



## CAMPOSOL SITUATION - REPORT

### a) REGARDING THE IMPLEMENTATION OF GUARANTEES/SUBSIDIARY AND THE NEED TO CHANGE THE SYSTEM

Currently, we are in the phase of having to implement in a subsidiary way, by the town hall, the pending urbanization works due to the seizure of the guarantees according to the finality of the aforementioned sentences. However, the subsidiary implementation, that is regulated both in article 102 of the LPAC and in the article 234.4.a of the LOTURM consists of the effective and material realization of the resolution content of the administrative act. In the cases in which it is not carried out voluntarily by the interested party, who is obliged to do so. This way of forced implementation that takes place in the case of acts that, because they are not very personal, can be carried out by a third party other than the obliged party. In which case the Public Administration will carry out the act, by themselves or through the persons/parties they determine, at the expense of the obligated person/party and the amount of the expenses and damages will be demanded through the appointed administrative. The said amount can be settled provisionally and made before implementation subject to final settlement.

Regarding the guarantees seized for this sector and in accordance with the valued specification of the municipal technicians. According to the report of the Head of the Service, the situation, for the purposes of concluding the urbanization works, is as follows:

#### SECTOR BCDF:

	*Nº	Avales por Objeto-1	Avales por objeto 2
SECTOR BCDF	612	756643,15	
	614	390505,21	
		<b>1.147.148,36</b>	<b>1.576.277,51</b>

\*El nº corresponde al del listado de los avales ,que se adjunta como Anexo-1 , como resumen al emitido por el Interventor de fecha 16/02/2016,y organizado por Manzanas.

Tabla-2

SECTOR BCDF	
VALORACION OBRAS TOTAL	PEC
ING. AGRICOLA (Z.V. Y S.G.EL.)	1.596.836,93
ING. INDUSTRIAL (ALUMBRADO)	90.138,68
ING. OBRAS PUBLICAS (VIARIO)	2.107.424
<b>TOTAL</b>	<b>3.794.399,61</b>

VALORACION OBRAS TOTAL	PEC
ING. OBRAS PUBLICAS (AGUAMIA)	2.714.468
ING. CAMINOS (EDAR Y PUENTE)	2.234.917,04
	<b>4.949.385,04</b>



From the chart above it can be deduced that the total costs pending within Sector A of BCDF sectors, amount to €3,794,399.61, and with respect to external costs, even when the head of the service sets the amount reflected in the previous chart for the concepts of AQUALIA, EDAR and PUENTE, the guarantor understands that they are not only attributable to Sector A of the BCDF sectors, but to all those who benefit from the aforementioned infrastructures, therefore, in my view, they should apportion the aforementioned Costs based on the buildability of each sector or polygon, in essence, would be attributable to Sector A, BCDF and Sector E.

On the other hand, it is noted that nothing is said in the technical report of the head of the Total Cost Service proportionally attributable to this polygon A of BCDF sectors referring to the necessary infrastructures to undertake for the diversion or channeling of the Rambla de los Aznares and which will have to be taken into account in any case when setting the guarantees or endorsements referred to, in this report.

Subsequently, taking into account the amount actually seized from the guarantees in relation to the urbanization works, pending implementation and the bankruptcy situation of the defaulting company (dispossessed of its status as developer), it is evident that it is impossible that the Pending development can be implemented in full with the guarantees seized, nor, at the expense of the developer, passing on the remaining costs. For this reason, another of the measures provided for in the LOTURM must be chosen in the event of non-compliance with the Developer's obligations, as has been the case in this instance.

**SECTOR A:**

	*Nº	Avales por Objeto-1	Avales por objeto 2
<b>SECTOR A</b>	90	37803,66	
	617	99167	
		<b>136.970,66</b>	<b>54.077,93</b>

<b>SECTOR A</b>	
<b>VALORACION OBRAS TOTAL</b>	<b>PEC</b>
ING.AGRICOLA (Z.V. Y S.G.E.L.)	46.159
ING. INDUSTRIAL (ALLIENRADO)	27.965,47
ING. OBRAS PUBLICAS (VIARIO)	85.763,59
<b>TOTAL</b>	<b>159.888,01</b>



From the chart above it can be deduced that the total pending costs within sector A itself amount to €159,888.01, and with respect to external costs, even though the head of the service sets the amount reflected in the previous chart for the concepts of AQUALIA, WWTP and PUENTE, the guarantor understands that they are not only attributable to sector A, but to all those who benefit from the aforementioned infrastructures, so it should, in my opinion, apportion the aforementioned costs based on the buildability of each sector or polygon, in essence, would be attributable to Sector A, of Sector's BCDF and Sector E.

In this sense, and as is the case for Polygon A of the BCDF Sectors, taking into account the amount actually seized of the guarantees in relation to the urbanization works pending implementation and the bankruptcy situation of the defaulting company (dispossessed of its status developer), it is evident that it is impossible for the pending urbanization works to be carried out in their entirety with the guarantees seized, nor, at the expense of the developer, passing on the remaining costs. For this reason, another of the measures provided for in the LOTURM must be chosen in the event of non-compliance with the Developer's obligations, as has been the case in this instance.

Thus, article 234.4, in addition to the implementation of the guarantees will provide measures to be adopted: subsidiary implementation, **change of system of action** or compulsory expropriation. Understanding that the appropriate way forward, in the opinion of the guarantor, is to opt or adopt, for the change of system of action (article 234.4.b)).

#### **b) THE CHANGE OF SYSTEM OF ACTION.-**

As previously stated, once the developer has declared a breach of their obligations, it is appropriate to opt for a change in the system of action, as the most optimal alternative of the three provided for in article 234.4 of the LOTURM.

Thus, article 197 of the LOTURM regulates the different systems of integrated action, distinguishing between those of private and public initiative, corresponding in any case to the Town hall to establish the system according to the needs, economic-financial means, collaboration of the private initiative and others, circumstances that concur, giving preference, in our legislation, to private initiative systems, unless for reasons of public interest the establishment of a public initiative system is necessary.

Bearing in mind the factual background of this action, the degree of execution of urbanization works, the degree of houses already built (including many of them with first occupancy licenses), widely disseminated properties,..., they make it unfeasible for urbanization works -which must be completed by whoever holds the legal status of the developer- to be carried out by private initiative on the basis of the different action systems of this nature provided for LOTURM. For this reason, and due to the public interest inherent in all urban development, the establishment of a system of public initiative to achieve the intended purposes would be sufficiently motivated.



However, among the different action systems of a public nature, as direct management instruments for urban development activity, and for the same reasons stated above, it would be appropriate to opt, in any case, for the cooperation action system (article 197.2. a) LOTURM), a system that also allows, ex article 212.3, that the owners can be constituted as an association with the character of a collaborating urban planning entity, the latter being in any case, if it were constituted, the plan of which in the future must preserve the urbanization works once they are implemented and received by this Town hall (article 188.7.a) LOTURM) and if this figure is chosen.

In this regard, for the implementation or establishment of this system of action, once the breach of the developer's obligations has been declared, as has already been done, it would be necessary to resort to the provisions of articles 198 and ss and 212 and ss of the LOTURM . In essence, it would be necessary to draft and process an action plan that foresees the change to the system, establishing in it the technical and economic bases of the action for the sole purpose of concluding the urbanization works. **For this purpose, this Town hall has already tendered the contracting of two Action Plans to carry out the system change, which have been delivered recently and it is estimated that in the month of February they will be initially approved by the Board of Directors. Local government**

### **c) PENDING ACTIONS**

Based on the above, the actions pending once the Action Plan is initially approved in February:

a) 20 days of public information and individualized notification to each owner of the action (to all Camposol owners).

b) Definitively approve the change in the system and Action Plan for the Town hall to be awarded the status of developer, with the aim of concluding urbanization works and procuring their final acceptance (even partially) and thus, be able to grant the status of land to the lands incardinated in said sectors (estimated final approval for September 2023).

c) Process, in order to grant greater legal certainty to the sectors, modification 76 of the PGMO, in such a way that planning and urban use can be adjusted to the real physical reality. (The wording of said modification is in the bidding phase by this Town hall and the start of its processing is estimated for May 2023).