

ARTICLE III

PLAT APPROVALS, VACATION PROCEDURE, VESTING OF DEVELOPMENT RIGHTS

SECTION 1. PLAT APPROVAL REQUIRED: All plans, plats, or re-plats of land laid out in building lots, and the streets, alleys, or other portions of the same intended to be dedicated for public use, or for the use of purchasers or owners of the lots fronting thereon or adjacent thereto, shall be submitted to the Downs City Planning Commission for consideration. The Planning Commission shall submit its recommendation with the final plat to the Governing Body for review and final action.

SECTION 2. APPROVALS REQUIRED FOR PLAT RECORDING: The Register of Deeds shall not record any plat until such plat is approved by the Planning Commission and Governing Body and is signed by the Chairman and Secretary of the Planning Commission and the Governing Body of the City of Downs.

SECTION 3. VACATION OF PLATS: Any plat or any part of 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 such plat shall be attached, declaring the same to be vacated. Such an instrument shall be approved by the Planning Commission in like manner as plats of subdivision. The Governing Body, however, may reject any such instrument which abridges or destroys any public rights in any of its public uses, improvements, streets, or alleys, Such an instrument shall be executed, acknowledged or approved, and recorded or filed, in like manner as plats of subdivisions; and being duly recorded or filed shall operate to destroy the force and effect of the recording of the plat so vacated, and to divest all public rights in the street, alleys, and public grounds, and all dedications laid out or described in such plat. When lots have been sold, the plat may be vacated in the manner herein provided by all the owners of lots in such plat joining in the execution of such written instrument.

SECTION 4. VESTING OF DEVELOPMENT RIGHTS:

1. For the purpose of single-family residential development, development rights in such land use shall vest upon recording of a plat of such land. If construction is not commenced on such land within five years of recording a plat, the development rights in such shall expire.
2. For all purposes other than single-family developments, the right to use land for a particular purpose shall vest upon the issuance of all permits required for such use by the City provided construction has begun and substantial amounts of work have been completed under a valid permit.