



EXCMO. AYUNTAMIENTO
DE LA VILLA DE
TURRE

TECHNICAL REPORT

TYPE FILE: URBANIZATION WORKS EXECUTION OBLIGATION REPORT.

SITUATION: POLYGON 1 SECTOR R-3.

APPLICANT: SECOND RAMÍREZ PÉREZ.

REPRESENTING: COMPENSATION BOARD OF POLYGON 1 OF THE R-3 SECTOR CORTIJO CABRERA.

PROCEEDINGS: 2021/409367 / 998-100 / 00069.

TECHNICAL REPORT

Background.-

At the request of the Hon. Turre City Council, and as Municipal Technical Architect, the following report is issued with respect to the instance presented by Mr. Segundo Ramirez Perez, president of the COMPENSATION BOARD OF POLYGON 1 OF SECTOR R-3 CORTIJO CABRERA, on June 3, 2021 with entry registration number 1882/2021, in which you request "Report that they say who has to carry out the works and works in polygon 1 and the distribution of expenses. ", emitting the following report about it:

Report.-

Polygon One of the Partial Plan of the R-3 Sector of the NN.SS. de Turre, Sector SUEO 3.1 of the PGOU. Partial adaptation to the LOUA of the NN.SS. , was managed through the compensation system.

The Andalusian Urban Planning Law determines in its article 129 the form of management of the system.

Section 4. The compensation system

"Article 129. Characteristics of the compensation actuation system.

1. In the system of action for compensation, those responsible for its execution contribute the lands of compulsory and free cession, and carry out at their expense the urbanization of the sectors or, where appropriate, execution units, in accordance with the determinations of the instrument of applicable planning.

In order to carry out the execution activity, the acting Administration and those responsible for the execution constitute a Compensation Board, unless all the land belongs to a holder and he assumes the condition of developer, or that the system management is carried out by urban agreement, without the participation of the developer, in accordance with the provisions of article 138 of this Law.

2. The compensation system involves reparcelling, which may be forced, for the fair distribution of benefits and burdens, including urban development and system management expenses, among the owners. and, where appropriate, between them and the developer. System management expenses may not exceed ten percent of the total for urbanization.

3. The owners who have not done so previously must decide, individually or collectively and during the period of public information after the initial approval of the statutes and the bases of action, whether or not they participate in the management of the system, opting for any of the following alternatives:

a) Participate in the management of the system by adhering to the Compensation Board, in constitution, and assuming the costs of urbanization and those of management that correspond to them. For this purpose, they may choose between paying the amounts that are drawn to them for such concept or contributing, after the reparcelling, part of the profit-making use, the building area or the resulting farms that must be awarded.

b) Not participate in the management of the system, renouncing their right to join the Compensation Board and requesting the expropriation of land and other assets and rights that are affected by the management of the sector or execution unit in question.

4. The system will continue under a compulsory contribution regime through reparcelling, without further formalities, with respect to how many owners have not made any option within the term granted for that purpose.

The same regime may be followed with respect to incorporated owners who fail to comply with the obligations inherent to the system, in accordance with the procedure established by regulation, unless they request expropriation. "

As indicated in point 1 of article 129 of the Urban Planning Law of Andalusia, *In the system of action for compensation, those responsible for its execution contribute the lands of compulsory and free cession, and they carry out at their own expense the urbanization of the sectors or, where appropriate, execution units, in accordance with the determinations of the applicable planning instrument.*

To carry out the execution activity, the acting Administration and those responsible for the execution constitute a Compensation Board.

From the foregoing it follows that the one who has the obligation to execute the Urbanization Works is the Compensation Board.

The Compensation project established the owners obliged to pay for the works of urbanization and that are as stated in the Project of Complementary Legal Operations to Compensation Project of Polygon 1 the following:

Sierra Leisure SL	44.87%
Active Retirement Villages LTD	35.05%
Fortview Properties LTD	1.17%
Promotions Vera Mojacar and	2.52%
Garrucha. Promotions Mataix SA	4.30%
Promociones Mataix SA (Banco Andalusia)	3.55%
Segundo Ramirez Perez	8.55%



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In addition, article 134 of the LOUA establishes,

Article 134. The Compensation Board.

1. *The Compensation Board is a corporate body governed by public law, with its own legal personality and full capacity to act from its registration in the Register of Collaborating Urban Development Entities, referred to in article 111 of this Law, and that of the constitution of its governing bodies, which:*

a) Assumes direct responsibility for the execution of urbanization works and, where appropriate, building works, vis-à-vis the municipality.

b) Acts as trustee with full device power over the original or initial estates of the member owners, with no limitations other than those established in the statutes.

c) You can seek the assistance of the municipality to collect from its members the urbanization fees by means of urgency.

2. *A development company may join the Compensation Board at any time, in order to assist the owners, under the terms provided in article 97 ter. If the incorporation takes place after it has been constituted, it will be carried out in accordance with the provisions of the bylaws, and if they do not contain a determination in this regard, its modification will be required by the procedure followed for their approval.*

3. *In the cases of management by sole proprietor or by developer agent, in accordance with the provisions of article 130.1.a) and d), the establishment of a Compensation Board will not fit. Nor will its constitution be mandatory when the action system is initiated by all the owners, in accordance with letter b) of said article.*

4. *A representative of the City Council will be part of the highest governing body of the Compensation Board.*

5. *Against the agreements of the Compensation Board, an appeal to the City Council may be deducted in any case, the resolution of which will exhaust the administrative procedure.*

As indicated in point 1 of article 129 of the Urban Planning Law of Andalusia, *In the system of action for compensation, those responsible for its execution contribute the lands of compulsory and free cession, **and they carry out at their own expense the urbanization of the sectors or, where appropriate, execution units, in accordance with the determinations of the applicable planning instrument.***

To carry out the execution activity, the acting Administration and those responsible for the execution constitute a Compensation Board.

Likewise, section 1.a of Article 134 of the Andalusian Urban Planning Law establishes for the Compensation Board that it assumes direct responsibility for the execution of urbanization works and, where appropriate, construction.

From the foregoing it follows that the one who has the obligation to execute the Urbanization Works is the Compensation Board.

The Compensation project established the owners obliged to pay for the works of urbanization and that are as stated in the Project of Complementary Legal Operations to Compensation Project of Polygon 1 the following:

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Promociones Mataix SA (Banco Andalucia)	3.55%
Segundo Ramirez Perez	8.55%

Conclusions.-

The Compensation Board is the one that assumes direct responsibility from the municipality for the execution of the Urbanization works, as established in article 134.1-a of the Andalusian Urban Planning Law, the owners being obliged to pay for the urbanization works contemplated in the Urbanization project of Poligono 1 of the Partial Plan of Sector R-3 Cortijo Cabrera, as stated in the Project of Complementary Legal Operations to the Project of Compensation of Polygon 1 the following:

Sierra Leysure SL	44.87%
Active Retirement Villages LTD	35.05%
Fortview Properties LTD	1.17%
Promotions Vera Mojacar and	2.52%
Garrucha. Promotions Mataix SA	4.30%
Promociones Mataix SA (Banco Andalucia)	3.55%
Segundo Ramirez Perez	8.55%

Such is the opinion of the undersigned technician.

Turre on the date of the electronic signature.-

Simon Haro Rubio.

Municipal Technical Architect.