

Ordinance No. 97660

AN ORDINANCE providing for the laying off, opening, widening, extending and establishing of South Lucile Street and providing for the establishing of grades therefor, between a point 228.75 feet east of the center line of 18th Avenue South and a point 455.76 feet east of the center line of 18th Avenue South; providing for the condemnation, appropriation, taking and damaging of the land and other property necessary therefor; providing for the acquisition of the right to construct slopes for cuts and fills on certain abutting property and providing for payment therefor.

4-15-69 pass

Council Bill No. 89205

INTRODUCED: APR 14 1969	BY: <i>Streets &amp; Sewers</i>
REFERRED: APR 14 1969	TO: <i>Streets &amp; Sewers</i>
REFERRED:	
REPORTED: APR 21 1969	SECOND READING: APR 21 1969
THIRD READING: APR 21 1969	SIGNED: APR 21 1969
PRESENTED TO MAYOR: APR 22 1969	APPROVED: APR 29 1969
RETD. TO CITY CLERK: APR 29 1969	PUBLISHED: MAY 1 1969
VETOED BY MAYOR:	VETO PUBLISHED:
PASSED OVER VETO:	VETO SUSTAINED:
ENGROSSED:	BY:
VOL..... PAGE.....	

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SEE BACK COVER

ORD 102376 -ACCEPTS CONDEMNATION AWARD FOR PARCEL #2.

PUB. /  
B.D.G. (BC) /  
ENG. /  
R. O. /  
A. C. /  
S. E. /  
C. O. /  
LIGHT

ORDINANCE 97660

AN ORDINANCE providing for the laying off, opening, widening, extending and establishing of South Lucile Street and providing for the establishing of grades therefor, between a point 228.75 feet east of the center line of 18th Avenue South and a point 455.76 feet east of the center line of 18th Avenue South; providing for the condemnation, appropriation, taking and damaging of the land and other property necessary therefor; providing for the acquisition of 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 South Lucile 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:

The south 20.95 feet of the north 30 feet of that portion of Luther M. Collins Donation Claim No. 46, in the southwest one-quarter of Section 21, Township 24 North, Range 4 East, W.M., lying south of the center line of South Lucile Street produced easterly; ALSO,

The south 30 feet of that portion of Luther M. Collins Donation Claim No. 46, in the southwest one-quarter of Section 21, Township 24 North, Range 4 East, W.M., lying north of the center line of South Lucile Street produced easterly.

Section 2. That the grades of South Lucile Street be and the same are hereby established at the following elevations above City datum to-wit:

At a point 228.75 feet east of the center line of 18th Avenue South:

North Margin 207.53 feet

South Margin 207.13 feet

At a point 197.27 feet east of the last described point:

North Margin 255.65 feet

South Margin 255.25 feet

At a point 29.74 feet east of the last described point:

North Margin 265.35 feet

South Margin 264.95 feet

The gradient shall be at a uniform rate of grade between the elevations established in this section.

Section 3. That in the grading of South Lucile Street between a point 228.75 feet east of the center line of 18th Avenue South and a point 455.76 feet east of the center line of 18th Avenue South as set forth in Section 2 hereof the City shall acquire the right in the case of a cut to remove the lateral support of the property abutting on 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 for at least one (1) foot horizontally for each foot of depth of cut and fill slopes of one and one-half (1-1/2) feet horizontally for each foot of elevation of fill for the purpose of providing lateral support for said street; reserving unto the abutting property owners respectively the right at any time to replace said cut slopes and to remove said fill slopes upon providing and maintaining other adequate lateral support.

Section 4. That public convenience and necessity require that the following described remainder parcel of land and the appurtenances thereunto belonging, be and the same are hereby condemned, appropriated and taken in fee simple for general municipal purposes, to-wit:

That portion of Luther M. Collins Donation Claim No. 46, in the southwest one-quarter of Section 21, Township 24 North, Range 4 East, W.M., lying south of the center line of South Lucile Street produced easterly except the north 30 feet thereof.

Section 5. That all lands, rights, privileges and other property lying within the limits of the tracts of land described in Section 1 hereof 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 that certain street in conformity with the grades established in Section 2 hereof, 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 3 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.

(To be used for all Ordinances except Emergency.)

Section 6. That the entire cost of the improvement provided for by this ordinance shall be paid from the Arterial City Street Fund and the City Street Fund, or from such other fund as the City Council may direct; provided, however, that the portion of the improvement provided for in Section 4 hereof shall be paid from the General Fund of the City of Seattle.

Section 7. 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 land and other property necessary to carry out the provisions of this ordinance.

Section 8. That in conducting such condemnation proceedings the Corporation Counsel is hereby authorized to enter into stipulations for the purpose of minimizing damages.

Section 9. 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 21 day of April, 1969,  
and signed by me in open session in authentication of its passage this 21 day of April, 1969. Mrs. Harlan H. Edwards  
President of the City Council.

Approved by me this 29 day of April, 1969.  
Hoyd C. Miller  
Mayor.

Filed by me this 29 day of April, 1969.

Attest: J. P. Anderson  
City Comptroller and City Clerk.

(SEAL)

Published MAY 1 1969

By J. F. Fenton  
Deputy Clerk.



CITY OF SEATTLE      Floyd C. Miller, ~~XKXK XKXKXK~~ Mayor  
DEPARTMENT OF ENGINEERING  
ROY W. MORSE, CITY ENGINEER  
MEMBER, BOARD OF PUBLIC WORKS

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

April 7, 1969

Re: South Lucile Street,  
Widening

Honorable City Council  
Seattle, Washington

Gentlemen:


Attached is a Council Bill providing for the acquisition by condemnation of land and other property necessary for the project titled "South Lucile Street".

The Streets and Sewers Committee, Comptroller's File No. 260940, approved the recommendation of the City Engineer for acquisition of this right of way. The cost of such acquisition is to be paid from the Arterial City Street Fund and the City Street Fund, or from such other fund as the City Council may direct, except a portion of the property to be acquired for general municipal purposes which will be paid from the General Fund of the City of Seattle.

The Council Bill has been approved as to form by the Corporation Council 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:gp  
Att.

cc: G. Grant Wilcox  
E. W. Ott



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

J. D. Braman, Mayor

Richard C. Miller, XXXXXXXXXXX

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

April 7, 1969

Re: South Lucile Street,  
 Widening

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Honorable City Council  
 Seattle, Washington

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

Yours very truly,

ROY W. MORSE, P.E.  
 City Engineer

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

HTL:gp  
 Att.

cc: G. Grant Wilcox  
 E. W. Ott

# The City of Seattle--Legislative Department

MR. PRESIDENT:

Date Reported  
and Adopted  
APR 21 1969

Your Committee on STREETS AND SEWERS

to which was referred C. B. No. 89205,

providing for the laying off, opening, widening, extending and establishing of South Lucile Street and providing for the establishing of grades therefor, between a point 228.75 feet east of the center line of 18th Avenue South and a point 455.76 feet east of the center line of 18th Avenue South; providing for the condemnation, appropriation, taking and damaging of the land and other property necessary therefor; providing for the acquisition of the right to construct slopes for cuts and fills on certain abutting property and providing for payment therefor,

RECOMMENDS THAT THE SAME DO PASS.

*M. J. ...* Chairman

..... Chairman

CWL/eh 4/15/69

Committee



ORDINANCE NO. 97660  
AN ORDINANCE providing for the laying off, opening, widening, extending and establishing of South Lucile Street and providing for the establishing of grades therefor, between a point 225.53 feet east of the center line of 18th Avenue South and a point 455.74 feet east of the center line of 18th Avenue South, providing for the condemnation, appropriation, taking and damaging of the land and other property necessary therefor, providing for the acquisition of the right to construct slopes for cuts and to construct abutting structures 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 same is hereby laid off, opened, widened and established over and across the following described parcels in King County, Washington, to-wit:

The south 20.95 feet of the north 30 feet of that portion of Luther M. Collins Donation Claim No. 46, in the southwest one-quarter of Section 21, Township 24 North, Range 4 East, W. M. 1, lying south of the center line of South Lucile Street produced easterly, ALSO, the south 30 feet of that portion of Luther M. Collins Donation Claim No. 46, in the southwest one-quarter of Section 21, Township 24 North, Range 4 East, W. M. 1, lying north of the center line of South Lucile Street produced easterly.

Section 2. That the grades of South Lucile Street be and the same are hereby established at the following elevations above City datum to-wit:

At a point 225.53 feet east of the center line of 18th Avenue South:

North Margin . . . 257.53 feet  
South Margin . . . 207.13 feet

At a point 197.27 feet east of the last described point:

North Margin . . . 255.45 feet  
South Margin . . . 255.25 feet

At a point 20.74 feet east of the last described point:

North Margin . . . 265.35 feet  
South Margin . . . 264.95 feet

The gradient shall be at a uniform rate of grade between the elevations established in this section.

Section 3. That in the grading of South Lucile Street between a point 225.53 feet east of the center line of 18th Avenue South and a point 455.74 feet east of the center line of 18th Avenue South as set forth in Section 2 hereof the City shall acquire the right in the case of a cut to remove the lateral support of the property abutting on said street and in every case the right to and in every case the right to remove said lateral support shall include the right to carry the slopes back to and extending upon the abutting real property for at least one (1) foot horizontally for each foot of depth of cut and fill slopes of one and one-half (1 1/2) feet horizontally for each foot of elevation of fill for the purpose of providing lateral support for said street; reserving unto the abutting property owners respectively the right at any time to replace said cut slopes and to remove said fill slopes upon providing and maintaining other adequate lateral support.

Section 4. That public convenience and necessity require that the following described remainder parcel of land and the appurtenances thereto belonging, be and the same are hereby condemned, appropriated and taken in fee simple for general municipal purposes, to-wit:

That portion of Luther M. Collins Donation Claim No. 46, in the southwest one-quarter of Section 21, Township 24 North, Range 4 East, W. M. 1, lying south of the center line of South Lucile Street produced easterly except the north 30 feet thereof.

Section 5. That all lands,

rights, privileges and other property lying within the limits of the tracts of land described in Section 1 hereof are hereby condemned, appropriated, taken and damaged for the purposes herein enumerated. That all lands, rights, privileges, and other property necessary to be taken, used or damaged in the grading of that certain street in conformity with the grades established in Section 2 hereof, 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 3 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 6. That the entire cost of the improvement provided for by this ordinance shall be paid from the Arterial City Street Fund and the City Street Fund, or from such other fund as the City Council may direct; provided, however, that the portion of the improvement provided for in Section 4 hereof shall be paid from the General Fund of the City of Seattle.

Section 7. 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 land and other property necessary to carry out the provisions of this ordinance.

Section 8. That in conducting such condemnation proceedings the Corporation Counsel is hereby

### 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. 97660

was published on MAY 1, 1969

*M. E. Suman*

Subscribed and sworn to before me on

May 1, 1969

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

(Note: RCW 42.2100 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.")

Subscribed and sworn to before me on

May 1, 1969

*[Signature]*  
Notary Public for the State of Washington,  
residing in Seattle.

(Note: RCW 42.28.060 states—"It shall not be necessary for a notary public to verify an oath to be used in any of the courts in this state, to appear at inspection of his official seal.")

South Margin . . . 255.25 feet

At a point 25.74 feet east of the last described point:  
North Margin . . . 255.35 feet  
South Margin . . . 264.95 feet

The gradient shall be at a uniform rate of grade between the elevations established in this section.

Section 2. That in the grading of South Lucile Street between a point 228.15 feet east of the center line of 18th Avenue South and a point 455.76 feet east of the center line of 18th Avenue South as set forth in Section 2 hereof, the City shall require the right in the case of a cut to require the lateral support of the move the lateral support of the remove said lateral support shall include the right to carry the slopes back into and extending upon the abutting real property for at least one (1) foot horizontally for each foot of depth of cut and fill slopes of one and one-half (1 1/2) feet horizontally for each foot of elevation of fill for the purpose of providing lateral support for said street; reserving into the abutting property owner's respectively the right at any time to replace said cut slopes and to remove said fill slopes upon providing and maintaining other adequate lateral support.

Section 4. That public convenience and necessity requires that the following described remainder parcel of land and the appurtenances thereto belonging, be and the same are hereby condemned, appropriated and taken in fee simple for general municipal purposes, to-wit:

That portion of Lather M. Collins Donation Claim No. 46, in the southwest one-quarter of Section 21, Township 24 North, Range 4 East, W. 3, lying south of the center line of South Lucile Street produced easterly except the north 20 feet thereof.

Section 5. That all lands,

rights, privileges and other property lying within the limits of the tracts of land described in Section 1 hereof 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 that certain street in conformity with the grades established in Section 2 hereof, 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 3 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 6. That the entire cost of the improvement provided for by this ordinance shall be paid from the Arterial City Street Fund and the City Street Fund, or from such other funds as the City Council may direct, provided, however, that the portion of the improvement provided for in Section 4 hereof shall be paid from the General Fund of the City of Seattle.

Section 7. 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 land and other property necessary to carry out the provisions of this ordinance.

Section 8. That in conducting such condemnation proceedings the Corporation Counsel is hereby authorized to enter into stipulations for the purpose of minimizing damages.

Section 9. 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 21st day of April, 1969, and signed by me in open session in authentication of its passage this 21st day of April, 1969.

MRS. HARLAN H. EDWARDS

President of the City Council.

Approved by me this 29th day of April, 1969.

FLOYD C. MILLER

Mayor.

Filed by me this 29th day of April, 1969.

Attest: C. G. BERLANDSON,

City Comptroller and City Clerk.

(Seal) By J. F. FENTON,

Deputy Clerk.

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

Date of official publication in the Daily Journal of Commerce, Seattle, May 1, 1969. (4-23)