

AN ACT INCORPORATING THE LAKE GARDA IMPROVEMENT ASSOCIATION

House Bill No. 992

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. All owners of dwellings or other real estate specifically located within the limits hereinafter specified in the locality known as Lake Garda in the Towns of Farmington and Burlington, are constituted a body politic and corporate by the name of The Lake Garda Improvement Association.

Section 2. The limits and territory of said Association are defined and established as follows:

All that land located in the Towns of Farmington and Burlington delineated and described on a certain map entitled "Map of property sold by Lake Garda Company, Inc., to Ron-Day, Inc. Revised May 1936 Scale 1" equals 200 feet," certified by Merton Hodges L.S. No. 303, and revisions thereof, and on file in the town clerk's office in the respective Towns.

The limits and territory of said Association may be extended at any time so as to include any land in the Towns of Farmington and Burlington within 500 feet of the above described land upon written application of the owner or owners of such other land, in an instrument describing the game and the terms of such proposed annexation, provided such application shall be accepted by two-thirds vote of the members present or represented at any annual or special meeting of said Association. If such application shall be thus accepted it shall be inscribed upon the records of said Association and recorded in the Land Records of the Towns of Farmington and Barrington and thereupon such other land shall be incorporated within.

Section 3. The objects of said Association shall be to provide for (A) The improvement and management of the community property; (B) The regulation of development of the lands in said territory; (C) The health, comfort, protection, convenience and enjoyment of the inhabitants thereof; (D) The enactment and enforcement of reasonable by-laws, rules and regulations to accomplish such provisions.

Section 4. All owners of real estate within the limits described in Section 2 hereof and all persons who shall, after this act shall take effect, own any real estate within said limits, except as hereinafter stated, shall be members of said The Lake Garda Improvement Association, and shall be entitled to vote in any meeting of said Association.

Section 5. Said Association shall continue to hold an annual meeting in October on a date and at a time and place to elect both a slate of officers for the next twelve months and to fill any expired or open positions on the board of directors and to conduct any other lawful business as needed. All officers and directors shall be board members. The board of directors shall determine the time and place of said meeting. A notice of such annual meeting or any special meeting shall be mailed at least fourteen (14) days before such meeting to all members at their property address located in the territory of the Association or at such alternative address as any member may provide in writing to the tax collector. Special meetings may be called by a majority of the directors or upon petition presented to the board by at least ten (10) percent of the members. The

Association shall be governed by a board of eleven directors. Five of the board members shall be officers: president, vice president, secretary, treasurer and tax collector and they shall serve terms of one year as officers and until their successor is appointed. The board of directors, with all directors who hold an officer position abstaining, shall each year set the compensation of such officers. The remaining six directors shall be elected for a term of three (3) years and until their successor is elected with two directors being elected at such annual meeting in accordance with the staggered terms of the (2) directors elected each year. Any vacancy in the positions of officers or directors occurring prior to the end of the applicable term shall be filled by the board of directors to serve for the remaining portion of that term. All voting for the positions on the board of directors and for officers shall require for affirmation a majority vote of those members present or represented. The number of officers and directors, their terms, the procedure and method used to provide notice to members of meetings and the date of any meeting may be modified by the majority vote of members and set forth in the by-laws of the Association.

Section 6. Said Association may exercise all of the powers herein granted to it and such power as are necessarily incidental thereto by the adoption of by-laws adopted by the majority vote of two members present or represented at annual or special meetings as provided in section 6 and by said by-laws said Association may vest the executive powers and duties of the Association in the governing board of directors and authorize such board of directors to enact and enforce reasonable rules and regulations consistent with sections 3 & 7.

Section 7. The Association shall have the following powers: (A) to construct, maintain, repair and replace walks, bridges, roads, dams, beaches, floats, drains and sewers upon land owned by the Association and upon the private property of the members thereof to an extent agreed upon by said Association and any such member or to any extent any such land has been condemned as hereinafter provided; (B) to appoint watchmen; (C) to prescribe fines and penalties for a violation of any such by-law, regulation and ordinance not exceeding three times the annual assessment for any one offense and such penalties may be recovered in any proper action brought for that purpose in the name of the Lake Garda Improvement Association before any court having jurisdiction for the use and benefit of said Association; (D) to enforce reasonable sanitary regulations approved by the health officers of the respective towns of Farmington and Burlington; (E) to reasonably regulate fishing; (F) for the preservation of the public peace to make reasonable regulations as to the use of the bathing beaches, club house, floats, common roads and all other real and personal property located within said territory; (G) to prevent deposit upon property within the limits of said Association of refuse garbage or waste material of any kind, which, in the opinion of said Association may endanger the public health or safety or become a nuisance; (H) to purchase, lease, acquire, sell, mortgage, hold or own such real and personal estate as its purpose may require.

Section 8. When in the exercise of such powers, the land of any member shall be taken or an involuntary servitude created thereon and the damages therefore shall not be agreed upon by the parties, the Association shall choose a disinterested party, the member shall choose a disinterested party and they shall choose a third disinterested party, who shall hear the parties and their evidence and determine the damage, if any, from such operation and report the same to the treasurer who shall immediately notify the property owner. Upon the payment by the corporation of any amount so found, the right of such land or such servitude shall vest in the corporation. Within ten days from the receipt of such notice the property owner may appeal to the Superior Court for the County of Hartford upon the right of the corporation to such land or to

such servitude and the amount of damages therefore and the Superior Court may determine such cause as may to justice and equity appertain.

Section 9. Said Association shall have the power, for the purposes of apportioning among all owners of land or other real property the cost or expense of exercising the powers granted by this act, to lay and collect an annual assessment which may be levied by the directors during the month of April in each year, and which shall be an assessment equal as to rate upon all owners of record of any land within said territory on the first day of October in each year, but joint owners of the same land shall be considered as one owner for the purposes of such levy. Such assessments shall be due and payable on May 15th in each year. The directors shall provide the Tax Collector of said Association a rate book setting forth all necessary information concerning such assessment of the members, which Tax Collector shall have the same powers and duties as have Tax Collectors of the respective Towns of Farmington and Burlington with respect to the collection of taxes. If such assessments and forfeitures are not paid within thirty days after their due date, they shall be then due without demand with interest at the statutory rate applicable for delinquent taxes in the state of Connecticut from their due date. They shall constitute a lien without record upon all real estate owned of record by the person upon whom levied within the limits of the territory of said Association, and if not paid within sixty days after their due date such real estate shall be liened by the Tax Collector in a manner similar to that provided by law for tax liens upon real estate, and any such lien shall have precedence over all other liens except those for States, County and Town Taxes.

Passed by House April 7, 1943.

Passed by Senate April 14, 1943.

Approved by members at meeting held April 18 1949.

Extension for tiling certificate of organization granted by
Substitute for House Bill 1350.

Special Act 115 approved May 26, 1949.

Certificate of Organization filed July 27, 1949 and certified by
Secretary of State of Connecticut July 28, 1949.

Amended

1951 H.B. #1388

1953 H.B. #153

1953 Special Act #121

1955 H.B. #968

2003 S.B. #52

