

ENGINEER'S REPORT

DPW PROJECT FILE NUMBER: 25 107442 RWE

APPLICATION DATE: May 12, 2025

PROJECT NAME: 136th St SW Right-of-Way (ROW) Vacation

APPLICANT: Vijay and Anju Auluck
13531 67th Ave W
Edmonds, WA 98026

OWNER: Vijay and Anju Auluck

TYPE OF REQUEST: ROW Vacation

ROAD NAME: 136th St SW

LOCATION: Edmonds

SECTION/TOWNSHIP/RANGE: Section 32, Township 28 N, Range 4E, W.M.

TAX PARCEL NUMBER(S): 00853600003800

ACREAGE: 0.35

TRANSPORTATION SERVICE AREA: TSA D

RECOMMENDATIONS: APPROVAL

CITE BASIS: SCC 13.100.040

PETITION REQUEST 25 107442 RWE

FOR THE VACATION AND ABANDONMENT OF A PORTION OF AN UNOPENED COUNTY ROAD RIGHT-OF-WAY IDENTIFIED AS 136th ST SW

INTRODUCTION

Chapter 36.87 of the Revised Code of Washington (RCW) gives County Legislative Authorities broad authority to vacate and abandon land that was acquired for county road purposes. Chapter 13.100 of the Snohomish County Code (SCC) provides that Snohomish County (the County) also has the authority to vacate and abandon public road right-of-way (ROW) independent of the statutory vacation provisions of RCW 36.87. The County Legislative Authority's use of this broad authority must be made under the advice and supervision of the Snohomish County Engineer (County Engineer).

SCC 13.100.010 provides that the road or ROW vacation and abandonment procedures may be initiated either in response to Snohomish County Council (County Council) request, by the County Engineer when the Engineer determines that the criteria for the road or ROW vacation and abandonment exist, or in response to a frontage owner's petition.

FACTS/BACKGROUND

1. 136th St SW was formerly known as Fourth Ave from the original Plat of Hillman's North Seattle Puget Sound (NSPS) Front Meadowdale Addition. It is an unopened dedicated ROW 40 feet in width, 20 feet from each side of the centerline. (See Exhibit 1, Plat of Hillman's NSPS Front Meadowdale Addition)
2. The Plat of Hillman's NSPS Front Meadowdale Addition had 38 numbered and 6 alpha tracts. (See Exhibit 2, Plat Map)
3. On October 20, 1982, Tracts 17, 18, 23, 24, and portions of Tracts 19 and 35 of the Plat of Hillman's NSPS Front Meadowdale Addition created the Plat of Picnic Point, recorded under Auditor's File Number (AFN) 8210205005. (See Exhibit 3, Plat of Picnic Point)
4. On September 14, 1983, Tracts 88-91 of the Plat of Hillman's NSPS Front Meadowdale Addition created the Plat of Picnic Point II, recorded under AFN 8309145031. (See Exhibit 4, Plat of Picnic Point II)
5. In April 1993, the following property owners jointly petitioned the County to vacate 136th St SW. (See Exhibit 5, Joint Petition, pages 1 and 2)
 - David M. Cohn, owner of Lot 61, Plat of Picnic Point.
 - William P. Miller, owner of Lot 62, Plat of Picnic Point.
 - Picnic Point Co. Ltd., owner of Tract 25, Plat of Hillman's NSPS Front Meadowdale Addition.

6. On January 25, 1995, the vacation of 136th St SW was granted by Ordinance 94-130 and was recorded under AFN 9507270473. (See Exhibit 6, Ordinance 94-130, pages 1 and 2)
7. On February 22, 1996, Tracts 25 and 26, the west half of Tract 27, and Tracts 31 and 32 of the Plat of Hillman's NSPS Front Meadowdale Addition created the Plat of Picnic Point Div III, recorded under AFN 9602225001. The plat created 39 lots. (See Exhibit 7, Plat of Picnic Point III)
8. In 2006, a driveway access permit was granted to Lot 39 by Planning and Development Services, Project File Number 06-126870 D1.
9. In 2013, the property owner of Lot 39 of the Plat of Picnic Point Div III petitioned the County to vacate a portion of 136th St SW abutting his property. The vacation of ROW was granted under Ordinance 13-103. (See Exhibit 8, Ordinance 13-103 pages 1 through 5)
10. Per the Plat of Picnic Point Div III, under Restriction No. 7, Lots 38 and 39 may take vehicular access across the unopened ROW of 136th St SW from 67th Ave W. If lot 39 gains access to 67th Ave W, the driveway through 136th St SW shall terminate within the access region shown within the east 30 feet of said Lot 39 and will not extend westerly of the west line of said access region. (See Exhibit 9, Plat of Picnic Point Division III, Restriction No. 7)
11. On May 12, 2025, Vijay and Anju Auluck (Petitioners) submitted a petition to the Snohomish County Department of Public Works (DPW) proposing to vacate the remaining portion of 136th St SW abutting their property. (See Exhibit 10, Petition, pages 1 and 2)
12. The Petitioners are the property owners of Snohomish County Assessors Tax Parcel No. 00853600003800, also known as **Lot 38**, Plat of Picnic Point Division III, and it is in the NW ¼ of Section 32, Township 28 North, Range 4 East W. M. (See Exhibit 11, Property Summary Lot 38)

FINDINGS

1. The condition of 136th St SW is an unopened dedicated ROW, 40 feet in width, 20 feet from each side of the centerline of the Plat of Hillman's NSPS Front Meadowdale Addition.
2. Several ROW vacations were granted on the northern side of 136th St SW, east and west of 67th Ave W, of the Plat of Picnic Point Division III. Therefore, the width of that portion of the ROW proposed to be vacated varies. (See Exhibit 12, ROW Deed Page.)
3. The petitioner takes direct access from 67th Ave W and crosses the remaining portion of 136th St SW.

4. 136th Street SW remains an unopened dedicated right-of-way. However, it has historically been used as a direct access point from 67th Avenue W to Lot 38, the petitioner's property. It is not presently in use as a county road.
5. The portion of ROW proposed to be vacated has varying widths, total length of 193.45 feet and total of 1,326 sq ft.
6. Sometime between 1996 and 2001, a fence was installed around the perimeter of Lot 38 and encroached on the southern portion of the ROW of 136th St SW. (See Exhibit 14, 2001 Aerial Photo)
7. The proposed road ROW vacation does not contain any wetlands nor provide access to any body of salt or freshwater as per RCW 36.87.130 and SCC 13.100.090.
8. On March 19, 2025, a site visit was performed by DPW ROW staff. It was discovered that portion of petitioners driveway crosses the proposed northern row of 136th St SW, constructed with pavers.
9. Inquiries to local utilities revealed that there are existing utilities within the proposed ROW vacation. RCW 36.87.140 and SCC 13.100.100 allow the County to retain easement in respect to the vacated right-of-way for the construction repair, and maintenance of utilities and services. It is recommended that an easement be retained for the existing utilities within that portion of 136th St SW for the construction, repair and maintenance of public utilities and services.
10. On June 12, 2025, the Petitioner requested to landscape the south portion of 136th St SW. Because the southern portion of ROW abuts the cul-de-sac of 67th Ave W, DPW required the Petitioner to obtain a ROW permit per SCC 13.50.020(c).
11. The proposed ROW petitioned to be vacated is classified as Class D Road under SCC 13.100.040(7)(d). Class D roads and ROWs are those in which the County has an easement interest and no public expenditure was made.
12. A Type C ROW Use Permit was issued under 25-110106 RWC. (See Exhibit 15, Permit 25-110106 RWC)
13. DPW has determined that the compensation for the County's easement interest in that portion of unopened dedicated ROW of 136th St SW petitioned under this vacation request shall be zero (0) percent of the appraised value as per SCC 13.100.080 (2) (c) and as determined under SCC 13.100.085.
14. DPW has determined that it is not advisable to preserve for the future, all or any part of the subject ROW for the County transportation system, because there is no longer future road connectivity. Accordingly, the county road ROW should be vacated and abandoned.
15. The vacated subject ROW becomes an appendage to the petitioner's property, and taxes will be amended to reflect the value added by the vacation of the ROW abutting their property.

RECOMMENDATIONS

1. Based on the above findings, DPW has determined it is not advisable to preserve all or any portion of the ROW for the County transportation system for the future, and that the county road ROW should therefore be vacated and abandoned.
2. DPW recommends that Vacation Petition Request 25 107442 RWE, for the vacation of ROW for a portion of 136th St SW, as described in the Exhibits to the accompanying Ordinance, be granted. DPW has determined that the public will be benefited by its vacation because the subject ROW does not contribute to the County transportation system and is not needed for present or future public use. Additionally returning the subject ROW to private ownership will place it on the tax rolls, generating additional property tax revenue. DPW therefore recommends approval subject to the following conditions:

CONDITIONS

1. All associated costs incurred by the County in processing the petition to vacate and the value of the portion of ROW shall be paid by the Petitioners as per SCC 13.100.070 and SCC 13.100.080. These expenses are as follows:

Estimated Public Works Charges	\$7,000.00
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2. The Petitioners shall also be responsible for the advertising costs and recording fees, which are listed as follows.

Estimated Advertising Cost (Notice of Introduction/Enactment)	\$ 300.00
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Estimated Recording Fees	\$ 310.00
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3. Failure to make payments required under SCC 13.100.070 and SCC 13.100.080 within one year of the date the Ordinance is approved by the County Council means the Ordinance should not be recorded, and the portion of 136th St SW petitioned to be vacated shall not be considered vacated as per SCC 13.100.080(4).

Approved by:

Douglas W McCormick
Douglas W. McCormick P.E.
Deputy Director/County Engineer

4/13/2026
Date

Prepared by:

Heather Noble

Heather Noble
ROW Investigator III

4.10.2026

Date