-2-48 L. & H. CO. 48

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ORDINANCE NO. 77831

AN ORDINANCE providing for the acquisition by condemnation of certain lands, property and property rights for a right of way for sewer purposes over and across the unplatted Reserve shown upon the plat of Bay Terrace Addition, and certain other lands; and providing for the payment therefor.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

79203 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, situate in King County, Washington, to-wit:

A strip of land 6.00 feet in width over and across the Unplatted Reserve shown on the plat of Bay Terrace Addition, as recorded in Volume 7 of King County Plats at page 61; Government Lots 4 and 5, in Section 10, Township 25 North, Range 3 East, W.M.; and Lot 12, of Block 12, Seattle Tide Lands, the center line of which said strip is described as follows:

Beginning at the intersection of the center line of Sheridan Street, as platted in said Bay Terrace Addition with the center line of 39th Avenue West, abutting Block 8 of said addition, as established by Ordinance No. 60477; thence on the center line of Sheridan Street south 89° 49' 46" east 113.27 feet to the true place of beginning; thence from said point south 9° 21' 54" west 383.17 feet; thence south 14° 27' 54" west 415.67 feet; thence south 49° 58' 21" east 549.85 feet; thence south 9° 59' 06" east 140.95 feet to a point in Commodore Way, which said point is south 81° 53' 36" east 578.23 feet from the intersection of the center line of Commodore Way with the center line of 40th Avenue West; together with the right to encroach upon, occupy, damage and use during the original construction of said sewer, a strip of land 20.00 feet in width, on the westerly or uphill side of the trench, for the purpose of placing excavated material during the construction of the sewer trench; provided that such occupancy and use of said 20.00 foot strip during the original construction of said sewer does not damage, disturb or destroy the improvements situated in whole or in part thereon. In the event that said improvements are damaged, disturbed or destroyed, they shall be replaced in as good condition as they were immediately before the property was entered upon by the City.

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, alteration, operation, improvement 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; provided that the City shall have the right without prior institution of any suit or proceeding at law at such times as may be necessary to enter upon said property for the purposes herein described, without incurring any legal obligation or liability therefor; provided that such work shall be accomplished in such a manner that the private improvements existing in said right of way shall not be disturbed or destroyed, or in the event that they are disturbed or destroyed they shall be replaced in as good condition as they were immediately before the property was entered upon by the City.

Section 3. That the entire cost of said right of way and of all proceedings and incidental expenses necessary therefor shall be paid from the Seattle Sewer Bonds 1946 Fund.

79203

Section 4. That the Corporation Counsel be and he is hereby authorized and 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 March, 1949,
and signed by me in open session in authentication of its passage this 21 day of
March, 1949. *David ...*
President.....of the City Council.

Approved by me this 23 day of March, 1949.
M. ...
Mayor.

Filed by me this 23 day of March, 1949.
Attest: *R. ...*
City Comptroller and Ex-Officio City Clerk.
By: *C. ...*
Deputy Clerk.

(SEAL)

Published.....MAR 26 1949.....

.....
City Comptroller and Ex-Officio City Clerk.

By.....
Deputy Clerk.

THE CITY OF SEATTLE
DEPARTMENT OF ENGINEERING

R. W. FINKE, CITY ENGINEER
MEMBER, BOARD OF PUBLIC WORKS

IN RE:

March 14, 1949

Honorable City Council
of the City of Seattle,
Seattle, Washington

Gentlemen:

We are submitting herewith for your approval council bills providing for the condemnation of a sewer right of way across private property. This right of way is needed in the construction of the 40th Avenue West, et al, Sewer - L. I. D. No. 5893.

We have a deed signed by the majority of the property owners affected by this easement, in which they convey to the City the necessary right of way. This deed was secured by the property owners themselves but cannot be recorded as the signatures have not been witnessed.

In view of the subsequent opposition to the improvement by some of the parties who signed this deed, we do not believe it is possible now to obtain all of the right of way by negotiation.

The cost, if any, of the condemnation should be paid from the Seattle Sewer Bonds 1946 Fund.

Yours very truly,

R. W. Finke
R. W. FINE,
City Engineer

egw
PWR:HK
Encs.

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City Engineer

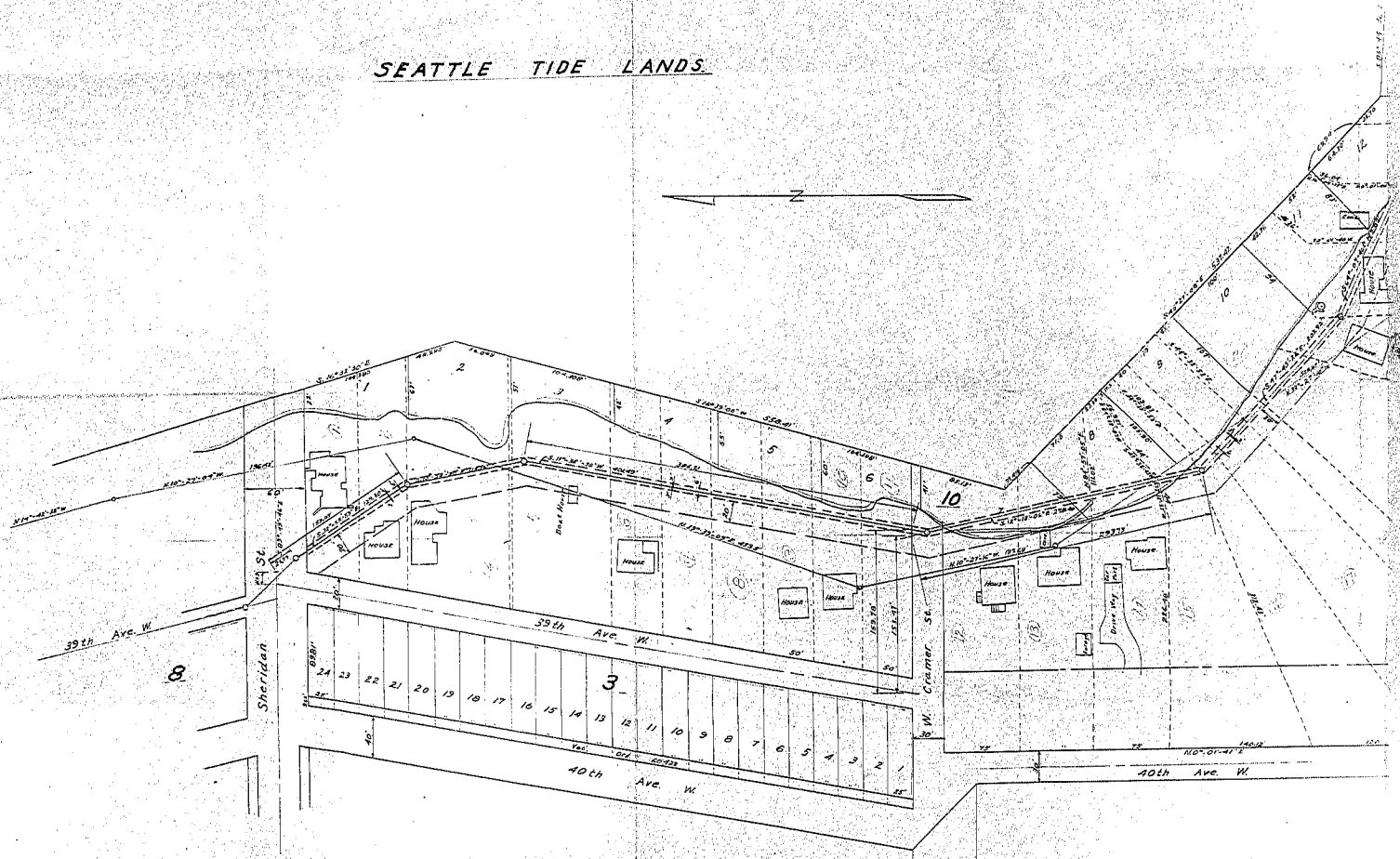
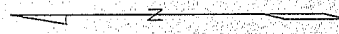
PNR:HK
Encls.

Ord. # 77831
35 MM



CONDEMNATION MAP
40th Ave W 26x62

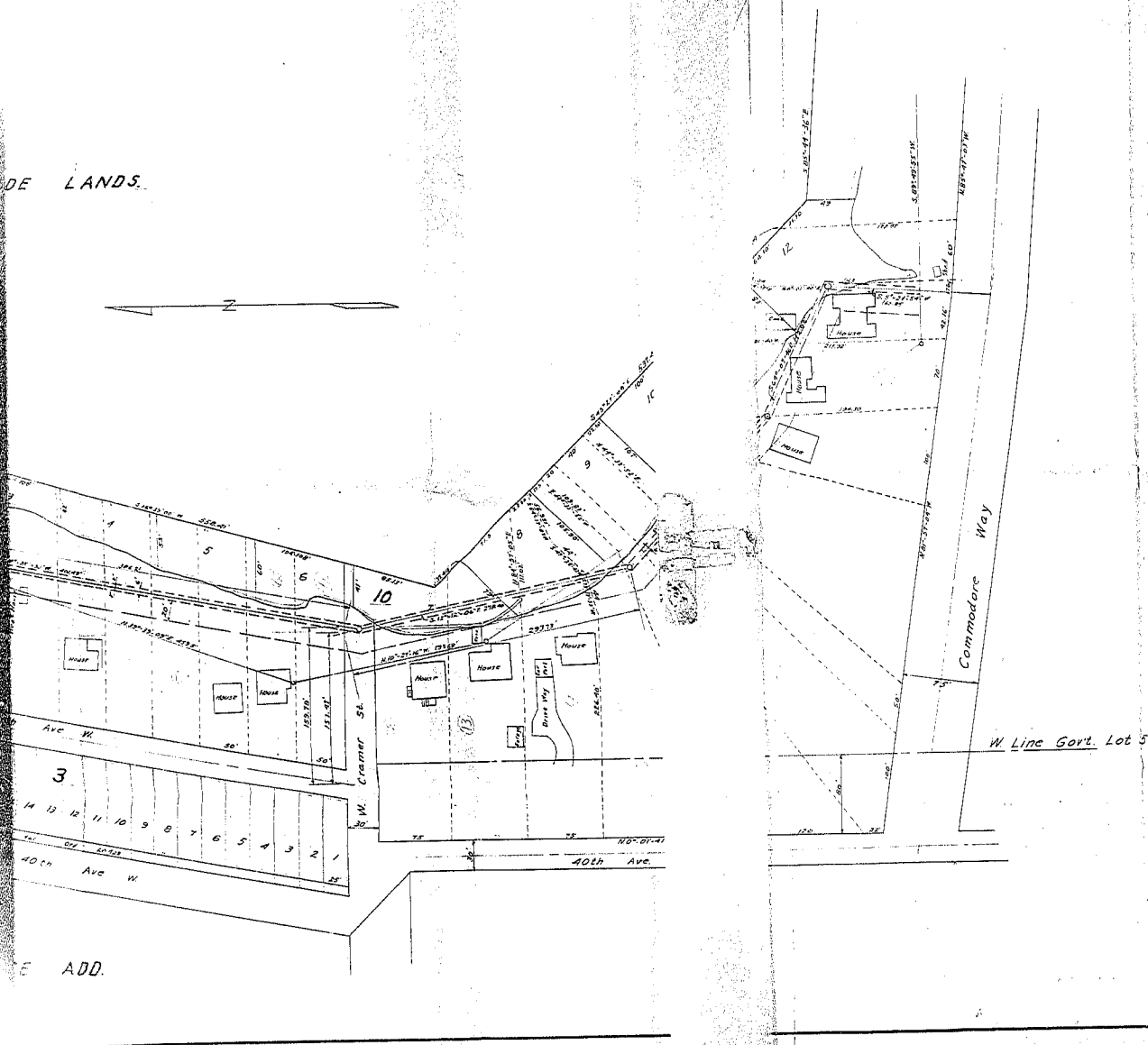
SEATTLE TIDE LANDS



BAY TERRACE ADD.



DE LANDS.



Condemnation Map
40th Ave W, S.C.S.C.



THE CITY OF SEATTLE
DEPARTMENT OF ENGINEERING
R. W. FINKEL, CITY ENGINEER

CONDEMNATION FOR RIGHT OF WAY
FOR

40 TH. AVENUE WEST SEWER

ORDINANCE NO. 27311 APPROVED MARCH 23, 1946
AMENDED BY ORD. NO. 7033 APPROVED AUG. 16, 1950

SEATTLE SEWER BONDS 1946 FUND
SCALE 1 INCH = 50 FEET JULY 1950

Made by	HJE	APPROVED BY
Drawn by		
Checked by		

