

Ordinance No. 97423

AN ORDINANCE providing for the laying off, opening, widening and establishing of Southwest Roxbury Street between 28th Avenue Southwest and 24th Avenue Southwest at existing center line grade; providing for the condemnation, appropriation, taking and damaging of the land and other property necessary therefor; providing for the acquisition, the right to construct slopes, cuts and fills on certain abutting property and providing for payment therefor.

1-28-69 - pass

Council Bill No. 88967

INTRODUCED: JAN 27 1969	BY: <i>Streets & Sewers</i>
REFERRED: JAN 27 1969	TO: <i>Streets & Sewers</i>
REFERRED:	
REPORTED: FEB 3 1969	SECOND READING: FEB 3 1969
THIRD READING: FEB 3 1969	SIGNED: FEB 3 1969
PRESENTED TO MAYOR: FEB 4 1969	APPROVED: FEB 10 1969
RETD. TO CITY CLERK FEB 10 1969	PUBLISHED: FEB 13 1969
VETOED BY MAYOR:	VETO PUBLISHED:
PASSED OVER VETO:	VETO SUSTAINED:
ENGROSSED:	BY:
VOL..... PAGE.....	

CWL

SEE BACK COVER

ORD. 99385 RE CONDEMNATION PROCEEDINGS TO ACQUIRE PROPERTY & PROPERTY RIGHTS NECESSARY FOR
WIDENING OF S.W. ROXBURY ST UNDER ORD. 97423 (S.W. ROXBURY WIDENING PROJECT, UNIT-A),
KING COUNTY CAUSE #716085, & ACCEPTING A CONDEMNATION AWARD IN CONNECTION THEREWITH
(PARCEL #6).

CF-267571 CONTRACT - GARY MERLINO CONSTR CO - IMPROVE S.W. ROXBURY ST, UNIT "A", BY PAVING,
ETC. - URBAN ARTERIAL TRUST ACCOUNT PROJECT 8-1-101-(14) - PER ORD. 98478.

*RC
Pudra*

ORDINANCE 97423

AN ORDINANCE providing for the laying off, opening, widening and establishing of Southwest Roxbury Street between 28th Avenue Southwest and 24th Avenue Southwest at existing center line grade; providing for the condemnation, appropriation, taking and damaging of the land and other property and property rights necessary therefor, including the right to construct slopes for cuts and fills on certain abutting property; and providing for payment therefor.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. That public necessity and convenience demand that Southwest Roxbury Street 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:

Portion of the southeast one-quarter of the southeast one-quarter of the southwest one-quarter of Section 36, Township 24 North, Range 3 East, W.M., lying south of the following described line:

Beginning at a point on the west line of said subdivision 10 feet north of the north line of Southwest Roxbury Street; thence south $89^{\circ}01'48''$ east a distance of 298.683 feet to a point of curvature; thence northeasterly and northerly along the arc of a curve to the left, having a radius of 10 feet a distance of 15.189 feet to a point in the west line of 27th Avenue Southwest, said point distant 20.11 feet north of the north margin of Southwest Roxbury Street.

"Powell's 3rd Addition", according to plat thereof recorded in Volume 58 of Plats, page 84, records of King County, Washington:

Portion of Lot 10, Block 1, lying south of the following described line: Beginning at a point on the east line of said lot, 10 feet north of the southeast corner thereof; thence north $89^{\circ}01'48''$ west a distance of 120.11 feet to a point of curvature; thence northwesterly and northerly along the arc of a curve to the right, having a radius of 10 feet a distance of 15.60 feet to a point on the west line of said lot, said point being distant 19.89 feet north of the southwest corner of said Lot 10; ALSO,

Portion of Lot 10, Block 2, lying south of the following described line: Beginning at a point on the west line of said lot distant 10 feet north of the southwest corner thereof; thence south $89^{\circ}01'48''$ east a distance of 122.66 feet to a point of curvature; thence northeasterly and northerly along the arc of a curve to the left having a radius of 10 feet a distance of 15.84 feet to a point in the east line of said lot distant 20.14 feet north of the southeast corner thereof; ALSO,

Portion of Lot 12, Block 2, "Hawks Addition", according to plat thereof recorded in Volume 45 of Plats, page 52, records of King County, Washington, lying south of the following described line:

Beginning at a point on the east line of said lot 10 feet north of the southeast corner thereof; thence north $89^{\circ}59'10''$ west a distance of 117.93 feet to a point of curvature; thence northwesterly and northerly along the arc of a curve to the right having a radius of 10 feet a distance of 15.74 feet to a point in the west line of said Lot 12, said point being distant 20.03 feet north of the southwest corner thereof; ALSO,

The north 10 feet of the south 40 feet of the south 2 acres of the east one-half of the west one-half of the west one-half of the southwest one-quarter of the southeast one-quarter of Section 36, Township 24 North, Range 3 East, W.M., in King County, Washington; ALSO,

Portion of the north 145 feet of the south 175 feet of the east one-half of the west one-half of the southwest one-quarter of the southeast one-quarter of Section 36, Township 24 North, Range 3 East, W.M., in King County, Washington, lying southerly of the following described line:

Beginning at a point on the east margin of 25th Avenue Southwest, 10 feet north of the north line of Southwest Roxbury Street; thence south $88^{\circ}55'58''$ east a distance of 271.967 feet to a point in the west line of 24th Avenue Southwest said point being 5 feet north of the north margin of Southwest Roxbury Street.

Section 2. That in the grading of Southwest Roxbury Street, abutting those properties described in Section 1 hereof, in conformity with the existing center line grade, the City shall acquire the right in the case of a cut or fill to remove the lateral support of the property abutting upon 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 two(2) feet horizontally for each foot of depth of cut or for each foot of elevation of fill; for the purpose of providing lateral support for said street; reserving to the abutting property owners respectively, the right at any time to replace said cut slopes and remove said fill slopes upon providing and maintaining other adequate lateral support.

Section 3. That all lands, rights, privileges and other property lying within the limits of the lots and blocks described in Section 1, are hereby condemned, appropriated, taken and damaged for the purpose therein enumerated; that all lands, rights, privileges and other property necessary to be taken, used or damaged, in the grading of said street in conformity with the existing center line grade and in the construction of the necessary slopes for cuts or fills on 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 4. Such acquisitions as are hereinabove described, are hereby declared to be an addition to the Urban Arterial System as accepted by the Urban Arterial Board and the cost of such acquisition shall be paid from the Arterial Development Fund or the Urban Arterial Trust Account, or from both.

Section 5. That the Corporation Counsel be and he is hereby authorized and directed to begin to prosecute the actions and proceedings in the manner provided by law to condemn, take, damage and appropriate the land and other property 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 3 day of February, 1969, and signed by me in open session in authentication of its passage this 3 day of February, 1969.

Paul J. Alexander
President Pro Tem of the City Council.

Approved by me this 10 day of

February, 1969.

Filed by me this 10 day of

J. Braman
February, 1969. Mayor.

C. H. Glendonson
Attest: City Comptroller and City Clerk.

(SEAL)

Published FEB. 13. 1969

By *W. A. Perrine*
Deputy Clerk.

ORDINANCE NO. 97423

AN ORDINANCE providing for the laying off, opening, widening and establishing of Southwest Roxbury Street between 23rd Avenue Southwest and 27th Avenue Southwest and providing center line grade, grading for the condemnation, taking and dam- appropriation, taking and other property and property rights necessary therefor, including the right to construct slopes for cuts and fills on certain abutting property, and providing for payment therefor.

BE IT OBTAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. That public necessity and convenience demand that Southwest Roxbury Street be opened, widened and established over and across the following described property in King County, Washington, to-wit:

Portion of the southeast one-quarter of the southwest one-quarter of Section 36, Township 24 North, Range 3 East, W. M., lying south of the following described line:

Beginning at a point on the west line of said subdivision 19 feet north of the north line of Southwest Roxbury Street; thence south $89^{\circ} 01' 48''$ east a distance of 238.682 feet to a point of curvature; thence northeasterly and northerly along the arc of a curve to the left, having a radius of 10 feet a distance of 15.189 feet to a point in the west line of 27th Avenue Southwest, said point distant 26.11 feet north of the north margin of Southwest Roxbury Street.

"Powell's 3rd Addition," according to plat thereof recorded in Volume 53 of Plats, page 44, records of King County, Washington;

Portion of Lot 10, Block 1, lying south of the following described line: Beginning at a point on the east line of said lot 10 feet north of the southeast corner thereof; thence north $89^{\circ} 01' 48''$ west a distance of 126.11 feet to a point of curvature; thence northwesterly and northerly along the arc of a curve to the right, having a radius of 10 feet a distance of 15.49 feet to a point on the west line of said lot, said point being distant 19.89 feet north of the southeast corner of said Lot 10; ALSO,

Portion of Lot 10, Block 2, lying south of the following described line: Beginning at a point on the west line of said lot distant 10 feet north of the southwest corner thereof; thence south $89^{\circ} 01' 48''$ east a distance of 122.56 feet to a point of curvature; thence northeasterly and northerly along the arc of a curve to the left having a radius of 10 feet a distance of 15.34 feet to a point in the east line of said lot distant 26.14 feet north of the southeast corner thereof; ALSO,

Portion of Lot 12, Block 2, "Hawks Addition," according to plat thereof recorded in Volume 45 of Plats, page 52, records of King County, Washington, lying south of the following described line:

Beginning at a point on the east line of said lot 10 feet north of the southeast corner thereof; thence north $89^{\circ} 01' 48''$ west a distance of 117.93 feet to a point of curvature; thence northwesterly and northerly along the arc of a curve to the right having a radius of 10 feet a distance of 15.74 feet to a point in the west line of said Lot 12, said point being distant 26.63 feet north of the southwest corner thereof; ALSO,

The north 10 feet of the south 40 feet of the south 2 acres of the east one-half of the west one-half of the west one-half of the southwest one-quarter of the southeast one-quarter of Section 36, Township 24 North, Range 3 East, W. M., in King County, Washington; ALSO,

Portion of the north 145 feet of the south 175 feet of the east one-half of the west one-half of the southwest one-quarter of the southeast one-quarter of Section 36, Township 24 North, Range 3 East, W. M., in King County, Washington, lying southerly of the following described line:

Beginning at a point on the east margin of 23rd Avenue Southwest, 10 feet north of the north line of Southwest Roxbury Street; thence south $89^{\circ} 01' 48''$ east a distance of 271.967 feet to a point in the west line of 24th Avenue Southwest, said point being 5 feet north of the north margin of Southwest Roxbury Street.

Section 2. That in the grading of Southwest Roxbury Street, abutting those properties described in Section 1 hereof, in conformity with the existing center line grade, the City shall acquire the right in the case of a cut or fill to remove the lateral support of the property abutting upon 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 two (2) feet horizontally for each foot of depth of cut or for each foot of elevation of fill; for the purpose of providing lateral support for said street, reserving to the abutting property owners respectively, the right at any time to replace said cut slopes and remove said fill slopes upon providing and maintaining other adequate lateral support.

Section 3. That all lands, rights, privileges and other property lying within the limits of the lots and blocks described in Section 1, are hereby condemned, appropriated, taken and damaged for the purpose therein enumerated, that all lands, rights, priv-

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. 97423

was published on February 13, 1969

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

February 13, 1969

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

(Note: RCW 42.26.060 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.—")

15.84 feet to a point in the east line of said lot distant 26.14 feet north of the southeast corner thereof; ALSO.

Portion of Lot 12, Block 2, "Hawks Addition," according to plat thereof recorded in Volume 45 of Plats, page 52, records of King County, Washington, lying south of the following described line:

Beginning at a point on the east line of said lot 10 feet north of the southeast corner thereof; thence north $88^{\circ} 59' 10''$ west a distance of 117.93 feet to a point of curvature; thence northwesterly and northerly along the arc of a curve to the right having a radius of 10 feet a distance of 15.74 feet to a point in the west line of said Lot 12, said point being distant 26.03 feet north of the southwest corner thereof; ALSO.

The north 10 feet of the south 40 feet of the south 2 acres of the east one-half of the west one-half of the west one-half of the southwest one-quarter of the southeast one-quarter of Section 36, Township 24 North, Range 3 East, W. M., in King County, Washington; ALSO.

Portion of the north 145 feet of the south 175 feet of the east one-half of the west one-half of the southwest one-quarter of the southeast one-quarter of Section 36, Township 24 North, Range 3 East, W. M., in King County, Washington, lying southerly of the following described line:

Beginning at a point on the east margin of 24th Avenue Southwest, 10 feet north of the north line of Southwest Roxbury Street; thence south $88^{\circ} 55'$ east a distance of 271.967 feet to a point in the west line of 24th Avenue Southwest said point being 5 feet north of the north margin of Southwest Roxbury Street.

Section 2. That in the grading of Southwest Roxbury Street, abutting those properties described in Section 1 hereof, in conformity with the existing center line grade, the City shall acquire the right in the case of a cut or fill to remove the lateral support of the property abutting upon 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 two (2) feet horizontally for each foot of depth of cut or for each foot of elevation of fill; for the purpose of providing lateral support for said street; reserving to the abutting property owners respectively, the right at any time to replace said cut slopes and remove said fill slopes upon providing and maintaining other adequate lateral support.

Section 3. That all lands, rights, privileges and other property lying within the limits of the lots and blocks described in Section 1, are hereby condemned, appropriated, taken and damaged for the purpose therein enumerated; that all lands, rights, privileges and other property necessary to be taken, used or damaged, in the grading of said street in conformity with the existing center line grade and in the construction of the necessary slopes for cuts or fills on 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 4. Such acquisitions as are hereinabove described are hereby declared to be an addition to the Urban Arterial System as accepted by the Urban Arterial Board and the cost of such acquisition shall be paid from the Arterial Development Fund or the Urban Arterial Trust Account, or from both.

Section 5. That the Corporation Counsel be and he is hereby authorized and directed to begin to prosecute the actions and proceedings in the manner provided by law to condemn, take, damage and appropriate the land and other property 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.

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 3rd day of February, 1963, and signed by me in open session in authentication of its passage this 3rd day of February, 1963.

PAUL J. ALEXANDER,
President pro tem. of the City Council.

Approved by me this 10th day of February, 1963.

J. D. BRAMAN,
Mayor.

Filed by me this 10th day of February, 1963.

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, February 13, 1963.
(C-266)

The City of Seattle--Legislative Department

MR. PRESIDENT:

Date Reported
and Adopted

Your Committee on Streets and Sewers

FEB 3 1969

to which was referred C.B. No. 88967

providing for the laying off, opening, widening and establishing of Southwest Roxbury Street between 28th Avenue Southwest and 24th Avenue Southwest at existing center line grade; providing for the condemnation, appropriation, taking and damaging of the land and other property and property rights necessary therefor, including the right to construct slopes for cuts and fills on certain abutting property: and providing for payment therefor,

RECOMMENDS THAT THE SAME DO PASS.

..... Chairman

..... Chairman

.....
.....
.....
.....
.....
.....
.....
.....
.....
.....
.....

.....
.....
.....
.....
.....
.....
.....
.....
.....
.....
.....

Committee

Committee



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

J. D. Braman, Mayor

Seattle Municipal Building, Room 510
600 Fourth Avenue, Seattle, Washington 98104

Re: Southwest Roxbury Street
Widening

January 21, 1969

Honorable City Council
Seattle, Washington 98104

Gentlemen:

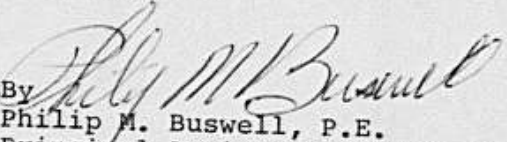
Attached is a Council Bill providing for the acquisition by condemnation of land and other property necessary for the project titled "Southwest Roxbury Street Widening". The Council Bill provides for the condemnation, appropriation, taking and damaging of land and other property necessary for the widening of portions of Southwest Roxbury Street, including the right to construct slopes for cuts and fills on certain abutting properties, all to be accomplished in conformity with the existing center line grade.

This project has been declared an addition to the Urban Arterial Board System as accepted by the Urban Arterial Board and the cost of such acquisition is to be paid from the Arterial Development Fund or the Urban Arterial Trust Account, or from both. Ordinance 97053, recently enacted, created the "Arterial Development Fund" as a depository for the Forward Thrust monies to be used for the arterial street improvements.

The Council Bill has been approved as to form by the Corporation Counsel and we recommend that this legislation be passed.

Yours very truly,

ROY W. MORSE, P.E.
City Engineer

By 
Philip M. Buswell, P.E.
Principal Assistant City Engineer

HTL:ks

Att.



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

J. D. Braman, Mayor

Seattle Municipal Building, Room 910
600 Fourth Avenue, Seattle, Washington 98104

Re: Southwest Roxbury Street
Widening

January 21, 1969

C
O
P
Y

Honorable City Council
Seattle, Washington 98104

Gentlemen:

Attached is a Council Bill providing for the acquisition by condemnation of land and other property necessary for the project titled "Southwest Roxbury Street Widening". The Council Bill provides for the condemnation, appropriation, taking and damaging of land and other property necessary for the widening of portions of Southwest Roxbury Street, including the right to construct slopes for cuts and fills on certain abutting properties, all to be accomplished in conformity with the existing center line grade.

This project has been declared an addition to the Urban Arterial Board System as accepted by the Urban Arterial Board and the cost of such acquisition is to be paid from the Arterial Development Fund or the Urban Arterial Trust Account, or from both. Ordinance 97053, recently enacted, created the "Arterial Development Fund" as a depository for the Forward Thrust monies to be used for the arterial street improvements.

The Council Bill has been approved as to form by the Corporation Counsel and we recommend that this legislation be passed.

Yours very truly,

ROY W. MORSE, P.E.
City Engineer

By sgd. P. M. Buswell
Philip M. Buswell, P.E.
Principal Assistant City Engineer

HTL:ks

Att.