

Ordinance No. 81140

AN ORDINANCE providing for the condemnation, appropriation, taking and damaging of land and other property for a right of way for sewer and drainage purposes across portions of the northeast one-quarter of Section 4, Township 23 North, Range 4 East, W.M., between East Marginal Way and the easterly bank of the Duwamish River.

*67452 pass*

Council Bill No. \_\_\_\_\_

INTRODUCED: JUN 23 1952	BY: <del>STREETS &amp; SEWERS</del>
REFERRED: JUN 23 1952	TO: <del>STREETS &amp; SEWERS</del> Streets & Sewers
REFERRED:	
REPORTED: JUN 30 1952	VETO:
SECOND READING: JUN 30 1952	PUBLISHED:
THIRD READING: JUN 30 1952	VETO SUSTAINED:
SIGNED: JUN 30 1952	PASSED OVER VETO:
PRESENTED TO MAYOR: JUN 30 1952	APPROVED: JUL 9 1952
FILED: JUL 9 1952	PUBLISHED: JUL 10 1952
ENGROSSED: VOL. 8-2 PAGE 406	BY: J.C. ✓

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AN ORDINANCE providing for the condemnation, appropriation, taking and damaging of land and other property for a right of way for sewer and drainage purposes across portions of the northeast one-quarter of Section 4, Township 23 North, Range 4 East, W.M., between East Marginal Way and the easterly bank of the Duwamish River.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. That public necessity and convenience demand that the following described property be and the same is hereby condemned, appropriated, taken and damaged for a right of way for sewer and drainage purposes, to wit:

A strip of land twenty feet (20') in width lying immediately south of and adjacent to the south line of Timothy Grow Donation Claim No. 44, said strip extending westerly from the westerly margin of East Marginal Way, as now established, to the easterly margin of South 104th Street, also known as H. A. Miller Road #57, thence turning and proceeding in a southwesterly direction to the northeasterly bank of the Duwamish River, the boundaries of said twenty-foot strip being more particularly described as follows:

Beginning at the point of intersection of the south line of Timothy Grow Donation Claim No. 44 with the westerly margin of East Marginal Way as it now exists; thence north  $89^{\circ}20'50''$  west along said south line a distance of 798 feet more or less to a point in the easterly line of South 104th Street, also known as H. A. Miller Road #57, said point being distant 1457.06 feet west of the east line of Section 4, Township 23 North, Range 4 East, W.M., thence south  $51^{\circ}20'50''$  west to a point on the northeasterly bank of the Duwamish River, thence southeasterly along the northeasterly bank of said river to a point in a line which lies parallel to the last named course, thence north  $51^{\circ}20'50''$  east to a point in a line which lies parallel to and 20 feet south from the south line of Timothy Grow Donation Claim No. 44, said point lying in the easterly margin of South 104th Street, also known as H. A. Miller Road #57, and being distant 1425.14 feet west of the east line of Section 4, Township 23 North, Range 4 East, W.M., thence east along said parallel line a distance of 780 feet more or less to a point in the westerly margin of East Marginal Way, thence northwesterly along said westerly margin to the point of beginning, except portion thereof lying within the boundaries of said H. A. Miller Road #57.

That said lands, rights, privileges and other property are to be condemned, appropriated, taken and damaged only after just compensation

(To be used for all Ordinances except Emergency.)

has been made or paid into court for the owners thereof in the manner provided by law.

Section 2. That the entire cost of said lands, rights, privileges and other property, and all proceedings and incidental expenses necessary therefor, shall be paid from the Seattle Sewer Bonds 1946 Fund.

Section 3. 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.

Section 4. 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 by the City Council the 30 day of June, 1952, and signed by me in open session in authentication of its passage this 30 day of June, 1952.

Clarence F. Marshall  
President Pro Tem of the City Council.

Approved by me this 9 day of July, 1952.

Alfred J. ...  
Mayor.

Filed by me this 9 day of July, 1952.

Attest: ...  
City Comptroller and City Clerk.

(SEAL)

Published ...

JUL 12 1952

By: W. A. Perine  
Deputy Clerk.

THE CITY OF SEATTLE  
DEPARTMENT OF ENGINEERING

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

IN RE:

June 16, 1952

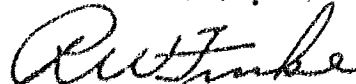
Honorable City Council  
Seattle, Washington

Gentlemen:

The attached Council Bill proposes the acquisition of a strip of land needed for right of way for that portion of the storm relief outfall for the Norfolk Street Trunk Sewer running westerly from East Marginal Way to the Duwamish River, outside the city limits in King County.

There are believed to be only two pieces of property involved, and it may be possible to acquire them by negotiation, but it is deemed desirable to have an ordinance in effect which will permit Eminent Domain proceedings to be brought if necessary.

Very truly yours,



R. W. FINKE  
City Engineer

*A. J. R.*  
CRS:mlp

Encl.

# The City of Seattle--Legislative Department

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MR. PRESIDENT:

Date Reported  
and Adopted

Your Committee on Streets and Sewers

JUN 30 1952

to which was referred C.D. No. 72516,

providing for the condemnation, appropriation, taking and damaging of land and other property for a right of way for sewer and drainage purposes across portions of the northeast one-quarter of Sec. 4, Twp. 23 N., R. 4 E., W.M., between East Marginal Way and the easterly bank of the Duwamish River,

RECOMMENDS THAT THE SAME DO PASS.

# The City of Seattle--Legislative Department

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and Adopted

JUN 30 1952

Your Committee on Streets and Sewers  
to which was referred C.B. No. 72516,

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Chairman

Chairman

Committee

Committee

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BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. That public necessity and convenience demand that the following described property be and the same is hereby condemned, appropriated, taken and damaged for a right of way for sewer and drainage purposes, to-wit:

A strip of land twenty feet (20') in width lying immediately south of and adjacent to the south line of Timothy Grow Donation Claim No. 44, said strip extending westerly from the westerly margin of East Marginal Way, as now established, to the easterly margin of South 104th Street, also known as H. A. Miller Road No. 57, thence turning and proceeding in a southwesterly direction to the northeasterly bank of the Duwamish River, the boundaries

of said twenty-foot strip being more particularly described as follows:

Beginning at the point of intersection of the south line of Timothy Grow Donation Claim No. 44 with the westerly margin of East Marginal Way as it now exists; thence north 89° 20' 50" west along said south line a distance of 738 feet, more or less, to a point in the easterly line of South 104th Street, also known as H. A. Miller Road No. 57, said point being distant 1457.58 feet west of the east line of Section 4, Township 23 North, Range 4 East, W. M., thence south 81° 20' 56" west to a point on the northeasterly bank of the Duwamish River, thence southeasterly along the northeasterly bank of said river to a point in a line which lies parallel to the line named aforesaid, thence north 51° 20' 56" east to a point in a line which lies parallel to and 23 feet south from the south line of Timothy Grow Donation Claim No. 44, said point lying in the easterly margin of South 104th Street, also known as H. A. Miller Road No. 57, and being distant 1425.14 feet west of the east line of Section 4, Township 23 North, Range 4 East, W. M., thence east along said parallel line a distance of 758 feet, more or less, to a point in the westerly margin of East Marginal Way, thence northwesterly along said westerly margin to the point of beginning, except portion thereof lying within the boundaries of said H. A. Miller Road No. 57.

That said lands, rights, privileges and other property are to be condemned, appropriated, taken and damaged only after just compensation has been made or paid into court to the owners thereof in the manner provided by law.

Section 2. That the entire cost of said lands, rights, privileges and other property and all proceedings and incidental expenses necessary therefor, shall be paid from the Seattle Sewer Bonds 1946 Fund.

Section 3. 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.

Section 4. 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 by the City Council the 30th day of June, 1952, and signed by me in open session in authentication of its passage this 30th day of June, 1952.

CLARENCE Y. MANSART, President pro tem of the City Council.

Approved by me this 9th day of July, 1952.

ALLAN POMEROY, Mayor.

Filed by me this 9th day of July, 1952.

Attest: W. C. THOMAS, City Comptroller and City Clerk.

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

Date of official publication in the Daily Journal of Commerce, Seattle, July 12, 1952. (C-1069)

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. 81140.....

....., as it was published in the regular issue

(and not in supplement form) of said newspaper on the

12th day of July, 1952....., 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

12th day of July, 1952.....

*D. L. Frisk*

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