



EXCMO. AYUNTAMIENTO

DE LA VILLA DE

04639 *TURRE* (Almería)

NOTA INFORMATIVA

Dear Cabrera resident,

Since the Costa Almeria News article was printed in February there have been many emails circulated by both the Junta and the CRA and I have read all of the emails. Some of the information is correct but a lot is not, rumours and little information generally leads to gossip and alarm. Therefore, in order that the truth of the situation in Cabrera and my intentions are fully understood, please take the time to read the attached letter so you get a better understanding of the situation.

It is the Town Hall's responsibility to oversee and control the development of several urbanisations which lie within the boundaries of Turre. For too long previous administrations and individuals have ignored or turned a blind eye to the on-goings of certain villages, Cabrera being one. There is an urgent need for change. Cabrera is being run illegally in many ways. Firstly, a Junta de Compensation cannot operate as an Entity for Conservation, a Junta is for the purpose of development, and Cabrera's licence for development expired in 2003 and the non-completion of infrastructure prevents homeowners from obtaining the required documentation to legally live in their properties. According to some developers further development and infrastructure will only take place when they start to sell houses again. Of course this is totally unacceptable as this could mean Cabrera not being completed for many many years. Secondly, the way most residents are being charged for maintenance is also illegal. Urbanisation law states very clearly that development and maintenance is purely the responsibility of the developers UNTIL the completion of all infrastructure. In fact the law also states that houses issued with first occupation licences are excluded from ANY costs other than water usage until the infrastructure is completed and an Entity for Conservation is formed. The maintenance charges currently being applied based on the 1993 agreement mostly benefits the developers. This agreement was not approved by the Town Hall and was not registered in the Urbanistic Entities register (Junta de Andalucía), therefore the only authorised procedure that can be used is the original Statutes, and the 1993 agreement cannot take precedence over the Statutes or the Urbanistic Law, which clearly states who is financially responsible for what, and by how much.

I have had many meetings with lawyers, architects, members of the Diputación de Almería, Junta de Andalucía and other urbanisation experts and all agree that the current situation is

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illegal, and therefore needs to be resolved, the sooner the better, because the longer we wait, the bigger the problem will get. However, finding the best solution is not straightforward and all options are being considered, but one thing is certain, Cabrera cannot continue as it is. If I allow this then I, as Mayor, and the Town Hall are not conforming to our obligations.

I have read the latest Junta short email circulated to all Cabrera residents on the 28th of April and although I was disappointed I was not surprised by its content. Since I have been in post certain members of the Junta have tried to discredit me, either by circulating inaccurate information or through social media sites. I can only assume this is because the main developers and the delegados do not like, don't agree or understand what I am trying to do. The information that I have obtained so far clearly shows that residents for many years have been paying costs that they are not legally obliged to pay, probably due to the lack of understanding of the Spanish system. The meeting with the Junta on Thursday 28th of April lasted for over 2 hours and many topics regarding Cabrera were discussed. The subsequent Junta email to all owners is totally inaccurate and very misleading.

At the Cabrera AGM in November last year, I made a commitment to conduct a limited audit of the accounts. An examination of the payments made to the workmen relating to the period January 2015 to October 2015 revealed discrepancies to the sum of € 7562 and this was one of the topics of the meeting between myself and the delegados of the Junta. At the meeting where the Junta lawyer and the Town Hall Secretary were present, when questioned the treasurer, José Gerez, admitted to defrauding the government by stating he makes payment bank transference to the Junta workers not declaring the correct payments to the social security, hence the discrepancies. As the treasurer of an administrative Junta, responsible for large sums of public money, it was made clear to the treasurer that this is totally unacceptable, and the Town Hall will not ignore these actions. This action also affects the workmen employed by the Junta with regards to their pension entitlements and to all homeowners in Cabrera as you are all part of the Junta. Due to the treasurer admitting to false accounting, a full audit of the accounts will now be ordered by the Town Hall.

Since the newspaper article there have been many rumours as to what costs you as residents will be burdened with when change is implemented. I have heard different amounts ranging from 6000 to 76000 euros per household. Therefore, it is important that I clarify to prevent further concerns. Firstly as a resident/homeowner if you have a certificate of first occupation then you are exempt from any future infrastructure costs. In addition, any

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resident who has in their escritura words similar to: “Sin las cargas que se derivan del planeamiento para el urbanizador, por lo que está exonerada de la participación en las cargas de la urbanización” is also exempt from any future infrastructure costs. Even for those owners who are liable, it is important to note that any charges will not be a huge one off payment that some owners have been led to believe, but will be spread over many years as I anticipate any future development will be gradual.

Standing in an official report by the Town Hall's Architect the developers/companies that are responsible for the development/infrastructure costs are as follows:

Developers/ Companies

- Sierra Leisure SL. José Gerez
- Active Retirement Village. José Gerez
- Fort View Properties. José Gerez
- Promociones Vera Mojácar y Garrucha
- Promociones Mataix SA. Banco de Andalucía
- Segundo Ramirez Pérez

If you have purchased any land from one of the above companies to have your property built, you don't have your licence of first occupation and your escritura does not exempt you from infrastructure costs, then you will be liable for contribution, but this contribution is only in respect to the percentage of buildability of your plot.

Once a solution has been agreed as to the future plans for Cabrera, it is my intention to hold an open meeting in Turre where I will brief all parties, date and time to be confirmed. In the meantime I ask that you keep an open mind to the situation and be assured that whatever decision is taken it will be in the best interest of all homeowners in Cabrera and to get Cabrera fully legal.

Regards

Turre, 6th of May 2016

EL ALCALDE

Fdo. Martín Ramón Morales Fuentes

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