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EDWARD M. HOODY

COOK COUNTY RECORDER OF DEEDS

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SIXTH AMENDMENT TO THE ACACIA ASSOCIATION DECLARATION OF PROTECTIVE COVENANTS

This instrument, consisting of ~~seventeen~~ ^{including exhibits} (17) pages, is recorded for the purpose of amending The Acacia Association Declaration of Protective Covenants (hereinafter referred to as "Declaration"), which was recorded on June 3, 1971 in the Office of the Recorder of Deeds, Cook County, Illinois as Document No. 21500656.

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 Association to come into compliance with Section 20 of the Homeowners' Energy Policy Statement Act (765 ILCS 165/1 et. seq.) The text of this Amendment, which is set forth below, shall become effective upon recordation in the Office of the Recorder of Deeds, Cook County, Illinois.

PREAMBLE

WHEREAS, the Declaration was recorded on June 3, 1971 in the Office of the Recorder of Deeds, Cook County, Illinois as Document No. 21500656; and

WHEREAS, the Declaration has been amended from time to time, such recordings having been recorded with the Office of the Recorder of Deeds, Cook County, Illinois as follows: December 13, 1971 as Document No. 21712090, September 13, 1972 as Document No. 22048779, March 26, 1974 as Document No. 22666149, February 19, 1975 as Document No. 23000642, August 12, 1980 as Document No. 25556198, June 11, 1982 as Document No. 26257080, October 4, 1984 as Document No. 27282211, March 18, 1991 as Document No. 91554991, and June 25, 2012 as Document No. 1217718008; and

WHEREAS, the Board of Directors for The Acacia Association ("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, the Board of Directors for Association desires to amend the Declaration to comply with current law; and

WHEREAS, the Amendment has been approved by two-thirds of the members of the Board of Directors at a meeting called for that purpose; and

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

AMENDMENT

1. Article X, "Building and Use Restrictions," shall include, following the adoption of this Amendment to the Declaration, a new Section 3 "Energy Policy Statement" as follows:

Section 3 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 Owners of the Association in connection with permitting the use of solar energy systems.

(a) 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 Association's Architectural and Landscape Control Committee as required by Article VIII of the Declaration and as described herein. In addition to all requirements set forth in Article VIII of the Declaration, an Owner must also include a sample or illustrated brochure of the proposed solar collectors, solar storage mechanisms and solar energy systems to the Architectural and Landscape Control Committee as part of an Owner's application herein and shall clearly depict the system and define the proposed materials to be used. Construction drawings for the specific installation shall also be provided and shall have accurate dimensions along with exact placement and orientation on Living Unit's roof. Drawings shall clearly show all elevations, roof planes, proposed assembly and attachment to the roof structure, installation location on the Owner's Living Unit and the location of any storage tanks. All applications shall include calculations indicating the number and area of panels required. The Association's Architectural and Landscape Control Committee is not subject to the approval timeline as set forth in Article VIII of the Association's Declaration. The Architectural Control Committee shall have the allotted amount of time prescribed by the Homeowner's Energy Policy Statement Act to approve or deny an application, which is ninety (90) days from receipt of application. Owner must send copy of application to all Owners adjacent to his/her Living Unit the same day the application is submitted to the Committee. "Adjacent" shall mean any Living Units with sight of the panels when installed. Any Owner of an adjacent Living Unit shall notify applicant Owner and Committee of any objections/issues with installation within ten (10) days of application submittal. The Association shall not be liable to applicant or adjacent Owners for any reason related to or arising from the installation and use of the solar energy system.

- (c) The Architectural and Landscape Control Committees shall have the sole discretion in approving an Owner's specific modules or product used for its solar collectors, solar storage mechanisms and/or solar energy systems, which shall be submitted with the Owner's application. The Owner's application and installation shall comply with the Association's Declaration and any Rules and Regulations adopted by the Board of Directors for the Association.
- (d) Owners shall not permit solar collectors, solar storage mechanisms or solar energy systems to fall into disrepair or to become safety hazards.
- (e) Owners shall be responsible for maintenance and repair of solar collectors, solar storage mechanisms and solar energy systems and any damage, maintenance, repairs or replacement to any common properties as a result of the installation of solar collectors, solar storage mechanisms and/or solar energy systems.
- (f) Owners shall be responsible for repainting, refinishing, and/or replacement of solar collectors, solar storage mechanisms and solar energy systems at his/her own expense.
- (g) Solar collectors, solar storage mechanisms and solar energy systems shall meet applicable standards and requirements imposed by state and local permitting authorities and shall be certified by the Solar Rating Certification Corporation (SRCC) or other nationally recognized certification agency, as applicable. Owners shall be responsible, at his/her own cost, for any and all applications and permits required by the state, county, village or municipality.
- (h) Solar collectors shall be installed only on the Owner's roof and shall be, upon installation, completely contained within the vertical plane of the exterior wall lines of the structure. Solar collectors shall provide at least three (3) feet of space between edge of solar collectors and roof boundary in order to permit Association access for maintenance purposes. Under no circumstances shall any solar collectors extend beyond the bounds of the roof of the Owner's Living Unit. In the event Association cannot perform maintenance due to placement of solar collectors, Owner shall be responsible for removal of such collectors, at his/her expense. Owner shall submit new application as set forth in Paragraph (b) herein prior to re-installation of solar collectors.
- (i) Solar collectors, solar storage mechanisms and solar energy systems, whenever possible, should be installed on existing plane of roof material.
- (j) Solar collectors, solar storage mechanisms and solar energy systems installed on roofs must be firmly affixed and parallel to roof surface.
- (k) All plumbing lines shall be concealed on exterior of the building, if possible. Owner and Owner's licensed contractors shall comply with the Committee approved method of installation detailed in the Owner's application described in paragraph (b) herein. All plumbing lines shall be painted the same as the Living Unit or building's exterior color and other materials adjacent to the system.

(l) Roof solar collectors shall be consistent in color with existing roof shingles and shall be painted and/or anodized when appropriate.

(m) Any material used in the solar collectors, solar storage mechanisms and solar energy systems, if flammable, shall be self-extinguishing.

(n) Ground-mounted, free-standing solar collectors, solar storage mechanisms and solar energy systems are prohibited anywhere on the Association's Property.

(o) A solar energy system may be installed on the roof within an orientation to the south or within 45 degrees east or west of due south provided that the orientation does not impair the effective operation of the solar energy system.

(p) A solar energy system shall only be installed by a professional contractor, licensed or accredited by the North American Board of Certified Energy Practitioners (NABCEP), Interstate Renewable Energy Council (IREC) or other similar nationally recognized accrediting/licensing authority. The appropriate credentials, including contractor's insurance information, of the professional contractor shall be submitted along with the Owner's application described in paragraph (b) herein.

(q) If, as a result of an Owner's installation, maintenance or repair of a solar energy system, solar collection, solar storage mechanism or any of their component parts, damage is caused to Common Properties, and/or adjacent or surrounding Living Unit, the Owner shall pay for any such damage, maintenance and repairs as may be necessary and as determined by the Committee (or Association's Board of Directors, within its discretion).

(r) Any party that installs, maintains, repairs or replaces a solar energy system, solar collection or solar storage mechanism must first provide the Association with adequate proof of insurance, providing coverage for the type of work described in this subparagraph. No installation, maintenance, repairs or replacements may commence until proof of the insurance required by this subparagraph is provided to the Association. Owner must maintain sufficient insurance coverage as to solar collection systems for duration of installation and placement of solar collectors.

(s) Upon sale of property (at buyer's request) or discontinued use of any solar collection system, all solar collection system equipment and materials shall be removed within thirty (30) days of discontinued use (or prior to closing for sale of property).

(t) The Association does hereby prohibit the installation, placement or construction of wind energy collection systems and composting systems anywhere on the Property.

(v) The Association does hereby permit the installation, placement or construction of rain water collection systems, subject to any rules and regulations as adopted by the Board of Directors for the Association. Any rain water collection system shall be installed by a licensed contractor and maintained at Owner's sole expense. Any damage to any Common Properties or Living Units as a result of the Owner's installation,

maintenance and/or use of the rain water collection system shall be the Owner's responsibility and expense. The Association may charge back to the responsible Owner for any work performed to repair any such damage. Any rain water collection system shall be installed only in rear yards, shall not be visible to the public, and shall not exceed fifty-five (55) gallon tanks. Owner shall submit an additional application as set forth in Paragraph (b) herein prior to installation of rain water collection system.

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

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

This instrument was prepared by
and upon recording return to:

KEAY & COSTELLO, P.C.
128 South County Farm Road
Wheaton, Illinois 60187

STATE OF ILLINOIS)
) ss
COUNTY OF COOK)

The undersigned is the President for The Acacia Association, established by the aforesaid Declaration, and by my signature below, do hereby execute the foregoing Amendment to the Declaration on behalf of the Association and certify that this Amendment was approved by a two-thirds vote of the members of the Board of Directors at a meeting called for such purpose.

EXECUTED this 11 day of JULY, 2019.

Anne M. Gubut
Being the President of the Board of
Directors for The Acacia Association

I, ARGELIA GALBACZ, a Notary Public, hereby certify that on the above date, the President for The Acacia Association, 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: Argelia Garbacz

