

Ordinance No. 90064

AN ORDINANCE providing for the acquisition, condemnation of certain property and property interests in (hereinafter referred to as "Property") located in Section 10, Township 21 North, Range 11 East, T11R11E, Government Lot 1 in Section 10, Township 21 North, Range 11 East, T11R11E, and Section 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 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972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

Council Bill No.

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|----------------------|----------------------------------|
| INTRODUCED: | BY: <i>Steve A. Starn</i> |
| REFERRED: | TO: |
| REFERRED: | |
| REPORTED: | SECOND READING: |
| THIRD READING: | SIGNED: |
| PRESENTED TO MAYOR: | APPROVED: |
| RETD. TO CITY CLERK: | PUBLISHED: <i>SEP 10 1982</i> |
| VETOED BY MAYOR: | VETO PUBLISHED: |
| PASSED OVER VETO: | VETO SUSTAINED: |
| ENGROSSED: | BY: |
| VOL..... PAGE..... | 9 |

ORDINANCE 90964

AN ORDINANCE providing for the acquisition by condemnation of certain property and property rights in Government Lot 1, Section 20, Township 25 North, Range 4 East, W.M., Government Lot 6 in Section 17, Township 25 North, Range 4 East, W.M., and Blocks 14, 15, 16 and 29, Lake Union Shore Lands for sewer purposes, including a sewer right of way and a site for a sewage pumping plant, as a part of certain additions and betterments to the existing municipal sewerage utility and providing for payment.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. That public convenience and necessity demand that the following described property be acquired in fee simple for a site for a sewage pumping plant, to-wit:

That portion of Lot 10, Block 16, Lake Union Shore Lands and of Government Lot 6 in Section 17, Township 25 North, Range 4 East, W.M., described as follows:

Beginning at the intersection of the production southwesterly of the northwesterly line of said Lot 10, and the north-easterly margin of Portage Bay Place East; thence north 58°36'48" east along said produced line a distance of 5.44 feet; thence south 40°07'58" east a distance of 1.09 feet; thence south 47°34'33" east a distance of 30.12 feet to a point in a line 20 feet northwesterly of and parallel with the production southwesterly of the southeasterly line of said Lot 10; thence south 58°36'48" west along said parallel line a distance of 14.23 feet to a point in the northeasterly margin of Portage Bay Place East; thence north 31°23'12" west along said northeasterly margin a distance of 30 feet to the point of beginning.

Section 2. That public convenience and necessity demand that an easement for sanitary sewer purposes be acquired over and across the following described properties to-wit:

A permanent sewer easement 10 feet in width over a portion of Blocks 14, 15, 16 and 29, Lake Union Shore Lands, of Government Lot 1, Section 20, Township 25 North, Range 4 East, W.M., and of Government Lot 6 in Section 17, Township 25 North, Range 4 East, W.M., being 5 feet on each side of a centerline described as follows:

Beginning at a point on the production southwesterly of the northwesterly line of Lot 2, Block 29, Lake Union Shore Lands, a distance of 18.50 feet northeasterly of its intersection with the northeasterly margin of Portage Bay Place East; thence north 34°14'56" west a distance of 5 feet to the true point of beginning; thence south 34°14'56" east a distance of 105.12 feet; thence south 36°07'23" east a distance of 352.00 feet; thence south 22°56'51" east a distance of 50.54 feet to a point in the northwesterly margin of East Martin Street, said point being distant 45.13 feet northeasterly of

intersection of said northwesterly margin with the northeasterly margin of Portage Bay Place East; thence continuing south $22^{\circ}59'54''$ east a distance of 161.97 feet; thence south $39^{\circ}09'04''$ east a distance of 148.04 feet; thence south $5^{\circ}31'35''$ east a distance of 112.54 feet to a point in the centerline of Portage Bay Place East; thence south $40^{\circ}07'58''$ east a distance of 118.38 feet; thence south $47^{\circ}34'33''$ east a distance of 156.20 feet to a point in the northwesterly margin of East Allison Street, said point being distant 54.05 feet northeasterly of the intersection of said northwesterly margin with the northeasterly margin of Portage Bay Place East; also,

Beginning at a point in the southeasterly margin of East Allison Street, said point being distant 56.66 feet northeasterly of the intersection of said southeasterly margin with the northeasterly margin of vacated Portage Bay Place East; thence south $36^{\circ}03'12''$ east a distance of 96.32 feet; thence south $76^{\circ}23'12''$ east a distance of 5.66 feet; thence south $34^{\circ}49'12''$ east a distance of 300.54 feet; thence south $25^{\circ}06'33''$ east a distance of 201.21 feet; thence south $4^{\circ}44'37''$ east a distance of 97.57 feet to a point in the northerly line of East Shelby Street, said point being distant 19.30 feet easterly of the northeasterly margin of vacated Portage Bay Place East; also,

Beginning at a point in the south margin of East Shelby Street, said point being distant 17.04 feet east of the intersection of said south margin with the east margin of Portage Bay Place East; thence south $22^{\circ}28'11''$ west a distance of 44.69 feet to the east margin of Portage Bay Place East; also,

Beginning at a point in the west margin of Fuhrman Avenue East, said point being distant 6.27 feet south of the intersection of said west margin with the south line of Lot 5, Block 14, Lake Union Shore Lands; thence north $44^{\circ}15'36''$ west a distance of 64.41 feet to a point in the east margin of Portage Bay Place East, said point being distant 29.82 feet northerly of the south line of said Lot 5, EXCEPT portions thereof lying within legally established streets.

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, provided that the City shall have the right without prior institution of any suit or proceeding at law at such times as may be necessary to enter upon said property for the purposes

herein described, without incurring any legal obligation therefore; provided that such work other than original construction, shall be accomplished in such a manner that the private improvements existing in said right of way shall not be disturbed or destroyed, or in the event that they are disturbed or destroyed they shall be replaced in as good condition as they were immediately before the property was entered upon by the City; and provided that no building or buildings or other permanent structures shall be constructed nor permitted to remain within the boundaries of said easements without the written permission of the City, its successors or assigns.

The City shall have the right to clear said easements in the original construction of the pipelines of all existing obstructions, including trees and rockeries.

Section 3. That public convenience and necessity demand that a temporary easement to be used during sewer construction be acquired over and across the following described property to-wit:

That portion of Block 29, Lake Union Shore Lands and of Government Lot 6, Section 17, Township 25 North, Range 4 East, W.M., lying 5 feet on each side of a centerline described as follows:

Beginning at a point on the northwesterly line of Lot 5, said Block 29, said point being distant 37.68 feet north-easterly of the intersection of said northwesterly line with the northeasterly margin of Portage Bay Place East; thence south $36^{\circ}07'23''$ east a distance of 100.57 feet to a point in the southeasterly line of Lot 6, said Block 29; also,

Beginning at a point in the southeasterly line of Lot 6, said Block 29, said point being distant 25.90 feet north-easterly of the intersection of said southeasterly line with the northeasterly margin of Portage Bay Place East; thence south $36^{\circ}07'23''$ east a distance of 201.14 feet to a point in the southeasterly line of Lot 10, said Block 29; thence south $22^{\circ}59'54''$ east a distance of 50.54 feet to a point in the northwesterly margin of East Martin Street, said point being distant 35.02 feet northeasterly of the intersection of said northwesterly margin with the northeasterly margin of Portage Bay Place East; also,

That portion of Block 16, Lake Union Shore Lands and of Government Lot 6 in Section 17, Township 25 North, Range 4 East, W.M., lying 5 feet on each side of a centerline described as follows:

Beginning at a point in the southeasterly margin of East Martin Street a distance of 44.18 feet northeasterly of the intersection of said southeast margin with the northeasterly margin of Portage Bay Place East; thence south 22°59'54" east a distance of 50.54 feet to a point in the southeasterly line of Lot 1, said Block 16; also,

Beginning at a point in the southeasterly line of Lot 1, said Block 16, said point being distant 16.59 feet northeasterly of the intersection of said southeasterly line with the northeasterly margin of Portage Bay Place East; thence south 22°59'54" east a distance of 35.57 feet; thence south 39°09'04" east a distance of 14.98 feet to a point in the southeasterly line of Lot 2, said Block 16; also,

Beginning at a point in the southeasterly line of Lot 2, said Block 16, said point being distant 33.61 feet northeasterly of the intersection of said southeasterly line with the northeasterly margin of Portage Bay Place East; thence south 39°09'04" east a distance of 134.80 feet; thence south 5°31'35" east a distance of 19.27 feet to a point in the southeasterly line of Lot 5, said Block 16, said point being distant 43.35 feet northeasterly of the intersection of said southeasterly line with the northeasterly margin of Portage Bay Place East; also,

Beginning at a point in the northwesterly line of Lot 11, said Block 16, said point being distant 14.60 feet northeasterly of the intersection of said northwesterly line with the northeasterly margin of Portage Bay Place East; thence south 47°34'33" east a distance of 52.07 feet to a point in the southeasterly line of said Lot 11, said point being distant 29.12 feet northeasterly of the intersection of said southeasterly line with the northeasterly margin of Portage Bay Place East; also,

Beginning at a point in the northwesterly line of Lot 12, said Block 16, said point being distant 49.94 feet northeasterly of the intersection of said northwesterly line with the northeasterly margin of Portage Bay Place East; thence south 47°34'33" east a distance of 52.07 feet to a point in the southeasterly line of said Lot 12, said point being distant 64.46 feet northeasterly of the intersection of said southeasterly line with the northeasterly margin of Portage Bay Place East; also,

That portion of Block 15, Lake Union Shore Lands and of Government Lot 6 in Section 17, Township 25 North, Range 4 East, W.M., lying 5 feet on each side of a centerline described as follows:

Beginning at a point in the northwesterly line of Lot 5, said Block 15, said point being distant 64.48 feet northeasterly of the intersection of said northwesterly line with the northeasterly margin of vacated Portage Bay Place East; thence south 34°49'12" east a distance of 150.27 feet to a point in the southeasterly line of Lot 7, said Block 15, said point being distant 23.48 feet northeasterly of the intersection of said southeasterly line with the northeasterly margin of vacated Portage Bay Place East; also,

Beginning at a point in the northwesterly line of Lot 10, said Block 15, said point being distant 70.94 feet north-easterly of the intersection of said northwesterly line with the northeasterly line of vacated Portage Bay Place East; thence south $25^{\circ}06'33''$ east a distance of 148.01 feet; thence south $4^{\circ}44'37''$ east to a point in the north margin of East Shelby Street, said point being distant 14.28 feet east of the intersection of said north margin with the northeasterly margin of vacated Portage Bay Place East.

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 4. That all lands, rights, privileges and other property lying within the limits of the lots, blocks and tracts of lands described in Sections 1, 2 and 3 hereof are hereby condemned, appropriated, taken or 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 5. That the entire cost of the improvement provided for herein shall be paid from the Sewer 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, property, and property rights necessary to carry out the provisions of this ordinance.

Section 7. That in conducting said condemnation proceedings, the Corporation Counsel is hereby authorized to enter into stipulations for the purpose of minimizing damages.

(To be used for all Ordinances except Emergency.)

Section 8. 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 19 day of February 19 62
and signed by me in open session in authentication of its passage, this 19 day of
February 19 62 [Signature]
President of the City Council.

Approved by me this 19 day of February 19 62
[Signature]
Mayor.

Filed by me this 19 day of February 19 62
Attest: [Signature]
City Comptroller and City Clerk.

(SEAL)

Published MAR 10 1962

By [Signature]
Deputy Clerk.

The City of Seattle--Legislative Department

MR. PRESIDENT:

Date Reported
and Adopted

Your Committee on Streets and Sewers

SEP 19 1962

to which was referred C.B. 82445,

providing for the acquisition by condemnation of certain property and property rights in Government Lot 1, Section 20, Township 25 North, Range 4 East, W.M., Government Lot 6 in Section 17, Township 25 North, Range 4 East, W.M., and Blocks 14, 15, 16 and 29, Lake Union Shore Lands for sewer purposes, including a sewer right of way and a site for a sewage pumping plant, as a part of certain additions and betterments to the existing municipal sewerage utility and providing for payment,

RECOMMENDS THAT THE SAME DO PASS.

ACTING Chairman

Chairman

Committee

Committee

ORDINANCE NO. 90964

AN ORDINANCE providing for the acquisition by condemnation of certain property and property rights in Government Lot 1, Section 25, Township 25 North, Range 4 East, W. M., Government Lot 1, Section 17, Township 25 North, Range 4 East, W. M., and Blocks 14, 15, 16 and 29, Lake Union Shore Lands for sewer purposes, including a sewer right of way and a site for a sewage pumping plant, as a part of certain additions and betterments to the existing municipal sewerage utility and providing for payment.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. That public convenience and necessity demand that the following described property be acquired in fee simple for a site for a sewage pumping plant, to-wit:

That portion of Lot 10, Block 16, Lake Union Shore Lands and Government Lot 6 in Section 17, Township 25 North, Range 4 East, W. M., described as follows:

Beginning at the intersection of the production southerly line of said Lot 10, and the northeasterly margin of Portage Bay Place East; thence north 68° 36' 48" east along said produced line a distance of 5.44 feet; thence south 40° 58' 58" east a distance of 1.09 feet; thence south 47° 31' 33" east a distance of 93.12 feet to a point in a line 20 feet northwesterly of and parallel with the production southerly line of the southerly line of said Lot 10; thence south 68° 36' 48" west along said parallel line a distance of 14.23 feet to a point in the northeasterly margin of Portage Bay Place East; thence north 31° 23' 12" west a long said northeasterly margin a distance of 40 feet to the point of beginning.

Section 2. That public convenience and necessity demand that an easement for sanitary sewer purposes be put over and across the following described properties, to-wit:

A permanent sewer easement 10 feet in width over a portion of Blocks 14, 15, 16 and 29, Lake Union Shore Lands, of Government Lot 1, Section 25, Township 25 North, Range 4 East, W. M., and of Government Lot 6 in Section 17, Township 25 North, Range 4 East, W. M., being 5 feet on each side of a centerline described as follows:

Beginning at a point on the production southerly line of the northwesterly line of Lot 2, Block 29, Lake Union Shore Lands, a distance of 18.50 feet northeasterly of its intersection with the northeasterly margin of Portage Bay Place East; thence north 34° 14' 54" east a distance of 5 feet to the true point of beginning; thence south 34° 14' 54" east a distance of 105.12 feet; thence south 30° 07' 23" east a distance of 852.00 feet; thence south 22° 58' 54" east a distance of 50.54 feet to a point in the northwesterly margin of East Martin Street, said point being distant 45.63 feet northeasterly of the intersection of said northwesterly margin with the northeasterly margin of Portage Bay Place East; thence continuing south 22° 58' 54" east a distance of 161.37 feet; thence south 39° 40' 01" east a distance of 148.01 feet; thence south 3° 31' 25" east a distance of 112.34 feet to a point in the centerline of Portage Bay Place East; thence south 49° 07' 58" east a distance of 118.33 feet; thence south 47° 31' 33" east a distance of 156.20 feet to a point in the northwesterly margin of East Martin Street, said point being distant 54.05 feet northeasterly of the intersection of said northwesterly margin with the northeasterly margin of Portage Bay Place East; also,

Beginning at a point in the southerly margin of East Allison Street, said point being distant 56.56 feet northwesterly of the intersection of said southerly margin with the northeasterly margin of vacated Portage Bay Place East; thence south 36° 02' 12" east a distance of 96.33 feet; thence south 76° 23' 12" east a distance of 5.96 feet; thence south 24° 49' 12" east a distance of 300.54 feet; thence south 25° 08' 23" east a distance of 201.21 feet; thence south 2° 41' 37" east a distance of 97.57 feet to a point in the northerly line of East Shelby Street, said point being distant 15.20 feet easterly of the northeasterly margin of vacated Portage Bay Place East; also,

Beginning at a point in the south margin of East Shelby Street, said point being distant 15.04 feet east of the intersection of said south margin with the east margin of Portage Bay Place East; thence south 22° 28' 11" west a distance of 44.61 feet to the east margin of Portage Bay Place East; also,

Beginning at a point in the

each side of a centerline described as follows:

Beginning at a point on the northwesterly line of Lot 5, said Block 29, said point being distant 37.58 feet northeasterly of the intersection of said northwesterly line with the northeasterly margin of Portage Bay Place East; thence south 36° 02' 25" east a distance of 100.37 feet to a point in the southerly line of Lot 6, said Block 29; also,

Beginning at a point in the southerly line of Lot 6, said Block 29, said point being distant 25.90 feet northwesterly of the intersection of said southerly line with the northeasterly margin of Portage Bay Place East; thence south 35° 07' 22" east a distance of 201.14 feet to a point in the southerly line of Lot 10, said Block 29; thence south 25° 59' 54" east a distance of 50.54 feet to a point in the northwesterly margin of East Martin Street, said point being distant 55.62 feet northeasterly of the intersection of said northwesterly margin with the northeasterly margin of Portage Bay Place East; also,

That portion of Block 16, Lake Union Shore Lands and of Government Lot 6 in Section 17, Township 25 North, Range 4 East, W. M., being 5 feet on each side of a centerline described as follows:

Beginning at a point in the southerly margin of East Martin Street a distance of 44.18 feet northeasterly of the intersection of said southeast margin with the northeasterly margin of Portage Bay Place East; thence south 22° 58' 54" east a distance of 50.54 feet to a point in the southerly line of Lot 1, said Block 16; also,

Beginning at a point in the southerly line of Lot 1, said Block 16, said point being distant 16.23 feet northeasterly of the intersection of said southerly line with the northeasterly margin of Portage Bay Place East; thence south 22° 58' 54" east a distance of 35.27 feet; thence south 39° 49' 01" east a distance of 14.25 feet to a point in the southerly line of Lot 2, said Block 16; also,

Beginning at a point in the southerly line of Lot 2, said Block 16, said point being distant 33.61 feet northeasterly of the intersection of said southerly line with the northeasterly margin of Portage Bay Place East; thence south 39° 49' 01" east a distance of 131.80 feet; thence south 2° 31' 33" east a distance of 13.27 feet to a point in the southerly line of Lot 5, said Block 16, said point being distant 43.85 feet northeasterly of the intersection of said southerly line with the northeasterly margin of Portage Bay Place East; also,

Beginning at a point in the northwesterly line of Lot 11, said Block 15, said point being distant 14.50 feet northeasterly of the intersection of said northwesterly line with the northeasterly margin of Portage Bay Place East; thence south 47° 31' 33" east a distance of 52.67 feet to a point in the southerly line of said Lot 11, said point being distant 29.12 feet northwesterly of the intersection of said southerly line with the northeasterly margin of Portage Bay Place East; also,

Beginning at a point in the northwesterly line of Lot 13, said Block 15, said point being distant 49.51 feet northeasterly of the intersection of said northwesterly line with the northeasterly margin of Portage Bay Place East; thence south 47° 31' 33" east a distance of 52.97 feet to a point in the southerly line of said Lot 12, said point being distant 61.16 feet northwesterly of the intersection of said southerly line with the northeasterly margin of Portage Bay Place East; also,

That portion of Block 15, Lake Union Shore Lands and of Government Lot 6 in Section 17, Township 25 North, Range 4 East, W. M., being 5 feet on each side of a centerline described as follows:

Beginning at a point in the northwesterly line of Lot 5, said Block 15, said point being distant 64.45 feet northeasterly of the intersection of said northwesterly line with the northeasterly margin of vacated Portage Bay Place East; thence south 34° 59' 12" east a distance of 150.27 feet to a point in the southerly line of Lot 7, said Block 15, said point being distant 22.38 feet northwesterly of the intersection of said southerly line with the northeasterly margin of vacated Portage Bay Place East; also,

Beginning at a point in the northwesterly line of Lot 10, said Block 15, said point being distant 70.94 feet northwesterly of the intersection of said northwesterly line with the northeasterly

this 19th day of February, 1962,

DAVID LEVINE,
President of the City Council.

Approved by me this 19th day of February, 1962.

JORDON S. CLINTON,
Mayor.

Filed by me this 19th day of February, 1962.

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

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

Date of official publication in the Daily Journal of Commerce, Seattle, March 10, 1962. (C-589)

to, published in the English language newspaper in Seattle, King County, now and during all of said time was maintained at the aforesaid place of newspaper. That the said Daily Journal on the 12th day of June, 1941, approved by the Superior Court of said King

is a true copy of

ICE NO 90964

is it published in the regular issue

ent form) of said newspaper on the

March 1962

and that said

arly distributed to its subscribers during

March 1962

subscribed and sworn to before me this

March 1962

for the State of Washington, residing at Seattle

attested by Washington State Press Association.

W. A. Perrine

March 1962

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Beginning at a point in the northwesterly line of Lot 2, Block 23, Lake Union Shore Lands, a distance of 18.50 feet, northeasterly of its intersection with the northeasterly margin of Portage Bay Place East; thence north 31° 56' east a distance of 5 feet to the true point of beginning; thence south 31° 11' 56" east a distance of 105.12 feet; thence south 55° 22' east a distance of 25.00 feet; thence south 22° 59' 57" east a distance of 101 feet to a point in the northwesterly margin of East Main Street, said point being distant 15.13 feet northeasterly of intersection of said northwesterly margin with the northeasterly margin of Portage Bay Place East; thence continuing south 22° 59' 57" east a distance of 151.97 feet; thence south 35° 09' 04" east a distance of 115.01 feet; thence south 5° 31' 35" east a distance of 112.34 feet to a point in the southeasterly margin of Portage Bay Place East; thence south 46° 53" east a distance of 118.32 feet; thence south 47° 34' 33" east a distance of 166.20 feet to a point in the northwesterly margin of East Main Street, said point being distant 54.05 feet northeasterly of the intersection of said northwesterly margin with the northeasterly margin of Portage Bay Place East, also.

Beginning at a point in the southeasterly margin of East Allison Street, said point being distant 56 feet northeasterly of the intersection of said southeasterly margin with the northeasterly margin of vacated Portage Bay Place East; thence south 36° 03' 12" east a distance of 96.32 feet; thence south 76° 23' 12" east a distance of 5.66 feet; thence south 49° 12' east a distance of 300.51 feet; thence south 25° 08' east a distance of 201.21 feet; thence south 4° 44' 37" east a distance of 27.51 feet to a point in the northerly line of East Shelby Street, said point being distant 13.66 feet easterly of the northeasterly margin of vacated Portage Bay Place East; also.

Beginning at a point in the south margin of East Shelby Street, said point being distant 14.04 feet east of the intersection of said south margin with the east margin of Portage Bay Place East; thence south 22° 28' 11" west a distance of 44.65 feet to the east margin of Portage Bay Place East; also.

Beginning at a point in the west margin of Furman Avenue East, said point being distant 5.27 feet south of the intersection of said west margin with the south line of Lot 5, Block 14, Lake Union Shore Lands; thence north 44° 15' 36" west a distance of 64.41 feet to a point in the east margin of Portage Bay Place East, said point being distant 39.82 feet northerly of the south line of said Lot 5, EXCEPT portions thereof lying within legally established streets,

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, hereinafter and 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, provided that the City shall have the right without prior institution of any suit or proceeding at law at such times as may be necessary to enter upon said property for the purposes herein described, without incurring any legal obligation therefor; provided that such work other than original construction shall be accomplished in such a manner that the private improvements existing in said right of way shall not be disturbed or destroyed, or in the event that they are disturbed or destroyed they shall be replaced in as good condition as they were immediately before the property was entered upon by the City; and provided that no building or buildings or other permanent structures shall be constructed nor permitted to remain within the boundaries of said easements without the written permission of the City, its successors or assigns.

The City shall have the right to clear said easements in the original construction of the pipes of all existing obstructions, including trees and rockeries.

Section 2. That public convenience and necessity demand that a temporary easement to be used during sewer construction be acquired over and across the following described property, to-wit:

That portion of Block 22, Lake Union Shore Lands and of Government Lot 6, Section 17, Township 25 North, Range 4 East, W. M., lying 5 feet on

East, thence south 25° 13' 50" east a distance of 131.50 feet; thence south 5° 31' 35" east a distance of 18.27 feet to a point in the southeasterly line of Lot 5, said Block 16, said point being distant 43.32 feet northeasterly of the intersection of said southeasterly line with the northeasterly margin of Portage Bay Place East; also.

Beginning at a point in the northwesterly line of Lot 11, said Block 16, said point being distant 14.50 feet northeasterly of the intersection of said northwesterly line with the northwesterly margin of Portage Bay Place East; thence south 47° 34' 33" east a distance of 82.07 feet to a point in the southeasterly line of said Lot 11, said point being distant 25.12 feet northeasterly of the intersection of said southeasterly line with the northwesterly margin of Portage Bay Place East; also.

Beginning at a point in the northwesterly line of Lot 12, said Block 16, said point being distant 49.91 feet northeasterly of the intersection of said northwesterly line with the northwesterly margin of Portage Bay Place East; thence south 47° 34' 33" east a distance of 52.97 feet to a point in the southeasterly line of said Lot 12, said point being distant 64.46 feet northeasterly of the intersection of said southeasterly line with the northwesterly margin of Portage Bay Place East; also.

That portion of Block 15, Lake Union Shore Lands and of Government Lot 6, in Section 17, Township 25 North, Range 4 East, W. M., lying 5 feet on each side of a centerline described as follows:

Beginning at a point in the northwesterly line of Lot 5, said Block 15, said point being distant 64.48 feet northeasterly of the intersection of said northwesterly line with the northeasterly margin of vacated Portage Bay Place East; thence south 34° 49' 12" east a distance of 130.27 feet to a point in the southeasterly line of Lot 7, said Block 15, said point being distant 23.41 feet northeasterly of the intersection of said southeasterly line with the northeasterly margin of vacated Portage Bay Place East; also.

Beginning at a point in the northwesterly line of Lot 10, said Block 15, said point being distant 76.94 feet northeasterly of the intersection of said northwesterly line with the northwesterly line of vacated Portage Bay Place East; thence south 25° 07' 33" east a distance of 148.01 feet; thence south 4° 44' 37" east to a point in the north margin of East Shelby Street, said point being distant 14.28 feet east of the intersection of said north margin with the southeasterly margin of vacated Portage Bay Place East.

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 by the City of Seattle by its Board of Public Works.

Section 4. That all lands, rights, privileges and other property lying within the limits of the lots, blocks and tracts of lands described in Sections 1, 2, and 3 hereof are hereby condemned, appropriated, taken or damaged for the purpose 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 5. That the entire cost of the improvement provided for herein shall be paid from the Sewer 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, property and property rights necessary to carry out the provisions of this ordinance.

Section 7. That in conducting said condemnation proceedings, the Corporation Counsel is hereby authorized to enter into stipulations for the purpose of minimizing damages.

Section 8. 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 19th day of February, 1923, and signed by me in open session in authentication of its passage



CITY OF SEATTLE
DEPARTMENT OF ENGINEERING
ROY W. MORSE, CITY ENGINEER
MEMBER, BOARD OF PUBLIC WORKS

Gordon S. Clinton, Mayor

February 7, 1962

Honorable City Council
Seattle, Washington

Gentlemen:


Included in the sanitary sewer project known as Westlake Avenue North, et al., Resolution 18168, is a section of sewer across private property along the shore line of Lake Union in the vicinity of Portage Bay Place East from Eastlake Avenue East to East Sheiby Street. A number of residences and houseboats which are not presently served by sanitary sewers are located in this area. Because of the number and character of the properties involved, the complexity of the ownership, and the type of easement required, the Engineering Department considers that a condemnation action would be the most desirable and effective way to acquire this right of way.

We therefore submit herewith for your approval a council bill providing for the condemnation of sufficient property rights to accommodate the above-described sewer and a pumping plant. We recommend and have so provided in this proposed council bill that the costs are to be paid from the Sewer Fund. This recommendation is based primarily on the fact that the City undoubtedly will be paying a substantial portion of the cost of the physical construction and the cost of the condemnation is a relatively small item.

This bill has been approved as to form by the Corporation Counsel.

We expect to hold a hearing on the improvement which contemplates the construction of sewers around the entire periphery of Lake Union in the spring and it is therefore urged that action on this matter, both by the Council and the Corporation Counsel, be expedited as rapidly as possible.

Very truly yours,


ROY W. MORSE
City Engineer

PNR:mm
Att.

cc: C. J. Henry
H. W. Tyler
K. M. Lowthian
E. M. Whiting