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ANGELA KAISER, RECORDER
JO DAVIESS COUNTY, IL
02/22/2024 09:10 AM

RHSP FEE 18.00
RECORDING FEE 63.00

AMENDMENT TO THE AMENDED AND RESTATED GENERAL DECLARATION OF COVENANTS AND RESTRICTIONS FOR THE GALENA TERRITORY ASSOCIATION, INC.

This instrument is recorded for the purpose of amending the Amended and Restated General Declaration of Covenants and Restrictions for the Galena Territory Association, Inc. ("Declaration"), which was recorded on November 29, 2017 in the Office of the Recorder of Deeds, Jo Daviess County, Illinois as Document No. 396820.

This Amendment is adopted pursuant to the provisions of Section 1-60(a) of the Common Interest Community Association Act (765 ILCS 160/1-60(a)) in order to permit The Galena Territory Association, Inc. ("Association") to come into compliance with Section 20 of the Homeowners' Energy Policy Statement Act (765 ILCS 165/1 et. seq.). This Amendment, the text of which is set forth below, shall become effective upon recordation in the Office of the Recorder of Deeds, Jo Daviess County, Illinois.

PREAMBLE

WHEREAS, the Declaration was recorded on November 29, 2017 in the Office of the Recorder of Deeds, Jo Daviess County, Illinois as Document No. 396820;

WHEREAS, the Illinois General Not For Profit Corporation Act (805 ILCS 105/103.10(l)) provides that a corporation's governing documents shall not be inconsistent with the laws of the State of Illinois;

WHEREAS, the Board of Directors for the Association desires to amend the Declaration to comply with current law;

WHEREAS, the Board of Directors for the Association, in compliance with Section 20 of the Homeowners' Energy Policy Statement Act (765 ILCS 165/1 et. seq.) hereby adopts the

Association's energy policy statement and includes the same within the terms, covenants and provisions of its Declaration; and

WHEREAS, this Amendment has been approved by two-thirds (2/3) of the members of the Board of Directors at a meeting of the Board of Directors.

NOW THEREFORE, the Declaration is hereby amended in accordance with the text that follows:

AMENDMENT

1. Article V, "General Restrictions" of the Declaration shall include, following the adoption of this Amendment to the Declaration, a new Section 12 "Energy Policy Statement" as follows:

"Section 12. ENERGY POLICY STATEMENT.

PURPOSE OF STATEMENT: In compliance with Section 5 of the Homeowner's Energy Policy Statement Act (765 ILCS 165/1 et. seq.) the Board of Directors has adopted this Energy Policy Statement for the purpose of protecting the public health, safety, and welfare of the Members of the Association, while encouraging the development and use of solar energy systems in order to conserve and protect the value of land, building, and resources.

(a) Definitions: The terms used herein shall have the meanings and definitions prescribed to them in Section 10 of the Homeowner's Energy Policy Statement Act.

(b) Application for the installation of solar collectors, solar storage mechanisms and solar energy systems must be made to the Committee as described and required in this Declaration, and in particular in Article IV of this Declaration. The Committee shall evaluate and approve or disapprove applications on a case-by-case basis.

(c) The guidelines included in this Section are intended to be general in nature and in compliance with Section 20 of the Homeowner's Energy Policy Statement Act (765 ILCS 165/20) and are intended to include photovoltaic, hydronic and other solar energy devices. The Committee is concerned with esthetics. The Committee recommends that solar collectors, solar storage mechanisms and solar energy systems be mounted as inconspicuously as possible.

(d) Solar collectors, solar storage mechanisms and solar energy systems should not be highly visible from neighboring Lots or properties or from roadways.

(e) Solar collectors, solar storage mechanisms and solar energy systems must be mounted and installed parallel to the roof and must stand no higher than six inches (6") from the roof material. Arrays shall be arranged to be compatible with the roof design. Solar collectors, solar storage mechanisms and solar energy systems should be coordinated with roof color and frames.

(f) A special structure may be allowed to locate a solar energy system grid below roof peak on the back side of a roof if needed. The grid may be properly aimed for efficiency. Sun tracker devices may be utilized.

(g) Ground mounted solar collectors, solar storage mechanisms and solar energy systems are encouraged, but should not be highly visible from neighboring Lots or properties or from roadways and must not be located within any utility easement, any front yard setback area or any golf course setback area. Sun tracker devices may be utilized with ground mounted solar collectors, solar storage mechanisms and solar energy systems to optimize efficiency. Provided, however, that no tree removal related to the installation or use of ground mounted solar collectors, solar storage mechanisms and solar energy systems is permitted. Additionally, landscaping will be required to screen all ground mounted solar collectors, solar storage mechanisms and solar energy systems from neighboring Lots, properties and roadways.

(h) All wiring and affixing appliances must be installed in an inconspicuous manner.

(i) A sample or illustration of the proposed solar collectors, solar storage mechanisms and solar energy systems should be submitted to the Committee as part of an Owner's application under Paragraph (b) herein and should clearly depict and describe the system and define the materials used. Construction drawings for the specific installation should be provided. Drawings should clearly show all elevations, roof planes, proposed assembly and attachment to the roof structure, proposed installation location on the Dwelling and the location of any storage tanks.

(j) As part of an Owner's application under Paragraph (b) herein, a preliminary site plan must be submitted showing the Dwelling location and compass points.”

2. The terms used herein, if not otherwise defined, shall have the same meaning described to them in the Declaration.

3. The language of this Amendment shall govern any conflicts between this document and the Declaration and its amendments.

4. Except as to the extent expressly set forth herein above, and as amended, the Declaration, By-Laws and Rules and Regulations shall continue in full force and effect without change.

END OF TEXT OF AMENDMENT

Prepared by:
Costello Sury & Rooney, P.C.
One Lincoln Centre, Suite 1670
Oakbrook Terrace, Illinois 60181

After Recording Return to:
The Galena Territory Association, Inc.
2000 Territory Drive
Galena, IL 61036

STATE OF ILLINOIS)
) ss
COUNTY OF Jo Daviess

The undersigned is the President for The Galena Territory Association, Inc., established by the aforesaid Declaration, and by my signature below, do hereby execute the foregoing Amendment to the Amended and Restated General Declaration of Covenants and Restrictions for the Galena Territory Association, Inc. on behalf of the Association and certify that this Amendment was approved by a two-thirds (2/3) vote of the members of the Board of Directors at a meeting called for such purpose.

EXECUTED this 10TH day of February, 2024.

Michael F. DuCharme
Printed Name

[Signature]
Signature, as President of the Board of Directors for The Galena Territory Association, Inc.

I, Susan R Miller, a Notary Public, hereby certify that on the above date, the President for The Galena Territory Association, Inc., whom is personally known to me, appeared before me and acknowledged that, as such President, he/she signed this instrument as his/her free and voluntary act of said President for the uses and purposes therein set forth.

By: [Signature]

