

# Council forced to accept urbanisation take-over

Blue Lagoon victory offers a 'ray of hope' for homeowners in a similar situation, says lawyer

By Nuria Pérez

RESIDENTS of Blue Lagoon urbanisation in San Miguel de Salinas have won a historic victory against the council, nearly 30 years after their homes were completed.

The homeowners have forced the council to take over the urbanisation – and start providing maintenance works for roads and parks, and street lighting.

The urbanisation was legally built at the beginning of the 1990s and in 2002 it was extended to total more than 700 homes.

The owners, who are mainly British and German residents, had habitation certificates issued; and they were paying their property tax, refuse and garden collection fees and had building and parking licences (vado) issued by the council – like other housing complexes on the outskirts of the town.

However, the urbanisation had not been taken over by the council, meaning residents

had to pay for maintenance and repair work and the electricity supply for lampposts.

In 2005, the community of owners officially asked the local government to take on the urbanisation, as they were paying local taxes and infrastructure works had been completed by the builder decades before. But, the council refused, claiming there were serious deficiencies at the site and the lampposts did not meet with current laws.

So the residents paid for most of the required works but the council kept finding new repair, maintenance and revamp works to be carried out.

One of the outlays for residents was the €44,000 spent in 2016 to replace and repair 100 lampposts in the urbanisation.

Their case was taken up in 2018 by lawyer Ruth López Morueco from López-Morueco Abogados in Los Balcones, Torrevieja.

She told Costa Blanca News that the problem with street

lighting had become the key issue.

“The lampposts were over 20 years old, they could not meet the existing energy efficiency laws and the town hall knew it,” she said.

“Most of the council officers’ reports were just a copy and paste from previous reports and it was clearly a way of giving the residents the run-around.”

She pointed out that the local authority was asking the residents to carry out unaffordable works and obtain certificates they could not get.

The lawyer and community of owners tried unsuccessfully to find a solution through an administrative procedure with the council.

As a result they decided to bring a lawsuit against the town hall last year, which was accepted in October by an Elche court.

Sra López Morueco highlighted that the commitment, resilience and organisation of the residents and the commu-



Ruth López Morueco, López-Morueco Abogados

nity of owners had played a crucial role.

“The homeowners had preserved all documents and the community of owners was brilliantly managed and had kept all bills, petitions, meeting minutes and documents, which were crucial to bring the lawsuit and eventually force the council to reach an agreement,” she said.

Sra López Morueco noted that just one month after the lawsuit was accepted by the Elche court, she received a phone call from the council asking them to come to a settlement.

On November 28, the urbanisation was taken over by the town hall in a full council meeting and the final urban-

isation take-over document was signed by the local authority last month.

Sra López Morueco stressed that the council had been acting in a contradictory way for decades and knew they would not only lose in the courts but be ordered to pay the trial costs as well.

She highlighted that the residents and the community of owners had adhered to the laws and had kept documents dating back to the 1990s, which were ‘solid evidence’.

Sra Morueco pointed out that the success story of Blue Lagoon could be a ray of hope for homeowners who are living in urbanisations in a similar situation.

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## N-332 bridge building in Madrid budget

By Jack Troughton

CENTRAL government has included the long-awaited footbridge across the busy N-332 at Calpe in its 2020 budget – a project seen as essential for the safety of pedestrians.

The town hall and residents of the Marina Alta resort have spent years lobbying for a footbridge to link the two sides of Calpe, dissected by the arterial main road, to reduce the dangers faced by pedestrians.

It would link the inland urbanisations of the Ota mountain, the much-visited beauty spot itself, and the railway station – the train is used by both tourists and commuters – with the rest of the town. The crossing would also be suitable for people in wheelchairs.

Now the local authority has been assured the €1.3 million project is in the current

central government budget; although it is not known if emergency spending over the coronavirus crisis will affect progress. The site is close to the southern Calpe junction on the N-332. There is an existing underpass for traffic but it is

not wide enough to have a pavement for those on foot.

And the footbridge has a chequered history. It received a green light under then Prime Minister Mariano Rajoy’s government but fell victim to political turmoil when the

leader was toppled by a vote of no confidence.

Hopes were raised again in late 2018, when the Ministry of Public Works announced it had put the project out to tender and the bridge was scheduled to be completed the following

year. Although it was being hailed as a ‘historic milestone’, nothing happened despite a ministerial ‘promise’ from Madrid.

Town hall consultant Carole Saunders has confirmed the local authority has been told the bridge is part of the 2020 budget in Madrid.

“The footbridge is not our responsibility at the town hall; anything to do with roads are all the responsibility of central government. We are told it is in the government’s budget for 2020,” she said.

She admitted the budget had yet to win official approval.

“The town hall has already purchased the land it will be built on from the owners.”

A similar crossing bridges the N-322 at Ondara, linking the commercial centre with the town.



The N-332 stretch in Calpe where the bridge will be built