



REQUEST FOR ACTION

Revocable Permit and Agreement with Todd A. Nagel and Rachel M. Nagel, to replace a private garage within a Storm Sewer Easement

MEETING DATE:

June 1, 2026

ORIGINATING DEPT:

Public Works

AGENDA SECTION:

Consent Agenda

PRESENTER:

Dillon Dombrowski

Action Requested:

Authorizing a Revocable Permit and Agreement with Todd A. Nagel and Rachel M. Nagel, to replace a private garage within a Storm Sewer Easement.

Report Narrative:

Owners own real property with a dwelling having an address of 727 12th Avenue SE. In 1946, a predecessor in title dedicated a 10-foot-wide easement to facilitate the City's construction of a public storm sewer across the property. At some point after City's construction of the storm sewer, a previous owner of the property was allowed to construct a private garage in a location within the Property that was directly over the public storm sewer. The current owners approached the Public Works team in 2014, seeking support for the redevelopment of the property with a new house and a new detached garage that would also encroach into the 1946 easement and would be located over the storm sewer in a similar manner to the original garage. Based on the history of a garage having been previously allowed to be placed over the storm sewer and considering that the abutting property to the west also has a structure placed within an easement and over a segment of the same storm sewer pipe, Public Works supported the Owners' request in 2014. At that time, the Owners did remove the prior house and garage, and constructed a new house within the Property, but did not move forward with constructing a new garage and therefore did not execute the Revocable Permit Agreement since it was not needed for the new house. Owners would like to now move forward with constructing a garage as previously planned in 2014 and have requested to enter into a Revocable Permit Agreement with the City to allow replacement of the garage that was removed in 2014, with a new garage that would encroach within the 1946 easement that crosses the property. The Public Works team have inspected the storm pipe and confirmed that it is in good condition and buried approximately 7.5 feet below the ground surface. Based on the bury depth, it is not believed that constructing a garage structure over the pipe will negatively impact the public infrastructure. Given the unique circumstances that historically there had been a garage located over the storm pipe within the easement, and in consideration that the storm pipe is constructed at a depth that should not be negatively impacted by placement of a garage over the pipe, Public Works supports approval of this agreement. The agreement includes terms addressing the Owners' obligation to remove the garage if the City needs to repair or replace the storm sewer pipe and has language for revocation and liability protection for the City.

Priorities & Foundational Principles:

Fiscal Responsibility & Sustainability

Policy Considerations & DEI Impact:

Execution of a Revocable Permit and Agreement will serve to memorialize the Owner's and the City's rights and obligations related to the owners' use and enjoyment of their property while ensuring the City's public infrastructure is protected.

Prior Legislative Actions & Community Engagement:

There are no prior actions or community engagement related to this agreement.

Fiscal & Resource Impact:

Public Works collects a document preparation and recording fee for the preparation and recording of the subject Revocable Permit and Agreement.

Alternative Action(s):

No alternative actions are suggested at this time.

Prepared By:

Mark Baker

Attachments:

[Revocable Permit and Agreement - Private Garage in Storm Sewer Easement - Todd A. Nagel and Rachel M. Nagel](#)