

1 ADOPTED:
2 EFFECTIVE:

3
4
5 After Recording Return To:
6 Clerk of the Council
7 Snohomish County Council
8 3000 Rockefeller Avenue – M/S 609
9 Everett, WA 98201

10
11 *In the matter of: 136th St SW Right-of-Way Vacation*

12
13 SNOHOMISH COUNTY COUNCIL
14 Snohomish County, Washington

15
16 ORDINANCE NO. 26-015

17
18 AN ORDINANCE VACATING AND ABANDONING AN UNOPENED PORTION OF
19 136TH ST SW, A SNOHOMISH COUNTY ROAD RIGHT-OF-WAY

20
21 WHEREAS, under chapter 36.87 Revised Code of Washington (RCW) and
22 chapter 13.100 Snohomish County Code (SCC), Snohomish County (the “County”)
23 has the authority to vacate and abandon County rights-of-way (ROW) determined to
24 be useless; and

25
26 WHEREAS, on May 12, 2025, Vijay and Anju Auluck (the “Petitioners”)
27 submitted a petition pursuant to RCW 36.87.020 and SCC 13.100.030, to vacate and
28 abandon an unopened portion of 136th St SW, a County road ROW; and

29
30 WHEREAS, on ____, the Snohomish County Engineer (the “County
31 Engineer”), pursuant to RCW 36.87.040 and SCC 13.100.040, prepared a report
32 examining the proposed vacation and abandonment; and

33
34 WHEREAS, the proposed ROW petitioned to be vacated is an unopened
35 dedicated ROW with varying widths, total length of 193.45 feet and total of 1,326 sq
36 ft; and

37
38 WHEREAS, the proposed unopened portion of County road ROW petitioned
39 to be vacated is classified as a Class D Road ROW under SCC 13.100.040(7)(d);
40 and

41 WHEREAS, the inquiries to local utilities reveal that there’re existing utilities
42 within the proposed ROW vacation.

43
44 WHEREAS, RCW 36.87.140 and SCC 13.100.100 allow the county to retain
45 an easement in respect to the vacated right-of-way for the construction, repair, and
46 maintenance of utilities and services. Therefore, it is recommended that an

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1 easement be retained for the existing utilities with that portion of 136th St SW for the
2 construction, repair and maintenance of public utilities and services.

3
4 WHEREAS, the Department of Public Works (DPW) has determined the
5 compensation for the county's easement interest in that portion of unopened
6 dedicated ROW of 136th St SW, petitioned under this vacation request shall be zero
7 (0) percent of the appraised value as per SCC 13.100.080(2)(c); and

8
9 WHEREAS, the County Engineer has determined that all criteria to vacate
10 and abandon a portion of 136th St SW exist and recommends that said portion of
11 County road ROW be vacated and abandoned; and

12
13 WHEREAS, on this ____ day of _____, 20_____, pursuant to RCW
14 36.87.060 and SCC 13.100.060, the Snohomish County Council (the "County
15 Council") held a public hearing to consider the County Engineer's Report and to
16 receive public testimony.

17
18 NOW, THEREFORE, BE IT ORDAINED:

19
20 **Section 1.** The County Council adopts and incorporates the foregoing recitals
21 as findings as if set forth fully herein.

22
23 **Section 2.** The unopened portion of County road ROW described in Exhibit A
24 and depicted in Exhibit B, both attached to this ordinance and incorporated herein by
25 reference, is useless for County road purposes, and the public will be benefited by
26 its vacation and abandonment.

27
28 **Section 3.** The unopened portion of County road ROW described and
29 depicted in the attached exhibits is vacated and abandoned upon satisfaction of the
30 terms and conditions contained in this ordinance.

31
32 **Section 4.** Under chapter 36.87 RCW and chapter 13.100 SCC, the vacation
33 and abandonment of the unopened portion of County road ROW granted herein shall
34 not take effect unless within one year of the date the County Council passes this
35 ordinance, DPW files a certification with the Clerk of the Council stating the
36 Petitioners have fully paid all itemized costs and expenses of the proceedings
37 enumerated by DPW under SCC 13.100.070 and identified in the County Engineer's
38 Report.

39
40 **Section 5.** The unopened portion of County road ROW is classified as Class
41 D under SCC 13.100.040(7)(d) in which the County has an easement interest in the
42 road ROW and no public expenditures have been made. Therefore, under SCC
43 13.100.080(2)(c) the Petitioners are not required to compensate the County for the
44 value of the vacated road ROW.

45
46 **Section 6.** As noted in the County Engineer's report examining the proposed
47 vacation, utilities are currently located in the road ROW vacated by this ordinance.

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1 The County retains an easement in respect to the vacated land for the construction,
2 repair and maintenance of utilities and services which are physically located within
3 the vacated portion of the ROW vacated by this ordinance as allowed under RCW
4 36.87.140 and SCC 13.100.100.

5
6 **Section 7.** Upon the Clerk of the County Council receiving confirmation from
7 DPW that Petitioners have made timely and full payment as required by chapter
8 36.87 RCW, and chapter 13.100 SCC, this ordinance shall be recorded with the
9 Snohomish County Auditor and become effective. In the event the Petitioners fail to
10 make the required payments within one year of the date this ordinance is passed by
11 County Council, this ordinance shall automatically become void and have no further
12 force or effect.

13
14
15 Passed this day _____ of _____ 2026

16
17
18 SNOHOMISH COUNTY COUNCIL
19 Snohomish County, Washington

20
21
22 _____
23 Council Chair

24
25
26 ATTEST:

27
28
29 _____
30 Assistant Clerk of the Council

- 31
32
33 () APPROVED
34 () EMERGENCY
35 () VETOED

36
37
38 _____
39 County Executive Date

40
41
42 ATTEST:

43
44 APPROVED AS TO FORM:

45 *Elic Steinberg*
46 _____
47 Deputy Prosecuting Attorney

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EXHIBIT A

Road Vacation for Vijay Auluck

That portion of Fourth Avenue as shown on the Plat of Hillman's North Seattle-Puget Sound Front Meadowdale Addition, in Section 32, Township 28 North, Range 4 East of the Willamette Meridian, Snohomish County, Washington, according to the plat thereof recorded in Volume 5 of Plats, page 39, records of said county, lying North of the line of 67th Avenue W. as shown on the Plat of Picnic Point, according to the plat thereof recorded in Volume 43 of Plats, pages 238, 239, and 240, records of said county, and lying West of the Northerly projection of the West line of Lot 61 of said Plat of Picnic Point, more particularly described as follows:

Commencing at the Northwest corner of said Lot 61; thence North 1° 45' 05" East, along said Northerly projection of said West line of Lot 61, a distance of 17.21 feet to a point on the center line of said Fourth Avenue and the **True Point of Beginning**; thence continuing North 1° 45' 05" East a distance of 20.00 feet to a point on the Northerly margin of said Fourth Avenue; thence North 87° 50' 31" West, along said Northerly margin, a distance of 94.57 feet; thence South 50° 18' 47" East a distance of 6.77 feet; thence South 76° 10' 09" East a distance of 27.26 feet; thence South 63° 52' 48" East a distance of 25.51 to a point on said center line of Fourth Avenue; thence South 87° 50' 31" East, along said center line, a distance of 39.34 feet to the **True Point of Beginning**.

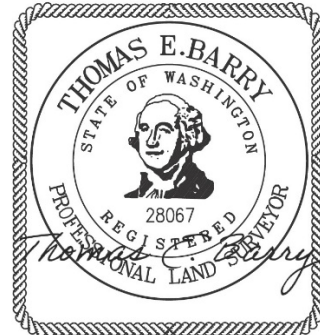
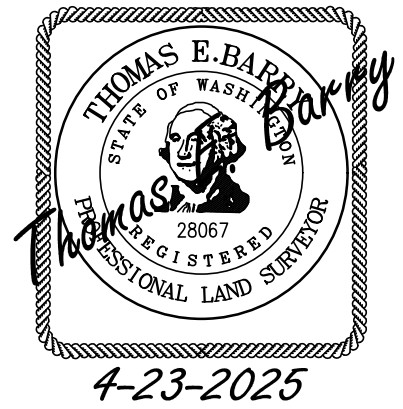
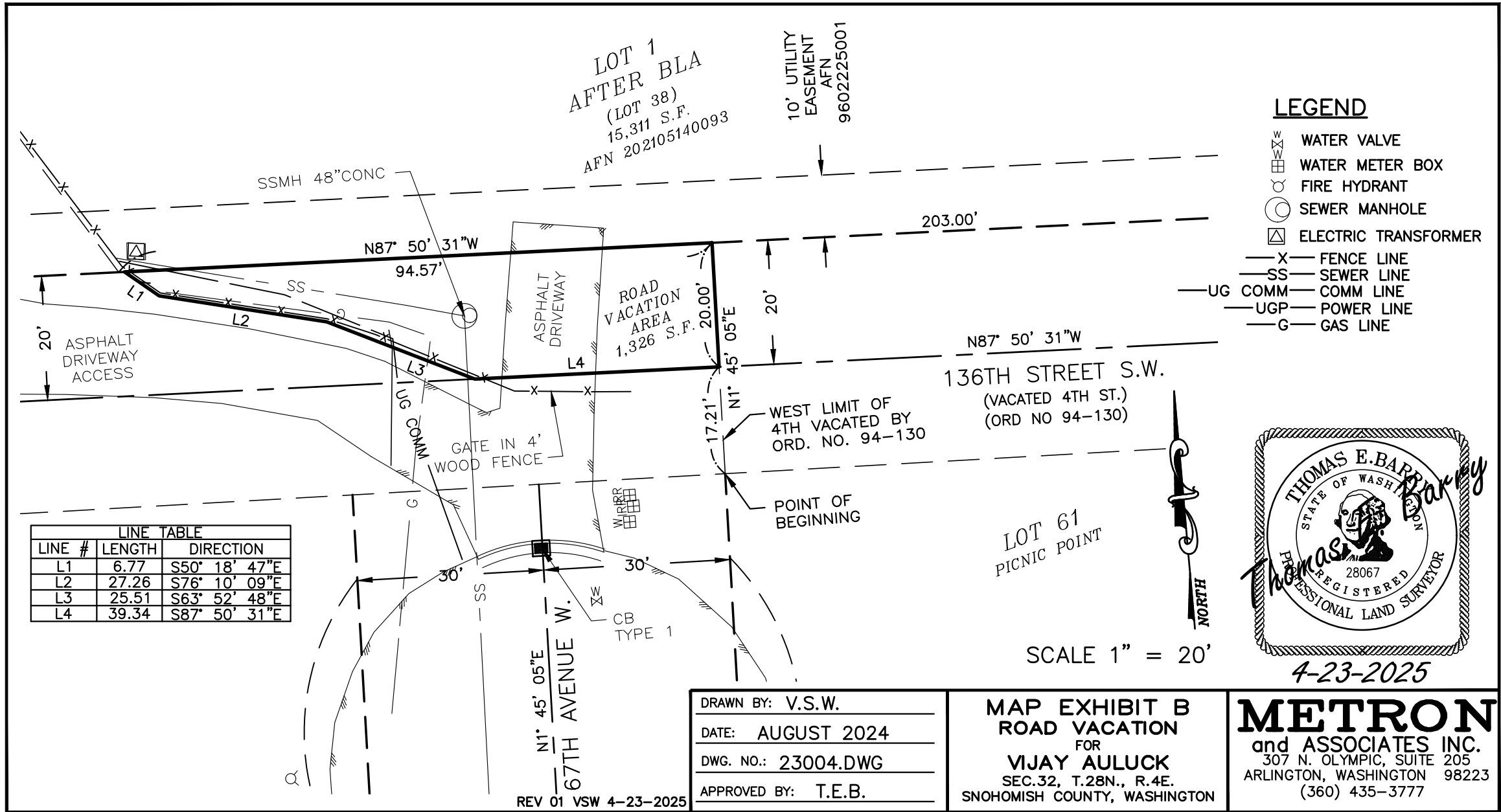


EXHIBIT 13 Exhibit B Site Plan map pg. 2



DRAWN BY: V.S.W.

DATE: AUGUST 2024

DWG. NO.: 23004.DWG

APPROVED BY: T.E.B.

**MAP EXHIBIT B
ROAD VACATION
FOR
VIJAY AULUCK
SEC.32, T.28N., R.4E.
SNOHOMISH COUNTY, WASHINGTON**

METRON
and ASSOCIATES INC.
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ARLINGTON, WASHINGTON 98223
(360) 435-3777