
ARTICLE VII
LAND READJUSTMENT

7.01 RESUBDIVISION OF LAND

- A. ***Procedure for Resubdivision.*** Whenever a developer desires to resubdivide an already approved final subdivision plat, the developer shall first obtain approval for the resubdivision by the same procedures prescribed for the subdivision of land.
- B. ***Resubdivision.*** Resubdivision includes:
1. Any change in any street layout or any other public improvement;
 2. Any change in any lot line;
 3. Any change in the amount of land reserved for public use or the common use of lot owners;
 4. Any change in any easements shown on the approved plat.
- C. ***Waiver.*** Whenever the Committee, in its sole discretion, makes a finding on the record that the purposes of these regulations may be served by permitting resubdivision by the procedure established in this Section 7.01(C), the Committee may waive the requirement of Section 7.01(A). The Committee, after an application for resubdivision that includes an express request for waiver, shall publish notice of the application in a local newspaper of general circulation and shall provide personal notice to property owners in the subdivision. The notice shall include:
1. The name and legal description of the subdivision affected by the application;
 2. The proposed changes in the final subdivision plat;
 3. The place and time at which the application and any accompanying documents may be reviewed by the public;
 4. The place and time at which written comments on the proposed resubdivision may be submitted by the public; and,
 5. The place and time of the public meeting at which the Committee will consider whether to approve, conditionally approve, or disapprove the proposed resubdivision. No sooner than thirty (30) days and no later than forty-five (45) days after notice is published, the Committee shall consider the application for resubdivision at a public meeting and shall approve, conditionally approve, or disapprove the application.
 6. In all other respects, an application for re-subdivision shall comply with Section 3.07 of these regulations.
- D. ***Procedure for Subdivisions When Future Resubdivision is Indicated.*** Whenever land is subdivided and the subdivision plat shows one or more lots containing at least twice the required lot area and lot width and there is reason to believe that such lots eventually will be resubdivided, the Committee may require that the applicant allow for the future opening of streets and the ultimate extension of adjacent streets. Right-of-way dedication providing for the future construction and extension of streets may be made a requirement of plat approval.

7.02 PLAT VACATION

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

- A. ***Procedure for Approval.*** The instrument of plat vacation shall be approved by the County Board in the same manner as subdivision plats. The instrument shall also be submitted for approval to the Highway Commissioner and to the County Engineer and to the District Engineer of the Illinois Department of Transportation and to the public utility or utilities involved. The County Board, Highway Commissioner, County Engineer or District Engineer of the Illinois Department of Transportation, as the case may be, may reject any instrument that abridges or destroys any public rights in any of its streets and/or alleys.
- B. ***Recordation/Filing.*** The instrument of plat vacation shall be executed, acknowledged or proved and recorded or filed in the same manner as subdivision plats. Once recorded or filed the instrument operates to destroy the effect of the recording of the plat vacated and to divest all public rights in the streets, alleys and public grounds and all dedications laid out or described in the plat.
- C. ***Partial Plat Vacation.*** Any part of a plat may be vacated in the manner provided in Section 7.01(A) of these regulations, and subject to the conditions therein prescribed.
 - 1. Any partial plat vacation shall not abridge or destroy any of the rights or privileges of other proprietors in such plat.
 - 2. Nothing contained in this sub-section shall authorize the closing or obstructing of any public highway laid out according to law.

7.03 MINOR ADJUSTMENTS TO REDUCED BUILDING ENVELOPES (9/21/04)

The Plat Officer may approve minor adjustments to platted Reduced Building Envelopes (RBE) subject to the procedures and requirements of this section

- A. ***Application Procedure.*** The subdivider, owner, or authorized agent shall make a written request for adjustments to reduced building envelopes to the Plat Officer. Said written request shall include a "RBE Adjustment Review Plat" of the subject lot or lots showing the lot(s) immediately adjacent to the subject lot(s), all information shown on the preliminary plat, all easements, and proposed adjustments to the RBE (including any adjustments to the reserved septic areas, if any).
- B. ***Review and Approval.***
 - 1. The Plat Officer shall review the application for adjustment of RBE and shall also submit a copy to the Supervising Sanitarian of the Ogle County Health Department for review and written approval. The Plat Officer and Supervising Sanitarian may require additional information to be submitted if necessary.
 - 2. The Plat Officer and Supervising Sanitarian may approve a RBE adjustment only if:
 - a. Any proposed adjustment will not reduce below the minimum area required or encroach upon any portion of the lot reserved for sewage disposal;

- b. Any proposed adjustment will not adversely affect the overall design and/or functionality of the subdivision (i.e. separation between well and reserved septic areas)
 - c. Any proposed adjustment will not violate the minimum building setback or yard area requirements pursuant to the Ogle County Amendatory Zoning Ordinance.
3. The Plat Officer shall notify the applicant in writing promptly upon a decision being rendered as to whether or not the request for RBE adjustment has been approved.
- a. If the application for RBE adjustment is not approved, the Plat Officer shall state the reasons for such decision.
 - b. If the application for RBE adjustment is approved, the applicant shall cause to be filed with the Plat Officer a Plat of Survey for the subject lot(s), indicating the adjusted RBE. The Plat of Survey shall be signed by the Plat Officer and recorded with the Ogle County Recorder. The RBE adjustment shall not take effect until proof of recordation of the plat of survey has been submitted to the Plat Officer.