

Ordinance No. 92699

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AN ORDINANCE providing for the acquisition by condemnation of certain property and property rights in a portion of Blocks 10 and 11, Plan of Union City, as an addition to and extension and betterment of the existing municipal sewerage utility, and providing for payment therefor.

2/4/64 - pass

Council Bill No. 84199

INTRODUCED: FEB 3 1964	BY: <i>Streets & Sewers</i>
REFERRED: FEB 8 1964	TO: <i>Streets & Sewers Finance</i>
REFERRED:	
REPORTED: FEB 10 1964	SECOND READING: FEB 10 1964
THIRD READING: FEB 10 1964	SIGNED: FEB 10 1964
PRESENTED TO MAYOR: FEB 10 1964	APPROVED: FEB 11 1964
RETD. TO CITY CLERK: FEB 11 1964	PUBLISHED: MAR 7 1964
VETOED BY MAYOR:	VETO PUBLISHED:
PASSED OVER VETO:	VETO SUSTAINED:
ENGROSSED:	BY:
VOL..... PAGE.....	

BM 10-59 HALL

MS

*Ord 94041 - Receipts awards + makes an appropriation
SEE ORD. 95492*

ORD. 95491 - AUTH PURCHASE OF FEE TITLE IN AN EXISTING CITY SEWER R/W IN B.10, PLAT OF PLAN OF UNION CITY, MAKING AN APPROPR.

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2/4/64 - P.L.S.S.

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Ord 94099 - Receipts, amounts & makes an appropriation
SEE ORD. 95492

Hand
written
R.C.
B.P.

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AN ORDINANCE providing for the acquisition by condemnation of certain property and property rights in a portion of Blocks 10 and 11, Plan of Union City, as an addition to and extension and betterment of the existing municipal sewerage utility, and providing for payment therefor.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. That public necessity and convenience demand that an easement for sanitary sewer purposes be acquired over and across the following described property, to wit:

A permanent sewer easement 10 feet in width over a portion of Blocks 10 and 11, Plan of Union City, according to plat thereof recorded in Volume 1 of Plats, page 39, Records of King County, Washington, being 5 feet on each side of a center line described as follows:

Beginning at a point on the center line of 19th Avenue East, a distance of 156.15 feet south of its intersection with the center line of East Louisa Street; thence north $29^{\circ}47'45''$ east, a distance of 148.66 feet; thence north $33^{\circ}45'00''$ east, a distance of 29.97 feet to a point in the center line of East Louisa Street, a distance of 86.64 feet east of its intersection with the center line of 19th Avenue East; thence continuing north $33^{\circ}45'00''$ east, a distance of 118.33 feet; thence north $23^{\circ}21'26''$ east, a distance of 196.27 feet to the southerly right of way margin of Primary State Highway No. 1, Montlake Interchange, Roanoke Street Extension;

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 or 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 pipe lines of all existing obstructions, including trees and rockeries.

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

A temporary sewer easement 10 feet in width over a portion of Blocks 10 and 11, Plan of Union City, according to plat thereof recorded in Volume 1 of Plats, page 39, Records of King County, Washington, lying between lines and lines extended, said lines being 5 feet and 15 feet respectively, northwesterly of and parallel with the following described line:

Beginning at a point on the center line of 19th Avenue East, a distance of 156.15 feet south of its intersection with the center line of East Louisa Street; thence north $29^{\circ}47'45''$ east, a distance of 148.66 feet; thence north $33^{\circ}45'00''$ east, a distance of 29.97 feet to a point in the center line of East Louisa Street, a distance of 86.64 feet east of its intersection with the center line of 19th Avenue East; thence continuing north $33^{\circ}45'00''$ east, a distance of 118.33 feet; thence north $23^{\circ}21'26''$ east, a distance of 196.27 feet to the southerly right of way margin of Primary State Highway No. 1, Montlake Interchange, Roanoke Street Extension;

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 lands described in Sections 1 and 2 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 4. That the entire cost of the improvement provided for herein shall be paid from the Sewer 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, property, and property rights 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.

(To be used for all Ordinances except Emergency.)

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 10 day of February, 1964,

and signed by me in open session in authentication of its passage this 10 day of February, 1964.

Lloyd C. Miller
President of the City Council.

Approved by me this 11 day of February, 1964

Edward S. Clinton
Mayor.

Filed by me this 11 day of February, 1964

C. H. Johnson

Attest: City Comptroller and City Clerk.

(SEAL)

Published MAR 7 1964

By *M. A. Perrine*
Deputy Clerk.

REC-3 12 57 PM '64



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

Gordon S. Clinton, Mayor

19th Avenue East
Sewer right of way

February 3, 1964

Honorable City Council
City of Seattle
Seattle, Washington

Gentlemen:

Submitted herewith is a Council Bill providing for the acquisition by condemnation of the property and the property rights necessary to re-locate the sanitary sewer easterly of 19th Avenue East, northerly of East Miller Street. This sewer was formerly constructed in the unstable ground within the right of way for 19th Avenue East and was subsequently dislodged by the filling of the Montlake Playfield. This Department has attempted to negotiate the necessary property rights but has been unsuccessful up to this time.

May we respectfully request the passage of this Council Bill, which has been approved as to form by the Corporation Counsel.

Yours very truly,

ROY W. MORSE
City Engineer

By *Philip M. Buswell*
PHILIP M. BUSWELL
Principal Assistant City Engineer

RAS:peg
Enc.

cc - H. W. Duff
H. R. Berg

The City of Seattle--Legislative Department

MR. PRESIDENT:

Date Reported
and Adopted

Your Committee on Finance and Streets & Sewers
to which was referred C.B. 84199,

FEB. 10 1964

providing for the acquisition by condemnation of certain property and property rights in a portion of Blocks 10 and 11, Plan of Union City, as an addition to and extension and betterment of the existing municipal sewerage utility, and providing for payment therefor, recommend that,

THE SAME DO PASS.

Branan

Fin.
Chairman

Metzger

S&S
Chairman

Committee

Committee

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Beginning at a point on the center line of 19th Avenue East, a distance of 156.15 feet south of its intersection with the center line of East Louisa Street; thence north 33° 47' 45" east, a distance of 148.56 feet; thence north 33° 45' 00" east, a distance of 29.97 feet to a point in the center line of East Louisa Street, a distance of 35.54 feet east of its intersection with the center line of 19th Avenue East; thence continuing north 33° 45' 00" east, a distance of 118.23 feet; thence north 23° 21' 26" east, a distance of 196.27 feet to the southerly right of way margin of Primary State Highway No. 1, Montlake Interchange, Roanoke Street Extension;

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 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 or permitted to remain within the boundaries of said easements without the written permission of the City, its successors or assigns.

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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 3. That all lands, rights, privileges and other property lying within the limits of the lots, blocks and tracts of lands described in Sections 1 and 2 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

Affidavit of Publication

STATE OF WASHINGTON, ss.
COUNTY OF KING

The undersigned, being first duly sworn, on oath deposes and says that he is an authorized representative 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. 92699

as it was published in the regular issue
(and not in supplement form) of said newspaper on the
7th day of March 1964, and that said
newspaper was regularly distributed to its subscribers during
all of said period.

M. J. Brown
Subscribed and sworn to before me this

7th day of March 1964

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

section with the center line of 19th Avenue East; thence continuing north 33° 45' 00" east, a distance of 118.32 feet; thence north 33° 21' 38" east, a distance of 196.27 feet to the southerly right of way margin of Primary State Highway No. 1, Montlake Interchange; Roanoke Street Extension;

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Passed by the City Council the 10th day of February, 1964, and signed by me in open session in authentication of its passage this 10th day of February, 1964.

FLOYD C. MILLER,
President of the City Council.

Approved by me this 11th day of February, 1964.

GORDON S. CLINTON,
Mayor.

Filed by me this 11th day of February, 1964.

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

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

Publication ordered by C. G. ERLANDSON, Comptroller and City Clerk.

Date of official publication in the Daily Journal of Commerce, Seattle, March 7, 1964. (C-965)