

As pointed out previously, this special law has been extremely useful for developers. Its approval by the legislature created a controversy as to whether the provision would have the effect of converting public streets into private access roadways. In particular, in the cases in which the developer is the one who submits the area to the law, the question arose as to whether those streets were public or private. In these cases, when offering the first houses for sale and selling them, the area is already subject to the controlled access law. The impression is that those streets are not public. That impression is completely wrong. It is relevant to remember that the Mortgage Act's requirement for the registration of urban developments is to first segregate and transfer the streets to the Municipality. "In the case of any urban development of a lot, no segregation at all may be registered without first submitting the documents for the segregation of the parcels destined for common or public use, recording the surface extension of the rest of the area intended for these purposes according to the blueprints and reports approved and registered at the Blueprints Registry."<sup>177</sup> The mortgage regulations specify: "Those parcels that, according to the blueprints approved by the government agencies involved, must be segregated in order to be destined for common or public use shall be segregated prior to any other parcels. The area intended for the same purposes but for which segregation was not required shall be recorded through a note on the margin."<sup>178</sup>

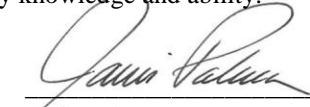
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<sup>177</sup> Mortgage and Property Registry Act, Article 93, 30 L.P.R.A. 2314. In practice, many mayors prefer not to have the streets ceded to them when the development starts; on the contrary, they prefer to get the transfer when the subdivision's construction ends, since they do not want to assume any maintenance obligations until these are no longer used to move construction trucks.

<sup>178</sup> Mortgage Regulations, Article 101.1. On the other hand, the Lot Division and Urban Development Regulations (Planning Regulation No. 3) provides in its section 3.05 (in the pertinent portions): "As of the date when these Regulations go into effect, no permit whatsoever shall be issued to notify plots or ownership unless the plot has the appropriate public access..." See also sections 7 and 9. In addition, there is a Regulation for the Controlled Access to Public Roadways in Puerto Rico from the Transportation and Public Works Department.

**CERTIFICATION BY TRANSLATOR**

I, JANIS PALMA, an English-Spanish interpreter and translator certified to that effect by the Administrative Office of the United States Courts and the National Association of Judiciary Interpreters and Translators (NAJIT) respectively, do hereby certify that I have translated the foregoing document and it is a true and accurate translation to the best of my knowledge and ability.

  
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Janis Palma, USCCI, NCJIT-S

June 3, 2013  
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Date