

(H. B. 4034)

(No. 164)

(Approved June 24, 2004)

AN ACT

To authorize the Puerto Rico Land Administration to cede to the Ciudad Deportiva Roberto Clemente a piece of land of seventy (70) *cuerdas*, which it shall segregate from the land it owns, located in the municipal limits of Carolina and abutting with said sports complex, for the enlargement and development of its sports and passive recreation facilities; to authorize the Ciudad Deportiva Roberto Clemente, Inc., to lease part of the land through concessionaires for an adequate remuneration, in order to offer accessory and/or support facilities, as well as to obtain funds through the porting of advertising and publicity, which funds and remuneration generated thereby shall be used exclusively for the purposes of its creation; to prohibit that either the land hereby donated as well as that donated by virtue of Act No. 133 of June 19, 1973, be segregated, alienated, sold, ceded or encumbered in any way, by fees or transference of title in favor of third parties, whether persons or entities.

STATEMENT OF MOTIVES

On last December 31, 2002, was the commemoration of the thirtieth (30th) anniversary of the tragic accident that took the life of one of the greatest Puerto Rican sports figures and humanists—our Roberto Clemente Walker.

On occasion of such a memorable event, it falls upon the Legislature to pay homage to this illustrious Puerto Rican and to evaluate the situation and development of his dream and vision of creating a sports city within the

reach of all Puerto Rican young people and children, where they would be able to develop a healthy body, and thus, a healthy mind.

The examination of the situation of the Ciudad Deportiva Roberto Clemente coincides with the compelling need and interest, recognized by this Legislature, of creating a tourist, cultural, educational and sports complex where to promote the cultural, educational and sports exchange between our athletes and the youths and athletes of other jurisdictions, within top-notch sports and recreational facilities.

For approximately twenty-six (26) years, the Ciudad Deportiva Roberto Clemente, Inc., or “Ciudad Deportiva,” has offered services to our youth in the sports facilities located in the land donated by the Commonwealth of Puerto Rico pursuant to the provisions of Act No. 133 of June 9, 1973, and Joint Resolution No. 93 of July 1, 1988, “Joint Resolution No. 93.”

With the approval of Act No. 133, the Government of the Commonwealth of Puerto Rico authorized the Puerto Rico Land Administration, “the Land Administration,” in coordination with the Puerto Rico Planning Board, “the Planning Board,” to transfer to the Ciudad Deportiva a piece of land of the Marina Estate, located in *Barrios Cangrejo Arriba* and *Sabana Abajo* of the Municipality of Carolina. Pursuant to said mandate, the Land Administration, after having obtained the corresponding authorization from the Planning Board, segregated and transferred to the Ciudad Deportiva, through Deed No. 4 of “Cession and Transfer by Donation” executed on March 18, 1975, hereinafter “Deed No. 4,” a piece of land of 233.0843 *cuerdas*, hereinafter “the Property.”

In consideration of the fact that the Property was transferred for free, Act No. 133, *supra*, established that the transfer of the title deed thereof would be subject to certain resolutive conditions geared toward guaranteeing

their good use. To such effect, Act No. 133 provided for the Property to be owned and used solely for the purposes of the Ciudad Deportiva. The Act also established that, in the event the entity Ciudad Deportiva, Inc. were to be dissolved or inactivated, the Property, with all its improvements, would revert to the Commonwealth of Puerto Rico. In addition, the Act decreed that the operations of Ciudad Deportiva would be subject to the audits of the Comptroller of Puerto Rico and of any other person that the Governor of the Commonwealth of Puerto Rico deems necessary.

Upon executing Deed No. 4, aside from the conditions provided for in Act No. 133, the Land Administration included a number of additional conditions and restrictions in the transfer of the Title Deed to the Property pursuant to the requirements imposed by the Planning Board through Report No. 74-5-PGU-165 on Consultation No. 74-5-0370-PGU, adopted by said Board on March 14, 1974. Among other things, the Planning Board imposed as a condition that the land was not to be segregated, alienated, sold, leased, ceded or transferred in any way to third parties.

The Ciudad Deportiva also made the commitment to destine and use the property totally and exclusively, for the purpose of providing facilities by the nonprofit entity thereby created, where Puerto Rican youths could acquire basic specialized and intensive knowledge on sports, and to establish said facilities for the use and benefit of the general Puerto Rican community, following eligibility criteria in which there is not to be prejudice or discrimination of any kind.

The restrictions imposed on the land ceded to the Ciudad Deportiva were modified by Deed No. 7, "Modification of the Condition of Donation," executed on April 14, 1980, hereinafter "Deed No. 7," whereby it was provided that the Ciudad Deportiva could provide within the Property,

through concessionaires, those accessory facilities such as snack bars and any other essential services inherent to its operations, to afford comfort to visitors and the young people who visit and uses the facilities of the Ciudad Deportiva. The abovementioned Title Deed also provided that the Ciudad Deportiva could grant said concessions to private entities for fair compensation, as long as the funds received on such account were used for the purposes of its creation.

Subsequently and through Joint Resolution No. 93, *supra*, the Commonwealth of Puerto Rico authorized the Land Administration to cede to the Ciudad Deportiva a piece of land of seventy (70) *cuerdas* of land abutting the Property. Joint Resolution No. 93 established in the parts pertinent, that the Ciudad Deportiva may not segregate, alienate, sell, lease, cede or in any way transfer or allow third parties to use the land. The transfer of the title deed for the seventy (70) *cuerdas* has not been executed as of yet.

After carefully evaluating and revising the performance of the Ciudad Deportiva for the past twenty-six (26) years, its experience, renown, location and other characteristics, together with the historical commitment and moment we are experiencing, we are convinced that the Ciudad Deportiva is the most suitable entity to help the Government of the Commonwealth of Puerto Rico to turn into reality the development of top-notch sports, recreational and educational facilities of which all Puerto Ricans can be proud and within their reach.

In order to achieve these purposes, it is necessary, firstly, to authorize the cession of the seventy (70) *cuerdas* through an Act approved to that effect, to replace Joint Resolution No. 93 of July 1st, 1988. Secondly: to provide flexibility to the restrictions imposed on the land ceded in order for

the Ciudad Deportiva to be able to provide, through concessionaires, accessory facilities and services inherent to its operations by leasing part of its land to private persons or entities for an adequate remuneration. The funds received by the Ciudad Deportiva shall be used exclusively for the purposes of its creation.

BE IT ENACTED BY THE LEGISLATURE OF PUERTO RICO:

Section 1.—The Puerto Rico Land Administration is hereby authorized to transfer free of charge to the Ciudad Deportiva Roberto Clemente, Inc., a piece of land of seventy (70) *cuerdas*, which it shall segregate from the land it owns located in the municipal limits of Carolina, and which adjoins the San Antonio Ravine to the West; the Suárez Channel and the Suárez Lagoon on the North; and the Ciudad Deportiva Roberto Clemente on the South and East; for the enlargement and development of sports and passive recreation facilities; and Joint Resolution No. 93 of July 1st, 1988, is hereby rendered ineffective. The abovementioned estate shall be aggregated, used and developed together with the land donated to the Ciudad Deportiva Roberto Clemente by the Government of the Commonwealth of Puerto Rico, pursuant to the provisions of Act No. 133 of June 9, 1973.

Section 2.—The transfer of the land described in Section 1 of this Act shall be subject to the conditions established in Section 2 of Act No. 133 of June 9, 1973, and it shall so be recorded on the corresponding deed of transfer of the title deed. In addition, once the transfer has been executed, the Ciudad Deportiva Roberto Clemente, Inc., shall report on the development plans of the land ceded and the progress of the works to the Legislature every six (6) months.

Section 3.—The piece of land to be donated may not be, in any way whatsoever, segregated, alienated, sold, or have imposed any lien or fees, or have the title transferred in favor of third parties, whether persons or entities. Division into lots shall only be allowed when it makes leasing viable, for up to thirty (30) percent of the total of the real property.

Section 4.—The transfer of the title deed to the piece of land shall be likewise conditioned by the restrictions to be imposed by the Puerto Rico Planning Board and it shall so be recorded on the corresponding deed.

Section 5.—The Ciudad Deportiva Roberto Clemente, Inc., is hereby authorized to provide through leasing, a portion of the land donated, but not more than thirty (30) percent of the total of the real property. The Ciudad Deportiva Roberto Clemente, Inc., may execute such leases to natural or juridical persons, whether engaged or not in sports, for an adequate remuneration and may likewise obtain funds through the posting of publicity and advertising in such facilities. The remuneration and funds that it receives shall be used exclusively for the purposes of its creation.

Section 6.—Lease contracts must be approved by the Legislature and their term may not exceed ten (10) years, although said term may be deferred for ten (10) more years with the re-approval of the Legislature.

Section 7.—The provisions established in Sections 3, 5 and 6 of this Act shall also apply to the land donated to the Ciudad Deportiva Roberto Clemente by virtue of the provisions established in Act No. 133 of June 9, 1973.

Section 8.—The Land Administration is hereby directed to execute within the term of ninety (90) days following the date of approval of this Act, and to request all permits and authorizations necessary to transfer the piece of land described in Section 1, mentioned above, and, pursuant to the

provisions established in this Act and in Act No. 133 of June 9, 1973, to execute the corresponding deed transferring the title in favor of the Ciudad Deportiva Roberto Clemente, Inc.

Section 9.—The Registrar in charge of the section corresponding to the Property Registry, is hereby directed, within ninety (90) days following the date of its presentation for registration into said Registry, to proceed to assess the legality of the documents, and if there is no defect, to proceed to register free from payment of fees, the deeds of modification of contract of donation, segregation, transfer and clouting, or other deeds executed pursuant to the provisions, and to also proceed to make the corresponding annotations and registrations on the books under his/her custody to register the abovementioned deeds and comply with the provisions of this Act.

Section 10.—This Act shall take effect immediately after its approval.

CERTIFICATION

I hereby certify to the Secretary of State that the following Act No. 164 (H.B. 4034) of the 7th Session of the 14th Legislature of Puerto Rico:

AN ACT to authorize the Puerto Rico Land Administration to cede to the Ciudad Deportiva Roberto Clemente a piece of land of seventy (70) *cuerdas*, which it shall segregate from the land it owns, located in the municipal limits of Carolina and abutting with said sports complex, for the enlargement and development of its sports and passive recreation facilities; to authorize the Ciudad Deportiva Roberto Clemente, Inc., to lease part of the land through concessionaires for an adequate remuneration, in order to offer accessory and/or support facilities, as well as to obtain funds through the porting of advertising and publicity, etc.,

has been translated from Spanish to English and that the English version is correct.

In San Juan, Puerto Rico, today 4th of April of 2005.

Luis E. Fusté-Lacourt
Director