

Ordinance No. 9311

An Ordinance providing for the opening, widening and altering, and for making changes in the grade of Second Avenue, and contiguous and proximate cross streets; and for the construction of all slopes or retaining walls for cuts and fills upon real property abutting on said avenue and said cross streets, between Pike Street and John Street, in the City of Seattle; and providing for the taking and damaging of land, etc.

Council Bill No. 1565

INTRODUCED: FEB 23 1903	BY: <i>Ritchey</i>
REFERRED: FEB 23 1903	TO COMMISSIONERS
REPORTED: FEB 23 1903	BY L. W. B. COM.
SECOND READING: MAR 2 1903	COMPARED BY WATSON
THIRD READING: MAR 2 1903	
FINAL PASSAGE: MAR 2 1903	SIGNED: <i>[Signature]</i>
PRESENTED TO MAYOR: MAR 2 1903	APPROVED: <i>[Signature]</i>
FILED: MAR 3 1903	PUBLISHED: MAR 3 1903
ENGROSSED: VOL. <i>11</i> FOLIO <i>776</i>	BY: <i>[Signature]</i>
COMPARED BY:	FILE NO.:

ORDINANCE NO. 9811

An Ordinance providing for the opening, widening and altering, and for making changes in the grade of ~~Second Avenue and Second Avenue North~~, and contiguous and proximate cross streets; and for the construction of all slopes or retaining walls for cuts and fills upon real property abutting on said avenue and said cross streets, between Pike Street and John Street, in the City of Seattle; and providing for the taking and damaging of land and other property necessary therefor, and for the ascertainment and payment of the just compensation to be made for the private property to be taken or damaged for said purpose; and for an assessment upon the property specially benefitted for the purpose of making such compensation; and authorizing the Corporation Counsel to employ an assistant in prosecuting said proceedings.

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WHEREAS, Public necessity demands that Second Avenue and Second Avenue North, in the City of Seattle, between Pike Street and John Street, be opened, widened and altered, and the grade thereof changed, and that there be constructed slopes or retaining walls for cuts and fills upon real property abutting on said Second Avenue and Second Avenue North, and upon the cross streets running at right angles thereto, as herein provided; and

WHEREAS, The same will be of special benefit to certain lands and other premises within the assessment district hereinafter described; Now, Therefore,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. That Second Avenue and Second Avenue North, in the City of Seattle, and the various streets crossing the same at right angles thereto, so far as they may be affected by the proposed change of Second Avenue or Second Avenue North, be and the same hereby is opened and widened and altered, so that the width of said Second Avenue, between Pike Street and Denny Way, shall be to the width of,

at least, ninety (90) feet, being forty-five (45) feet on both sides of the center line of said avenue, and so that the easterly marginal line of Second Avenue, as so widened, and the easterly marginal line of Second Avenue North, produced south, shall intersect at a common point; and that the grade of said avenue, and of the cross streets, between said Pike Street and said John Street, so far as the same may be affected by the change of grade in said Second Avenue, be and the same is hereby altered and changed from the elevations heretofore existing, to the following elevations to-wit:-

At the north margin of Pike Street,	112.00 feet.
At the south margin of Pine Street,	129.50 feet.
At the north margin of Pine Street,	131.50 feet.
At the south margin of Stewart Street,	142.00 feet.
At the north margin of Stewart Street,	143.50 feet.
At the south margin of Virginia Street,	159.00 feet.
At the north margin of Virginia Street,	159.00 feet.
At the south margin of Lenora Street,	147.50 feet.
At the north margin of Lenora Street,	146.00 feet.
At the south margin of Blanchard Street,	134.50 feet.
At the north margin of Blanchard Street,	133.00 feet.
At the south margin of Bell Street,	121.50 feet.
At the north margin of Bell Street,	120.00 feet.
At the south margin of Battery Street,	108.50 feet.
At the north margin of Battery Street,	107.70 feet.
At the south margin of Wall Street,	104.75 feet.
At the north margin of Wall Street,	103.95 feet.
At the south margin of Vine Street,	101.00 feet.
At the north margin of Vine Street,	100.83 feet.
At the south margin of Cedar Street,	100.23 feet.
At the north margin of Cedar Street,	100.07 feet.
At the south margin of Clay Street,	99.47 feet.
At the north margin of Clay Street,	99.30 feet.
At the south margin of Broad Street,	98.70 feet.
At the north margin of Broad Street,	98.50 feet.
At the south margin of Eagle Street and east margin of Second Avenue,	97.60 feet.
At the south margin of Eagle Street and west margin of Second Avenue,	96.00 feet.
At the south margin of Denny Way and east margin of Second Avenue North,	97.60 feet.
At the south margin of Denny Way and west margin of Second Avenue,	88.00 feet.

And that, for the purpose of making said changes in the grade of said avenue, and of said cross streets, there is hereby taken from the surface of any and all of the abutting, contiguous and adjacent

property, such a distance back from the margin of said avenue or of said streets, as will allow for the construction of slopes or of retaining walls for cuts and fills upon the real property abutting upon said streets and avenues, to such an extent as will allow said cut or said fill to extend in, and to encroach upon said property for a distance of one (1) foot for each foot in depth of cut, or for each foot of elevation of fill, made upon said real property abutting thereon.

Section 2. That all lands, rights, privileges and other property within the limits of the above bounded and described territory, which may be affected by said widening to said width of ninety (90) feet, (being forty-five (45) feet on both sides of the center line of said avenue) and such property as may be affected by the producing to the southward of the east marginal line of Second Avenue North, as above described, are hereby condemned and appropriated to the public use for the purposes of a public street or avenue forever; and that all lands, rights and privileges and other property within the limits of the above bounded and described territory, necessary to be used for the construction of slopes or retaining walls for cuts and fills upon real property, abutting on any street or avenue in said above described territory, are hereby condemned and appropriated to the public use for the purposes of the construction of said slopes or of said retaining walls, for such length of time as such slopes or such retaining walls may be necessary to protect said avenue from slides which may occur upon real property abutting, or to prevent said real property abutting from any encroachment, which might be made thereon, from any fill to be made upon said streets or avenue;

and the same to be taken and appropriated only after just compensation has been made or paid into court for the owner in the manner provided by law.

Section 3. That the Corporation Counsel be and he is hereby authorized and directed to file in the Superior Court of King County, State of Washington, a petition in the name of the City of Seattle, praying that compensation to be made for the private property to be taken or damaged for the purposes of so opening, widening, altering and changing the grade of said Second Avenue and of said cross streets, and for the construction of slopes or retaining walls for cuts and fills upon real property abutting on said streets and avenue, as provided in Section One hereof, "be ascertained by a jury, or by the court in case a jury be waived" which petition shall comply with the requirements of the Act of the Legislature of the State of Washington, entitled, "An Act to enable cities of the first class to exercise the right of eminent domain for the taking and damaging of land and property for public purposes, providing a method for making compensation therefor, and providing for special assessments in certain cases upon property benefitted, and declaring an emergency," approved March 9th, 1893; and all such acts and proceedings shall be taken and done as are provided by this act.

Section 4. That an assessment shall be made in the manner provided by the said act of the legislature for the purpose of raising the amount necessary to pay the compensation and damages which shall be awarded for the property taken or damaged as aforesaid and for the

costs of the proceedings, and such assessment shall be made subject to the provisions of the said act of the legislature upon all the property especially benefited by said proposed improvement, so far as said lands shall lie within the following described boundaries, the area enclosed thereby, being hereby designated "Second Avenue and Second Avenue North Local Improvement District" to-wit:-

All that property lying in the City of Seattle bounded on the North by McGraw Street and McGraw Street produced; on the west by Smith's Cove Waterway extended south to the City Limits; thence southerly along said limits to a point opposite the intersection of Pike Street produced; thence easterly along Pike Street produced and Pike Street to the alley line between First Avenue and Second Avenue; thence southerly along said alley line to Yesler Way, thence easterly along Yesler Way to the alley line between ~~Second~~ ^{Second} Avenue and ~~Third~~ ^{Third} Avenue, thence north along said alley line to Pike Street; thence ~~east~~ along Pike Street to Third Avenue; thence northerly along Third Avenue to Stewart Street; thence easterly along Stewart Street to Fourth Avenue; thence northerly along Fourth Avenue to Lenora Street; thence easterly along Lenora Street to Fifth Avenue; thence northerly along Fifth Avenue to Blanchard Street; thence easterly along Blanchard Street to Sixth Avenue; thence northerly along Sixth Avenue to Bell Street; thence easterly along Bell Street to Eighth Avenue; thence northerly along Eighth Avenue and Eighth Avenue North, produced south, and Eighth Avenue North, and Eighth Avenue North, produced north, to its intersection with McGraw Street, produced easterly.

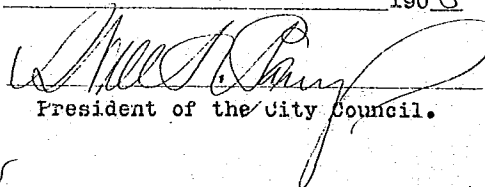
Any part of the compensation, damages or costs that is not finally assessed upon said property specially benefited, shall be paid from the General Fund of the City.

For the purpose of said special assessment, a supplemental petition shall be filed in said court, and all other acts and proceedings shall be taken and done for the making, completion and collection of said assessment, as in said act of the Legislature provided.

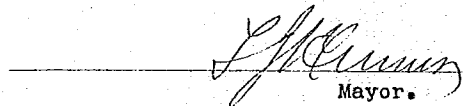
Section 5. That the Corporation Counsel be and he hereby is authorized to employ an assistant in prosecuting the proceedings involved in the above, to such an extent as the cost thereon may be legally recoverable from the local improvement district assessed for the benefits.

Sec. 6, This Ordinance shall take effect and be in force 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 the City Council the 2nd day of _____ 1903
and signed by me in open session in authentication of its passage
this 2nd day of _____ 1903

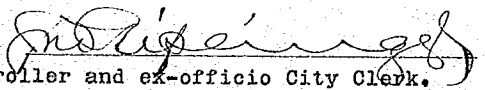

President of the City Council.

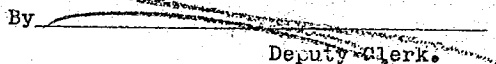
Approved by me this 3rd day of _____ 1903


Mayor.

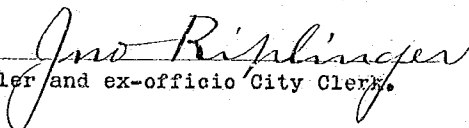
Filed by me this 3rd day of _____ 1903

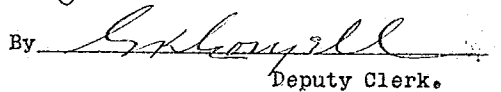
Attest:


City Comptroller and ex-officio City Clerk.

By 
Deputy Clerk.

Published _____ 15 _____ 1903


City Comptroller and ex-officio City Clerk.

By 
Deputy Clerk.