

FOSTER TOWER  
**Electrical Service Policy**

Approved by the Board of Directors on

3/6/15

WHEREAS, the Foster Tower condominium project consists of a 25-story building with 141 residential apartments and 1 commercial apartment, a parking building and appurtenant common and limited common elements; and

WHEREAS, the pipes, wires, conduits and other utility or service lines which are utilized for or serve more than one apartment, the lobby and entrances, are deemed to be common elements; and

WHEREAS, Paragraph B.3 of the Declaration defines the common elements to include "central facilities and appurtenant installations for services such as power, light, gas, hot and cold water, heating, refrigeration and incinerators"; and

WHEREAS, pursuant to Article IV, Section 1 of the By-Laws, the Board of Directors is empowered to manage and operate the common elements, including the provision of electricity and other utility services to the apartments either at the expense of each apartment or as a common expense as determined by the Board; and

WHEREAS, Article V, Section 3(b) of the By-Laws provides that the common elements are to be used only for the purposes for which they were designed; and

WHEREAS, the electrical system for Foster Tower is now more than fifty years old while the electrical demands of users continue to increase; and

WHEREAS, the Board is cognizant of the fact that the capacity of the existing electrical system and its ability to handle requests for larger electrical service size requires careful evaluation; and

WHEREAS, just as the Board requires owners to submit plans for apartment renovations and the payment of fees for study and review of such plans which may include the fees of architectural or structural engineering firms to ensure the work will not have an adverse impact on the building, the Board deems it to be in the best interest of the Association and its members to require a similar arrangement to cover the Association's expenses to perform its due diligence in having any requests made by any owner for an increase in amperage to any apartment, now, therefore

BE IT RESOLVED, that the following ELECTRICAL SERVICE POLICY is hereby adopted:

1. Given the age of the Foster Tower electrical system and its unique configuration, and the impact adding extra load for one apartment may have on the electrical service for other apartments and the building as a whole, the Board shall

require any owner requesting any increase in an apartment's electrical service size and/or an increase in amperage to provide the Association with a refundable deposit of **\$50,000.00**. The deposit shall be due and payable at the time of written submission of the owner's request and plans.

2. The deposit will be used by the Board to cover the Association's fees and expenses to perform its due diligence. The Board may retain the services of engineers and consultants to review and evaluate the owner's plans. All cost of such services shall be deducted from the owner's deposit, including the cost of inspections in the event the request is approved.

3. In the event the owner's request is denied by the Board, the deposit, less funds used for the Association's review and evaluation of the owner's plans and any other information relevant thereto, will be returned to the owner with an appropriate accounting within ten (10) business days following the Board's denial of the owner's request. In the event the owner's request is approved by the Board, the deposit, less funds used for the Association's review and evaluation of the owner's plans and any other information relevant thereto, and the cost of inspections, will be returned to the owner with an appropriate accounting within ten (10) business days following completion of the work.

THIS CERTIFIES that the undersigned is the Secretary of the above-named Association and that the foregoing is the full, true and correct resolution passed by the Board of Directors thereof at a meeting of said Board held on 3/6/15, 2015, legally called and held, at which a quorum was present and voting.

IN WITNESS WHEREOF, I have hereunto set my hand this 6 day of MARCH, 2015.

  
Secretary  
Association of Apartment Owners  
of Foster Tower