

Terrenos Ganados al Mar

By Analilia Lozano, 2007, Connell & Associates

Dear Clients and Friends,

The following information is of interest to all owners of beachfront lots.

Recently the environmental authorities have partially released an official and general survey of all Federal Maritime Zones that border the coastal areas of this State of Guerrero. This official survey is only being carried out in the state of Guerrero. It describes the areas known as “*Terrenos Ganados al Mar*” or Land Gained from the Sea that exist between Federal Maritime Zones and beachfront properties.

This survey, among other things, intends to establish an official parameter in the elaboration of any individual Federal Maritime Zone or Land Gained from the Sea survey that is used to apply for concessions over such areas.

Most of our clients know what the Federal Maritime Zone is and are aware of the process of acquiring the concession rights of the Federal Maritime Zone that is adjacent to their beachfront lots. However, most of them are uncertain about the nature of this Land Gained from the Sea and if these lands can be ‘acquired’ in any form. The purpose of this message is to briefly describe what Land Gained from the Sea is and how it can be acquired.

The Federal Maritime Zone is the 20-meter-wide strip of firm and passable land that borders beaches or natural deposits of marine water. As mentioned before, the Land Gained from the Sea is a fraction of land that may exist between such Federal Maritime Zone and the adjacent private property (beach front lot).

Both Federal Maritime Zone and Land Gained from the Sea are considered public property, which means that the Government is the owner. While the Federal Maritime Zone usage can only be ‘acquired’ through a concession by means of which the licensee only acquires rights to ‘use and enjoy’ such Federal Maritime Zone in an exclusive manner, the Land Gained from the Sea can be ‘acquired’ either through a concession or public sale (auction), giving the purchaser direct title over such land and converting it into private property. No further fee or tax should be payable to the Government after the price for the (public) sale is paid. The price payable for the sale will be estimated based on an official appraisal.

The process of acquiring the concession over Land Gained from the Sea is similar to the process of acquiring a Federal Maritime Zone concession. The process of acquiring the Land Gained from the Sea via public auction could certainly represent a larger and more annoying process. However, the outcome is that this land will be converted into private property and for that reason will be totally sellable. This process has several phases which must be carried out correctly. This process does take time, and we estimate that it could run as long as 2 years to complete.

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An important note to consider is that the owners of lots that have acquired the concession title over the adjacent Federal Maritime Zone have the right of preference for acquiring adjacent Land Gained from the Sea via direct sale, thus completely avoiding a public auction.

Note that not all beachfront lots have gained land from the sea. It is important to check on your particular case before proceeding.

Since the Government has released the surveys for the State of Guerrero, our firm has begun several of these procedures. If you are interested in finding out if you have Land Gained from the Sea, please give us a call.

Please contact me in case you have any question or comment in regards to the above.

Sincerely,

Lic. Ana Lilia Lozano

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