

English Translation/ synopsis of the extended Objection

Mr./ Mrs.

Appears personally and declares:

I have been addressed by the hearing in regard to the “Demarcation of state property in seawater areas in the inner parts of the Marina Santa Margarita“

When I received the message I had not the necessary time to present myself with the proper documents.

I could also not get legal representation because at that time the offices of the lawyers were closed for the annual holiday period.

I bought my property with correct and proper legal documentation documenting that my property is not affected by the coastal law.

The urbanization which includes my property was already in 1964 surveyed within its own boundaries initiated by the promoter and representative of the urbanization.

This is an undisputed fact and can be proven by the register of owners. Above gives me the absolute certainty and sureness to be right that my property can't be affected by the installation of service passage that the coastal law requires.

In addition I want to make the following additional objections.

First:

In addition to my arguments given a year ago in regard to the unlawfulness of the new boundaries I reject the attempt to create new boundaries within the urbanization of Santa Margarita, because doing that, disregards the present legal position, pretends to set new boundaries while we have already boundaries.

Second:

The Urbanization Canals Santa Margarita was never state owned sea ground and it was never affected by a service passage based on the coastal law. This because the coast was surveyed by directive of the Ministry of Labour on the 31.10.1964.

This survey is still valid and according to my understanding protected by the Spanish penal code. The survey of 1964 was carried out, following the ministerial directive dated 9.10.1957 requested by the then promoter and representative of the urbanization Don Miguel Mateu Pla.

As in the documentations and plans shown, the boundary stones are situated on the beach of the mouth of the river Grao.

Thereby they in no case affect the urbanization, who by jurisdiction once and for all is declared a normal characteristic city area.

The boundaries of the urbanization were part of the demarcation proceedings of the Area „SALATA“ in 1962 and is the western boundary line of Rosas.

As you can see in the Plan „ Director Urbanistic del Sistema Costaner de la Generalitat de Catalunya, Departament de Political Territorial i Obres Publicues“ it was finally approved and concluded in May 2005, the part urbanization of Santa Margarita that shall be newly surveyed, is outside the coastal zone of 100 meters and only a little part in the SE is within the influence zone of 500m.

Based on the fact that the urbanization is no part of the coast (as per official plans that define the coastal area) and is not affected by the state owned sea areas, in addition that the drainage canals are privately owned, is the attempt to relocate the legal boundaries and to burden the property of the citizen probable an abuse of governmental might!!!!

Third:

The „Coastal law“ of 28/1969 confirms the boundaries of 1964 in a final way-

The townhall of Roses in 1993, as part of the revision of POUM 1961(Building plan) tried to change the boundaries and the boundary stones, trying to annex a streak of state land and of private land located on the left side of the river Grao.

This of course was not allowed and the legal boundary of 1964 was kept.

Here to remember that in 1995 when the legal proceeding to disallow the modifications were ongoing, the coastal law 22/1988,(the base for the new attempt to day to alter the boundaries again) was already in power!!!!

After twelve years have gone by after the last try to survey what was already surveyed with the aim to change the boundaries which are there to mark the limits of property, the authorities try again the same proceedings that have been once rejected before .

The aim is to depropriate the owners of their most valuable part of their property without legal grounds and without compensation.

This with the additional hardship that in many cases we are talking about, means houses that are their permanent living location. Which means a large financial harm for the victims and puts them and their families under heavy financial strain.

Applied in this manner the present intension to alter the boundaries does neither fulfill the aims of the coastal law nor does it provide a service for the citizen it leaves the legal boundaries ad the Plan“ Director Urbanistic----- in the dark and does not represent the documents of the various administration areas.

She provides instead a way to harm the environment and to pollute the water.

Fourth:

The canals of the Urbanization Santa Margarita are old drainage ditches from lakes or ponds.

The promoter of the Urbanization had no other choice to use these to drain the swampy areas and pastures on which the Urbanization was to be erected. This is documented by the plans showing the condition of the area in parts of the plan of the Urbanization (Plan parcial de la urbanization) which was agreed by the ministry de la Vivienda, Delegacion Provincial de Gerona, Comision Provincial de Urbanismo y Arquitectura.

The nature forced (flooding the construction area) a modification of parts of the Partial plan from 1965 to use the drainage ditches (mentioned): drainage ditches had to be dug as drawn in the plan 2 and other various sections which are itemized as shown on Plan 3 , also sections of the bounding walls.

Of these canals which allow shipping and border on plots of land can the owners within the canals erect or construct their ports or quays or ramps for their own ships and use the various canals in accordance with the rules set by the „Junta de Usarios.“

Contained in the principal plan are zones indicated as landing places for owners of plots in the interior of the urbanization.

Fifth:

--- (additions/ repetitions),

Sixt:

(resume) references to human rights and under european and Spanish law protected rights of property. Follows the historical path that indicates since the days of the earl Gaufréd of Ampuria (945) the land of the Urbanization Santa Margarita was private owned property and still is privately owned land today. This is recorded in the register of property .

The costal authority, the Generalitat or Rosas have no right to dispose of my property.

At the proper time Spanish or european courts will see it this way.

Seventh:

The water ditches or canals of Santa Margarita are private property.

- a) because they are contained in the boundaries of the original area for the urbanization.
- b) because it is contained in the act (authorities) of recognition of the Urbanization the creator handed it over together with the rest of the Urbanization.
- c) because it is shown by the register of property and the historical data.
- d) because the civil code so degrades and clearly indicates that they are part of the adjacent plots.

Eighth:

(resume) Indication that are, based on the reason of the present illegal fixing of the boundaries, the Generalitat of Catalonia contrary to Environmental laws has approved the erection of a drydock and a repairshop for large ships by a private Company in the heart of the natural park Aiguamolls de l'Empordà. (Port Bahia)

This is contrary to the aims of the „Coastal law of 1988“ that intends to prevent the privatisation of the coast and to protect the quality of the water and the coastal zone.

While all civilized states relocate drydocks located at the coast for reasons of contaminations (Biocides) that are released there, authorizes Spain by and in the name of the coastal law the erection of drydocks.

This is possible a very environmental violation which violates the environmental laws in the following points:

- a) The erection will be on ground not suitable or protected against flooding.
- b) the approval does not include the permit of the city.
 - c) The industrial plant is located within an zone which is by the Plan Director Territorial Empordà as geological, agricultural and water contained declared and protected .

The originator asks how it is possible that the environmental authorities, or single civil servants, trying to have a survey which is contrary to the since 1964 guilty article 81.2 of the coastal law and trying to achieve control over a row of private property, then allows a private company to erect an installation which appears to be illegal.

This is an unbelievable patronage and possibly violates basic principles of law and articles of penal law.

The originator further asks, how it is possible that the erection of Port Canadell as part of the above project and the planned filling of Port Bahia with material excavated in Port Canadell is approved, despite the fact that the project is located in the geological protected zone and located in a high risk zone.

This is a violation against existing and guilty law.

Ninth:

(resume) The originator asks how is it possible that based on the Coastal Law and a fictitious drawing of boundaries the Catalan port authorities could allow the erection of a six story high building in Port Gran by a private company while the current building Plan General Urbanístico of Rosas allows only town houses. with groundfloor and first floor only.

The same authority approved the construction of a river port, requiring large earth movements in the protected zones Playa Rubina and Aiguamolls.

The townhall of Rosas accepts the direction of the port authorities and approves the work.

Tenth:

(resume) how it is possible that the coastal authorities of the ministry of environmental intends to change the current boundaries and to convert private property to state property and not to protect the coast and the environment but to achieve the contrary!!!!!!

This is proven by the study „Legalitzacio..... del Canals de Santa Santa Margarita“ of the department Politica Territorial i Obras Pùblicas de la Generalitat de Catalunya which is based on the new boundaries. The Urbanization of Santa Margarita will be converted into a Marina which is probably a serious transgression regarding environmental matters.

The erection of prot basins and drydocks destroys the the geological bed of the river Grao which is protected by the plan Director Territorial del Emporda and the also protected landscape and the watercourse, further will it affect irrevocable the northern part of the Park Natural de l'Emporda. This violates all the aims of the coastal law!!!

Also the construction of the port Canadell with 250 berthes in a zone where building is strictly forbidden, because it violates the geological heritage is the biggest attempt in the Plan General---- and the herein contained rules.

The public Document “ Informacio publica de l'estudi de viabilitat.....dels canals de Santa Margarita” intimidates with the help of the coastal law and the as fact taken new survey, the owners of the Urbanization of Santa Margarita.

They shall give up their rights and their property to support a serious damage of their inheritance and and their appartments.

With the usurped property it is planned to create large economics gains for the concessionar and others.

They design a juicy economic analysis, without considering the costs, that are attached to the project and the herein contained depropriations, disregard the answers that the courts may give also the possible disciplinary and criminal consequences for persons involved.

Eleventh:

(resume) How is it possible that the authorities of the Ministry of Environment are trying to alter the present boundaries and to expropriate, presumable to support the revision of the building plan (POUM) of Rosas.?

This plan tries to build on the critical corridor that connects the natural parks Aiguamolls, the Serrelada de Rosas , Cap Creus and in green zones that are adjacent to the natural parks.

For instance Port Levant is mentioned who is planned to be erected in an unchangeable green zone the same with the Marina Bahia de Roses.

Also other protected zones like the broke Queralbs shall presumably for speculativ reasons converted to building land.

The POUM also tries to change the present boundaries to get control of the most valuable part of property from the owners of Santa Margarita presumeable to give it to a concessionar for leasing.

Also building permission was given to erect a serie of big appartment houses which are irregular less then 1000 m distance away from a natural park and presumeable violate other conditions.

Twelfth:

(resume) The originator asks once again, how can the autherity of the ministry of environmental. on one side do a new survey for the reason of expropriation and on the other side to allow the further contamination of the river Grao by residues from the drydock and this in possible increasing quantities.

(conclusion) The applicant demands:

First: The presented objections shall be accepted in time and form.

Second. To agree that the archiv of proceedings,the proposal of surveying for new boundaries and the opening act of May 2008 for the proceedings..... are without effect and contrary to the Law-

Third: To accept the legal status and the legal security of the citizen as well as the legal documents, given and signed and done in trust, following and respecting local customs (to secure their property).

Fourth.: Respect the legality and validity of the boundaries from 1964.

Fifth: The ministry of Environment and..... shall investigate the before, possible indicated delicts in the objections, also the already done and now tried attempts and if ongoing, to bring to the attention of the public prosecutor for corruption.

The argumentation will be supported by documents contained in the appendage.