## Chapter 24   SUBDIVISIONS [[1]](#BK_413FD4A94EAC57B090327C70D7601C85)

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**State Law reference—** Plat Act, 765 ILCS 205/0.01 et seq.; local regulation of platting, 625 ILCS 5/11-12-7 et seq. [(Back)](#BK_3CD9719B1705D766B22B1D47042AE99B)

### ARTICLE I.   IN GENERAL

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[Sec. 24-8. Disclosure of beneficial interest.](#BK_B279C4FC6862AEB7637F35EED0CD8A53)

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Sec. 24-1.   Title.

This chapter shall be known and may be cited and referred to as the "Subdivision Control Ordinance for the Village of Arthur."

(Code 2003, § 10-1-1)

Sec. 24-2.   Rules.

(a)  Words used in the present tense shall include the future; words in the singular number shall include the plural; and use of masculine gender shall include the feminine gender, and vice versa in these cases.

(b)  The term "shall" is mandatory and unconditional, not discretionary.

(c)  The term "may" is permissive and conditional.

(d)  Any statute or other publication referenced in this chapter shall refer to the latest edition or amendment of such.

(Code 2003, § 10-2-1)

Sec. 24-3.   Violations and penalties.

(a)  The following are unlawful:

(1)  Recording of any plat or document portending subdivision, or a portion thereof not in conformity with this chapter;

(2)  The sale, offering for sale, or other transfer of ownership of any or all lots, without prior recording of any approved subdivision, as set forth in this chapter; and

(3)  Construction in a recorded subdivision which is not in conformance with the recorded plat and approved engineering plans and specifications.

(b)  For purposes of this section, a similar violation occurring on more than one lot or affecting more than one lot shall be deemed to be a separate offense for each such violation on each such lot.

(Code 2003, § 10-21-1)

Sec. 24-4.   Intent.

This chapter is adopted to provide for the health safety, comfort and convenience of the inhabitants of the Village of Arthur, and vicinity; to thus ensure sound, harmonious development of land to the highest possible standards of design; and to provide a procedure for a cooperative working relationship between the village and developer, in order to safeguard the interests and rights of the homeowner and citizen, the subdivider, the investor, and the village.

(Code 2003, § 10-1-2)

Sec. 24-5.   Taxpayer's protection.

The developer shall provide at no cost in any form to the taxpayers of local, state, or federal units of government, all public improvements required by this chapter. The developer shall further include the previous statement in the covenants of the plat in order to ensure buyer protection at the time of purchase. Improvements shall be provided and installed in accordance with the standards and requirements adopted by other local, state, and federal authorities which may have jurisdiction in the area being subdivided. In any case, where two or more authorities have differing standards governing the same improvement, the most restrictive standard shall apply.

(Code 2003, § 10-1-3)

Sec. 24-6.   Jurisdiction.

The following provisions shall be applicable to any and all subdivisions of the land within the boundaries of Arthur, Illinois, and outside of the corporate boundaries but within 1.5 miles of the corporate limits.

(Code 2003, § 10-1-4)

Sec. 24-7.   Exemptions from these regulations.

Exemptions found in Section 1(b) of the Plat Act, 765 ILCS 205/0.01 et seq., as amended, also apply to this chapter.

(Code 2003, § 10-1-8)

Sec. 24-8.   Disclosure of beneficial interest.

A violation of 765 ILCS 405/2 shall be grounds to deny approval of a plat.

(Code 2003, § 10-1-9)

Sec. 24-9.   Variance.

(a)  Where the developer can show that a provision of this chapter would cause unnecessary hardship and where, in the opinion of the planning and zoning board of appeals, a departure may be made without destroying the intent of such provision, the planning and zoning board of appeals may recommend a variance. In the event the planning and zoning board of appeals finds that extraordinary hardship or injustice will result from compliance with this chapter, it may vary the terms thereof to the extent necessary to grant relief, provided:

(1)  That special conditions or circumstances exist which are peculiar to the tracts to be subdivided;

(2)  That granting the variance requested will not confer on the developer any special privilege that is denied by this chapter to other developers; and

(3)  The planning and zoning board of appeals determines that the variance requested is:

a.  The least deviation from this chapter which will mitigate the hardship;

b.  Not detrimental to the general public interest, health, and welfare, and is in keeping with the general intent and purpose of this chapter; and

c.  Not applicable to other subdivisions or developers.

(b)  The developer shall make requests for variations in writing, and the requests shall accompany the submission of the preliminary plat. Requests for approval of variations by the planning and zoning board of appeals shall be considered separately from approval of the final plat of subdivision. The granting of variations shall be by action of the village board.

(Code 2003, § 10-1-10)

Secs. 24-10—24-36.   Reserved.

### ARTICLE II.   DEFINITIONS AND STREET CLASSIFICATIONS

[Sec. 24-37. General definitions.](#BK_E0711E3FE828C85C670FC2DFA589F8B1)

[Sec. 24-38. Functional classifications of streets.](#BK_7BD1F20E525BDD3BAAE281D3F619B0D2)

[Sec. 24-39. Other thoroughfare, road and street terms.](#BK_F9928161E18B641B0A1108F0C7D7EF5F)

[Secs. 24-40—24-66. Reserved.](#BK_D3294B39EF3CBE03A9A9E7B2B422A136)

Sec. 24-37.   General definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Alley* means a public thoroughfare, not over 20 feet in width, which affords only secondary means of access to abutting property.

*Block* means property having frontage on one side of a street and lying between the two nearest intersecting or intercepting streets, or nearest intersections or intercepting street and railroad rights-of-way, waterway, or other barrier.

*Building setback line* means the line, established by this article, beyond which a building shall not extend unless varied according to procedures in this article. Also called a "building line." This may be applicable to the front, side and/or rear yard.

*Capped sewers* means unused pipes that are installed and ready for use when the time comes to tap onto an available community sanitary sewer system.

*Construction* means the building of a home, garage or other structure, the moving of earth, the laying of culverts or tile, and other similar manmade improvements.

*Developer* means any person, individual, subdivider, trust or other legal entity commencing proceedings under this chapter to effect a subdivision of land hereunder for himself or another.

*Development.* See *Subdivision.*

*Easement* means a grant, by the property owner, for the use of land by the public, a corporation, or persons, for specific purposes.

*Flag lot* means a tract of land not having sufficient width on a road to create more than one lot abutting said road but having sufficient area and depth to be divided into more than one buildable lot that will meet all other requirements of this chapter.

*Improvement* means street pavement or resurfacing, curbs, gutters, sidewalks, water lines, sewer lines, storm drains, street lights, flood control and drainage facilities, utility lines, landscaping, and other related things normally associated with land development.

*Jurisdictional area.* This article shall be applicable to any and all subdivisions of land within the boundaries of Arthur, Illinois, and outside the corporate boundaries but within 1.5 miles of the corporate limits.

*Lot* means a parcel of land occupied or to be occupied by one building and any accessory buildings or uses authorized in connection therewith, including such open spaces as are required by this chapter, and such open spaces as are arranged or designed to be used in connection with such building. It may be a single parcel separately described in a deed or plat which is filed in the office of the county recorder, or it may include parts of or a combination of such parcels when adjacent to one another and used as one. In determining the lot area and boundary lines, no part thereof within the limits of a street shall be included.

*Minor subdivision* means a subdivision of not more than three lots which shall require no new rights-of-way dedications, easements of access or variations from this chapter. Such minor subdivision may be processed for preliminary and final plat approval simultaneously.

*Monument* means an object set in the earth to mark a boundary and conforming to state statutory requirements.

*Person* means a natural person, corporation, firm, partnership, association, organization, or any other entity acting as a unit.

*Planning and zoning board of appeals* means the Village of Arthur Planning and Zoning Board of Appeals.

*Plat* means a map or chart indicating the subdivision or resubdivision of land intended to be filed for record in compliance with this chapter and the Illinois Revised Statutes.

*Public improvement* includes streets, water systems, ditches, tile, sidewalks, parks, sewage systems, drainage systems, and other items of construction dedicated to the public.

*Reviewing authorities* means the planning and zoning board of appeals and any individual or agency designated by the village board of this chapter.

*Spite strip* means a piece of land other than a lot legally meeting the minimum requirements of this chapter, used to separate a public street or road rights-of-way from adjoining property and whose primary purpose is to preclude access to such rights-of-way.

*Street* means a public way established or dedicated by duly recorded plat, deed, grant, governmental authority or by operation of law. Also see sections 24-38 and 24-39.

*Subdivision* means, at a minimum, those expressed conditions found in the Plat Act, 765 ILCS 205/0.01 et seq., latest amended edition, and inclusive of any subdivision or resubdivision of a tract, parcel or lot of land into two or more parts by means of mapping, platting, conveyance, change or rearrangement of boundaries or otherwise, and shall also relate to the process of subdividing or to the land subdivided where appropriate to the text. The use of metes and bounds of description for the purpose of sale, transfer, or lease with the intent of evading this chapter, shall not be permitted. Any device or mechanism intended to evade this chapter including but not limited to: the sale, transfer or lease of a parcel or tract of land containing five or more acres to another party where it is intended to sell or transfer back to the seller any part of the parcel or tract which would thereby create a parcel or tract of land containing less than five acres is an evasion of this chapter and shall not be permitted.

*Surety bond* means a bond safeguarding performance of a contract or obligation. The specific amount of the bond shall be determined in accordance with applicable state statutes and this chapter. Also see section 24-102(5).

*Thoroughfare* means a right-of-way, other than an alley, dedicated or otherwise legally established for the public use, usually affording the principal means of access to abutting property. A thoroughfare may be designated as a highway, parkway, boulevard, road, avenue, street, lane, drive, or other appropriate name.

*Variance* means a modification of the specific requirements of this chapter granted by the village board in accordance with the terms of this chapter for the purpose of ensuring that no property, because of special circumstances applicable to it, shall be deprived of privileges commonly enjoyed by other properties in the same vicinity and district. The modification may allow a change in standards or use.

*Village* means the Village of Arthur, Illinois.

(Code 2003, § 10-3-1)

Sec. 24-38.   Functional classifications of streets.

Streets are classified and defined by function as follows:

(1)  *Arterial.* The term "arterial" shall be as defined by the Illinois Department of Transportation and utilized in the Federal "Functional Classification System." Standards for arterials, when necessary, are to be determined on a case-by-case basis in cooperation with the county superintendent of highways and designed to follow standards of the Illinois Department of Transportation's Bureau of Design, Design Manual, latest amended edition.

(2)  *Collector.* Also called "feeder." A street or road planned to facilitate the collection of traffic from local streets, linking larger population concentrations to cities and villages, or feeding arterial routes while accommodating shorter trips.

(3)  *Local.* Connects minor population concentration as found in subdivisions with arterials and collectors; local roads are the minimum class of roads or thoroughfares not considered alleys or driveways and providing frontage or marginal access serving localized commercial, industrial or residential traffic.

(Code 2003, § 10-3-2)

Sec. 24-39.   Other thoroughfare, road and street terms.

(a)  *Subdivision.* Subdivision thoroughfares are constructed within a subdivision and intended to primarily carry internal traffic. These thoroughfares are the lowest class intended to serve individual residential lots. For purposes of this chapter, subdivision thoroughfares shall, at a minimum, meet the requirements for local roads.

(b)  *Agricultural.* Agricultural roads and thoroughfares are intended to provide access primarily between farms, and farms and urban centers for the transportation of crops to market or service to the farm; to local public services benefiting the farm population (i.e., rural schools, fire district buildings); and, agricultural businesses and farms. These roads and thoroughfares are developed primarily for agricultural use and are not designed for general purpose, nonagricultural commercial or industrial use or for nonagricultural residential use.

(c)  *Marginal access.* Also called "frontage," a marginal access road is a local or collector road constructed adjacent and parallel to an arterial or collector, which provides access to abutting property and ways for traffic to reach controlled or limited points of access on arterials or primary collectors.

(d)  *Cul-de-sac.* Also called "court" or "dead end," a cul-de-sac is a short street having one end open to traffic and being permanently terminated by some type of vehicle turn around.

(Code 2003, § 10-3-3)

Secs. 24-40—24-66.   Reserved.

### ARTICLE III.   ADMINISTRATION

[Sec. 24-67. Village board.](#BK_AC8C0AA0FA9ADE41BE72F8B5C113040D)

[Sec. 24-68. Planning and zoning board of appeals.](#BK_8B9B91F99CC5C16A99F0739C72334549)

[Sec. 24-69. County soil and water conservation district.](#BK_28D40789A16D3FFF15B247C39159EB7B)

[Sec. 24-70. County health department.](#BK_83FACEA1AC5E6D908ED17F19DA3DC24E)

[Secs. 24-71—24-98. Reserved.](#BK_78D935087E6395FADD8A7FEE24D873CF)

Sec. 24-67.   Village board.

The village board administers regulations, exercises authority and fulfills responsibilities as required by this chapter. The village shall maintain all necessary records, administer the subdivision regulations, be the final authority in cases of appeal, and review the preliminary and final plat. Specifically, with regard to the recommendations of the planning and zoning board of appeals regarding subdivision review, the role of the village board shall be to consider the proposal in regard to: the regulations and standards within this chapter; reports of other bodies and agencies as they pertain to design standards and specifications herein contained; all other village regulations and ordinances, state statutes and codes and federal codes and regulations deemed to be applicable minimum requirements in the interests of health, safety, and convenience of the public of the village and not in conflict with the intent and purpose of this chapter.

(Code 2003, § 10-4-1)

Sec. 24-68.   Planning and zoning board of appeals.

The planning and zoning board of appeals shall review and examine this chapter and recommend to the village such changes as may be necessary. The planning and zoning board of appeals shall review preliminary and final plat applications and make recommendations to the village board as applicable and necessary.

(Code 2003, § 10-4-2)

Sec. 24-69.   County soil and water conservation district.

The county district reviews the preliminary plat; makes all natural resource information available to the planning and zoning board of appeals, the county health department, and the developer/owner; and issues a written opinion concerning the plat to the planning and zoning board of appeals not more than 30 days from the time of receipt of the plat. Use of district reviews will be for general guidance purposes.

(Code 2003, § 10-4-3)

Sec. 24-70.   County health department.

If any part of the platted land will not be served by a public sewer system, the county health department shall review the preliminary and final plats of subdivision, and all related materials required by this chapter. The health department shall approve in writing, and within 30 days from the time of receipt of the plat, the proposed sewage disposal systems.

(Code 2003, § 10-4-4)

Secs. 24-71—24-98.   Reserved.

### ARTICLE IV.   PLATS AND PLATTING [[2]](#BK_BE8722E53A3DDC833BDD4D8CE1FF53FC)

[Sec. 24-99. Compliance.](#BK_E32CBB8FD2BF0FE25C1457EE38938E40)

[Sec. 24-100. Preapplication phase; informal, not mandatory.](#BK_56445CC846CC1B7002AEB4CD07A02C0E)

[Sec. 24-101. Preliminary plat review phase; formal, mandatory.](#BK_65DEED8D59BF60F5A7862F84F3552D89)

[Sec. 24-102. Final plat review phase; formal, mandatory.](#BK_A8E51C0C2C9D7D539E531B054E2BD4C5)

[Secs. 24-103—24-132. Reserved.](#BK_6FDC57F72B078987CDB38917FF281401)

Sec. 24-99.   Compliance.

The developer/subdivider or his representative shall be responsible for compliance including all standards, specifications, certificates and sureties herein contained.

(Code 2003, § 10-5-1)

Sec. 24-100.   Preapplication phase; informal, not mandatory.

If any deviation from this chapter is anticipated, or the developer anticipates a potential problem area, this informal phase is intended to conserve time, effort and expense by encouraging the developer to discuss the proposed subdivision with the planning and zoning board of appeals chairman, or planning and zoning board of appeals, prior to any formal application being made.

(Code 2003, § 10-5-2)

Sec. 24-101.   Preliminary plat review phase; formal, mandatory.

(a)  *Filing.* A person or corporation desiring approval of a plat of a subdivision of any land lying within the jurisdiction of the village, shall submit a letter of application therefor to the village clerk's office at least 15 days prior to the date of a regular or special planning and zoning board of appeals meeting. At least three copies of preliminary plat documents shall be made available by the developer for use at the above mentioned planning and zoning board of appeals meeting. The developer shall also submit a letter with the preliminary plat indicating all requests for variations from the requirements and standards herein contained, whether temporary or permanent in nature. The granting of variations shall be by action of the village board.

(b)  *Preliminary plat document specifications and support materials.* The developer or his representative shall submit the following: The plat drawn or printed upon tracing paper, tracing cloth, or a similar reproducible medium. The plat shall be drawn at a scale of one inch equals 100 feet or at a scale of one inch equals 50 feet. All materials shall contain information concerning the name of the subdivision; the name, address and telephone number of the firm and person preparing the material, and if appropriate, signature and certification; and the date of material preparation with reference to any changes made. There shall be one common scale for all maps and plans presented for each subdivision, unless otherwise stated herein. The plat may be prepared, at the developer's discretion, so as to contain items required in both the preliminary and final plats. NOTE: The term "adjacent" shall mean, for these specifications and at a minimum, the area lying outside of but contiguous to the subdivision site and extending a distance of 100 feet, or to such further distance as may be necessary.

(c)  *Preliminary plat contents.* The preliminary plat shall contain:

(1)  The proposed subdivision name, which shall not duplicate the name of any platted subdivision previously recorded in the county;

(2)  Date, bar scale, and north arrow;

(3)  Location by distances and bearings from true north or grid north, as established by the Illinois State Plane Coordinate System, East Zone, and angles with reference to a corner or corners established in the United States Public Land Survey;

(4)  All angular and linear data along the exterior boundary of the tract, which meets the criteria for a second order accuracy survey, by professional land surveyor's standards;

(5)  The width, course and extent of all existing and proposed on-site and adjacent roads, streets, and thoroughfares; and, railroad rights-of-way, if present;

(6)  The names of all existing and proposed roads, streets and other thoroughfares;

(7)  The location, dimensions and easements of all existing and proposed public utilities (surface and subsurface) and private utilities affecting the site or proposed for extension thereupon, including but not limited to water lines, sanitary sewers, storm sewers, and drainage tile lines;

(8)  Locations and dimensions for any other easements and any limitations upon each easement;

(9)  All existing adjacent and developer-proposed on-site tracts, parcels, lots or blocks giving their precise dimensions where proposed, including square footage for proposed parcels and lots;

(10)  The progressive numbering of all proposed tracts, parcels, lots and blocks;

(11)  Existing and proposed building setback lines and dimensions;

(12)  All existing and proposed adjacent and on-site parks, playgrounds, school grounds or other grounds to be dedicated or reserved for public, semi-public, common, or community use;

(13)  The locations and widths of any proposed walkways and easements, clearly indicating any connections to present or proposed public lands or facilities and/or private walkways and easements;

(14)  The identification of all civil and/or political divisions within which the proposed subdivision is wholly or partially located. And where applicable, the location of the division's boundary lines if within or adjacent to the site. Such divisions shall include, but are not limited to: school districts, fire protection districts, incorporated municipalities, soil and water conservation districts, park districts, and water districts;

(15)  The location and direction of flow, as applicable, of natural drainage ways, streams, rivers and lakes, and similar natural flows or impoundments;

(16)  The location and identification of all existing manmade features including but not limited to: buildings, excavations, bridges, impoundments, drainage improvements and tiles within and adjacent to the site;

(17)  Present zoning of the site and the authority of that zoning, if applicable;

(18)  The names, addresses, and telephone numbers of the owners and developers of the subdivision or their duly authorized representative; and

(19)  The names, addresses, and telephone numbers of the surveyor, engineer, or planner preparing the preliminary plat.

**Note:** The final plat must be prepared by a professional land surveyor.

(d)  *Supplementary information required.* The following supplementary information is required:

(1)  *Vicinity map.* A small scale map to a scale of not less than one inch equals 2,000 feet, which may be shown on or accompany the preliminary plat. The map shall indicate the site's relationship to boundaries, traffic arteries, community facilities, railroads and other nonresidential land uses for adverse influences. The map itself must include a minimum 500 feet radius surrounding the site.

(2)  *Water supply and sewage disposal.* Preliminary plans for water supply and sewage disposal facilities shall be presented, including:

1.  The location of the nearest public water supply and fire hydrant with a statement from the controlling authority indicating the ability to serve the site, as well as available capacity. Requests shall be in writing by the developer with notice that reply be made within 14 calendar days of receipt. In addition, if the site is to be served by private wells, a statement of the adequacy and usability of the proposed water supply available on-site; such statement shall include available well logs of the area.

2.  The location of the nearest public or private sewer system shall be shown; information concerning the possibility of connection and the capacity of the system will be required where necessary. If the subdivision lots are to be served with individual wastewater systems, the plans shall be reviewed by the county public health department for conformance to the county private sewage disposal ordinance, as amended, as well as other applicable state or local ordinances.

(3)  *Drainage and stormwater management.* Preliminary plans for site drainage, surface and subsurface, and stormwater management shall be presented. Also to be included is a statement of whether the proposed subdivision is located in a drainage district and identifying and agreements that have been made with the drainage district in which the subdivision is located, if any.

(4)  *Watercourse and impoundments.* Preliminary plans for any proposed water course changes or impoundments to be developed. Existing and proposed impoundments shall indicate points of discharge, design capacities and calculations, and shall indicate normal pool elevations. Water courses shall show direction of flow. Both impoundments and water courses shall indicate elevations of the 100-year flood.

(5)  *Topographic and profile studies.* There shall be submitted simultaneously with the plat a study which shows topographically and by profile the elevation of the land prior to the commencement of any change in elevations as part of any phase of subdividing as well as a study which shows topographically and by profile any changes contemplated from such land when change is contemplated. Topography of the site shall be identified with contour lines at one foot vertical intervals on grades of less than five percent and with five-foot contours elsewhere. Contours and elevations shall be based on sea level datum, USGS standards, where possible. Further, the topographical studies shall be prepared in such a manner as will permit the studies to be used as overlays to the subdivision plat. The studies shall have on their face a certification of an Illinois Registered Professional Engineer and the owner of the land or his duly authorized representative confirming the topographic and drainage certificate in this chapter.

(6)  *Road and thoroughfare design plan.* Such preliminary plan shall contain information as to right-of-way widths, pavement design, standards and specifications, cross sections and profile drawings of roads, streets, thoroughfares and other public ways, all conforming to the design requirements herein contained, including standard detail and culvert sizes for each entrance.

(7)  *Variance narrative.* If a variation or variations are to be requested from the standards herein contained, a narrative for each variation the developer is requesting shall accompany all other documents.

(e)  *Reviewing agencies.* The developer or his representative shall be responsible for sending the preliminary plat document and support materials to the following agencies at the time of making formal application:

(1)  The county health department, if applicable;

(2)  Illinois Department of Transportation, if applicable;

(3)  Applicable fire protection district;

(4)  Township road commissioner, if applicable;

(5)  Supervisor of village employees;

(6)  The county highway superintendent, if applicable;

(7)  The county soil and water conservation district, if applicable.

(f)  *Approval.* After an application for approval of a plat of a subdivision with three copies of all maps and data, has been filed, the planning and zoning board of appeals shall review the application and shall approve the plat proposed in the application, subject to its receipt of an acceptable final plat, as described in section 24-102, or disapprove the plat, setting forth its reasons in its own records and providing the applicant with a copy. An approval shall be effective for a period of 12 months, unless, upon request of the applicant, the planning and zoning board of appeals grants an extension. If the final plat is not received by the planning and zoning board of appeals within the period of time specified, all previous actions by the planning and zoning board of appeals with respect to the plat shall be deemed to be null and void.

(g)  *Appeal.* Any party aggrieved by a decision of the planning and zoning board of appeals may within 15 days thereafter, appeal therefrom to the village board and he shall file with the village board a written notice of appeal specifying the decision from which such appeal is taken. Procedure for appeal shall be provided by the village board.

(Code 2003, § 10-5-3)

Sec. 24-102.   Final plat review phase; formal, mandatory.

(a)  *Final plat document specifications and support materials.* The developer or his representative shall request the planning and zoning board of appeals chairman, at least 15 days before a regular or special planning and zoning board of appeals meeting, to place final plat review of the proposed subdivision on the planning and zoning board of appeals agenda. At least three copies of final plat documents shall be made available for use at the planning and zoning board of appeals meeting. The final plat shall meet the following specifications: The final plat shall be prepared by a Professional land surveyor and drawn in ink on reproducible Mylar at the same scale as the preliminary plat. When more than one sheet is used for any plat, they shall be numbered consecutively and each sheet shall contain a notation showing the whole number of sheets in the plat and its relation to other sheets.

(b)  *Final plat contents.* The final plat shall contain:

(1)  Name of subdivision;

(2)  Date, bar scale, and north arrow;

(3)  Locations by distances and bearings from true north or grid north, as established by the Illinois State Plane Coordinate System, East Zone, and angles with reference to a corner or corners established in the United States Public Land Survey;

(4)  All angular and linear data along the exterior boundary of the tract, which meets the criteria for a "second order" accuracy survey, by professional land surveyor's standards;

(5)  The width, course, and extent of all existing and recorded roads, streets, thoroughfares and other rights-of-way intersecting the boundaries of the subdivision with accurate dimensions in feet and decimal parts of feet and accurate angles to streets, thoroughfares, alleys and property lines;

(6)  The width, course and extent of all proposed roads, streets, thoroughfares and other rights-of-way with accurate dimensions in feet and decimal parts of feet and accurate angles for all curves included in the plat;

(7)  Complete curve notes for all curves included in the plat;

(8)  Location, type and size of all monuments and lot markers;

(9)  The names of all existing and proposed roads, streets and other thoroughfares;

(10)  The location and dimensions for all easements and any limitations thereupon;

(11)  Accurate location of all existing abutting tracts, parcels, lots or blocks;

(12)  All tracts, parcels, lots and blocks contained within the subdivision shall be precisely dimensioned including any property to be dedicated or reserved for public, semi-public, common, or community use;

(13)  All tracts, parcels, lots and blocks contained within the subdivision shall be consecutively numbered;

(14)  All setback lines required by this chapter or fixed within approved protective covenants shall be shown and dimensioned upon the plat;

(15)  The centerline of streams, rivers or other similar flows; the normal pool elevation of any lake or impoundment; and, an elevation line indicating the elevation of the 100-year flood, if applicable;

(16)  The names, addresses, and signatures of the owners and developers of the subdivision or their duly authorized representatives;

(17)  The name, address, registration number and seal, and signature of the professional land surveyor preparing the final plat;

(18)  Certificates required by this chapter to be included upon the final plat; and

(19)  A statement of maintenance responsibility for any public improvements.

(c)  *Supplementary information required.* The following supplementary information is required:

(1)  Soil information plan. Such plan shall contain delineation of the subdivision by soil types utilizing the most recent soil survey techniques and classification information system in use by the United States Department of Agriculture, Soil and Water Conservation Service; any information known and relating to the site's water table elevation and, any such additional information as may be required by the reviewing authorities, including further soil tests conducted as ASTM (American Society for Testing Material) standards when indicated by soil type;

(2)  Percolation report. In the absence of sanitary sewer access, a report prepared by an Illinois Registered Professional Engineer shall be required which shall contain a representative number of percolation tests as selected by the county health department. Tests need not exceed two tests per lot or one test per change in soil type, whichever is greater. These tests shall be provided where on-site wastewater disposal is contemplated. Percolation tests presented with the final plat shall be witnessed by the county health department. The developer or his engineer shall properly notify the county health department in advance of testing; such notification and requests for observation shall conform to the applicable rules and procedures of the department. The county health department after witnessing the percolation tests shall sign the results indicating that the percolation tests were conducted as to proper standards and procedures. The location of each test hole shall be plotted and numbered on a map of the same scale as the final plat, and a typewritten text of the results are to accompany the plan. A minimum of one copy of all such information shall be provided by the project engineer for review and comment by the county health department;

(3)  Special studies. Where required by site conditions or this chapter, such other special studies as may be necessary and which may include but need not be limited to erosion control plans and specifications; landscaping plans and specifications; and, fill plan with location, depth and fill type; and hazardous waste sites and disposal sites shall be submitted;

(4)  Covenants, restrictions, homeowner's information. There shall be submitted with the plat one copy of the covenants, deed restrictions, and/or homeowner's association charter and by-laws, of a homeowner's association is intended. NOTE: Within the covenants, statements shall be included, as applicable, which identify subsequent lot owners as responsible for the placement of driveway culverts in accordance with approved engineering plans. Additional statements shall also be included which identify subsequent lot owners as responsible for contacting the county health department for review and approval of individual (non-municipal type) septic systems and well locations, prior to construction of any permanent improvements or structures upon the individual lot. All restrictions are to be reviewed as part of the plat review process and must be recorded, as approved, with the approved plat;

(5)  Final water and sewage disposal engineering plans;

(6)  Final drainage and stormwater management engineering plans;

(7)  Final watercourse and impoundment engineering plans. Complete plans shall be required for improvements, minimally, where impoundments or water courses affect the subdivision, elevations shall be included for the 100-year flood;

(8)  Final topographic and profile studies, certified by the engineer and the owner for the entire site, where topographical change is contemplated;

(9)  Final road and thoroughfare engineering design plans, profiles and cross sections;

(10)  Special studies and engineering plans in final form as required in preliminary plat presentation or as required to provide supporting information for final plat approval;

(11)  Final copies of all covenants, restrictions and homeowner's association charters and by-laws as intended to be filed simultaneously with the final plat of subdivision; and

(12)  Applicable certificates as required by this chapter for final plat approval.

(d)  *Reviewing agencies.* At the time of making final plat application to the village planning and zoning board of appeals, the developer shall forward copies of the final plat to all reviewing agencies receiving copies of the preliminary plat. Within ten calendar days after receipt, interested review agencies shall prepare written reports which shall be available for use and review by the planning and zoning board of appeals.

(e)  *Guarantee of performance.* Prior to the final plat being approved by the village board, a surety bond shall be posted, as follows:

(1)  The developer's engineer shall make an estimate of the probable expenditures necessary to enable the developer to conform to the standards of construction and the required improvements contained in this chapter. Each developer or subdivider who seeks the village board's approval of a map, plat, or subdivision shall post a surety bond when seeking final approval; such bond being posted with the village clerk. The amount of the bond shall not be less than 100 percent of the final estimate of cost of the improvements as checked by a committee of three members of the village planning and zoning board of appeals, one of whom shall be the supervisor of village employees. The surety bond shall be in the form of a performance bond; however, in special circumstances and where approved by the village attorney, an "irrevocable letter of credit," escrow account, or similar acceptable means of surety may be authorized. The bond shall be conditioned upon adherence to the rules and regulations and upon the construction of the improvements and full conformity with the approved engineering plans and specifications, within 12 months from the date thereof and with surety thereon satisfactory to the village attorney. The village board at its discretion may extend the time of the performance bond for not more than an additional 12 months, to allow for completion. When such an extension is at the request of the developer or subdivider or his legal representative, the village board may require an increase in the value of the bond to cover the cost of inflation.

(2)  The surety bond shall guarantee that the owner of the land shall be one of the principals under said bond and that the surety shall be responsible for the completion of the work within a reasonable time after being notified of default. The village board shall determine the length of reasonable time.

**Note:** For release of surety, see section 24-163.

(f)  *Final plat approval.*

(1)  Upon a finding by the planning and zoning board of appeals that the final plat submitted is in accordance with the requirements of this article, the chairman and secretary shall so certify by placing their signatures upon the plat, and shall recommend it to the village board for review and final approval.

(2)  Following final approval by the village board, the final plat may be legally recorded in compliance with the laws of the State of Illinois. Such final approval shall be null and void if the said plat is not recorded within 90 days after the approval, unless application for an extension of time to so record is made in writing during said 90-day period to the village board, and by it granted.

(Code 2003, § 10-5-4)

Secs. 24-103—24-132.   Reserved.

FOOTNOTE(S):

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**State Law reference—** Plat Act, 765 ILCS 205/0.01 et seq.; local regulation of platting, 625 ILCS 5/11-12-7 et seq. [(Back)](#BK_2C1B3298F57125676E72DFD22B171A4E)

### ARTICLE V.   DESIGN STANDARDS AND SPECIFICATIONS

[Sec. 24-133. General requirements.](#BK_33AD59C58740120642DE4911E1129314)

[Sec. 24-134. Conformity to natural features.](#BK_4A417F7AA7E41AF5E299076EF6649E7A)

[Secs. 24-135—24-151. Reserved.](#BK_E4524E3AFCCE237504464D1AF1E2E9B0)

Sec. 24-133.   General requirements.

Every subdivision plat shall be prepared in conformance with:

(1)  The statutes of the State of Illinois;

(2)  The Village of Arthur Subdivision Regulations;

(3)  All applicable codes and ordinances as adopted by the Village of Arthur;

(4)  All applicable federal codes and regulations; and

(5)  Modern and best available planning and design practices.

(Code 2003, § 10-6-1)

Sec. 24-134.   Conformity to natural features.

All subdivision and all areas contained therein shall be planned to take advantage of the natural topography of the land, to reduce the overall amount of grading and disruption of surrounding drainage. The village board reserves the authority to deny or require modification of any subdivision or part thereof which because of its natural characteristics or positions, cannot be developed to provide an environmentally sound location. Some conditions which may make land unsuitable for subdivision or development are as follows:

(1)  Proposed development in flood hazard areas shall be governed by this chapter, in addition to chapter 14;

(2)  Land areas with high permanent water tables, swamp, highly organic soils subject to overflows, soils subject to extreme erosion, and soils which in other ways present hazards to public and private construction;

(3)  Subdivision planned for development with septic systems which contain areas with soils which show a high seasonal water table, slow or excessive permeability, or soils subject to excessive frost action;

(4)  Lands lying on a general overall slope in excess of 50 percent shall be excluded from development and may be placed in a conservation easement. Non-public systems for sewage and waste disposal intended to be located on lands lying on more than 12 percent slope shall require special engineering and shall require approval of a system for each such lot prior to approval of the subdivision. Public or private improvements on lands containing more than 12 percent slope will be considered for approval provided that the developer's evidence conclusively indicates no damage will occur to the environment; the approval of the subdivision will not create or intensify negative conditions relating to public health, safety or welfare; and there will be no increase in replacement or maintenance costs of public facilities when compared to an area of lesser slope. Meeting these conditions, the village board may approve the subdivision;

(5)  Lack of adequate and readily available water supply for the domestic and fire protection needs of the inhabitants of the subdivision.

(Code 2003, § 10-6-2)

Secs. 24-135—24-151.   Reserved.

### ARTICLE VI.   REQUIRED IMPROVEMENTS AND OTHER REQUIREMENTS

DIVISION 1. - GENERALLY

DIVISION 2. - ROADS, STREETS AND OTHER THOROUGHFARES

#### DIVISION 1.   GENERALLY

[Sec. 24-152. Easements.](#BK_406F8AEE241258C9C6B893A103D5DF92)

[Sec. 24-153. Blocks.](#BK_847BCFCD3D730C4875B2EFAE7AE96AC8)

[Sec. 24-154. Lot width and area.](#BK_CFDD069B5F6E1FE528A4A4EDA31B9723)

[Sec. 24-155. Required setbacks.](#BK_EDFC8328840EE3D7A1F5CFDAE56563D6)

[Sec. 24-156. Drainage.](#BK_9A132B0A00900CC2CDF8611685DD0033)

[Sec. 24-157. Monuments.](#BK_8DA6032A1EBE4ACED1B5570EDB713741)

[Sec. 24-158. Culverts, bridges, intersections and private entrances.](#BK_0CDDAFE5023D8F83A910D6DA418B9B9D)

[Sec. 24-159. Water.](#BK_91175A7192B287659E4EC2C86B998601)

[Sec. 24-160. Sanitary sewers, septic systems and on-site disposal.](#BK_27FC3D14971CF5BA25D9875A89BC8DB5)

[Sec. 24-161. Street signs.](#BK_52CFD922C9F9792199D1248E66899E92)

[Sec. 24-162. Required engineering plans and certificates.](#BK_7F649305A04B38322667EC0F750B0716)

[Sec. 24-163. Release of surety.](#BK_10E2ACACE615049079D5B15106351FFB)

[Sec. 24-164. Inspection of improvements.](#BK_E3116C444974401C9C39F0B7D1B8521E)

[Secs. 24-165—24-181. Reserved.](#BK_E32548A495303864EBE976B7F4647062)

Sec. 24-152.   Easements.

(a)  Easements shall be provided for any overhead or underground utilities including but not limited to sanitary sewer, storm sewer, water, gas, telephone, electricity, and cable television. Such easements shall have a minimum width of 15 feet. Where it is intended that both overhead and underground utilities shall share the same easement, additional width sufficient to avoid conflict shall be provided. No surface drainage easement shall be permitted to be contained in an easement intended for underground utilities where drainage creates problems of seepage or coverage of the underground utilities. To the extent possible, easements shall be established to provide continuity of alignment through the subdivision.

(b)  Land subject to a public or private easement shall be restricted to prohibit within such easement structures, plantings or other materials from being placed or permitted to remain which may damage or interfere with the installation or maintenance of utilities; which change the direction of flow or drainage channels in the easement; or, which may obstruct or retain the flow of water through drainage channels in the easement.

(c)  Conservation easements may be required to protect natural areas of excessive slope or areas subject to flooding in order to prevent erosion, changes of stream quality or flooding characteristics.

(d)  Drainage easements may be required as specified by section 24-156.

(e)  All utilities providing service within a subdivision as well as services providing connections between transmission lines or pipes and individual structure services shall be placed underground, whenever possible, and within easements.

(f)  Any public or private utilities or drainage systems transversing any part of a proposed subdivision and not heretofore possessing a recorded easement shall have an easement indicated upon the plat and meeting the minimum criteria of this section.

(Code 2003, § 10-8-1)

Sec. 24-153.   Blocks.

(a)  Blocks shall not exceed 1,000 feet in length, unless otherwise approved.

(b)  Blocks or portions thereof intended for commercial or industrial use shall be designed as such, and the plan shall show adequate off-street areas to provide for parking, loading facilities and other such facilities.

(Code 2003, § 10-9-1)

Sec. 24-154.   Lot width and area.

(a)  Within the village, the width and area of lots for the district in which the subdivision is located shall be not less than as provided in the Village of Arthur Zoning Ordinance (see chapter 32). The depth-to-width ratio of usable area of a lot shall be a minimum of three to one.

(b)  Outside of the village and within 1.5 miles of the village limits, the following shall be required:

(1)  In subdivisions provided with both an approved community water supply system and an approved community sanitary sewer and sewage treatment system at the time of final plat approval, lot width and area for the district in which the subdivision is located shall be not less than as provided in the Village of Arthur Zoning Ordinance (see chapter 32).

(2)  In subdivisions not served by an approved community sanitary sewer and sewage treatment system at the time of final plat approval, and whether or not the lot is served by an approved community water supply system, lot width and area shall be a minimum of:

a.  80 feet wide at the setback line and not less than 20,000 square feet in area for single and two family residences;

b.  100 feet wide at the setback line for the first three units and five feet additional in width for each additional unit and not less than 8,000 square feet in area per dwelling unit for dwelling units containing three or more units;

c.  For commercial or industrial uses: 20 feet wide at the setback line and not less than 40,000 square feet in area;

d.  Or, of sufficient size and capabilities to meet the recommendations of the Illinois Department of Health and the county health department to be able to adequately accommodate both a primary and secondary treatment site and a potable water supply. However, in no case shall a lot governed by subsection (a) of this section have setback and width requirements less than those standards therein contained for single- and two-family residences;

e.  The depth-to-width ratio of the usable area of a lot shall be a maximum of three to one.

(c)  All corner lots shall contain the width necessary to conform to the required setbacks along both roads or streets.

(d)  All lots shall abut on a publicly dedicated and accepted all-weather road or street meeting the minimum for the classification and requirements herein contained.

(e)  Side lot lines shall be at right angles or radial to curved streets and roads.

(f)  Trees and shrubs shall be planted as to form a tight screen along the rear lot line of any lot in a subdivision which backs upon an arterial road, limited access highway, collector road, commercial or industrial area, or railroad.

(g)  Such lots shall in no case be less than 150 feet in depth.

(1)  Double frontage lots should not be platted, except that where desired along arterial, limited access highways or streets, lots may face on an interior street and back on such thoroughfare. In that event, a planting strip for a screen at least 20 feet in width shall be provided along the back of the lot.

(2)  In all other cases where double frontage lots are permitted, vehicular access shall be permitted to only one thoroughfare, that thoroughfare being of the lower classification. Restrictions as to access shall be indicated upon the face of the plat.

(h)  The total land area within the boundary of a plat shall be an official part of the plat and accounted for as either lots, tracts, easements, dedicated or reserved public areas, dedicated rights-of-way, or common area.

(Code 2003, § 10-10-1)

Sec. 24-155.   Required setbacks.

Required setbacks shall be measured from the rights-of-way line of the road, street or other thoroughfare to the front foundation. Minimum lot widths shall be calculated at the minimum setback requirement. In cases where the actual foundation is located at a point further than the required setback, the lot width minimum shall be applicable to both the required setback as well as the actual foundation setback, and shall be as follows:

(1)  Within the village, the minimum distance required by the village zoning ordinance (see chapter 32).

(2)  Outside of the village, and within a radius of 1.5 miles of the village limits, a minimum distance required by the village zoning ordinance (see chapter 32).

(Code 2003, § 10-11-1)

Sec. 24-156.   Drainage.

(a)  All subdivisions shall have an engineer designed and planning and zoning board of appeals approved drainage system plan which shall include full details of all surface and/or subsurface improvements. Design of the drainage system plan and stormwater management facilities shall be in accordance with current and best engineering practices. The standards for the design shall be adequate for the soils within the site as well as meet applicable local, state and federal requirements in existence at the time of subdivision approval.

(b)  Drainage systems shall have adequate capacity to bypass through the subdivision the flow from all upstream areas currently accepted upon the subdivision site and for that volume of water generated by a storm of 100-year frequency for the county. See: Plate 3 on file in the village hall.

(c)  Internal drainage of the subdivision shall adequately drain all portions of the subdivision, and shall be designed for a storm of 100-year frequency with a release rate from the site not to exceed the stormwater runoff rate in its natural undeveloped state, as otherwise herein indicated. Runoff concentration shall not be permitted which causes erosion or other hazards to life and property within, adjacent to or downstream from the subdivision.

(d)  Whenever agricultural tiles are located within a subdivision which drains an area outside of the subdivision, the developer shall dedicate an easement not less than ten feet in width along each side of the agricultural drainage tile for purposes of maintenance, improvements or replacement of the tile. Tiles may be relocated but shall be placed in easements or contained within public rights-of-way. The developer shall be responsible for relocating all agricultural field tile in the subdivision that services any area located outside the subdivision. New tile must replace all disturbed agricultural tile. Relocated tile shall retain the design flow of the original tile. Agricultural drainage tiles which drain an area outside of the subdivision shall remain a separate system and not incorporated into the subdivision surface and/or subsurface system, except that a connection may be permitted where the flow entering the agricultural tile system is not increased beyond the flow of the site in its present natural undeveloped state. There shall be no connection between a septic system, storm sewer, road drainage system, or sink to any agricultural field tile unless approved by the county health department. The planning and zoning board of appeals may require the subdivider to take those actions necessary for the purpose of discovery of the agricultural drainage tile. Agricultural drainage tiles shall, where possible, be aligned in easements located along property lines. Tiles crossing potential building pads and septic system locations shall be relocated or the lot designed to avoid such potential conflict.

(e)  Design flows for roadside ditches shall conform to the requirements of the Illinois Department of Transportation's Bureau of Design, Design Manual, latest amended edition; however, at a minimum, such ditches shall be designed to accommodate the maximum discharge from a storm of 20-year frequency. Stormwater sewers which serve as main or terminal collectors shall be of sufficient design to accommodate a maximum discharge from a storm of ten-year frequency. Those storm sewers which serve as laterals shall be of sufficient design to accommodate a maximum discharge from a storm of five-year frequency.

(f)  The filling, alteration, widening or any other restriction or alteration of a natural stream and flood basin shall be permitted only as shown upon the final approved engineering drawings. Where erosion occurs along stream side slopes, whether caused by alteration or natural occurrence, suitable erosion controls shall be instituted by the developer. All disturbed areas will be seeded, fertilized, and mulched to prevent soil loss in excess of tolerable soil loss limits as defined by the U.S. Soil Conservation Service. Temporary erosion control measures will be used during the time of development to control excess soil erosion caused by development activities. Permanent measures will be installed as well where needed. Where such occurrences exist on stream slopes extending 12 percent, said slopes shall be contained and dedicated in a natural easement.

(g)  Where roadway ditches or swales are permitted, such ditches or swales shall be completely included within the road rights-of-way. Where ditch or swale integrity requires additional protection, additional easements may be required either permanently or during construction. Unless lesser standards are approved due to special circumstances, drainage shall be improved as follows:

(1)  Slopes. Both front and back slopes shall not exceed a four to one ratio slope; and

(2)  Grades. With grades to four percent, ditches may have sod bottoms and banks; where ditch grades of four percent to eight percent occur, gradient control structures shall be used to maintain the ditch slope at four percent or less; with greater than eight percent grades, ditches or swales shall have riprap or be paved.

(h)  Where crossroad culverts occur, the rights-of-way shall be sufficient to include any headwall or similar structure.

(i)  Floodplain data used in all design work shall be as per chapter 14.

(Code 2003, § 10-12-1)

Sec. 24-157.   Monuments.

(a)  *Permanent monument.* A permanent monument shall consist of a ferrous metal pin, one-half inch in diameter, 36 inches long, set in a concrete post four inches in diameter and 24 inches long.

(b)  *Corner pin.* A corner pin shall consist of a ferrous metal pin, one-half inch in diameter and 30 inches long.

(c)  *Minimum.* All subdivisions shall contain a minimum of two permanent monuments plus additional monuments as may be required. Such monuments shall be located at points of curvature and points of tangency.

(Code 2003, § 10-13-1)

Sec. 24-158.   Culverts, bridges, intersections and private entrances.

(a)  Entrance culverts shall be constructed by the developer or subsequent owner at the same time of construction upon the lot and shall be as shown upon the final approved engineering plans and laid to the flow line of the existing ditch. At no time shall such culvert pipe be less than 12 inches in diameter nor less than 24 feet in length for private drives or 15 inches in diameter and 32 feet in length for crossroads. Larger culvert pipe may be required if necessary for adequate drainage. The standards and requirements shall be included in the covenants.

(b)  Entrance driveways shall be constructed upon the lots as shown in the approved street design plans or in such a manner as to not interfere with or measurable alter the approved drainage, create traffic hazards, or interfere with public improvement plans.

(c)  All entrance driveways shall be flared with minimum radius dimensions as follows:

(1)  Residential land uses: ten-foot radius;

(2)  Commercial land uses: 15-foot radius; and

(3)  Industrial land uses: 25-foot radius minimums.

(d)  Where lots are subdivided upon an existing thoroughfare and driveway entrances are to have access upon such thoroughfare, engineering plans shall be presented which shall conform to section 24-156(g) and the developer or person initiating driveway construction shall be responsible for conformance to the approved plans. Responsibility and conformance concerning this requirement shall be noted within the covenants.

(e)  Permits shall be required of all persons, developers, commercial, industrial, or residential interests seeking the connection of a road, street, alley, driveway, or other means of vehicular access to any public road or thoroughfare locate within the jurisdiction of this article. The authority having maintenance responsibility over the public road or thoroughfare shall be the authority responsible for the issuance of such a permit.

(Code 2003, § 10-14-1)

Sec. 24-159.   Water.

(a)  The developer shall provide the subdivision with a complete and state-approved water main supply system, which shall be connected to an existing state-approved municipal or community water supply, except that when such municipal or community water supply is not available, the developer shall provide one of the following:

(1)  A water supply system which will serve the whole development, in accordance with the minimum requirements of the State of Illinois; or

(2)  An individual water supply system on each lot in the subdivision, in accordance with the minimum requirements and recommendations of the State of Illinois and any local ordinances. Private restrictions are to be filed with the final plat and incorporated in each deed so that as soon as a public water supply system is available, connections to the system shall be made at the property owner's expense within one year, and owners shall bear their full, proportionate share of the cost of the public water main as determined by agreement, special assessment proceedings, or other means authorized by law or regulations established by the public water supply system. A water system shall be deemed available when a village water line of adequate size is within 100 feet of the subdivision, and capacity is available in the existing water system.

(3)  If the subdivider installs a water main supply system which is connected with the village water supply system in a subdivision located outside of the village, the subdivider shall require, as a condition of the sale of each lot or parcel in the subdivision, that the owners of such lot or parcel shall not object or remonstrate in any manner any future action of the village with respect to the annexation of such lot or parcel to the village.

The plans and specifications for the installation of a water supply system and a statement of responsibility for maintaining the same shall be provided by the developer and approved by the State of Illinois. Upon completion of the water supply installation, the plans for the system "as-built" shall be filed with the county health department, and with the village.

(b)  Additionally, restrictive covenants shall be drafted subject to the approval of the village pursuant to section 24-239. If connected or proposed to be connected to the village water supply system, then a restrictive covenant substantially similar to the following shall be included:

"When and if this subdivision becomes contiguous to the village limits of the Village of Arthur, all record owners of lots in this (name of subdivision) subdivision shall sign a petition to annex all of the subdivision to the Village of Arthur, Illinois, within ten days after being requested by the village to sign said petition. This covenant shall run with the land forever and is not limited to a term of years."

(c)  The restrictive covenants shall also provide as follows:

"In the event that the Village of Arthur, Illinois, shall be required to construct, extend, or make substantial improvements to a water supply system for this subdivision, the total cost shall be divided by the total number of lots in this subdivision and allocated to the record owners of each lot. If the total sum due is not paid when due by a record owner or owners of a lot in this subdivision, then the Village of Arthur, Illinois, may exercise any remedy for the collection of said obligation available under the law of the State of Illinois. Further, the record owner and owners of each lot hereby stipulate and agree that the Village of Arthur Water Department may add to the regular monthly water bill a sum as determined by the village board until such time as the unpaid obligation under this covenant has been fully paid, and hereby stipulates and agrees to an additional sum per month, as determined by the village board, as a finance charge for the privilege of not paying the obligation when due. The due date of the sum shall be determined by ordinance, but not earlier than 30 days following substantial completion of the work."

(Code 2003, § 10-15-1)

Sec. 24-160.   Sanitary sewers, septic systems and on-site disposal.

(a)  No plat of any new subdivision shall be approved by the planning and zoning board of appeals unless the same provides for and assures the construction by the developer of a sanitary sewer system adequate to serve the needs of the entire subdivision when the same if fully developed. The sanitary sewer system shall be connected to a state approved sewage disposal system. In no case shall effluent be allowed to flow into ditches or swales, highways or otherwise. The requirement for a sanitary sewer system is subject to exceptions below.

(b)  If the subdivision is farther than 200 feet from the nearest sanitary sewer, each developed lot shall be of adequate size to accommodate individual sanitary sewage disposal. Such disposal shall be in accordance with the rules and regulations established by the Illinois Department of Health, the Illinois Environmental Protection Agency, and the county health department, and based upon soil limitations. However, if there is disagreement between standards, the more restrictive standard shall apply.

(c)  Private restrictions shall be filed with the final plat and incorporated in each deed requiring that as soon as public sewers are available, connections to the public sewer shall be made within one year at the property owner's expense, and owners shall bear their fair and proportionate share of the cost of the public sewer as determined by agreement, special assessment proceedings, or other means authorized to finance construction of sewer systems.

(d)  The plans for the installation of a sanitary sewer system and a statement of responsibility for maintaining the same shall be provided by the developer and approved by the State of Illinois, and the planning and zoning board of appeals. Such approval shall also be required when the sewer system connects directly to an interceptor constructed and maintained by such sanitary district or community. Upon the completion of the sanitary sewer installation, the plans for such system "as-built" shall be filed with the county health department and village, and shall be accompanied by an Illinois Registered Professional Engineer's certificate which states that the system has been constructed in accordance with the plans and specifications as set forth herein. In no case shall sanitary sewers be allowed to connect to any other system providing for agricultural or similar land drainage or storm sewer disposal.

(e)  If the subdivider installs a sanitary sewer system which is connected with the village sewer system in a subdivision located outside of the village, the subdivider shall require as a condition of the sale of each lot or parcel in the subdivision, that the owners of such lot or parcel shall not object or remonstrate in any manner any future action of the village with respect to the annexation of such lot or parcel to the village.

(f)  Additionally, restrictive covenants shall be drafted subject to the approval of the village pursuant to section 24-239. If connected or proposed to be connected to the village sewer system, then a restrictive covenant similar to the following shall be included:

"When and if this subdivision becomes contiguous to the village limits of the Village of Arthur, all record owners of lots in this (name of subdivision) subdivision shall sign a petition to annex all of the subdivision to the Village of Arthur, Illinois, with ten days after being requested by the village to sign said petition. This covenant shall run with the land forever and is not limited to a term of years."

(g)  The restrictive covenants shall also provide as follows:

"In the event that the Village of Arthur, Illinois, shall be required to construct, extend, or make substantial improvements to a sanitary sewer system for this subdivision, the total cost shall be divided by the total number of lots in this subdivision and allocated to the record owner or owners of each lot. If the total sum due is not paid when due by a record owner or owners of a lot in this subdivision, then the Village of Arthur, Illinois, may exercise any remedy for the collection of said obligation available under the law of the State of Illinois. Further, the record owner and owners of each lot hereby stipulate and agree that the Village of Arthur Sewer Department may add to the regular monthly sewer bill a sum, as determined by the village board, until such time as the unpaid obligation under this covenant has been fully paid, and hereby stipulates and agrees to an additional sum per month, as determined by the village board, as a finance charge for the privilege of not paying the obligation when due. The due date of the sum shall be determined by ordinance, but not earlier than 30 days following substantial completion of the work."

(Code 2003, § 10-16-1)

Sec. 24-161.   Street signs.

The developer shall provide and install street signs at each street intersection within the subdivision as well as intersections of the subdivision's streets with existing thoroughfares. Intersection numbers shall be posted and shall be in conformity to the village's existing sign system.

(Code 2003, § 10-17-1)

Sec. 24-162.   Required engineering plans and certificates.

(a)  In addition to the required engineering drawings, the developer shall submit to the reviewing authorities additional exhibits illustrating the type and location of additional improvements as required by this chapter.

(b)  The engineering drawings as required by this chapter shall be prepared by an Illinois Registered Professional Engineer, and bearing his name, address, telephone number, seal, registration number, and signature.

(c)  The developer shall obtain written approval of the engineering drawings from the reviewing authorities before required physical improvements are installed in the subdivision.

(d)  If the developer wishes to modify the size, type, quantity, quality, and/or location of any or all of the required physical improvements during construction of the subdivision, he shall first obtain approval of the modifications from the reviewing authorities before proceeding with the installation of the modified improvements. In those cases involving departure from engineering plans and specifications approved by the village board, the village board shall have sole power to allow for any engineering related changes, provided such changes conform to the intent and purpose of this chapter.

(Code 2003, § 10-18-1)

Sec. 24-163.   Release of surety.

(a)  Upon completion of the bonded improvements, one copy of the as-built plans, profiles, cross sections, and any special provisions shall be filed with the village accompanied by an Illinois Registered Professional Engineer's certificate which states that the improvements have been constructed in accordance with the plans and specifications as set forth herein.

(b)  Any surety bond so given to guarantee the construction of all such improvements may be released by the village attorney only after receiving a written statement from the village board that all improvements have been constructed and that the certificates required in this chapter have been submitted. No portion of the surety bond may be released until after all work is so completed.

(Code 2003, § 10-19-1)

Sec. 24-164.   Inspection of improvements.

(a)  Before beginning the construction of any improvements, the subdivider shall receive from a consulting engineer, as may be engaged by the village board on a case-by-case basis, a list of inspections required and shall comply with all rules, regulations, and instructions pertaining to such required inspections. The number and time of said inspections shall be determined by the consulting engineer after he has had an opportunity to study the size and complexity of the proposed subdivision, plat or map. Regardless of the contracts, agreements or inspections performed, responsibility for the supervision and inspection of the construction and installation of all improvements in accordance with this chapter shall rest with the developer.

(b)  When authorized road, street and drainage improvements have been constructed or installed and have passed the required inspections and the road authority having maintenance jurisdiction has previously indicated an intent to accept the same upon satisfactory completion, the streets, roads and drainage improvements so intended shall be tendered by the developer to the applicable road authority for acceptance. The power to include or not to include non-municipal roads for public dedication shall be that of the township road commissioner, as applicable under state statutes. This power is not negated nor standards acceptable which are less restrictive than those herein contained, simply by village board action approving such a plat or subdivision. All responsibility for streets and roads not so accepted for public dedication by the proper authorities remain the responsibility of the developer and his successors.

(c)  The village board may establish fees for the providing of inspections by the consulting engineer.

(Code 2003, § 10-20-1)

Secs. 24-165—24-181.   Reserved.

#### DIVISION 2.   ROADS, STREETS AND OTHER THOROUGHFARES

[Sec. 24-182. General provisions regarding thoroughfares.](#BK_F8FC71EFD48D0E9A3D82269DD235812C)

[Sec. 24-183. Curbs and gutters.](#BK_145CC74F948FE9AC813CA24876C0148A)

[Sec. 24-184. Sidewalks and pedestrian walkways.](#BK_7BB5AB28E1905A2C072EB02AA40C01E5)

[Secs. 24-185—24-206. Reserved.](#BK_F7148E3877798C98436A9A29223A55C9)

Sec. 24-182.   General provisions regarding thoroughfares.

(a)  The thoroughfare and street layout, and alley layout where permitted, shall provide access to all lots and parcels of land within the subdivision. When two roads or streets intersect the same street (T-intersection), offsets less than 125 feet shall not be permitted.

(b)  Alleys shall be permitted in those parts of the plat proposed for single family and two-family residential use. Service roadways may be required in commercial and industrial developments, except where other provisions for suitable access and off-street loading and unloading is assured. No dead-end alleys shall be permitted.

(c)  Pavement construction standards for service roadways and alleys where permitted, shall conform to the "Standard Specifications for Road and Bridge Construction," latest amended edition, adopted by the Illinois Department of Transportation.

(d)  Half-streets are prohibited except when a half-street has been previously platted abutting the tract boundary line, the remaining half-street shall be platted and improved within the tract. In cases where the platting of a half-street is approved, it shall not be constructed or used for access to any lot until such time as the adjoining half-street is platted, approved, and the entire street is constructed.

(e)  Rights-of-way widths: See Table 1.

(f)  Partial rights-of-way widths, In those instances in which the owner or owners of a new subdivision own land on only one side of an existing road or street and the rights-of-way are narrower than that required by this chapter, the owner shall dedicate additional rights-of-way lying between the centerline of the existing rights-of-way at least equal to one-half of the required rights-of-way width.

(g)  The angle or intersection between local roads and streets and collector and arterial roads shall not vary by more than ten degrees from the right angle. All other local roads and streets shall intersect each other as near to a right angle as possible and in no case shall an angle of less than 70 degrees be permitted.

(h)  Intersections of three or more roads or streets at any one point shall be prohibited.

(i)  Where parkways or special types of roads or streets are involved, the reviewing authorities may apply special standards to be followed in their design.

(j)  Horizontal visibility on curved streets and vertical visibility on all roads and streets shall be maintained along the centerline. See: Table 1.

(k)  Curvature measured along the centerline shall have a minimum radius. See: Table 1.

(l)  Maximum grades for roads, streets and thoroughfares are herein established. See: Table 1.

(m)  Whenever the proposed subdivision contains or is adjacent to a railroad right-of-way or a highway designated as a limited access highway by the appropriate highway authorities, provisions shall be made for a parallel thoroughfare.

(n)  Roads, streets, alleys where permitted, and other thoroughfares shall be designed in consideration to their relation to existing and planned roads, streets, thoroughfares; to reasonable circulation of traffic; to topographical conditions; to runoff conditions; to extraordinary future public maintenance and replacement costs; and, in their appropriate relation to the proposed uses of the land to be served by such roads, streets and thoroughfares.

(o)  Stormwater systems, roads, streets, alleys where permitted and other thoroughfares shall have complete plans, profiles, and cross sections, provided by the subdivider and prepared by an Illinois Registered Professional Engineer.

(p)  Roads, streets, alleys where permitted and other thoroughfares shall be graded, surfaced, and improved to the dimensions as approved and work shall be performed in the manner prescribed in "Standard Specifications for Road and Bridge Construction," latest amended edition, adopted by the department of transportation of the State of Illinois.

(q)  Minimum road surface widths are hereby established by this chapter. See: Table 1. Where a subdivision is being platted upon an existing road, such road must be improved by the developer to meet the minimum standards established for the classification of that road and herein contained. Where use of an existing road or thoroughfare is to be shared between subdivision use and any general public use, required improvements above the minimum standards will be considered on a cost-sharing basis between the developer and the road or thoroughfare authority.

(r)  All roads, streets, alleys where permitted, and other thoroughfares in any subdivision shall have a drainage plan conforming to all state, county, local, and federal laws and regulations applicable and shall represent best modern engineering practices.

(s)  The diameter of the paved surface of a permanent turnaround shall not be less than 90 feet.

(t)  Spite or reserve strips controlling access to public roads, streets, rights-of-way, actual or proposed, shall be prohibited.

(u)  Dead-end or stub-end streets are prohibited. A road or street permanently ending in a cul-de-sac shall not be considered "dead-end" for purposes of this chapter.

(v)  All streets, roads, and other thoroughfares providing primary means of access to property shall be named. Names of streets, roads, and thoroughfares in a proposed plat shall be chosen to avoid confusion and duplication with existing names, especially with such names located within the jurisdiction supplying fire protection to the site. The developer shall be responsible for the purchase and erection of road and street name signs resulting from the development and shall construct and locate such signs according to the directions of the applicable village or township road commissioner.

(w)  Traffic control and warning devices whose need is created by the subdivision shall be purchased and erected by the developer.

(x)  Maximum length of permanent cul-de-sac streets shall be 600 feet measured from the centerline of the intersection of the street to the center of the turning circle. Each cul-de-sac shall be provided at the closed end with a turn around having a minimum diameter of 90 feet, and a minimum street rights-of-way line diameter of 120 feet. No cul-de-sac may intersect with another cul-de-sac.

(Code 2003, § 10-7-1)

Sec. 24-183.   Curbs and gutters.

(a)  Whenever a proposed subdivision lies adjacent to or between other subdivisions which have been provided with curbs and gutters, the subdivider shall install curbs and gutters on each side of the street or road surface.

(b)  Subdivisions having a lot area of less than 10,000 square feet or whose average lot width is less than 100 feet at the building setback line, or when the authority duly designated for the acceptance of the roadway requires for reasons of drainage or public safety, shall have curbs and gutters. Determination of need shall be based on pavement drainage, access control, and highway appurtenances design standards of the Illinois Department of Transportation's Bureau of Design, Design Manual, latest amended edition.

(c)  Gutters and combination gutters shall be Portland cement concrete of not less than 24 inches in overall width and not less than six inches thick, as shown on Plate 1 on file in the village hall. The curbs and gutters shall conform to one of the construction types shown in Standard Specifications Number 1790F, as amended, of the Illinois Department of Transportation or as shown on Plate 1 on file in the village hall, and herein contained, and shall be constructed according to the following specifications:

(1)  The base for the curbs and gutters shall be well-compacted on the existing base or grade;

(2)  The minimum specifications shall be as shown for the types of cross sections in the standard specifications; and

(3)  All concrete used in the curbs and gutters shall meet or exceed the specifications of the Illinois Department of Transportation.

(d)  Integral or monolithic curbs of the same dimensions as shown in the standard specifications or on Plate 1, on file in the village hall, may be constructed with concrete pavement, provided the curb widths meet the requirements shown on Plate 1 on file in the village hall.

(e)  The minimum grade of any road or street gutter or drainage swale shall not be less than three-tenths percent and where open ditches or swales are permitted shall be designed in conformance with section 24-156.

(Code 2003, § 10-7-2)

Sec. 24-184.   Sidewalks and pedestrian walkways.

(a)  Whenever a proposed subdivision lies adjacent to or between other subdivisions which have been provided with sidewalks, the subdivider shall install sidewalks on each side of the street.

(b)  Subdivisions having an average lot area of less than 10,000 square feet or an average lot width at the building setback line of 100 feet or less shall have sidewalks installed on both sides of the street or road. Subdivisions with lots in excess of 10,000 feet at the building setback line may be required to install sidewalks where it is deemed necessary to provide for the safety of pedestrians.

(c)  When sidewalks are required, they shall be constructed of Portland cement concrete, at least four inches thick and four feet wide and located within the street rights-of-way, one foot from the street property line.

(d)  Sidewalks and walkways with gradients steeper than 1:20 shall not be permitted without the addition of features providing safeguards against slipping and falling hazards.

(e)  Whenever walks and sidewalks intersect with other walks and sidewalks, parking lots, driveways, roads, or streets, the surface shall blend to a common level to allow smooth passage. Specific ramp criteria as indicated in "Accessibility Standards Illustrated," as amended, and as developed by the Capital Development Board of Illinois, shall be and are hereby incorporated into this chapter.

(Code 2003, § 10-7-3)

Secs. 24-185—24-206.   Reserved.

### ARTICLE VII.   TABLES AND GRAPHICS

[Sec. 24-207. Tables and plates.](#BK_0123FBF10721AFF78011835357A5DFC9)

[Secs. 24-208—24-237. Reserved.](#BK_1788269F07BC778C946B9A4BE3E80F9E)

Sec. 24-207.   Tables and plates.

TABLE 1

DESIGN CHARACTERISTICS FOR STREETS

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Surface Characteristics (1) | | | | |
|  | Minimum Thickness | | | |
| Pavement Type and  Material Used (2) | Arterial | Collector | Local/Subdivision | Alley\* |
| Portland Cement Concrete (uniform thickness) | (1) | 7" | 6" with 3" minimum rock subbase | 6" |
| Flexible Base (gravel or crushed stone) | (1) | 12" | 12" | 8" |
| Bituminous Surface Treatment | Subclass A3 or equivalent | Subclass A3 or equivalent | Subclass A3 or equivalent | Subclass A3 or equivalent |
| Bituminous Aggregate Mixture (BAM) Base | (1) | 8" | 8" | - |
| Bituminous Concrete, Class 1 | - | 1.5" | 1.5" | - |
| Flexible Base (gravel or crushed stone) | (1) | 10" | 10" | - |
| Bituminous Concrete, Class 1 | - | 2" | 2" | - |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Distances, Grades And Dimensions | | | | |
|  | Arterial | Collector | Local/Subdivision | Alley |
| Right-of-way (minimum) | 80' | 60' | 60' | 20' |
| Horizontal and Vertical (3) Visibility | 500' | 350' | 200' | - |
| Minimum Radius on curves | 800' | 400' | 100' | - |
| Maximum Grades | 5 (4) | 6 (4) | 8 (4) | - |
| Minimum Setbacks | \*\* | \*\* | \*\* | \*\* |
| Pavement Width | (7) | (7) | (7) | - |
| Curb and Gutter | (8) | (8) | (8) | - |

\* Where permitted.

\*\* As per requirements of the Arthur Zoning Ordinance.

NOTATIONS REFERENCED FROM TABLE ONE:

(1)  Pavement design shall conform to the design standards established by the design manual, as amended, of the Illinois Department of Transportation, Bureau of Design; except, that standards shown in Table 1 represent absolute minimums.

(2)  All definitions and descriptions of paving materials shall conform to Illinois Department of Transportation's specifications.

(3)  As measured along the road pavement.

(4)  The gradient within 100 feet of a street or road intersection shall not exceed two percent.

(5)  The gradient within 100 feet of a street or road intersection shall not exceed three percent.

(6)  As measured from the road rights-of-way to the building setback line.

(7)  For two land undivided pavements, minimum pavement driving surfaces (pavement edge to pavement edge) shall be not less than 26 feet in width, except that: when lot width averages as measured at the building setback line is less than 100 feet in width or the average lot area is 10,000 square feet or less, the pavement shall not be less than 36 feet in width (pavement edge to pavement edge). No parking will be permitted on streets with pavement less than 36 feet in width.

(8)  Curbs and gutters shall be required as specified in section 24-183.

(Code 2003, § 10-22-1)

Secs. 24-208—24-237.   Reserved.

### ARTICLE VIII.   REQUIRED CERTIFICATES

[Sec. 24-238. Required certificates.](#BK_25E66F9BCFB8F9E06692C31749D0604C)

[Sec. 24-239. Certificate for final plat.](#BK_8A5ECCA07EB84CC38885CACEB2848A80)

[Sec. 24-240. Deed of dedication.](#BK_6158A688E4C7AC5E708080292BEA134D)

[Sec. 24-241. Topographic and drainage certificate.](#BK_7AA63A62B49320B93D432F920E605A51)

[Sec. 24-242. Surveyor's certificate.](#BK_416A98C424B88DEAF570983ADF2A471E)

[Sec. 24-243. As-built engineer's certificate.](#BK_B62BC52284EE5D2D4A1E814C684AF9B6)

[Sec. 24-244. Surveyor's monument and pin certificate.](#BK_9074DB015A280B016C6C6C7DFA8B6F28)

[Sec. 24-245. Acceptance of streets and roads.](#BK_3D57B544156BFC18C9C4A393D7127BF9)

Sec. 24-238.   Required certificates.

The following certificates are to be used as a guide to indicate that the developer or his representative is in agreement with the intent of these regulations. Substitutions of alternative wording may be used where the intent is not changed.

(Code 2003, § 10-23-1)

Sec. 24-239.   Certificate for final plat.

This certificate shall be signed by the Village president, village clerk, chairman of the Planning and zoning board of appeals and secretary of the planning and zoning board of appeals following an affirmative vote by the village board to accept the final plat of subdivision. This certificate shall be incorporated upon the face of the final plat as approved:

CERTIFICATE OF FINAL APPROVAL

|  |  |
| --- | --- |
| STATE OF ILLINOIS                    ) |  |
| COUNTIES OF MOULTRIE AND DOUGLAS ) SS |  |
| VILLAGE OF ARTHUR                  ) |  |

WE, \_\_\_\_\_\_\_\_\_\_\_\_ , PRESIDENT OF THE VILLAGE BOARD OF ARTHUR, COUNTIES OF MOULTRIE AND DOUGLAS, AND STATE OF ILLINOIS, AND \_\_\_\_\_\_\_\_\_\_\_\_ , VILLAGE CLERK OF THE VILLAGE OF ARTHUR AFORESAID, DO HEREBY CERTIFY THAT THE ATTACHED PLAT WAS SUBMITTED TO THE VILLAGE BOARD OF THE VILLAGE OF ARTHUR AFORESAID, AND THAT BY SPECIAL ORDINANCE NO. \_\_\_\_\_\_\_\_\_\_\_\_ ADOPTED BY THE VILLAGE BOARD AT A REGULAR MEETING HELD \_\_\_\_\_\_\_\_\_\_\_\_ , A.D. 20 \_\_\_\_\_\_\_\_\_\_\_\_ , SAID PLAT WAS APPROVED BY THE VILLAGE BOARD.

DATED THIS \_\_\_\_\_\_\_\_\_\_\_\_ DAY OF \_\_\_\_\_\_\_\_\_\_\_\_ , A.D. 20 \_\_\_\_\_\_\_\_\_\_\_\_ .

|  |  |
| --- | --- |
| \_\_\_\_\_ PRESIDENT OF THE VILLAGE OF  ARTHUR, COUNTIES OF MOULTRIE  AND DOUGLAS, STATE OF ILLINOIS |  |
|  | |
| ATTEST: |  |
|  | |
| \_\_\_\_\_ VILLAGE CLERK OF THE VILLAGE OF  ARTHUR, COUNTIES OF MOULTRIE AND  DOUGLAS, STATE OF ILLINOIS |  |

|  |  |
| --- | --- |
| STATE OF ILLINOIS                    ) |  |
| COUNTIES OF MOULTRIE AND DOUGLAS ) SS |  |
| VILLAGE OF ARTHUR                  ) |  |

WE, \_\_\_\_\_\_\_\_\_\_\_\_ , CHAIRMAN OF THE VILLAGE PLANNING AND ZONING BOARD OF APPEALS OF THE VILLAGE OF ARTHUR, MOULTRIE AND DOUGLAS COUNTIES, ILLINOIS, AND \_\_\_\_\_\_\_\_\_\_\_\_ , SECRETARY OF THE AFORESAID VILLAGE PLANNING AND ZONING BOARD OF APPEALS, DO HEREBY CERTIFY THAT THE ATTACHED PLAT OF \_\_\_\_\_\_\_\_\_\_\_\_ WAS SUBMITTED TO THE VILLAGE PLANNING AND ZONING BOARD OF APPEALS AT A MEETING HELD \_\_\_\_\_\_\_\_\_\_\_\_ , A.D. 20 \_\_\_\_\_\_\_\_\_\_\_\_ ATTENDED BY A QUORUM OF SAID VILLAGE PLANNING AND ZONING BOARD OF APPEALS AND THAT UNDER AUTHORITY PROVIDED BY ILLINOIS REVISED STATUTES AND ORDINANCES ADOPTED BY THE VILLAGE BOARD OF THE VILLAGE OF ARTHUR, THE SAID VILLAGE PLANNING AND ZONING BOARD OF APPEALS APPROVED SAID PLAT BY A VOTE OF A MAJORITY AND INSTRUCTED US TO EXECUTE THIS CERTIFICATE AS EVIDENCE OF SAID PROCEEDINGS.

GIVEN UNDER OUR HANDS THIS \_\_\_\_\_\_\_\_\_\_\_\_ DAY OF \_\_\_\_\_\_\_\_\_\_\_\_ , A.D. 20 \_\_\_\_\_\_\_\_\_\_\_\_ .

|  |  |
| --- | --- |
| \_\_\_\_\_ CHAIRMAN OF THE VILLAGE PLANNING AND  ZONING BOARD OF APPEALS, VILLAGE OF  ARTHUR, COUNTIES OF MOULTRIE AND  DOUGLAS, STATE OF ILLINOIS |  |
|  | |
| ATTEST: |  |
|  | |
| \_\_\_\_\_ SECRETARY OF THE VILLAGE PLAANNING AND  ZONING BOARD OF APPEALS, VILLAGE OF  ARTHUR, COUNTIES OF MOULTRIE AND  DOUGLAS, STATE OF ILLINOIS |  |

(Code 2003, § 10-23-2)

Sec. 24-240.   Deed of dedication.

This certificate shall set forth covenants and dedicate identified easements for public and semi-public use. It shall be a part of the final plat and so recorded:

DEED OF DEDICATION

We, the undersigned, \_\_\_\_\_\_\_\_\_\_\_\_ , owners of the real estate shown and described herein, do hereby certify that we have laid off, platted, and subdivided, and hereby lay off, plat, and subdivide said real estate in accordance with the subdivided plat.

This subdivision shall be known and designated as \_\_\_\_\_\_\_\_\_\_\_\_ . All streets and alleys shown and not heretofore dedicated, are hereby dedicated to the public.

Front and side yard building setback lines are hereby established as shown in this plat, between which lines and the property lines of the street, there shall be erected or maintained no building or structure.

There are strips of ground as shown on this plat and marked "Easement" reserved for the use of public utilities for the installation of water and sewer mains, surface drainage, poles, ducts, lines and wires, subject at all times to the proper authorities and to the easement herein reserved. No buildings or other structures are to be erected or maintained upon said strips of land, but owners of lots in this subdivision shall take their titles subject to the rights of the public utilities or entities holding vested rights.

(Additional dedications and protective covenants, or private restrictions, would be inserted here upon the subdivider's initiative, requirements contained in these regulations, the recommendation of the Planning and Zoning Board of Appeals, or at the request of the Village Board; important provisions are those specifying an agreement, when the property is located outside of the Village and served by the Village water system or the Village sewer system, not to oppose or remonstrate in any manner against the annexation of the property by the Village; the use to be made of the property and, construction and design restrictions.)

The foregoing covenants (or restrictions) are to run with the land and shall be binding on all parties and all persons claiming under them until January 1, 20 \_\_\_\_\_\_\_\_\_\_\_\_ , (a twenty-five (25) year period is suggested), at which time said covenants (or restrictions) shall be automatically extended for successive periods of ten (10) years unless by vote of a majority of the then owners of the building sites covered by these covenants (or restrictions), and where affecting special rights assigned to public protection, by approval of a majority vote of the Village Board. Invalidation of any one of the foregoing covenants (or restrictions) by judgment or court order shall in no way affect any of the other covenants (or restrictions), which shall remain in full force and effect.

County of \_\_\_\_\_\_\_\_\_\_\_\_

Before me, the undersigned Notary Public, in and for the County and State The right to enforce these provisions by injunction, together with the right to cause the removal, by due process of law, of any structure or part thereof erected or maintained in violation hereof, is hereby dedicated to the public, and reserved to the several owners of the several lots in this subdivision and to their heirs, successors, and assigns, as well as to any entity having interest in said included easements.

Witness our Hands and Seals this \_\_\_\_\_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_ , A.D. 20 \_\_\_\_\_\_\_\_\_\_\_\_ .

State of Illinois )

) SS

, personally appeared \_\_\_\_\_\_\_\_\_\_\_\_ , and each separately and severally acknowledge the execution of the foregoing as his or her voluntary act and deed, for the purposes therein expressed.

Witness my Hand and Notarial Seal this \_\_\_\_\_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_ , A.D. 20 \_\_\_\_\_\_\_\_\_\_\_\_ .

|  |  |
| --- | --- |
| \_\_\_\_\_ Notary Public |  |

(Code 2003, § 10-23-3)

Sec. 24-241.   Topographic and drainage certificate.

An Illinois Registered Professional Engineer and the owners of the subdivision shall submit this signed certificate to certify that the drainage of surface waters will not be changed, or if changed, will not harm adjacent properties. It shall be a part of the final plat and so recorded.

TOPOGRAPHIC AND DRAINAGE STATEMENT

We, the undersigned, respectively a registered professional engineer and the owner(s) of the land subdivided hereby, or the duly authorized attorney representing such owner, do hereby state that to the best of our knowledge and belief the drainage of surface waters will not be changed by the construction of such subdivision, or that if surface water drainage is changed, adequate provision has been made for the collection and diversion of surface waters into public areas or drains which the subdivider has the right to use, and such surface water practices will be planned for in accordance with generally accepted engineering practices so as to reduce the likelihood of damage to adjoining property because of the construction of the subdivision.

|  |
| --- |
| \_\_\_\_\_ Engineer's Signature and Registration Number \_\_\_\_\_\_\_\_\_\_\_\_ Date \_\_\_\_\_\_\_\_\_\_\_\_ / \_\_\_\_\_\_\_\_\_\_\_\_ / \_\_\_\_\_\_\_\_\_\_\_\_ |
|  |
| \_\_\_\_\_ Owner's Signature and Address \_\_\_\_\_\_\_\_\_\_\_\_ / \_\_\_\_\_\_\_\_\_\_\_\_ / \_\_\_\_\_\_\_\_\_\_\_\_ Date \_\_\_\_\_\_\_\_\_\_\_\_ / \_\_\_\_\_\_\_\_\_\_\_\_ / \_\_\_\_\_\_\_\_\_\_\_\_ |

(Code 2003, § 10-23-4)

Sec. 24-242.   Surveyor's certificate.

This certificate shall be signed by the surveyor and attached to the final plat to indicate the survey is correct and that the plat is or is not within 500 feet of any tributary draining 640 acres or more.

SURVEYOR'S CERTIFICATE

I, \_\_\_\_\_\_\_\_\_\_\_\_ , hereby certify that I am a Registered Land Surveyor, licensed in compliance with the laws of the State of Illinois, that this plat correctly represents a survey completed by me on the \_\_\_\_\_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_ , A.D. 20 \_\_\_\_\_\_\_\_\_\_\_\_ , that all monuments shown thereon actually exist, and that the location, size, type and material of said monuments are accurately shown. I further certify that no part of the property covered by this plat is located within a special Flood Hazard Area as identified by the Federal Emergency Management Agency.

|  |
| --- |
| \_\_\_\_\_ Surveyor's Signature and Registration Number |

(Code 2003, § 10-23-5)

Sec. 24-243.   As-built engineer's certificate.

This certificate shall be signed by the developer's engineer to certify that all improvements have been built in accordance with the final plat and approved engineering drawings and specifications.

AS-BUILT ENGINEER'S CERTIFICATE

I, \_\_\_\_\_\_\_\_\_\_\_\_ , Registered Engineer in the State of Illinois, do hereby certify that I have made an inspection of the subdivision improvements construction in \_\_\_\_\_\_\_\_\_\_\_\_ . I further certify that all improvements have been made in accordance with the approved plan and that said improvements are as shown on the attached "as-built" plan.

Dated this \_\_\_\_\_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_ , A.D. 20 \_\_\_\_\_\_\_\_\_\_\_\_ .

|  |
| --- |
| \_\_\_\_\_ Surveyor's Signature and Registration Number |

(Code 2003, § 10-23-6)

Sec. 24-244.   Surveyor's monument and pin certificate.

This certificate shall certify that the permanent monuments and lot pins are in place before the streets and accepted. It shall be filed with the as-built plans.

SURVEYOR'S MONUMENT AND PIN CERTIFICATE

I, \_\_\_\_\_\_\_\_\_\_\_\_ , of \_\_\_\_\_\_\_\_\_\_\_\_ , Illinois, do hereby certify that I am a Land Surveyor duly licensed under the laws of the State of Illinois and that I have reset all permanent monuments destroyed in construction work and have set all pins at lot corners of (name of subdivision) and that said permanent monument and lot pins are in place as of this date.

Dated this \_\_\_\_\_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_ , A.D. 20 \_\_\_\_\_\_\_\_\_\_\_\_ .

|  |
| --- |
| \_\_\_\_\_ Surveyor's Signature and Registration Number |

(Code 2003, § 10-23-7)

Sec. 24-245.   Acceptance of streets and roads.

This certificate shall be signed by the road authority who accepts the streets and roads, as applicable under Illinois State Statutes. It will be submitted after the final plat, "as-built" engineer's certificate accompanied by the "as-built" plans, and surveyor's monument and pin certificate have been received and upon completion, inspection and approval by said authorized jurisdiction.

ACCEPTANCE OF STREETS AND ROADS

The (Village of Arthur or Township Road Commissioner of Township) hereby agrees to accept the streets and roads in (name of subdivision) located in Section \_\_\_\_\_\_\_\_\_\_\_\_ , Township \_\_\_\_\_\_\_\_\_\_\_\_ North, Range \_\_\_\_\_\_\_\_\_\_\_\_ (East of West) of the \_\_\_\_\_\_\_\_\_\_\_\_ Principal Meridian, said subdivision consisting of approximately \_\_\_\_\_\_\_\_\_\_\_\_ miles of streets and roads.

The (Village or Township, as applicable) will maintain the streets and roads, including snow removal from the traveled way, surface drainage of the streets and roads as it exists at the time of acceptance, existing culverts and surfacing of the streets and roads constructed according to approved plans and specifications.

Dated this \_\_\_\_\_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_ , A.D. 20 \_\_\_\_\_\_\_\_\_\_\_\_ .

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| \_\_\_\_\_ Signature (of Township Road Commissioner, if applicable) |

Dated this \_\_\_\_\_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_ , A.D. 20 \_\_\_\_\_\_\_\_\_\_\_\_ .

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| \_\_\_\_\_ Signature of Village Clerk or Township Clerk |

(Code 2003, § 10-23-8)