

Ordinance No. 52108

Providing for the laying off, opening, extending and establishing of 38th AVENUE SOUTH, between Alaska Street and Angeline Street; providing for the changing and establishing of the curb grades of 38th Avenue South, from Alaska Street to Angeline Street, and of Angeline Street, from Rainier Avenue to 39th Avenue South;*****

Council Bill No. 42130

INTRODUCED: NOV 23 1926	BY: STREETS & ALLEYS
REFERRED:	TO: STREETS & ALLEYS
REFERRED:	
REPORTED: NOV 29 1926	VETO:
SECOND READING: NOV 29 1926	PUBLISHED:
THIRD READING: NOV 29 1926	VETO SUSTAINED:
SIGNED: NOV 29 1926	PASSED OVER VETO:
PRESENTED TO MAYOR: NOV 29 1926	APPROVED: NOV 30 1926
FILED: NOV 30 1926	PUBLISHED: DEC 1 1926
ENGROSSED: VOL. <i>Bv</i> PAGE <i>82</i>	BY: <i>MCK</i>
COMPARED BY:	
AND	

*115173 - Award of Jury Condem.
117869 - comm. eminent domain on re
119513 - Report cc on confirmation of roll*

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VOL. 82	PAGE 82
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BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. That 38th AVENUE SOUTH, between Alaska Street and Angeline Street, be and the same is hereby laid off, opened, extended and established, as a public street and highway over and across the following lots, blocks or tracts of land, to-wit:

IN KRAMER HEIGHTS ADDITION TO THE CITY
OF SEATTLE.
Recorded in Volume 13 of Plats, Page 66.

That portion of Lot 31, Block 2, described as follows:
Beginning at a point on the south line of said lot, said point being five and no one-hundredths (5.00) feet west from the southeast corner of said lot; thence west along the south line of said lot a distance of twenty-five and no one-hundredths (25.00) feet to the southwest corner of said lot; thence north along the west line thereof a distance of one hundred ten and no one-hundredths (110.00) feet to the northwest corner of said lot; thence east along the north line of said lot a distance of twenty-seven and four one-hundredths (27.04) feet; thence southerly along a straight line a distance of one hundred ten and one one-hundredth (110.01) feet to the point of beginning.

That portion of Lot 32, Block 2, described as follows:
Beginning at a point on the south line of said lot, said point being distant five and no one-hundredths (5.00) feet east from the southwest corner of said lot; thence east along the south line thereof a distance of twenty-five and no one-hundredths (25.00) feet to the southeast corner of said lot; thence north along the east line thereof a distance of one hundred ten and no one-hundredths (110.00) feet to the northeast corner of said lot; thence west along the north line thereof a

AN ORDINANCE Providing for the laying off, opening, extending and establishing of 38th AVENUE SOUTH, between Alaska Street and Angeline Street; providing for the changing and establishing of the curb grades of 38th Avenue South, from Alaska Street to Angeline Street, and of Angeline Street, from Rainier Avenue to 39th Avenue South; providing for the condemnation, appropriation, taking and damaging of land and other property necessary therefor, and for the necessary slopes for cuts and fills upon the property abutting upon said avenue and street; providing for the taking of land and other property in fee simple for General Municipal purposes; and providing that the entire cost of such improvement shall be paid by special assessment upon property specially benefited in the manner provided by law, except as herein otherwise provided.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. That 38th AVENUE SOUTH, between Alaska Street and Angeline Street, be and the same is hereby laid off, opened, extended and established, as a public street and highway over and across the following lots, blocks or tracts of land, to-wit:

IN KRAMER HEIGHTS ADDITION TO THE CITY
OF SEATTLE.
Recorded in Volume 13 of Plats, Page 66.

That portion of Lot 31, Block 2, described as follows:
Beginning at a point on the south line of said lot, said point being five and no one-hundredths (5.00) feet west from the southeast corner of said lot; thence west along the south line of said lot a distance of twenty-five and no one-hundredths (25.00) feet to the southwest corner of said lot; thence north along the west line thereof a distance of one hundred ten and no one-hundredths (110.00) feet to the northwest corner of said lot; thence east along the north line of said lot a distance of twenty-seven and four one-hundredths (27.04) feet; thence southerly along a straight line a distance of one hundred ten and one one-hundredth (110.01) feet to the point of beginning.

That portion of Lot 32, Block 2, described as follows:
Beginning at a point on the south line of said lot, said point being distant five and no one-hundredths (5.00) feet east from the southwest corner of said lot; thence east along the south line thereof a distance of twenty-five and no one-hundredths (25.00) feet to the southeast corner of said lot; thence north along the east line thereof a distance of one hundred ten and no one-hundredths (110.00) feet to the northeast corner of said lot; thence west along the north line thereof a

distance of twenty-two and ninety-six one-hundredths (22.96) feet; thence southerly along a straight line a distance of one hundred ten and one one-hundredth (110.01) feet to the point of beginning.

Section 2. That the following lots, blocks, tracts or parcels of land and appurtenances thereunto belonging, be and the same are hereby condemned, appropriated, and taken in fee simple for General Municipal purposes, to-wit:

IN KRAMER HEIGHTS ADDITION to the
CITY OF SEATTLE,
Recorded in Vol. 13 of Plats, Page 66.

That portion of Lot 31, Block 2, described as follows: Beginning at a point on the south line of said lot, said point being distant twenty-five and no one-hundredths (25.00) feet east from the southwest corner of said lot; thence east along said south line a distance of five and no one-hundredths (5.00) feet to the southeast corner of said lot; thence north along the east line thereof a distance of one hundred ten and no one-hundredths (110.00) feet to the northeast corner thereof; thence west along the north line thereof a distance of two and ninety-six one-hundredths (2.96) feet; thence south along a straight line a distance of one hundred ten and one one-hundredth (110.01) feet to the point of beginning.

That portion of Lot 32, Block 2, described as follows: Beginning at a point on the south line of said lot, said point being twenty-five and no one-hundredths (25.00) feet west from the southeast corner of said lot; thence west along said south line a distance of five and no one-hundredths (5.00) feet to the southwest corner of said lot; thence north along the west line of said lot a distance of one hundred ten and no one-hundredths (110.00) feet to the northwest corner of said lot; thence east along the north line thereof a distance of seven and four one-hundredths (7.04) feet; thence south along a straight line a distance of one hundred ten and one one-hundredth (110.01) feet to the point of beginning.

and that said lands and appurtenances thereunto belonging are to be taken 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 the curb grades of 38th Avenue South, from Alaska Street to Angeline Street, and of Angeline Street, from Rainier Avenue to 39th Avenue South, be and the same are hereby changed and established to the following elevations above City datum, to-wit:

ON 38th AVENUE SOUTH

At the south margin of Alaska Street:

East Curb	38.90 feet
West Curb	38.90 "

At a point three hundred one and fifty one-hundredths (301.50) feet north from the north margin of Angeline Street at the beginning of a vertical curve:

East Curb	50.18 feet
West Curb	50.18 "

At a point eighty (80) feet south of the last mentioned point at the point of tangency of a vertical curve:

East Curb	60.99 feet
West Curb	60.99 "

At a point one hundred fifty-six and fifty one-hundredths (156.50) feet north of the north margin of Angeline Street at the point of curvature of a vertical curve:

East Curb	71.51 feet
West Curb	71.51 "

At a point eighty (80) feet south of the last mentioned point at the point of tangency of a vertical curve:

East Curb	80.06 feet
West Curb	80.06 "

At the north margin of Angeline Street:

East Curb	84.00 feet
West Curb	84.00 "

ON ANGELINE STREET

At the easterly margin of Rainier Avenue:

North Curb	84.66 feet
South Curb	85.68 "

At the west margin of 38th Avenue South produced south:

North Curb	84.20 feet
South Curb	84.20 "

At the east margin of 38th Avenue South produced south at a point of curvature of a vertical curve:

North Curb	84.20 feet
South Curb	84.20 "

the same are hereby changed and established to the following elevations above City datum, to-wit:

ON 38th AVENUE SOUTH

At the south margin of Alaska Street:

East Curb	38.90 feet
West Curb	38.90 "

At a point three hundred one and fifty one-hundredths (301.50) feet north from the north margin of Angeline Street at the beginning of a vertical curve:

East Curb	50.18 feet
West Curb	50.18 "

At a point eighty (80) feet south of the last mentioned point at the point of tangency of a vertical curve:

East Curb	60.99 feet
West Curb	60.99 "

At a point one hundred fifty-six and fifty one-hundredths (156.50) feet north of the north margin of Angeline Street at the point of curvature of a vertical curve:

East Curb	71.51 feet
West Curb	71.51 "

At a point eighty (80) feet south of the last mentioned point at the point of tangency of a vertical curve:

East Curb	80.06 feet
West Curb	80.06 "

At the north margin of Angeline Street:

East Curb	84.00 feet
West Curb	84.00 "

ON ANGELINE STREET

At the easterly margin of Rainier Avenue:

North Curb	84.66 feet
South Curb	85.68 "

At the west margin of 38th Avenue South produced south:

North Curb	84.20 feet
South Curb	84.20 "

At the east margin of 38th Avenue South produced south at a point of curvature of a vertical curve:

North Curb	84.20 feet
South Curb	84.20 "

At a point 250 feet east thereof at the point of tangency of a vertical curve:

North Curb	102.43 feet
South Curb	102.43 "

At the west margin of 39th Avenue South:

North Curb	109.00 feet
South Curb	109.00 "

That the curb gradients shall be of a uniform rate of grade between the elevations established herein, except in those cases where they are specified as lying in vertical curves.

Section 4. That in the grading and regrading of the above named avenue and street, the city shall acquire the right in the case of a cut to remove the lateral support abutting on said avenue and street. 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 at least one (1) foot for each foot of depth of cut, and in the case of fills, the right shall be acquired to extend and maintain upon the abutting real property slopes of one and one-half ($1\frac{1}{2}$) feet for each foot of elevation of fill for the purpose of acquiring lateral support for said avenue and street, reserving unto the abutting property owners, respectively, the right at any time to remove such slopes upon providing other adequate lateral support for said avenue and street.

Section 5. 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, be and the same are hereby condemned, appropriated, taken and damaged for the purpose of a public street and highway; and that all lands, rights, privileges and other property necessary to be taken, used or damaged in the grading and regrading of said avenue and street in conformity with

the grades established in Section 3 hereof, and in the construction of the necessary slopes for cuts and fills upon the real property abutting upon said avenue and street, as set forth in Section 4 hereof, are hereby condemned, appropriated, taken and damaged for the public use for such purposes; 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 in the manner provided by law.

Section 6. That the entire cost of the improvement provided for herein shall be paid by special assessment upon the property specially benefited, in the manner provided by law, and that no part thereof shall be paid from the General Fund of The City of Seattle; provided, however, that that portion of the improvement provided for in Section 2 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 lands and other property necessary to carry out the provisions of this ordinance and also to take the steps necessary to make such special assessment.

Section 8 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 the City ^{Council} County the 29 day of NOVEMBER 1926

and signed by me in open session in authentication of its passage this 29 day of NOVEMBER 1926
Wm. Wickham Moore

President of the City Council.

Approved by me this 30 day of NOVEMBER 1926

Beulah J. Landis
Mayor.

Filed by me this 30 day of NOVEMBER 1926

Attest: *Wm. Wickham Moore*
City Comptroller and Ex-Officio City Clerk.

(SEAL)

DEC 3 1926

By *Wm. Wickham Moore*
Deputy Clerk.

Published

City Comptroller and Ex-Officio City Clerk.

By *Wm. Wickham Moore*
Deputy Clerk.