

SUPPLEMENTAL RESOLUTION TO SEWER MAIN EXTENSION NO. 5

RESOLUTION relative to a supplemental assessment of benefits pursuant to the Resolution for Sewer Main Extension #5 adopted by the East Lyme Water and Sewer Commission on April 28, 2009, (hereinafter the “**Resolution**”) in connection with various properties located in the Town of East Lyme, Connecticut, establishing the due date of said assessments, providing for installment payments of assessments and interest thereon:

WHEREAS, the East Lyme Water and Sewer Commission, the statutory municipal Water Pollution Control Authority existing under the laws of the State of Connecticut within and for the Town of East Lyme, has heretofore adopted a Resolution relative to the assessment of benefits for public sanitary collection sewers installed in the Town of East Lyme; and

WHEREAS, said Resolution provides that assessments may be deferred until approval of a subdivision plan for excess property by the planning commission, at which time assessment shall be made in accordance with the terms of said Resolution; and

WHEREAS, the properties hereinafter specified are subdivided portions of a tract known as “**The Orchards at East Lyme**” for which a subdivision plan has been approved by the planning commission and which is on file with the Town of East Lyme; said portions being designated as **Phase I and Phase III** on a map or plan entitled “Orchards at East Lyme Phase Plan Prepared for Prestige at East Lyme, Connecticut, July 17, 2006, Rev. 12-06-07, Sheet 1 of 11, Gerwick-Mereen, LLC Civil Engineering and Land Surveying;” and

WHEREAS, the owners of houses, buildings, units of a common interest community or other structures used as residences and located on the parcels of land below are required to connect said houses, buildings, units and structures to the sewer, at their own expense; and

WHEREAS, it is the intention to levy supplemental assessments upon said properties in accordance with Section 7-249 of the Connecticut General Statutes and the Resolution.

NOW THEREFORE, BE IT RESOLVED by the East Lyme Water and Sewer Commission as follows:

1. The owners, properties and the amounts of the assessments hereby levied upon said properties are set forth on **Schedule A** attached hereto.

2. The obligation to make payment of the benefit assessment, and the interest thereon, shall not accrue until such time as the owners connect to the sewer. Said assessment shall be due and payable at the time when the owners connect to the sewer. The owners may pay the entire amount of the assessment in full on or before the date of connection without interest or pay said assessment by installment payments

made in accordance with Paragraph 3 hereof.

3. If the election is made to pay said assessment by installment payments, installment payments of the assessment for each property shall be made in substantially equal annual installments, the first installment to be due and payable **April 1, 2010**, and each subsequent payment of an installment to be due and payable on or before April 1st of each year, and the final payment shall be due and payable no later than **April 1, 2024**. Payments shall be made payable to the order of the Treasurer of the Town of East Lyme. Notice of installment payments will be recorded on the East Lyme land records as provided by the Connecticut General Statutes.

Notwithstanding any other provision herein, if any portion of any installment, including accrued interest, has not been paid by the first anniversary date after such installment was due and payable, then the entire principal sum of the assessment, together with all accrued interest, shall become due and payable.

4. That interest at the rate of **five percent (5%)** per annum on the unpaid balance of the assessment shall be due and payable at the time of the payment of each installment provided for in paragraph 3 above. Any person may pay an installment or installments for which he is liable at any time prior to the due date thereof.

5. That the assessment or any installment thereof, if not paid within thirty (30) days after the due date, shall be delinquent and shall be subject to interest from such due date at the rate and in the manner set forth in the Connecticut General Statutes for delinquent property taxes.

6. That each installment of interest shall be collectible as part of such assessment.

7. That any delinquent assessment or delinquent installment of any assessment and any interest due thereon shall constitute a lien against the real estate against which the assessment was levied from the date such levy became due. Each such lien may be continued, recorded and released in the manner provided by the Connecticut General Statutes for continuing, recording, and releasing real property tax liens. Each such lien shall take precedence over all other liens and encumbrances except taxes and may be foreclosed in same manner as real property taxes.

BE IT FURTHER RESOLVED, that the assessments of benefits stated herein and in the public record of the Water and Sewer Commission of the Town of East Lyme should be deemed duly and legally made. Notice shall be published listing the proposed properties against which benefits have been assessed, with the amount to be paid by the Owner(s) and a notice of the date when assessments become due and payable. A copy of the assessment of benefits shall be mailed to the Owner(s) of each property affected thereby in accordance with the Connecticut General Statutes.