



REQUEST FOR ACTION

Revocable Permit and Agreement with West 34 Partners, LLC for Private Improvements within a Drainage and Utility Easement

MEETING DATE:

May 18, 2026

ORIGINATING DEPT:

Public Works

AGENDA SECTION:

Consent Agenda

PRESENTER:

Dillon Dombrovski

Action Requested:

Authorizing a Revocable Permit and Agreement with West 34 Partners, LLC for the placement of a retaining wall and supporting geogrid within a drainage and utility easement.

Report Narrative:

West 34 Partners, LLC is the Owner of the property described as Lots 1 through 5, Block 3, Badger Heights 2nd Addition, Olmsted County, Minnesota. The Owner is the developer of the subject subdivision. Due to the topography of the property, a retaining wall is required to support the stated buildable lots. The Owner has requested a revocable permit granting permission to place the retaining wall and supporting geogrid (collectively referred to as "private improvements") that will serve the development of the stated lots within a public drainage and utility easement located on the property.

The Owner will install and maintain the private improvements at its own expense. The Owner will also be responsible for the cost to remove and reinstall the private improvements, as well as any damage to public facilities. Public Works has reviewed the request and recommends in favor of the revocable permit and agreement ("the agreement"). The agreement includes language for revocation and liability protection for the City, and has been executed by the Owner.

Priorities & Foundational Principles:

Economic Vibrancy & Growth Management
Public Safety

Policy Considerations & DEI Impact:

The permit and agreement with West 34 Partners, LLC are requirements per the Rochester City Code of Ordinances (RCO), Sec. 9-2-5. The City strives to keep its public rights-of-way in a state of good repair and free from unnecessary encumbrances, to provide for and protect the health, safety, and welfare of its citizens, and to ensure the integrity of its streets and the appropriate use of the public rights-of-way.

Chapter 9-2 of the RCO, Public Right-of-Way Management, imposes reasonable regulation on the placement and maintenance of facilities and equipment currently within the City's rights-of-way. This chapter is intended to complement the regulatory roles of state and federal agencies. Under this chapter, persons using, excavating, and obstructing the rights-of-way will bear financial responsibility for their work and will be required to maintain, support, protect, or move their facilities.

Prior Legislative Actions & Community Engagement:

This agreement is a stand-alone item. There are no prior actions or community engagement to report at this time.

Fiscal & Resource Impact:

Public Works collects a document preparation and recording fee of \$246 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:

Jamie Miller

Attachments:

[Revocable Permit & Agreement - West 34 Partners LLC - retaining wall in easement](#)

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