

ORDINANCE NO. 177

AN ORDINANCE providing for the laying off, widening and establishing of Northeast 4th Street from its intersection with 104th Avenue Northeast to 108th Avenue Northeast; providing for the acquisition, appropriation, taking and damaging of land or other property necessary therefor; and for the making of the necessary slopes for cuts and fills upon the property abutting said Northeast 4th Street; providing for the taking of land for general municipal purposes by purchase or condemnation and providing for the payment thereof.

THE CITY COUNCIL OF THE CITY OF BELLEVUE DO ORDAIN  
AS FOLLOWS:

Section 1. That the public necessity and convenience demand that Northeast 4th Street, from its intersection with 104th Avenue Northeast to its intersection with 108th Avenue Northeast, be laid off, opened, widened, established and improved as a public street and highway.

Section 2. That Northeast 4th Street between 104th Avenue Northeast and 108th Avenue Northeast, be and the same is hereby laid off, opened, widened and established over and across the following real estate, to-wit:

Over a 33 foot strip of land dedicated as "Cherry Avenue" in Plat of Cheriton Fruit Gardens No. 1, as recorded in Volume 7 of Plats at Page 47, records of the King County Auditor, together with the south 13.5 feet of Lots 3 and 4, Block 2, and the north 13.5 feet of Lots 1 and 2 of Block 3 of said Cheriton Fruit Gardens No. 1.

Section 3. That in the reasonable original grading of said Northeast 4th Street, the city shall acquire the right to make all necessary slopes for cuts and fills upon the property abutting upon said street. In case of cut the right shall be acquired to remove the lateral support including the right to carry the slopes back into and extending upon the abutting real property at least 1 foot for each foot of depth of cut; and in case of fills the right shall be acquired to extend and maintain upon the abutting real property, slopes of 1-1/2 feet for each foot of elevation of fill for the purpose of acquiring lateral support for said street, reserving unto the abutting property owners, respectively, the right at any time to remove such slopes upon providing and maintaining other adequate lateral support for said streets.

Section 4. That all lands, right, privileges and other property lying within the limits of the lots, blocks and tracts of land described in Section 2 hereof, which have not been granted or dedicated to public street use heretofore,

be and the same are hereby condemned, appropriated, taken and damaged for the purpose of public streets and highways; and that all lands, rights, privileges and other property necessary to be taken, used or damaged in the construction of the necessary slopes for cuts and fills upon the real property abutting upon Northeast 4th Street as set forth in Section 3 hereof, are hereby condemned, appropriated, and damaged for the public use for such purposes; and all 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 5. That the following parcels of land and appurtenances thereunto belonging, be and the same are hereby to be acquired, appropriated and taken by purchase and/or condemnation in fee simple for general municipal purposes, to-wit:

The south 13.5 feet of Lots 3 and 4, Block 2, Cheritan Fruit Gardens No. 1 and the north 13.5 feet of Lots 1 and 2 of Block 3, Cheritan Fruit Gardens No. 1

and that said lands and appurtenances thereunto belonging are to be acquired, 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 6. That the cost of the acquisition and improvement provided for herein shall be paid wholly by special assessments upon the property specially benefited.

Section 7. That the City Manager be, and he hereby is, authorized and directed to acquire the land above described together with the necessary slope rights therefor, by purchase and agreement; and in case of failure to so purchase and acquire, that the City Attorney be, and he hereby is, 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.

Section 8. This ordinance is passed as an emergency measure, and the Council does, by the vote by which this ordinance is passed, hereby declare that an emergency exists, which makes it imperative that this ordinance shall become effective forthwith in order that the public health, welfare and safety might most effectively be provided for.

PASSED by the City Council on this 13<sup>rd</sup> day of October, 1956,  
and signed in authentication thereof this 13<sup>rd</sup> day of October, 1956.

Approved as to form:

Kenneth Hale  
City Attorney

(SEAL)

Attest:

Sam I. Schuler  
City Clerk

Date of Publication Oct 31, 1956.

Republished Nov. 7, 1956

C. F. ...  
Mayor  
Clark ...  
Councilman  
W. H. ...  
Councilman

FILED

CITY OF BELLEVUE

DATE Oct 24, 1956

CITY CLERK Sam I. Schuler

STATE OF WASHINGTON )  
COUNTY OF KING ) ss

I, JEAN S. SCHOLER, Clerk of the City of Bellevue, do hereby certify that the within and foregoing is a true and correct copy of Ordinance No. 177, AN ORDINANCE providing for the laying off, widening and establishing of Northeast 4th Street from its intersection with 104th Avenue Northeast to 108th Avenue Northeast; providing for the acquisition, appropriation, taking and damaging of land or other property necessary therefor; and for the making of the necessary slopes for cuts and fills upon the property abutting said cuts and fills upon the property abutting said Northeast 4th Street; providing for the taking of land for general municipal purposes by purchase or condemnation and providing for the payment thereof, as the same appears on file and of record in this department.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Bellevue, this 29<sup>th</sup> day of October, 1956.

(SEAL)

Jean S. Scholer

Subscribed and sworn to before me this 29<sup>th</sup> day of October, 1956.

Martha Baithen  
Notary Public in and for the State of  
Washington, residing at Bellevue