



## **REQUEST FOR ACTION**

**Vacation Petition No. CD2026-004VAC, by Bella Vita of Rochester, LLC & Forte of Rochester II, LLC**

**MEETING DATE:**

**May 18, 2026**

**ORIGINATING DEPT:**

**Community Development**

**AGENDA SECTION:**

**Public Hearings**

**PRESENTER:**

**Desmond McGeough**

### **Action Requested:**

Adopting a Resolution approving Vacation Petition No. CD2026-004VAC, by Bella Vita of Rochester, LLC & Forte of Rochester II, LLC, to vacate a 45-foot-wide drainage and public utility easement approximately 65 feet in length located on 3955 & 3975 Superior Dr NW.

### **Report Narrative:**

The Applicants and Property Owners, Bella Vita of Rochester, LLC, and Forte of Rochester II, LLC, collectively the "Applicant", have submitted a Vacation Petition to vacate an existing 45-foot-wide Drainage and Public Utility Easement that is approximately 65 feet in length, located within the Forte Senior Living Apartment Community. (3955 & 3975 Superior Dr NW)

The applicant received Site Development Plan approval for Forte Senior Living Apartment Community Phase 1 & 2 in 2020 (CD2020-014SDP) for a 208-unit apartment complex. At the time of initial SDP approval, Phases 1 & 2 were proposed as two separate building structures. Between the two structures was an existing, north-to-south running Drainage and Utility Easement to serve potential drainage needs of the site and for extending public utilities through the site.

During construction of the Forte Senior Living project, the Developer sought to construct an east-to-west running pedestrian breezeway, connecting the Phase 1 & 2 structures. As a requirement of connecting the two structures, a revocable permit to allow the structure within the easement area was issued and recorded. As constructed, the building footprint extended beyond the area originally anticipated by the recorded revocable permit. The Applicant is requesting a partial vacation of the subject easement, as provided on the attached exhibit, to remove the underlying easement from the area of the building footprint.

The Applicant has recently approached the Public Works Department seeking to amend the effective revocable permit area to address the unanticipated portions of the structure extending into the easement. Upon review of the request, it was confirmed that no utilities were running through the portion of the easement encroached upon by the structure. Since there was no existing utility infrastructure in the easement area or a need to extend utilities through the area, the applicant was directed to file a request to vacate the subject easement area rather than amending the applicable area of the revocable permit.

The partial vacation of this easement will not interfere with any existing drainage or utility infrastructure. Approval of this request will not adversely impact the public interests or the delivery of any utility service to the subject project or any other property. The Development Review Committee is recommending that the Council approve the vacation request.

**Priorities & Foundational Principles:**

Fiscal Responsibility & Sustainability

**Policy Considerations & DEI Impact:**

The proposed vacation petition achieves the Comprehensive Plan's core principles of Economic Vibrancy & Growth Management and Fiscal Responsibility & Sustainability.

**Prior Legislative Actions & Community Engagement:**

May 8, 2026; Council Public Hearing notification mailed and forwarded for newspaper publication.

**Fiscal & Resource Impact:**

All development costs associated with the project are the responsibility of the developer.

**Alternative Action(s):**

There are no alternative actions recommended at this time.

**Prepared By:**

Desmond McGeough

**Attachments:**

[Cover Page](#)

[Community Development Memo - CD2026-004VAC - Forte Senior Living Easement Vacation](#)

[Notification Map CD2026-004VAC - Forte Senior Living Easement Vacation](#)

[Site Location Map - CD2026-004VAC - Forte Senior Living Easement Vacation](#)

[Vacation Exhibit - CD2026-004VAC - Forte Senior Living Easement Vacation](#)

[Vacation Legal Description - CD2026-004VAC - Forte Senior Living Easement Vacation](#)

[Review Comment - CD2026-004VAC - Forte Senior Living Easement Vacation](#)

[Resolution - CD2026-004VAC - Forte Senior Living Easement Vacation](#)