

Ordinance No. 88403

AN ORDINANCE providing for the acquisition by condemnation of easements for storm and sanitary sewer purposes across certain lands situated in Sections 19 and 30, Township 26 North, Range 4 East, W.M., Block 4, Plat of Allendale, and Tract 34, Bitter Lake Villa Tracts, as a part of certain additions and betterments to the existing municipal sewerage utility.

Council Bill No. 79864

INTRODUCED: <u>JUL 6 1959</u>	BY: <i>Streets & Sewers</i>
REFERRED: <u>JUL 6 1959</u>	TO: <i>Streets & Sewers</i>
REFERRED:	
REPORTED: <u>JUL 13 1959</u>	SECOND READING: <u>JUL 13 1959</u>
THIRD READING: <u>JUL 13 1959</u>	SIGNED: <u>JUL 13 1959</u>
PRESENTED TO MAYOR: <u>JUL 14 1959</u>	APPROVED: <u>JUL 14 1959</u>
RETD. TO CITY CLERK: <u>JUL 14 1959</u>	PUBLISHED: <u>AUG 8 1959</u>
VETOED BY MAYOR:	VETO PUBLISHED:
PASSED OVER VETO:	VETO SUSTAINED:
ENGROSSED:	BY:
VOL..... PAGE.....	

Ord. 88440-Appropri. #15,000.00 from City Sewer Fund.
Ord. 89303-Appropri. #10,000.00 from Sewer Fund.
(See Back Cover)

A. A.
B. J.
E. N.
B. Q.
A. C.
S. E.
C. O.
L. I.

ORDINANCE NO. 88403

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BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. That public necessity and convenience demand that easements be acquired for the purposes hereinafter enumerated:

FOR STORM AND SANITARY SEWER PURPOSES:

A strip of land 20 feet in width lying between lines 6 feet easterly and 14 feet westerly of and parallel with the following described line, to-wit:

Beginning at the southwest corner of the northeast quarter of the southwest quarter of Section 19, Township 26 North, Range 4 East, W.M.; thence south $89^{\circ}37'30''$ east along the south line of the above described subdivision, a distance of 253.69 feet to the true point of beginning; thence north $3^{\circ}45'26''$ west a distance of 327.66 feet to a reference point, said point to be known as point "A",

and that only such rights in the land above described shall be acquired as shall be necessary for the construction, reconstruction, alteration, operation and maintenance of one sanitary sewer line and appurtenances and one storm sewer line and appurtenances, reserving unto the property owners the right to use said property in any way and for any purpose not inconsistent with the rights hereby authorized to be acquired.

FOR STORM SEWER PURPOSES:

A strip of land 12 feet in width, the easterly and westerly margins of which are 2 feet westerly and 14 feet westerly respectively of the following described line, to-wit:

Beginning at a point herein before referred to as point "A"; thence north $23^{\circ}10'40''$ west a distance of 187.12 feet;

and that only such rights in the land above described shall be acquired as shall be necessary for the construction, reconstruction,

alteration, operation and maintenance of one storm sewer line and appurtenances, reserving unto the property owners the right to use said property in any way and for any purpose not inconsistent with the rights herein authorized to be acquired.

FOR SANITARY SEWER PURPOSES:

A strip of land, being 12 feet in width, the center line of which is described as follows:

Beginning at a point herein before referred to as point "A"; thence north $1^{\circ}48'59''$ east a distance of 325.66 feet to an angle point; thence north $13^{\circ}49'06''$ west, a distance of 439.48 feet to an angle point; thence north $35^{\circ}55'19''$ west a distance of 257.64 feet to a point in the west line of the northeast quarter of the southwest quarter of said Section 19, said point being distant 40.51 feet measured southerly along said west line from the northwest corner of said northeast quarter of the southwest quarter. ALSO

A strip of land 12 feet in width, being 6 feet on each side of the center line described as follows:

Beginning at a point herein before referred to as point "A"; thence north $44^{\circ}53'33''$ west, a distance of 224.91 feet to an angle point; thence north $59^{\circ}09'19''$ west along a straight line a distance of 92.09 feet to a point on the east line of the northeast quarter of the southwest quarter of said Section 19; thence continuing northwesterly along said straight line with an equation in bearing, the forward bearing of said straight line being north $59^{\circ}10'37''$ west, a distance of 164.21 feet to an angle point; thence north $71^{\circ}08'31''$ west a distance of 144.76 feet to a point in the south line of Tract 34, Bitter Lake Villa Tracts as recorded in Vol. 27 of King County Plats at Page 4, said point being distant 145.72 feet (measured westerly from the most easterly corner of said Tract 34); thence continuing north $71^{\circ}08'31''$ west a distance of 70.00 feet to an angle point; thence north $47^{\circ}03'41''$ west a distance of 100.43 feet to a point in the northwesterly line of said Tract 34, said point being distant 122.64 feet, measured northeasterly along said northwesterly line from the most westerly corner of said Tract 34. ALSO

The east 8 feet of Lot 13, together with the east 8 feet of that portion of Lot 16 lying west of the east line of said Lot 13 produced south to the north line of North 137th Street. All in Block 4, of Allendale as recorded in Volume 12 of Plats, at Page 95, records of King County, Wash. ALSO

The north 10 feet of the south 540 feet of the west half of the southwest $1/4$ of the southeast $1/4$ of Section 19, Township 26 North, Range 4 East, W.M. EXCEPT the west 300 feet thereof and EXCEPT the east 46 feet thereof. ALSO

The west 10 feet of the east 405 feet of the north $3/4$ of the west $1/4$ of the northeast $1/4$ of Section 30, Township 26 North, Range 4 East, W.M. EXCEPT the north 430 feet and

EXCEPT the south 680 feet thereof
and that only such rights in the land above described shall be
acquired as shall be necessary for the construction, reconstruction,
alteration, operation and maintenance of one sanitary sewer line
and appurtenances, reserving unto the property owners the right to
use said property in any way and for any purpose not inconsistent
with the rights herein authorized to be acquired.

Section 2. That public necessity and convenience demand
that temporary sewer construction easements be acquired over and
across the following described lots, blocks and tracts of land,
to wit:

A strip of land 20 feet in width, the westerly and
easterly boundaries of said strip being respectively
6 feet easterly and 26 feet easterly of and parallel
to the following described line, to wit:

Beginning at the southwest corner of the northeast
quarter of the southwest quarter of Section 19, Town-
ship 26 North, Range 4, East, W.M.; thence south
89°37'30" east along the south line of the above
described subdivision, a distance of 253.69 feet;
thence north 3°45'26" west a distance of 327.66 feet
to the true point of beginning, hereinafter referred
to as point "A"; thence north 1°48'59" east a distance
of 325.66 feet to an angle point; thence north 13°49'06"
west, a distance of 439.48 feet to an angle point; thence
north 35°55'19" west, a distance of 257.64 feet to a
point in the west line of the northeast quarter of the
southwest quarter of said Section 19, said point being
distant 40.51 feet measured southerly along said west
line from the northwest corner of said northeast quarter
of the southwest quarter. ALSO

A strip of land 20 feet in width, the northeasterly and
southwesterly boundaries of said strip being respectively
6 feet southwesterly and 26 feet southwesterly from and
parallel to the following described line, to wit:

Beginning at a point hereinbefore referred to as point
"A"; thence north 44°53'33" west a distance of 224.91
feet to an angle point; thence north 59°09'19" west,
along a straight line, a distance of 92.09 feet to a
point in the east line of the northeast quarter of the
southwest quarter of said Section 19; thence continuing
along said straight line with an equation in bearing,
the forward bearing of said straight line being north
59°10'37" west, a distance of 164.21 feet to an angle
point; thence north 71°08'31" west a distance of 144.76

feet to a point in the south line of Tract 34, Bitter Lake Villa Tracts as recorded in Vol. 27 of King County Plats at Page 4, said point being distant 145.72 feet measured westerly from the most easterly corner of said Tract 34; thence continuing north $71^{\circ}08'31''$ west, a distance of 70.00 feet to an angle point; thence north $47^{\circ}03'41''$ west, a distance of 100.43 feet to a point in the northwesterly line of said Tract 34, said point being distant 122.64 feet measured northeasterly along said northwesterly line from the most westerly corner of said Tract 34. ALSO

The west 20 feet of the east 425 feet of the north three-quarters of the west one-quarter of the northeast quarter of Section 30, Township 26 North, Range 4 East, W.M., EXCEPT the north 430 feet and EXCEPT the south 680 feet thereof. ALSO

The west 20 feet of the east 28 feet of Lot 13, together with the west 20 feet of the east 28 feet of that portion of Lot 16 lying west of the east line of said Lot 13 produced south to the north margin of North 137th Street, all in Block 4 of Allendale as recorded in Volume 12 of King County Plats at Page 95. ALSO

The north 20 feet of the south 560 feet of the west half of the southwest quarter of the southeast quarter of Section 19, Township 26 North, Range 4 East, W.M., EXCEPT the west 300 feet and EXCEPT the east 46 feet.

Said temporary easements to be in full force and effect until the proposed sewers are constructed and accepted by the City of Seattle and to become null and void and have no further effect on and after the date of official acceptance of said sewers for the City of Seattle by its Board of Public Works.

Section 3. That all lands, rights, privileges and other property lying within the limits of the lots, blocks and tracts of land described in Sections 1 and 2 hereof are hereby condemned, appropriated, taken and damaged for the purposes enumerated, 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 4. That such acquisitions of sanitary sewer easements are hereby declared to be a part of the additions and betterments to and extensions of the existing municipal sewerage utility of the City of Seattle, and the cost of such acquisitions shall be paid

(To be used for all Ordinances except Emergency.)

from the funds provided by said Ordinance 87653; that the entire cost of the easements being acquired for storm sewers shall be paid from the City Street Fund; provided, however, that the cost of acquisition of easements to be used jointly for sewers of each type shall be paid in equal amounts from the funds provided by Ordinance 87653 and the City Street Fund.

Section 5. 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 6. That in conducting said condemnation proceedings, the Corporation Counsel is hereby authorized to enter into stipulations for the purpose of minimizing damages.

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 by the City Council the 13 day of July, 1959,
and signed by me in open session in authentication of its passage this 13 day of July, 1959.

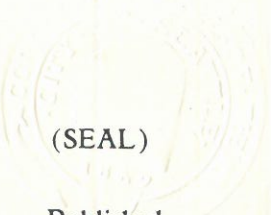
Mrs. Harlan H. Edwards
President Pro Tem of the City Council.

Approved by me this 14 day of July, 1959.

M. B. [Signature]
Acting Mayor.

Filed by me this 14 day of July, 1959.

[Signature]
Attest: City Comptroller and City Clerk.



(SEAL)

Published AUG 8 1959

By W. A. Perine
Deputy Clerk.



CITY OF SEATTLE

Gordon S. Clinton, Mayor

DEPARTMENT OF ENGINEERING

ROY W. MORSE, CITY ENGINEER

MEMBER, BOARD OF PUBLIC WORKS

July 2, 1959

Re: North 128th Street,
et al - condemnation
(L.I.D. 6197)

Honorable City Council
Seattle, Washington

Gentlemen:

Submitted herewith are two council bills providing for the acquisition by condemnation of property and property rights necessary for the construction of the improvement known as North 128th Street, et al., by Sewers, etc., under Local Improvement District No. 6197.

The first council bill provides for the acquisition of street rights of way and the second for storm and sanitary sewer easements together with the necessary temporary construction easements to provide working space for our contractors.

Street and storm sewer rights of way are to be paid for from the City Street Fund and sanitary sewer rights of way are to be paid for from the Municipal Sewerage 1959 Construction Fund, as provided by Ordinance No. 87653. These council bills have been approved as to form by the Corporation Counsel.

The attached map shows the properties involved and the respective uses contemplated.

As you know, a substantial portion of this local improvement project, where we have right of way, is already under contract and it is imperative that these condemnations be processed with all possible speed so that the remainder can be completed without too much delay.

Yours very truly,

A handwritten signature in cursive script that reads "Roy W. Morse".

ROY W. MORSE

City Engineer

EMW:HK
Enc. 3

The City of Seattle--Legislative Department

MR. PRESIDENT:

Date Reported
and Adopted

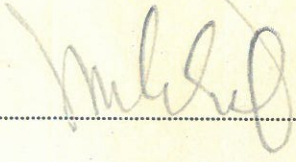
Your Committee on Streets and Sewers

JUL 13 1959.....

to which was referred C.B. 79864,

providing for the acquisition by condemnation of easements for storm and sanitary sewer purposes across certain lands situated in Sections 19 and 30, Township 26 North, Range 4 East, W.M., Block 4, Plat of Allendale, and Tract 34, Bitter Lake Villa Tracts, as a part of certain additions and betterments to the existing municipal sewerage utility,

RECOMMENDS THAT THE SAME DO PASS.



..... Chairman

..... Chairman

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Committee

Committee

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and that only such rights in the land above described shall be acquired as shall be necessary for the construction, reconstruction, alteration, operation and maintenance of one sanitary sewer line and appurtenances and one storm sewer line and appurtenances, reserving unto the property owners the right to use said property in any way and for any purpose not inconsistent with the rights hereby authorized to be acquired.

FOR STORM SEWER PURPOSES:

A strip of land 12 feet in width the easterly and westerly margins of which are 2 feet westerly and 14 feet westerly respectively of the following described line, to-wit:

Beginning at a point herein before referred to as point "A"; thence north 23° 10' 40" west a distance of 187.12 feet;

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FOR SANITARY SEWER PURPOSES:

A strip of land, being 12 feet in width, the center line of which is described as follows:

Beginning at a point herein before referred to as point "A"; thence north 1° 48' 59" east a distance of 325.66 feet to an angle point; thence north 13° 49' 06" west, a distance of 439.48 feet to an angle point; thence north 35° 55' 19" west a distance of 257.64 feet to a point in the west line of the northeast quarter of the southwest quarter of said Section 19, said point being distant 40.51 feet measured southerly along said west line from the northwest corner of said northeast quarter of the southwest quarter. ALSO

A strip of land 12 feet in width, being 6 feet on each side of the center line described as follows:

Beginning at a point herein before referred to as point "A"; thence north 44° 53' 33" west, a distance of 224.91 feet to an angle point; thence north 59° 09' 19" west along a straight line a distance of 92.09 feet to a point on the east line of the northeast quarter of the southwest quarter of said Section 19; thence continuing northwesterly along said straight line with an equation in bearing, the forward bearing of said straight line being north 59° 10' 37" west, a distance of 164.21 feet to an angle point; thence north 71° 08' 31" west a distance of 144.76 feet to a point in the south line of Tract 34, Bitter Lake Villa Tracts as recorded in Vol. 27 of King County Plats at Page 4, said point being distant 145.72 feet (measured westerly from the most easterly corner of said Tract 34); thence continuing north 71° 08' 31" west a distance of 70.00 feet to an angle point; thence north 47° 03' 41" west a distance of 100.43 feet to a point in the northwesterly line of said Tract 34, said point being distant 122.64 feet, measured

Affidavit of Publication

STATE OF WASHINGTON, } ss.
COUNTY OF KING

L. J. 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

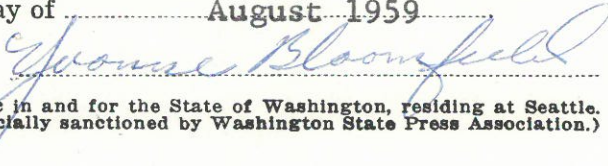
ORDINANCE NO 88403

....., as it was published in the regular issue (and not in supplement form) of said newspaper on the 8th day of August 1959, and that said newspaper was regularly distributed to its subscribers during all of said period.



Subscribed and sworn to before me this

8th day of August 1959



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

145.72 feet (measured westerly from the most easterly corner of said Tract 34); thence continuing north $71^{\circ} 08' 31''$ west a distance of 70.00 feet to an angle point; thence north $47^{\circ} 03' 41''$ west a distance of 100.43 feet to a point in the northwesterly line of said Tract 34, said point being distant 122.64 feet, measured northeasterly along said northwesterly line from the most westerly corner of said Tract 34. ALSO

The east 8 feet of Lot 13, together with the east 8 feet of that portion of Lot 16 lying west of the east line of said Lot 13 produced south to the north line of North 137th Street. All in Block 4, of Allendale as recorded in Volume 12 of Plats, at Page 95, records of King County, Wash. ALSO

The north 10 feet of the south 540 feet of the west half of the southwest $\frac{1}{4}$ of the southeast $\frac{1}{4}$ of Section 19, Township 26 North, Range 4 East, W. M. EXCEPT the west 300 feet thereof and EXCEPT the east 46 feet thereof. ALSO

The west 10 feet of the east 405 feet of the north $\frac{3}{4}$ of the west $\frac{1}{4}$ of the northeast $\frac{1}{4}$ of Section 30, Township 26 North, Range 4 East, W. M. EXCEPT the north 430 feet and EXCEPT the south 680 feet thereof

and that only such rights in the land above described shall be acquired as shall be necessary for the construction, reconstruction, alteration, operation and maintenance of one sanitary sewer line and appurtenances, reserving unto the property owners the right to use said property in any way and for any purpose not inconsistent with the rights herein authorized to be acquired.

Section 2. That public necessity and convenience demand that temporary sewer construction easements be acquired over and across the following described lots, blocks and tracts of land, to-wit:

A strip of land 20 feet in width, the westerly and easterly boundaries of said strip being respectively 6 feet easterly and 26 feet easterly of and parallel to the following described line, to-wit:

Beginning at the southwest corner of the northeast quarter of the southwest quarter of Section 19, Township 26 North, Range 4, East, W. M.; thence south $89^{\circ} 37' 30''$ east along the south line of the above described subdivision, a distance of 253.69 feet; thence north $3^{\circ} 45' 26''$ west a distance of 327.66 feet to the true point of beginning, hereinafter referred to as point "A"; thence north $1^{\circ} 48' 59''$ east a distance of 325.66 feet to an angle point; thence north $13^{\circ} 49' 06''$ west, a distance of 439.48 feet to an angle point; thence north $35^{\circ} 55' 19''$ west, a distance of 257.64 feet to a point in the west line of the northeast quarter of the southwest quarter of said Section 19, said point being distant 40.51 feet measured southerly along said west line from the northwest corner of said northeast quarter of the southwest quarter. ALSO

A strip of land 20 feet in width, the northeasterly and southwesterly boundaries of said strip being respectively 6 feet southwesterly and 26 feet southwesterly from and parallel to the following described line, to-wit:

Beginning at a point hereinafter referred to as point "A"; thence north $44^{\circ} 53' 33''$ west a distance of 224.91 feet to an angle point; thence north $59^{\circ} 09' 19''$ west, along a straight line, a distance of 92.09 feet to a point in the east line of the northeast quarter of the southwest quarter of said Section 19; thence continuing along said straight line with an equation in bearing, the forward bearing of said straight line being north $59^{\circ} 10' 37''$ west, a distance of 164.21 feet to an angle point; thence north $71^{\circ} 08' 31''$ west a distance of 144.76 feet to a point in the south line of Tract 34, Bitter Lake Villa Tracts as recorded in Vol. 27 of King County Plats at Page 4, said point being distant 145.72 feet measured westerly from the most easterly corner of said Tract 34; thence continuing north $71^{\circ} 08' 31''$ west, a distance of 70.00 feet to an angle point; thence north $47^{\circ} 03' 41''$ west, a distance of 100.43 feet to a point in the northwesterly line of said Tract 34, said point being distant 122.64 feet measured northeasterly along said northwesterly line from the most westerly corner of said Tract 34. ALSO

The west 20 feet of the east 425 feet of the north three-quarters of the west one-quarter of the northeast quarter of Section 30, Township 26 North, Range 4 East, W. M., EXCEPT the north 430 feet and EXCEPT the south 680 feet thereof. ALSO

The west 20 feet of the east 28 feet of Lot 13, together with

04, said point being distant 122.64 feet measured northeasterly along said northwesterly line from the most westerly corner of said Tract 34. ALSO

The west 20 feet of the east 425 feet of the north three-quarters of the west one-quarter of the northeast quarter of Section 30, Township 26 North, Range 4 East, W. M., EXCEPT the north 430 feet and EXCEPT the south 680 feet thereof. ALSO

The west 20 feet of the east 28 feet of Lot 13, together with the west 20 feet of the east 28 feet of that portion of Lot 16 lying west of the east line of said Lot 13 produced south to the north margin of North 137th Street, all in Block 4 of Alendale as recorded in Volume 12 of King County Plats at Page 95. ALSO

The north 20 feet of the south 560 feet of the west half of the southwest quarter of the southeast quarter of Section 19, Township 26 North, Range 4 East, W. M., EXCEPT the west 300 feet and EXCEPT the east 46 feet.

Said temporary easements to be in full force and effect until the proposed sewers are constructed and accepted by the City of Seattle and to become null and void and have no further effect on and after the date of official acceptance of said sewers for the City of Seattle by its Board of Public Works.

Section 3. That all lands, rights, privileges and other property lying within the limits of the lots, blocks and tracts of land described in Sections 1 and 2 hereof are hereby condemned, appropriated, taken and damaged for the purposes enumerated, 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 4. That such acquisitions of sanitary sewer easements are hereby declared to be a part of the additions and betterments to and extensions of the existing municipal sewerage utility of the city of Seattle, and the cost of such acquisitions shall be paid from the funds provided by said Ordinance 87653; that the entire cost of the easements being acquired for storm sewers shall be paid from the City Street Fund; provided, however, that the cost of acquisition of easements to be used jointly for sewers of each type shall be paid in equal amounts from the funds provided by Ordinance 87653 and the City Street Fund.

Section 5. 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 6. That in conducting said condemnation proceedings, the Corporation Counsel is hereby authorized to enter into stipulations for the purpose of minimizing damages.

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 by the City Council the 13th day of July, 1959, and signed by me in open session in authentication of its passage this 13th day of July, 1959.

MRS. HARLAN H. EDWARDS,
President pro tem. of the City Council.

Approved by me this 14th day of July, 1959.

M. B. MITCHELL,
Acting Mayor.

Filed by me this 14th day of July, 1959.

Attest: C. G. ERLANDSON,
City Comptroller and City Clerk.

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

Date of official publication in the Daily Journal of Commerce, Seattle, August 8, 1959. (C-3974)

Ord. 88440 - Appropri. \$15,000.00 from City Sewer Fund.

Ord. 89303 - Appropri. \$10,000.00 from Sewer Fund.

(See Back Cover)

PUB
A. M
BLI
ENG
B. O
A. C
S. E.
C. O.
LIGH

C.F. 240365 - Recomm. of City Engr. + Corp Counsel to accept awards.

Ord. 89455 - Accepts awards.