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# Le Sueur County, MN

Thursday, May 10, 2018

Regular session

## Item 3

### Stangler Packet

Staff Contact: Joshua Mankowski or Michelle R. Mettler

# STAFF REPORT

## GENERAL INFORMATION

**APPLICANT/OWNER:** Richard Stangler  
**911 ADDRESS:** New 151<sup>st</sup> Ave, Kilkenny, MN  
**PROJECT DESCRIPTION:** To allow the applicant to transfer the development right from the NE/SE 1/4 to the SE/SE.  
**PARCEL NUMBER:** 06.027.5710 & 06.027.3800  
**CUP NUMBER:** 18029

## SITE INFORMATION

**LOCATION:** SE 1/4, Section 27, Kilkenny Township  
**ZONING DISTRICT:** Agriculture  
**ZONING DISTRICT PURPOSE:** The **Agriculture (A) District** is established for areas where agriculture uses are seen as the best and highest long term use of the land. The land itself needs to be preserved for primarily agricultural activities. These areas should avoid existing cities, residential zones and subdivisions. They should be large contiguous land areas with mostly prime soils.  
**GENERAL SITE DESCRIPTION:** Agriculture, scattered residences, wooded, wetland, floodplain  
**ACCESS:** New off 151<sup>st</sup> Ave, approved by County Highway Engineer  
**EXISTING LAND USE WITHIN ¼ MILE:**  
North: Agriculture, Floodplain                      South: Agriculture  
East: Wetland    West: Agriculture

## BACKGROUND INFORMATION

The applicant is proposing to transfer the development right from the NE/SE in a current farm field to the SE/SE on a wooded 4.16-acre parcel. The building eligibility in the NE/SE meets the first in the quarter/quarter, meets separation distance to a feedlot and density standards in the section for the Ag District and performance standards i.e. buildable area, setbacks etc. Location transferred to in the SE/SE, meets performance standards i.e. buildable area, setbacks, etc.

## TOWNSHIP BOARD NOTIFICATION

Public Notice sent to Township via mail. Jim Hebel from Kilkenny Township was contacted on April 5, 2018 by applicant, per application.

## NATURAL RESOURCES INFORMATION

**SHORELAND:** The proposal is not located within the Shoreland District.  
**WETLANDS:** According to the National Wetlands Inventory, Type 1-2 wetlands located in the quarter-quarter section where the project is proposed.

## ATTACHMENTS

### STAFF FINDINGS

**ZONING ORDINANCE SECTIONS:** Section 8, Agriculture; Section 19, Subdivision 12 Transfer of Development Rights; Section 21, Conditional Use Permits;

**GOALS & POLICIES:** The current Land Use Plan as adopted in 2007 does make reference to transfer of development rights.

- |                     |   |
|---------------------|---|
| <b>GOAL #4:</b>     | Le Sueur County should adopt and enforce land use goals and policies that provide a wide range of Opportunity for Urban and Rural Housing Development.  |
| <b>Objective 1:</b> | Le Sueur County should allow non-farm development to occur in agricultural areas, but with guidelines meant to reduce conflicts with agricultural operators.  |
| <b>Action 6:</b>    | Adopt a Transfer of Development Rights component to the zoning ordinance in which a property owner could transfer one development right from $\frac{1}{4}$ $\frac{1}{4}$ to an adjacent $\frac{1}{4}$ $\frac{1}{4}$ . |

### ENVIRONMENTAL PERFORMANCE STANDARDS-SECTION 18

- BLUFF:** There is a bluff between 18-30 % slope located on the proposed site. Required 30-foot setback from top and toe of the bluff.
- GRADING, EXCAVATING, OR FILLING:** Material movement for the purpose of digging the basement and constructing the driveway is part of the zoning permit. Any additional Grading, Excavating, & Filling beyond 500 cubic yards will require a Conditional Use Permit. Any additional Grading, Excavating, & Filling between 250 & 500 cubic yards will require a Land Alteration Plan.
- EROSION CONTROL:** Erosion Control measures required.
- DRAINAGE:** Cannot increase drainage to adjoining properties.

### LAND PERFORMANCE STANDARDS-SECTION 19

- ACCESS:** Minimum driving surface 14' in width, inslope no greater than 4:1, unobstructed vertical and horizontal clearance, minimum flat grade of at least 20' at access point to road.
- SPECIFIC LAND USE:** Sending must have building eligibility and meet performance standards. Receiving must meet performance standards, and feedlot separation distance. Transfer involves contiguous quarter/quarters within Kikenny Township.

### PLANNING AND ZONING COMMISSION CONSIDERATIONS

The Planning Commission and staff shall consider possible adverse effects of the proposed conditional use and what additional requirements may be necessary to reduce such adverse effects. Its judgment shall be based upon the following factors to include, but not limited to:

1. Relationship to County plans.



2. The geographical area involved.
3. Whether such use will negatively affect surrounding properties in the area in which it is proposed.
4. The character of the surrounding area.
5. The demonstrated need for such use.
6. Whether the proposed use would cause odors, dust, flies, vermin, smoke, gas, noise, or vibration or would impose hazards to life or property in the neighborhood.
7. Whether such use would inherently lead to or encourage disturbing influences in the neighborhood.
8. Whether stored equipment or materials would be screened and whether there would be continuous operation within the visible range of surrounding residences.
9. Abatement of Environmental Hazards as regulated in this Ordinance.
10. Other factors impacting the public health, safety and welfare.
11. **Additional considerations:**
  - a. Access
  - b. The site is adequate for water supply and on-site sewage treatment.
  - c. Additional Grading, Excavating and Filling beyond the permitted use will require a CUP.

#### PLANNING AND ZONING COMMISSION CONDITIONS

The Planning Commission shall recommend such conditions relating to the granting of said Conditional Use Permit, as they deem necessary to carry out the intent and purpose of this Ordinance or recommend that the request be denied. Such recommendation shall be in writing. The conditions *may* include, but are not limited to the following:

1. Increasing the required lot size or yard dimension.
2. Limiting the height, size, or location of the structures.
3. Controlling the location, size, and number of vehicle access points.
4. Increasing the street width.
5. Increasing the number of required off-street parking space.
6. Limiting the number, size, location, or lighting of signs.
7. Requiring diking, fencing, screening, landscaping or other facilities to protect adjacent or nearby property.
8. Designating sites for open space.

# LE SUEUR COUNTY CONDITIONAL USE PERMIT CRITERIA

Conditional Use Permit #: 18029

**Applicant:** RICHARD STANGLER

**Land Owner:** RICHARD STANGLER

**Conditional Use Permit Request:** TO ALLOW THE APPLICANT TO TRANSFER THE DEVELOPMENT RIGHT FROM THE NE/SE TO SE/SE.

1. The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminishes and impairs property values within the immediate vicinity.

Don Rk	Pam	Doug	Jeanne	Shirley	Don Ry	AI	TOTAL

Explain \_\_\_\_\_

2. The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.

Don Rk	Pam	Doug	Jeanne	Shirley	Don Ry	AI	TOTAL

Explain \_\_\_\_\_

3. Adequate utilities, access roads, drainage and other facilities have been or are being provided.

Don Rk	Pam	Doug	Jeanne	Shirley	Don Ry	AI	TOTAL

Explain \_\_\_\_\_

4. Adequate measures have been or will be taken to provide sufficient off-street parking and loading space to service the proposed use.

Don Rk	Pam	Doug	Jeanne	Shirley	Don Ry	AI	TOTAL

Explain \_\_\_\_\_

5. Adequate measures have been or will be taken to prevent and control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.

Don Rk	Pam	Doug	Jeanne	Shirley	Don Ry	AI	TOTAL

Explain \_\_\_\_\_

6. The conditional use is consistent with and supported by the statement of purposes, policies, goals and objectives in the Ordinance.

Don Rk	Pam	Doug	Jeanne	Shirley	Don Ry	AI	TOTAL

Explain \_\_\_\_\_

7. The conditional use is consistent with the Comprehensive Land Use Plan.

Don Rk	Pam	Doug	Jeanne	Shirley	Don Ry	AI	TOTAL

Explain \_\_\_\_\_

If all answers are "YES" by a majority of the Planning Commission, the criteria for granting of the Conditional Use Permit request have been met. The Conditional Use Permit will meet the goals of safety, health and the general welfare of the public.

Date: \_\_\_\_\_ APPROVED \_\_\_\_\_ DENIED \_\_\_\_\_ PZ Chairperson \_\_\_\_\_

COUNTY BOARD MEETING DATE \_\_\_\_\_

# Le Sueur County

## Conditional Use Application

### I. Applicant:

Name Richard Stangler  
Mailing Address 44357 Kilky Rd S  
City Kilkeny State mn Zip 56052  
Phone # 507-595-2883 Phone # \_\_\_\_\_

### II. Landowner:

Name Richard Stangler  
Mailing Address 44357 Kilky Rd S  
City Kilkeny State mn Zip 56052  
Property Address \_\_\_\_\_  
City Kilkeny mn State mn Zip 56052  
Phone # \_\_\_\_\_ Phone # \_\_\_\_\_

### III. Parcel Information:

Parcel Number 06:027.5710 Parcel Acreage 4.16  
Attach Full Legal Description (**NOT** abbreviated description from tax statement)  
Township Kilkeny Section 27  
Subdivision \_\_\_\_\_ Lot \_\_\_\_\_ Block \_\_\_\_\_

### IV. Township Notification: Township must be notified of proposed use prior to application.

Kilkeny Twp Township notified on ~~Jim Hebel~~ 4-5-18  
(Township Name) (Date)

Board Member Jim Hebel regarding the proposed use.  
(Name)

### V. Quantities and Submittal Formats:

- One (1) reproducible 8.5" x 11" copy of the request and all other supporting documents.
- Twenty three (23) copies must be submitted, if any documents are in color, an aerial, or larger than 8.5" x 11" in size.
- Electronic version of any supporting documents *if available*.
- Additional copies may be requested as deemed necessary by the Department.
- Application must be made **in person** by the applicant and/or landowner no later than 12 P.M. on the date of application deadline.
- Appointment is necessary.
- Applications will not be accepted by mail.**

### VI. Fees: Must be paid at the time of application.

Conditional Use Permit \$ 750 After-The-Fact fee is **doubled.**  
Filing Fee \$ 46

#### Additional Fees:

Special Meeting \$ 2,000  
After-The-Fact Penalty \$ 1,500 OR 10% of improvement, whichever is greater



**VII. Type of Request:**

- Self Service Storage
- School/Church/Cemetery
- Retail Nursery/Greenhouse
- School/Church/Cemetery
- Value Added Agriculture
- Antique Sales/Service/Repair
- Substation/Transmission Lines etc.
- Other TDR

**VIII. Description of Request:**

a. A full description of request with detailed information must be attached.

b. Complete the following in relationship to the proposed Conditional Use Permit.

1. PROPOSED DAYS AND HOURS OF OPERATION: \_\_\_\_\_
2. ESTIMATED NUMBER OF PERSONS TO ATTEND PLACE OF BUSINESS/LOCATION ON A DAILY OR WEEKLY BASIS: \_\_\_\_\_
3. LIST OF PUBLIC HEALTH PLANS:
  - i. Water Supply: Private Well
  - ii. Toilet facilities: Approved septic System
  - iii. Solid Waste Collection: Waste management
4. FIRE PREVENTION: \_\_\_\_\_
5. SECURITY PLANS: \_\_\_\_\_
6. RETAIL SALES: \_\_\_\_\_
7. FOOD OR ALCOHOL SERVED OR FOR SALE: \_\_\_\_\_
8. DESCRIBE IF THE APPLICANT REQUESTS THE COUNTY TO PROVIDE ANY SERVICES OR COUNTY PERSONNEL: (For example, pedestrian and/or vehicular traffic control.) \_\_\_\_\_
9. SOUND AMPLIFICATION, PUBLIC ADDRESS SYSTEM, PLAYING OF MUSIC: \_\_\_\_\_
10. EXTERIOR LIGHTING: \_\_\_\_\_
11. PARKING AND LOADING: \_\_\_\_\_
12. SIGNAGE: \_\_\_\_\_
13. ROAD ACCESS: (Approved by the road authority) Culvert installed as per Hy dept location
14. CERTIFICATE OF INSURANCE: \_\_\_\_\_
15. MEET ALL APPLICABLE COUNTY STATE & FEDERAL REGULATIONS: (For example additional licensing and/or permitting) \_\_\_\_\_

**IX. Site Plan:** Shall include but not limited to the following:

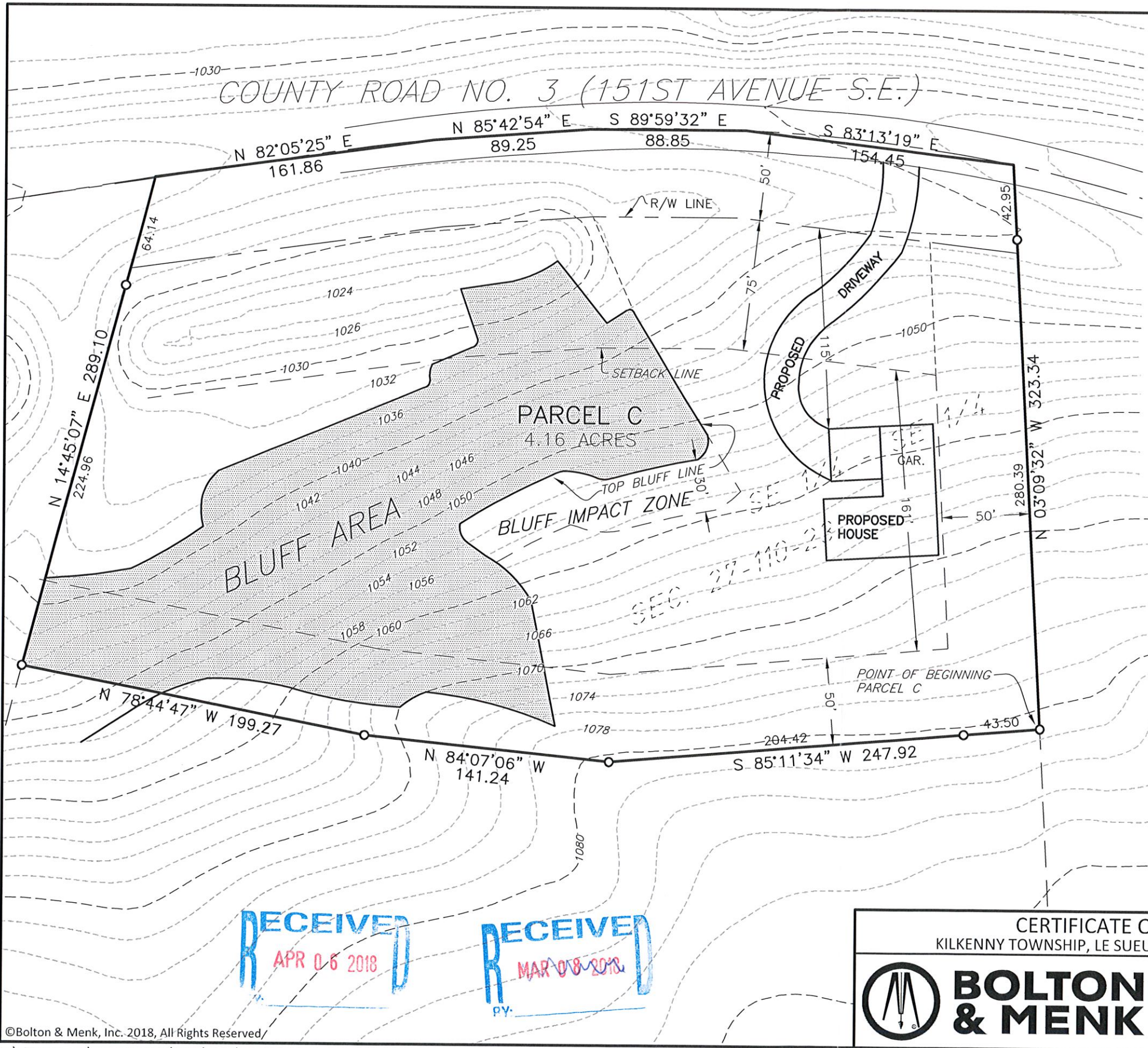
- North point
- Setbacks
- Property Lines
- Road Right-Of-Way
- Lake
- River
- Wetland
- Stream
- Existing Structures
- Proposed Structures
- Lot Dimensions
- Ponds
- Septic system
- Well
- Access (size & location)
- Easements
- Parking (Size & location-if applicable to application)
- Landscape, screening and buffering (if applicable to application)
- Location of significant trees to be removed (if applicable to application)









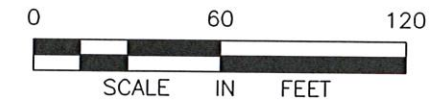


**PROPOSED DESCRIPTION**

**PARCEL C**

That part of the Southeast Quarter of Section 27, Township 110 North, Range 23 West, Le Sueur County, Minnesota, described as follows: Commencing at the Southeast Corner of said Section 27; thence North 23 degrees 13 minutes 32 seconds West (the East line of the Southeast Quarter of Section 27 bears North 00 degrees 06 minutes 28 seconds East and is based on Le Sueur County Coordinate System NAD83 1996 Adjustment), a distance of 184.00 feet to the Southeast Corner of a parcel described in Document Number 243455, recorded in the Le Sueur County Recorder's Office also being the point of beginning; thence North 88 degrees 53 minutes 32 seconds West on the south line of said parcel, a distance of 659.00 feet to the Southwest Corner of said parcel; thence North 03 degrees 09 minutes 32 seconds West on the west line of said parcel, a distance of 232.91 feet to the point of beginning; thence South 85 degrees 11 minutes 34 seconds West, a distance of 247.92 feet; thence North 84 degrees 07 minutes 06 seconds West, a distance of 141.24 feet; thence North 78 degrees 44 minutes 47 seconds West, a distance of 199.27 feet to the east line of a parcel described in Document Number 400086; thence North 14 degrees 45 minutes 20 seconds East on the east line of said parcel, a distance of 289.10 feet; thence North 82 degrees 05 minutes 25 seconds East, a distance of 161.86 feet; thence North 85 degrees 42 minutes 54 seconds East, a distance of 89.25 feet; thence South 89 degrees 59 minutes 32 seconds East, a distance of 88.85 feet; thence South 83 degrees 13 minutes 19 seconds East, a distance of 154.45 feet to the west line of a parcel described in Document Number 243455; thence South 03 degrees 09 minutes 32 seconds East on the west line of said parcel, a distance of 323.34 feet to the point of beginning. Said parcel contains 4.16 acres of land.

BUILDABLE AREA = 109,251 SQ FT



**SURVEYOR'S CERTIFICATION**

I hereby certify that this survey was prepared by me or under my direct supervision and that I am a duly licensed land surveyor under the laws of the State of Minnesota.

*Rory Jensen*  
 Rory Jensen  
 License Number 19789

4-3-18  
 Date

RECEIVED  
 APR 06 2018

RECEIVED  
 MAR 08 2018

**CERTIFICATE OF SURVEY**  
 KILKENNY TOWNSHIP, LE SUEUR COUNTY, MINNESOTA



1960 PREMIER DRIVE  
 MANKATO, MINNESOTA 56001  
 (507) 625-4171

THAT PART OF THE SE 1/4 OF THE SE 1/4 OF SECTION 27, TOWNSHIP 110 NORTH, RANGE 23 WEST, KILKENNY TOWNSHIP, LE SUEUR COUNTY, MINNESOTA

FOR: RICHARD STANGLER

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JOB NUMBER: M35.113242

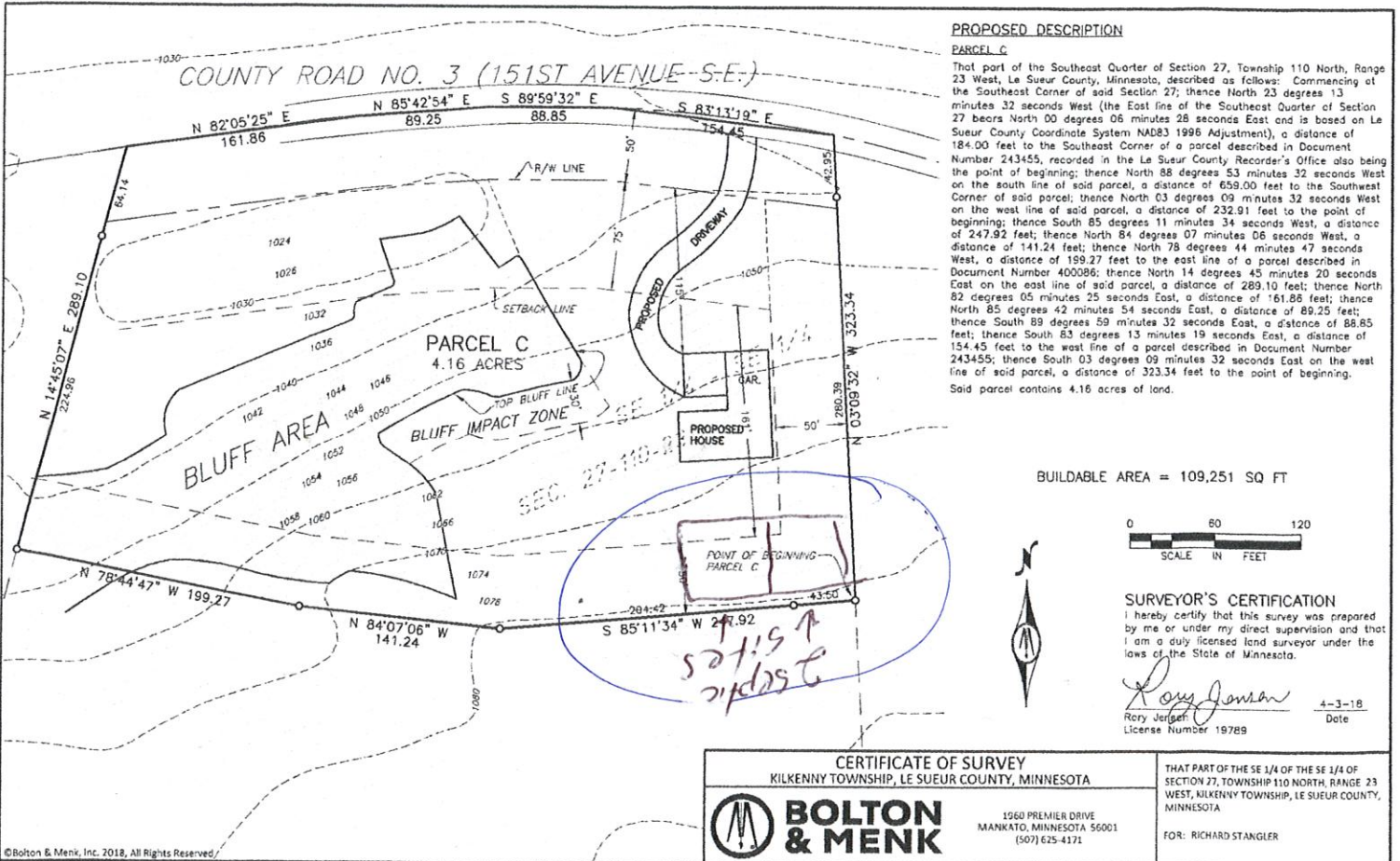
FIELD BOOK: SEE FILE

DRAWN BY: JLA

4.0 S27-T110N-R23W



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 BY: \_\_\_\_\_



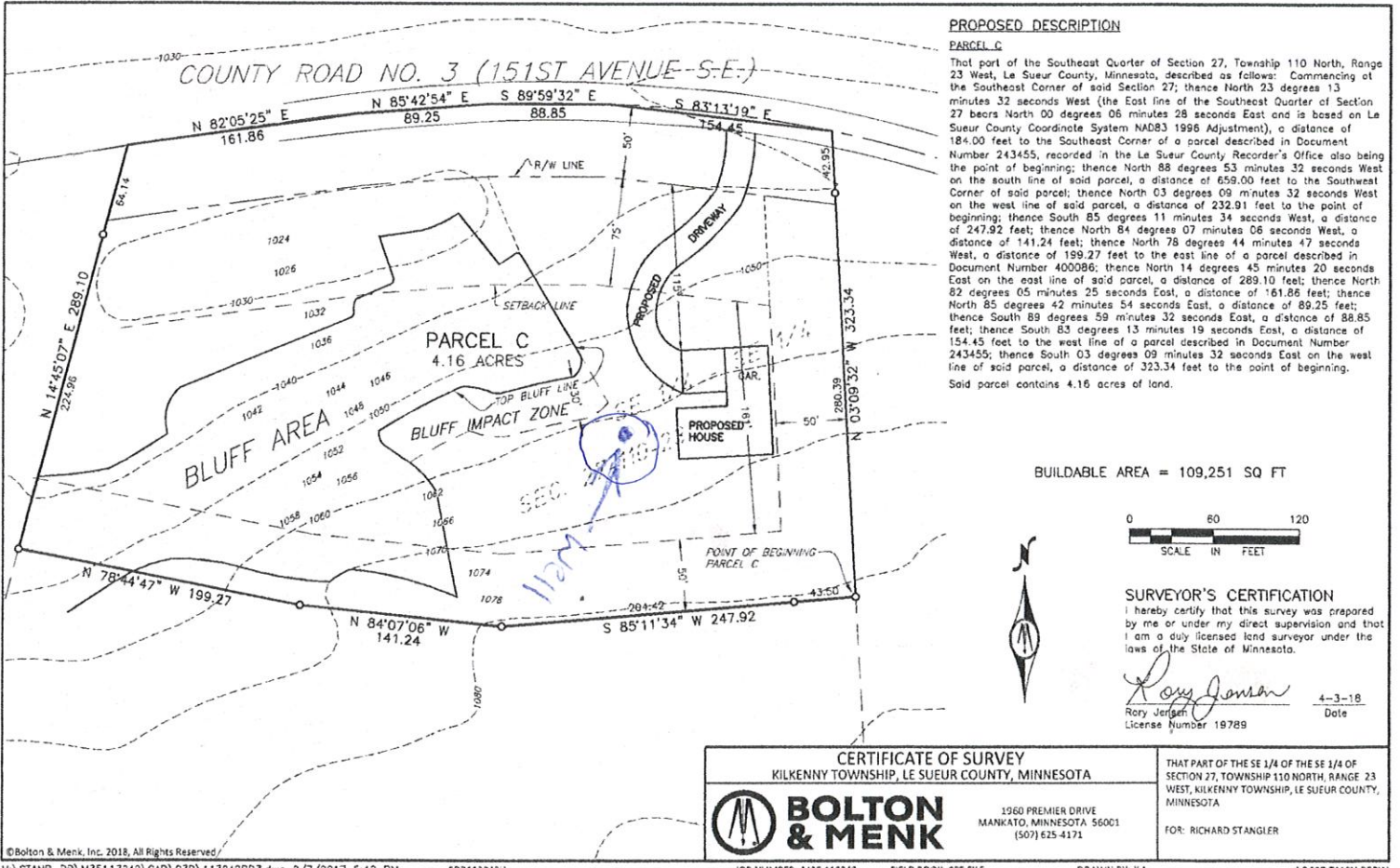
©Bolton & Menk, Inc. 2018, All Rights Reserved.  
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need 1 septic location

2-septic sites are on this parcel south east corner  
 Hackett construction llc  
 [Signature] 43473



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**APR 10 2018**  
 BY: \_\_\_\_\_



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Need preliminary well location  
 Kapurik well (site meets criteria) All lights

**Mettler, Michelle**

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**From:** Tiegs, David  
**Sent:** Wednesday, February 01, 2017 9:35 AM  
**To:** Mettler, Michelle  
**Subject:** Approved Entrance Permit  
**Attachments:** DOC020117.pdf

Michelle, Attached is an approved entrance permit for a proposed house. The parcel is owned by Richard Stangler, PID 06.027.5710

Dave

LE SUEUR COUNTY HIGHWAY DEPARTMENT

Application For Access Driveway or Entrance Permit

C.S.A.H./Co. Hwy. No. 3 Name of Twp. \_\_\_\_\_

SKETCH PROPERTY, PRESENT AND PROPOSED DRIVEWAY AND RELATION TO COUNTY HIGHWAY.

Name of Applicant: Richard Stangler Telephone No.: ( ) \_\_\_\_\_

Address: 44357 Kilkenny Rd. Kilkenny, MN 56052

Name of Property Owner: Richard Stangler Telephone No.: ( ) \_\_\_\_\_

Address: \_\_\_\_\_

Location: Co Hwy. No.: \_\_\_\_\_ in Le Sueur Co. \_\_\_\_\_ Miles N-S-E-W of \_\_\_\_\_  
(circle one) (Specify Road, or intersection)

Legal Description of Property P.I.D. 06.027.5710

Purpose of Driveway: Farm Residence X Field \_\_\_\_\_

Is a Building to be Constructed: Yes X No \_\_\_\_\_ What kind Future Home

Possible replacement cost of this pipe will be the responsibility of the owner: Yes/No (No)  
(Circle One)

Will the Building be Temporary: \_\_\_\_\_ Permanent X

Distance from center of highway to front of building is \_\_\_\_\_ feet.

Is land higher? \_\_\_\_\_ lower? \_\_\_\_\_ or level? \_\_\_\_\_ with highway.  
(show feet & inches) (show feet & inches)

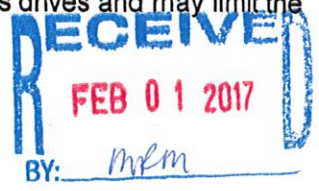
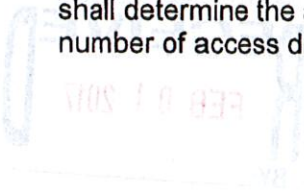
Number of present driveways to property \_\_\_\_\_ Date Proposed driveway will be needed \_\_\_\_\_

Give exact location to Proposed Driveway to Property:(Give lath to mark center of Proposed Driveway)

Near East property line as shown in sketch. \* Optional location to West, near drainage structure also possible. (Coordinate installation with Hwy. Dept.)

I, We, the undersigned, herewith make application for permission to construct the access driveway at the above location, said driveway to be constructed to conform with the standards of the Minnesota Highway Department and to any special provisions included in the permit. It is agreed that all work will be done to the satisfaction of the Le Sueur County Highway Department. It is further agreed that no work in connection with this application will be started until the application is approved and the permit issued.

Access drives onto any public roads shall require a review by the Road Authority. The Road Authority shall determine the appropriate location, size, and design of such access drives and may limit the number of access drives in the interest of public safety.





Access drives which traverse wooded, steep, or open field areas shall be constructed and maintained to a minimum ten (10) foot width base material depth sufficient to support access by emergency vehicles and have an unobstructed width of not less than fourteen (14) feet and an unobstructed vertical clearance of not less than thirteen (13) feet, six (6) inches. Access drives outside the road rights of ways shall not exceed twelve percent (12%) grade unless approved by the local fire chief.

Access drives shall have a twenty (20) foot long flat grade directly adjacent to the road that drive accesses.

All lots or parcels with dwellings shall have direct adequate physical access for emergency vehicles along the frontage of the lot or parcel from either an existing or dedicated public roadway.

All roads serving more than one (1) lot or parcel with dwellings shall be built to township road specifications or at least sixty six (66) feet wide with a minimum driving surface width of twenty-four (24) feet.

Access drives in excess of one hundred fifty (150) feet shall provide a minimum turn-around of forty (40) feet in width by forty (40) feet in length.

**BE IT RESOLVED:** That the County Highway Engineer is hereby authorized and instructed to control farm and field entrances on all County State Aide Highways, including roads scheduled for new construction, under the following regulations.

- A: One field and one farm entrance shall be allowed per owner or approved additional access at no cost to owner.
- B: A permit shall be required on all additional entrance requests.
- C: All new culverts and aprons on additional entrance requests shall be furnished by the private owner, and constructed according to the Engineer's specifications.
- D: All new culvert materials and aprons shall become the property of the County Highway Department and entrances shall be maintained by same.
- E: There shall be no distinction for entrances with or without culvert.
- F: The relocation of existing entrances shall be accomplished at the private owner's expense and according to the Engineer's specifications, except where the County is proved negligent.

**BE IT RESOLVED:** That the design standards for County Roads be the same as those currently listed in State Aid Rules for County State Aid Highways.

1-30-17  
Date

*Richard J. [Signature]*  
Signature of Applicant



**Office Use Do Not Write On This Page.**

**\*NOT VALID UNLESS SIGNED AND NUMBERED\***

Access Driveway or Entrance Permit: 2017003  
Permit No.

Permission is hereby granted for the construction of the driveway as described in the above application, said driveway to be constructed in accordance with the Minnesota Highway Departments Driveway Standard Plate Nos. 9000B and 9001A and subject to the requirements on the next page and the following special provisions:

It is expressly understood that this permit is conditioned upon replacement or restoration of the County Highway to its original or to satisfactory condition.

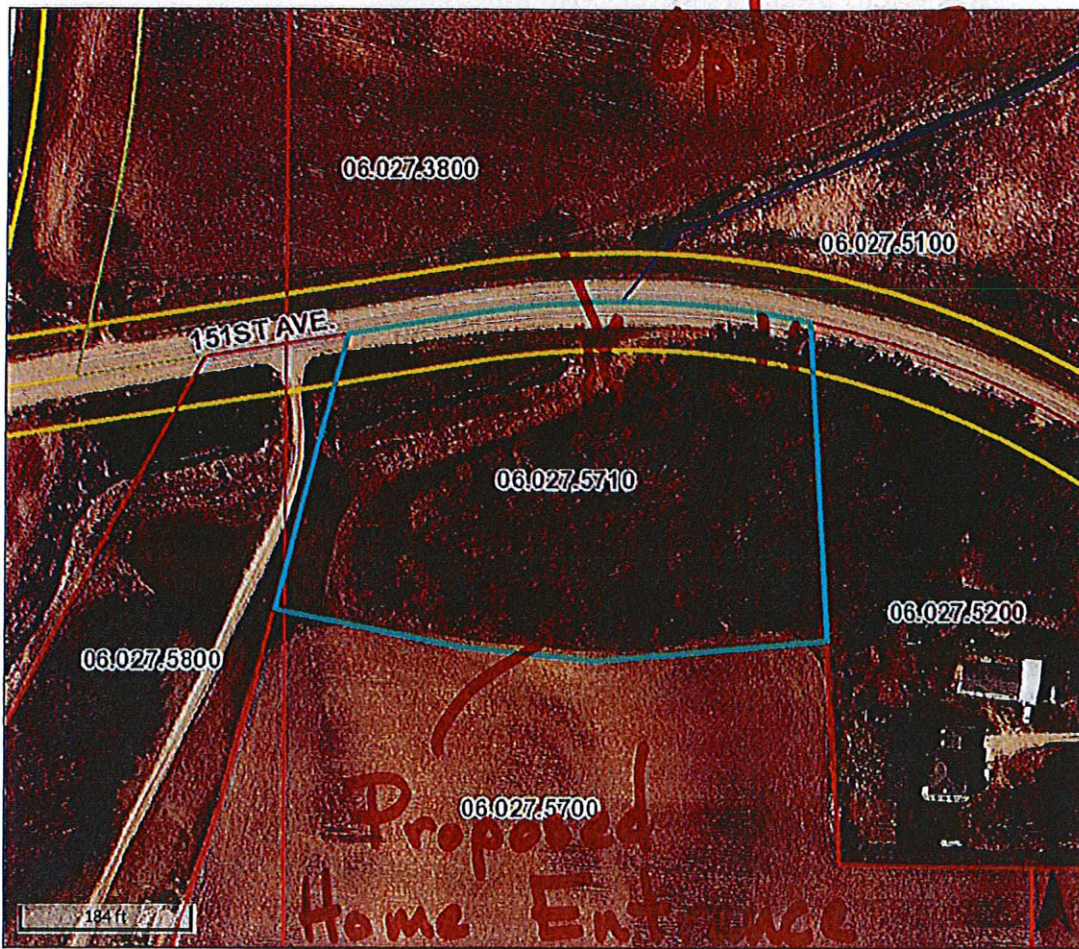
2-1-17  
Date

David P. [Signature]  
ASST Le Sueur County Highway Engineer

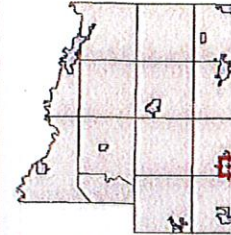
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Overview



Legend

- City Limits
- Political Township
- Cadastral Lines**
  - Corp Line
  - County Line
  - Easement Line
  - Geo Twp Line
  - Gov Lot Line
  - Lot Line
  - Misc Line
  - New Split Line
  - Parcel Line
  - Pol Twp Line
  - Quarter Line
  - Railroad Centerline
  - Railroad ROW
  - Road Centerline
  - Road ROW
  - Road ROW Vac
  - Section Line
  - Sub Line 400
  - Unknown Linear
- Parcels

Parcel ID	06.027.5710	Alternate ID	n/a	Owner Address	STANGLER,RICHARD J
Sec/Twp/Rng	27-110-023	Class	101 - AGRICULTURAL		44357 KILKENNY RD
Property Address		Acreage	4.16		KILKENNY, MN 56052
District	KILK TWP/2143				
Brief Tax Description	Sect-27 Twp-110 Range-023 4.16 AC THAT PART OF SE 1/4 OF SEC 27 COMM AT SE COR OF SAID SEC, TH NW 184 FT, W 659 FT, TH NW 232.91 FT TO POB, TH SW 247.92 FT, NW 141.24 FT, NW 199.27 FT, TH NE 289.1 FT, TH NE 161.86 FT, NE 89.25 FT, TH E 88.85 FT, TH SE 154.45 FT, TH SE 323.34 FT TO BEG				
	(Note: Not to be used on legal documents)				

Photo from April 2013

Date created: 1/30/2017  
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Developed by  
 The Schneider Corporation

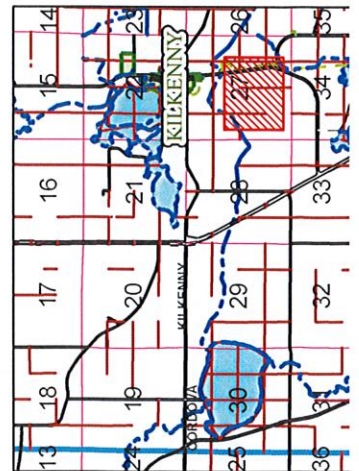
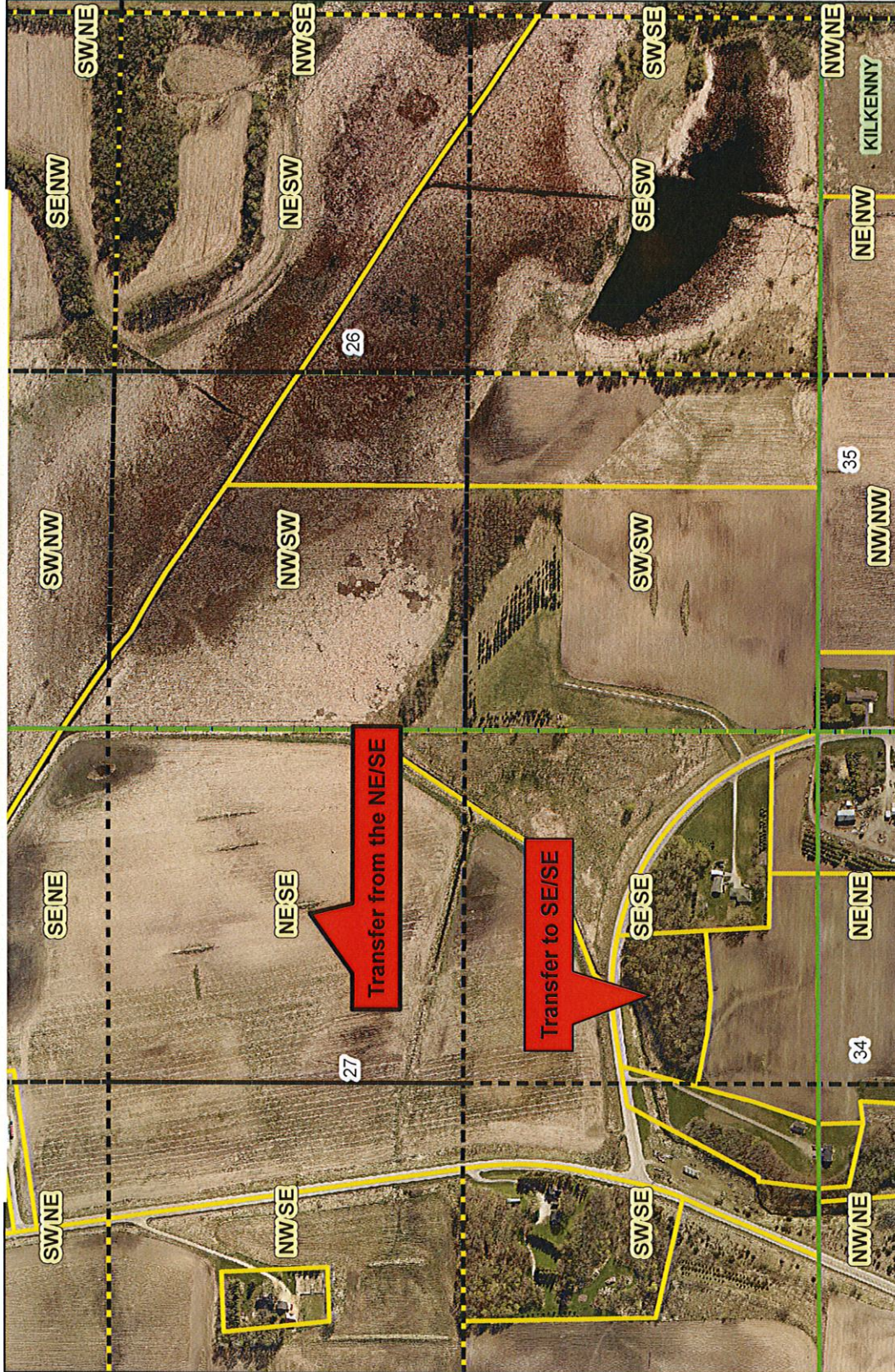
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 BY: *mfm*



# LE SUEUR COUNTY ENVIRONMENTAL SERVICES

NAME: Stangler  
 PID: 06.027.5710  
 06.027.3800

DATE: 04-27-18  
 FIRM #: 27079C0325D  
 F-Zone: X-outside  
 RFPE: na  
 District: Agriculture



**Map Disclaimer**

Reasonable efforts have been made by the Le Sueur County GIS Department to verify that these maps accurately interpret the source data used in their preparation. However, a degree of error is inherent in all maps. These maps may contain omissions and errors in scale, resolution, rectification, positional accuracy, development methodology, interpretation of source data, and other circumstances.  
 \*The maps are date specific and are intended for use only at the published scale.  
 \*These maps should not be used for navigational, engineering, legal, or any other site-specific use.



Coordinate System: NAD 1983 HARN Adj MN Le Sueur Feet

Photo dated April/May 2017

Created By: MRM

LE SUEUR COUNTY  
 ENVIRONMENTAL SERVICES  
 507-357-8538