

AMENDED DECLARATION  
OF RESTRICTIONS –  
PEORIA COUNTY

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and return to:

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**Total Fee: \$67.00**

Steve Sonnemaker, County Clerk, Peoria, I

**AMENDED DECLARATION OF RESTRICTIONS**

This Amended Declaration of Restrictions for The Knolls is made this 8<sup>th</sup> day of May, 2017, by The Knolls Association, an Illinois not-for-profit corporation (hereinafter referred to as the "Association") and is intended to apply to all lots in The Knolls Subdivision.

**RECITALS**

**Whereas**, a Declaration of Restrictions, Reservations, and Home Owners Association for The Knolls was previously recorded on July 9, 1928 in the Office of the Peoria County Recorder of Deeds (hereinafter referred to as the "Restrictions");

**Whereas**, the Restrictions apply to all lots in The Knolls (hereinafter referred to as the "Subdivision"). Tax identification numbers for each lot are set forth in Exhibit A attached hereto and incorporated herein;

**Whereas**, it is the desire of the Association to update and amend the Restrictions as hereinafter detailed.

**AMENDMENT**

The Restrictions are hereby amended as follows:

1. Amendment Controls. In the event of a discrepancy between the Restrictions and the terms of this Amendment, the terms of this Amendment shall control.
2. Use of Land. Article One, Section IV shall be deleted in its entirety and replaced with the following:

Section IV. Use of Land:

With the exception of Business Lots identified on the plat of subdivision and further described in Section XIV of the Restrictions, none of said lots may be improved, used, or occupied for other than private residential purposes. However, no residential dwellings existing on any lot shall be used as a flat, apartment, Air BnB, Bed and Breakfast, Vacation Rental by Owner (VRBO) or other similar use. Further, no tank for the storage of fuel may be maintained on any lot.

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3. Approval of Plans and Cost of Residence. Article One, Section V shall be deleted in its entirety and replaced with the following:

Section V. Approval of Plans and Cost of Residence:

Any and all new construction, renovation or addition to the exterior of a residence or other building on any lots in the Subdivision shall be governed by the following:

1. All building plans and specifications shall be submitted to and approved by the Architectural Committee of the Association (hereinafter referred to as the "Committee") before construction is commenced pursuant to the rules established by such Committee.
2. The building plans and specifications submitted to the Committee shall show all exterior elevations.
3. All renovations or additions to an existing structure shall be of new materials compatible with the existing architecture of the structure.

4. Fences. Article One, Section XII (Fences) shall be deleted in its entirety and replaced with the following:

Section XII. Fences:

1. All plans and specifications for fences on any lots in the Subdivision shall be submitted to and approved by the Architectural Committee of the Association (hereinafter referred to as the "Committee") before construction is commenced.
2. No chain link fences shall be permitted in the Subdivision. Black wrought iron, wood or vinyl material fence enclosures, and similar styles and/or materials, shall be permitted in the Subdivision but only after the plans and specifications for such have been approved by the Committee. All such plans and specifications shall include the exact location of the enclosure or fence and a sample of the material and color to be used. Chain link fences existing prior to this Amendment shall be allowed to remain and are grandfathered in; however, any existing chain link fences that are replaced must comply with this Amendment and may not be replaced with chain link fencing.

5. Article One, Section XIII (Caucasian Race) shall be deleted in its entirety.

6. Article One, Section XV (Term of Conditions) shall be deleted in its entirety and replaced with the following:

Section XV. Amendment of Declaration of Restrictions:

The covenants, conditions and restrictions herein provided may be modified or amended at any time by the affirmative vote of two-thirds (2/3) of the dues-paying members of the Association in attendance at a regularly scheduled meeting of the Association. Notice of proposed modifications or amendments to the covenants, conditions, and restrictions shall be provided to members of the Association in advance of such meeting pursuant to Article VIII of the By-Laws. Any amendment

to the covenants, conditions and restrictions shall be in writing and filed of record in the Office of the Recorder of Deeds of Peoria County, Illinois and shall not be valid or binding until so recorded.

7. Landscaping. Section XX shall be added to Article One, stating as follows:

Section XX. Landscaping:

1. Homeowners (including owners of homes under a lease for rent) are responsible for general upkeep of their property and shall keep the grass mowed, bushes trimmed, and keep the sidewalks and curbs in front of their property free from grasses and weeds.
2. The Chairperson of the Beautification Committee shall be notified before any mature tree greater than six inches in diameter, as measured one foot from ground level, is removed, other than by an act of nature. Any tree removed, other than by an act of nature, shall be replaced with a tree approved by the Beautification Committee. Trees removed shall be completely taken down, stumps removed, holes backfilled and seeded with grass.
3. The islands and points, as designated on the Subdivision plat, whether privately owned or owned by the City of Peoria, are for the use of homeowners in the Subdivision. However, homeowners must pick up after their dogs and keep the islands and points free from pet deposits, litter and other refuse.
4. The Association shall maintain such islands and points pursuant to agreement with the City of Peoria. The cost of such maintenance shall be included in the Association dues.
5. No signs of any kind, except Knolls Homeowner event signs, shall be allowed on the islands and points or entrances to the Subdivision or on any utility poles or street signs including, but not limited to, garage sale, realtor and political signs.

8. Parking. Section XXI shall be added to Article One, stating as follows:

Section XXI. Parking:

On-street parking is reserved for guests and homeowner vehicles that cannot be accommodated on a homeowner's driveway or in a garage. At no time shall any vehicles be parked on the street in such a way as to interfere with vehicular traffic on the street or impede entrance to and the safe exiting from any driveways or otherwise interfere with emergency vehicles or the plowing of streets. Moving vans may be parked on streets for a period not to exceed twenty four (24) hours. Further, no boats, trailers, or motor homes shall be parked, stored or maintained in the front, back or side yards on any lot in the Subdivision nor on any streets for more than thirty six (36) hours.

9. Noise. Section XXII shall be added to Article One, stating as follows:

Section XXII. Noise:

All noise, including but not limited to barking dogs, music, and outdoor speakers shall be kept to a minimum. Outdoor speakers should not be heard from the sidewalk in front of the property or from a distance of 75 feet or more from the source of the sound.

10. Waste Containers. Section XXIII shall be added to Article One, stating as follows:

Section XXIII. Waste Containers:

All trash can, recycle bins and yard waste shall be stored out of sight from the street. All containers shall be put out to the street for collection after 3:00 pm on the day prior to collection and removed from the street by 7:00 pm on the day of collection.

11. Pools. Section XXIV shall be added to Article One, stating as follows:

Section XXIV. Pools:

3. No above-ground pools shall be permitted in the Subdivision. Above-ground pools existing prior to this Amendment are grandfathered in and permitted to remain; however, any existing above-ground pools that are replaced must comply with this Amendment and may not be replaced with an above-ground pool.

12. Powers and Duties of the Homeowner's Association. Article Two, Section IV shall be deleted in its entirety and replaced with the following:

Section IV. Powers and Duties of the Homeowner's Association:

The Trustees of the Homeowner's Association, when authorized by the Association so to do, shall have the following powers to exercise in its discretion:

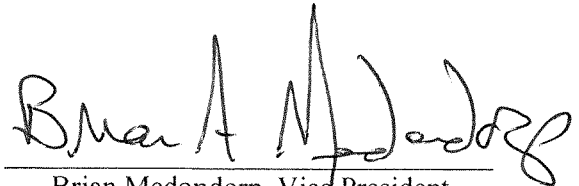
1. To enforce in the name of the Association, or in the name of any owner within the district, any or all restrictions which have been heretofore, or may hereafter be imposed upon the land in said district, subject to changes, releases, or modifications permissible under this Declaration or the Restrictions. The expense and cost of any such proceedings shall be paid out of the general fund of the Association hereinafter provided for. However, in the event litigation or arbitration becomes necessary to enforce restrictions against a homeowner, if the Association prevails in such litigation or arbitration the homeowner shall be responsible for all attorney's fees and costs incurred by the Association.
2. To care for, spray, trim, and protect, and to replant trees and shrubs on streets and other public places, and to sow or re-sow grass in such public places, except where otherwise provided for.
3. To mow, care for, and maintain vacant or unimproved property, and to do anything desirable, in the judgment of the Association, to keep such vacant and unimproved property in neat appearance and good order.
4. To provide for such lights as the Association may deem advisable on streets, public places, gateways, and semi-public places.
5. To provide for the maintenance of playgrounds, gateways, entrances, and other ornamental features now existing, or which may hereafter be erected in any public place, or on land set aside for the general use of the homeowners.


6. To exercise control over easements as it may acquire from time to time.
7. To approve the plans for residences to be constructed or renovated under this Declaration.

IN WITNESS WHEREOF, the undersigned have caused this Amended Declaration of Restrictions to be executed on this 8<sup>th</sup> day of May, 2017.

The Knolls, an Illinois not-for-profit corporation

By:   
Ronald Budzinski, President

By:   
Brian Medendorp, Vice President

By:   
Janet Baker, Secretary

**EXHIBIT A**  
**TO AMENDED DECLARATION OF RESTRICTIONS**

This Amended Declaration of Restrictions is intended to apply to all lots in The Knolls, a Subdivision of the South Half of the Northwest Quarter of Section 28, Township 9 North, Range 8 East of the Fourth Principal Meridian, and the North Five (5) Acres of Lot One (1) of T.S. Dobbin's Subdivision of Part of the East Half of the Southwest Quarter of Section 28, Township 9 North, Range 8 East of the Fourth Principal Meridian, situated in the County of Peoria, State of Illinois.

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