

Ordinance No. 78799

AN ORDINANCE providing for the establishing of the curb grades of 55th Avenue South, from Seward Park Avenue northerlyxxxxxproviding for the taking and damaging of land and other property necessary xxxxxxto grade said portion of 55th Avenue South in conformity with the grades establishedxxxxxand for xxxxxx slopes for cuts and fills upon property abutting xxxxxxand providing that the entire cost xxxxxxshall be paid from the City Street Fund xxxxx.

3-14-50-pass

Council Bill No. 70133

INTRODUCED: MAR 13 1950	BY: STREETS & SEWERS
REFERRED: MAR 13 1950	TO: FINANCE STREETS & SEWERS
REFERRED:	FINANCE
REPORTED: MAR 20 1950	VETO:
SECOND READING: MAR 20 1950	PUBLISHED:
THIRD READING: MAR 20 1950	VETO SUSTAINED:
SIGNED: MAR 20 1950	PASSED OVER VETO:
PRESENTED TO MAYOR: MAR 21 1950	APPROVED: MAR 22 1950
FILED: MAR 22 1950	PUBLISHED: MAR 25 1950
ENGROSSED:	BY: m. D. ✓
VOL. R-2 PAGE 257	
COMPARED BY:	
AND	

24 2-48 L. S. H. CO. 2114

AND

M. D.

Care Books

AMENDMENT
(SEE INSIDE OF BACK COVER)

See files 217457-217948 re confirmation
0-87364-acceptance

See files 21757-21798 re condemnations
O-81364-acceptance

AMENDMENTS
(SEE INSIDE OF BACK
COVER)

Carl Bauer

O-81364-acceptance

ORDINANCE NO. 78799

AN ORDINANCE providing for the establishing of the curb grades of 55th Avenue South, from Seward Park Avenue northerly 463.74 feet to the point of curvature of a curve to the west; providing for the condemnation, appropriation, taking and damaging of land and other property necessary to obtain the right to grade said portion of 55th Avenue South in conformity with the grades established herein and for making of the slopes for cuts and fills upon property abutting upon said portion of 55th Avenue South and providing that the entire cost of said improvement shall be paid from the City Street Fund of the City of Seattle.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. That public necessity and convenience demand that the curb grades of 55th Avenue South, from Seward Park Avenue northerly 463.74 feet to a point of curvature to the west said point being opposite the north boundary line of Tract 19 of the Court Commissioner's Subdivision of John's and Hanford's Five Acre Tracts, as filed in King County Superior Court Cause No. 76774 be established and that the right be acquired to grade said portion of said street in conformity with said established grades.

Section 2. That the curb grades of the above named portion of 55th Avenue South be and the same are hereby established at the following elevations above City Datum, to-wit:

Opposite a point 97 feet measured north along the center line of 55th Avenue South from its intersection with the center line of Seward Park Avenue as now established:

East Curb 141.80 feet; West Curb 141.80 feet;

Opposite a point 215.00 feet distant measured north along the center line of said 55th Avenue South from the last named point, at the point of curvature of a vertical curve:

East Curb 127.64 feet; West Curb 127.64 feet;

Opposite a point 80 feet distant measured north along said center line of 55th Avenue South from the last named point, at the point of tangency of a vertical curve:

East Curb 124.17 feet; West Curb 124.17 feet;

Opposite a point 463.74 feet distant measured north along the center line of 55th Avenue South from its intersection with the center line of Seward Park Avenue as now established, at the point of curvature of a curve to the west, the same being a point in the produced north line of Tract 19 of the Court Commissioner's Subdivision of John's and Hanford's Five Acre Tracts, as filed in King County Superior Court, Cause No. 76774:

East Curb 122.69 feet; West Curb 122.69 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 a vertical curve.

Section 3. That in the grading of the above described portion of 55th Avenue South, the City shall acquire the right in the case of a cut to remove the lateral support of the real property abutting on said street, and 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 foot for each foot of depth of cut; and in case of a fill the right shall be acquired to extend and maintain upon adjoining and 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 street, reserving unto the abutting owners respectively the right at any time to remove such slopes upon providing and maintaining other adequate lateral support for said street.

Section 4. That all lands, rights, privileges and other property necessary to be taken, used or damaged in grading said portion of 55th Avenue South in conformity with the grades established in Section 2 hereof, and in the construction of the necessary slopes for cuts or fills upon the real property abutting upon said street, as provided in Section 3 hereof, are hereby condemned, appropriated, taken and damaged to the public use for such purposes; said lands, rights, privileges and other property to be taken, damaged and appropriated only after just compensation has been made or paid into court for the owners 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 of the City of Seattle.

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.

(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 20 day of March, 1950,
and signed by me in open session in authentication of its passage this 20 day of
March, 1950 *David L. Linn*

President.....of the City Council.

Approved by me this 22 day of March, 1950,
W. H. Linn
Mayor.

Filed by me this 22 day of March, 1950

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

By *John B. Sellum*
Deputy Clerk.

City Comptroller and Ex-Officio City Clerk.

By.....
Deputy Clerk.

(SEAL)

MAR 25 1950

Published.....

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AVAILABLE DOCUMENT.