

A Reminder as to Why the 1993 Agreement is so Wrong

OPEN CABRERA
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On 14 January 1993, the Cabrera Developers recorded an agreement with around 23 Cabrera Homeowners in the AGM Minutes.

This was passed with 94.399% of the landowners recorded as being present. What is not often mentioned is that the vast majority of the land (and therefore the vote) was owned by the Developers at that time, given that there were so few Homeowners. So, 94% of the vote probably came from the Developers and the Town Hall.

So, effectively the Developers voted for the Homeowners to pay for all the Maintenance and Conservation costs while the Developers developed land and built houses, and for the Developers to pay for all the Infrastructure costs.

This was a good deal for the Developers as theoretically the Developers were supposed to pay for **ALL** the Urbanisation costs (Both Infrastructure and Maintenance & Conservation costs) until Cabrera P1 was handed over to the Town Hall as complete.

The Developers should have completed the Urbanisation project by November 2002. Accordingly, under the 1993 Agreement, the Homeowners should never have had to pay any M&C costs beyond November 2002 when the urbanisation should have been handed over to the Town Hall. Instead we find ourselves in a state of 'everlasting development', having to pay all the M&C costs.

Today, it is estimated that it could require €5,000,000 to complete the infrastructure which the Developers promised to complete by November 2002. Thirty years later, it is clear that the "Agreement" has not been honoured and never will be honoured.

The Developers have reneged on their promise to complete the infrastructure. They have stated that they have no intention to complete the Urbanisation.

There is clearly no credible "AGREEMENT".

Since 14 January 1993, the Developers have gone on to profit from the building and sale of hundreds of houses And, over the last 30 years Homeowners have gone on to pay for all the Maintenance & Conservation costs for all the construction work that has been carried out by the Developers – by far the heaviest users of the infrastructure. The M&C costs have now reached the €5 million mark (TBC) and the Developers have paid nothing towards this.

In essence, the Developers have engineered a Feudal arrangement. The main Owners of the Land (the Developers) are offering the Homeowners 'protection' from alleged 'threat of infrastructure costs' if they tolerate the corruption. Some fearful Homeowners are inclined turn a blind eye and go along with this 'as long as the fees are perfectly reasonable'.

The price of entering this Feudal arrangement is huge:

1. The Development will **NEVER** be completed as planned.
2. The Homeowners have already invested circa €5,000,000 in M&C fees. In 1993, the Developers should have covered 94% of M&C costs. Today they should be covering at least 70% as they have subsequently sold hundreds of houses. The Developers have contributed nothing.

3. The Developers are in debt to the Junta de Compensacion for the €5,000,000 that is required to complete the Infrastructure. The only reason that they are not classified as 'non-payers' is because they do not raise invoices from the JDC to themselves. This is corruption at its best.
4. The corruption goes deeper. Infrastructure costs are being pushed into the Maintenance and Conservation budget eg. €250,000 of new transformer costs, €47,000 of cable ducting, €25,000 of transformer upgrade, a new water deposit, wall and drainage repairs to private land, self-awarded 'office administration' fees at €15,600 a year, Developers bank guarantees at €1600 every year, Lawyers fees to protect the Developers. The Voting rights have been manipulated, the Homeowners' Representatives are effectively not selected by the Homeowners, and the list goes on and on. By our estimate, between 30% and 60% of the annual M&C budget is being hived off in some way each and every year.

And, some people wish to support this way of working because they feel that it gives them some form of "protection"?

5. While some people are fearful of any change to this corrupt regime, they should spare a thought for the 6% of Cabrera Homeowners that are without Endesa connections. This regime has left them in the lurch and many of these people have paid the Developers well in excess of €600,000 in 2006 money for their Homes. Homeowners, who support the 1993 Agreement and live in fear of outcomes that are exceptionally unlikely to ever happen, have helped to create this misfortune for their fellow Homeowners.
6. Not least of all, the 1993 Agreement is the source of immense division in the Community and has been for many years. There are those that are prepared to tolerate this corruption out of their own self interest or fear and there are many who are not prepared to tolerate the corruption even if the outcome is negative towards them.

In essence, any reversion to the 1993 Agreement will not "fix" Cabrera. It will not be tolerated within the community by those that simply believe that the above is morally wrong. They find the 1993 Agreement so abhorrent that acceptance of it by some members of the community will not solve the problem.

We believe that the Homeowners collectively should 'aim higher' and seek a negotiated wind down of the JDC that takes all parties into consideration (the Homeowners, the Developers, the Town Hall). This should take the form of a "Special Plan" to complete Cabrera as it stands with the minimum infrastructure investment required.

Failure to reach such an Agreement will undoubtedly lead to the continuation of the legal processes that are in place. Change will happen, but it would be far better for all that all parties take responsibility for managing the change themselves and paving the way for Cabrera's success.

The reward for all Homeowners could be a completed, legal, corruption-free urbanisation on a much smaller scale than envisaged in 1991. Consider the advantages of this potential outcome for an urbanisation which is effectively in an area of outstanding natural beauty – what is that worth to you?

Our message to the Homeowners is:

**WITH CHRISTMAS 2023 FAST APPROACHING,
PLEASE TRY NOT TO BE THE TURKEY FOR THE 30TH CHRISTMAS IN SUCCESSION!**

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