

GUIDELINES OF THE COMPENSATION BOARD
OF THE URBAN IMPROVEMENT PLAN
OF SANTA MARIA DE LLORELL IN TOSSA DE MAR

GENERAL PROVISIONS:

1st Guideline.- Object, purpose and applicable regulations

Through these Bases, the criteria and rules that have to be used by the reparcelling project formulated by the Compensation Board in development of the Urban Improvement Plan of Santa María de Llorell de Tossa de Mar are fixed. The reparcelling System that is going to be used is the economic one in its basic compensation mode.

The urban management and the execution of the urbanization of the previous area will be regulated by *Decreto Legislativo 1/2010*, of August 3, by which is approved the *Texto refundido de la Ley de Urbanismo*, by Decreto 305/2006, of July 18, by which is approved the *Reglamento de la Ley de Urbanismo*, as well as by the regulations that expose them, remains applicable and by these Bases.

COURSE OF ACTION:

2nd Guideline.- Criteria for valuing the properties contributed (Articles 126 TRLU, 133.2,b) i165 RLUC)

In the absence of a unanimous agreement, the right of the owners will be proportional to the surface of the respective original estates when the definitive approval of the boundary of the Polygon is approved, in accordance with the provisions of the article 126 of the *Decreto 1/2010* by which is approved the *Texto refundido de la Ley de Urbanismo de Cataluña* as well as its *Reglamento*.

The determination of the surface of each one of the owners will be the one that results from the physical reality, in accordance with the topographic map that will rise to the effect.

3rd Guideline.- Criteria for valuing real rights on estates, property easements and burdens that may be constituted over those (Article 198.b RLUC)

The holders of burdens that are not extinguished with the compensation will be awarded in the same concept in which they were previously, by application of the principle of real subrogation.

The valuation of other real rights and real estate servitudes will be carried out in accordance with the provisions established in *Ley 8/2007*, de May 28, of *Suelo*, which specifically determine their fair price and, in accordance with the rules of the subsidiary Administrative or Civil Law that regulates the institution and, failing that, by those established by the *Impuesto de Sucesiones* and the *Transmisiones Patrimoniales y Actos Jurídicos Documentados*.

4th Guideline.- Criteria for the valuation of buildings, works, plantations, facilities to be demolished (Article 198.c RLUC)

The plantations, the works, the buildings, the facilities and the improvements that can't be conserved are valued independently of the ground, and it will be paid to the interested owners with charge of the reparcelling project, in concept of urbanization expenses. The project must justify the cases in which the expenses necessary to leave the lands free and prepared to make the urbanization are solely by the owners, in accordance with what is established by regulation.

The indemnifications that proceed in this concept will be compensated with the amounts that the interested has in debt with the Board, whether in cash, land or industry. The corresponding valuation will be produced, where appropriate, in accordance with the criteria established by the *Ley de Expropiación Forzosa*.

In the Reparcelling Project, buildings that have to be demolished will be valued independently of the ground and its amount will be paid to the owners who are part in the project in terms of urbanization expenses.

The Board will inform the members of the amount of the valuations of the items to be extinguished.

The affected owner may manifest their disagreement with the valuation of the Board only with the valuation of an expert technician within fifteen days from the date on which the valuation carried out by the technicians of the board is shown. In this case, the evaluation discrepancy will be resolved in a binding and without administrative or judicial appealing possibility by an expert designated by the Professional Association that corresponds to the nature of the elements to be assessed. The valuation of the expert will be the one that will be included in the reparcelling project that the Board presents to the urban administration acting.

5th Guideline.- Criteria for valuing the contributions of urbanization companies (Articles 198.d i 141.1 RLUC)

The participation of developers or urbanizing companies in the management of the polygon or sector of the planning can consist of the elaboration of the projects, the realization of all or part of the works of urbanization.

The valuation of the contribution of developers or urbanization companies will be determined by the value of the lands and the forecast of costs of the urbanization of the polygon or sector.

The agreement approving the coefficient of participation of developers and urbanization companies must be adopted in the General Assembly, with the quorum and conditions established in the Statutes.

The political rights corresponding to the coefficient of participation of the company or urbanization companies will be carried out in the measure and in proportion to the amount of accepted work certifications, except that a bank guarantee is made for all the costs assumed for the urbanization company, assumption in which the fullness of economic and political rights would be granted immediately.

6th Guideline.- Procedure to hire the execution of urbanization works (Article 198.e RLUC)

The Assembly may, with the favourable vote of the owners of estates whose surface represents more than 50% of the participation quotas of the urban development area, agree on the execution of the urbanization works, being essential that the corresponding budgets and conditions of the work to be performed are previously presented.

All budgets of the same class will be assessed based on the same items.

In the contract for the execution of works, in addition to the typical clauses, the following directives will be obligatory:

1. The company's commitment to adjust within the timeframe and mode of execution of the urbanization projects and to facilitate the inspection action of the works to the acting Administration and the Management Board regarding works.
2. The non-compliance assumptions that will result in the resolution of the contract and the compensation to be satisfied by the non-observance of the technical characteristics or the execution deadlines.

3. Modality and payment terms for the Board of amounts on account of the work carried out.

4. The withholdings that the Board may make of each partial payment, in order to guarantee the execution of the works, withholdings that will not be returned until the works have been definitively received by the City Council.

In case that there would be a company among the members of the Compensation Board whose corporate purpose would habilitate them for the execution of urbanization works and that enjoys a sufficient classification of a contractor of the public administrations, the Board will transfer this proprietor the submitted proposal to which the contract of works is intended to be awarded, in order that this member of the Board may adjudicate the contract under the same conditions as the selected offer if so it manifests within fifteen days.

7th Guideline.- Criteria for the valuation of the resulting estates (Art. 140 RLUC)

The valuation of the resulting estates will be carried out in units of value, resulting from the application of the weighting rules established by the *Ley de Urbanismo*.

The weighting of the value of the resulting estates according to their location will only proceed when the indicated location differs substantially from that of the properties contributed and the location of the resulting estates produces a relative difference of value.

8th Guideline.- Rules for the allocation of property to members of the Board in proportion to the goods and rights provided (Articles 133, 139, 147 i 165 RLUC i art 126 TRLUC)

The awarding will be made in accordance with the provisions of the First Guideline, and to that established in article 126 of *Decreto 1/2010 TRLUC* and 165 of its *Reglamento*, concretely the reparcelling will have to consider the following criteria:

1. It should be ensured that the resulting parcels that are attached are located in a place close to the former properties of the same holders, notwithstanding that, if this is not possible, the weighting of relevant values will be applied.

2. If the reduced amount of rights of some owners does not allow them to allocate independent parcels to all of them, the reparcelling project can determine compensation in cash or, alternatively, the awarding of the resulting plots in the foreground, unless the amount of the rights does not reach 15% of

the minimum plot of land, in which case the allotment must be replaced by compensation in cash.

3. Adjudication differences must be subject to economic compensation among the interested parties, the value of which must be determined based on the price of the resulting parcels that would have corresponded to them if the adjudication had been possible

4. If the building and the use are in accordance with the planning or are not subject to demolition, the original owner will be awarded with it, which participates in the redeployment community with the percentage derived from the use that the planning that is executed attributes to the property.

9th Guideline.- Criteria for owners not incorporated into the Compensation Board (Article 136 RLUC)

Owners of states included in the field of activity may express their desire not to join the compensation Board but at the same time guarantee the commitment of participation in the execution of the planning. In this case, they must provide the guarantee in any of the forms accepted by the law of contracts of the public administrations for an amount of 12% of the estimated works of urbanization corresponding to the estate of which they are, in agreement with the proportion of its surface with respect to the total of the Sector and within a period of one month from the notification of the agreement approving the constitution of the Compensation Board.

When the owners do not enter the compensation board they do not guarantee their participation in the basic compensation modalities, their estates can be expropriated or they may be subject to repayment, without prior expropriation, as appropriate.

In case that they are subject to re-parcelling, the plan will determine as an alternative to the payment obligation of urbanization expenses the expropriation of the properties of that owners non adhered to the Compensation Board , the payment of the urbanization expenses by means of plots located within the business area until covering the amount of the expenses, in favour of the compensation board, of the urbanization company if it is part of the administration acting, or of the person in charge of integrated urban management. The allotment of the aforementioned result estates is done by assignment title in payment of urbanization expenses. The award is made in full, without prejudice to the settlement that is in favour of the owner in order to cover the necessary urbanization expenses.

Owners who have not adhered may be expropriated in favour of the Board in the manner indicated in article 137 of the RLUC.

10th Guideline.- Cases of non-compliance of the obligations of the members of the Compensation Board that will lead to the expropriation of their assets and rights (Article 158 RLUC)

The amounts indebted to the Board of Compensation by its members are required by enforcement, through the request of the Board to the City Council.

The failure with the obligations and burdens of the members of the Board enables the City Council to expropriate its rights in favour of the Compensation Board, which has the status of beneficiary or the assignment of result property to please of the Board of Compensation in payment of the pending urbanization expenses.

The responsibility of the members of the Compensation Board is limited to the properties provided by each of them, without it being able to affect the rest of its assets.

11th Guideline.- Expropriation of estates (Articles 136.4 i 137 RLUC)

The Board of compensation is the beneficiary of the properties that, if appropriate, are expropriated by City Council to affected owners who do not join the Board within the indicated period, or for breach of obligations as a member of the Board. The expropriations will be governed by the procedure established in article 137 RLUC, for the rest of applicable regulations and by these Bases.

The expropriated estates are valued for urban purposes according to the criteria established in the *Ley de Urbanismo*. In the valuation of the properties expropriated due to non-compliance with obligations of members of the Board, the amounts already paid by the expropriated person must be entered.

12th Guideline.- Responsibility of the Compensation Board

The Board of Compensation is directly responsible before the City Council of the complete urbanization of the sector. However, the Board may reverse its responsibility in the urbanization company, either be incorporated into the Board, or be a contractor of the works, when the breach or infringement has been committed by the urbanization company.

13th Guideline.- Real burdens of the fields (Articles 154-156 RLUC)

The resulting estates are affected with real burdens by the payment of urbanization expenses and other expenses planned in the reparable project in the corresponding proportion. Cancellation of the real impact of the properties

will be installed in the Registries by means of certification by the Board that the expenses and works received by the City Council have been satisfied.

14th Guideline.- Form and deadlines in which landowners or holders of other rights must make contributions to the Board, either in cash or in land

The economic contributions must be made by the obligated owners within a period of one month from the personal notification of the adoption of the corresponding agreement.

The owners will be notified by certified mail with acknowledgment of receipt at the address communicated to the Board for this purpose.

The contributions will be made by entering into the current account open to the name of the Board in a banking entity or by any other valid means, within a period of one month from the payment requirement.

In the event of a negative or delay in the payment of the amounts due to the Board, its Management Board may choose before the expropriation or the requirement to transfer the resulting estates to interest the City Hall the debt collection via the road of constraint.

In the case of contribution of land, this will have to be approved previously by the Board. In this case the valuation of the same will be done in accordance with the criteria established in the Reparcelling Project.

15th Guideline.- Rules for the distribution of profits and losses

Losses or profits will be distributed among all the owners in proportion to their respective holdings.

16th Guideline.- Cash compensations for adjudication differences

If the scant amount of the rights of some owners does not allow them to allocate independent parcels to all of them, the reparcelling project can determine compensation in cash or, alternatively, the allotment of the parcels jointly, unless the amount of the rights does not reach 15% of the minimum plot of land, in which case the award must necessarily be replaced by compensation in cash.

Adjudication differences must be subject to economic compensation among the interested parties, the value of which must be determined based on the price of

the resulting parcels that would have corresponded to them if the award had been made possible.

17th Guideline.- Transmission to the City Council or other acting administration of the land and the urbanization

The agreement for definitive approval of the redeployment project implies the transfer of rights to the City Council or other Administration acting on the land subject to mandatory and free transfer. The assignment of the works of urbanization, facilities and allowances provided for in the planning and in the urbanization project by the Board in favour of the acting administration must be carried out within the three months following the Definitive reception of the works by the Board. The allotment of land and assignment of land to the Administration must be formalized in a public document, either in public deed or in an administrative document issued with the necessary solemnities and requirements. The assignment of works, facilities and endowments shall be reflected in the minutes of receipt by the Administration acting to subscribe with the Board of Compensation, in accordance with the procedure established in article 169 RLUC.

18th Guideline.- Moment in which it be possible to build on the land provided or awarded by the Board, by the owners or by the urbanization companies, without prejudice to the license application to the City Council

If necessary by the general interests of the Board, the building may begin before the urbanization is completed simultaneously. In any case, the guarantee of payment of the quota corresponding to the totality of the cost of pending works will be required; In addition, compliance with the regulations that the Assembly agrees to approve with the urbanization company, to guarantee the correct execution of urbanization works.

19th Guideline.- Conservation of the urbanization until its delivery to the Town Hall

As long as the reception of the land and services by the City Council is not actually made, the conservation of the urbanization will be in charge of the Compensation Board. For the payment of conservation costs, the provisions regarding the distribution of urbanization expenses between the different owners will be applicable.