

THE BREAKERS

APARTMENT REMODELING/CONSTRUCTION REGULATIONS

This document revises The Breakers' Apartment Remodeling/Construction Regulations (containing eight (8) pages) and was approved by the Board on May 8, 2023.

REFERENCES

- A. **THE BREAKERS REMODELING/CONSTRUCTION REGULATIONS** – May 9, 2022
- B. **DECLARATION OF CONDOMINIUM OF THE BREAKERS** – executed January 16, 1981, and filed of record January 29, 1981, at Volume 19, Page 952, et seq. of the Condominium Records of Nueces County, Texas
- C. **FIRST AMENDMENT TO DECLARATION OF CONDOMINIUM OF THE BREAKERS** – Executed February 16, 1981, by The Breakers Joint Venture and filed of record on the 29th day of January, 1981 at Volume 19, Page 952, et seq. of the Condominium Records of Nueces County, Texas
- D. **THE BREAKERS CONDOMINIUMS COUNCIL OF CO-OWNERS BYLAWS** – Approved July 15, 2017
- E. **THE BREAKERS CONDOMINIUMS RULES AND REGULATIONS** – dated April 12, 2022

DEFINITIONS

In accordance with Reference B and C, the following definitions are provided:

Apartment – Shall mean an enclosed space in the building consisting of one (1) room or a suite of rooms, and a balcony designed for independent use as a housing accommodation and designated in Reference B and amended by Reference C.

Condominium Units – Shall mean a separately owned Apartment, together with an undivided ownership interest in the Common Elements as set forth and described in References B and C.

General Common Elements – The General Common Elements consist of the entire property including all parts of the Buildings, other than Apartments, and including without limitation, the following:

1. The Land
2. The foundations, bearing walls and columns, roofs, halls, the facilities for installation of, and the equipment for, central utility services such as power, light, water, and all other like elements.
3. The Common Fund.
4. All other parts of The Breakers, and all apparatus and installations existing in the Building or on the property, for the common use, or necessary or convenient to the existence, maintenance, or safety of the property.
5. Reference C amends Reference B to designate “the balconies on the west side of the three-bedroom condominium units at each end of the project are to be the property of the owners of such condominium units and are not to be considered common elements of the project.”

Limited Common Elements – Shall be the 54 covered parking spaces as designated and assigned in Reference B.

THE BREAKERS

APARTMENT REMODELING/CONSTRUCTION REGULATIONS

REGULATIONS

This document revises Reference A, is in accordance with and complies with References B through E, and sets the standards, regulations, and procedures for remodeling, renovations, and construction within an Apartment of the building owned by The Breaker's Council of Co-Owners (Council), Inc., a Texas non-profit corporation. These forms and regulations replace any previous architectural forms and regulations.

It is the Owner's right to modify their Apartment(s) for their use if such modification does not impact the Common Elements of the Breakers and is performed in accordance with regulations set by the Council's Board of Directors (Board), City of Corpus Christi, and the State of Texas.

This document describes requirements for work performed within the Apartment and the limit of impact (including noise) on the Common Elements. Common Elements include but are not limited to beams, supports, roofs, halls, corridors, utilities, walkways, and the Limited Common Elements. Routine painting and replacing drapes and blinds within an Apartment does not need to be approved before the work begins unless they impact the Common Elements.

Modifications or repairs that require the removal, replacement, changes, or reconfiguration of walls, floors, ceiling, heating and cooling systems, plumbing, or electrical wiring require Board approval in accordance with the procedures outlined in this document. Any other work that could possibly affect the structure of the building, Common Elements (including Contractor equipment located in Common Elements), or potentially affect other Condominium Units shall be submitted to the Building Manager who will determine if Board approval is required or if the proposed work should be reviewed by the Architectural Review Committee (ARC) prior to being submitted to the Board. In accordance with Reference D, the Board shall respond within ten (10) days after the next regular Board meeting, unless additional time is required to obtain professional guidance or recommendations.

For small projects, modifications, or repairs that do not meet the requirements for Board approval, the Owner shall submit page 2 of the INTENT TO REMODEL form to the Property Manager with a full description of what work or repairs are being done within the Apartment. This requirement is to keep the Property Manager fully informed of work or repairs that are in progress in the building to make sure projects are in accordance with regulations and to keep projects from conflicting with others (services shut off, etc.) – for the safety of Owners and property. If the Property Manager determines the proposed work meets the requirements for Board approval, the Owner will be notified, and the appropriate forms must be submitted to the Board and approved prior to moving forward with the proposed work.

Only Texas-licensed and insured Contractors (when required) registered to do business shall be utilized to perform remodeling/construction by the Owner. Prior to work commencing, the INTENT TO REMODEL form, which requires a certificate of insurance from the contractor, shall be submitted to the Board via the Property Manager. After review, the Board will approve or disapprove the proposed project. If the work is disapproved, the Owner will be provided with the reason(s) for disapproval and a possible recommendation on what can be altered to gain approval. Owners wishing to remodel or renovate their Condominium Unit without using a licensed contractor are bound by all regulations that apply to General Contractors or Sub Contractors as outlined in this document and as required by the city of Corpus Christi and the State of Texas. Owners wishing to do work themselves with no outside workforce (contractors, repairmen, handymen, temp laborers) must apply to the Board for approval using the procedure and documents outlined in this document, the same as hiring a contractor. This shall be noted on the INTENT TO REMODEL form in the contractor section and the Description of Work.

The Contractor and Owner must initial each rule. The General Contractor is responsible for ensuring all Sub Contractors and workers abide by these regulations.

THE BREAKERS

APARTMENT REMODELING/CONSTRUCTION REGULATIONS

The Owner shall be responsible for the cost of resolving any issues impacting the Common Elements or other Condominium Units, such as electrical, plumbing, structural, or cosmetic problems, during or after the remodel/construction of the Unit.

The Owner shall also be responsible for the expense incurred for removing demolition material or cleanup of the common areas, which may become necessary as the work progresses. The Council will charge the Owner these costs of impact, if any.

PRIOR TO COMMENCING CONSTRUCTION, THE OWNER MUST:

1. Owner and Contractor shall complete, initial, sign, and submit one (1) copy of the INTENT TO REMODEL form. Drawings may be required to convey the intent of the remodeling. The completed INTENT TO REMODEL form will be kept on file in the Manager's Office.
2. The cost to file with the county will be the owner's responsibility.
3. The Owner shall submit a \$500 Compliance deposit to the Association if required. The deposit will be refunded at the completion of the project based on compliance with the terms of the remodeling policy.
4. All General Contractors, Subcontractors, or Vendors who will be performing work on the property must have proper insurance and are at minimum required to have one million dollars (\$1,000,000) in general liability insurance. The Council must be listed as an additional insured with wording spelled out on the certificate and must have valid/current policy dates. This is a requirement of the Council's insurance policy and cannot be waived.
5. Submit plans to the Corpus Christi Development Services Department if required.
6. Receive permit(s) issued from the Corpus Christi Development Services Department if required. Issued permits will be kept on file in the Property Manager's office.
7. Ensure that the General Contractor meets with the Property Manager to review the Renovation Regulations if there are questions or concerns.
8. All communications and required paperwork will be coordinated through the property manager's office and staff.
9. The Owner and Contractor shall update the Property Manager on any changes to the project scope, timeline, or issues that may impact the property.
10. Additional specific rules are outlined within the Intent to Remodel form, which must be completed and approved before starting any work.
11. Small projects that would not require the \$500 deposit must still be submitted to the Property Manager and in some cases reviewed by the ARC.

**THE BREAKERS
INTENT TO REMODEL FORM**

This form must be completed, initialed, signed, and provided to the Property Manager and approved by the Board prior to beginning any renovation. If it is determined by the Board that a \$500.00 (Five hundred dollars) Compliance Deposit is required, the deposit will be charged to the Owner once the project has been approved and must be paid to the Property Manager prior to beginning the project.

The deposit will be held until the project is complete and has been inspected by the Property Manager. Any damage to the Common Elements, Limited Common Elements, or other Condominium Units will be corrected to the same or better condition as existed prior to the commencement of the construction. These repairs must be made upon completion of the renovation and will be coordinated and supervised by the Property Manager.

The deposit will be held until repairs are complete and will be used to pay for repairs needed to the Common Elements or other Units. The Owner will be assessed in the case there are any additional charges.

ALL FIELDS ARE REQUIRED

Name: _____ **Unit #** _____

Phone: _____ **Email:** _____

Building Permit Numbers: _____
(To be provided when obtained)

Contractor: _____

Address: _____

Phone: _____ **E-mail:** _____

On-site Contact Name and Phone: _____

TOTAL VALUE OF WORK: _____

\$500 Deposit Required: _____

Contractor's Certificate of Insurance No: _____

Start Date: _____ **Estimated Completion Date:** _____

**THE BREAKERS
INTENT TO REMODEL FORM**

Description of Work to be accomplished (Fill in below and/or attach additional sheets as needed):

THE BREAKERS INTENT TO REMODEL FORM

Permits Must Be Obtained if required by Corpus Christi Development Services Department.

Each regulation below must be initialed by the Owner and Contractor:

____ ____ We recognize that the interior of your apartment is yours to do with as you choose, but keep in mind that behind the drywall is the common area of the building. There could be wiring and plumbing connected to and affecting other homeowners in the building. New electrical and plumbing locations required permits.

____ ____ In all units there are load-bearing walls, they may not be removed, as this would affect the structural integrity of the building. Removing or adding walls requires a permit.

____ ____ For renovations requiring permits: permits will be obtained by either the contractor or the Owner. Project approval by the Board does not mean permits are not required and all projects must be reviewed by Corpus Christi Development Services for permit issues.

____ ____ If there are insurance claims resulting from unit remodeling/construction activity and there is no evidence of work permits and inspections as the work progresses, the insurance claim could be denied, and any damages caused will be the responsibility of the unit owner.

____ ____ In general, permits must be obtained when adding or moving plumbing, fixtures (not replacing fixtures), adding or moving electrical fixtures (not replacing fixtures), moving walls, or replacing windows. For a complete list of projects that require permits, check with the Corpus Christi Development Services Department. Copies of all building permits shall be provided to the Property Manager.

Contractors

____ ____ All Construction and improvements of any kind shall be performed only by contractors licensed by an authority recognized by the State of Texas and registered contractor in Corpus Christi as required. All such contractors shall have liability and worker's compensation insurance (as required by law) and shall provide proof of such insurance to the Council prior to the commencement of any work on the property. The Property Manager or Board may halt any work in progress if proof of current liability and worker's compensation insurance applicable to such work is not on file with the Property Manager. All General Contractors, Subcontractors, or Vendors who will be performing work on the property in any way are required to have proper insurance and are at minimum required to have general liability insurance. The Council is required to be listed as an additional insured with that wording spelled out on the certificate and must be valid/current policy dates. This is a requirement of the Council's insurance policy and cannot be waived.

____ ____ Oversight of the project is the sole responsibility of the Owner or Contractor, and NOT that of the Council, ARC, Board, or Property Manager.

THE BREAKERS
INTENT TO REMODEL FORM

____ ____
Prior to beginning construction, the Owner/General Contractor may meet with the Property Manager to review the renovation regulations and to determine where on the property materials and equipment can be unloaded, where on the property construction vehicles can drive, and where construction vehicles can park. This includes where a dumpster or a Port-a-John, may be placed.

____ ____
All Contractors hired by Owners MUST be respectful to the Property Manager, staff, Owners, guests, and tenants. Any infraction of this rule will cause the contractor to be removed from the property and not be allowed to re-enter. Should this situation occur, the Owner of the unit will be contacted immediately so that their Contractor or Subcontractor can be replaced.

____ ____
All Subcontractors must be licensed in the state of Texas and must adhere to all terms and conditions as outlined for Owners and General Contractors.

____ ____
Any rule stated for Contractors, except for the requirements to be on-site daily, will apply to Subcontractors.

____ ____
The Owner is responsible for all actions of the General Contractor and the Subcontractors.

Utility Interface

____ ____
The Owner is responsible for any damage to utilities (water, sewer, gas, electrical, telephone, cable, or internet).

____ ____
In the event access to any other Apartment is required to locate utilities, the Owner of the unit under renovation shall obtain written consent of the Owners of the Apartment to be accessed and provide that written permission to the Property Manager.

____ ____
When renovating bathrooms and kitchens, the Owner shall install integral stops (valves) for all baths, showers, toilets, and sinks. If the existing condition includes integral stops, these must be replaced in their existing location. Management must be contacted when this is done so the installation can be verified.

____ ____
When renovating bathrooms, if penetrating walls, the Owner shall replace or rebuild the shower valve. Management must be contacted when this is done so the installation can be verified.

____ ____
If the shutoff of any utility is required; at least 48 hours prior notice must be given to the Property Manager to allow for a 24-hour notice to building occupants.

____ ____
The shutoff of any utility will be coordinated by the Property Manager's staff schedule.

THE BREAKERS INTENT TO REMODEL FORM

Window Replacement

___ ___ All full-frame window replacements require a building permit.

___ ___ Replacement windows shall be horizontal roller style with plain clear or tinted glass, no design work, frosted, rippled, bubbled glass, grids, etc. Frames shall be aluminum or vinyl and white in color. The window style shown (on the right) is an example of an approved style of window that can be used for the replacement of existing windows.



Replacement windows shall:

___ ___ be the same size dimensionally as the old window and fit in the original window opening without modification to the existing building structure.

___ ___ have low E coating and be Energy Star approved.

___ ___ be warrantied for hurricane impact, certified for residential use, and be windstorm certified with a copy of the certification filed with the Building Manager.

Sliding Door Replacement

___ ___ Shall follow the same rules as window replacement.

Front Entrance Door Replacement

___ ___ Shall be of solid construction (no windows), painted to match the Breakers' door colors.

___ ___ Shall be warrantied for hurricane impact, certified for residential use, and be windstorm certified with a copy of the certification filed with the Building Manager.

Storm Door Installation or Replacement

___ ___ Storm doors shall be full view or split view with no kick plate on the bottom. The glass shall be plain clear glass, no design work, frosted, rippled, bubbled glass, grids, etc. Door frames shall be aluminum or vinyl and white in color. The door styles shown (right) are examples of approved styles of storm doors that can be installed or used for the replacement of existing storm doors.



THE BREAKERS INTENT TO REMODEL FORM

Breezeway Doors (Stacks 1 and 6)

____ Breezeway doors shall be constructed of aluminum or steel with metal frames and expanded metal screen integrated into the door or no screen to allow sufficient airflow.

____ The breezeway opening is to be properly framed for door installation. Doors are not to be attached directly to the concrete structure.

Storm Shutters

____ Shall be of the accordion or roll-up design.

____ Shall be beige in color, as close to the color of the building as possible.

____ Shall be warranted for hurricane impact, certified for residential use, and be windstorm certified with a copy of the certification filed with the Property Manager.



Flooring Replacement

____ Floor coverings for the balconies are not allowed.

Construction Debris

____ The General Contractor/Contractor will provide a dumpster (or trailer) for construction debris or take all construction debris to the landfill on a daily basis. No construction waste may be placed in the on-site dumpster at the complex.

____ All construction debris will be placed in the dumpster (trailer) immediately. Any construction debris found in The Breakers trash dumpsters will cause a fine to the Owners pursuant to the Breakers Covenant and Rule Enforcement Policy.

____ The location of the dumpster (trailer) will be coordinated with the Property Manager.

____ The dumpster (trailer) will be emptied when full.

____ No construction debris will be left in the hallways, stairwells, or outside the building at any time.

____ Any dust or debris that is tracked into the General Common area, including halls, elevators, breezeways, and lobbies, will be cleaned up at the end of each day by the contractor. Any dust or debris left in the general common areas overnight will be cleaned up by Property Manager Staff and a fine charged to the Owner pursuant to the Breakers Covenant and Rule Enforcement Policy.

THE BREAKERS INTENT TO REMODEL FORM

General Construction Rules

- ___ ___ Any renovation must comply with all Corpus Christi Development Services Department requirements, standards, and building codes, as well as all Federal and State requirements.

- ___ ___ General Common Elements (hallways, stairwells, lobbies) and other Condominium Units must not be affected by the renovation.

- ___ ___ Construction may only take place between the hours of 8:00 a.m. to 6:00 p.m., Monday through Friday. If extended hours are needed, please contact the Property Manager.

- ___ ___ All construction must be conducted inside the affected unit. For work outside the building, the contractor must coordinate the location with Property Management.

- ___ ___ All equipment, supplies, tools, etc. required for the renovation must be stored within the condominium unit or off-site.

Exterior Projects

- ___ ___ The exterior of the Condominium Units and all other areas appurtenant to a Condominium Unit, including balconies, shall not be painted, decorated, or modified by any Owner, in any manner without prior written consent of the Board, which consent may be withheld on purely aesthetic grounds within the sole discretion of the Board.

Damage to Property

- ___ ___ Owners are financially responsible for all repairs of damage caused by the construction to any part of the property and for any reconstruction required to restore General Common Elements, Limited Common Elements, other Condominium Units, and /or the Grounds.

 - ___ ___ The Property Manager will be responsible for coordinating repairs to ensure the repairs are done properly and in a timely manner. Reconstruction will be in the same or better condition than prior to the commencement of the construction, upon completion of improvements to the property.
-

**THE BREAKERS
INTENT TO REMODEL FORM**

I understand that any violation of the agreement or rules listed above will result in a minimum of \$100.00 fine which will be deducted from the compliance deposit. There will be no additional written warnings as this document serves as a written warning of the rules. After fines and any changes for damages are deducted, the balance of the compliance deposit will be refunded within 30 days of receipt of a Final Inspection Sign-off provided by the Owner from the Corpus Christi Development Services Department and the issuance of a Certificate of Occupancy from the Corpus Christi Development Services Department, should the renovation be extensive enough to require a building permit and final inspection of the Property Manager. Any General Contractor or Subcontractors that violate these rules may be banned from further work at The Breakers.

Should the construction initiated by the Owner result in any additional costs to the Council beyond the compliance deposit, the Council reserves all rights available to remedy the situation.

The above document is read, understood, and agreed to by:

Print Name: _____ **Unit Number:** _____

Signature: _____ **Date:** _____

Print Name (Contractor): _____

Address: _____

Phone: _____

Signature: _____ **Date:** _____