



SUBDIVISION
REGULATIONS

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CHAPTER 90. SUBDIVISION

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90.1 TITLE

These regulations are known and referred to as the "Subdivision Regulations of the Village of Niles." A subdivision is the division of a lot into two or more lots, the consolidation of two or more lots, or a change in the boundary of one or more lots. The term subdivision includes resubdivision and lot consolidation.

90.2 PURPOSE AND INTENT

The purpose and intent of these regulations is to control the division and development of land within the Village of Niles in order to promote public health, safety, and welfare. The intent of this Chapter is to accomplish the following:

- A. Assure that development sites are suitable for building purposes.
- B. Provide for the harmonious development of the Village of Niles.
- C. Provide for the orderly and appropriate development of land.
- D. Provide facilities for the orderly movement of traffic on streets.
- E. Provide for the construction of adequate and safe transportation, water, sanitary sewerage, storm drainage and other public facilities.
- F. Provide for the orderly arrangement of streets, public facilities, and public services.
- G. Provide for the equitable distribution of the costs and benefits of public works and facilities by requiring that the initial cost of constructing public improvements and facilities in new developments be borne by the developer and not by the taxpayer.

90.3 DEFINITIONS

In the interpretation of these subdivision regulations, the following definitions apply:

Applicant. The owner or owners of land proposed to be subdivided, or a person or agent who has obtained consent to file a subdivision application on behalf of the owner or owners.

Block. A tract of land bounded by streets, or a combination of streets and railroad rights-of-way, or municipal boundary lines.

Bond. Any form of security, including a cash escrow deposit, surety bond, collateral, property or instrument of credit, in an amount and form satisfactory to the Village.

Building. Any structure built for the enclosure, protection, shelter, or support of persons, animals, or property of any kind and which is permanently affixed to the ground. The definition of building does not include fences.

Comprehensive Plan. Village of Niles Comprehensive Plan, as adopted by the Village.

Covenant. A condition in a contract such as a deed or lease, nonperformance or violation of which gives rise to a cause of action for breach

Cul-de-Sac. A dead-end street, typically ending in a circular turnaround.

Drainageway. A route or course along which water moves or may move to drain an area.

Easement. A grant by a property owner for the use of a strip or area of land by the Village, a public utility, a corporation, or a person for specified purposes.

Lot of Record. A parcel of land that was lawfully recorded per the requirements of this Ordinance. A tax parcel does not establish a lot of record.

Parcel. A part or portion of land.

Plat. A map, chart, and drawings that are appropriate for recording, and indicate the subdivision, consolidation, or resubdivision of land. Preliminary plats are reviewed and approved by the Village Board. Final plats are plats suitable for recording with the Cook County Recorder of Deeds.

Public Improvements. All improvements for which the Village may ultimately assume the responsibility for maintenance or operation, or which may affect an improvement for which Village responsibility is established. This includes, but is not necessarily limited to, storm drainage, sanitary sewerage and water supply facilities, streets, curbs, gutters, sidewalks, parkways, trees, street lights, street signs, and other accessory works and appurtenances.

Owner. Any person, firm, corporation, or any other legal entity having legal or beneficial title to the land sought to be subdivided under these regulations.

Resubdivision. The division of an existing subdivision into additional lots

Right-of-Way. A strip of land dedicated for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, lighting, and drainage facilities.

Structure. Anything constructed or erected on the ground or attached to something having a permanent location on the ground including but not limited to buildings, fences, signs, sheds, or similar uses.

Subdivision. The division of a lot into two or more lots, the consolidation of two or more lots, or a change in the boundary of one or more lots.

Utility. All lines and facilities related to the provision, distribution, collection, transmission, or disposal of water, storm and sanitary sewage, oil, gas, power, information, telecommunication, and telephone cable, and includes facilities for the generation of electricity.

Utility, Private. Utilities that are not subject to Village acceptance for operation or maintenance.

Utility, Public. Any person, firm, corporation, municipal department, or board duly authorized to furnish, and furnishing under state or municipal regulations to the public, electricity, gas, steam, communication, telegraph, transportation, or water.

Zoning Ordinance: The officially adopted and amended Zoning Ordinance of the Village of Niles, including the official Zoning Map, and any subsequent amendments.

90.4 SCOPE

A. Jurisdiction

1. These regulations have been enacted by the Village of Niles pursuant to the power and authority granted them by the State of Illinois. These regulations apply to all subdivisions of land located within the Village.

2. This Chapter does not repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, agreements, rules, regulations or permits previously adopted or issued pursuant to law. However, where this Chapter imposes greater restrictions, the provisions of this Chapter govern.
3. If any provision of this Chapter is deemed invalid or unconstitutional, or if the application of this Chapter to any person or circumstances is deemed invalid or unconstitutional, such invalidity or unconstitutionality does not affect the other provisions or applications of this Chapter which can be given effect without the invalid or unconstitutional provision or application.

B. Applicability

No person may divide, consolidate, or otherwise alter the boundaries of any lot within the Village of Niles except in compliance with these regulations. No permits will be issued by the Village authorizing the building on, occupancy of, or improvement of any parcel not on record as of the effective date of this Chapter until the requirements of this Chapter have been fully met and an approval of the subdivision issued.

C. Interpretation

In their interpretation and application, the provisions of these regulations are held to be minimum requirements to meet the purpose and intent of these regulations. Where these regulations impose greater restrictions than those of any federal, state, or local statute, regulation, or ordinance, these regulations control. Where the provisions of any federal, state, or local statute, regulation, or ordinance impose greater restrictions, those regulations control.

90.5 GENERAL REQUIREMENTS

- A. All lots created by subdivision must conform to the requirements of the Village of Niles Zoning Ordinance including lot dimensions. All lots created by subdivision must also conform to all applicable requirements of the Village Code.
- B. Every lot created by subdivision must front on a public street and must be substantially similar in shape to those lots on the same block, unless the existing contours of an adjacent street or previously established lot render such shape impractical.
- C. Every lot or parcel of land that is subdivided into two or more lots must be so divided that each separate lot contains a relatively straight boundary line between each lot as much as practical.
- D. No person may fill, store, or dispose of earth materials, alter an existing land grade, contour, or drainage pattern, or perform any other land disturbing activity without first obtaining a Stormwater Management Permit.
- E. A subdivision must submit a stormwater management plan if the proposed new or redeveloped impervious area is over 7,500 square feet or if it will disturb over 15,000 square feet in aggregate per Chapter 102-Utilities, Division 4-Stormwater Management, Section 102-86-Applicability of the Village Code.
- F. A subdivision subject to stormwater management requirements must be designed to manage the 100 year storm event and comply with the requirements of Chapter 102-Utilities, Division 4-Stormwater Management, Section 102-90 Stormwater Runoff Management of the Village Code.
- G. For residential lots created by subdivision, homes must have downspouts that drain towards the front and/or the rear of the yard in accordance with Chapter 102-Utilities, Division 2-Connections and constructions, Section 102-59 Connecting Downspouts to Sewers of the Village Code.
- H. All fences must meet the requirements of Chapter 18, Article IX-Fences of the Village Code.

- I. A grading plan consisting of existing and proposed contours for grading and drainage facilities within 100 feet of the site in all directions is required for subdivisions and must comply with all the requirements of Chapter 18, Article XI-Grades of the Village Code. including, but not limited to, Sections 18-375, 18-376, 18-377, 18-378, 18-379, 18-380, 18-381, and 18-382 of the Village Code. This includes any soil erosion controls and plans required by Chapter 18.
- J. Vacant lots must comply with Chapter 18 Building and Building Regulations, Article XVI-Vacant Lots of the Village Code.
- K. A subdivision located in a designated floodplain area must comply with all the requirements of Chapter 50-Floods, Article II-Flood Damage Prevention of the Village Code.
- L. Trench excavation for construction of wet and dry utilities must comply with all the requirements of Chapter 86, Article II-Excavations of the Village Code.
- M. Commercial or residential driveways in a subdivision must comply with all the requirements of Chapter 86, Article III-Driveways of the Village Code.
- N. During subdivision, every effort must be made to protect and retain all existing trees, especially trees with a trunk diameter of six inches or more. Such trees must be protected and preserved during construction in accordance with best management practices.

90.6 REQUIRED PUBLIC IMPROVEMENTS

A. Rights-of-Way

- 1. Where lots within a proposed subdivision do not front on an existing public street, the subdivider, at his/her own expense, must provide such streets and sidewalks as required to serve the subdivision and the needs of the area in which it is located. All rights-of-way must comply with the requirements of Chapters 86 and 102 of the Village Code.
- 2. Street signs and streetlights are required at the corners of all intersecting streets. Required street signs and streetlights will be erected by the Director of Public Services and paid for by the subdivider, but underground service and light foundations must be provided by the developer per Village standards. Specifications for the street signs must meet all Village requirements. The distance between streetlights must be less than 250 feet.
- 3. Control of stormwater discharge rate is required for all subdivisions that disturb 15,000 square feet or more in aggregate and are 15% impervious. The rate must conform to the requirements of Chapter 102-Utilities, Division 4-Stormwater Management, Sections 102-94(a), (b), or (c) of the Village Code.
- 4. Sidewalk material, width, slope, height, distance from lot line, sub-grade, and foundation must comply with the requirements of Chapter 86-Streets, Article V-Sidewalk and Curbing, including, but not limited to, Sections 86-121, 86-122, 86-123, 86-124, 86-125, and 86-126) of the Village Code.

EDITOR'S NOTE: Pavement widths are not part of this Chapter of the Village Code and would be included in Chapter 86. New pavement widths have been proposed; as part of this revision process, the following table presents proposed pavement widths:

Type of Development/Street Classification	Minimum Right-of-Way Width for Public Streets	Minimum Pavement Width Back-to-Back of Curb	Minimum Pavement Width For Cul-de-sacs	Minimum Structural Number
Single-Family Residential Development Local Road	60'	26'		3.60
Single-Family Residential Cul-de-sac Radii/Local Road	55'	26'	23' (Inner Radius) 49' (Outer Radius)	3.60
Multi-Family Residential Development Local Road	70'	36'		3.60
Multi-Family Residential Cul-de-sac Radii/Local Road	60'	36'	15' (Inner Radius) 51' (Outer Radius)	3.60
Business and Industrial Development/Industrial Rd.	80'	42'		4.60
Business and Industrial Cul-de-sac Radii/Industrial Rd	66'	42'	15' (Inner Radius) 57' (Outer Radius)	4.60
Collectors Streets	80'	As determined by the Village of Niles		4.60
Arterial Streets	100'	As determined by the Village of Niles		4.60
Alleys	20'	18'		

B. Utilities

1. The developer must provide underground utilities unless specific site conditions make the installation of underground utilities impractical.
2. The water system must be extended for and throughout the entire subdivision in such a manner that each lot within a subdivision is serviced by means of a connection to the Village water system within its own frontage in accordance with Chapter 102 of the Village Code.
3. A complete system of sanitary sewers must be extended or constructed for and throughout the entire subdivision in such a manner that each lot within a subdivision may be serviced by means of a connection within its own frontage in accordance with Chapter 102 of the Village Code.
4. A complete system of storm sewers must be extended or constructed for and throughout the entire subdivision in such a manner that each lot within a subdivision is properly drained of stormwater runoff in accordance with Chapter 102, Article II-Sewer Use of the Village Code.
5. Existing drain tiles that are found on the subdivision during design or construction must be replaced and incorporated into the new site drainage plan or removed and incorporated into the new site drainage system, based upon their existing capacity and capability to properly convey low flow groundwater and upstream flows.

C. Easements

1. Easements must be provided for utility services and drainage including, but not limited to, sanitary sewer, storm sewer, water, gas, telecommunication, cable television, and electric. The location of a utility easement is determined by the appropriate utility company. These easements must be marked "easement for utilities and drainage" on the plat. The applicant must notify the utilities of the proposed development. Utility company approval of proposed easements is required prior to submittal of a preliminary plat.

2. Easements are reserved for the Village of Niles for the performance of municipal and other governmental services, including water, storm, and sanitary sewer service and maintenance, and to those public utility companies that operate under franchises from the Village of Niles including, but not limited to, Commonwealth Edison Company, Nicor Gas, Comcast, and their successors and assigns.
3. The Village of Niles and public utility companies have the perpetual right, privilege, and authority to construct, reconstruct, repair, inspect, maintain, and operate the variety of utility transmission and distribution systems within such easement, together with right of access across the property for necessary personnel and equipment to do work.
4. Within these easements, the right is also granted to cut down and trim or remove any fences, temporary structures, trees, shrubs, or other plants, without compensation, that interfere with operation of the utilities.
5. No permanent buildings are permitted within the easement, but the easement may be used for gardens, shrubs, landscape, and other purposes that do not interfere with the utility and its maintenance.
6. Easements may be subject to the other regulations of the Village Code.
7. Subdivisions adjacent to another subdivision, parcel, or lot sharing an access road, lane, or driveway must have an ingress/egress easement.
8. Easements must be laid out to ensure proper continuity for utilities and/or surface water flow. Easements must be designed as follows:
 - a. Public utility easements must be a minimum of 10 feet wide unless additional width is deemed necessary. In no case can the outside wall of an underground public utility be less than four feet from the easement line.
 - b. Pedestrian easements must be a minimum of 10 feet wide.
 - c. Cul-de-sac lots must include an easement 10 feet wide across their frontage to allow for tree planting and maintenance.
 - d. Stormwater detention/retention facilities must be placed within an easement for stormwater detention purposes. This easement, as measured from the design high water level, must be a minimum of five feet wider than said level. No other easement can coincide with this detention easement.
 - e. Overland flow route easements must be provided from storm sewers and stormwater detention/retention facilities to the natural point of discharge. The easement width of this flow route must be a minimum of 10 feet and a minimum 15 feet (in total) for side yards, granting the Village the right to undertake maintenance and lien rights for the cost of such maintenance in the event the owner fails to maintain said routes. The utilization of streets for overland flow routing is preferred.
 - f. An ingress and egress easement must be granted to the Village for the purpose of inspection and/or maintenance of the detention/retention system. This access must be a minimum of 10 feet wide, and clear of all obstructions.
 - g. For all developments requiring compensatory storage for floodwaters, the entire area designated for compensatory storage must be in an easement exclusively for compensatory storage to the Village.
 - h. Drainage easements must be provided for any development or improvement which conveys water from upstream areas.

- i. Any additional easements as directed to be established by the Village. This includes, but is not limited to, easements for existing utilities, overland flow routes, detention/retention facilities, vehicle or pedestrian ingress/egress routes, etc.

D. Installation and Bond for Improvements

1. As part of final plat approval, the applicant must enter into an agreement with the Village to install the required improvements at his/her own expense in accordance with the approved plans and specifications and within the time prescribed by the Director of Public Services. The agreement is a condition of final plat approval.
2. The applicant must also furnish a bond, with good and sufficient sureties thereon, in the amount of the cost, as estimated by the Director of Public Services, of the installation of the required improvements. The bond is a condition of final plat approval and is further conditioned upon the installation of such required improvements within two years from the date that the final plat is approved by the Village Board.
3. Prior to the submission of the final plat, the applicant must deposit in escrow with the Village cash in the amount of 15% of the cost of all improvements to be made in accordance with the plans and specifications for required improvements approved by the Village Board. The cost of improvements will be estimated by the Director of Public Services. The applicant must agree that such deposit in escrow may be held by the Village for a period of 18 months after the final completion of such work for the purpose of:
 - a. Guaranteeing and securing the correction of any defect in material or workmanship of such improvements, latent in character and not discernible at the time of final inspection or acceptance by the Village.
 - b. Guaranteeing against any damage to such improvements by reason of the settling of the ground, base, or foundation.
4. The escrow agreement must also provide that, if such defects have occurred, then the cash deposit may be applied by the Village for any amounts incurred in correcting such defects, and that the balance of the deposit, if any, still held at the end of the 18 month period will be returned.

90.7 APPLICATION AND FEES

A. Application

All subdivision applications must be submitted on forms provided by the Village, along with all required fees, plats, and supporting documents to the Director of Community Development.

B. Fees

Fees, as required by the Village's fee schedule, must be paid at the time of submittal of a subdivision application

90.8 APPROVAL PROCEDURE

Approval of a subdivision includes a staff consultation, preliminary plat approval, and final plat approval. The plat must contain all information required by Section 90.10.

A. Staff Consultation

1. The applicant must submit a copy of the preliminary plat to the Director of Community Development, who will consult with the Department of Public Services, for review to determine if the proposed plat meets all subdivision requirements.
2. The purpose of such staff consultation is to make advice and assistance available to the applicant before formal submittal of the preliminary plat to the Planning and Zoning Board.

3. The Director of Community Development will prepare a written letter after review that details any deficiencies, and will forward to the applicant so that he/she may prepare a revised plat for submission. Upon receipt of the review comments, it is the responsibility of the applicant to ensure that all technical deficiencies are corrected.
4. The staff conference requires submittal of five copies of the proposed preliminary plat, but does not require a formal application, fee, or filing of an application.

B. Preliminary Plat Public Hearing by Planning and Zoning Board

1. The Planning and Zoning Board will hold a public hearing on the preliminary plat within 60 days of receipt of a complete subdivision application. A complete subdivision application requires the following:
 - a. 25 hardcopies and one digital copy of the preliminary plat, with information as required in Section 90.10
 - b. Subdivision application
 - c. Fee
2. Within 30 days of the close of the public hearing, the Planning and Zoning Board will forward its recommendation of approval or denial of the subdivision application to the Village Board.
3. Notice of the public hearing is required as follows:
 - a. The Director of Community Development will publish notice in a newspaper of general circulation within the Village. The notice must include the date, time, place, and purpose of such hearing, the name of the applicant, and the address of the subject property. Notice must be published no less than 15 days and no more than 30 days in advance of the scheduled hearing date.
 - b. Written notice will be mailed by the Village no less than 15 and no more than 30 days in advance of the scheduled hearing date to all property owners within 250 feet of the property line of the subject property. The notice must include the date, time, place, and purpose of such hearing, the name of the applicant, and the address of the subject property.

C. Preliminary Plat Approval by Village Board

1. The Village Board, within 60 days of receipt of the Planning and Zoning Board recommendation, and without further public hearing, may approve, approve with modifications, or deny the subdivision application.
2. When a preliminary plat is approved without conditions, such plat is considered the final plat. When a preliminary plat is approved with conditions by the Village Board, the applicant must revise the plat, including all revisions based on such conditions, and present such revised plat to the Village Board for approval. Following approval of all revisions, such plat is considered the final plat.
3. Before the plat is approved as a final plat by the Village Board, the owner must make all payments of any and all taxes and special assessments levied against the property being platted. In vacating subdivisions previously platted, the petitioner must submit evidence of the payment of all taxes and special assessments levied against the property in the same manner as is required for subdividing.

D. Recording of Final Plat

1. Following approval of the plat by the Village Board and/or approval of revisions to the plat based on conditions imposed by the Village Board, the final plat may be recorded. The Department of Public Services will record the final plat with the Cook County Recorder of Deeds. One copy of the recorded document must be deposited with the Village, and will become the property of the Village, with all fees of such copies being the responsibility of the applicant.

2. The final plat must be recorded within 60 days of Village Board approval of the final plat, unless the applicant requests an extension of time in writing and such extension is agreed to by the Village Board. The plat approval will expire if the final plat is not recorded in such timeframe, including any agreed upon extensions of time,
3. No building permits will be issued until the final plat has been recorded with the Cook County Recorder of Deeds and a copy of the recorded document deposited with the Village. However, in cases where the plat requires consolidation of lots, a permit may be issued prior to the Village Board approval described in item C above.

90.9 EXCEPTIONS

- A. The Planning and Zoning Board may recommend and the Village Board may grant exceptions to the standards and requirements of this Chapter, including applicable referenced sections of the Village Code, where there are particular difficulties or unnecessary hardships in the way of carrying out the strict letter of said standards and requirements.
- B. However, in no case may an exception to any requirement of the Zoning Ordinance be granted as part of subdivision approval; exceptions to the Zoning Ordinance must be granted as administrative exceptions or variations as per the Ordinance.
- C. In considering requests for exceptions, the Planning and Zoning Board may recommend and the Village Board may impose additional conditions as deemed necessary to protect the public health, safety, and welfare.

90.10 PLAT REQUIREMENTS

- A. Every preliminary and final plat must be prepared by and under the seal of a registered Illinois land surveyor. In addition to any additional information and plans required by Sections 90.5 and 90.6 of this Chapter, every subdivision plat, preliminary and final, requires the following:
 1. The plat must be drawn at a scale of one inch equals 100 feet or larger, unless the Director of Community Development requires a different scale.
 2. The name of the subdivision and the legal description thereof including the section, township, and range where the subdivision is located. The name cannot duplicate or resemble the name of any existing subdivision within the Village.
 3. The name of the owners of all lots comprising the subdivision, including the name and address of the individual(s) or financial institution to whom the tax bill is mailed. Proof of ownership of the parcel and applicant's interest is also required. The names of all parties with beneficial interest in trusts and options to purchase must be included.
 4. The name of the registered land surveyor who prepared the plat. The surveyor preparing the plat must certify on the face of the plat that it is a correct representation of all existing land divisions and features and that he/she has fully complied with the requirements of this Chapter.
 5. The date of preparation and the northpoint.
 6. An identification clearly stating that the plat is a preliminary or final plat.
 7. All lot numbers and lot lines with accurate dimensions and bearings (recorded and measured) in feet and hundredths, and all permanent index numbers.
 8. The total area in square feet of each lot.
 9. The boundary of the plat, and all necessary dimensions and bearings (recorded and measured), both linear and angular. Linear dimensions in feet and hundredths and all deflection angles, radii, arcs, and interior angles of all corners along the property line of each street.

10. The exact location, name, and right-of-way widths of all existing streets and alleys, and the exact location of all existing crosswalks. Subdivisions with new rights-of-way must also include the width of all streets and crosswalks to be constructed, and the proposed name of streets, which cannot duplicate or resemble the name of any existing street within the Village and any area that is serviced by the Niles Fire Department.
 11. The exact location and width of permanent easements, and any railroad, public service, and utility areas, including the exact location and structure footprint of any existing and proposed utility poles or structures.
 12. The exact location of all existing and proposed parkway trees.
 13. A statement of dedication properly conveying all lands dedicated for such public uses as streets, roadways, alleys, parks, or any other public use.
 14. The exact location of all monuments, boundary markers, and fences.
 15. Identification of any existing structures and a narrative describing what will be removed and what will remain.
 16. Topographic data, including existing contours at vertical intervals of not more than one foot, and all watercourses, marshes, or other significant drainage features and the direction of drainage flow.
 17. Floodplain boundary, zone, and based flood elevation.
 18. All restrictions which will run with the land and covenants, or references to covenants where declared separately.
 19. The following additional requirements must appear on the final plat:
 - a. Side yard drainage easement provisions
 - b. Tax bill information
 - c. After recording contact
 - d. Permanent index number
 20. Any other information or data the Director of Community Development, Planning and Zoning Board, or Village Board, upon review, may require.
- B.** The following certifications must appear on the final plat. Required language for such certificates is located in Appendix ____.
- EDITORS NOTE: Once this list of certificates is finalized, the certificate language will be included in an appendix.**
1. Owner's certificate and notary certificate
 2. Certificate indicating approval by the Planning and Zoning Board
 3. Surveyor's certificate
 4. Certificate regarding flood hazard
 5. Village of Niles Health Department certificate
 6. County Clerk's certificate
 7. Village Engineer's certificate
 8. Village Board's certificate

9. Recorder's certificate
10. Village Treasurer's certificate
11. Road certificate(s)
12. State of Illinois certificate
13. Surface water statement
14. Mortgage holder certificate
15. Utilities certificate

90.11 ILLEGAL SALES AND/OR RECORDING

A. Illegal Sale

Any person who sells, offers for sale, or leases any lot within the Village before all of the requirements of these regulations are met, before the lot or the subdivision containing such lots has been approved by the Village Board, and/or before the lot has been properly recorded as a lot of record within a legal subdivision with the Cook County Recorder of Deeds, is in violation of these regulations and the Village and/or any interested persons are authorized to prosecute such person and institute proceedings to have the conveyance of the illegal lot declared to be a nullity and stricken from the records of the Recorder of Deeds or the Cook County Registrar of Titles.

B. Illegal Recording

No subdivision within the Village is entitled to record the final plat with the Cook County Recorder of Deeds or the Cook County Registrar of Titles until it has been approved in accordance with these regulations. In the event that an unapproved subdivision is recorded, it is invalid and the Village and/or any interested person is authorized to institute proceedings to have the plat stricken from the records of the Cook County Recorder of Deeds or Cook County Registrar of Titles.