



**Declaration of Consent and Waiver of  
Residential Noise Protections  
Tanner Road Solar Project  
*Kane County, Illinois***

**STATE OF ILLINOIS  
COUNTY OF KANE**

**DECLARATION OF CONSENT AND WAIVER OF  
RESIDENTIAL NOISE PROTECTIONS**

This Declaration of Consent and Waiver of Residential Noise Protections (“Declaration”) is made this 15 day of JULY, 2026, by **Kent V. Catich** and **Sharon L. Catich** (“Owners”), the owners and occupants of the residential property commonly known as:

**2900 Tanner Road, North Aurora, Illinois 60542**

(Parcel Identification Number: **14-01-100-014**)

**RECITALS**

WHEREAS, Owners own and occupy the above-described residential property (the “Residence”);

WHEREAS, the property upon which the proposed Tanner Road Solar Project (the “Project”) is to be constructed is owned by Catfish Properties LLC, and Sharon L. Catich is the owner or controlling member of Catfish Properties LLC;

WHEREAS, the Project is being developed by **Catfish Renewable Energy LLC** and is the subject of an application for a Special Use Permit before Kane County, Illinois;

WHEREAS, Owners have reviewed the proposed site plan and the Project’s acoustical analysis, are familiar with the location of the solar arrays, electrical equipment, access roads, and related improvements, and understand the anticipated operational sound levels associated with the Project, and acknowledge that such projected operational sound levels are acceptable to them;

WHEREAS, Owners further acknowledge that this Declaration is intended to permit the Tanner Road Solar Project to be evaluated without regard to residential noise protections that exist solely for the benefit of the Residence;

WHEREAS, Owners support the Tanner Road Solar Project and desire that the Project be evaluated on its merits without consideration of residential noise protections intended solely for the benefit of their Residence;



WHEREAS, the Owners acknowledge that the Residence is not a participating residence under the Kane County Commercial Solar Energy Facility regulations, but nevertheless desire to voluntarily waive those residential noise protections afforded solely for the benefit of the Residence to the extent permitted by Illinois law;

NOW, THEREFORE, in consideration of the foregoing and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Owners agree as follows:

### **1. Consent to the Project**

Owners expressly consent to the construction, operation, maintenance, repair, replacement, repowering, and decommissioning of the Tanner Road Solar Project substantially as depicted in the plans submitted to Kane County, together with such reasonable modifications as may be approved during the permitting, engineering, and construction process.

### **2. Waiver of Residential Noise Protections**

Pursuant to applicable Illinois law, including Section 5-12020 of the Illinois Counties Code, if applicable, Owners voluntarily waive, solely with respect to the Residence identified herein, any right to object to, seek enforcement of, or otherwise invoke any residential noise limitation or standard applicable to the Tanner Road Solar Project that is intended solely for the protection of the Residence.

This Declaration applies only to sound generated during the lawful construction, operation, maintenance, testing, repair, replacement, repowering, and decommissioning of the Project.

Nothing in this Declaration shall be construed as authorizing the Project to violate any noise standards applicable to any other residence or property.

### **3. No Waiver of Other County Requirements**

This Declaration is limited exclusively to residential noise protections applicable to the Residence.

Nothing contained herein shall be interpreted as waiving or modifying any requirement of the Kane County Zoning Ordinance or any condition of Special Use Permit approval relating to:

- setbacks;
- landscaping or vegetative screening;
- buffering;
- stormwater management;
- roadway access;
- environmental protection;
- decommissioning; or
- the protection of any neighboring property or residence.



#### 4. Voluntary Execution

Owners acknowledge that:

- they have read and understand this Declaration;
- they have had adequate opportunity to review the Project plans and acoustical study;
- they understand the legal effect of this Declaration;
- they have had the opportunity to consult legal counsel of their choosing; and
- they execute this Declaration knowingly, freely, and voluntarily.

#### 5. Running With the Land

To the extent permitted by applicable law, this Declaration is intended to run with the Residence and shall be binding upon the Owners and their respective heirs, personal representatives, successors, assigns, and all future owners or occupants of the Residence. If required by Kane County or applicable law, this Declaration may be recorded with the Office of the Kane County Recorder of Deeds.

#### 6. Limited Scope

This Declaration applies solely to the Tanner Road Solar Project and shall not constitute a waiver of any rights with respect to any other project, development, or property.

IN WITNESS WHEREOF, the Owners have executed this Declaration on the date first written above.

By: Kent V. Catich  
Name: Kent V. Catich

By: Sharon L. Catich  
Name: Sharon L. Catich

STATE OF ILLINOIS

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§  
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COUNTY OF KANE

This instrument was acknowledged before me on this 15 day of July, 2026 by **Kent V. Catich and Sharon L. Catich**, who are personally known to me (or satisfactorily proven) to be the persons whose names are subscribed to this instrument.

[SEAL]



[Signature]  
Notary Public  
State of ILLINOIS  
My commission expires: 9/24/2029