

Ordinance No. 96200

AN ORDINANCE relating to the municipal water supply system; providing for the acquisition by condemnation of certain property and property rights in vacated Southeast 36th Street and in Factoria, Replat of Blocks 5 to 28, inclusive, of the Town of Mercer for a pipeline right of way to supply Mercer Island and vicinity and providing for payment therefor

10-26-67-*(Rods)*

(Mercer Island Pipeline at vacated Southeast 36th Street)

Council Bill No. 87733

INTRODUCED: OCT 23 1967	BY: City Utilities
REFERRED: OCT 23 1967	TO: City Utilities Finance
REFERRED:	
REPORTED: OCT 30 1967	SECOND READING: OCT 30 1967
THIRD READING: OCT 30 1967	SIGNED: OCT 30 1967
PRESENTED TO MAYOR: OCT 31 1967	APPROVED: OCT 31 1967
RETD. TO CITY CLERK OCT 31 1967	PUBLISHED: NOV 3 1967
VETOED BY MAYOR:	VETO PUBLISHED:
PASSED OVER VETO:	VETO SUSTAINED:
ENGROSSED:	BY:
VOL. _____ PAGE _____	

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Ord. 97601 - ACCEPTS AWARD AND MAKING AN APPROPR FROM WATER Fd.

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AN ORDINANCE relating to the municipal water supply system; providing for the acquisition by condemnation of certain property and property rights in vacated Southeast 36th Street and in Factoria, Replat of Blocks 5 to 28, inclusive, of the Town of Mercer for a pipeline right of way to supply Mercer Island and vicinity and providing for payment therefor.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. That public necessity and convenience demand that the following described real property and property rights situate in King County, Washington, be condemned, appropriated and taken for public use, to-wit: For a pipeline right of way:

A strip of land 30.00 feet in width over and across vacated Southeast 36th Street, as vacated by King County Commissioners, and Block 17, Factoria, Replat of Blocks 5 to 28, inclusive, of the Town of Mercer, King County, Washington, according to plat thereof recorded in Volume 20 of Plats, page 2, records of said county, lying between lines and lines extended, the center line of which is described as follows:

Beginning at the quarter-corner common to Sections 9 and 16, Township 24 North, Range 5 East, W.M.; thence north $1^{\circ}10'45''$ east (said course making an angle of $87^{\circ}58'00''$ with the quarter section line from said quarter-corner to the section corner common to Sections 9, 10, 15 and 16) a distance of 1,053.08 feet; thence north $55^{\circ}59'30''$ west, a distance of 416.76 feet; thence north $88^{\circ}49'30''$ west, a distance of 239.80 feet to a point in the west line of said vacated Southeast 36th Street; EXCEPT portion thereof lying within the limits of existing County Road rights of way and portion lying within State Highway rights of way.

The lands above described in Section 1 of this ordinance are to be acquired in fee simple, unless otherwise specified.

Section 2. That all lands, rights, privileges and other property lying within the limits of the lots, blocks and tracts of land described in Section 1 hereof, are hereby condemned, appropriated, taken and damaged for the purpose therein 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.

(To be used for all Ordinances except Emergency.)

Section 3. That such acquisition is hereby declared to be a part of the additions and betterments to and extensions of the existing municipal water works plant and system of the City of Seattle provided for by Ordinance No. 82863 and the cost of such acquisition shall be paid from the Water Fund or from such other general fund as shall be provided by law.

Section 4. 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, property rights and privileges necessary to carry out the provisions of this ordinance.

Section 5. That in conducting said condemnation proceedings, the Corporation Counsel is hereby authorized to enter into stipulations for the purpose of minimizing damages.

Section 6. 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 30 day of October, 1967,
and signed by me in open session in authentication of its passage this 30 day of
October, 1967. *Ted Bush*

President PRO TEM of the City Council.

Approved by me this 31 day of October, 1967.
Clarence F. Massart
ACTING Mayor.

Filed by me this 31 day of October, 1967.

Attest: *C. H. Glendon*
City Comptroller and City Clerk.

(SEAL)

Published NOV 3 1967

By *M. A. Perrin*
Deputy Clerk.

ORDINANCE NO. 96200
AN ORDINANCE relating to the municipal water supply system; providing for the acquisition by condemnation of certain

property and property rights in vacated Southeast 26th Street and in Factoria, Republic of Blocks 5 to 28, inclusive, of the Town of Mercer for a pipeline right of way to supply Mercer Island and vicinity and providing for payment therefor.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. That public necessity and convenience demand that the following described real property and property rights situate in King County, Washington, be condemned, appropriated and taken for public use, to-wit: For a pipeline right of way:

A strip of land 36.60 feet in width over and across vacated Southeast 26th Street, as vacated by King County Commissioners, and Block 17, Factoria, Republic of Blocks 5 to 28, inclusive, of the Town of Mercer, King County, Washington, according to plat thereof recorded in Volume 20 of Plats, page 2, records of said county, lying between lines and lines extended, the center line of which is described as follows:

Beginning at the quarter-corner common to Sections 9 and 15, Township 24 North, Range 5 East, W. M.; thence north 1° 16' 45" east (said course making an angle of 87° 58' 00" with the quarter section line from said quarter-corner to the section corner common to Sections 9, 15, 10 and 16) a distance of 1,052.38 feet; thence north 55° 58' 36" west, a distance of 418.78 feet; thence north 53° 42' 29" west, a distance of 239.86 feet to a point in the west line of said vacated Southeast 26th Street; EXCEPT portion thereof lying within the limits of existing County Road rights of way and portion lying within State Highway rights of way.

The lands above described in Section 1 of this ordinance are to be acquired in fee simple, unless otherwise specified.

Section 2. That all lands, rights, privileges and other property lying within the limits of the lots, blocks and tracts of land described in Section 1 hereof, are hereby condemned, appropriated, taken and damaged for the purposes therein 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 3. That such acquisition is hereby declared to be a part of the additions and betterments to and extensions of the existing municipal water works plant and system of the City of Seattle provided for by Ordinance No. 22823 and the cost of such acquisition shall be paid from the Water Fund or from such other general fund as shall be provided by law.

Section 4. 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, property rights and privileges necessary to carry out the provisions of this ordinance.

Section 5. That in conducting said condemnation proceedings, the Corporation Counsel is hereby authorized to enter into stipulations for the purpose of minimizing damage.

Section 6. 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 26th day of October, 1967, and signed by me in open session in authentication of its passage this 26th day of October, 1967.

TED HEST,
 President pro tem. of the City Council.

Approved by me this 31st day of October, 1967.

CLARENCE F. MASSART,
 Acting Mayor.

Filed by me this 31st day of October, 1967.

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

(Seal) **W. A. FERINE,**
 Deputy Clerk.

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

Date of official publication in the Daily Journal of Commerce, Seattle, November 3, 1967.

Affidavit of Publication

STATE OF WASHINGTON, KING COUNTY—SS.

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of 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 this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

ORDINANCE NO. 96200

was published on **November 3, 1967**

M. E. Burman

Subscribed and sworn to before me on

November 3, 1967

Notary Public for the State of Washington,
 residing in Seattle.

(Note: RCW 42.20.020 states—"It shall not be necessary for a notary public in certifying an oath to be used in any of the courts in this state, to append an impression of his official seal.")

The City of Seattle--Legislative Department

MR. PRESIDENT:

Your Committee on
to which was referred

Finance and City Utilities
C. B. No. 87733

Date Reported
and Adopted

OCT 30 1901

relating to the municipal water supply system, providing for the acquisition by condemnation of certain property and property rights in vacated Southeast 36th Street and in Factoria, Replat of Blocks 5 to 28, inclusive, of the Town of Mercer for a pipeline right of way to supply Mercer Island and vicinity and providing for payment therefor, (Mercer Island Pipeline at vacated Southeast 36th Street)

RECOMMEND THAT THE SAME DO PASS.

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Committee

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

J. D. Braman, Mayor

910 Seattle Municipal Building, Seattle, Washington 98104

October 20, 1967

Re: Southeast 36th Street
(Mercer Island Pipeline)

Honorable City Council
City of Seattle

Gentlemen:

Under Ordinance 84393 the City was authorized to acquire certain property and property rights for a pipeline right of way to supply Mercer Island and vicinity, and in connection therewith certain franchises and permits were acquired from King County and others to facilitate construction of the pipeline.

Through inadvertence, no permit or franchise was acquired from King County for construction of that portion of the Mercer Island water supply pipeline constructed within a one-block section of Southeast 36th Street in the vicinity of 122nd Avenue Southeast. The King County Commissioners have since vacated said street, after construction by the City of said pipeline, and our right to control the property under which this pipeline is located is open to question and, in fact is being challenged by the present owner of the property in which the water pipe is situated.

In a letter written by the owner's attorney to the Superintendent of Water, a demand was made for the removal of the pipeline, or in the alternative, a satisfactory amount of compensation be agreed upon; however, the owner's demands in our opinion are unreasonable.

Pursuant to a discussion with the Corporation Counsel and the Superintendent of Water, enclosed is a Council Bill authorizing

Honorable City Council
October 20, 1967

Page 2

the acquisition by condemnation of the rights necessary for the continued existence of this pipeline. The Council Bill has been approved as to form by the Corporation Counsel and we recommend that it be passed.

Yours very truly,

ROY W. MORSE
City Engineer

By 
PHILIP M. BUSWELL
Principal Asst. City Engineer

LCW:mf
Enc.
cc: K.M.Lowthian



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

J. D. Braman, Mayor

October 20, 1967

Re: Southeast 36th Street
(Mercer Island Pipeline)

C
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Y
Honorable City Council
City of Seattle

Gentlemen:

Under Ordinance 84993 the City was authorized to acquire certain property and property rights for a pipeline right of way to supply Mercer Island and vicinity, and in connection therewith certain franchises and permits were acquired from King County and others to facilitate construction of the pipeline.

Through inadvertence, no permit or franchise was acquired from King County for construction of that portion of the Mercer Island water supply pipeline constructed within a one-block section of Southeast 36th Street in the vicinity of 122nd Avenue Southeast. The King County Commissioners have since vacated said street, after construction by the City of said pipeline, and our right to control the property under which this pipeline is located is open to question and, in fact is being challenged by the present owner of the property in which the water pipe is situated.

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Yours very truly,

ROY W. MORSE
City Engineer

sgd. P. M. Buswell
By
PHILIP M. BUSWELL
Principal Asst. City Engineer

LCW:mf
Enc.
cc: K.M. Lowthien