



PROYECTOS DE DESLINDE ESTABLISHING BOUNDARIES

Imperative information for owners of a country property, and for those considering purchasing in the campo.

If you live in the campo and your property borders something that is owned by the Junta (see Catastro for info on that) at one time you could be presented with a letter from the Junta de Andalucía, dept. Medio Ambiente, telling you about a proposed project for Deslinde of:-

A – A camino (track – most often in Deslinde - cases a former Real Lengua – used to move big herds of cattle from their summer to their winter meadow and vice versa)

B - A monte (mountain)

C - A Rio (river)

The letter will inform you of the starting date of the project (when it was approved by the Junta), will refer to the Real Decreto with regards to the procedure that will be followed, and will state that you can't take any action against it at this time.

You will need to get yourself a lawyer... preferably one with experience in this field. I personally would recommend taking out a membership of

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ASAJA... the union for young farmers, with seats in every major city in Andalucía... only costs about 50 Euros a year and legal advice is free... their lawyer will write the necessary allegations later on in the project and will try his best to minimize the damage to your property. If he doesn't succeed in this and you want to take the case to trial, you will have to start paying for his services or find a specialised litigation lawyer.

My personal experience is with a Deslinde de Rio and we were presented with a plan to establish and document the boundaries of the river Guadalorce that borders our land. Apparently, although the Catastro clearly stated the ownership of the river, with boundaries, by the Junta, the exact boundaries had never in the past been neither determined nor documented officially.

According to the material presented by the engineers from the Junta, more than half of our property wasn't ours to begin with, as it has been covered with water from the river at one or more times in the past decades... those square meters actually belong to the river and thus the Junta, they argue, and we should be paying rent to them to make use of them (within very strict limitations). If the proposal will be approved, there will be an automatic change of ownership of those square meters in the Catastro and the Registro de Escrituras, without any compensation I might add. We call this expropriation, but the Junta doesn't and their engineers, when asked directly at one point in the very long administrative procedures (projects like this have a lifespan, determined by law, of one year, but they can be extended twice by 6 months and after that, if still not finished, declared caducado and re-initiated countless times) just flat out denied that as well.

Won't go into details on the exact procedure of a Deslinde project, but am willing to share my experiences with anyone who finds themselves in the same situation.

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Just one more thing about properties bordering a river or an arroyo...
100 meters on both sides of the river/arroyo are called Zona de Policia
and you need permission from the Junta, Medio Ambiente,
Departemento de Agua, for practically everything you want to do there...
keep animals, build a fence (build anything more substantial zero
chance), plant, fertilise etc. If your waste water isn't directed to the
Registro's from Town Hall, but collected in a septic tank, the kind of tank
and the position of it are subject to very specific regulation as well...

Written by: **Richelle de Wit** (from my personal experience).

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<https://www.facebook.com/groups/citizensinspain/>

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