

Ordinance No. 80444

AN ORDINANCE providing for the laying off*****of Airport Way from Norfolk Street to the south city limits of the City of Seattle, and Norfolk Street from Airport Way westerly; providing for the condemnation ***of land and other property***and for the making of the necessary slopes***** on said Norfolk Street; providing that the entire cost of said improvement shall be paid from the City Street Fund and declaring an emergency.

Council Bill No. 71848

INTRODUCED: NOV 5 1951	BY: STREETS & SEWER
REFERRED: NOV 5 1951	TO: Streets & Sewer
REFERRED:	COMMITTEE OF WHOLE
REPORTED: NOV 6 1951	VETO:
SECOND READING: NOV 6 1951	PUBLISHED:
THIRD READING: NOV 6 1951	VETO SUSTAINED:
SIGNED: NOV 6 1951	PASSED OVER VETO:
PRESENTED TO MAYOR: NOV 6 1951	APPROVED: NOV 6 1951
FILED: NOV 6 1951	PUBLISHED: NOV 17 1951
ENGROSSED: VOL. 2 PAGE 172	BY: <i>J.C.</i>
COMPARED BY:	

AND

J.C.H.

File 21848

File 21848 - agreement with sewer - re Airport Way

Ordinance No. 80441

AN ORDINANCE providing for the laying off***of Airport Way from Norfolk Street to the south city limits of the City of Seattle, and Norfolk Street from Airport Way westerly; providing for the condemnation ***of land and other property***and for the making of the necessary slopes***** on said Norfolk Street; providing that the entire cost of said improvement shall be paid from the City Street Fund and declaring an emergency.

Council Bill No. 11648

INTROPOSED: NOV 5 1951	BY: STREIBER & SIMONS
REFERRED: NOV 5 1951	TO: STREETS & SEWER COMMITTEE OF WHOLE
REFERRED:	
REP. REP. 6 1951	VETO:
SEC. NOV 6 1951	PUBLISHED:
TRAILING: NOV 6 1951	VETO SUSTAINED:
SIGN. NOV 6 1951	PASSED OVER VETO:
PRES. NOV 6 1951	APPROVED: NOV 9 1951
FILED NOV 6 1951	PUBLISHED: NOV 17 1951
ENGROSSED:	BY: JCV
VOL. 2 PAGE 422	
COMPILED BY:	
AND	

File 216649 agreement with area. Inver - re airport W of

*Pub. in
Law*

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ORDINANCE NO. 80444

AN ORDINANCE providing for the laying off, opening, widening, extending, and establishing of Airport Way from Norfolk Street to the south city limits of the City of Seattle, and Norfolk Street from Airport Way westerly; 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 Norfolk Street; providing that the entire cost of said improvement shall be paid from the City Street Fund and declaring an emergency.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. That public necessity and convenience demand that Airport Way from Norfolk Street to the south city limits of the City of Seattle be and the same is hereby laid off, opened, widened, extended and established as a public street and highway over and across the following tract of land, to-wit:

That portion of the northwest one-quarter of Section 3, Township 23 North, Range 4 East, W.M., to-wit: Beginning at the intersection of the west line of the Northern Pacific Railway Company's Right of Way with the south line of Norfolk Street, as established by Ordinance No. 68806; thence north $88^{\circ}45'18''$ west along said south line a distance of 86.70 feet; thence south $21^{\circ}26'40''$ east a distance of 1,150.91 feet to a point; thence westerly at right angles to the preceding course a distance of 35 feet; thence southerly and southwesterly along the arc of a curve to the right having a radius of 880 feet, the radius of said curve bearing south $68^{\circ}33'20''$ west from said point, a distance of 240.89 feet to the east and west center line of said Section 3, the same being the south corporate limits of the City of Seattle; thence south $88^{\circ}11'40''$ east along said east and west center line; a distance of 160.82 feet, to the west margin of said railway right of way; thence north $21^{\circ}26'40''$ west along said west margin of railway right of way, a distance of 1,418.86 feet to the point of beginning, containing an area of 122,762 square feet, more or less.

Section 2. That public necessity and convenience demand that Norfolk Street from Airport Way westerly be and the same is hereby laid off, opened, widened, extended and established as a public street and highway over and across the following tract of land to wit:

That portion of Timothy Grow Donation Claim No. 44 and No. 48 in the northwest one-quarter of Section 3, Township 23 North, Range 4 East, W.M., to-wit: Beginning at the intersection of the east line of said Donation Claim with the north line of Norfolk Street as deeded to the City of Seattle by J. D. Butler and Elsie M. Butler, his wife, and recorded in Volume 1618 of Deeds at Page 431, records of King County Auditor; thence north $0^{\circ}05'29''$ west along said east line of Donation Claim, a distance of 50.00 feet; thence north $88^{\circ}42'05''$ west a distance of 473.69 feet; thence south $8^{\circ}03'08''$ east a distance of 50.67 feet to the north line of Norfolk Street; thence south $88^{\circ}42'05''$ east along said north line of Norfolk Street, a distance of 466.67 feet to the point of beginning, containing an area of 23,509 square feet more or less.

Together with the right to make the necessary slopes for cuts and fills upon the abutting property in the reasonable original grading of the street to be established over, across and along the strip of land described above, in order to acquire lateral support for said street.

Section 3. That in the reasonable original grading of the above named Norfolk Street, the city shall acquire the right in the case of a cut to remove the lateral support of the property abutting on said street. 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 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 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 street.

Section 4. That all lands, rights, privileges and other property lying within the limits of the tracts of land described in Sections 1 and 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 construction of the necessary slopes for cuts and fills upon the real property abutting upon said Norfolk Street as set forth in Section 3 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 5. That the entire cost of the improvement provided for herein shall be paid from the City Street Fund.

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.

Section 7. Whereas, King County for the purpose of extending the flight strip of Boeing Field has permanently closed that portion of Airport Way formerly known as Purcell Avenue, thus imposing an extraordinarily heavy traffic burden upon East Marginal Way; and

Whereas, the United States Federal Bureau of Public Roads has made a substantial grant in aid in order to finance the construction of an extension of Airport Way over, across, along and upon the location indicated in this ordinance, and the State Highway Department of the State of Washington is desirous of letting a contract for the construction of said Airport Way at the earliest possible moment, and it is impossible for said contract to be let and for construction to proceed until the right of way in its entirety has first been obtained; and any delay in such construction will cause great danger to traffic, thereby creating a situation endangering the public peace, health and safety; Now, therefore,

~~(Emergency)~~

~~Section~~ ~~Whereas~~

Section 8 By reason of the facts set forth in this ordinance an emergency is declared to exist; therefore, this ordinance shall take effect and be in force from and after its approval, if approved by the Mayor; if not so approved it shall take effect and become a law at the time and in the manner provided for non-emergency ordinances under the provisions of the city charter.

Passed the City Council the 6 day of November, 1951
and signed by me in open session in authentication of its passage this 6
day of November, 1951.

Tom F. F. Powell
President Pro Tem of the City Council.

Approved by me this 6 day of November, 1951

Robert H. Harlan
Acting Mayor.

Filed by me this 6 day of November, 1951

Attest: Nashomac
City Comptroller and ex-officio City Clerk.

(SEAL)

By W. A. Peune
Deputy Clerk.

Published NOV 17 1951

THE CITY OF SEATTLE
DEPARTMENT OF ENGINEERING

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

IN RE:

November 5, 1951

Honorable City Council
of the City of Seattle
Seattle, Washington

Gentlemen:

The attached Council Bill proposes the condemnation of portions of the northwest one-quarter of Section 3, Township 23 North, Range 4 East, W.M. for the extension of Airport Way southerly along the west side of the Northern Pacific right of way from Norfolk Street to the south city limits, and the widening of Norfolk Street from said Airport Way westerly, and sets forth an existing emergency which requires immediate attention.

The occasion of the emergency is the fact that King County by closing the Purcell Avenue portion of Airport Way in order to extend the Boeing Airport, has cast an extraordinary burden of traffic on East Marginal Way.

The Federal Bureau of Public Roads in recognition of the government's part in causing this situation has set aside a grant in aid for the reconstruction of Airport Way in the new location, and the State Department of Highways proposes to advertise for bids commencing November 6th and is desirous of letting a contract for doing the work at the earliest possible moment thereafter. No contract will be approved by the Federal Bureau however, until the right of way has first been obtained.

We are attempting to negotiate a tentative agreement with the property owners for submission to your honorable body relative to this right of way, but should we fail to accomplish this, we believe that the city should be in a position to enter upon condemnation procedure without delay.

Very truly yours,


R. W. FINKE
City Engineer

plz
CRS:rj

Encl.

Affidavit of Publication

STATE OF WASHINGTON, } ss.
COUNTY OF KING

M. E. Brown, being first duly sworn, on oath deposes and says that he is the business manager and one of the publishers of The Daily Journal of Commerce, a daily newspaper. That said newspaper is a legal newspaper and it is now and has been for more than six months prior to the date of the publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of said newspaper. That the said Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of said King County.

That the annexed is a true copy of.....
Ordinance No. 80444.....
....., as it was published in the regular issue
(and not in supplement form) of said newspaper on the
17th day of November, 1951, and that said
newspaper was regularly distributed to its subscribers during
all of said period.

M. E. Brown

Subscribed and sworn to before me this
17th day of November, 1951

J. J. Adams

Notary Public in and for the State of Washington, residing at Seattle,
(This form officially sanctioned by Washington State Press Association.)
Affidavit Form D.

ORDINANCE NO. 80444

AN ORDINANCE providing for the laying off, opening, widening, extending, and establishing of Airport Way from Norfolk Street to the south city limits of the City of Seattle, and Norfolk Street from Airport Way westerly; 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 Norfolk Street; providing that the entire cost of said improvement shall be paid from the City Street Fund and declaring an emergency.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. That public necessity and convenience demand that Airport Way from Norfolk Street to the south city limits of the City of Seattle be and the same is hereby laid off, opened, widened, extended and established as a public street and highway over and across the following tract of land, to-wit:

That portion of the northwest one-quarter of Section 3, Township 23 North, Range 4 East, W. M., to-wit: Beginning at the intersection of the west line of the Northern Pacific Railway Company's Right of Way with the south line of Norfolk Street, as established by Ordinance No. 85898; thence north 85° 45' 00" west along said south line a distance of 16.70 feet; thence south 85° 45' 00" east a distance of 1,180.91 feet to a point; thence westerly at right angles to the preceding course a distance of 85 feet; thence southerly and southwesterly along the arc of a curve to the right having a radius of 288 feet, the radius of said curve bearing south 85° 25' 30" west from said point, a distance of 210.82 feet to the east and west center line of said Section 3; the same being the south corporate limits of the City of Seattle; thence south 85° 11' 00" east along said east and west center line; a distance of 160.82 feet, to the west margin of said right of way; thence north 21° 25' 45" west along said west margin of said right of way, a distance of 1,418.55 feet to the point of beginning, containing an area of 127,777 square feet, more or less.

Section 2. That public necessity and convenience demand that Norfolk Street from Airport Way westerly be and the same is hereby laid off, opened, widened, extended and established as a public street and highway over and across the following tract of land, to-wit:

That portion of Timothy Crow Donation Claim No. 24 and No. 44 in the northwest quarter of Section 3, Township 23 North, Range 4 East, W. M., to-wit: Beginning at the intersection of the east line of said Donation Claim with the north line of Norfolk Street, as located in the City of Seattle by J. D. Butler and Miss M. Butler, his wife, and recorded in Volume 1018 of Deeds at Page 481, records of King County Auditor; thence north 8° 55' 30" west along said east line a distance of 54.66 feet; thence north 88° 23' 00" west a distance of 210.82 feet; thence south 81° 03' 30" east a distance of 16.87 feet to the north line of Norfolk Street; thence south 81° 03' 30" east along the north line of Norfolk Street, a distance of 260.87 feet to the point of beginning, containing an area of 35,450 square feet, more or less.

Together with the right to make the necessary slopes for cuts and fills upon the abutting property, in the reasonable original grading of the street to be established over, across and along the strip of land described above, in order to acquire lateral support for said street.

Section 3. That in the reasonable original grading of the above named Norfolk Street, the city shall acquire the right in the case of cuts to remove the lateral support of the property abutting on said street; in every case the city shall remove said lateral support shall include the right to carry the slopes back into and extending beyond the abutting real property one (1) foot for each foot of depth of cut, and in the case of fills the right shall be acquired to create and maintain upon the abutting real property slopes of one and one-half (1 1/2) feet for each foot of slope of fill, for the purpose of acquiring lateral support for said street; referring 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 street.

Section 4. That all lands, rights, privileges and other property within the limits of the tracts of land described in sections 1 and 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 construction of the necessary slopes for cuts and fills upon the real property abutting upon said Norfolk Street as set forth in Section 3 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 5. That the entire cost of the improvement provided for herein shall be paid from the City Street Fund.

Section 6. That the Corporation Council 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.

Section 7. Whereas King County for the purpose of extending Airport Way from Norfolk Street to the south city limits of the City of Seattle, a right strip of Boeing Field has previously been established by Ordinance No. 80444.

make the necessary slopes for cuts and fills upon the abutting property in the reasonable original grading of the street to be established over, across and along the right-of-way and along the street to secure lateral support for said street.

Section 3. That in the reasonable original grading of the street named Norfolk Street, the city shall acquire the necessary lateral support of the abutting real property on said street to carry and support the street to the depth and width of the abutting real property 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 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 street.

Section 4. That all lands, rights, privileges and other property lying within the limits of the tracts of land described in sections 1 and 2 heretofore and the same are hereby condemned, appropriated, taken and damaged for the purpose of public streets and highways and other lands, rights, privileges and other property necessary to be taken, used or damaged in the construction of the necessary slopes for cuts and fills upon the real property abutting upon said Norfolk Street as set forth in Section 3 heretofore, 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 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.

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.

Section 7. Whereas King County for the purpose of extending the right-of-way of Boeing Field has necessarily closed the portion of Alameda Way between Alameda Way and Alameda Avenue thus imposing an extraordinary heavy traffic burden upon East Marginal Way.

Whereas the United States Federal Bureau of Public Roads has made a substantial grant in aid in order to finance the construction of an extension of Airport Way over Alameda Avenue and upon the location indicated in this ordinance, and the State Highway Department of the State of Washington is desirous of letting a contract for the reconstruction of said Airport Way at the earliest possible moment, and it is impracticable for said contract to be let and for construction to proceed until the right-of-way in its entirety has first been obtained, and any delay in such construction will cause great damage to traffic, thereby creating a situation endangering the public peace, health and safety, for the reasons aforesaid.

Section 8. By reason of the facts set forth in this ordinance an emergency is declared to exist, therefore, this ordinance shall take effect if it be in force from and subject to approval, if approved by the Mayor; if not so approved, it shall take effect and become a law at the time and in the manner provided for non-emergency ordinances under the provisions of the city charter.

Passed by the City Council the 6th day of November, 1951, and signed by me in open session in authentication of its passage this 6th day of November, 1951.

MRS. F. F. POWELL,
President pro tem. of the
City Council.

Approved by me this 6th day of November, 1951.
MAYOR R. HARRIS,
Acting Mayor.

Filed by me this 6th day of November, 1951.

Attest: W. C. THOMAS,
City Comptroller and ex-officio
City Clerk.

(Seal) By W. A. FERRIS,
Deputy Clerk.

Date of official publication in the
Daily Journal of Commerce, Seattle,
November 17, 1951. (C-428)