

Ordinance No. 94320

AN ORDINANCE adopting the findings of the Committee of the Whole made following a public hearing pursuant to Resolution 20187 and in connection therewith ordering the designation of certain portions of East Calhoun Street, East McGraw Street, East Lynn Street, Lake Washington Boulevard East, Boyer Avenue East, Interlaken Boulevard East, East Garfield Street, Arboretum Place East, East Galer Street, East Lee Street, ... as a part of a limited access highway facility.

Council Bill No. 85839

INTRODUCED: NOV 1 1965	BY: Frank E. Davis
REFERRED: NOV 1 1965	TO: COMMITTEE OF WHOLE
REPORTED: NOV 8 1965	SECOND READING: NOV 8 1965
THIRD READING: NOV 8 1965	SIGNED: NOV 8 1965
PRESENTED TO MAYOR: NOV 8 1965	APPROVED: NOV 10 1965
REFD. TO CITY CLERK: NOV 10 1965	PUBLISHED: NOV 20 1965
VETOED BY MAYOR:	VETO PUBLISHED:
PASSED OVER VETO:	VETO SUSTAINED:
ENROSED:	BY:
VOL _____ PAGE _____	

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BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. That the findings of the Committee of the Whole of the City Council of the City of Seattle and amendments thereto made, all as contained in C. F. 254315, a copy of which findings as amended are hereto attached and made a part hereof, made following consideration of all the evidence taken at the public hearing on May 27, May 28 and June 18, 1965 pursuant to Resolution 20187, including evidence as to the reasonableness of the proposal of the City Engineer as contemplated by said Resolution 20187 and of all counter-proposals, are hereby adopted, and the designation and establishment of certain portions of East Calhoun Street, East McGraw Street, East Lynn Street, Lake Washington Boulevard East, Boyer Avenue East, Interlaken Boulevard East, East Garfield Street, Arboretum Place East, East Galer Street, East Lee Street, East Highland Drive, East Prospect Street, East Helen Street, East Ward Street, East Aloha Street, East Newton Street, 26th Avenue East, 27th Avenue East, 28th Avenue East, the alley in Blocks 7 and 8, Madison Park Addition, the alley in Blocks 9 and 10 Hazelwood Supplemental Addition and the alley in Block 4, Bard-Foster Washington Park Addition as a part of a limited access facility in accordance with the findings aforesaid as amended in C. F. 254315 is hereby ordered and declared to be required by the public convenience and necessity, and all counter-proposals are hereby rejected.

(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 8 day of November, 1965,
and signed by me in open session in authentication of its passage this 8 day of
November, 1965. Clarence F. Massart
President of the City Council.

Approved by me this 10 day of November, 1965.
J. J. Brown
Mayor.

Filed by me this 10 day of November, 1965.
C. J. Glendonson
Attest: City Comptroller and City Clerk.

(SEAL)

Published NOV 20 1965

By W. A. Perrin
Deputy Clerk.

ORDINANCE NO. 94320

AN ORDINANCE adopting the findings of the Committee of the Whole made following a public hearing pursuant to Resolution 20187 and in connection therewith ordering the designation of certain portions of East Calhoun Street, East McGraw Street, East Lynn Street, Lake Washington Boulevard East, Hoyer Avenue East, Interlaken Boulevard East, East Garfield Street, Arboretum Place East, East Galer Street, East Lee Street, East Highland Drive, East Prospect Street, East Helen Street, East Ward Street, East Aloha Street, East Newton Street, 26th Avenue East, 27th Avenue East, 28th Avenue East, the alley in Blocks 7 and 8, Madison Park Addition, the alley in Blocks 9 and 10 Hazelwood Supplemental Addition and the alley in Block 4, Bard-Foster Washington Park Addition, as a part of a limited access highway facility.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. That the findings of the Committee of the Whole of the City Council of the City of Seattle and amendments thereto made, all as contained in C. F. 254315, a copy of which findings as amended are hereto attached and made a part hereof, made following consideration of all the evidence taken at the public hearing on May 27, May 28 and June 13, 1965 pursuant to Resolution 20187, including evidence as to the reasonableness of the proposal of the City Engineer as contemplated by said Resolution 20187 and of all counter-proposals, are hereby adopted, and the designation and establishment of certain portions of East Calhoun Street, East McGraw Street, East Lynn Street, Lake Washington Boulevard East, Hoyer Avenue East, Interlaken Boulevard East, East Garfield Street, Arboretum Place East, East Galer Street, East Lee Street, East Highland Drive, East Prospect Street, East Helen Street, East Ward Street, East Aloha Street, East Newton Street, 26th Avenue East, 27th Avenue East, 28th Avenue East, the alley in Blocks 7 and 8, Madison Park Addition, the alley in Blocks 9 and 10 Hazelwood Supplemental Addition and the alley in Block 4, Bard-Foster Washington Park Addition, as a part of a limited access facility in accordance with the findings aforesaid as amended in C. F. 254315 is hereby ordered and declared to be required by the public convenience and necessity, and all counter-proposals are hereby rejected.

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 8th day of November, 1965, and signed by me in open session in authentication of its passage this 8th day of November, 1965.

CLARENCE F. MASSART, President of the City Council.

Approved by me this 10th day of November, 1965.

J. D. BRAMAN, Mayor.

Filed by me this 10th day of November, 1965.

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, November 20, 1965.

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. 94320

_____, as it was published in the regular issue (and not in supplement form) of said newspaper on the 20th day of November 1965, and that said newspaper was regularly distributed to its subscribers during all of said period.

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

20th day of November 1965

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

SEATTLE CITY COUNCIL
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IN THE MATTER OF THE DESIGNATION OF CERTAIN)
PORTIONS OF E. Calhoun St., E. McGraw St.,)
E. Lynn St., Lake Washington Blvd. E.,)
Boyer Ave. E., Interlaken Blvd. E., E.) FINDINGS OF THE
Garfield St., Arboretum Place E., E. Galer) CITY COUNCIL PURSUANT
St., E. Lee St., E. Highland Dr., E.) TO HEARING UNDER
Prospect St., E. Helen St., E. Ward St.,) RESOLUTION 20187.
E. Aloha St., E. Newton St., 26th Ave. E.,)
27th Ave. E., 28th Ave. E., the alley in) (AS PROPOSED BY CITY
Blocks 7 and 8, Madison Park Add., the) ENGINEER)
alley in Blocks 9 and 10, Hazelwood) (AND AMENDED BY THE
Supplemental Add. and the alley in Block 4,) COMMITTEE OF THE
Bard-Foster Washington Park Add., as part) WHOLE)
of a limited access highway facility and)
providing for notice thereof.)

The City Council of The City of Seattle pursuant to RCW Chap.
47.52.072 having passed Resolution No. 20187 entitled:

"A RESOLUTION fixing the date of hearing on the designa-
tion of certain portions of E. Calhoun St., E. McGraw
St., E. Lynn St., Lake Washington Blvd. E., Boyer Ave. E.,
Interlaken Blvd. E., E. Gerfield St., Arboretum Place E.,
E. Galer St., E. Lee St., E. Highland Dr., E. Prospect
St., E. Helen St., E. Ward St., E. Aloha St., E. Newton
St., 26th Ave. E., 27th Ave. E., 28th Ave. E., the alley
in Blocks 7 and 8, Madison Park Add., the alley in Blocks
9 and 10, Hazelwood Supplemental Add. and the alley in
Block 4, Bard-Foster Washington Park Add., as part of a
limited access highway facility and providing for notice
thereof."

fixing Thursday, the 27th day of May, 1965 at 1:30 P.M. as the
date for a hearing date in the matter of the R. H. Thomson
Expressway; the City Engineer having pursuant to said Resolution
20187 caused notice of said hearing, more than 30 days prior
thereto, to be mailed to the owners or reputed owners of those
properties abutting existing streets proposed to be established
as a part of a limited access facility, which notice designated
the existing highway, road, street or portion thereof proposed to
be designated as a limited access facility, and indicated a suit-
able location in Seattle, King County, Washington where plans for

1 such proposal might be inspected by any party affected or by their
2 representatives, to wit, the office of the City Engineer, 912
3 Seattle Municipal Building, and further pursuant to said Resolu-
4 tion 20187 having caused such notice of said hearing to be
5 published in the Daily Journal of Commerce, the official newspaper
6 of The City of Seattle, once a week for two weeks commencing on
7 the 10th day of May 1965 and ending on the 17th day of May 1965;
8 and the City Council of The City of Seattle having thereafter con-
9 vened pursuant to said Resolution 20187 at 1:30 P.M. Thursday,
10 the 27th day of May 1965, eight of its nine members being present,
11 to wit: Clarence F. Massart, Paul J. Alexander, Mrs. Harlan H.
12 Edwards, Floyd C. Miller, M. B (Mike) Mitchell, Ray L. Eckmann,
13 Charles M. Carroll, Ted C. Best, Councilman Luke absent, having
14 designated Michael K. Copass, attorney at law to preside as
15 examiner, having designated Merritt G. Dyer, Court Reporter and
16 Notary Public in and for the State of Washington to take down
17 under oath all testimony or statements, having resolved itself
18 into a Committee of the Whole for the purpose of hearing evidence
19 and statements or counter-proposals bearing upon the reasonable-
20 ness of the proposal introduced pursuant to Resolution 20187,
21 said hearing recessing at 5:00 P.M. Thursday, May 27, 1965, re-
22 suming at 9:00 A.M. Friday, May 28, 1965, recessing again at
23 11:10 P.M. May 28, 1965, resuming again at 2:30 P.M. on June 18,
24 1965, and recessing at 6:35 P.M. June 18, 1965, said eight members
25 of the City Council being present at each session, Councilman Luke
26 absent each time, certain property owners having filed waivers in
27 writing pursuant to RCW 47.52.072 and certain other property
28 owners having filed appearances and appeared in person or by
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1 counsel, a summary of the proposal referred to in Resolution
2 20187 aforementioned having been introduced by competent
3 witnesses, together with evidence as to the public convenience
4 and necessity for such a facility, and evidence and statements,
5 including counter-proposals, bearing upon the reasonableness of
6 the proposal referred to in Resolution 20187 having been in-
7 troduced either in person or by counsel, and all such evidence and
8 statements and all counter-proposals having received reasonable
9 consideration, Now, Therefore, the City Council of The City of
10 Seattle hereby makes the following findings:
11

12 I.

13
14 The City of Seattle is bisected from East to West by the
15 Lake Washington Ship Canal, which is spanned by existing bridges
16 whose daily capacity is sufficient only for 295,000 vehicular
17 crossings. Capacity for an additional 113,000 vehicular cross-
18 ings per day will be required by 1985, and a new high capacity
19 highway parallel to the Seattle Freeway is required to help meet
20 the deficiency by providing access to a new canal crossing and
21 simultaneously to correct existing conditions between 28th Avenue
22 and East Madison Street and the Montlake area on the 23rd-24th
23 Avenue East arterial route, which at a present traffic volume of
24 24,000 to 29,000 vehicles per day is severely overloaded and
25 results in traffic "backing up" during peak hours mornings and
26 evenings as it waits to cross the Montlake Bridge.
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28 The required daily capacity of such an additional highway
29 facility, parallel to the Seattle Freeway and replacing the 23rd-
30 24th Avenue route, is 92,000 passenger vehicle trips per day.
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II.

Such a new highway facility, to achieve adequate vehicle capacity must be designed for a vehicular speed of 60 miles per hour, with grades at a maximum of 5%, horizontal curves at a minimum radius of 1,500 feet, shoulders 10 feet wide, median widths at twenty-two feet, acceleration lanes at a minimum length of 700 feet and deceleration lanes at a minimum of 300 feet, both types of lanes 12 feet in width, and clearance between the facility and private property lines or frontage roads a minimum of 50 feet. Stopping sight distance should be 475 feet. Auxiliary lanes should be provided for trucks so that their slow movement uphill does not impede the flow of other traffic. Ramps should be designed for a speed of 35 miles per hour. Refuge lanes should be provided on the shoulders and on the median for disabled vehicles.

Such east side arterial must connect with a new canal crossing, through the existing Arboretum Interchange in order also to provide access to the Second Lake Washington Bridge (Evergreen Point) and, over the Roanoke connection, to Primary State Highway No. 1, Seattle Freeway.

Such east side arterial must also be a limited access facility so as to increase its traffic handling capacity and simultaneously reduce the accident frequency inherent in conventional highway facilities because of side friction and indiscriminate turning on and off.

III.

Such an east side facility must, because of the steep terrain to the west, (Capitol Hill) encroach in some degree upon the University of Washington Arboretum, which occupies the major portion of an elongated valley extending generally from Aloha Street to the Arboretum Interchange. A route to the east of the Arboretum would not align with the Arboretum Interchange, would

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require the latter's reconstruction and would not be a direct route. A route to the west of the Arboretum would require expensive cuts in the side of Capitol Hill and would bisect the Montlake District.

The City owned property comprising the Arboretum has, pursuant to the "Arboretum Agreement" authorized by Ordinance 65310, for thirty years been developed under the supervision of the Board of Regents of the University of Washington through donations of material and labor, and expenditures of University funds, plus private contributions, into one of world-wide reputation and is now used by the University and other institutions of higher learning as a laboratory for research, also by public school districts for outdoor classroom instruction and extensively by the public as an area for passive recreation.

The University of Washington Arboretum is a vital and irreplaceable teaching and research adjunct to the University of Washington. The University of Washington Arboretum provides an irreplaceable recreational and open space amenity to the people of the City of Seattle in its central area.

IV.

Several routes, identified for convenience as A, B, S, S Modified and C, were considered by the City Engineer and his staff. B, A and S were respectively primary and alternative proposals of the City Engineer. Route S Modified was proposed by the Respondents C. I. Anderson, et al and Route C by Respondent Roy L. Cadwallader and Grace M. Cadwallader, his wife.

Such routes are illustrated in detail on the following numbered Exhibits 25, 26, 27 and 58, reduced copies of which are attached to these findings as Appendix Pages 1, 2, 3, and 4, respectively, except Route C, which maintains the same general alignment as Route S from East Aloha Street to a point to just north of the Japanese Tea Garden, at which point it follows existing

1 Lake Washington Boulevard (illustrated by fence symbol on Exhib-
2 its 25, 26, 27 and 58, Appendix pages 1, 2, 3, and 4, respectively)
3 to East Lynn Street.

4 V.

5 The design characteristics, including vehicular capacity, of
6 Routes A, B, S and S Modified are as shown in the following table.
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Modified	S	B	A	
C . No	Yes	Yes	Yes	Conforms to minimum geometric design standards for a 60 m.p.h. limited access facility
	6 twelve feet wide	6 twelve feet wide	6 twelve feet wide	No. of Driving Lanes and width
	none	1 southbound full length of route	1 southbound full length of route	No. of truck lanes
	10 feet	10 feet	10 feet	Left side of directional driving lanes
	8 feet	10 feet	10 feet	Right side of directional driving lanes
	6 feet	22 feet	22 feet	Width of Median
	3%	5%	5%	Maximum Grade
	60 m.p.h.	60 m.p.h.	60 m.p.h.	Design Speed
	3500	4500	4500	Vehicle Capacity Per Hour (approx.)

1 southbound STA 23 + 00 to STA 38 + 00 only (approx. 1,500 ft.)

Width of Refuge lanes (shoulders)

VI.

The total cost including cost of right of way and construction of Routes A, B, S and S Modified is as illustrated on the following table:

COST COMPARISON

	<u>CONSTRUCTION</u>	<u>RIGHT OF WAY</u>	<u>TOTAL</u>
A	\$3,225,500.00	\$ 2,289,305.00	\$5,514,805.00
B	3,033,500.00	2,217,176.00	5,250,676.00
S	3,205,000.00	3,838,944.00	7,043,944.00
S Modified	4,939,000.00	1,699,248.00	6,738,248.00
C	Not computed - deficient geometrically		

VII.

The right of way requirements of Routes A, B, S and S Modified are as shown in the following table:

RIGHT OF WAY REQUIREMENTS

	<u>Arboretum Land</u>		Total	<u>Private Ownerships</u>	
	<u>Taken</u>	<u>Severed</u>		Number already acquired by purchase	Ownerships remaining to be acquired
A	18.18	0	74	50	24
B	10.8	0	121	52	69*
S	23.25	9.55	39	37	2
S Modified	11.94	3	49	39	10
C					

* Owners of 34 of these have waived in writing their right to a hearing in this matter.

VIII.

Routes A, B, S and C sever from the Arboretum a residential neighborhood located to the west of the Arboretum. The residents of this neighborhood utilize the Arboretum for passive recreational uses, and public convenience and necessity demand that such use continue and that such persons be provided with a means of access to the Arboretum across any of such routes. For such

1 purpose the counter-proposal made for a pedestrian overcrossing of
2 Route B at Interlaken Boulevard East is reasonable and feasible
3 and is found to be required by the public convenience and
4 necessity.

5 IX.

6 That a Route B, being that proposed in Resolution 20187 re-
7 quires the least encroachment upon the University of Washington
8 Arboretum, as more fully set forth in Finding VII; is the least
9 expensive with respect to total right of way and construction
10 costs as more fully set forth in Finding No. VII, has the greater
11 vehicle capacity as more fully set forth in Finding No. V, and
12 meets each of the applicable standards of design more fully set
13 forth in Finding No. II. Route C does not meet such standards,
14 particularly curve radii and sight stopping distance criteria.
15 X.

16 That said Route B constitutes a reasonable proposal as to
17 each of the parcels enumerated in Finding No. XI, the adoption of
18 which proposal is required by the public convenience and necessity,
19 therefore Route B, being more specifically that plan entitled
20 "Right of Way Limited Access - R. H. Thomson (Empire Expressway)"
21 East Aloha Street to East Calhoun Street (Ex. 2), as modified by
22 Finding No. VIII herein to provide for a pedestrian overpass at
23 Interlaken Avenue, is hereby adopted.
24

25 XI.

26 Therefore the public convenience and necessity require that
27 the following numbered parcels, as more fully illustrated on
28 Exhibit 2, be acquired in their entirety for Route B:
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OWNERSHIPS

	<u>Parcel No.</u>	<u>Name</u>
1		Weed
2	7-2095	Nelson
	7-2099	Brose
3	7-2103	Brose
	7-2104	Wilson
4	7-2106	Duncan
	7-2108	Wilkinson
5	7-2132	Chivers
	7-2133	Robinson
6	7-2136	Adair
	7-2138	Treiger
7	7-2140	Washington
	7-2141	Taft
8	7-2142	Aspholm
	7-2143	Ramamurti
9	7-2144	Reilly
10	7-2145	Schillin
	7-2146	Swanson
11	7-2147	Wessel
	7-2148	Burrus
12	7-2149	Silver
	7-2150	Anderson
13	7-2153	Watson
	7-2155	King County
14	7-2157	Finlayson
	7-2158	Meagher
15	7-2159	Sackett
	7-2160	Richardson
16	7-2161	Bell
	7-2162	Jacobs
17	7-2163	Jacobs
	7-2164	Kurkendall
18	7-2165	Hines
	7-2166	Tvete
19	7-2167	Hooper
	7-2168	Cunningham
20	7-2169	Fullington
	7-2170	Yu
21	7-2171	Duvall, O.T.
	7-2172	Duvall, R.H.
22	7-2173	Eigenfeld
	7-2174	Askren
23	7-2175	Hard
	7-2176	Roberts
24	7-2177	Hanneman
	7-2178	Gordon
25	7-2179	Davis
	7-2180	Lieder
26	7-2181	Taft
	7-2182	Tebelman
27	7-2183	Atkins
	7-2184	Ashley
28	7-2185	Dobbs
	7-2186	Fink
29	7-2187	

1	7-2188	Van Hoeter
	7-2189	King
2	7-2190	Ellingson
	7-2191	Gibson
3	7-2192	Schumacher
	7-2193	Blogg
4	7-2194	Cadwallader
	7-2195	H.O.L. Corp
5	7-2196	Davies
	7-2197	DeChenne
6	7-2198	Kelly
	7-2199	Oflock
7	7-2200	Moore
	7-2201	Somers
8	7-2202	Schmidt
	7-2207	Weaver
9	7-2208	Nicoll
	7-2227	Seaton

12 and further, that with respect to each of the following numbered
13 parcels (as more fully illustrated on Exhibit 2), the public con-
14 venience and necessity requirez the acquisition of only a part
15 thereof for Route B, but does require that the existing rights of
16 access from said parcels to existing avenues or streets, as more
17 fully set out in the table below, be acquired for the purpose of
18 limiting access to said Route B:
19

20	<u>Parcel No.</u>	<u>Name</u>
21	7-2094	Arnel E. Byrd
	7-2097	Caddie Miller
22	7-2098	Cy Barrett
	7-2129	John R. Shewan
23	7-2130	Phyllis M. Brattain
	7-2131	City of Seattle
24	7-2124A	Martha Lee Fleming
	7-2135	Thomas S. Wilson
25	7-2151	Ira H. Alexander
	7-2152	Boris L. Merport
26	7-2154	Bjarne Slind
	7-2156	Amcan Inv. Ltd.
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