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**Minutes of the Three-Hundred & Thirty Eight  
Meeting of the Board of Directors  
held via telephone conference call,  
on Wednesday 25<sup>th</sup> August 2021 at 10:00 a.m.**

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**Present were:**

Alric Lindsay	Director, Chairman
Stanley Panton	Director, Deputy Chairman
Troy Whittaker	Director
Heidi Hunte-Webster	Director
Kelvin Dixon	Director
Dane Walton	Director
Paul “Andy” Bodden	Director
Barry Martinez	Director
Edward Howard	Managing Director
Anna Peccarino	Director

**Absent:**

Tristan Hydes	(in quarantine, Director, Designate of Chief Officer, PAHI (ex officio- non-voting))
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**Invitees:**

Ruth Thompson	(Lands & Survey)
Uche Obi	(Lands & Survey)

**1. Call to Order**

It was noted that a quorum was present and the meeting was duly constituted.

**2. Presentation by Lands & Survey Valuation Team**

The Chairman noted that Lands & Survey representatives were invited to the meeting to give an overview of the services that they provide in respect of valuation matters connected to NRA.

Mr Uche explained that:

- His department currently have 5 staff members
- All are chartered surveyors and members of the RICS
- Most staff have at least 5 years experience
- In addition to the compensation exercise (as per the Roads Act) that Lands & Survey does for the NRA, Lands & Survey is responsible for stamp duty assessments
- Where a scheme is bound to be published, Lands & Survey prepares the property cost estimate that goes along with the papers to Cabinet for approval

Mr Uche also went through an explanation of different types of notices that are gazetted:

Section 3: government’s intent to acquire property

Section 6: gives the NRA the authority to go into the land 15 days after the notice is published

Section 5: government's declaration to declare a road public. Land register changes at this time as well and claimant must submit a claim within 12 months.

Mr Uche noted that Lands & Survey faced some challenges with compensation, including:

- compensation for low cost housing, especially the ability of the seller to pay any required stamp duty
- when compensation is not agreed and alternative dispute resolution process is engaged, it takes a long time to get things settled
- the members of the assessment committee do not have a lot of experience
- the process can be expensive as lawyers may get involved and the Lands & Survey pays the legal fees

Mr Uche then gave an update on various schemes that Lands & Survey was working on.

Mrs Watson explained the compensation approval process whereby Land & Survey would send information to the NRA board, including details of the claim, the agreed compensation, any mitigating circumstances and anything that the board specifically needs to be aware of, the details of the fees of the representative acting on behalf of the title holder to the property.

Mrs Watson added that, in connection with questions on compensation it has been a long time since any claims had been taken to the Assessment Committee level as the process is expensive.

The Chairman queried what information is despatched to property owners as sometimes they don't have a clue as to the next steps.

Mrs Watson explained that, at the time that gazette notices are published, Lands & Survey sends a letter to property owners stating that notices were published and providing submission deadlines for property owner's intention to make claims. Property owners are also provided with a guide to compensation.

Director Peccarino queried how the letter gets delivered to the property owner i.e., whether it was sent to the owner's post office box or delivered by hand.

Mrs Watson explained that everything is delivered by registered mail to the registered address which is on the land register (as required by the Roads Act). She explained, however, that not everyone collects their registered mail and may never get the letter.

Mrs Watson also explained that, sometimes, the address of a property owner may change, but the property owner did not update the address details on the land register. This means that the owner will not receive the notice. As a result, Lands & Survey has been hand delivering information to the property owners in recent times.

Ms Watson said that hand delivery was also an issue because, sometimes, the owner does not live on the property and has rented it to tenants, who sometimes do not pass on the information that Lands & Survey has delivered for the owner.

Ms Watson noted that, another issue is where the property is just land and there is no structure on it and therefore it would be difficult for Lands & Survey to deliver a document to a physical person on that property.

Director Peccarino asked if there is a system where a property owner could record his email address on the land register.

Ms Watson confirmed that the land register does not accept email addresses and only accepts PO Box numbers. She said that updates require a rectification of the land register and payment of a \$50 fee.

Ms Watson also noted that the information is published a few times in the newspaper.

Managing Director Howard noted that one of the issues in delivering notices to property owners is that the owners are sometimes overseas and could not be reached.

The Deputy Chairman noted that, from his previous experience with the Linford Pierson Highway, public consultation with property owners would be very effective. The Deputy Chairman suggested a broader public consultation and meetings with individual property owners.

The Chairman echoed the Deputy Chairman's suggestion and noted that the board had taken the position to do public educational videos and public meetings because, based on board members' own experiences, people had no idea of NRA's plans and were surprised to learn about projects. The Chairman queried the Lands & Survey representatives whether Lands & Survey had considered doing videos so that the public can understand the process.

Mr Uche agreed that educational videos would be a good idea but, at the moment, Lands & Survey did not have the capacity.

The Chairman questioned whether anything could be done to shorten the length of time for settlements.

Mrs Watson noted that the law provides that a property owner can make a claim at any time up to a year from the date the road is declared a public road so it is difficult to have shorter time periods for claim settlements.

Mr Uche suggested that, perhaps, changes to the law should be made.

Director Peccarino stated that provision should also be considered for revaluation after a period of time goes by since land values are always going up in Cayman. This could be an issue where an agreement is reached now but, say in five years-time, the public road isn't built yet, at which time the land would be worth considerably more.

Mr Uche noted that there may also be an issue if the property value goes down rather than up.

Mrs Watson noted that one of the issues was that the law does not state a time limit for a public road to be built.

Director Dixon noted that he had previously dealt with a property issue where the property owner had changed but retained the right to compensation proceeds because the law provides that only the property owner can make compensation claims.



The Chairman noted that a legal subcommittee was set up to review legislation and make recommendations for changes to the Ministry and suggested that NRA and Lands & Survey work together in making submissions to the Ministry.

Managing Director Howard then outlined Boundary Plan 591 (extension of Godfrey Nixon road to Da Fish Shack) and Lands & Survey discussed what claims had been settled to date and negotiations that remained ongoing.

The Deputy Chairman noted that when Mr Tibbetts was a minister, property owners had agreed, except for one person. The Deputy Chairman further noted that Minister Hew had completed the same exercise.

Mrs Watson noted that some property owners did not want cash as compensation, but instead, wanted to do land swaps. Mrs Watson noted that she had contacted Director Hydes to discuss further with the Ministry.

Mrs Watson explained that she received an email yesterday from the agent, DDL, representing a property owner, to advise that the property owner's local MP has informed him that approval was given to relocate the property owner to a new location in George Town in lieu of monetary compensation but Lands & Survey has not been notified of this. As a result, Lands & Survey have sent a note to Director Hydes to instruct Lands & Survey and confirm if the DDL statement is correct because, as far as Mrs Watson was aware, the sequence of events did not happen.

Mrs Watson explained that each parcel is valued in isolation and that Lands & Survey have settled everything that it can settle and is resolving issues with the other property owners.

The Chairman queried whether Lands & Survey gets something to confirm the property owner's agreement with the compensation. Mrs Watson confirmed that this is the case.

For completeness, the Chairman requested a copy of the property owner's agreement to include in the minutes each time the board is asked by Lands & Survey to approve settlement agreements.

Mrs Watson agreed that Lands & Survey would send an email to NRA containing the property owner's agreement to the relevant settlement.

After discussion, it was resolved to approve the settlement agreements presented to the board by Lands & Survey.

### **3. Grand Harbour Roundabout**

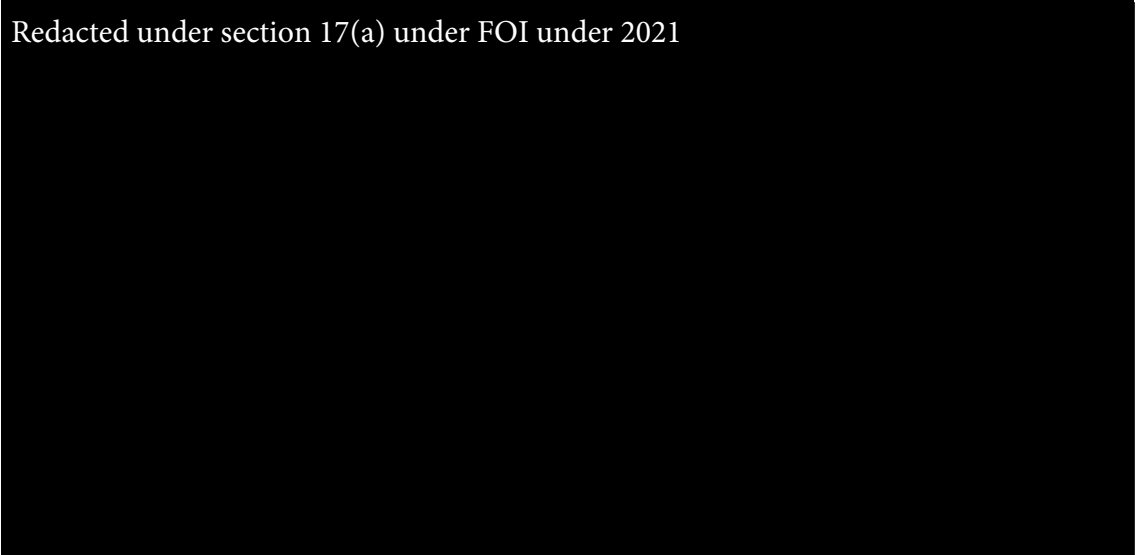
Director Whittaker and Director Peccarino queried the Lands & Survey representatives whether Lands & Survey had done a valuation analysis in respect of the Grand Harbour property for the purpose of NRA considering an acquisition of the whole property or just the car park as further land to ease congestion at the current Grand Harbour roundabout.

Mrs Watson noted that, if the Ministry requested that, then the analysis could be done.

**4. Gazette Notices**

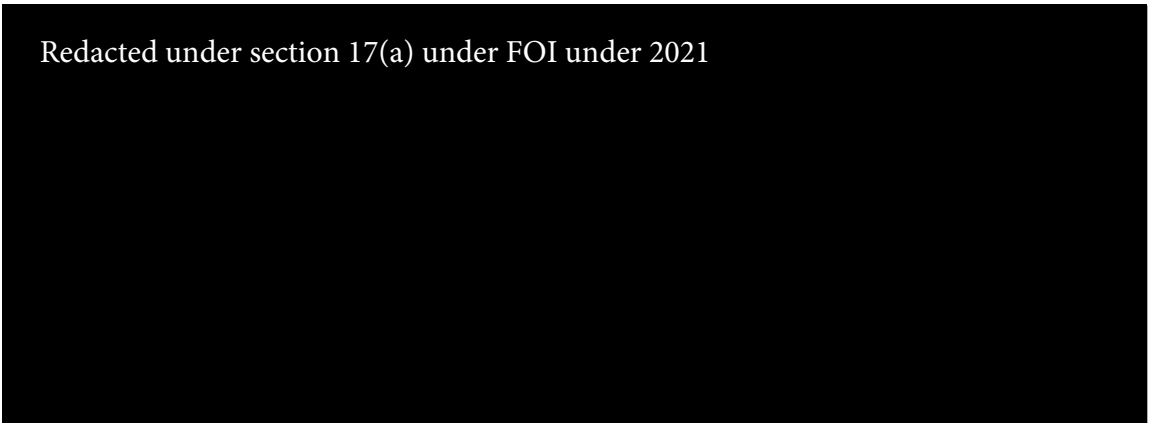
**LPH/BTW Widening (BP 615)**

Redacted under section 17(a) under FOI under 2021



**Outpost street**

Redacted under section 17(a) under FOI under 2021



**McField Lane**

Managing Managing Director Howard noted that a gazette was done for the widening of McField lane and it was supposed to be done last year. However, the MP for the area stepped in and said that he did not want the NRA to do that. Managing Director Howard said that decision may have been made because of the timing of the elections.

Director Hunte-Webster suggested that the road could be made one-way and the Directors discussed which direction would be better for the one-way if that idea was pursued.

**5. Planning authority suggestions**

Director Peccarino suggested that the board suggest to the Minister that a moratorium is put in place on all new planning permissions for high density developments until an island-wide development plan is agreed. Then, the NRA could gazette and build new roads to improve

traffic flow without being hindered by the CPA granting planning permission for large developments to be built over areas designated for roads (eg. all the development around the Hurley's roundabout which is the cause of the bottleneck at the Hurley's roundabout).

**6. Pedestrian crossing by Catholic School**

Director Peccarino questioned whether the pedestrian crossing had been installed by the Catholic school yet as school was about to commence.

The Chairman confirmed that he drove by and noticed that it had been installed.

Managing Director Howard confirmed that, over the weekend, he would double-check everything was done.

**7. Subcommittees updates**

The Chairman noted that Director Dixon would be added to the legal subcommittee, joining the Deputy Chairman and Director Peccarino.

**8. Presentation by Lands & Survey Chief Surveyor**

The Chief Surveyor gave a presentation of steps covering the time that a proposal comes from the NRA to what Lands & Survey needs to do to make the proposal a reality.

*Section 3*

The Chief Surveyor explained that the first step is to do a boundary plan under section 3 of the Roads Act, which is a proposal to take land.

The Chief Surveyor said that the parties are notified by registered mail and the newspaper.

The Chief Surveyor noted that the preliminary design is sent to the NRA for approval. Once the NRA says yes, it goes to the Ministry for gazetting the boundary plan.

The Chief Surveyor noted that previous versions of the law were worded differently so the gazette for a particular property has to be looked at based on the law in place at the time of the gazette. For example, in the past, a particular section was interpreted as a section 3 take, but now section 3 is only an indication of an intention to do a take.

The Chief Surveyor explained that, following the gazettal, negotiations take place with the land owners, in connection with which there are options for assessments.

*Section 5*

The Chief Surveyor explained that section 5 takes the property from private ownership into public road network.



The Chief Surveyor noted that every property along the road is surveyed and a PCM must be done.

*Gazetted width of a road*

The Chief Surveyor explained that the BP will say something that is considered a minimum.

*Section 14: Close and vest*

The Chief Surveyor explained that no survey is required. When the road is closed, all rights of the public to use a piece of land disappears. The land becomes vested in the Crown.

*Walkers Road (BP 9: 1977)*

The Chief Surveyor explained that the government owns a 50-foot road throughout Walkers Road, however, many properties have built their fences close to the roads.

The Chief Surveyor explained that, if the NRA needs 40 feet of Walkers Road, it will have to close and vest 5 feet on either side of Walkers Road.

The Chief Surveyor explained that, no compensation would be payable since the government already owns 50 feet of the road along Walkers Road.

During the discussion, Director Peccarino suggested that sidewalks be placed along Walkers Road because a large number of children walk to school along it and queried what the timing is for Walkers Road.

The Deputy Chairman also noted that previous proposals were made for sidewalks and a turning lane.

The Chief Surveyor explained that a section 5 notice would be done for Walkers Road and a section 14 had not been done.

Managing Director Howard noted that, if government proceeded with this exercise, there would be some homes which would now become closer to the road, in some cases within 5 feet of the road. He noted that CUC poles would have to be moved and CUC would need to do land takes as well, which owners would have to sign off on.

The Chairman noted that some retirees along Walkers Road were not happy about the proposed widening of Walkers Road. The Chairman suggested that the NRA or lands & survey meet with property owners before the widening process begins.

Director Hunte-Webster queried how the planning authority could have approved the developments along Walkers Road if the government had already established 50 feet of crown land ownership.

The Chief Surveyor noted that surveyors did not contact Lands & Survey when doing the developments.

**9. Any other business and resolution to hold meeting via Zoom**

Director Peccarino suggested and the Chairman agreed that the board should pass a resolution to allow board meetings to be held via zoom.

The Chairman noted that, with the hurricane season and everyone having commitments with vacation and other things, members may have to be in different places at different times.

Director Walton queried how quorum would be established via zoom.

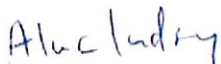
The Chairman noted that, in connection with zoom meetings, your presence normally includes presence via zoom. The Chairman noted that presence can either be physical or via telephone conference call on other boards where the Chairman serves as a director.

Director Peccarino noted that, in her practice, court hearings are conducted via zoom and this was done through the lockdown up until now.

After discussion, it was resolved that, as and when required, board meetings and subcommittee may be held in the future by zoom and presence will be confirmed by each director's attendance by telephone and quorum will be recorded accordingly.

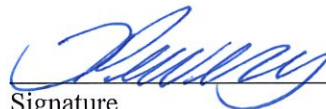
The Chairman suggested that all Directors take note of any issues in all districts that require NRA's attention and bring those matters to the board's attention at board meetings to propose for further execution by the NRA managing director.

There being no further business, the meeting was adjourned.



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Signature  
Chair of the Board  
Confirmation of minutes



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Signature  
Executive Secretary  
Seconded: Confirmation of minutes