

**OLD TOWN GATEWAY OWNERS ASSOCIATION**  
**PARKING LOT RESTRICTION RESOLUTION**  
**“ALL COMMON AREA OF THE COMMUNITY”**

April 1, 2013

**WHEREAS**, Section 55-515 of the Virginia Property Owners Act, Code of Virginia (1950, as amended) (the “Virginia Property Owners Act”) charges all Homeowners and all those entitled to occupy a Unit with compliance with the Articles of Incorporation and Bylaws of the Association as amended;

**WHEREAS**, , Section 55-513 of the Virginia Property Owners Act, Code of Virginia (1950, as amended) (the “Virginia Property Owners Act”) and Article IV, Section 4.4” of the Bylaws of the Old Town Gateway Owners Association (“the Association”) grant and assign to the Board of Directors the power and duty to adopt rules and regulations governing the HOA, Common Area including the Units and the Limited Common Elements;

**WHEREAS**, the Association wishes to adopt reasonable restrictions governing large vehicle usage of parking lots, parking spaces and common area.

**NOW THEREFORE**, the Board adopts the following restrictions and regulations for the hereinafter referred as the “Parking Lot Restriction,” to become effective immediately and which shall be binding upon all Homeowners and their grantees, lessees, tenants, occupants, successors, heirs, vendor, contractor and assignees who currently or in the future may possess an interest in the association, which shall supersede any previously adopted rules on the same subject matter.

**I. Definitions**

- A. Large Vehicle – “Any vehicle in excess of 50,000 lbs gross vehicle weight operated on the common area.”**

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**II. Policy**

All owners should be aware that Old Town Gateway has a unique underground storm water management drainage system. This system involves several hundred feet of pipe under all part of the common area asphalt surface. A Large Vehicle, as defined above, could damage this system. Furthermore, since the weight bearing capacity of asphalt deteriorates significantly above 85 degrees, the use of vehicles under 50,000 lbs may also damage the drainage system. Cranes used to lift, remove and/or replace A/C units are of primary concern, although the following restrictions and procedures will also apply to other types of Large Vehicles. Cranes used on any common area, especially the common asphalt surface, may not exceed 50,000 lbs gross vehicle weight. Additionally, special care must be exercised when the temperature exceeds 85 degrees and a crane of any weight performs a lift from any common area within 5 days of scheduled use.

Should the temperature exceed 85 degrees and it is not possible to wait for cooler weather, Owners will ensure the crane company provides plywood for the crane to use under all contact points when performing a lift from any common area.

**III. Procedure**

Owners shall notify management 10 days prior to scheduling the use of a crane, or in the event of an emergency A/C replacement, as soon as possible. Owners will provide a copy of the Heating and A/C contractor agreement and documents showing the intent to use a crane on the property. Owners must complete a damage waiver with the crane company and provide a copy to management. Damage waiver should list the current insurance carrier for the company and provide a

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valid date. The form must clearly show the gross vehicle weight of the crane scheduled to perform the lift. The document must note that if the actual temperature exceeds 85 degrees while the crane is stabilized, on the property and carrying a load, plywood will be used under the crane supports to distribute the combined crane and load weight.

In certain rare circumstances (less than 5% of the home locations), a Large Vehicle crane may be required to perform service. All above-listed requirements for notification and documentation, including specific mention of the crane weight, will be required. Additionally, Board approval for this specific variant of crane, those over 50,000 lbs gross vehicle weight, must be obtained before the Large Vehicle crane enters the property. The Board will require the crane company's agreement to use plywood to the maximum extend practical while on the property and always while the crane is carrying a load.

Owners should understand they are fully responsible for any and all damage to the parking lot, drainage system concrete and or sidewalks affected by the use of a large vehicle on the common area.

Notes:

1. In over 95% of the home locations a 50,000 lbs crane / vehicle should be sufficient.
2. Asphalt is very unstable with excessive weight over 85 degrees.
3. Even with plywood a larger vehicle could still do damage and owners are always responsible for damage to common area.

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4. Plan ahead! have your A/C unit inspected yearly and know its condition. Schedule the replacement in spring or fall when temperature conditions do not present a problem.
5. Should the ground become unstable and the drainage system support fails, it is highly likely the crane would tip over and death and/or major property damage could occur.
6. Make sure the crane company is fully licensed and insured as responsibility for your guest belongs to each owner.
7. Lifts can be preformed from a public street however this does require a permit from the City and does cost more.

**The resolution was passed by the board on April 1, 2013.**