

OTHER LEGAL ACTIVITY AFFECTING CORTIJO CABRERA POLIGONO 1

9 June 2022

Dear Homeowners

We have provided a rough translation from La Voz below just to make you aware of a criminal investigation that has been underway in the Courts in Vera for the past 5 years. The outcome has yet to be determined.

<https://www.lavozdealmeria.com/noticia/3/provincia/142842/investigacion-la-gestion-de-anteriores-corporaciones-en-cortijo-cabrera>

This legal activity is quite separate to the successful legal action by the CRA (Cabrera Residents Association) which has resulted in the 1993 Agreement being condemned as illegal.

It is also quite separate to the involvement in Cabrera of the Fiscal in Almeria (Public Prosecutor) in 2016. This has resulted in the situation whereby no building licences will be issued in Cabrera – so no building works are permitted. The situation is such that no building licences will be issued until the full infrastructure is complete and the Town Hall Architect will be at risk of losing his job and imprisonment if any licences are issued.

The article below relates to irregularities in the issue of FOLs – First Occupation Licences. It seems that Cabrera P1 has been divided into 19 zones and once the Zones have been deemed to be complete, the privileged houses in those zones have been awarded first occupation licences.

Only two Zones have been completed (Zone 1 and Zone 8), most notably one containing the home of the Junta President. It is believed that a Zone boundary was modified to include his home and he went on to sell the property, presumably with an accompanying FOL.

The legal issue is as follows: In order to carry out the completion of functional zones and award FOLs, each functional Zone must be COMPLETELY INDEPENDENT of all the other zones. It must have its own water, electricity, sewage treatment plants, street-lighting and pavements ie. Fully independent infrastructure. This approach is sometimes labelled as ‘partial urbanisation’.

This is clearly not the case in Cabrera Poligono 1.

By way of explanation, the **“crime of prevarication”** is carried out by a local authority (Town Hall) or public official who issues an unfair resolution, knowing that it is against the law, driven by self-interest.

It is also interesting to see that, as far back as 2017, mention was made of the following:

The complaint filed by the former mayor indicates that at least 35 homes of the 200 built maintain an allegedly illegal electricity supply that, apparently, is provided "in some cases, allegedly by a building supply company and, in other cases, of the public lighting network that is owned by the compensation board as stated in bank receipts" although "in other cases the payments are made in cash, according to the neighbors".

The current position is that there are at least 12 homes on Builder's Electric who have not paid anything for their electricity for 2 years, but the Junta Board has refused to provide an explanation in spite of repeated requests.

turre

They investigate the management of previous corporations in Cortijo Cabrera

The judge opens proceedings to clarify whether there was prevarication after a complaint by the former mayor



Cortijo Cabrera is a residential area in the Sierra de Turre.

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The Court of Instruction 3 of Vera has opened preliminary proceedings to investigate the urban situation of the Partial Plan of Cortijo Cabrera, in Turre, with 200 houses built and **determine if there has been a crime in the municipal management of this residential, specifically, an alleged crime of prevarication by previous corporations.**

The **criminal procedure** has been initiated at the request of the Provincial Prosecutor's Office, which filed a complaint after the former mayor and current mayor of Urban Planning, Martín Morales, informed him of the investigations he carried out in his months as alderman, when he wanted to promote a Change of Action System from Compensation to Cooperation in Polígono I Sector R3-1.

"Our intention is not to accuse anyone, but we put the information that we had in the knowledge of the Prosecutor's Office so that responsibilities can be purged, if any, considering that municipal interests had been harmed," Morales acknowledged to LA VOZ.

Doubtful licenses

Specifically, the judge investigates whether there were irregularities in the legalization of the urban file and the processing of the first occupation licenses.

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building supply company and, in other cases, of the public lighting network that is owned by the compensation board as stated in bank receipts” although “in other cases the payments are made in cash, according to the neighbors”.

It also points out the supposed existence of inhabited dwellings without a Certificate of First Occupancy and, due to being on unconsolidated developable land, with partially executed urbanization works or the **allegedly irregular division into "Functional Units that are not Execution Units without real independence of infrastructure, possibly with the aim of putting a patch and giving first occupancy licenses to some homes", in what Morales describes as “an extraordinary favor to the developers”.**

Along these lines, the complaint reports first occupancy licenses granted in homes located in "Functional Units not received with the guarantee of checks to complete the urbanization and no subsequent execution, not even subsidiarily by the City Council."

The complaint also speaks of an allegedly invalid agreement not reported in 1993 at a general meeting of the Compensation Board, which, contrary to the law, establishes that the houses will pay for maintenance, conservation and services and developers will pay for infrastructure, exempting the first of urbanization charges. Agreement that later would not have been approved by the plenary session of the city council nor was it registered in the Register of Collaborating Urban Entities of the Junta de Andalucía, "essential requirements to be able to execute".

The complaint that has led to the Prosecutor's Office requesting that the case be prosecuted concludes by assuring the possible existence of an "alleged plot or influence peddling by successive government teams for not making this situation known and facilitating the grievance in different ways. of this situation up to the present moment of presumed illegality”.

Witnesses

After Morales' statement, and due to the enormous complexity of the matter, the length of the proceedings and the impossibility of determining the guilt of any natural or legal person due to the short time to study the proceedings, the appearance of seven witnesses for their "direct link with the management and processing of these urban files", including the current mayor, María Isabel López, as former mayor of Urban Planning in this same legislature. The former mayors Paco Ortega, José Navarro and Arturo Grima will also be summoned, as well as the former councilors of Urbanism Juan Ángel Guerrero, Diego Jerez and the Minister of Agriculture, Rodrigo Sánchez.

On the other hand, Morales has asked the judge to declare the case to be particularly complex, in addition to carrying out procedures such as sending official documents to the archives of the Town Planning Service of the Provincial Council of Almería, where a report on the urban situation in the Partial Plan of Cortijo Cabrera Polígono I Sector R3-1, on the legalization of the urban file and the processing of first occupation licences.

All the Best,

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