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Certified, Filed and or Recorded on
MAY 17, 2006 AT 03:20PM

Signed: Bw
MARILYN J NOVAK G V I
BENTON COUNTY MINNESOTA
MARILYN J NOVAK
COUNTY RECORDER

BENTON COUNTY ORDINANCE NO.399

AN ORDINANCE AMENDING THE OFFICIAL BENTON COUNTY ZONING MAP

WHEREAS, Scott P. Jarnot representing Scott P. Jarnot, LLC has made an application pursuant to Section 11.8 of the Benton County Development Code to rezone the property described herein; and,

WHEREAS, November 15, 2005, Notice of Public Hearings to Consider Amending the Benton County Development Code and Benton County Zoning Map was published in the official newspaper and mailed to the governing bodies of all towns and municipalities located within two miles of the effected property within Benton County; and,

WHEREAS, public hearings regarding said proposal have been conducted by the Benton County Planning Commission and the Benton County Board of Commissioners on December 6th, 2005 and December 20th, 2005 and January 17, 2006; and,

WHEREAS, the Benton County Board of Commissioners find that the rezoning of the property described herein comports with the Benton County Comprehensive Land Use Plan and is appropriate.

NOW, THEREFORE, pursuant to Section 11.8 of the Benton County Development Code, the official Benton County Zoning Map is hereby amended to reflect that the following described property is zoned "R-3" Single Family and Multiple Dwelling Residence District:

Abbreviated legal description:

DOD

74 acres described as part of the North Half of the Southeast Quarter (N1/2 SE1/4) and the South Half of the Northeast Quarter (S1/2 NE1/4), Section Twenty-six (26), Township Thirty-seven (37) North, Range Thirty-one (31) West, Watab Township.

The complete legal description adopted is too lengthy to be published in its entirety. The full legal description is attached as Exhibit A.

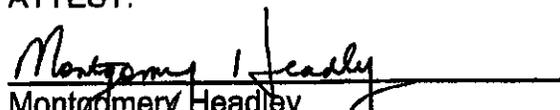
Approved and adopted by the board of commissioners this 17th day of January, 2006.

Upon enactment, this ordinance shall be effective upon the date of its publication as provided by law.



Duane Grandy, Chair
Benton County Board of Commissioners

ATTEST:



Montgomery Headley
Benton County Administrator

Exhibit A

State of Minnesota

Benton County

That part of the North Half of the Southeast Quarter (N 1/2 OF SE 1/4) and the South Half of the Northeast Quarter (S 1/2 OF NE 1/4) Section twenty-six (26), Township thirty-seven (37) North, Range thirty-one (31) West, According to the U.S. Government Survey thereof, Benton County, Minnesota, described as follows:

Beginning at the Northeast Corner of said N 1/2 OF SE 1/4; thence South 01°12'13" West, assumed bearing, on the East Line of said N 1/2 of the SE 1/4, 1,333.31 feet to the Southeast Corner of said N 1/2 of SE 1/4; thence North 89°42'59" West on the South Line of said N 1/2 of SE 1/4, 2,662.87 feet to the Southwest Corner of said N 1/2 of SE 1/4; thence North 35°43'16" East 2,463.32 feet; thence North 89°53'04" East 1,256.63 feet to the East Line of said S 1/2 of NE 1/4; thence South 00°19'59" West on said East Line 682.59 feet to the point of beginning.

Together with that part of the South Half of the Southeast Quarter (S 1/2 SE 1/4), Section 26, Township 37 North, Range 31 West, Benton County, Minnesota, described as follows: Commencing at the Northeast Corner of the North Half of the Southeast Quarter (N 1/2 SE 1/4), Section 26, thence South 01°12'13" West, on an assumed bearing along the east line of the North Half of the Southeast Quarter (N 1/2 SE 1/4), a distance of 1333.31 feet, to the Northeast Corner of said South Half of the Southeast Quarter (S 1/2 SE 1/4); thence North 89°42'59" West, a distance of 1227.90 feet, to the point of beginning of the land to be described; thence South 01°14'26" West, a distance of 194.99 feet; thence North 89°31'09" West, a distance of 360.16 feet; thence South 82°25'50" West, a distance of 213.85 feet; thence South 73°26'09" West, a distance of 347.31 feet; thence South 30°33'45" East, a distance of 43.93 feet; thence North 89°43'05" West, a distance of 380.22 feet; thence North 24°39'13" East, a distance of 145.91 feet; thence North 75°22'39" East, a distance of 151.43 feet; thence South 58°25'15" East, a distance of 130.53 feet; thence South 30°33'45" East, a distance of 51.49 feet; thence North 73°26'09" East, a distance of 355.50 feet; thence North 82°25'50" East, a distance of 217.57 feet; thence South 89°31'09" East, a distance of 337.25 feet; thence North 01°14'26" East, a distance of 169.90 feet; thence South 89°42'59" East, a distance of 25.00 feet, more or less, to the point of beginning

Together with that part of the Northeast Quarter of the Southwest Quarter (NE 1/4 SW 1/4) and the Southeast Quarter of the Southwest Quarter, (SE 1/4 SW 1/4), Section 26, Township 37 North, Range 31 West, Benton County, Minnesota, described as follows: Commencing at the East Quarter Corner, of said Section 26, thence South 01°12'13" West, on an assumed bearing along the east line of the Southeast Quarter (SE 1/4), a distance of 1333.31 feet, to the Northeast Corner of said South Half of the Southeast Quarter (S 1/2 SE 1/4); thence North 89°42' 59" West, a distance of 2662.87 feet, to the Southeast Corner of the NE 1/4 SW 1/4; thence South 89°57'48" West, along the south line of said NE 1/4 SW 1/4, a distance of 361.54 feet; thence South 01°35'00" West, a distance of 282.04 feet, to the point of beginning of the tract to be described: thence North 01°35'00" East, a distance of 513.00 feet; thence South 89°58'00" West, a distance of 365.00 feet; thence South 00°04'00" West, a distance of 465.00 feet; thence South 58°23'00" East, a distance of 144.00 feet; thence North 89°53'00" East, a distance of 144.00 feet; thence North 77°55'00" East, a distance of 74.89 feet; thence North 43°58'41" East, a distance of 16.57 feet, to the point of beginning.

Together with that part of the South Half of the Southeast Quarter (S 1/2 SE 1/4), Section 26, Township 37 North, Range 31 West, Benton County, Minnesota, described as follows: Commencing at the Northeast Corner of the North Half of the Southeast Quarter (N 1/2 SE 1/4), Section 26, thence South 01°12'13" West, on an assumed bearing along the east line of the North Half of the Southeast Quarter (N 1/2 SE 1/4), a distance of 1333.31 feet, to the Northeast Corner of said South Half of the Southeast Quarter (S 1/2 SE 1/4); thence North 89°42'59" West, a distance of 1227.90 feet; thence South 01°14'26" West, a distance of 194.99 feet; thence North 89°31'09" West, a distance of 360.16 feet; thence South 82°25'50" West, a distance of 213.85 feet; thence South 73°26'09" West, a distance of 347.31 feet; thence South 30°33'45" East, a distance of 43.93 feet; thence North 89°43'05" West, a distance of 380.22 feet, to the point of beginning of the tract to be described; thence South 24°39'13" West, a distance of 115.78 feet; thence South 72°08'00" West, a distance of 133.55 feet, more or less, to the west line of said S 1/2 SE 1/4; thence South 00°51'17" West, along said west line of the

S 1/2 SE 1/4, a distance of 17.42 feet; thence North 72°08'00" East, a distance of 146.39 feet; thence North 24°39'13" East, a distance of 130.52 feet; thence North 89°43'05" West, a distance of 18.11 feet, more or less to the point of beginning.

Together with that part of the East Half of the Southwest Quarter (E 1/2 SW 1/4), Section 26, Township 37 North, Range 31 West, Benton County, Minnesota, described as follows; Commencing at the Northeast Corner of the North Half of the Southeast Quarter (N 1/2 SE 1/4), Section 26, thence South 01°12'13" West, on an assumed bearing along the east line of the North Half of the Southeast Quarter (N 1/2 SE 1/4), a distance of 1333.31 feet, to the Northeast Corner of said South Half of the Southeast Quarter (S 1/2 SE 1/4); thence North 89°42'59" West, a distance of 1227.90 feet; thence South 01°14'26" West, a distance of 194.99 feet; thence North 89°31'09" West, a distance of 360.16 feet; thence South 82°25'50" West, a distance of 213.85 feet; thence South 73°26'09" West, a distance of 347.31 feet; thence South 30°33'45" East, a distance of 43.93 feet; thence North 89°43'05" West, a distance of 380.22 feet; thence South 24°39'13" West, a distance of 115.78 feet; thence South 72°08'00" West, a distance of 133.55 feet, more or less, to the west line of said S 1/2 SE 1/4, and to the point of beginning of the tract to be described; thence continuing South 72°08'00" West, a distance of 43.45 feet; thence South 88°24'00" West, a distance of 99.00 feet; thence North 73°18'00" West, a distance of 112.00 feet; thence North 61°15'00" West, a distance of 56.00 feet; thence North 00°38'00" East, a distance of 130.20 feet; thence North 51°28'00" West, a distance of 85.01 feet; thence South 43°58'41" West, a distance of 16.57 feet; thence South 51°28'00" East, a distance of 78.52 feet; thence South 00°36'00" West, a distance of 132.02 feet; thence South 61°16'00" East, a distance of 67.63 feet; thence South 73°18'00" East, a distance of 116.40 feet; thence North 88°24'00" East, a distance of 104.02 feet; thence North 72°08'00" East, a distance of 40.22 feet, more or less, to the east line of the E 1/2 SW 1/4; thence North 00°51'17" East, along said east line, a distance of 17.42 feet, to the point of beginning.

LESS AND EXCEPT:

The South 340.70 feet of the North 2340.32 feet of the East 639.29 feet of the East Half of the Northeast Quarter (E 1/2 of NE 1/4), as measured on the North and East Lines thereof, Section twenty-six (26), Township thirty-seven (37), Range thirty-one (31).

LESS AND EXCEPT:

The East 639.29 feet less the North 2340.32 feet of the East Half of the Northeast Quarter (E 1/2 of NE 1/4), as measured on the North and East Lines thereof, Section twenty-six (26), Township thirty-seven (37), Range thirty-one (31).

LESS AND EXCEPT:

That part of the Northeast Quarter of the Southeast Quarter (NE 1/4 of SE 1/4), Section twenty-six (26) Township thirty-seven (37) North, Range thirty-one (31) West, according to the U.S. Government Survey thereof, Benton County, Minnesota, described as follows:

Beginning at the Northeast Corner of the SE 1/4, thence North 89°54'08" West, assumed bearing on the North Line of said SE 1/4, 639.28 feet; thence South 00°19'59" West, 14.50 feet; thence South 88°50'36" East, 638.94 feet to the East Line of said SE 1/4 thence North 01°12'13" East on said East Line, 26.30 feet to the point of beginning. Subject to the right of way of a township road over the East part thereof.

LESS AND EXCEPT:

The East 648.00 feet of the South 330.00 feet of the said N 1/2 of SE 1/4, as measured along the East and South lines thereof.

LESS AND EXCEPT:

That part of the South Half of the Northeast Quarter (S 1/2 NE 1/4), Section 26, Township 37 North, Range 31 West, Benton County, Minnesota, described as follows; Commencing at the Southeast Corner of said South Half of the Northeast Quarter (S 1/2 NE 1/4), Section 26, thence North 89°54'08" West, on a assumed bearing along the south line of said South Half of the Northeast Quarter (S 1/2 NE 1/4), Section 26, a distance of 639.28 feet; thence North 00°19'59" East, a distance of 680.20; thence South 89°53'04" West, a distance of 200.00 feet to the point of beginning of the tract to be described; thence continuing South 89°53'04" West, a distance of 417.34 feet; thence South 36°43'16" West, a distance of 508.15 feet; thence North 89°53'04" East, a distance of

711.62 feet; thence North $00^{\circ}19'59''$ East, a distance of 411.96 feet, more or less, to the point of beginning.
(Abstract Property)