

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 Phillipsburg 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 Phillipsburg.

SECTION 3. VACATION OF PLATS: Any plat, prior to recording or following recording, may be vacated by the owner of the promise in accordance with the following procedures.

Prior to recording, a preliminary or final plat may be withdrawn by notice to the Planning Commission any time prior to final approval by the Governing Body, provided no lots have been sold, no dedications have occurred, and no improvements have been installed. Approved final plats may be vacated by motion of the Governing body, provided the plat has not been recorded, no lots have been transferred, and no improvements have been installed. Such final plat vacation approval shall include provision for return of any fiscal security to the subdivider, and payment by the subdivider of any administrative, legal or engineering costs incurred by the City.

Recorded plats may be vacated as provided by K.S.A. 12-512b, which states that any recorded plat, or part thereof, including streets, alleys, easements or other public reservations or requirements may be vacated in whole or in part after a public hearing and approval by Planning Commission and the Governing Body, and processing in accordance with K.S.A. 12-504 et seq. as amended. The petition for vacation shall be processed in the same manner as subdivision plats and shall be acknowledged, approved and become effective upon filing and recording with the County Register of Deeds in accordance with the requirements of K.S.A. 12-403.

When lots have been sold, the plat may be vacated in the same manner herein described, provided that the petition for vacation shall bear evidence of concurrence and approval by all of the owners of lots in such subdivision plat.

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.