

File to Beach Accesses / CONCERNED
 BEA-ACC-1 CITIZENS
 COMMITTEE

Ebanks, Carson K.

From: Ebanks, Carson K.
Sent: Tuesday, February 06, 2007 6:23 PM
To: Whittaker, Dorine
Cc: Nixon, Craig
Subject: FW: R.O.W'S
Importance: High
Expires: Monday, April 30, 2007 5:00 PM
Attachments: FW: PUBLIC RIGHTS OF WAY - BEACH ACCESSES/WATERWAYS

Dorine we are being called on to leap in to action once more we need to print this and review the file so that our response is consistent and progressive. Craig pls. draft a response to the concerned citizens group explaining what course of action we are taking with this issue. You should point out that we are in the process of compiling a comprehensive register of all of our facilities and are ensuring that they are repaired/rebuilt following Ivan. We then have a programme of new works that we are effecting as well after this we will be in a position to clear and reestablish the public footpaths in each of the electoral districts. Anything else that you wish to include in the draft would be welcomed. I can respond and we should do this promptly.
 Carson

From: Alice Mae Coe [mailto:Alice.Coe@walkersglobal.com]
Sent: Tuesday, February 06, 2007 2:54 PM
To: McLean, Arden (Hon. Minister); Ebanks, Carson K.
Cc: amcoe@candw.ky; ezmie@candw.ky
Subject: RE: R.O.W'S
Importance: High

Good afternoon - although I know that the Honourable Minister, and all of you in his Ministry are being kept extremely busy, I trust that everyone is well.

As you may have heard on recent talk shows and also read about in the newspapers, the public is becoming more and more concerned about protection of their long-established rights of way/beach accesses/ waterways etc. In addition, I, as well as other members of the Concerned Citizens Group, continue to be questioned as to if, and when, the present Government is going to deal with these issues which, despite continued pressure from our Group, the previous three Ministers did not resolve.

We were encouraged by your email of 4th October 2006 confirming our discussion and which was generally a follow up to earlier emails ending with mine of 19th September 2006 (copy attached). In addition, since your October email, we were pleased to hear that Mr. Craig Nixon has been appointed to manage the Recreation, Parks and Cemetery Unit - he is an intelligent and dedicated young Caymanian and we are sure that significant progress will be made under his leadership.

Nevertheless, as time goes by and development of Cayman continues, we understand the genuine concerns of the public, Caymanians in particular, at the loss and/or perceived loss of the rights which had been enjoyed in these Islands by many generations. Accordingly, we are again bringing these issues to your attention and

through you to the Honourable Minister, with the hope and expectation that we will receive an update as to what further progress has been made since last October. Understandably, I and others in the Concerned Citizens Group respectfully urge this Administration to make every effort to effect a final and satisfactory resolution of these issues so that they will not remain outstanding when the next General Elections comes along. [By the way, we are in favour of Elections being held in November 2009, after all, visualizing a see-saw, if four and a half years are on one end of it and three and a half years on the other, a slogan like better balance would not be appropriate! :o)]

Thank you in anticipation of your early update as to where Government has reached with these issues so that we may give an accurate and informed report to other concerned Caymanians and residents.

Kind regards,

Alice Mae Coe
Chairman
Concerned Citizens Group

From: Rivers, Kerrilyn [mailto:Kerrilyn.Rivers@gov.ky]
Sent: 04 October 2006 05:31 PM
To: Alice Mae Coe
Subject: FW: R.O.W'S

I sent this earlier but I realized that I had omitted and "s" from your email address so here it is once again.

Many Thanks

Kerrilyn for
Mr. Carson K. Ebanks

From: Rivers, Kerrilyn
Sent: Wednesday, October 04, 2006 5:07 PM
To: 'alice.coe@walkerglobal.com'; 'amcoe@candw.ky'
Cc: Ebanks, Carson K.
Subject: R.O.W'S

Ms. Alice May Coe,

Further to a conversation earlier this afternoon which took place between yourself and Mr. Carson Ebanks, please see below.

- 1) A manager has been identified and approved through PSC. They are expected to commence work this month.
- 2) We have met with the existing management of the Recreation, Parks and Cemetery Unit and the Hon. Minister and the Department of Vehicle and

Equipment Services and it was agreed that additional equipment will be ordered to facilitate works ASAP.

- 3) We intend to start with the existing established R.O.W's to the beach to ensure that they are signed, cleared and are accessible.
- 4) We are mindful that we have to target the R.O.W's in all electoral districts simultaneously and not "favour" any specific one, with perhaps the exception of the 7 mile beach areas of George Town and West Bay as this area has the greatest demand for beach access.
- 5) While #4 above is being completed we will be liaising with the Legal Department and Lands and Survey as well as NRA to secure the other R.O.W's that have been identified but not yet secured.

Kind regards

Kerrilyn Rivers
Executive Officer II
Ministry of Communications,
Works & Infrastructure
Grand Cayman KY1-9000
CAYMAN ISLANDS

Ph: 345-244-2424

Fax: 345-949-3896

Email: kerrilyn.rivers@gov.ky

Conolly, Marilyn

NPA/EOS/3

From: Conolly, Marilyn
Sent: Thursday, June 30, 2005 2:58 PM
To: 'Alice Mae Coe'
Cc: 'amcoe@candw.ky'
Subject: RE: Rights of Way/Beach Accesses/Waterways etc

Dear Ms. Coe,

Further to our telephone conversation today, please be advised that your query is being forwarded to the Ministry that will be responsible for Works as of 1st July 2005. The new Minister is Hon. Arden McLean and the Permanent Secretary is Mr. Carson Ebanks. Your emailed query is being forwarded to that Ministry as well as any other documentation regarding Beach Access from this Ministry. I do wish that I was able to deal with this matter while it was within my area of responsibility and I trust that your query will be dealt with by the new Ministry.

With kindest regards,

Marilyn Conolly (Ms.)
Administrative Officer I
Ministry of Health Services, Agriculture, Aviation and Works
Government Administration Building
Grand Cayman, Cayman Islands
Tel: (345) 244-2375
Fax: (345) 949-1790

-----Original Message-----

From: Alice Mae Coe [mailto:acoe@walkers.com.ky]
Sent: Wednesday, April 06, 2005 11:52 AM
To: Conolly, Marilyn
Cc: Gilbert, McLean; 'amcoe@candw.ky'
Subject: RE: Rights of Way/Beach Accesses/Waterways etc
Importance: High

Good morning Ms. Marilyn,

I am just touching base on behalf of the Concerned Citizens Group ("CCG") to enquire whether there has been any progress in relation to the above following our meeting with the Hon. Mr. Gilbert McLean on 23rd February 2005 and our subsequent exchange of emails.

If the Ministry feels that another meeting with members of the CCG is necessary in order to finalize this matter, please do not hesitate to let me know when it would be convenient for the Minister and/or others to meet with us.

Thanking you in anticipation of your update.

Regards,

Alice Mae Coe
Chairman
CONCERNED CITIZENS GROUP

P. O. Box 524GT
Grand Cayman, Cayman Islands
Tel: (345) 925-2484 (Cell) or 914-4227 (Work Direct)
Fax: (345) 814-8227 (Work Direct)

amcoe@candw.ky (Home) or acoe@walkers.com.ky (Work)

-----Original Message-----

From: Conolly, Marilyn [mailto:Marilyn.Conolly@gov.ky]
Sent: Wednesday, March 16, 2005 9:24 AM
To: Alice Mae Coe; Smith, Gay
Cc: Rivers, Brenda
Subject: RE: Rights of Way/Beach Accesses/Waterways etc

Dear Ms. Coe,

I confirm receipt of your email and will look into this matter as promised by the Minister. I will revert to you if I require additional information.

Kindest Regards,
Marilyn

Marilyn Conolly (Ms.)
Administrative Officer I
Ministry of Health Services, Agriculture, Aviation and Works
Government Administration Building
Grand Cayman, Cayman Islands
Tel: (345) 244-2375
Fax: (345) 949-1790

-----Original Message-----

From: Alice Mae Coe [mailto:acoe@walkers.com.ky]
Sent: Tuesday, March 15, 2005 1:25 PM
To: Conolly, Marilyn; Smith, Gay
Cc: Rivers, Brenda
Subject: FW: Rights of Way/Beach Accesses/Waterways etc
Importance: High

Ms. Marilyn, I am resending to you my email of 10th March to the Hon. Gilbert McLean as my attempt to copy you in on it last Thursday came back with a notice that delivery had failed. perhaps because I spelled your last name with two Ns - which seems to confirm that even if one does not know who is a Conolly as opposed to a Connolly the email system recognizes the difference! (During a conversation with Brenda Rivers today she confirmed the spelling of your surname.)

Ms. Gay, as I got a similar delivery failure notice for the copy to Hon. Juliana O'Connor-Conolly (it's not clear which other names I may have spelled incorrectly) I am taking the liberty of directing it to your email address (not too many errors possible Smith) and would appreciate your forwarding it to her. For the record and at our convenience please confirm her correct email address.

Thank you both (and thanks Brenda).

Regards,

Alice Mae Coe
Chairman
CONCERNED CITIZENS GROUP

P. O. Box 524GT
Grand Cayman, Cayman Islands
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: amcoe@candw.ky (Home) or acoe@walkers.com.ky (Work)

> -----Original Message-----

> From: Alice Mae Coe
> Sent: Thursday, March 10, 2005 4:08 PM
> To: 'gilbert.mclean@gov.ky'; 'juliana.oconnor-conolly@gov.ky';
> 'marilyn.connolly@gov.ky'
> Cc: 'amcoe@candw.ky'
> Subject: Rights of Way/Beach Accesses/Waterways etc
> Importance: High

> Dear Hon. Mr. McLean,

> I am writing further to your meeting with myself and other members of the
> Concerned Citizens Group on Wednesday 23rd February 2005 resulting from
> our meeting with the Hon. Mrs. Juliana O'Connor-Conolly on the 22nd, and
> we are grateful to her for arranging the meeting with you. We really
> appreciated your fitting us into your hectic schedule and giving us the
> opportunity to recap the efforts of our Group over the last several years
> during which we have been attempting to have the many long established and
> traditional rights of way to and over beach accesses and waterways
> formally recognized and protected for the continued use and enjoyment of
> all Caymanians and residents. As we confirmed, we first approached this
> goal under the provisions of the Prescription Law but were subsequently
> informed in later meetings with a previous Minister responsible (Hon.
> Linford Pierson) that it would be more appropriate and effective for
> Government to gazette these under the Roads Law. We also confirmed at
> our 23rd February meeting that in November 2003 Hon. Mrs. O'Connor-Conolly
> had written our Group to report that much progress had been made and that
> it was expected that the matter would soon be completed. We realize, of
> course, that in addition to other reasons causing the delay in finalizing
> and gazetting these under the Roads Law, there was Hurricane Ivan!

> As you indicated at our meeting that you would be requesting Ms. Marilyn
> Connolly to review and report to you on this matter, I am copying her in
> on this email, as well as Hon. O'Connor-Conolly (I am also copying it to
> my home email amcoe@candw.ky which I had given to you in case you wish to
> respond to that instead of, or in addition to, my work email
> acoe@walkers.com.ky.)

> Thank you in anticipation of hearing from you shortly.

> Regards,

> Alice Mae Coe
> Chairman
> CONCERNED CITIZENS GROUP

> P. O. Box 524GT
> Grand Cayman, Cayman Islands
> Tel: (345) 925-2484 (Cell) or 914-4227 (Work Direct)
> Fax: (345) 814-8227 (Work Direct)
> Email: amcoe@candw.ky (Home) or acoe@walkers.com.ky (Work)

COPY

AOL

**Ministry of Planning, Communications,
District Administration & Information Technology**

MEMORANDUM

TO: Permanent Secretary, HSAA&W
CC: Director, Lands & Survey
Chief Surveyor
Chief Valuation Officer
FROM: Permanent Secretary, PCDA&IT
DATE: 26th May 2004



Don
31/05/04

OUR REF: LS/RD/2

**SUBJECT: BEACH ACCESS PROJECT – ESTABLISHING PUBLIC ACCESS TO
THE COAST**

I am advised that, since the above-noted project is being actioned under the Roads Law, the matter is to be handed over to the Ministry responsible for roads. Accordingly, I am attaching the relevant report on the subject. In addition, I am attaching an Executive Summary prepared by the Chief Surveyor, which provides some useful background information.

Thank you.

C. Maltman

Christine Maltman
Administrative Officer
for Permanent Secretary, PCDA&IT



Beach Access

'A way forward'

Grant N. Vincent MSc. Dip (UCL), Cert. Proj Man FRICS FRSPSoc
Chief Surveyor

Establishing public access to the coast
Background report to the Ministry HSAA&W

1 Executive summary

Following petition from the Concerned Citizens of Cayman to the Minister of Planning, Communication, Works & IT, I was tasked with researching the problem associated with Public Beach Access. The Chief Surveyor acts on delegated power from the Governor in his position as the Highway Authority. Once Ministers reach agreement and instruct action, he is able to initiate the required procedures under the Roads Law. On legal advice, it was decided that this law should be used to enable continued legal access by the public to the beach areas of the Cayman Islands rather than laws pertaining to Prescription.

Office research, as previously carried out by the Planning Department, was updated as part of this report. Aerial photography (1999) and earlier was inspected and compared with mapping provided through the Land Information System (LIS) and the Concerned Citizens of Cayman. Ground visits were carried out over a two-month period and discussions held with landowners, hoteliers and members of the public. New photographic evidence was taken of many sites to reflect current status of individual paths.

A total of 158 access areas were investigated: 90 in West Bay; 44 along Seven Mile Beach; and 24 in North Side. A total length of 15.7 miles of coast was covered including: West Bay (6.5 miles); Seven Mile Beach (2.0 miles); North Side (7.2 miles). A total of 65 (WB 26, SMB18, NS 21) footpaths are recommended as a result of this review; this being 41% of total investigated.

It is recommended that the area of Barkers and the Dyke Roads of Salt Creek Dyke be excluded at this time as these areas are already under consideration within a greater development framework. A total of 39 paths were initially identified in this area.

Plans produced from Lands & Survey LIS data accompany this report and show the recommended positions for access. It is recommended that these plans be used to facilitate the Gazettement of these access points and to establish long-term legal control within the Government's national road network. It is recommended that footpath widths should be 6 feet wide however this may need to be varied in individual cases due to topographic restrictions or recent development. Some paths, due to their width and current usage may allow for emergency vehicular access to the coast and it is recommended that they should therefore be listed as such.

Once approval on the way forward has been given the processes, as defined in Part 6 of the Report (Action required), is recommended to be followed. Following these actions including the required Gazettement, the footpaths will have been taken into the Government road network. Maintenance by Government should ensure continued long-term use by the public of this amenity.

A key recommendation is that these routes should be clearly identified by signage at each end. This will ensure that any potential encroachment by adjoining parties is minimised, due to the greater awareness, and therefore continued use of the access by the public.

It is to be commended that most hotel operators are mutually co-existing with the Citizens of Cayman and overall few were found that were restricting access. However, there is beginning to be a trend, especially along sections of Seven Mile Beach where the

erection of "Private Restricted area" notices negate the Planning Departments good intentions of ensuring continued access following development of coastal parcels. Several hotels have strategically planted vegetation to hide access routes whilst others have erected physical obstructions. Other impacts are disappearance of the public beach through erosion.

Following a review by the Valuation Section of Lands & Survey initial costs relating to possible compensation payments have been identified for the recommended Beach Accesses. Issues raised as a result of the valuation exercise now need to be discussed at Ministerial level in order to receive direction.

Responsibility for Roads has now passed to the Ministry of HSAA&W. We are therefore now requesting a meeting so that these issues can be discussed and the project progressed as the Minister requires.

Grant Vincent

Chief Surveyor
26 May 2004



Beach Access

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Grant Vincent

Chief Surveyor

26 May 2004

**Ministry of Planning, Communications,
District Administration & Information Technology**

MEMORANDUM

TO: Permanent Secretary, HSAA&W
CC: Director, Lands & Survey
Chief Surveyor
Chief Valuation Officer
FROM: Permanent Secretary, PCDA&IT
DATE: 26th May 2004



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Grant Vincent
Chief Surveyor
26 May 2004

Conolly, Marilyn

From: Conolly, Marilyn
Sent: Wednesday, May 26, 2004 8:31 AM
To: Vincent, Grant; Bates, Nigel; Maltman, Christine
Cc: Jones, Alan; Barclay, John; Howard, Edward
Subject: RE: Beach Access "A Way Forward" progress report

Hello Everyone:

Just to update: I have yet to receive the referenced report. Will follow up as soon as the relevant information is received.

Kind regards,
Marilyn

-----Original Message-----

From: Vincent, Grant
Sent: Friday, May 21, 2004 1:27 PM
To: Bates, Nigel; Maltman, Christine
Cc: Jones, Alan; Barclay, John; Conolly, Marilyn
Subject: RE: Beach Access "A Way Forward" progress report

Hi Nigel

As per Christine's comments below can you please arrange for the **Valuation estimates to be sent through to Marilyn**. It appears I also have an old edited copy so I'd be grateful for an update as well. I will then arrange for a meeting with Marilyn to update her with regards to the report.

Christine

By this email can I ask **Christine to forward the Beach Access Report to Marilyn** for her Ministers consideration as we only ever had 3 copies due to the extensive copying requirement. - Thanks

Regards

Grant

-----Original Message-----

From: Maltman, Christine
Sent: Thursday, May 20, 2004 04:25 PM
To: Vincent, Grant
Cc: Jones, Alan; Bates, Nigel; Barclay, John; Conolly, Marilyn
Subject: FW: Beach Access "A Way Forward" progress report
Importance: High

Grant

I realize the meeting you requested has not yet taken place and we apologize for that. This Ministry

5/26/2004

has never actually seen the estimate of compensation, as that matter was to have been presented in the meeting you requested below. The full valuation for compensation for all R.O.W's (approx. 65) should be presented to the Ministry of HSAA&W.

Recently we were advised by the PS that, since this is a matter under the Roads Law, it should be handled through the Ministry now responsible for roads, gazettals etc. Accordingly I am copying this message to Marilyn Conolly and would be grateful if you kindly bring her up to speed on the matter. Regarding ongoing communication with this Ministry on the matter, please proceed according to the pre-established procedures for road gazettals (ie. by copying this Ministry on any correspondence).

Thank you.

Christine

From: Vincent, Grant
Sent: Wednesday, April 07, 2004 2:35 PM
To: Hubbell, Tim
Cc: Bates, Nigel; Jones, Alan; Barclay, John
Subject: Beach Access "A Way Forward" progress report

Tim

I know the Minister is particularly keen to move ahead with this work. I have held several meetings with the VO (NB/JB) recently to resolve the many compensation issues regards the 'recommended' access paths in my report. We feel we now have enough information to bring it back to Ministry for final discussion and approval for what you would wish to take forward.

I would suggest that we need (I'm afraid a possibly lengthy) meeting with both yourself, The Minister and a rep from Planning. We will need to review every path so that we can agree action required. I would further suggest using Janet Dixon as a Secretary to record decisions.

I think this will take an absolute minimum of 3 hours and possible more as there are 158 possible accesses with recommendations on 65. This has been added to with the ones in South Sound!

Options available to minimise any compensation payment would be :

1. leave for Planning processes when parcel is developed; - Note on the Register?
2. Create new Public Right of Ways over existing Private RoW's;
3. Gazette under the Roads Law & pay compensation where deemed necessary.

I am happy to hold the meeting in my office if its more convenient - access to data/registers if required.

Please let me know your thoughts on how you would wish to proceed.
Regards
Grant

Grant N. Vincent MSc, Dip (UCL), Cert. Proj Man, FRICS, FRSPSoc.
Chief Surveyor
Lands and Survey Department,
PO Box 1089GT,
Grand Cayman,
Cayman Islands.
Ph: (345) 244 3430
Cell: (345) 926 1360
Fax: (345) 949 2187
email: grant.vincent@gov.ky

Conolly, Marilyn

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Sent: Thursday, May 20, 2004 4:25 PM
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1. leave for Planning processes when parcel is developed; - Note on the Register?
2. Create new Public Right of Ways over existing Private RoW's;
3. Gazette under the Roads Law & pay compensation where deemed necessary.

I am happy to hold the meeting in my office if its more convenient - access to data/registers if required.

Please let me know your thoughts on how you would wish to proceed.

Regards

Grant

Grant N. Vincent MSc, Dip (UCL), Cert. Proj Man, FRICS, FRSPSoc.

Chief Surveyor
Lands and Survey Department,
PO Box 1089GT,
Grand Cayman,
Cayman Islands.

Ph: (345) 244 3430

Cell: (345) 926 1360

Fax: (345) 949 2187

email: grant.vincent@gov.ky

Conolly, Marilyn

From: Vincent, Grant
Sent: Wednesday, July 07, 2004 12:21 PM
To: Dixon, Janet
Cc: Bates, Nigel; Conolly, Marilyn
Subject: FW: Beach Access : Rep from Planning

FYI

Janet I would also like you to attend if available - you may have accidentally been missed off the original invite
Grant

From: Ebanks, Kenneth
Sent: 07 July 2004 12:00
To: Vincent, Grant
Cc: Haroon Pandohie
Subject: RE: Beach Access : Rep from Planning

Grant, the Planning rep. will be Mr. Haroon Pandohie.

-----Original Message-----

From: Vincent, Grant
Sent: Wednesday, July 07, 2004 11:33 AM
To: Ebanks, Kenneth; Bates, Nigel
Cc: Conolly, Marilyn
Subject: Beach Access : Rep from Planning

Kenneth

We are planning on having a meeting tomorrow @ 2:00 pm in my office regarding the progress of the Beach Access project through Min. HSAA&W. It may be very useful to have a representative from Planning at this meeting.
Could you nominate a representative please?

Thanks

Grant

Grant N. Vincent MSc, Dip (UCL), Cert. Proj Man, FRICS, FRSPSoc.
Chief Surveyor
Lands and Survey Department,
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Ph: (345) 244 3430
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Email: amcoe@candw.ky (Home) or acoe@walkers.com.ky (Work)

-----Original Message-----

From: Conolly, Marilyn [mailto:Marilyn.Conolly@gov.ky]
Sent: Wednesday, March 16, 2005 9:24 AM
To: Alice Mae Coe; Smith, Gay
Cc: Rivers, Brenda
Subject: RE: Rights of Way/Beach Accesses/Waterways etc

Dear Ms. Coe,

I confirm receipt of your email and will look into this matter as promised by the Minister. I will revert to you if I require additional information.

Kindest Regards,
Marilyn

Marilyn Conolly (Ms.)
Administrative Officer I
Ministry of Health Services, Agriculture, Aviation and Works
Government Administration Building
Grand Cayman, Cayman Islands
Tel: (345) 244-2375
Fax: (345) 949-1790

-----Original Message-----

From: Alice Mae Coe [mailto:acoe@walkers.com.ky]
Sent: Tuesday, March 15, 2005 1:25 PM
To: Conolly, Marilyn; Smith, Gay
Cc: Rivers, Brenda
Subject: FW: Rights of Way/Beach Accesses/Waterways etc
Importance: High

Ms. Marilyn, I am resending to you my email of 10th March to the Hon. Gilbert McLean as my attempt to copy you in on it last Thursday came back with a notice that delivery had failed. perhaps because I spelled your last name with two Ns - which seems to confirm that even if one does not know who is a Conolly as opposed to a Connolly the email system recognizes the difference! (During a conversation with Brenda Rivers today she confirmed the spelling of your surname.)

Ms. Gay, as I got a similar delivery failure notice for the copy to Hon. Juliana O'Connor-Conolly (it's not clear which other names I may have spelled incorrectly) I am taking the liberty of directing it to your email address (not too many errors possible Smith) and would appreciate your forwarding it to her. For the record and at our convenience please confirm her correct email address.

Thank you both (and thanks Brenda).

Regards,

Alice Mae Coe
Chairman
CONCERNED CITIZENS GROUP

P. O. Box 524GT
Grand Cayman, Cayman Islands
Tel: (345) 925-2484 (Cell) or 914-4227 (Work Direct)

Fax: (345) 814-8227 (Work Direct)
Email: amcoe@candw.ky (Home) or acoe@walkers.com.ky (Work)

> -----Original Message-----

> From: Alice Mae Coe
> Sent: Thursday, March 10, 2005 4:08 PM
> To: 'gilbert.mclean@gov.ky'; 'juliana.oconnor-conolly@gov.ky';
> 'marilyn.connolly@gov.ky'
> Cc: 'amcoe@candw.ky'
> Subject: Rights of Way/Beach Accesses/Waterways etc
> Importance: High

> Dear Hon. Mr. McLean,

> I am writing further to your meeting with myself and other members of the
> Concerned Citizens Group on Wednesday 23rd February 2005 resulting from
> our meeting with the Hon. Mrs. Juliana O'Connor-Conolly on the 22nd, and
> we are grateful to her for arranging the meeting with you. We really
> appreciated your fitting us into your hectic schedule and giving us the
> opportunity to recap the efforts of our Group over the last several years
> during which we have been attempting to have the many long established and
> traditional rights of way to and over beach accesses and waterways
> formally recognized and protected for the continued use and enjoyment of
> all Caymanians and residents. As we confirmed, we first approached this
> goal under the provisions of the Prescription Law but were subsequently
> informed in later meetings with a previous Minister responsible (Hon.
> Linford Pierson) that it would be more appropriate and effective for
> Government to gazette these under the Roads Law. We also confirmed at
> our 23rd February meeting that in November 2003 Hon. Mrs. O'Connor-Conolly
> had written our Group to report that much progress had been made and that
> it was expected that the matter would soon be completed. We realize, of
> course, that in addition to other reasons causing the delay in finalizing
> and gazetting these under the Roads Law, there was Hurricane Ivan!

> As you indicated at our meeting that you would be requesting Ms. Marilyn
> Connolly to review and report to you on this matter, I am copying her in
> on this email, as well as Hon. O'Connor-Conolly (I am also copying it to
> my home email amcoe@candw.ky which I had given to you in case you wish to
> respond to that instead of, or in addition to, my work email
> acoe@walkers.com.ky.)

> Thank you in anticipation of hearing from you shortly.

> Regards,

> Alice Mae Coe
> Chairman
> CONCERNED CITIZENS GROUP

> P. O. Box 524GT
> Grand Cayman, Cayman Islands
> Tel: (345) 925-2484 (Cell) or 914-4227 (Work Direct)
> Fax: (345) 814-8227 (Work Direct)
> Email: amcoe@candw.ky (Home) or acoe@walkers.com.ky (Work)

Conolly, Marilyn

PBF/3

NDPA/CP/3

BEACH
FILE

From: Francis, Joel
Sent: Friday, August 13, 2004 11:48 AM
To: Conolly, Marilyn
Subject: RE: Beach Access Update

Marilyn,

Just to add to your 68 e mails! Basically they simply want to have a progress update on the presevation of the beach accesses as identified by the affidavit process done by the Concerned citizens group. This went to planning who then made recommendations as to which ones would be preserved etc. It was determined that the quicker process would be to preserve accesses under the roads law as opposed to using the prescriptive rights law based on over 20 years of usage. Many properties are now blocking these acceses which were identified and the citizens are concerned that the proces is taking far too long.

Rgds Joel

-----Original Message-----

From: Conolly, Marilyn
Sent: Friday, August 13, 2004 10:29 AM
To: Francis, Joel
Subject: Beach Access Update

Dear Joel,

Thank you for your email. I have just returned to office after being off-island for a while and am trying to read the 68 emails I received! I have printed off your request for an update and will check the file and provide an update for you as soon as I am able.

I would appreciate it if you could provide some details of the requests for information that you received from your listeners.

Regards,
Marilyn

-----Original Message-----

From: Francis, Joel
Sent: Sunday, August 08, 2004 3:08 PM
To: Conolly, Marilyn
Subject:

Hi Marilyn,

Christine Maltman tells me you are now the point person for the beach access issue first raised some years ago by the concerned citizens group.

I have been getting repeated requests as to an update on this matter. The last I knew was that there was some delay because to the ministerial re-shuffle which as you know was some time ago. Any information to update the listeners would be greatly appreciated.

Rgds Joel

Conolly, Marilyn

From: Francis, Joel
Sent: Sunday, August 08, 2004 3:08 PM
To: Conolly, Marilyn

Hi Marilyn,

Christine Maltman tells me you are now the point person for the beach access issue first raised some years ago by the concerned citizens group.

I have been getting repeated requests as to an update on this matter. The last I knew was that there was some delay because to the ministerial re-shuffle which as you know was some time ago. Any information to update the listeners would be greatly appreciated.

Rgds Joel

-----Original Message-----

From: Maltman, Christine
Sent: Sunday, August 08, 2004 8:27 AM
To: Francis, Joel
Cc: Conolly, Marilyn
Subject: BEACH ACCESS

Hi Joel

Further to my voice-mail, the beach access project is now being coordinated through the Ministry responsible for roads. Ms. Marilyn Conolly is the contact person there.

Kind regards,

Christine

Christine Maltman, MCIP, AICP

Permanent Secretary (Acting)

Ministry of Planning, Communications,

District Administration & Information Technology

Phone: (345) 244-2438

Fax: (345) 949-2922

E-mail: christine.maltman@gov.ky <<mailto:christine.maltman@gov.ky>>

Conolly, Marilyn

From: Bates, Nigel
Sent: Thursday, July 15, 2004 3:51 PM
To: Vincent, Grant
Cc: Conolly, Marilyn; Dixon, Janet; Pandohie, Haroon; Kirchman, Aliceann
Subject: RE: Beach Access existing legislation

~~NOVA/2004/3~~
 BEACH ACCESS
 FILE.
 PBF/3.

Grant & All

The Prescription Law certainly helps the VO as it does not say anything about compensation. The VO does not need to be involved. If there is prove that there was a path in existence for more than 20 years, either by way of using the black & white 1970's aerial photographs, or getting the Concerned Citizens to provide affidavits stating that the public have been using these paths for more than 20 years we can clearly rely on this section of the Prescription Law to confirm that the path is a public access. Ann will then have to put a notice in the paper seeking objections etc then once heard, can make a decision. If the decision is that the path has been used by the public she can make an amendment on the Land Register, then signage etc can be put up. The land still belongs to the owners but the public has a right to use it, and no compensation is payable. **No land take, no compensation.**

If the Roads Law is now used to in effect bring these paths into the road network it invites owners to seek compensation for the loss of their land, for those strips of land that are actually being taken from them. i.e. their boundaries are being moved.

The main principle of compensation under the roads law is to financially compensate the owner for the value of their land that has been taken, and where they retain land, the depreciation in value of the retained land. Basically, we are looking to place the affected owner in a similar position, as far as money can provide, had the affected land not been compulsorily acquired. In most cases where these paths already exist and are over land that has already been developed or built on, the owner has not lost anything financially and there is no depreciation in value of his remaining property there should be no compensation payable. However, I have just been looking at the case we have on at the moment in Boggy Sand Road, where the path was gazetted in June 2003, on a path which already had an easement for the benefit of adjoining owners. The owner in question has actually put in a claim of US\$279,000 in total. We rejected it in March 2004 and have heard nothing back. No doubt the owners could appeal and this could go to an Assessment Committee.

In the case where a path goes across land that has not been developed, the owner can argue that because he now has less land he is unable to build to the same extent that he could if he still owned the land, and therefore should be compensated for that loss. In a few cases the existing path travels right through the middle of the parcel - and if the gazettelement follows exactly this path - the land basically could not be developed and therefore the owner would be seeking compensation for the full value of the parcel as he is unable to use it.

If the gazetted path abuts the boundary, as has been suggested, on an undeveloped site which is zoned say residential, and the if the owner can show that without the path he could build say 3000 sq ft house, but now because of the path he can only build to a maximum of 2000 sq ft the compensation he would be looking at would be the value of the 6 ft strip of land and the loss in the value of his remaining land as he can now only build a smaller house.

From the VO's preliminary investigations for those on the Northside and West Bay we have estimated that there could be a compensation liability in the region of Section 18 This is a very rough estimate pending actual plans showing the proposed gazetted route on each parcel, where upon we would need to revisit and update these figures. Regarding SMB this still requires further detailed discussion. For example why is there a need to put a gazetted path through the Westin Hotel and take land from them where the public in effect already have access?

If detailed estimates are required for SMB on the proposed paths this will take time and of course now that we are into interagency charging, the NRA the cost of our time in assessing these figures. In cases where in our opinion no compensation is payable, we could still be taken to the Assessment Committee by the owner and of

7/16/2004

course more costs and lawyers fees could be incurred.

I trust the above sets out briefly the situation on these paths, but if you have any queries please let me know.

Regards

Nigel

-----Original Message-----

From: Vincent, Grant

Sent: 12 July 2004 17:13

To: Bates, Nigel

Cc: Conolly, Marilyn; Dixon, Janet; Pandohie, Haroon

Subject: Beach Access existing legislation

Nigel you may like to take a look at The Prescription Law Section 4 (1) as this may resolve some of your valuation problems. It basically says that a right is determined after 20 years and expressly states 'Public' access. May be useful.....?

Grant N. Vincent MSc, Dip (UCL), Cert. Proj Man, FRICS, FRSPSoc.
Chief Surveyor

Lands and Survey Department,

PO Box 1089GT,

Grand Cayman,

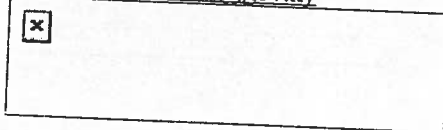
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