

TITLE XV: LAND USAGE

Chapter

150. SUBDIVISIONS

CHAPTER 150: SUBDIVISIONS

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GENERAL PROVISIONS

§ 150.001 SCOPE AND LEGAL AUTHORITY.

(A) For the purpose of directing future development of the county and for the promotion of the public health, safety, comfort, morals and welfare of persons living within the territory governed, the provisions and regulations hereinafter contained shall govern the subdividing and platting of lands lying within the area of jurisdiction of the county. The chapter shall further govern vacation of subdivisions and streets.

(B) The rules and regulations governing plats and subdivision of land contained herein shall apply within the county as permitted by state statutes. In the event of overlapping jurisdiction within the project area, the extent of jurisdiction shall be determined and agreed upon between the county and the municipality or municipalities concerned and as provided by state statutes. Except in the case of resubdivision, this chapter shall not apply to any lot or lots forming a part of a subdivision recorded in the office of the County Recorder of Deeds prior to the effective date of this chapter. This chapter does not intend to repeal, annul or in any way impair or interfere with existing provisions of other laws or resolutions except those specifically repealed by, or in conflict with, this chapter, or interfere with restrictive covenants running with the land. Where this chapter imposes a greater restriction upon the land than is impose or required by such existing provisions of law, resolution or restrictive covenants, the provisions of this chapter shall control.

(Prior Code, § 34-1-1)

§ 150.002 TITLE.

This chapter may be known, referred to and cited as “The Land Subdivision Resolution of Effingham County, Illinois”.

(Prior Code, § 34-1-2)

§ 150.003 APPLICATION OF RESOLUTION.

No lot in a subdivision, as defined herein, may be conveyed unless a final plat of the property has been approved according to the requirements and provisions of this chapter, and recorded in the office of the County Recorder of Deeds.

(Prior Code, § 34-1-3)

§ 150.004 INTENT AND PURPOSE.

(A) This chapter is intended for the purpose of encouraging coordinated, efficient and economic development of the county, provide adequate services and utilities, safe convenient access and a desirable and attractive living environment through good subdivision design.

(B) In achieving these purposes, the county shall utilize development standards which are directed toward reasonable costs for initial development and continuing maintenance; such standards shall include the following:

- (1) The proper location and width of streets and the proper location of building setback lines, open spaces, recreational areas and public lands;
- (2) The avoidance of conditions which would lead to the creation of blighted areas;
- (3) The avoidance of overcrowding of population and congestion of vehicular traffic;
- (4) Proper grading and improvement of streets, curbs, gutters, sidewalks and provision of water, sewer, storm water drainage and erosions control;
- (5) The provisions of adequate space for traffic and utility facilities; for access of emergency apparatus; and for the control of the number, spacing, type and design of access points to existing or future streets;
- (6) Provision of adequate right-of-way easements such that extensions are continued within subdivision and may be continued to adjacent lands; and
- (7) Restrict or prohibit subdivision of lands for uses which are dangerous to health, safety or property in times of flood or which, with reasonably anticipated improvements, will cause excessive increases in flood heights or velocities.
(Prior Code, § 34-1-4)

§ 150.005 INTERPRETATION.

This chapter is intended as minimum requirement to achieve the above-stated purposes. If any other provision of law related to any matter covered herein, the regulation providing the higher standard shall apply.
(Prior Code, § 34-1-5)

§ 150.006 ADMINISTRATION.

This chapter shall be administered by the County Subdivision Committee of the County Board.
(Prior Code, § 34-1-6)

§ 150.007 INSTANCES WHEN PLATS WILL NOT BE REQUIRED.

The provisions of these regulations do not apply and no plat is required in any of the following instances:

(A) The division or subdivision of land into parcels or tracts of five acres or more in size which does not involve any new streets or easements of access;

(B) The sale or exchange of parcels between owners of adjoining and contiguous land;

(C) The conveyance of parcels of land or interests therein for use as right-of-way for railroads or other public utility facilities and other pipe lines which does not involve any new streets or easements of access;

(D) The conveyance of land owned by a railroad or other public utility which does not involve any new streets or easements of access;

(E) The conveyance of land for highway or other public purposes or grants or conveyance relating to the dedication of land for public use or instruments relating to the vacation of land impressed with a public use;

(F) Conveyance made to correct description in prior conveyance;

(G) The division of land for cemetery usage; or

(H) The division and distribution of land pursuant to law or court order.
(Prior Code, § 34-1-7)

§ 150.008 LOT RECORDING.

The County Recorder of Deeds shall not record any plat to subdivided land located within the county, exclusive of incorporated areas or within one and one-half miles of the corporate limits of any city, village or town having a valid zoning code in effect without first obtaining approval of the County Subdivision Committee or its designated representative.

(Prior Code, § 34-1-8)

§ 150.009 SUITABILITY OF LAND FOR SUBDIVISION DEVELOPMENT.

Land unsuitable for subdivision development due to drainage, high water table, flood hazard, hillside area, rock formation or any other conditions constituting a danger to health, life or property shall not be approved for subdivision development unless the subdivider presents evidence or data to the County Subdivision Committee establishing that the methods proposed to meet any such conditions are adequate to avoid any danger to health, life or property.

(Prior Code, § 34-1-9)

§ 150.010 DEFINITIONS.

For the purposes of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ALLEY. A public right-of-way primarily designed to serve as access to the side or rear of those properties whose principal frontage is on some other street, and is not intended for general traffic circulation.

BLOCK. A tract of land bounded by streets or by a combination of streets, public parks, cemeteries, railroad rights-of-way, waterways or boundary lines of the corporate limits of a municipality.

BUILDING. Any structure, whether temporary, semi-permanent or permanent, designed or intended for the support, enclosure, shelter or protection of persons, property, chattels, animals or substances of any kind.

CONSTRUCTION BOND. A surety issued by an insurance company licensed to do business in Illinois, or other proof of financial responsibility as set forth in §§ 150.090 through 150.099 and approved by the County Subdivision Committee to guarantee installation of any improvements.

CONTRACTOR. See *SPECIFICATIONS* definition.

COUNTY. Effingham County, Illinois.

COUNTY BOARD. The County Board of Effingham County, Illinois.

COUNTY SUPERINTENDENT OF HIGHWAYS. The Effingham County Superintendent of Highways.

DESIGN. The arrangement of uses on the land and the arrangement of easements, lots and rights-of-way, including specifications of materials, alignment, grade and width of these elements.

DRAINAGEWAY. A watercourse, gully, dry stream, creek or ditch which carries storm water runoff; which is fed by street or building gutters or by storm water sewers, or which serves the purpose of draining water from the lands adjacent to such watercourse, gully, dry stream, creek or ditch.

DRIVEWAY. Private accessway leading from a public street to a dwelling unit or building.

EASEMENT. A strip of land for which the owner grants a right of use to another for one or more designated purposes, which purposes are consistent with the general property rights of the owner.

FILING DATE. The beginning or starting date that commences after the applicant has filed the last item of required data or information and has paid the necessary fee(s), for review by the County Subdivision Committee of the County Board.

IMPROVEMENT. Refers to site grading, street work and utilities (including water, sewer, electric, gas and storm water) to be installed or agreed to be installed by the subdivider on land to be used for public or private streets, and easements or other purposes as are necessary for the general use of lot owners in the subdivision. Including the furnishing of all materials, equipment, work and services such as engineering, staking and supervision, and construction of all the improvements required in §§ 150.045 through 150.049 or any other improvements that may be provided by the subdivider.

IMPROVEMENT PLANS. The engineering plans showing types of materials and construction details for street improvements, site grading and storm water drainage, including sanitary sewers and water facilities not owned and operated by a public body or public utility to be installed in, or in conjunction with, the subdivision.

LOT. A portion of a subdivision or other parcel of land intended for the transfer of ownership or for building development, whether immediate or future.

OWNER. Any person, firm, association, syndicate, partnership, corporation, trust or any other legal entity having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under these regulations.

PERCOLATION TEST. A subsurface soil test at a depth of a proposed seepage system or similar component of a sewage disposal system to determine the water absorption capability of the soil.

PERFORMANCE GUARANTEE OR BOND. See **CONSTRUCTION BOND.**

PLANS. All drawings, including general plans, cross sections, profiles, working details and specifications, which the subdivider prepares or has prepared to show the character, extent and details of the improvement required in §§ 150.060 and 150.061.

PLAT. A map or drawing showing the lot and street arrangement or other features or details of the area being subdivided, as required in this chapter for preliminary and final approval and recording.

RE-SUBDIVISION: See **SUBDIVISION.**

RIGHT-OF-WAY (ROW). A strip or parcel of land over which the owner, by dedication or otherwise, has granted the right of use for streets, also a land measurement term, meaning the distance between lot property line which generally contains not only the street pavement, but also the sidewalks, planting strip and underground and some times above-ground utilities.

SPECIFICATIONS. The *Standard Specifications for Road and Bridge Construction*, prepared by the Department of Transportation of the state, as adopted and amended by said Department, which are in effect at the time the area is being subdivided. Any term in such specifications referring to state departments or officials or to persons contracting with the state shall be deemed to refer to applicable departments, officials or persons in the county and the term “contractor” shall specifically apply to the

subdivider who is responsible for installing all of the improvements required in §§ 150.060 and 150.061, even though the subdivider may enter into agreements for such installing by other persons, firms or corporation.

STREET. A public or private way for the purpose of vehicular travel. The term includes all facilities which normally occur within the right-of-way; it shall also include such other designation for a street as: a highway, thoroughfare, parkway, throughway, road, pike, avenue, boulevard, lane, place, drive, court or as otherwise designated, but excluding an alley or a way for pedestrian use only.

STREET ARTERIAL. Arterial highways interconnect collectors and local streets with the principal system and vice versa, bring all developed areas within a reasonable distance of principal streets, connect and provide direct access to major traffic generators, provide secondary service to smaller communities, may provide access to abutting property, and have medium volume design capacity and travel speeds. Any street having an estimated average daily traffic (ADT) at full development of the subdivision of greater than 5,000 or designed on the county highway classification map shall be classified and constructed as an arterial highway.

STREET BUTT OR STUB. A street that is temporarily terminated, but is planned for future continuation.

STREET COLLECTOR. Collector streets interconnect the principal street system with land access streets; provide internal circulation within residential, commercial and industrial areas; provide access to abutting properties; and have a moderate volume design capacity and travel speeds. Any street having an estimated average daily traffic (ADT) at full development of the subdivision of 1,000 to 5,000 or designated on the county highways classification map shall be classified and constructed as a collector street.

STREET CUL-DE-SAC. A short, land access street, having only one end open for vehicular traffic, and the other permanently terminated by a turn-around for vehicles.

STREET DEAD-END. Land access streets having only one end open to vehicular traffic.

STREET LOCAL. A street other than an arterial thoroughfare or collector street and intended primarily for providing low volume traffic access to abutting properties of limited number. Any street having an estimated average daily traffic (ADT) of less than 1,000 at full development of the subdivision shall be classified and constructed as a local street.

STRUCTURE. Anything constructed which requires permanent or temporary location on or in the ground or is attached to something having a permanent or temporary location on or in the ground.

SUBDIVIDE. See ***SUBDIVISION.***

SUBDIVIDER. Any individual, firm, partnership, association, corporation, estate, trust or any other group or combination, acting as a unit, dividing or proposing to divide land so as to constitute a subdivision as defined herein, and including any agent of the subdivider.

SUBDIVISION. Either:

- (1) The division of land into two or more tracts, sites or parcels any of which are less than five acres in area; or
- (2) The establishment or dedication of a road, highway, street or alley through a tract of land regardless of area; provided, however, for the purpose of this chapter tracts defined in § 150.007 will not be considered a **SUBDIVISION**.

SUBDIVISION COMMITTEE. The County Subdivision Committee of the County Board of Effingham County.

TOWNSHIP HIGHWAY COMMISSIONER. The Township Highway Commissioner(s) of the township(s) in which a subdivision is being proposed.
(Prior Code, § 34-2-1)

§ 150.011 DESIGN STANDARDS.

The arrangement of streets and lots shall give due regard to the topography and other physical features of the property and shall meet the following requirements and standards.

(A) *Relation to adjoining street system.* The arrangement of streets in new subdivisions shall make provision for the continuation of the existing streets in adjoining areas (or their proper projection where adjoining land is not subdivided) insofar as they may be deemed necessary for public requirements. The street and alley arrangements shall not be such as to cause hardship to owners of adjoining property in platting their own land and providing convenient access to it. Offset street shall be avoided. The angle of intersection between minor streets and major streets shall not vary by more than ten degrees from a right angle. Streets obviously in alignment with existing streets shall bear the names of the existing streets. Proposed street names that are in conflict with existing street names shall not be approved.

(B) *Street and alley width.*

- (1) Rights-of-way and pavement widths for streets shall be based on the following:

| | <i>Minimum ROW</i> | <i>Minimum Pavement Width</i> | <i>Minimum Shoulder Width Each Side</i> |
|-----------|--------------------|-------------------------------|---|
| Arterial | 80 | 24 feet | 10 feet |
| Collector | 60 | 24 feet | 6 feet |
| Local | 60 | 24 feet | 3 feet |

- (2) Alleys shall be at least 20 feet wide, and shall be maintained by the lot owners fronting said alleys, and will never be publicly maintained.

(C) *Private streets.* Sixty feet wide.

(D) *Easements.* Easements of at least ten feet in width shall be dedicated on each side of all rear lot lines and along side lot lines, where necessary, for poles, wires, conduits, storm and sanitary sewers, gas, water or other utilities. Easements of greater width may be required along or across lots where necessary for the extension of main sewers or other utilities or where both water and sewer lines are located in the same easements.

(E) *Blocks.*

(1) No block shall be longer than 1,200 feet.

(2) Courts, dead-end streets or other street space may be provided if proper access is given to all lots from dedicated street or court. All dead-end streets shall terminate in a dedicated street space having a minimum radius of 60 feet, or other satisfactory arrangement for turning of vehicles. Dead-end streets shall not exceed 750 feet in length.

(F) *Lots.*

(1) The lot arrangement and design shall be such that all lots will provide satisfactory and desirable building sites, properly related to topography and to the character of surrounding development.

(2) All side lines of lots shall be at right angles to straight street lines and radial to curved street lines except where a variation of this rule will provide a better street and lot layout. Lots with double frontage shall be avoided.

(3) No lot shall have a depth of less than 100 feet or a depth in excess of three times its width.

(4) Corner lots shall have a width sufficient to permit the establishment of front building lines on both the adjoining streets.

(5) Lots at major street intersections and at acute angle intersections of less than 85 degrees shall have a radius of 20 feet at the street corner. On business lots a chord may be substituted for the circular arc.

(G) *Maintenance of improvements outside corporate limits.* Where a subdivision outside the corporate limits contains sewers, sewage treatment plants, water supply systems, park areas or other physical facilities necessary or desirable for the welfare of the area and of common use or benefit which the township or county does not desire to or cannot maintain, provision shall be made by trust agreements made a part of the deed restrictions acceptable to the county, for the proper and continuous maintenance and supervision of such facilities by the lot owners in the subdivision.

(H) *Easements along streams.* Whenever any stream or important surface drainage course is located in an area being subdivided, the subdivider shall provide an adequate easement along each side of the stream for the purpose of widening, deepening, sloping, improving or protecting the stream.
(Prior Code, § 34-4-1)

§ 150.012 CHANGES AND AMENDMENTS.

This chapter may be amended, supplemented or repealed by a majority vote of the County Board.
(Prior Code, § 34-11-1)

§ 150.013 VALIDITY.

(A) If any section, division, clause or phrase of this chapter is for any reason held to be unconstitutional or void, such decision shall not affect the validity of the remaining portions of this chapter.
(Prior Code, § 34-12-1)

(B) All regulations in conflict with this chapter are hereby repealed; the terms and conditions under which preliminary plats were approved prior to the adoption of this chapter shall be binding and in effect, except that the rights and privileges conferred upon the subdivider in § 150.026(C) shall be applicable.
(Prior Code, § 34-13-1)

JURISDICTION AND PROCEDURE

§ 150.025 PLAT, WHEN REQUIRED.

It shall be unlawful for the owner, agent or person having control of any land not being located within any city, village or incorporated town, or within one and one-half miles of the corporate town which has in effect a valid zoning code of the mile and one-half limit, to subdivide, lay out, map or plat such land and the lots, blocks, streets, alleys, avenues, parkways and grounds unless by a map or plat made in accordance with the laws of the state, and the provisions of this chapter.
(Prior Code, § 34-3-1) Penalty, see § 150.999

§ 150.026 PRELIMINARY PLAT.

Any subdivider desiring to subdivide land shall submit to the County Subdivision Committee, for its consideration, six copies of the preliminary plat prepared in accordance with the specifications of §§ 150.045 through 150.049; the design and layout of the subdivision shall conform to the requirements

of §§ 150.011 (following consideration of the plat, the County Subdivision Committee shall report its findings and recommendations to the County Board for its consideration and approval or disapproval).

(A) *Review by the Subdivision Committee.* The Subdivision Committee shall review the preliminary plat and make its report within 60 days from the date of application or the filing of the last item of required data, whichever is later. The Subdivision Committee shall then notify the applicant of its approval, disapproval or approval subject to modifications as a basis for the preparation of the final plat. If the plat is disapproved, reasons for such disapproval will be stated in writing. If approved subject to modifications or conditions, the nature of the modifications or conditions shall be stated.

(B) *Filing.* A copy of the letter of approval or disapproval by the Subdivision Committee shall be attached to the preliminary plat and shall be filed with the County Board, and one copy shall be returned to the subdivider. Preliminary plats shall not be recorded.

(C) *Rights and privileges.* Preliminary plat approval shall confer upon the subdivider the following rights and privileges.

(1) The preliminary plat approval will remain in effect for a one-year period. The applicant may, during this period, submit all or part or parts of said preliminary plat for final approval. In the event that the subdivision is being developed in stages, the applicant may, by written mutual agreement with the Subdivision Committee, have final approval of the last part of the plat delayed for a period not to exceed ten years from the date of the preliminary plat approval.

(2) The general terms and conditions under which the preliminary plat approval was granted will not be changed for final approval.

(3) The applicant may also proceed with any detailed improvements plans required for all facilities or utilities intended to be provided. Actual construction of such facilities and improvements may commence prior to final plat approval if the detailed improvement plans have been accepted by the County Superintendent of Highways and the appropriate Township Highway Commissioner, provided that such facilities and improvements will be inspected throughout their construction, and final plat approval will be contingent in part upon acceptable compliance with county improvements and facilities standards. If the applicant does not submit the improvement plans prior to the submission of the final plat, then he or she shall submit the improvement plans to the County Superintendent of Highways at the time that the final plat is submitted.

(Prior Code, § 34-3-2)

§ 150.027 SUBDIVISION NEAR MUNICIPALITY.

When a subdivision is located within one and one-half miles of the corporate limits of any municipality that has adopted and filed with the County Recorder of Deeds an ordinance regulating said mile and one-half as provided by state statutes, the plat shall be submitted by the applicant to the municipality for approval; however, the subdivider shall submit a copy of the preliminary plat as approved by the municipality to the Subdivision Committee for their review and comment.

(A) The Subdivision Committee shall determine if said preliminary plat complies with this chapter and whether the preliminary plat conflicts with the county highway classification map. Whenever the preliminary plat does not comply with the above, the County Superintendent of Highways shall notify the municipality in writing of the specific instances of noncompliance, or conflicts.

(B) Whenever the preliminary plat contains roads or streets that are less than the specifications and regulations provided herein, the Superintendent of Highways or the Township Highway Commissioner may refuse to accept any such non-complying street or road for incorporation into or as a part of the county or township road system.

(Prior Code, § 34-3-3)

§ 150.028 IMPROVEMENT PLAN PROCEDURES.

(A) Improvement plans do not require Subdivision Committee action, but shall be approved by the Township Highway Commissioner and the County Superintendent of Highways, who shall certify to the Subdivision Committee that the plan is in conformance with these regulations and requirements. Variance from these requirements shall be permitted only by Subdivision Committee action pursuant to §§ 150.110 through 150.114.

(B) No subdivider, however, shall proceed with any construction work in the project area before obtaining this approval.

(1) *Submittal*. To secure formal action on the improvement plans, the developer shall file two blue line prints of the improvement plans with the County Superintendent of Highway and the respective Township Highway Commissioner.

(2) *Improvement plan review*. The County Superintendent of Highways and the Township Highway Commissioner shall review, within 30 days, the proposed improvement plans and notify the Subdivision Committee of their approval, conditional approval or denial. Upon notification by the County Superintendent of Highways, the Subdivision Committee shall notify the applicant of the County Superintendent of Highway's report stating his or her approval, conditional approval or denial.

(a) **APPROVAL** means the applicant is now authorized to proceed with the physical improvements in the subdivision, provided the Subdivision Committee accepts the improvement plans.

(b) **CONDITIONAL APPROVAL** means the developer may proceed as outlined, in division (B)(2)(a) above, but only after he or she has submitted two copies of the corrected improvement plans with the County Superintendent of Highways and the Township Highway Commissioner.

(c) **DENIAL** means disapproval of improvement plans. For further consideration, the developer must rework his or her plans to conform with the requirements, and then resubmit the reworked plans to the County Superintendent of Highways as though they were a completely new set of plans.

(Prior Code, § 34-3-4)

§ 150.029 CHANGE IN THE PRELIMINARY PLAT.

If the improvement plans indicate that changes must be made in the preliminary plat then the applicant shall resubmit a new preliminary plat before the improvement plans will be approved.
(Prior Code, § 34-3-5)

§ 150.030 FINAL PLAT PROCEDURES.

The final plat and supporting papers shall include such information as may be necessary concerning the form of guarantee or construction bond to be used.

(A) *Transmittal.* Six copies and one reproducible original of the final plat shall be submitted to the Subdivision Committee. One copy of the final plat shall also be submitted to the affected Township Highway Commissioner.

(B) *Submittal of improvement plans.* If the applicant has not previously submitted improvement plans, then they shall be submitted along with the final plat to the County Superintendent of Highways and the Township Highway Commissioner affected.

(C) *Subdivision Committee review.* The Subdivision Committee shall review the final plat and shall either approve or disapprove said plat within 45 days from the date of filing a completed final plat application. Approval, however, shall not be granted unless the following conditions are met:

- (1) The final plat conforms to the preliminary plat previously approved;
- (2) The final plat meets all requirements of the laws of the state;
- (3) The final plat meets all requirements of the laws of the state; and

(4) (a) The subdivider or applicant shall post a construction bond or bonds or other proof of financial responsibility as set out in §§ 150.090 through 150.099 with the county equal to the estimated construction cost, adjusted to account for inflation, or all improvements that are not bonded elsewhere. Credit will be allowed for completed improvements provided they have been inspected and meet the requirements of this chapter.

(b) Bonds posted with other entities shall be reviewed by the county to insure compliance with the intent of this chapter.

(c) Additionally, a bond or other proof of financial responsibility as set out in §§ 150.090 through 150.099 for maintenance and operation of improvements shall be required for those improvements not bonded elsewhere.

(D) *Subdivision Committee action.*

(1) If the final plat is approved, the Chairperson of the Subdivision Committee shall affix his or her signature to the plat and attach thereto a notation that the plat has received final approval of the Subdivision Committee.

(2) If the final plat is disapproved, the reasons for such action and specific instances where said plat is not in conformance with the requirements herein shall be noted.
(Prior Code, § 34-3-6)

§ 150.031 RECORDING PROCEDURE.

(A) No subdivision plat or re-plat regulated by this chapter shall be recorded in the office of the Recorder of Deeds of the county unless and until the approval of the Subdivision Committee is endorsed thereon.

(B) No lot shall be sold from such subdivision plat or re-plat until it has been approved by the Subdivision Committee and filed for record in the office of the Recorder of Deeds of the county, as herein provided.
(Prior Code, § 34-3-7)

§ 150.032 OFFICIAL FILINGS.

(A) The subdivider shall file the approved final plat with the County Recorder of Deeds within 60 days after the Subdivision Committee have affixed their signature thereto.

(B) One copy of the final plat shall be given to the county's Superintendent of Highways by the County Recorder bearing the official stamp of the County Recorder attesting its recording within 20 days of such action.

(1) *Fees.* The review fee for the preliminary plat shall be \$25 or \$5 per lot, or tract of land; whichever is greater. The fee shall be collected by the County Clerk after the last item of required information has been submitted by the applicant.

(2) *Final plat fee.* The review fee for the final plat shall be \$25 or \$5 per lot, or tract of land. The fee shall be collected by the County Clerk after the last item or required information has been submitted by the applicant.

(3) *Exemption from fees.* Plats containing three lots or less and not involving new streets may be exempted from the provisions of divisions (B)(1) and (B)(2) above upon application to the Subdivision Committee.
(Prior Code, § 34-3-8)

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SPECIFICATIONS FOR PLATS

§ 150.045 PRELIMINARY PLAT REQUIREMENTS.

The Subdivision Committee and the County Superintendent of Highways may require the applicant to submit additional topographic information, detailed plans for proposed uses and other information as required.

(Prior Code, § 34-5-1)

§ 150.046 PRELIMINARY PLAT MAP.

The preliminary plat map shall be drawn in accordance with the following specifications:

(A) Title under which the proposed subdivision is to be recorded and location;

(B) North arrow and date;

(C) The preliminary plat should be drawn to a scale of 100 feet to one inch. If the plat is shown on two or more sheets an index shall be provided on each sheet;

(D) Names and addresses of the owner, subdivider, professional engineer and the registered land surveyor who prepared the preliminary plat;

(E) A statement to the effect that “this plat is not for record” shall be printed or stamped upon all copies of the preliminary plat; and

(F) In case of resubdivision, a copy of existing plat.

(Prior Code, § 34-5-2)

§ 150.047 EXISTING CONDITIONS.

The preliminary plat shall portray or present the following existing conditions:

(A) Location of section lines, location of existing and platted property lines, lots and lot numbers. Location of width and names of all platted roads, railroads, utility rights-of-way, public areas, existing buildings or structures both within the area to be subdivided and within 150 feet of the project boundary;

(B) All existing easements showing locations, widths and purposes;

(C) Location of major watercourses, natural drainageways and ponding areas with direction of flow and elevations;

(D) Existing sewers, water mains, drains, culverts or other underground facilities within the tract or within the right-of-way of existing streets or roadways;

(E) Topography should be shown by two-foot contour intervals on lands having slopes of 0% to 4%, at five-foot intervals on slopes of 4% to 12%, and at ten-foot intervals on slopes of 12% and above; and

(F) Location and results of soil percolation tests, if individual sewage disposal systems are proposed.

(Prior Code, § 34-5-3)

§ 150.048 PROPOSED CONDITIONS.

The preliminary plat shall portray or present the following proposed conditions:

(A) Tract boundary lines, showing their lengths and directions according to available information and reference to lines of the public land survey and of other major land divisions;

(B) Layout of proposed lots, showing their approximate dimensions, numbers and their approximate minimum area (square footage), showing an identifying number for each lot. Lots shall be numbered consecutively throughout all phases or additions of the subdivision;

(C) All proposed easements showing locations, widths and purposes;

(D) Street roadways and right-of-way widths, approximate gradients (use percent), types and widths of pavement, curbs, street lights, sidewalks, planting strips and other pertinent data; the classification of all proposed streets as to function as established herein;

(E) Parcels of land, if any, proposed to be dedicated or reserved for schools, parks, playgrounds or other public, semi-public or community purposes; and

(F) Location, type and approximate size of utility improvement to be installed.

(Prior Code, § 34-5-4)

§ 150.049 OTHER SUBMISSION ITEMS.

The following information shall also be submitted with the preliminary plat either in written or graphic form, as the case may be:

(A) Names and addresses of adjoining property owners; and

(B) Soils information indicating soil classification according to the Unified System (and USDA textual classification, if available) for surface, subsoil and sub-strata conditions.
(Prior Code, § 34-5-5)

IMPROVEMENTS

§ 150.060 IMPROVEMENT PLAN REQUIREMENTS.

(A) After the preliminary plat is approved, improvement plans prepared by a professional engineer for the subdivision of all or any part of the tract shall be submitted to the County Superintendent of Highways and the Township Highway Commissioner.

(B) The following information shall be shown on the improvement plans or submitted with the plans:

- (1) Two copies of the approved preliminary plat and supportive information;
- (2) North arrow and graphic scale;
- (3) Title block showing name and address of developer and engineering firm, as well as the engineer's seal;
- (4) One or more bench marks, in or near the subdivision, to which the subdivision is referenced. The elevation shall be based on the sea level datum;
- (5) List of the standards and specifications followed, citing volume, section, page or other references;
- (6) All dimensions shall be to the nearest one-one hundredth of a foot and angles to the nearest minute, as appropriate;
- (7) Grading plans showing finished grades. The contour interval shall conform to the requirements stated in § 150.047(E);
- (8) Soil information and a soils map, when required by this chapter (see § 150.061(B) and (C));
- (9) Percolation test data and locations of test holes if no public sewer system is available or proposed (see § 150.061(C));
- (10) Ground water information and locations of test wells, when required by this chapter (see § 150.061(C)); and

(11) Plans, profiles and cross sections of streets showing right-of-way and surface widths, elevations, paving details, grades, names, curb and gutter, catch basins, sidewalks and any other improvement to be constructed or placed within the street right-of-way.
(Prior Code, § 34-6-1)

§ 150.061 MINIMUM IMPROVEMENTS.

(A) *Streets, curbs and gutter, and sidewalks.*

(1) All streets and public ways shall be graded to their full width (as specified in § 150.011) including side slopes, and to the appropriate grade and shall be surfaced according to county specifications with one of the following alternates:

(a) Seven and one-half inches of compacted crushed stone or gravel with an A-3 seal;

(b) Six inches of compacted gravel or crushed stone base course with two inches of hot plant mix bituminous surface; or

(c) Six inches of Portland cement concrete pavement without mesh.

(2) Curbs, gutters or combination curb and gutters may be constructed along the outside pavement line in accordance with Illinois Department of Transportation specifications.

(3) Where lots are 20,000 square feet or more in area, and with the approval of the County Superintendent of Highways and the Township Highway Commissioner a 24-foot wide surface may be installed without curb or gutter, provided that three-foot wide shoulders and adequate drainage facilities are provided.
(Prior Code, § 34-6-5)

(B) *Sanitary sewers.* In subdivisions in which the lots are less than 20,000 square feet and where plans for the installation of sanitary sewers in the vicinity of the subdivision have been prepared by a municipality, the subdivider may be required to install sewers in conformity with such plans. In such cases, until a connection can be made with the public sewer system, the use of an alternate central treatment facility will be permitted, provided such facilities are approved by the State Environmental Protection Agency and in accordance with county and state regulations pertaining to sanitary disposal. In subdivisions where the lots are 20,000 square feet or more and have a minimum width of 100 feet, the subdivider may install individual disposal devices for each lot at the time improvements are erected thereon. All such individual sewage disposal systems shall be constructed in accordance with regulations and requirements of the State Public Health Department.
(Prior Code, § 34-6-6)

(C) *Percolation tests.* Percolation tests may be required to be conducted in the presence of a designated County Health Official and shall be required in all areas where septic tanks or other soil absorption systems are proposed. Where grading is to be done, such tests shall be made in the soil after

finished grade has been constructed. At least two separate percolation tests shall be performed at the site of each proposed disposal area. More than two percolation tests will be required when the soil structure may vary or where large disposal areas are required. Preliminary tests for subdividing large tracts shall be made in the amount of one test hole per acre or as prescribed by the County Health Department. Percolation tests shall not be made in frozen ground. Tests shall not be made in filled ground unless the soil has been compacted or allowed to settle to the satisfaction of the County Health Official.
(Prior Code, § 34-6-7)

(D) *Drainage.*

(1) The plat shall be laid out so as to provide proper drainage of the area being subdivided including facilities such as curb and gutter, catch basins, culverts, bridges and natural drainageways.

(2) The design of the storm drainage system shall be based on a 25-year flood frequency and the system designed according to accepted engineering practices, county specifications and the following general standards.

(a) Absolute minimum street grade shall be 0.3%. When possible, the county shall encourage a minimum street grade of 0.5%, and a maximum grade of 7%.

(b) No transport of runoff across a street by use of swale shall be permitted.

(c) Runoff shall be transported from yards to the major system by swales.

(Prior Code, § 34-6-8)

FINAL PLAT REQUIREMENTS

§ 150.075 GENERALLY.

The final plat to be provided by the subdivider shall meet the following specifications.

(A) The final plat may include all or only a part of the project area portrayed on the preliminary plat which has received approval.

(B) The final plat shall be drawn on new linen tracing cloth, or other material of comparable stability with black ink and should be to a scale of 100 feet to one inch, where practical, provided that the resulting drawing does not exceed 22 inches by 36 inches.

(1) Two or more sheets may be used provided that an index drawing is provided on each sheet.

(2) Six black or blue line prints shall be provided by the subdivider along with the original tracing cloth.

(3) One copy of the final plat shall also be submitted to the effected Township Highway Commissioner.

(C) All dimensions shall be shown in feet and decimals of a foot, to the nearest one-one hundredth of a foot.

(Prior Code, § 34-7-1)

§ 150.076 FINAL PLAT DATA.

The final plat map shall portray or present the following:

(A) Title or name of subdivision; identification of the portion of the public lands survey in which the subdivision is located; and north arrow, graphic scale and date shown;

(B) Reference to recorded subdivision plats within 300 feet of adjoining platted land by record name, plat book and page number. Accurate locations, width and name of all existing streets intersecting the boundaries of the subdivision shall be shown;

(C) The boundary lines of the area being subdivided with accurate distances and angles. The correct legal description and area in acres or square feet of the property being subdivided shall be shown on the plat, and on an accompanying certificate. Where discrepancies occur, existing descriptions and surveyed descriptions should be included;

(D) The location and description of all survey monuments;

(E) Monuments shall be placed as required by 765 ILCS 205 (Plat Act);

(F) Right-of-way line of streets, easements and other rights-of-way and lot lines with accurate dimensions, angles or bearings and curve data, including radii, arcs or chords, points of tangency and central angles;

(G) Existing and proposed streets and alleys, street names, right-of-way width and other pertinent data;

(H) Location and dimensions of any formerly existing or newly created easements and statement of purpose for each easement;

(I) Lot dimensions, numbers of each lot and buildings or setback lines and dimensions. A separate list indicating the area of each lot shall be provided; and

(J) Purpose of which sites, other than private lots, are dedicated or reserved.
(Prior Code, § 34-7-2)

§ 150.077 OTHER SUPPORTIVE DATA.

The following supportive data, shall be required in final form for final plat approval:

(A) Percolation test results, if septic tanks or other soil absorption systems are proposed;

(B) Acknowledgment of the owner or owners of the plat, and restrictions including dedication to public use of all streets, alleys, parks or other open spaces shown thereon and the granting of easement required; and

(C) Private restrictions and trusteeships and their periods of existence. Should these restrictions or trusteeships be of such length as to make their lettering on the plat impracticable and thus necessitate the preparation of separate instrument, reference to such instrument shall be made on the plat.
(Prior Code, § 34-7-3)

§ 150.078 FINAL PLAT CERTIFICATES.

The following certificates shall be executed on the final plat: owner’s certificate, notary certificate, surveyor’s certificate, county clerk certificate, City Council certificate, Subdivision Committee certificate, drainage certificate and any other certification requested by the Subdivision Committee. Shown is the minimum requirements of each certificate.

(A) An owner’s certificate in the following form is the minimum requirement of each certificate.

OWNER’S CERTIFICATE

We, _____, being the Owners of _____ (description) _____, have caused the said tract to be surveyed and subdivided in the manner shown, and subdivision is to be hereinafter known as _____. All rights-of-way and easements shown hereon are hereby dedicated to the use of the public forever including the release and waiver of the right of homestead under the Homestead Exemption laws of the State of Illinois.

Dated this _____ day of _____, 20 ____.

_____ (Seal)

_____ (Seal)

(B) A notary certificate in the following form:

NOTARY CERTIFICATE

State of Illinois)
) SS
County of Effingham)

I, _____, a Notary Public in and for the County aforesaid, do hereby certify that
(owners) are personally known to me to be the same persons whose names are subscribed to the
foregoing instrument, and that they appeared before me this day in person and acknowledged that they
signed and sealed the same as their free and voluntary act for the uses and purposes therein set forth,
including the release of waiver of the right of homestead.

Given under my hand and Notarial Seal this _____ day of _____, 20_____.

Notary Public

(C) A surveyor’s certificate in the following form:

SURVEYOR’S CERTIFICATE

I, _____, an Illinois Registered Land Surveyor, do hereby certify that this plat is a
correct representation of a survey made under my direct supervision at the request of _____ for the
purpose of subdividing the tract into lots as shown.

Date

Illinois Land Surveyor

Registration Number

(D) A County Clerk’s certificate in the following form:

COUNTY CLERK’S CERTIFICATE

I, _____, County Clerk of Effingham County, Illinois, do hereby certify that I find no
unpaid or forfeited taxes against any of the real estate included within this plat.

County Clerk

Date

(E) When necessary, a City Council certificate in the following form:

CITY COUNCIL CERTIFICATE

Approved this _____ day of _____, 20__ City Council of the City of _____

By _____
Chief Elected Official

Attest _____
City Clerk

(F) A Subdivision Committee certificate in the following form:

EFFINGHAM COUNTY SUBDIVISION COMMITTEE CERTIFICATE

Approved this _____ day of _____, 20__. We, the Subdivision Committee of the Effingham County Board, do hereby certify that this final plat meets all requirements of the Effingham County Subdivision Regulations and the subdivider has completed all improvements or has posted a construction and maintenance bond with the County prior to our approval.

Chairperson

Date

Date Bond(s) Posted

(Prior Code, § 34-7-4)

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BONDING

§ 150.090 CONSTRUCTION BOND OR ESCROW AGREEMENT.

Final plats shall be neither approved by the Subdivision Committee nor recorded by the County Recorder unless the following conditions are met:

(A) The capital improvements or facilities intended to be dedicated to the county, township, other public body or acceptable private entity have been completed, inspected and accepted prior to final plat approval; or

(B) A construction bond has been posted or an escrow agreement has been entered into in accordance with the provisions hereafter set forth. The bond or escrow agreement shall be prepared and executed on forms furnished by the State's Attorney and shall be submitted to the Subdivision Committee for approval or disapproval.

(Prior Code, § 34-8-1)

§ 150.091 CONSTRUCTION BOND.

A construction bond shall insure or guarantee, to the extent of the amount specified by a professional engineer in his or her estimate of the cost thereof, the construction and completion of the improvements shown by the approved preliminary plat and such inspection fees as may be required.

(Prior Code, § 34-8-2)

§ 150.092 ESCROW AGREEMENTS.

An escrow agreement shall provide that there shall be deposited with the County Clerk and held by him or her in a special escrow account the amount of money specified by a professional engineer in his or her estimate of the cost thereof, the construction and completion of the improvements shown by the approved preliminary plat and such inspection fees as may be required. The specified amount may be in the form of:

(A) Cash;

(B) An irrevocable letter of credit or commitment from a leading institution to the county guaranteeing to the county the availability, from time to time upon demand; or

(C) Certificates of deposit, treasury bills or other readily negotiable instruments, the type of which has been approved by the State's Attorney, endorsed to the county.

(Prior Code, § 34-8-3)

§ 150.093 RELEASE.

The bond shall remain in effect or the escrowed sum shall be held in the escrow account by the County Clerk until such time as the County Superintendent of Highways and the Township Highway Commissioner shall, by written authorization to the County Clerk release the surety from the obligation of the bond or the County Clerk from his or her obligation to retain the escrowed sum in the escrow account, which release may be partial and may occur from time to time, as improvements are completed and approved.

(Prior Code, § 34-8-4)

§ 150.094 FORFEIT.

The term of the construction bond or the escrow agreement shall not exceed two years in duration subject to the following:

(A) If at the end of the two-year period, all the improvements reflected by the approved preliminary plat and the improvement plans have not been completed, the Subdivision Committee may extend the terms of the bond or the escrow agreement for a period not to exceed one additional year at each extension, if after review such longer period is necessary to facilitate adequate and coordinated provisions for transportation, water, sewerage, schools, parks, playgrounds or other public requirements. If said improvements have not been completed at the end of two years or as extended, the Subdivision Committee may:

(1) Require the surety to perform on the bond and pay to the county or township such amount as shall be equal to the lesser of the amount required to complete the improvements or the amount of the bond not therefore released;

(2) Require the escrow agent to remit to the county or township in cash or negotiable instruments constituting the escrow, sum, as the case may be, the balance in the escrow account required to complete the improvements and the balance, if any, in the escrow account which exceeds such amount shall be returned to the developer; or

(3) Require the developer to submit a new construction bond or escrow agreement which has been recalculated in order to allow for any inflation in the case of constructing improvements.

(B) If the surety fails to perform on the bond within 30 days after written request, the Subdivision Committee shall direct the State's Attorney to take immediate action to require performance by the surety under the bond to secure the amount required.

(Prior Code, § 34-8-5)

§ 150.095 ELIGIBLE SURETIES.

To be eligible all sureties shall be approved by the County Clerk and State's Attorney. All sureties shall be subject to spot audits by the county under the supervision of the County Clerk. If the surety fails to comply with any of the provisions of the construction bond, the surety shall not thereafter be allowed to act as surety for any subdivision improvement within the jurisdiction of the county for a period of two years.

(Prior Code, § 34-8-6)

§ 150.096 INSPECTION OF IMPROVEMENT.

The applicant's professional engineer shall inspect all improvements both during the course of construction, and after completion to ensure that all improvements are constructed in a workmanlike manner and conform to the approved improvement plans. Upon completion of all inspections, said engineer shall certify, by letter, to the County Superintendent of Highways, Township Highway Commissioner and the Subdivision Committee that all improvements have been completed in a workmanlike manner and conform to the approved improvement plans. Said letter must be signed, bear the engineer's seal, and note his or her registration number.

(Prior Code, § 34-8-7)

§ 150.097 MAINTENANCE BOND.

(A) The subdivider shall further post with the county a corporate surety bond issued by an insurance company licensed to do business in the state or other proof of financial responsibility as set forth in § 150.030, in amount determined by a professional engineer.

(B) Said bond shall commence immediately upon approved completion of the agreed upon terms contained within the construction bonds, as described in §§ 150.090 through 150.094. Said bond will guarantee the county that said street and utilities have been installed in a workmanlike manner and in accordance with required specifications and standards; that same is free from defects caused by faulty material or defective workmanship and free from sinkholes or other settling, and that said streets and utilities will remain in acceptable condition based on an inspection by the County Superintendent of Highways and the applicable Township Highway Commissioner for a period of at least two years. Said guarantee bond shall be effective for a period of two years.

(C) If any time during the two-year period the streets or utilities are found to have settled or be otherwise unacceptable, said defective street or utilities shall be repaired as designated by the County Superintendent of Highways and the applicable Township Highway Commissioner at the cost of the subdivider, and upon his or her failure or refusal to do so within 90 days after demand is made upon by the county, then the county or township shall use said bond to make such repairs as are reasonably necessary, and if the cost of the repairs exceed the amount of the bond, the subdivider shall be liable for

said excess and the county or township may take such steps as necessary to recover the additional costs from the subdivider.

(Prior Code, § 34-8-8)

§ 150.098 ACCEPTANCE.

If after the two-year guarantee period, the inspection of said streets and utilities finds them in satisfactory condition, the Township Highway Commissioner shall accept the streets as public property and take over their perpetual maintenance.

(Prior Code, § 34-8-9)

§ 150.099 PROVISIONS FOR MAINTENANCE AND OPERATION OF PRIVATE UTILITIES OR FACILITIES.

When a subdivision contains street lights, sewers, sewage treatment plants, water supply system, park area or other physical facilities that have not been dedicated to and accepted by an existing public agency, adequate provision shall be made for the continuous maintenance, supervision, operation and reconstruction of such facilities by the lot owners in the subdivision, subject to the regulation of the Department of Public Health and the Commerce Commission of the state and the State Environmental Protection Agency, where applicable.

(Prior Code, § 34-8-10)

VARIANCES

§ 150.110 CONDITIONS OF VARIATION.

The Subdivision Committee may grant a variance from the provisions of this chapter; provided, in each case, the following conditions are met:

(A) Any variance or exception shall comply with the intent and purpose declared in § 150.004;

(B) Special conditions and circumstances are present which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same area;

(C) Literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same area under the terms of this chapter;

(D) The special conditions or circumstances do not result from the actions of the applicant;

(E) Granting the variance requested will not confer on the applicant any special privilege that is denied by this chapter to owners of other lands, structures, buildings in the same area; and

(F) The variance requested is the minimum variance which would alleviate the hardship.
(Prior Code, § 34-9-1)

§ 150.111 VARIANCE PROCEDURES.

The subdivider shall apply in writing, for such a variance or exception and shall state the exact reasons for the variances request. The variance request shall then be forwarded with the preliminary plat to the Subdivision Committee.

(Prior Code, § 34-9-2)

§ 150.110 SUBDIVISION COMMITTEE ACTION.

The Subdivision Committee after reviewing the variance request and the preliminary plat and any other supportive data may approve, disapprove or approve subject to modifications or conditions, the application.

(A) If the Subdivision Committee approves the application, it may attach any necessary conditions such as time limitations, requirements that one or more things be done before the request can be initiated, or conditions of a continuing nature to ensure that there shall be no departure from the intent of this chapter. The Subdivision Committee shall especially consider the effect of the request on surrounding uses in determining whether an application shall be approved, modified or disapproved. If the application and accompanying material is approved, the Subdivision Committee shall express its approval and state the conditions of such approval, if any.

(B) If an application is disapproved, reasons for such disapproval shall be stated in writing in the records of the Subdivision Committee and a statement in writing of such grounds of disapproval shall be furnished to the applicant or his or her agent.

(C) If approved subject to modifications or conditions, the nature of the required modifications or conditions shall also be indicated in writing in the records of the Subdivision Committee and furnished to the applicant or his or her agent.

(Prior Code, § 34-9-3)

§ 150.113 FILING.

(A) If an application is approved based on a preliminary plat, the Subdivision Committee shall express its approval as conditional approval, and require the submission of a final plat for final approval. No approval shall, however, be entered on the preliminary plat.

(B) One copy of the preliminary plat shall be returned to the applicant and one copy shall be retained by the Subdivision Committee. Approval of a preliminary plat shall not constitute acceptance of the final plat and approval of the preliminary plat shall lapse unless a final plat based thereon is submitted within one year from the date of such approval.

(C) An extension of time may be applied for by the developer and granted by the Subdivision Committee.

(Prior Code, § 34-9-4)

§ 150.114 JUDICIAL REMEDY BY A LOCAL COURT OF RECORD.

Any person or persons, jointly or severally, aggrieved by any decision of the Subdivision Committee or any officer, bureau, department or agency of the governing body, may apply to the local court of record for judicial relief within 30 days after rendition of the decision.

(Prior Code, § 34-9-5)

VACATION OF PLATS

§ 150.125 PLAT VACATION.

Any plat may be vacated by the owner of the premises at any time before the sale of any lot therein, by a written instrument to which a copy of the plat is attached, declaring it to be vacated. If there are public service facilities in the highways, streets, alleys and other public ways and in easements shown on said plat, the instrument shall reserve to the public body or public utility owning such facilities, the property, rights-of-way and easements necessary for continuing public service by means of those facilities for the maintenance, renewal and reconstruction of the same.

(Prior Code, § 34-10-1)

§ 150.126 SUBMITTAL DOCUMENTS.

The written vacation instrument shall be accompanied by the following plats and plans:

(A) Five copies of the plat of subdivision, on which there shall be shown the part thereof, or street, alley, easement or part thereof, to be vacated;

(B) A certificate signed by the County Clerk, certifying that there are no delinquent general taxes, no unpaid current general taxes, no unpaid forfeited taxes, and no redeemable tax sales against any of the land included in the property to be vacated; and

(C) When lots have been sold, the written vacation instrument shall be signed by all the owners of lots in the plat.
(Prior Code, § 34-10-2)

§ 150.127 APPROVALS REQUIRED.

The vacation request must be approved by the following persons or agencies:

- (A) Subdivision Committee of the County Board;
- (B) Township Highway Commissioner having jurisdiction;
- (C) County Superintendent of Highways; and
- (D) Public utility(s) involved.

(Prior Code, § 34-10-3)

§ 150.128 SUBDIVISION COMMITTEE REVIEW.

The Subdivision Committee shall determine or require the following:

- (A) If any public right-of-way or a bridge are destroyed by the proposed vacation;

(B) The Subdivision Committee may require the petitioners to furnish bond in an amount to be determined by the State’s Attorney, indemnifying the county for any suit which may be filed for damages sustained by private party(s) due to such vacation; and

(C) The Subdivision Committee may require that the county be reimbursed by the owner(s) of property abutting upon a street, alley, easement or part thereof, to be vacated in an amount which shall be equal to the loss sustained by the county by reason of the vacation.

(Prior Code, § 34-10-4)

§ 150.129 VACATION RECORDING.

When any plat or part thereof is vacated the recorder in whose office the plat is recorded or filed as aforesaid shall, upon the recording of such vacation, write in plain letters across the plat or part so vacated the word “vacated”, and shall also make a reference on the same to the volume and page in which instrument of vacation is recorded.

(Prior Code, § 34-10-5)

§ 150.999 PENALTY.

(A) Any person, firm or corporation who constructs any public improvement or portion thereof in violation of the provision of this chapter shall upon conviction, be fined not more than \$500 for each offense, and each day of the continued violation shall constitute a separate additional offense.

(Prior Code, § 34-14-1)

(B) Any person who shall sell or offer for sale, lease or offer for lease, while this chapter is in effect, any lot or lots or block or blocks, within the area of jurisdiction of the county, or any re-subdivision of any block or lot therein, before all of the requirements of this chapter have been completed with, shall be fined not less than \$25, nor more than \$500 for each lot, block or part thereof sold, offered for sale, leased or offered for lease.

(Prior Code, § 34-14-2)