

INCORPORATION

SPECIAL ACT 156 – AN ACT CONCERNING INCORPORATING OAK GROVE BEACH COMMUNITY ASSOCIATION, INC.

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

Section 1. The owners of record of any land within the territorial limits specified in Section 2. Of this Act, in the locality known as Oak Grove Beach in the Town of East Lyme shall together be, while they continue to be owners of such land, a body politic and corporate by the name of Oak Grove Beach Community Association, Inc., and by that name they and their successors shall be a corporation in law with all the rights, powers, privileges and duties of a non-stock corporation in accordance with the general statutes, and the said corporation shall be vested with and may exercise the special powers herein after set forth and shall be located in the Town of East Lyme.

Section 2. The territory of said community association shall be that part of the Town of East Lyme known as Oak Grove Beach, East Lyme, Connecticut, together with the open spaces, ponds, water front lands and beach areas along the mean high-water line of Long Island Sound, the boundaries of said territory being as more particularly shown and described in the map entitled "Oak Grove Beach, east Lyme, Conn. Owned and Developed by Oak Grove Beach, Inc. New London, Conn. Ernest L. Desheby, E, New London, Conn. Scale 1" = 50' Oct. 1927" which map is on file in the Town Clerk's office in the Town of East Lyme in map Book II at page 21, and all of said open spaces, land, adjacent ponds and waters and beach areas as shown on the said map and included within the original layout of this locality, with the improvements thereon, shall be the territory of the said community association.

Section 3. The object and purpose of said association shall be to provide for the preservation, maintenance, improvement and development of the open spaces, land, adjacent ponds and waters and beach areas of the said territory as a residential community, and to promote the health, safety, welfare, protection, education, enjoyment, recreation comfort and convenience of all the owners of record of any land within the territorial limits and the inhabitants thereof.

Section 4. All such owners of record, while they continue to own land within said territorial limits, shall be members of Oak Grove Beach Community Association, Inc., and only such owners of legal voting age shall be entitled to vote at any meeting and to hold any office in the said association. If any owner of record is under the legal voting age, his natural guardian or other legal representative of voting age shall be entitled to vote in his behalf at any meeting and to hold any office in the said association. If any owner of record is a corporation, it shall be entitled to one vote at any meeting to be cast only by a person of legal voting age and duly authorized in writing, and only a duly elected or appointed officer of such corporate member shall be eligible to hold any office in the community associations, provided, not more than one such representative of a corporate member shall be eligible to be a director of the said association. All owners of record fractional or undivided interests in any land shall be entitled collectively to one vote at any meeting to be cast as the majority in interest shall determine, and each such owner shall be eligible to hold any office in the said association, provided, not more than one of such owners of fractional or undivided interests in any land shall be eligible to be a director of the community association. If any husband or wife of any owner of record is of legal voting age, such person shall be entitled to one vote in behalf of such spouse at any meeting and shall be eligible to hold any office in the said association, provided, not more

than one of such spouses shall be eligible to be a director of the community association. No member shall have more than one vote.

Section 5. No part of the said corporation's income is distributable to its members, directors or officers, and the said community association shall not have or issue shares of stock or pay dividends. The said corporation shall be the successor to The Oak Grove Beach Association, Incorporated, a nonprofit corporation heretofore organized and existing under the general statutes, and the group of persons vested with the management of the affairs of the latter association shall effect a statutory merger with and into Oak Grove Beach Community Association, Inc., which shall be the surviving corporation.

Section 6. The incorporators of Oak Grove Beach Community Association, Inc., are Barbara Burnham, John Capponi, Jesse Clement, Marshall Ginther, Clinton Leslie, William Pfanensmith, Henry Spencer, James Stevens and Ernest Sunega, all of the Oak Grove Beach section of the Town of East Lyme. The organization meeting of the incorporators and the members of the community association shall be held not later than August 31, 1969, in the Town of East Lyme. A majority of the incorporators shall have power and authority to warn and call the organization meeting of the community association for the purpose of approving this act in accordance with the provisions of Section 14 of this act, and for the purpose of electing a board of nine directors and of adopting bylaws. Three directors shall be elected to serve for a period of three years, three directors shall be elected to serve for a period of two years, and three directors shall be elected to serve for a period of one year. At every annual meeting thereafter the successors to the member of the board of directors whose terms expire that year shall be elected to serve for a period of three years each. Any member of said board who ceases to have membership in the community association within the meaning of this act shall automatically cease to be a member of the board of directors. Any member of the board of directors who holds such office by reason of his spouse, child or ward being a member of the association within the meaning of this act shall automatically cease to be a member of the board of directors if such spouse, child or ward cease to have membership of the community association.

Section 7. Every member or other person entitled to vote at any meeting for the election of directors shall have the right to cumulate his votes by giving one candidate as many votes as the number of such directors multiplied by his vote equals, or by distributing such votes on the same principle among any number of such candidates, on the condition, however, that such member or other person entitled to vote for directors at such meeting has delivered to the said community association not less than forty eight hours before the time fixed for the meeting a written notice stating that such member or person intends to cumulate his votes at such a meeting.

Section 8. Written notice of the time and place of the organization meeting shall be signed by any three of the incorporators, and said notice shall be posted upon the public signpost within the territorial limits of the community association or upon the public signpost in the Town of East Lyme at least ten days before day of such meeting. Written notice shall also be mailed, postage prepaid, at least ten days before such meeting to each other incorporator and to each owner of record of any land within the territorial limits of the community association at his last-known address. Unless otherwise entitled to such notice and to vote at the organization meeting, written notice shall also be mailed, postage prepaid, at least ten days before such meeting, to each member of The Oak Grove Beach Association, Incorporated, entitled to vote for the election of the group of persons vested with the management of the affairs of the said association, at his last-known address, and such other members shall be entitled to one vote at the organization meeting of the community association to be cast only for or against approval of this act.

Section 9. The community association shall have all powers specially granted to it by this act and all other powers of a nonprofit corporation for the conduct of its affairs according to law.

In addition, the community association shall have power to enact bylaws and ordinances and make reasonable rules and regulations in respect to the use by the members of its beach areas, water fronts, ponds, open spaces and other real or personal property of the association. The community association shall also have power to enforce any express or implied restrictive covenant or other valid restriction contained in or imposed by the deed or other contracts for the benefit of all land and all the owners of record in any land within the territorial limits, under and by virtue of which any person, firm or corporation owns or has the possession of any property, whether real, personal or mixed, or imposed by any general statute or common law of Connecticut or by any ordinance or regulations of the Town of East Lyme, and to enforce any right in the nature of an equitable easement for the benefit of all land in the territory and all owners of record of any land, and to seek damages, injunctions and any other legal or equitable remedy and relief in the name of the said community association for any violation thereof within then territorial limits of the association.

Section 10. The fiscal year of the community association shall be from the first day of June in one year to the thirty first day of May in the succeeding calendar year, both dates inclusive. The association shall have the power to lay an annual tax at a rate not exceeding five mills on the dollar upon all real estate, including the buildings and improvements thereon, within the territorial limit of the association, which tax shall be assessed against the record owners of such real estate on the first day of April in each year. When the title of any property has changed between the tax day and the date of laying such tax, such real estate may be listed in the name of the record owner at the time of laying the tax. The secretary of the community association shall on or before the first day of May in each year make an assessment list of all the real estate within the limits of the association, including the buildings and improvement thereon, as shall appear in the last real estate assessment list of the Town of East Lyme, and such assessment list shall correspond in description, amount and value with the said town list last prepared and as revised prior to the first day of April of each year. No real property or any part thereof within the territorial limits of the community association shall be exempt from taxation herein specially authorized, and no member whose property is otherwise entitled to one or more exemptions from taxation under the general statutes in respect of the property tax assessed by the Town of East Lyme shall claim any exemption in the assessment list of the community association. The secretary of the association shall thereupon return such list, duly signed and sworn to by him, to the board of directors of the community association, and such list, upon acceptance by a majority of the board of directors present at a meeting of the said board duly warned and called for such purpose, shall be and constitute the assessment list of the association for the ensuing year and such assessment list shall be open to inspection by any member of the community association or his duly authorized agent. Any person, firm or corporation claiming to be aggrieved by the doings of the secretary or by the action of the board of directors may, within two months from the time of acceptance of such assessment list, make application, in the nature of an appeal there from, to the court of common pleas of the county of New London in the same form and manner as is provided by the general statutes for an appeal from the action of the board of tax review in any town or city. The rate of the special real estate tax of the community association, to be laid and collected for the ensuing year, shall be established at the annual meeting of the association by a majority vote of the members or other persons present and entitled to vote. Written notice of the rate of such tax and the amount thereof, or of the assessment apportioned to each member of the association, shall be sent, postage prepaid, to each member of the association within ten days from the date of the laying of such tax. The tax shall be due and payable in full to the association in a single payment on the same date of the next succeeding month corresponding to that day of the month on which the tax was levied at the annual meeting of the association. If such property tax is not paid in full when due, the whole or such part of the tax as is unpaid shall thereupon be delinquent and shall be subject to interest at the rate of nine per cent per annum from the time when it became due and payable until the same is paid. The tax so established shall be collected by the treasurer of the association or by any collector specially appointed by the board of directors for the purpose. The interest of each member in any item of real estate, which has been set in the assessment list of the

community association, shall be subject to a lien in favor of the association for that part of his taxes laid upon the valuation of such interest as found in such list when finally completed and as such part may be increased by interest, fees and charges. Such lien shall have the benefit of and be governed by all the provisions of the general statutes in respect of municipal tax liens, including the provisions concerning certificates continuing tax liens and foreclosure of tax liens. In addition, the association shall have all the rights, powers, privileges and duties to collect the said property tax in the same form and manner as set forth in the general statutes local levy and collection of taxes, and the said treasurer or collector, for the purpose of collecting the special property tax, shall have all the rights, powers, privileges and duties conferred by the general statutes upon tax collectors for the collection of property taxes levied by any town or city.

Section 11. Upon approval of this act, a majority of the board of directors of Oak Grove Beach Community Association, Inc., shall have power to levy an assessment of ten dollars per member, due and payable in full not later than October 1, 1969, which amount shall be in lieu of the special tax herein authorized to be levied, and said assessment shall be applied to the fiscal year of the association ending May 31, 1970. Written notice of such assessment shall be sent, postage prepaid, to each member of the association within ten days from the date of the laying of such assessment. The community association shall have all the rights, powers, privileges and duties in respect of the collection of said assessment as are provided herein for the collection of the special property tax. Any member of the community association who has paid any dues or assessment for the same fiscal period prior to the merger of The Oak Grove Beach Association, Incorporated, shall be credited with the amount of such payment.

Section 12. If any bylaw or regulation of the community association shall conflict or be inconsistent with any law of the State of Connecticut, or any valid ordinance of the Town of East Lyme, said law or town ordinance shall prevail, provided, if the limits or standards set by any ordinance of the Town of East Lyme are below the limits or standards of a bylaw or regulation of the community association, the bylaw or regulation of the association shall prevail.

Section 13. The invalidity of any section or clause of this act shall not invalidate any other section or clause thereof.

Section 14. This act shall take effect upon its approval by a majority of the combined voting members of Oak Grove Beach Community Association, Inc. and the Oak Grove Beach Association, Incorporated, present at the organization meeting of the said community association, duly warned for such purpose and stating that the question of the approval of this act is to be voted upon at the meeting.

APPROVED BY JOHN DEMPSEY, GOVERNOR, and MAY 12, 1969.

STATEMENT OF PURPOSE: To incorporate all the owners of record of any and in the locality known as Oak Grove Beach in the Town of East Lyme as a nonprofit association with special power to assess and tax all the members within the territorial limits of the association.

AMENDMENT TO CHARTER

SPECIAL ACT 156

MODIFIED SENATE BILL NO. 927

SPECIAL AMENDMENTA PASSED JULY 1974, AT ANNUAL MEETING OF OAK GROVE COMMUNITY ASSOCIATION, INC.

Full membership in the Oak Grove Community Association Inc., hereinafter referred to as "the Association", with its attendant rights, privileges and obligations, is limited to individuals or corporations presently recorded in the records of the Town of East Lyme as owners of a lot or lots within the territorial limits of Oak Grove Beach, and such individuals as may hereafter acquire ownership of such lot or lots. Full membership is limited to the actual owners of such lot, and will not be extended to individual members of any club, corporation or similar organization who are not themselves sole owners of a lot within the said territorial limits, which lot shall be no less in size than the smallest lot now owned in Oak Grove Beach which meets the minimum requirements for granting of a building permit.

The foregoing shall not preclude the granting of membership to joint owners of any lot on which a residence now exists, or on which a residence may be erected in conformity to the zoning regulations of the Town of East Lyme, provided such joint owners are members of the same family or consist of not more than six individuals not related by blood or marriage.

Guest tags are issued to property owners to the extent of 5 per owner (joint owners to be considered as one owner for this purpose). Additional guest tags may be obtained by application to the Board of Directors, or to such individual(s) as may be designated by the board for such purpose, but in no event shall such additional guest tags be granted in excess of 25 for any one occasion, and shall be granted for no more than one day per month for any property owner.

The Board of Directors may, in their discretion, grant access to the beach to any organization or group, not property owners, provided such organization or group agrees to abide by the general beach regulations during such access and use. Such access may be granted free or may be subject to a fee, as determined by the Board of Directors.

RECEIVED FOR FILING
12/2/1975 AT 9 A.M.
TOWN CLERK'S OFFICE
EAST LYME, CONN
Signed
Town Clerk