

## **Information about the assembly of the mayoress of Rosas at the theater of Rosas, date 28.4.2010**

The assembly was called by the mayoress of Rosas . Mrs. Casamitjana to inform the owners of Santa Margarita which are affected by the Deslinde act of the „Ley de Costas“.

We hereby give an summary of information and results of that meeting, as passed on to me by a number of sources.

The mayoress stressed the point that she supports the affected, thinks that a lot is unjust, that she wants to help and on the other side is thankful and glad to receive some help herself.

This was applauded by some of the audience.

However if you look at it very careful you see that the townhall of Rosas still follows their own plan which are not congruent with the interests of the owners.

The overall impression of the meeting is, the mayoress is only trying to quieten down the situation, she still overestimates the influence the townhall has on the Spanish state, is still not fully informed about the legal situation and of course cant really help.

The mayoress adressed two key problem points:

- 1) The plots and berths on the canals of the internal urbanization.
- 2) The realestate located at the beach, mainly near the port and in the area Avda. Golany.

Re 1 ) The mayoress confirmed that the „ Deslinde“ of the cost authorities is valid ( which is known) which means that the berths are public property, exchanged for a right to use it for 2x 30 years. At present berthes cant be officially sold and registered until the 8.6.2010, based on the unsure legal situation. After that it is possibly again with a special permit from the costal authorities in Girona, with the exeption that they are no part of the costal area ( domino publico maritima-terrestre).

The townhall will create a plan to obtain such a permit, where the layout of the property is indicated and can be submitted to the costal authorities. It remains to be seen how that will work.

Questioned the mayoress replied that the excavated berthes can be refilled, having obtained a permission to recreate the original situation. It is futil to comment this because this is clearly against the „Ley de Costas“ and no authority will permit it!

Wrongly the townhall assumes that the water of the canals is public property, so the mayoress proposed to look at the canals as an internal marina, to extend the port and to repair the canals and in part appealed to sign up for it, however this is not adviseable for the affected to do so.

For the first part of the works at the canals, wich is supposed to start very soon, the Generalitat will provide 300 Mio.

Nothing was said, however everybody can foresee it, that for further works and the other planned things the owners at the canals will have to pay for it.

It is very clear that the townhall will install a commercial, professional contractor to administrate the canals.

It has to be clearly stated here, the townhall by the above, recognizes the expropriation of the berths which deprives the owners of property at the canals of their rights and does nothing to correct the injustice.

The planned actions of the city of Rosas and Catalonia are accordingly to the“ Ley de Costas“ illegal and- if it should be in force- a transgression over the present responsibilities and legal rights!

The mayoress advised that the city of Rosas- as many owners did- has filed a lawsuit against the Deslinde at the „Audiencia National “ in addition it will talk to Madrid and if the law suite is rejected will seek a decision higher up.

This can of course not cover the point that the city considers the Generalitat as competent for the canals which of course is not true and for the owners not desirable ( look at Ampuria Brava)

Re 2) Here was declared that the real estate in the area of „ Gola d` Estany“ was already for a long time public property. A sale could be recorded by a notary but would not be registered in the registry, The erection of the buildings with building permission, at the time from the townhall, was illegal!

This happened before her time and the present city counsel, she regrets the wrong that was done to the buyers, but is not responsible .

The whole business came to light because the new head of the owners registry, which is independent from the city, will register now, only according to the law.

It is possible to undertake legal activities against some pages.

However the mayoress is convinced that the present demarcation, is at fault, and can be corrected that however can be a long process, This of course appears to be a case for feeding hope.

Conclusion: The owners affected by the Deslinde can rely only in part on the support of the city but must go on and seek their own way and fight within the organizations for their rights. The owners better be prepared to fight coming activities of the city too.

gez. Dr. W. Janzen