

Ordinance No. 78109

AN ORDINANCE providing for the laying off, opening, widening, extending and establishing of 27th Avenue South**et al.,**providing for** establishing**curb grades***; providing for the**taking and damaging of land and other property necessary therefor and for*** slopes for cuts and fills***; providing for the***taking of land ***for***general municipal purposes; and providing that the*cost** shall be paid from the City Street Fund, except as**otherwise provided.

Council Bill No. 11133

INTRODUCED JUN 27 1949	BY STREETS & SEWERS
REFERRED: JUL 5 1949	TO
REFERRED:	
REPORTED: JUL 5 - 1949	VETO:
SECOND READING: JUL 5 - 1949	PUBLISHED:
THIRD READING: JUL 5 - 1949	VETO SUSTAINED:
SIGNED: JUL 5 - 1949	PASSED OVER VETO:
PRESENTED TO MAYOR: JUL 6 - 1949	APPROVED: JUL 7 - 1949
FILED: JUL 7 - 1949	PUBLISHED: JUL 7 - 1949
ENGROSSED:	BY:
VOL. 9 - 2 PAGE 533	M. M. V
COMPARED BY:	

AND

all - 81141 - some in certain other's copies

e.c.

-0-80977- awards

0-80174- dismissed of proceedings

AN ORDINANCE providing for the laying off, opening, widening, extending and establishing of 27th Avenue South between Bayview Street and Jackson Street; of Temple Place South between Jackson Street and Yesler Way; of Temple Place between East Jefferson Street and East Cherry Street; of 28th Avenue North from East Harrison Street to East Roy Street; providing for the establishing of the curb grades of Empire Way from McClellan Street to College Street; and of the aforesaid Avenues, Place and approaches thereto; 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 streets and approaches thereto; providing for the condemnation, appropriation and taking of land and other property in fee simple for general municipal purposes; and providing that the entire cost of such improvement shall be paid from the City Street Fund, except as herein otherwise provided.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. That public necessity and convenience demand that certain lands, property, property rights and privileges be acquired for the laying off, opening, widening, extending and establishing of 27th Avenue South between Bayview Street and Jackson Street; of Temple Place South between Jackson Street and Yesler Way; of Temple Place between East Jefferson Street and East Cherry Street; of 28th Avenue North from East Harrison Street to East Roy Street; and for the establishing of the grades on Empire Way from McClellan Street to College Street, and the aforesaid Avenues, Places and approaches thereto; and for the making of the necessary slopes for cuts and fills upon the property abutting on said streets and approaches thereto.

Section 2. That 27th Avenue South between Bayview Street and Jackson Street, Temple Place South between Jackson Street and Yesler Way; Temple Place between East Jefferson Street and East Cherry Street; and 28th Avenue North from East Harrison Street to East Roy Street; be and the same are hereby laid off, opened, widened, extended and established as public streets and highways over and across the following lots, blocks or tracts of land, to-wit:

IN WALKER'S ADDITION TO THE CITY OF SEATTLE,
recorded in Volume 6 of Plats, Page 43.

That portion of Lot 12, Block 19, described as follows:

Beginning at the southwest corner of said Lot 12; thence east along the south line of said lot a distance of 25 feet to a point; thence northwesterly along a straight line to a point in the west line of said lot, said point being distant 30.49 feet measured north along said west line from the southwest corner of said lot; thence south along said west line to the point of beginning.

IN SUNNYSIDE ADDITION TO THE CITY OF SEATTLE,
recorded in Volume 4 of Plats, Page 52.

That portion of Lot 5, Block 6, described as follows:

Beginning at the northwest corner of said lot; thence east along the north line thereof a distance of 36.22 feet; thence south along a straight line a distance of 33.00 feet to a point in the south line of said lot; thence west along said south line a distance of 35.83 feet to the southwest corner thereof; thence north along the west line of said lot a distance of 33.00 feet to the point of beginning.

IN THE PLAT OF BENNIS ADDITION TO THE CITY OF
SEATTLE, recorded in Volume 7 of Plats, Page 51.

That portion of Lot 6, described as follows:

Beginning at the northeast corner of said Lot 6; thence south along the east line of said lot a distance of 52.63 feet; thence northwesterly along the arc of a curve to the left having a radius of 1,637.27 feet a distance of 53.52 feet to a point in the north line of said Lot 6; thence east along the north line of said lot a distance of 5.96 feet to the point of beginning.

IN THE PLAT OF RAINIER HEIGHTS, an Addition
to the City of Seattle, recorded in Volume 9
of Plats, Page 71.

That portion of Lots 3 and 4, Block 1, described as follows:

Beginning at a point on the easterly line of said Lot 4, said point being distant 21.98 feet north from the southeast corner of said Lot 4; thence northerly along the arc of a curve to the right having a radius of 1,640.00 feet a distance of 47.06 feet to an intersection with the north-easterly line of said Lot 3; thence southeasterly and southerly along the northeasterly and easterly lines of Lots 3 and 4 a distance of 48.19 feet to the point of beginning.

That portion of Lots 4 and 5, Block 3, described as follows:

Beginning at the southwest corner of said Lot 5; thence northwesterly along the southwesterly line of said Lots 5 and 4, a distance of 71.29 feet to the northwest corner of said Lot 4; thence south $83^{\circ}57'15''$ east along the north line of said Lot 4 a distance of 32.86 feet; thence south $8^{\circ}27'08''$ east a distance of 64.23 feet to a point of curvature; thence southerly along the arc of a curve to the right having a radius of 1,717.27 feet a distance of 4.70 feet to a point on the south line of said Lot 5, said point being distant 22.75 feet east from the southwest corner of said Lot 5; thence west along the south line of said Lot 5 a distance of 22.75 feet to the point of beginning.

IN HICK'S ADDITION TO THE CITY OF SEATTLE,
recorded in Volume 2 of Plats, Page 69.

That portion of Lots 1 to 5, inclusive, Block 5, described as follows:

Beginning at the southwest corner of said Lot 5; thence north along the west line of Lots 5, 4, 3, 2, and 1 a distance of 125.40 feet to the northwest corner of said Lot 1; thence easterly along the north line of said lot a distance of 0.36 of a foot; thence southeasterly along the arc of a curve to the left having a radius of 1,560 feet a distance of 125.92 feet to a point in the south line of said Lot 5, said point being distant 8.14 feet east from the southwest corner of said Lot 5; thence west along said south line to the point of beginning.

IN SMITH'S SUPPLEMENTAL PLAT OF BLOCK 12,
BURKE'S 2ND ADDITION TO SEATTLE, recorded
in Volume 2 of Plats, Page 157.

That portion of Block 12, described as follows:

Beginning at the northwest corner of Lot 6, said block; thence north $1^{\circ}20'53''$ east along the westerly line of said Block 12 a distance of 15.14 feet; thence north $24^{\circ}34'13''$ east a distance of 129.09 feet to a point of curvature; thence northeasterly along the arc of a curve to the left having a radius of 370.00 feet a distance of 100.28 feet to a point on the north line of Lot 11, said block, said point being 37.55 feet east, measured along said north line, from the northwest corner of said Lot 11; thence south $88^{\circ}44'24''$ east along the north line of said block a distance of 60.47 feet; thence southwesterly along the arc of a curve to the right having a radius of 430.00 feet (the radius of said curve bearing north $82^{\circ}02'58''$ west from

said point) a distance of 124.74 feet to a point of tangency; thence south 24°34'13" west along the tangent to said curve at said point a distance of 167.54 feet to a point in the east line of said Lot 6; thence northerly along said east line of Lot 6 a distance of 43.90 feet to the northeast corner of said lot; thence westerly along the north line of said lot to the point of beginning.

UNPLATTED

That portion of an unplatted tract of land known as Tracts 10 and 11, Sarah B. Yesler Tracts, Unrecorded, described as follows:

Beginning at a point in the south line of said Tract 10, the same being the northeast corner of Lot 4, Block 4, Kaufman's Addition to the City of Seattle, recorded in Volume 1 of Plats, Page 221; thence north 1°20'39" east a distance of 125.92 feet to a point on the south margin of Yesler Way as now established thence south 89°39'22" east along said south margin a distance of 60.01 feet; thence south 1°20'39" west a distance of 125.80 feet to a point in the south line of said Tract 11, said point being the northwest corner of Lot 1, Block 5, said Kaufman's Addition; thence west along the south line of said Tracts 11 and 10 a distance of 60.02 feet to the point of beginning; subject to claim of the City of Seattle to ownership of the easterly 10 feet of the westerly 30 feet thereof.

IN GAMMA PONCIN'S ADDITION TO THE CITY OF SEATTLE, recorded in Volume 20 of Plats, Page 51.

That portion of Lots 1 and 2, Block 10, described as follows:

Beginning at a point in the southerly line of Lot 1, said point being distant 31.30 feet from the southwest corner of said lot; thence north 18°23'48" east a distance of 47.14 feet to a point of curvature; thence northeasterly along the arc of a curve to the left having a radius of 470.00 feet a distance of 57.23 feet to a point in the north line of Lot 2, said point being distant 15.62 feet easterly from the northwest corner of said Lot 2; thence south 89°59'55" east along the north line of said Lot 2 a distance of 29.64 feet; thence southerly along the easterly line of said lot a distance of 100 feet to the southeast corner of said Lot 2; thence westerly along the southerly line of said Lots 2 and 1 to the point of beginning; Also,

That portion of Lot 22, said Block 10, described as follows:

Beginning at the northwest corner of said Lot 22; thence east along the north line thereof a distance of 4.01 feet; thence southwesterly along a straight line a distance of 12.71 feet to a point in the west line of said lot; thence north along said west line a distance of 12.06 feet to the point of beginning.

IN MADISON STREET ADDITION TO THE CITY OF SEATTLE,
recorded in Volume 2 of Plats, Page 85.

That portion of Lot 9, Block 11, described as follows:

Beginning at the most westerly corner of said Lot 9; thence northeasterly along the northwesterly line of said lot a distance of 14.25 feet; thence south along a straight line a distance of 20.02 feet to a point in the southwesterly line of said Lot; thence northwesterly along said southwesterly line a distance of 14.06 feet to the point of beginning.

That portion of Lot 7, Block 12, described as follows:

Beginning at the most westerly corner of said lot; thence northeasterly along the northwesterly line of said Lot 7, a distance of 9.78 feet; thence southerly along a straight line a distance of 20.36 feet to a point in the southwesterly line of said lot; thence northwesterly along said southwesterly line a distance of 17.86 feet to the point of beginning.

That portion of Lots 22, 23, 24, and 25, Block 19, described as follows:

Beginning at a point in the southeasterly line of said Lot 22, said point being distant 31.08 feet north $44^{\circ}52'58''$ east from the most southerly corner of said lot; thence northerly along the arc of a curve to the right having a radius of 1,042 feet (the radius of said curve bearing north $75^{\circ}42'40''$ east from said point) a distance of 144.54 feet to a point in the northeasterly line of Lot 25, said point being distant 18.58 feet northwesterly from the most easterly corner of said lot; thence southeasterly along the northeasterly line of Lots 25 and 24 a distance of 118.58 feet to the most easterly corner of said Lot 24; thence southwesterly along the southeasterly line of Lots 24, 23, and 22 a distance of 82.42 feet to the point of beginning.

That portion of Lots 1 to 10, inclusive, and of Lots 24 and 25, Block 20, described as follows:

Beginning at the northwest corner of Lot 24; thence south $89^{\circ}37'17''$ east along the north line of said Lot 24 a distance of 33.97 feet; thence south $5^{\circ}30'17''$ west a distance of 112.80 feet to a point of curvature; thence southerly along the arc of a curve to the left having a radius of 1,200 feet a distance of 113.25 feet to a point of tangency; thence south $0^{\circ}05'52''$ west along the tangent to said curve at said point a distance of 120.82 feet to a point of curvature; thence southerly along the arc of a curve to the left having a radius of 958 feet a distance of 106.85 feet to a point in the southwesterly line of said Lot 10, said point being distant 33.39 feet southeasterly from the most westerly corner of said Lot 10; thence northwesterly along said southwesterly line to the most westerly corner of said Lot 10; thence continuing along said southwesterly line produced northwesterly a distance of 0.36 feet to an intersection with the west line of Lot 9; thence northerly along the westerly line of Lots 9 to 1 both inclusive, and Lots 25 and 24, a distance of 429.23 feet to the point of beginning.

IN MCGRAW'S WASHINGTON PARK ADDITION TO THE CITY OF SEATTLE, recorded in Volume 10 of Plats, Page 21.

That portion of Lot 2, Block 9, described as follows:

Beginning at the northwest corner of said lot; thence east along the north line thereof a distance of 31.04 feet; thence southerly along a straight line a distance of 32.65 feet to a point in the south line of said lot, said point being distant 66.03 feet west from the southeast corner of said lot; thence west along said south line a distance of 28.42 feet to the southwest corner of said lot; thence north along the west line thereof a distance of 32.67 feet to the point of beginning.

Section 3. That the following lots, blocks, tracts, parcels of land, and appurtenances therunto belonging be and the same are hereby condemned, appropriated and taken in fee simple for general municipal purposes, to-wit:

IN SMITH'S SUPPLEMENTAL PLAT OF BLOCK 12,
BURKE'S 2ND ADDITION TO SEATTLE, recorded
in Volume 2 of Plats, Page 157.

All of Lots 7, 8, 9, 12, and 13, Block 12, except portions condemned for street purposes under Section 2 hereof.

All of the south 40 feet of Lots 10 and 11, Block 12, except portions condemned for street purposes under Section 2 hereof.

and that said lands and appurtenances thereunto belonging are to be condemned, taken and appropriated only after just compensation has been made or paid into court for the owners thereof in the manner provided by law.

Section 4. That the curb grades of the following named Way, Avenues, Places and approaches thereto be and the same are hereby established at the following elevations above city datum to-wit:

ON EMPIRE WAY

Opposite the north margin of McClellan Street

East Curb	54.20 feet
West Curb	52.00 feet

Opposite a point 381.25 feet measured north along the centerline of Empire Way from its intersection with the north margin of McClellan Street.

East Curb	58.40 feet
West Curb	57.00 feet

Opposite a point in the easterly margin of Empire Way, said point being 622.08 feet distant measured northerly along said easterly margin from its intersection with the north margin of McClellan Street.

Easterly curb	60.85 feet
Westerly curb	59.45 feet

Opposite the point of intersection of the south-westerly margin of Empire Way with the south margin of Bayview Street.

Northeasterly curb	64.37 feet
Southwesterly curb	63.37 feet

Opposite a point 248 feet distant measured north-westerly along said southwesterly margin from the last named point, at the point of curvature of a curve to the right.

Northeasterly curb	67.00 feet
Southwesterly curb	67.00 feet

Opposite a point 100 feet distant measured north-westerly along said southwesterly margin and said margin produced from the last named point at a point on curve.

Northeasterly Curb	68.00 feet
Southwesterly Curb	68.00 feet

Opposite the point of intersection of the easterly margin of Empire Way with the south margin of College Street.

East Curb	72.61 feet
West Curb	71.55 feet

ON AN APPROACH TO EMPIRE WAY ALONG 27TH AVENUE SOUTH FROM BAYVIEW STREET

Opposite a point 7 feet north of the north margin of Bayview Street.

East Curb	52.98 feet
West Curb	52.45 feet

Opposite a point 239 feet north of the north margin of Bayview Street.

East Curb	65.80 feet
West Curb	65.00 feet

ON THE APPROACH TO EMPIRE WAY FROM THE INTERSECTION OF 28TH AVENUE SOUTH AND BAYVIEW STREET

Opposite the point of intersection of the west margin of 28th Avenue South with the north margin of Bayview Street.

Southwesterly Curb	93.25 feet
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Opposite the southeast corner of Lot 9, Block 19, Walker's Addition as recorded in Volume 6 of Plats, at Page 43.

Northeasterly curb	92.24 feet
Southwesterly curb	92.79 feet

Opposite a point 26 feet distant measured north-westerly along the northeasterly street margin from the southeast corner of Tract 37 of McNaught's Supplemental Addition.

Southwesterly Curb 68.50 feet

Opposite a point 40 feet distant measured north-westerly along said street margin from the southeast corner of said Tract 37.

Northeasterly Curb 67.70 feet

At a point in the north line of Lot 1, Block 101 as platted in McNaught's Central Seattle Addition. (Volume 1 King County Plats, Page 115)

Northeasterly Curb 66.50 feet

ON 27TH AVENUE SOUTH

At a point opposite the north margin of Plum Street.

Southwesterly Curb, at
existing elevation 105.20 feet

At a point opposite the south margin of Holgate Street.

Southwesterly Curb 108.00 feet

At a point opposite the north margin of Holgate Street.

East curb 109.00 feet

At the south margin of Grand Street.

East Curb 109.80 feet

At the north margin of Atlantic Street.

East Curb 104.00 feet

West Curb 104.00 feet

At the south margin of Day Street.

East Curb 111.00 feet

West Curb 111.00 feet

At the north margin of Day Street.

East Curb 112.00 feet

West Curb 112.00 feet

At the south margin of Irving Street.

East Curb 129.50 feet

West Curb 130.50 feet

At the north margin of Irving Street.

East Curb 130.50 feet

West Curb 131.50 feet

At the south margin of Judkins Street.

East Curb 149.50 feet

West Curb 149.00 feet

At the north margin of Judkins Street.

East Curb 150.50 feet

At the south margin of Elmwood Place.

East Curb 159.00 feet

At the north margin of Elmwood Place.

East Curb 161.00 feet

At a point approximately 96.50 feet northerly from the intersection of the easterly margin of 27th Avenue South as established herein, with the north margin of Elmwood Place.

Easterly Curb 164.60 feet

At the north margin of Charles Street, as now established.

East Curb 190.30 feet

West Curb 190.30 feet

At the south margin of Dearborn Street.

East Curb 212.50 feet

West Curb 212.50 feet

ON TEMPLE PLACE SOUTH

Opposite a point 45.51 feet northeasterly from the intersection of the southeasterly margin of Temple Place South, as established herein, with the north margin of Jackson Street, at elevations conforming to the established grade on Jackson Street.

Easterly Curb 269.20 feet

Opposite the intersection of the northwesterly margin of Temple Place South as established herein, with the east margin of 27th Avenue South, as now established.

Westerly Curb 273.50 feet

At the south margin of Main Street as now established.

East Curb 291.50 feet

**** West Curb 291.00 feet

At the north margin of Washington Street.

East Curb 299.30 feet

West Curb 298.30 feet

At the south margin of Yesler Way, at existing elevations:

East Curb 309.20 feet

West Curb 308.20 feet

ON TEMPLE PLACE

At a point approximately 150.80 feet northerly from the intersection of the easterly margin of Temple Place, as established herein with the west line of Lot 10, Block 10, Gamma Poncin's Addition:

Easterly Curb 283.70 feet

Opposite the intersection of the westerly margin of Temple Place, as established herein, with the west line of Lot 4, Block 10, Gamma Poncin's Addition.

Westerly Curb 280.20 feet

At the south margin of East Cherry Street, at existing elevations.

East Curb 274.00 feet

West Curb 273.80 feet

ON 28TH AVENUE NORTH, as laid off and extended herein.

At the northwesterly margin of East Madison Street at an elevation conforming with the existing grade on East Madison Street.

Westerly Curb 131.00 feet

Opposite the intersection of the easterly margin of 28th Avenue North as established herein with the south-westerly line of Lot 10, Block 20, Madison Street Addition.

Easterly Curb 129.00 feet

Opposite the intersection of the westerly margin of 28th Avenue North as established herein with the north-easterly line of Lot 25, Block 19, Madison Street Addition.

Westerly Curb 129.60 feet

At the south margin of East Mercer Street from the west.

East Curb 130.08 feet

At the north margin of East Mercer Street from the west.

East Curb 130.44 feet

At the south margin of East Roy Street.

East Curb 131.70 feet

That the curb gradients shall be of a uniform rate of grade between the elevations established herein, except in those cases where they are specified as lying in vertical curves and omitting entirely the areas between those points separated by asterisks.

Section 5. That in the grading of the above named streets and approaches thereto, the City shall acquire the right in the case of a cut to remove the lateral support of the property abutting on said streets and approaches thereto. 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 (1-1/2) feet for each foot of elevation of fill for the purpose of acquiring lateral support for said streets and approaches thereto, reserving unto the abutting property owners, respectively, the right at any time to remove said slopes upon providing and maintaining other adequate lateral support for said streets and approaches thereto.

Section 6. That all lands, rights, privileges and other property lying within the limits of the lots, blocks and tracts of land described in Section 2 hereof, be and the same are hereby condemned, appropriated, taken and damaged for the purpose of public streets and highways; and that all lands, rights, privileges and other property necessary to be taken, used or damaged in the grading of said streets, and approaches thereto, in conformity with the grades established in Section 4 hereof, and in the construction of the necessary slopes for cuts and fills upon the real property abutting upon said streets, and approaches thereto, as set forth in Section 5 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.

Section 7. That the entire cost of the improvement provided for herein shall be paid from the City Street Fund; provided, however, that that portion of the improvement provided for in Section 3 hereof shall be paid from the General Fund of the City of Seattle.

Section 8. 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.

THE CITY OF SEATTLE
DEPARTMENT OF ENGINEERING

R. W. FINKE, CITY ENGINEER

MEMBER, BOARD OF PUBLIC WORKS

in Re:

June 27, 1949

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

Gentlemen:

The City has heretofore acquired all rights-of-way needed to extend Empire Way, from Rainier Avenue to East Madison Street with the exception of eighteen pieces. The City in 1930 had contemplated the acquisition of this right-of-way by a condemnation local improvement district as provided by Ordinance No. 60444. Later the City decided not to proceed on this basis and authorized the repeal of the condemnation proceedings over most of the route. In lieu of the previous proposal, the Council has authorized the City Engineer to acquire numerous parcels of property for this street by City Street Fund Ordinance Nos. 71026, 71294 and 74886. Other property was acquired by Ordinance Nos. 69512 and 69608 from funds appropriated from the General Road and Bridge Fund.


The unexpended balance in the General Road and Bridge Fund has long since been paid into the City Street Fund. There remains unexpended from the City Street Fund appropriations approximately \$17,500.00. Although it is unlikely that we will be able to finance the physical improvement of Empire Way this year, we believe that the remaining short sections of right-of-way should be acquired.

We have been unsuccessful in our attempts to acquire these parcels by negotiation. Unofficial appraisals indicate that the remaining right-of-way will cost in the neighborhood of \$60,000.00, or approximately \$42,000.00 more than the sum of the balances in the appropriations heretofore made.

The Corporation Counsel has advised that it would simplify proceedings to dismiss the remaining portion of the condemnation authorized by Ordinance No. 60444, repeal all other ordinances mentioned above and abandon the unexpended balances therein. An ordinance can then be authorized consolidating the takings necessary to complete the right-of-way.

Appropriate council bills to this effect are attached hereto. It is recommended that these be passed and referred to the Corporation Counsel for prosecution. No appropriation is contemplated until the amount of the awards is determined.

Yours very truly,



R. W. FINKE,
City Engineer

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