

What is the definition of the term "municipalization"?

Process by which a developer at the conclusion of the construction of a development, officially delivers to the Municipal Government for its conservation and maintenance the works of basic infrastructure of a subdivision (Roads, water networks and sanitary sewerage, electrification, garrisons and sidewalks, parks and gardens)

In the case of Akumal, the infrastructure was not completed and this irregularity has allowed the inhabitants to maintain an "Independence" of the municipal activities.

The difference between "A subdivision" and "A condominium" is that the Fractionation is an urban public space in charge of the Municipal Government and a Condominium is a private space, under the responsibility of an association of "condominiums" (owners) who pay fees for the maintenance of their internal facilities.

Akumal (everything) is a **subdivision** and therefore, its spaces of common use are **PUBLIC SPACES** under the responsibility of the Municipality.

The process of "Municipalization" is a power of the Municipal Government... it can do it "whenever it wants"

The residents of Akumal Norte, have decided, that they will propose to the Municipal Government, to establish a mechanism so that they remain with a model of "self-management" (The closest thing to a condominium) to maintain their privacy and autonomy (Relative)

That is why it is necessary to make a Framework Agreement of understanding. This mechanism has legal validity.

What is Tulum's current role in the government of Akumal Norte.

Be careful!!! There is no **"Government of Akumal Norte"**, there is a Neighborhood Association that promotes and defends the interests of the owners.

The role of the Municipal Government of Tulum is broad:

It can check the general conditions of compliance with urban development regulations in Akumal and eventually apply sanctions or even order demolitions of buildings that have violated the rules (there are many!!!)

It can check the conditions of civil protection and order technical modifications, equipment, sanctions and even close establishments for non-compliance with Civil Protection rules.

It can order the demolition of buildings that invade public areas such as roads.

It can initiate legal proceedings for environmental damages for damage to flora and fauna. (green areas and mangroves)

It can update the cadastral values to collect higher taxes and apply penalties also for collection purposes.

How would your authority/obligations change if our community was "municipalized"?

The responsibility of the Municipal Government, with respect to the communities under its management, includes:

Provide Public Security.- It does so as far as possible because its priorities are in Tulum and its capabilities are limited, in addition to the fact that there is distrust in the members of municipal corporations.

Garbage collection.- It does so according to a program agreed with Akumal Norte, but it is limited to collecting and depositing in an open dump.

The residents of Akumal want to accredit an environmentally responsible management of their solid waste and their hazardous waste.

Maintenance of public lighting.- No compliance capacity

Road maintenance.- No compliance capacity

Maintenance of parks and gardens.- In a subdivision the common areas are owned by the Municipality. In principle, when the subdivision was authorized 47 years ago, the corresponding donations were made, but now spaces are destined for common use and are "municipalized" experience shows that they can be used for different purposes.

Water Services Potable and Sanitary Sewerage.- In Q. Roo are in charge of the CAPA, it is with this instance that they must be agreed. The Mpio. acts as support for the possible negotiation.

Having the Municipality "inside" carries more risks than advantages.

In addition to adopting a posture of claim of the fulfillment of the responsibilities of the Municipal Government, requires on the part of the owners to have in order all their responsibilities with respect to the urban development... **AND Akumal North IS NOT CORRECTLY FULFILLING ANYTHING!!!**

How many communities like North Akumal have been "municipalized" by Tulum in the last 10 years?

There are no communities like Akumal Norte!!! All the communities of the Municipality are municipal... That is why Akumal Norte is promoting a special self-management regime.

Other developments such as "Bahia Principe" are Condominiums.

How does Tulum initiate the process of "municipalization" of a community and how long does the process usually take?

The process of Municipalization by the municipality is "POTESTATIVO"(discretionary) and does not require the acceptance by the neighbors.

At most it could make a statement or simply make an "appearance" and exercise its powers.

Eventually the interest of the Municipal Government to municipalize depends on the fact that in the process it obtains income (Cadastral, fines, collection of rights, etc.)

That is why the Neighbors of Akumal Norte, prefer a formal friendly relationship than a government imposition

What are the potential harms that "municipalization" poses to individual owners in northern Akumal?

It is improper to use the concept of "*Potential Damages*", to comply with the laws does NOT CAUSE HARM TO ANYONE, but it may affect your interests... Be careful!!!

If the individual owners of Akumal Norte are in order, there are no AFFECTATIONS.

See faculties of the Municipality, in response 2

Do property tax rates go up?

In any scenario, the cadastral values will rise... Yes!!!

Do the laws on public beach access apply to your individual properties?

In Mexico ALL BEACHES ARE PUBLIC and therefore NO ONE CAN PREVENT THE FREE TRANSIT AND USE OF THEM.

There is an area owned by the Government of Mexico called the Federal Maritime Land Zone that is equivalent to 20 m from high tide. This land cannot be concessioned (given in usufruct) to an individual for economic activities but **not to change its status as a public space**. You can put lounge chairs, umbrellas, massage tables, etc., but do not prevent a person from walking or bathing in front of your property

Do different standards apply for septic fields or wastewater treatment? ETC

Perhaps wastewater treatment is the most important issue.

The developer failed to comply and the authorities have not made the corresponding investments.

Akumal Norte will generate about 12 liters per second of wastewater and at current rates it is responsible for paying about 8 MDP (about 400 thousand USD) as an endowment contract, but the Infrastructure costs about 18 MDP (There is a deficit) that the CAPA has not budgeted.

The truth is that regardless of who is at fault, untreated wastewater is being discharged into mangrove and coastal environments. That's bad for the environment, but much worse for a destination that boasts of its environmental quality.

Therefore, the neighbors are looking for an alternative to build a drainage system that guarantees environmental quality, instead of sitting down to point out culprits.

What are the potential harms that "municipalization" represents for the community at large?

Does the community lose the right to hire private security guards? Does the park open to the public? ETC

Are there potential benefits to "municipalization"?

Does the community receive any additional services from the government, such as road maintenance, sewerage, street lighting, garbage collection, etc.?

Etc

How does the effort of Vecinos to create a "comprehensive cadastre project" relate to Tulum's possible plans to "municipalize" the north of Akumal? What are the factors that would make Tulum "municipalize" a community like northern Akumal?

Is North Akumal LESS likely to be "municipalized" if the community establishes an "integrated cadastre plan"?

Is Tulum's possible decision to "municipalize" northern Akumal mainly due to the government's desire to collect taxes on the property of newly owned lot owners? registered"? Or.....

Does the Tulum government also see itself as responsible for delivering a sewage system, garbage collection, street lighting, etc. and these responsibilities influence in your decision whether or not to municipalize a particular community?

Is it possible that corruption is a factor in the decision-making process? What actions can Vecinos take to prevent Tulum from "municipalizing" northern Akumal?

See notes above.

Is Vecinos required to increase membership before Tulum recognizes the association as a representative of 100% of the owners in northern Akumal?

The Municipal Government of Tulum, **RECOGNIZES** the Association of Neighbors of Akumal as a representative of all the owners. The Agreement signed in 2019 establishes this.

III.- "EL MUNICIPIO" y "LA ASOCIACIÓN" en forma conjunta declaran:

III.1 Que se reconocen mutuamente la personalidad jurídica con la que acuden a la celebración del presente instrumento.

III.2 Que en virtud de los antecedentes y declaraciones señaladas, es su voluntad celebrar el presente instrumento, obligándose recíprocamente en sus términos y someterse a lo dispuesto en los diversos ordenamientos encargados de regular los actos jurídicos de esta naturaleza.

Who will represent Vecinos (and all of northern Akumal) in the defense against municipalization?

Should a North Akumal owner be assigned the task of objectively representing the interests of ALL owners OR

Should Neighbors hire a professional to objectively represent ALL stakeholders? How do owners who are against "municipalization" benefit from becoming a member. of Neighbors?

It seems like a debate for no reason... but it's up to the owners.

Whether or not to be in favor of municipalization is irrelevant to municipal powers... They don't have to ask permission to municipalize.

The neighbors already have an entity with legal personality that represents them and that is fully recognized by the Municipio.

They can internally create other organizations and demand the Municipality to recognize them, but that will only mean the ignorance of all, because the municipality requires a single counterpart ... Until they have it , they could be present and put exactly the same as what is proposed now.

They can modify the board of the Association and appoint new leaders, but the new directive will face exactly the same complications.

It is an internal matter that must be resolved internally... but the law clearly establishes the power (NOT OBLIGATION) of the authorities to sign agreements with Organized Civil Society... **Akumal Norte, has an already recognized Organization that should be strengthened.**