

AN ORDINANCE AMENDING ARTICLE VI OF CHAPTER 21 OF THE NORWICH CODE OF ORDINANCES BY ADDING SECTIONS 21-135, 21-136, AND 21-137 RELATIVE TO THE EXTENSION OF A WATER MAIN AND OTHER IMPROVEMENTS TO SERVICE PROPERTIES IN THE CITY OF NORWICH, INCLUDING, BUT NOT LIMITED TO, PROPERTIES WITHIN THE COUNTRYSIDE DRIVE ASSOCIATION, AND PROVISIONS FOR THE LAYING OF ASSESSMENTS, ENTERING INTO WRITTEN AGREEMENTS REGARDING SUCH IMPROVEMENTS AND THE PAYMENT, COLLECTION, AND ASSESSMENT LIENS REGARDING THE SAME

NOW THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORWICH, that
Article VI ASSESSMENTS FOR WATER MAINS AND SYSTEMS
contained in Chapter 21 of the Norwich Code of Ordinances be amended by adding sections 21-135, 21-136, and 21-137 as set forth hereinafter.

ARTICLE VI. ASSESSMENTS FOR WATER MAINS AND SYSTEMS

Sec. 21-135. Countryside Drive Association community well system.

- (a) Notwithstanding Sections 21-131 to 21-134 of the City of Norwich Code of Ordinances, the purpose of Sections 21-135 to 21-137, inclusive, is to provide for (i) the levying of assessments upon properties in the City of Norwich (including, but not limited to, the original 17 properties within the Countryside Drive Association) which are benefitted by the extension of a water main beginning on Lawler Lane from the existing Norwich Public Utilities water main on Canterbury Turnpike and Lawler Lane, which water main will continue on Sunrise Street and Evergreen Street and loop back onto Canterbury Turnpike (together with lateral extensions to individual curb valves), (ii) the levying of assessments upon properties in the Countryside Drive Association which are benefitted by the extension of service lines from the new water main to the premises currently served by the failing and to be abandoned Countryside Drive Association community well system, and (iii) the methods of payment and other terms and conditions of such assessments, all in accordance with and subject to the limitations set forth in Section 7-137c of the Connecticut General Statutes.*
- (b) The cost of the construction and installation of the new water main which will be assessed to the properties able to be served by said system in the following manner:*
- i. The final cost of the new water main extension and expenses incidental thereto, including engineering, inspection and other professional fees and interest, less any federal or state grants received by the City of Norwich or Norwich Public Utilities in connection with the construction and installation of the new water main extension, shall be divided equally among the original 17 properties within the Countryside Drive Association to initially be served by the system.*

- ii. *Said assessments shall be paid by the property owners in one of two following ways: (1) payment in full within 30 days of the first billing; or (2) payment over a period of twenty (20) years in two hundred and forty (240) equal monthly installments plus interest of 2.00%.*
- iii. *If additional properties connect to the new water main extension during the assessment payment period, such additional properties may be assessed by the board of public utilities commissioners based on the special benefits accruing to the properties and any additional costs incurred by the department of public utilities relating to such connection. The board of public utilities commissioners shall determine the amount of any assessment, the methods of payment (including any installment payments), and the due dates for such assessments. The department of public utilities shall send written notice to the owner of such properties, which notice shall describe any proposed improvements, set forth the preliminary cost estimate of the improvements and be accompanied by a form prepared by the department of public utilities on which the owner shall indicate whether the owner is willing to share in bearing the cost of such improvements and which the owner shall return to the department of public utilities within 10 days of said notice.*

(c) The cost of the construction and installation of the service lines beginning at the curb valves and extending to the outside of the foundation wall of the 17 properties currently served by the failing and to be abandoned Countryside Drive Association community well system will be assessed to such properties in the following manner:

- i. *The final cost of the service lines and expenses incidental thereto, including engineering, inspection and other professional fees and interest, less any federal or state grants received by the City of Norwich or Norwich Public Utilities in connection with the construction and installation of the service lines, shall be divided equally among the original 17 properties within the Countryside Drive Association to initially be served by the system.*
- ii. *Said assessments shall be paid by the property owners in one of two following ways: (1) payment in full within 30 days of the first billing; or (2) payment over a period of twenty (20) years in two hundred and forty (240) equal monthly installments plus interest of 2.00%.*

Sec. 21-136. Countryside Water System - Notice.

Prior to the commencement of any construction, the Norwich Public Utilities will enter into a written agreement with each of the owners of the original 17 properties within the Countryside Drive Association to initially be served by the Countryside water system, which agreement shall describe the proposed improvements, set forth the preliminary cost estimate of the improvements, and provide for the property owner's agreement to share in bearing the cost of such improvements. After all such agreements are signed and returned to Norwich Public Utilities, the department of public utilities shall proceed forthwith with such project and the assessment of same upon completion. In the case of any conflict between the agreement and this Ordinance, the agreement shall control.

Sec. 21-137. Countryside Water System - Collection and liens.

- (a) *All assessments for the Countryside water system which are levied shall become a debt due from the property against which they are assessed, to the board of public utilities commissioners, and may be, in addition to other remedies provided by law, recovered by any proper action in the name of such board.*

- (b) *Any real estate against which the Countryside water system assessment has been levied shall be subject to a lien for the amount of such assessment, as provided in Section 7-137d of the Connecticut General Statutes. Such lien shall exist from the due date as established by the board of public utilities commissioners and, during its existence, shall take precedence over all other liens or encumbrances and transfers, except as otherwise provided for in the Connecticut General Statutes. Such lien shall expire one year after the date on which it commences to run unless a certificate thereof containing a statement of the amount of such lien and a description of the premises upon which it is claimed shall be lodged for record by the board of public utilities commissioners in the office of the city clerk before the expiration of such period.*
- (c) *One certificate of lien as aforesaid may continue more than one lien and said board may include in one certificate any number of assessments for the Countryside water system not previously continued by a certificate and due within the year ending on the date of such filing.*
- (d) *All assessment liens for the Countryside water system levied by the board of public utilities commissioners may be foreclosed in the name of such board in the same manner as a lien for taxes may be foreclosed. Any such lien shall be invalid after the expiration of ten years from the date of recording a certificate continuing the same, unless an action of foreclosure shall have been commenced within such time. If foreclosure shall not have been commenced after the expiration of ten years, the city clerk shall discharge such lien of record by noting thereon the words "discharged by operation of law" together with the date and city clerk's signature.*
- (e) *The fees for all certificates, recordation and releases pertaining to liens for the Countryside water system shall be the same as provided for in the matter of tax liens.*

This ordinance shall become effective after ten (10) days shall have elapsed after passage and publication as provided in Chapter V, Section 12 of the Charter of the City of Norwich.

**Mayor Peter Albert Nystrom
President Pro Tem Mark M. Bettencourt
Alderwoman Stacy Gould**