

# Ordinance No. 91334

AN ORDINANCE providing for the laying off, opening, widening and establishing of 5th AVENUE NORTHEAST between Northeast 92nd Street and Northeast 125th Street at existing grade; providing for the condemnation, appropriation, taking and damaging of land and other property necessary therefor; providing for the acquisition of the right to construct slopes for cuts and fills on certain abutting properties; providing for the condemnation, appropriation, taking and damaging of land and other property necessary for storm sewer purposes in connection therewith; and providing for payment from the City Street Fund.

# Council Bill No. 82323

INTRODUCED: JUL 16 1962	BY: Streets & Sewers
REFERRED: JUL 16 1962	TO: Streets & Sewers
REFERRED:	
REPORTED: JUL 23 1962	SECOND READING: JUL 23 1962
THIRD READING: JUL 23 1962	SIGNED: JUL 23 1962
PRESENTED TO MAYOR: JUL 23 1962	APPROVED: JUL 24 1962
RETD. TO CITY CLERK: JUL 24 1962	PUBLISHED: AUG 4 1962
VETOED BY MAYOR:	VETO PUBLISHED:
PASSED OVER VETO:	VETO SUSTAINED:
ENGROSSED:	BY:
VOL..... PAGE.....	

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C. O.  
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Ord 92523 - Accepts amounts

ORDINANCE NO. 91334

AN ORDINANCE providing for the laying off, opening, widening and establishing of 5th AVENUE NORTHEAST between Northeast 92nd Street and Northeast 125th Street at existing grade; providing for the condemnation, appropriation, taking and damaging of land and other property necessary therefor; providing for the acquisition of the right to construct slopes for cuts and fills on certain abutting properties; providing for the condemnation, appropriation, taking and damaging of land and other property necessary for storm sewer purposes in connection therewith; and providing for payment from the City Street Fund.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. That public necessity and convenience demand that 5th Avenue Northeast be, and the same is, hereby laid off, opened, widened and established over and across the following described property in King County, Washington, to wit:

MAPLE LEAF ADDITION TO GREEN LAKE CIRCLE, Volume 2 of Plats, page 115

The east 4.5 feet of the west 14.5 feet of Lots 1 to 6 inclusive, as platted in Acre 1, Block A;

The east 4.5 feet of the west 14.5 feet of Lots 1 to 6 inclusive, as platted in Acre 1, Block H;

UNPLATTED

The east 4.5 feet of the west 34.5 feet of the north one-half of southwest one-quarter of the northwest one-quarter of the northeast one-quarter of Section 32, Township 26 North, Range 4 East, W. M., except the north 20 feet and except the south 20 feet;

The west 4.5 feet of the east 34.5 feet of that portion of the southeast one-quarter of the northeast one-quarter of the northwest one-quarter of Section 32, Township 26 North, Range 4 East, W. M., lying north of the production west of the 4th line of Northeast 102nd Street; except the north 30 feet thereof;

The east 4.5 feet of the west 34.5 feet of the northwest one-quarter of the southwest one-quarter of the southeast one-quarter of Section 29, Township 26 North, Range 4 East, W. M., except the north 180 feet thereof;

The east 4.5 feet of the west 34.5 feet of the north one-fifth of the southwest one-quarter of the southwest one-quarter of the southeast one-quarter of Section 29, Township 26 North, Range 4 East, W. M.

Section 2. That in the grading and regrading of 5th Avenue Northeast between Northeast 92nd Street and Northeast 125th Street, in conformity with the existing grade, the City shall acquire the right in the case of a cut to remove the lateral support of the property abutting on said street, and in every case the right to remove said lateral support shall include the right to carry the slopes back into and extending upon the abutting real property one foot horizontally for

each foot of depth of cut, and in the case of a fill, 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 horizontally for each foot of elevation of fill for the purpose of providing lateral support for said streets reserving unto the abutting property owners, respectively, the right at any time to replace said cut slopes and to remove said fill slopes upon providing and maintaining other adequate lateral support.

Section 3. That public necessity and convenience demand that, in connection with <sup>said</sup> grading and regrading, an easement for storm drain purposes be acquired over and across the following described property, to wit:

A permanent storm drain easement 12 feet in width over a portion of the northwest one-quarter of the southeast one-quarter of Section 29, Township 26 North, Range 4 East, W. M., being 6 feet on each side of a center line described as follows: Beginning at a point in the east margin of 5th Avenue Northeast, said point being distant 203.51 feet north of its intersection with the north margin of Northeast 110th Street; thence east, parallel with Northeast 110th Street, a distance of 79.30 feet;

and that only such rights shall be acquired, in the land described above, as shall be necessary for the construction, alteration, operation and maintenance of one storm drain line, 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.

Section 4. That public necessity and convenience demand that in connection with said grading and regrading, an easement for storm drain and intake structure purposes be acquired over and across the following described property, to wit:

The west 20 feet of the east 50 feet of the south 25 feet of the north 195 feet of the southeast one-quarter of the northeast one-quarter of the southwest one-quarter of Section 29, Township 26 North, Range 4 East, W. M.;

and that only such rights shall be acquired in the land described above as shall be necessary for the construction, alteration, operation and maintenance of one storm drain line and an intake structure in connection therewith, 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.

Section 5. That all lands, rights, privileges and other property lying within the limits of the lots, blocks and tracts of land described in Section 1, 3 and 4

hereof are hereby condemned, appropriated, taken and damaged for the purposes herein enumerated, and that all lands, rights, privileges and other property necessary to be taken, used or damaged in the grading and regrading of said street in conformity with existing grades and in the construction of the necessary slopes for cuts or fills upon the real property abutting upon said street as set forth in Section 2 hereof, are hereby condemned, appropriated, taken and damaged for the public use for such purposes, and all such 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 6. That the entire cost of the improvement provided for herein shall be paid from the City Street Fund.

Section 7. 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 8. 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 2. 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 23 day of July, 19 62  
and signed by me in open session in authentication of its passage this 23 day of July, 19 62  
Floyd L. Miller  
President of the City Council.

Approved by me this 24 day of July, 19 62  
Robert S. Clinton  
Mayor.

Filed by me this 24 day of July, 19 62  
C. H. Glendonson  
Attest: City Comptroller and City Clerk.

(SEAL)

Published AUG 4 1962 By M. A. Ferrel Deputy Clerk.



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

Gordon S. Clinton, Mayor

Re: 5th Ave. N.E. Widening  
Proposed Condemnation

July 13, 1962

Honorable City Council  
Seattle, Washington


Gentlemen:

The City of Seattle Capital Improvement Program provides for the widening and paving of 5th Avenue Northeast from Northeast 92nd Street to Northeast 125th Street. The preparation of Plans for this project was authorized by Resolution No. 18394.

We are submitting herewith for your approval a council bill, which has been approved as to form by the Corporation Counsel, providing for the acquisition by condemnation of the property rights necessary for this project. The cost of the condemnation will be paid from the City Street Fund.

We respectfully recommend the passage of this council bill.

Yours very truly,

  
ROY W. MORSE  
City Engineer

RAS:mm  
Att.  
cc: G. Grant Wilcox  
H. W. Tyler



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

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Yours very truly,

sgd. R. W. Morse

ROY W. MORSE  
 City Engineer

RAS:mm  
 Att.  
 cc: G. Grant Wilcox  
 H. W. Tyler

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# The City of Seattle--Legislative Department

MR. PRESIDENT:

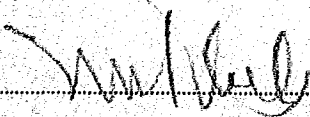
Date Reported  
and Adopted

Your Committee on Streets and Sewers  
to which was referred C.B. 82823,

JUL 23 1962

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RECOMMENDS THAT THE SAME DO PASS.



..... Chairman

..... Chairman

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Committee

Committee



ORDINANCE NO. 91334

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UNPLATTED

The east 4.5 feet of the west 34.5 feet of the north one-half of southwest one-quarter of the northwest one-quarter of Section 32, Township 26 North, Range 4 East, W. M., except the north 20 feet and except the south 20 feet;

The west 4.5 feet of the east 34.5 feet of that portion of the southeast one-quarter of the northeast one-quarter of the northwest one-quarter of Section 32, Township 26 North, Range 4 East, W. M., lying north of the production west of the south line of Northeast 102nd Street; except the north 30 feet thereof;

The east 4.5 feet of the west 34.5 feet of the northwest one-quarter of the southeast one-quarter of Section 29, Township 26 North, Range 4 East, W. M., except the north 180 feet thereof;

The east 4.5 feet of the west 34.5 feet of the north one-fifth of the southwest one-quarter of the southwest one-quarter of the southeast one-quarter of Section 29, Township 26 North, Range 4 East, W. M.

Section 2. That in the grading and regrading of 5th Avenue Northeast between Northeast 32nd Street and Northeast 125th Street, in conformity with the existing grade, the City shall acquire the right in the case of a cut to remove the lateral support of the property abutting on said street, and in every case the right to remove said lateral support shall include the right to carry the slopes back into and extending upon the abutting real property one foot horizontally for each foot of depth of cut, and in the case of a fill, the right shall be acquired to extend and maintain upon the abutting real property slopes of one and one-half (1 1/2) feet horizontally for each foot of elevation of fill for the purpose of providing lateral support for said streets reserving unto the abutting property owners, respectively, the right at any time to replace said cut slopes and to remove said fill slopes upon providing and maintaining other adequate lateral support.

Section 3. That public necessity and convenience demand that in connection with said grading and regrading, an easement for storm drain purposes be acquired over and across the following described property, to-wit:

A permanent storm drain easement 12 feet in width over a portion of the northwest one-quarter of the southeast one-quarter of Section 20, Township 26 North, Range 4 East, W. M., being 6 feet on

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 23rd day of July, 1962, and signed by me in open session in authentication of its passage this 23rd day of July, 1962.

FLOYD C. MILLER, President of the City Council. Approved by me this 24th day of July, 1962.

GORDON S. CLINTON, Mayor. Filed by me this 24th day of July, 1962.

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 4, 1962. (C-145)

Journal of Commerce approved as a legal newspaper by the Superior Court of said King County.

of Publication

GTON, | ss. G

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, a legal newspaper and it is now and has been for six months prior to the date of the deposition referred to, published in the English language as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time in office maintained at the aforesaid address as 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 91334

\_\_\_\_\_, as it was published in the regular issue

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

4th day of August 1962, and that said

newspaper was regularly distributed to its subscribers during

all of said period.

*L. J. Brown*

Subscribed and sworn to before me this

4th day of August 1962

*O. L. Lippert*

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

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and that only such rights shall be acquired, in the land described above, as shall be necessary for the construction, alteration, operation and maintenance of one storm drain line, 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.

Section 4. That public necessity and convenience demand that in connection with said grading and regrading, an easement for storm drain and intake structure purposes be acquired over and across the following described property, to-wit:

The west 20 feet of the east 50 feet of the south 25 feet of the north 105 feet of the southeast one-quarter of the northeast one-quarter of the southwest one-quarter of Section 29, Township 26 North, Range 4 East, W. M.;

and that only such rights shall be acquired in the land described above as shall be necessary for the construction, alteration, operation and maintenance of one storm drain line and an intake structure in connection therewith, 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.

Section 5. That all lands, rights, privileges and other property lying within the limits of the lots, blocks and tracts of land described in Section 1, 3 and 4 hereof are hereby condemned, appropriated, taken and damaged for the purposes herein enumerated and that all lands, rights, privileges and other property necessary to be taken, used or damaged in the grading and regrading of said street in conformity with existing grades and in the construction of the necessary slopes for cuts or fills upon the real property abutting upon said street as set forth in Section 2 hereof, are hereby condemned, appropriated, taken and damaged for the public use for such purposes; and all such 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.

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