

# Investigative Report Water Hole Area Adjacent to the Macal River and the Benque/ Mollejon Road, Cayo District.



**Requested By: Yolanda A. Centeno, J.D., C.L.E., J.P.**  
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Belama Phase II  
Belize City

February 8, 2021

## BELIZE MOUNTAIN RESORT LIMITED

Investigation Report Water Hole Area Adjacent to the Macal River, Cayo District.

### OBJECTIVES

1. Confirmation of whether the road that passes through the 100.74 acres of land, owned by Belize Mountain Resort Limited is a Public or Private Road.
2. Determination of an alternate route, in "Better in Belize Limited Subdivision" to access the back lots numbered 84 and up, consideration being given to least costly and most direct route, Inclusive of cost of site visit.
3. Determination of any encroachment as discussed in relation to the authentications of this area, and the solution thereof.

### FINDINGS- OBJECTIVE #1:

First legal survey done in this area was for 50.042 acres of land as can be seen on Entry #3402 Register #18 and authenticated in July 1997. This was surveyed on National Lands and authorized by the Commissioner of Lands and Surveys (*See Attachment #1*). The second parcel of land surveyed was the 100.74 acres and was recorded at Entry #4005 Register #2 and authenticated in August, 1998. Again, it was National Lands and there was no overlap of boundaries, as the parcel was surveyed to the east and have a common boundary.

It should be noted that the access from the Benque/Mollejon Road is a 66 feet road reserve that goes to the southwestern corner of the said 100.74 acres parcel of land. There is no indication that the 66 feet road passed through the parcel of land., at the time of this survey (*See Attachment #2*). Kindly note that a Grant Fiat #645 of 1999 was granted to Alma Aguilar; therefore, land became privately owned in 1999.

The third legal survey done in this area was two parcels surveyed for Guillermo Garcia being Parcel #1 and containing 50.105 acres of land and for Selmo Garcia being Parcel #2 containing 31.775 acres of land. This survey was registered at Entry #4136 Register #18 and authenticated in October of 1998 (*See attachment #3*).

Here a mistake was made when parcel #1 was surveyed, as the surveyor diverted the eastern boundary of said Parcel #1 into the 100.74 acres parcel western boundary. Thereby creating an encroachment as shown on *Attachment #5*. Also, to be noted is the survey of a 40 feet road reserve that is along the east of Parcel #1 and the south of Parcel #2, as shown on *Attachment #3*, that gives access to the Macal River. This road also leads into the Parcel of land that contains 170.74 acres and is privately owned.

The encroachment was continued by the surveying of 30.07 acres of land for "Layla El Sayed" north of the 100.74 acres parcel of land. This 30.07 acres of land parcel does not show any access to the Benque/Mollejon Road and was registered at Entry #7247 Register #18 and authenticated in March, 2003 (*See attachment #4*). Encroachment by this 30.07 acres of land can be seen on *Attachment #5*.

## FINDINGS- OBJECTIVE #2:

Field exercise was undertaken to determine alternate routs to link from the road in the area of Lot #83 to the road in the area of Lot #84. The field exercise was also conducted to link road from the road in the area of Lot #75 to the road in the area of Lot #95 and Lot #100. GPS readings were taken to determine the locations and the elevations along the existing roads.

*The readings were used to determine the gradient of the slopes.*

## CONCLUSIONS:

Parcel of land owned by Belize Mountain Resort Limited was originally surveyed and authenticated in August of 1998 and recorded at Entry #4005 Register #2 and containing 100.74 acres of land. At the time of the survey, there was no mention of any existing Public Road in the parcel of land. A Google Earth image of 1995 shown on *attachment #6* shows that no road existed on the property, only the Benque/Mollejon road can be seen on the imagery. It can be concluded that these roads came about after the parcel of land had been surveyed. The circular existing road was built or utilized to link the Better in Belize Limited Subdivision because of the hilly terrain in the area. The other road that exits leads from the circular road to the Macal River, where there is a Water Fall on the other side of the river.

It should be noted that in order to reach any of these existing roads one needs to enter from through the main gate of the Gated Community from the Benque/Mollejon Road. Therefore, the roads are all private roads and not public roads.

Field exercise was undertaken to determine if a link of the two existing roads in the Lots #83 and #84 areas, or in the Lots #75 and #95 areas. It was determined that the gradients derived were not permissible as these gradients far exceed the permissible limit of the gradient in the alignment of roads in the Hilly terrains of that area of the country.

## G.P.S FIELD EXERCISE

Label	Easting	Northing	Elevation
a	282420.0	1880362.0	279 m
b	282127.0	1880420.0	384 m
c	282320.0	1880665.0	283 m
d	282289.0	1880197.0	355 m

## COMPUTATIONS

Station	Distance	Difference in Height	Gradient
a to d	210.7 m	76 m	36%
c to b	359.2 m	101 m	28%

### **Encroachment**

It is observed that an encroachment exists as shown in *Attachment #5*, highlighted in red. This was created when the survey was done for parcel #1 as shown on entry #4136 Register #18 and authenticated October, 1998 as shown on *Attachment #3* and #5.

There are two solutions to this problem. One that the small piece of land can be purchased from the owner, two that the occupation of the land might be such that the people using it might have legal rights because of the long undisturbed use.

# PLAN OF SURVEY OF 50.042 Acs. OF LAND SITUATE ALONG THE BENQUE VIEJO-MOLLEJON ROAD, WATER HOLE AREA, CAYO DISTRICT.

## ATTACHMENT #1

SURVEYED AT THE REQUEST OF MIGUEL GARCIA.  
Permission No. 400/97 granted by the Commissioner of Lands and Surveys.

Note:

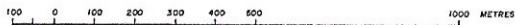
FD. DENOTES FOUND  
O DENOTES WOODEN PEG  
□ DENOTES CONCRETE PILLAR  
AREA, DISTANCES AND BEARINGS ARE GRID  
DISTANCES ARE IN METRES AND DECIMALS OF A METRE  
SCALE FACTOR - 1/1000191  
CONVERGENCE - 00° 35' 57"  
ORIGIN OF BEARINGS - STA. NO. P1 TO STA. NO. P3, SEE PLAN NO. 2066  
ORIGIN OF COORDINATES - STA. NO. P1, SEE PLAN NO. 2066

GRID U.T.M. ZONE 16 IN METRES

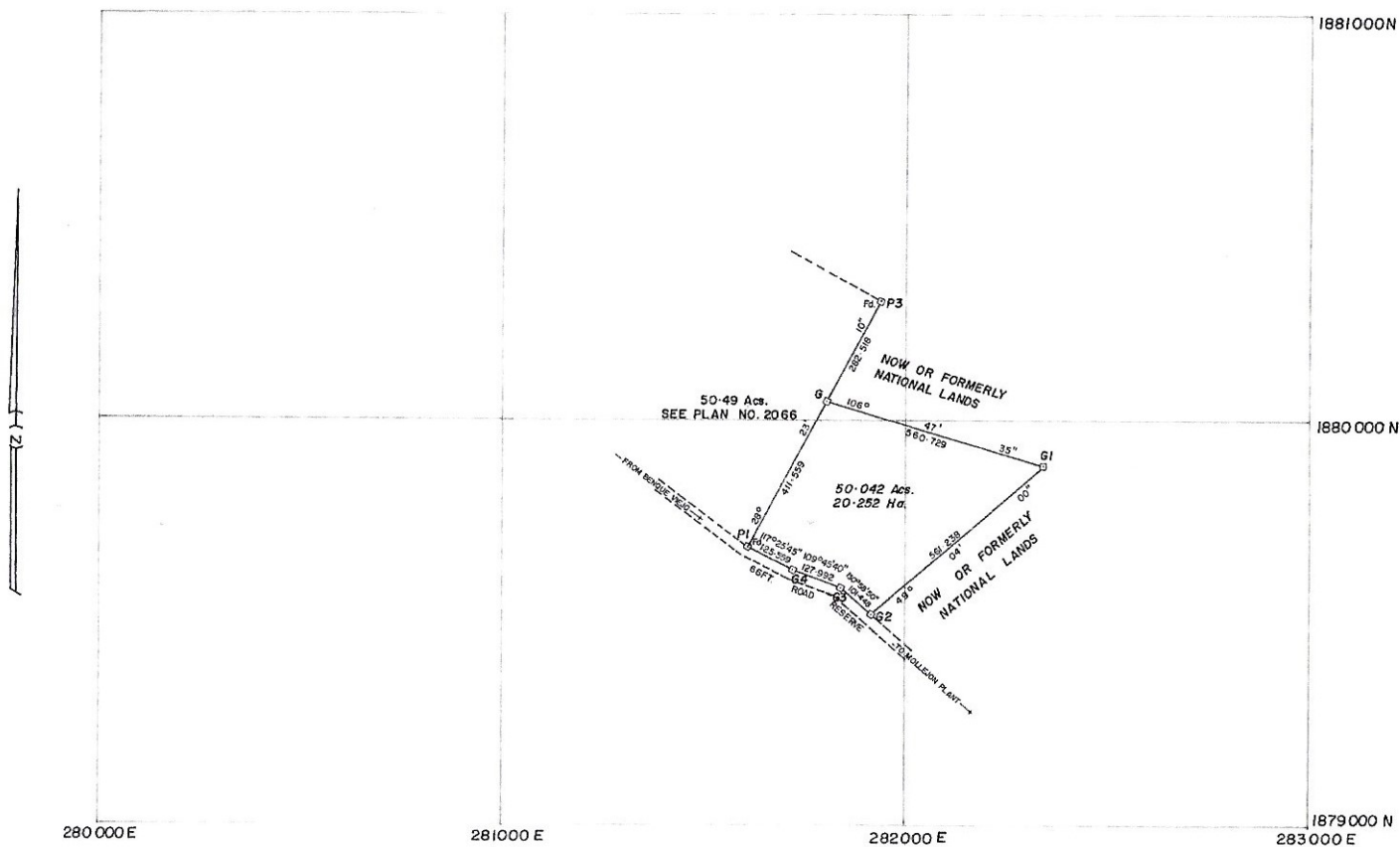
STATIONS	EASTINGS	NORTHINGS
P1	281 608.558	1879 687.144
G	281 804.220	1880 049.218
G1	282 341.039	1879 897.214
G2	281 917.041	1879 519.502
G3	281 840.455	1879 586.031
G4	281 720.001	1879 629.305

Surveyed by J. Keith Date 1st Sept. 1997  
J. A. KEITH (B. Sc. Sur. Eng.)  
Licensed Land Surveyor

Scale : 1 / 10,000



REGISTRATION	AUTHENTICATION	DATE
DATE RECEIVED _____	EXAMINED BY <u>W. Williams</u>	<u>15th September 1997</u>
FILE REFERENCE _____	APPROVED BY <u>W. Williams</u>	<u>Sept 19, 1997</u>
ENTRY NO. <u>3402</u> REG. NO. <u>18</u>	AUTHENTICATED BY <u>W. Williams</u> Commissioner of Lands and Surveys	<u>Sept 19, 1997</u>



# PLAN SHOWING SURVEY OF A PARCEL OF LAND, SITUATE ALONG THE MACAL RIVER, WATER HOLE AREA, CAYO DISTRICT.

**ATTACHMENT #2**

Survey requested by ALMA AGUILAR.

Permission granted by The Commissioner of Lands and Surveys.(Ref. No. 759/98)

**NOTE :**

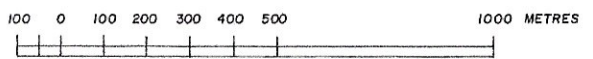
Fd. DENOTES FOUND  
 ○ DENOTES WOODEN POST  
 □ DENOTES CONCRETE PILLAR  
 DISTANCES AND BEARINGS ARE GRID  
 DISTANCES ARE IN METRES AND DECIMALS OF A METRE  
 SCALE FACTOR = 1.000191  
 CONVERGENCE = 00° 35' 57" /  
 ORIGIN OF COORDINATES - Fd. G2, ENTRY 3402 REG. 18.  
 ORIGIN OF BEARINGS - Fd. G2 to Fd. G1, ENTRY 3402 REG. 18.

**GRID U.T.M. ZONE 16 IN METRES**

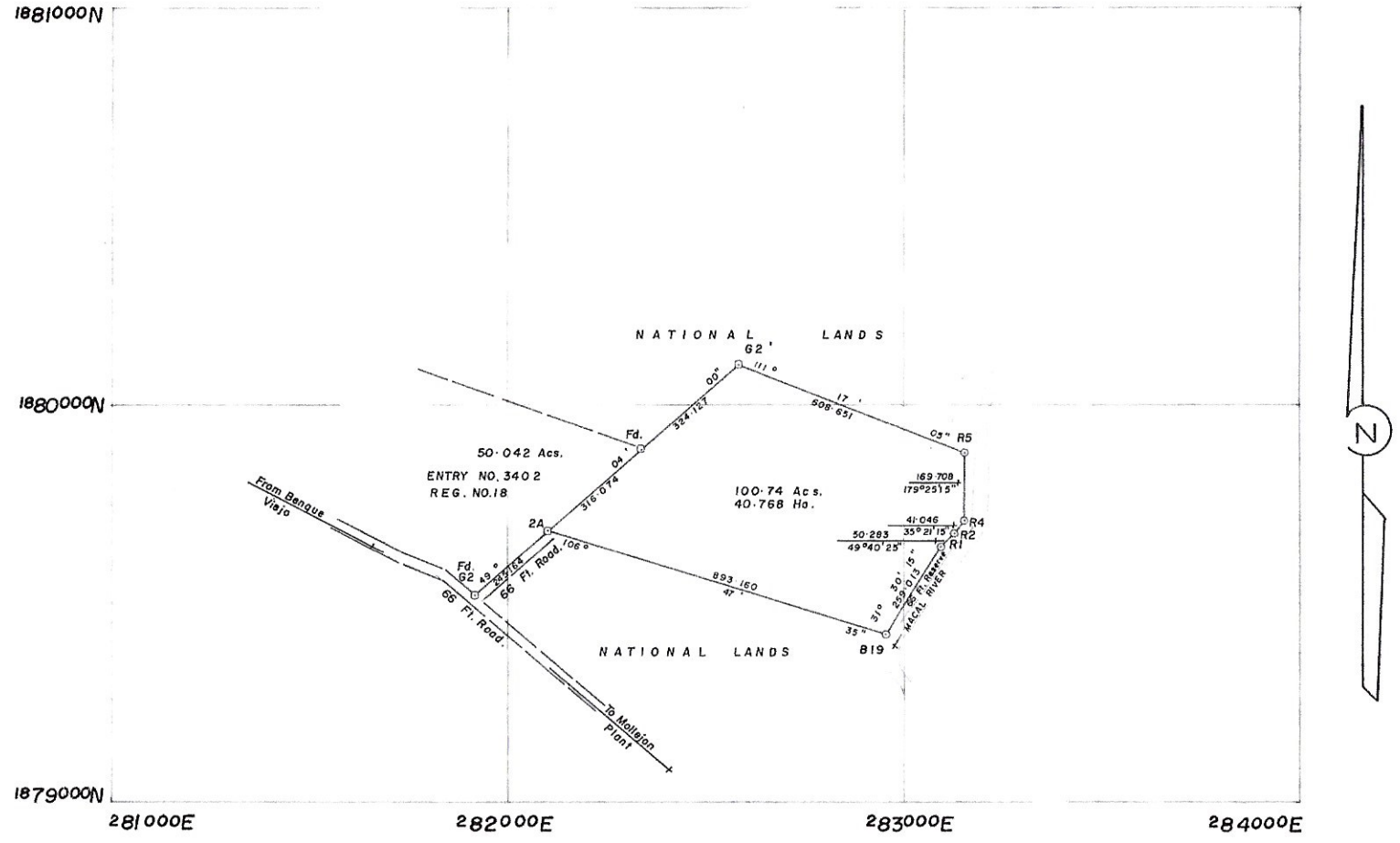
STATIONS	EASTINGS	NORTHINGS
Fd. G2	281 917.041	1879 519.502
2A	282 102.256	1879 680.129
G2'	282 585.911	1880 099.575
R5	283 153.045	1879 878.633
R4	283 154.761	1879 708.934
R2	283 131.010	1879 675.457
R1	283 092.676	1879 642.917
B19	282 957.326	1879 422.082

*H.D. Flowers*  
 H.D. FLOWERS  
 Licensed Land Surveyor  
 DATE Aug 8<sup>th</sup> 98

Scale : 1/10,000



REGISTRATION	AUTHENTICATION	DATE
DATE RECEIVED _____	EXAMINED BY <i>[Signature]</i>	<u>12<sup>th</sup> Aug 1998</u>
FILE REFERENCE _____	APPROVED BY <i>[Signature]</i>	<u>Aug 12/1998</u>
ENTRY NO. <u>4005</u> REG. NO. <u>2</u>	AUTHENTICATED BY <i>[Signature]</i> Commissioner of Lands and Surveys	<u>Aug 12/1997</u>



# PLAN SHOWING SURVEY OF 2 PARCEL OF LAND SITUATE IN THE WATER HOLE AGRICULTURAL AREA, CAYO DISTRICT.

## ATTACHMENT #3

SURVEYED AT THE REQUEST OF (1) GUILLERMO GARCIA (2) SELMO GARCIA.  
Permission granted by the Commissioner of Lands and Surveys. (Ref.: (1) 698/97; (2) 697/97)

### Note

Fd. DENOTES FOUND  
O DENOTES WOODEN PEG  
C DENOTES CONCRETE PILLAR  
DISTANCES AND BEARINGS ARE GRID  
DISTANCES ARE IN METRES AND DECIMALS OF A METRE  
CONVERGENCE =  $00^{\circ} 35' 57''$   
SCALE FACTOR = 1/000191  
ORIGIN OF COORDINATES — STA. G1, SEE ENTRY 3402 REG. 18  
ORIGIN OF BEARINGS — STA. G1 TO STA. G, SEE ENTRY 3402 REG. 18

Grid U.T.M. Zone 16 in Metres

STATIONS	EASTINGS	NORTHINGS
G1	282 341.039	1879 887.214
G	281 804.219	1880 049.214
P3	281 938.529	1880 297.761
C1	282 496.097	1880 588.991
C2	282 685.089	1880 271.491
C3	282 406.899	1880 159.057
C4	282 527.656	1879 998.569

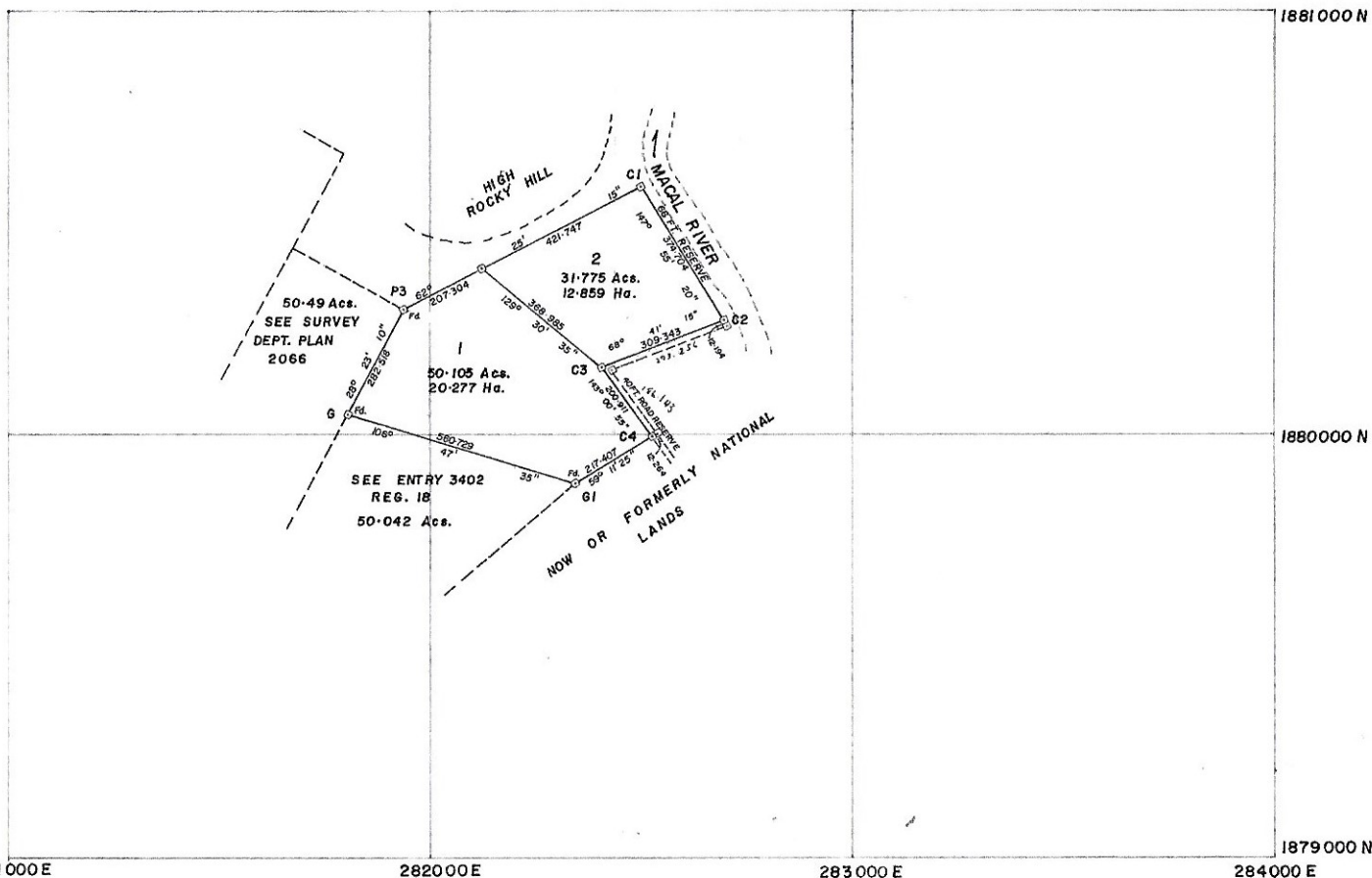
Surveyed by J. Keith Date 14.10.98

J. A. KEITH (B.Sc.Sur.Eng.)  
Licensed Land Surveyor

Scale = 1/10,000

250 0 250 500 750 1000 METRES

REGISTRATION	AUTHENTICATION	DATE
DATE RECEIVED _____	EXAMINED BY <u>W. Williams</u>	<u>23 Oct 1998</u>
FILE REFERENCE _____	APPROVED BY <u>J. Keith</u>	<u>19 Oct 1998</u>
ENTRY NO. <u>4136</u> REG. NO. <u>18</u>	AUTHENTICATED BY <u>J. Keith</u> Commissioner of Lands and Surveys	<u>19 Oct 1998</u>





# PLAN SHOWING SURVEY OF 30.07 ACRES OF LAND, SITUATE IN THE WATER HOLE AGRICULTURAL AREA, CAYO DISTRICT.

## ATTACHMENT #4

Survey requested by LAYLA EL SAYED.

Permission granted by The Commissioner of Lands and Surveys.(Ref No. CYO. 624/2001)

### NOTE:

Fd. DENOTES FOUND  
 O DENOTES WOODEN PEG  
 □ DENOTES CONCRETE PILLAR  
 DISTANCES AND BEARINGS ARE GRD  
 DISTANCES ARE IN METRES AND DECIMALS OF A METRE  
 SCALE FACTOR - 1:000191  
 CONVERGENCE - 00° 35' 57"  
 ORIGIN OF COORDINATES - Fd.C4, ENTRY NO. 4136 REG. NO. 18.  
 ORIGIN OF BEARINGS - Fd.C4 to Fd.G1, ENTRY NO. 4136 REG. NO. 18.

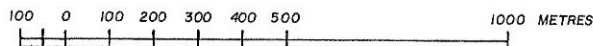
GRID U.T.M. ZONE 16 IN METRES

STATIONS	EASTINGS	NORTHINGS
Fd.C4	282 527.656	1879 998.569
A5	282 538.189	1880 004.850
A4	282 585.809	1880 099.587
A3	283 153.004	1879 878.706
A	282 699.573	1880 260.238
A6	282 426.400	1880 153.682

*Keith*  
 J.A. Keith (B.Sc. Sur. Eng.)  
 LICENSED LAND SURVEYOR

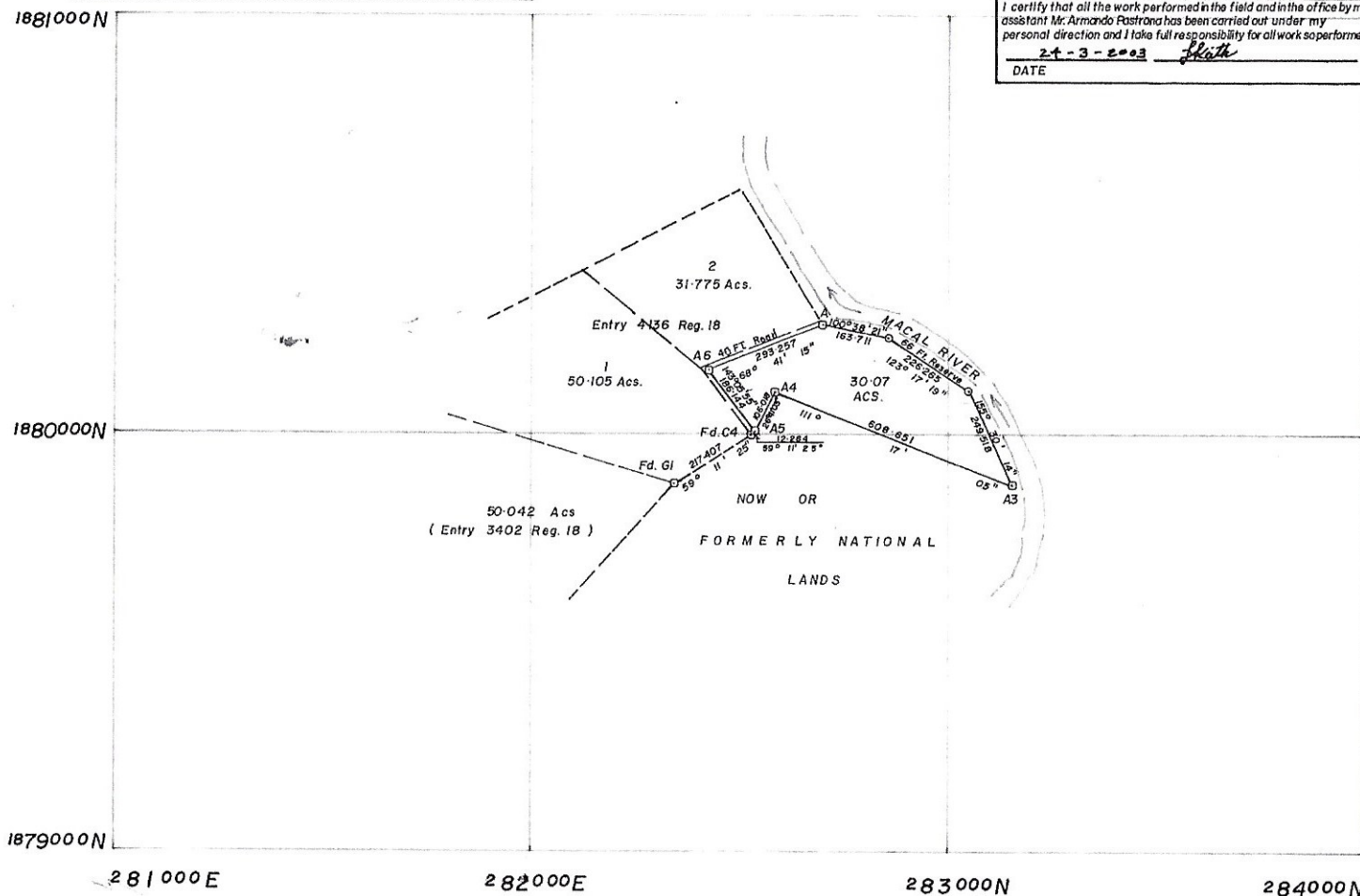
21<sup>st</sup> March 2003  
 DATE

SCALE : 1 / 10,000



REGISTRATION	AUTHENTICATION	DATE
DATE RECEIVED _____	EXAMINED BY <i>[Signature]</i>	27-03-03
FILE REFERENCE _____	APPROVED BY <i>[Signature]</i>	28/3/03
ENTRY NO. 7247 REG. NO. 18	AUTHENTICATED BY <i>[Signature]</i>	28/3/03
	Commissioner of Lands and Surveys	

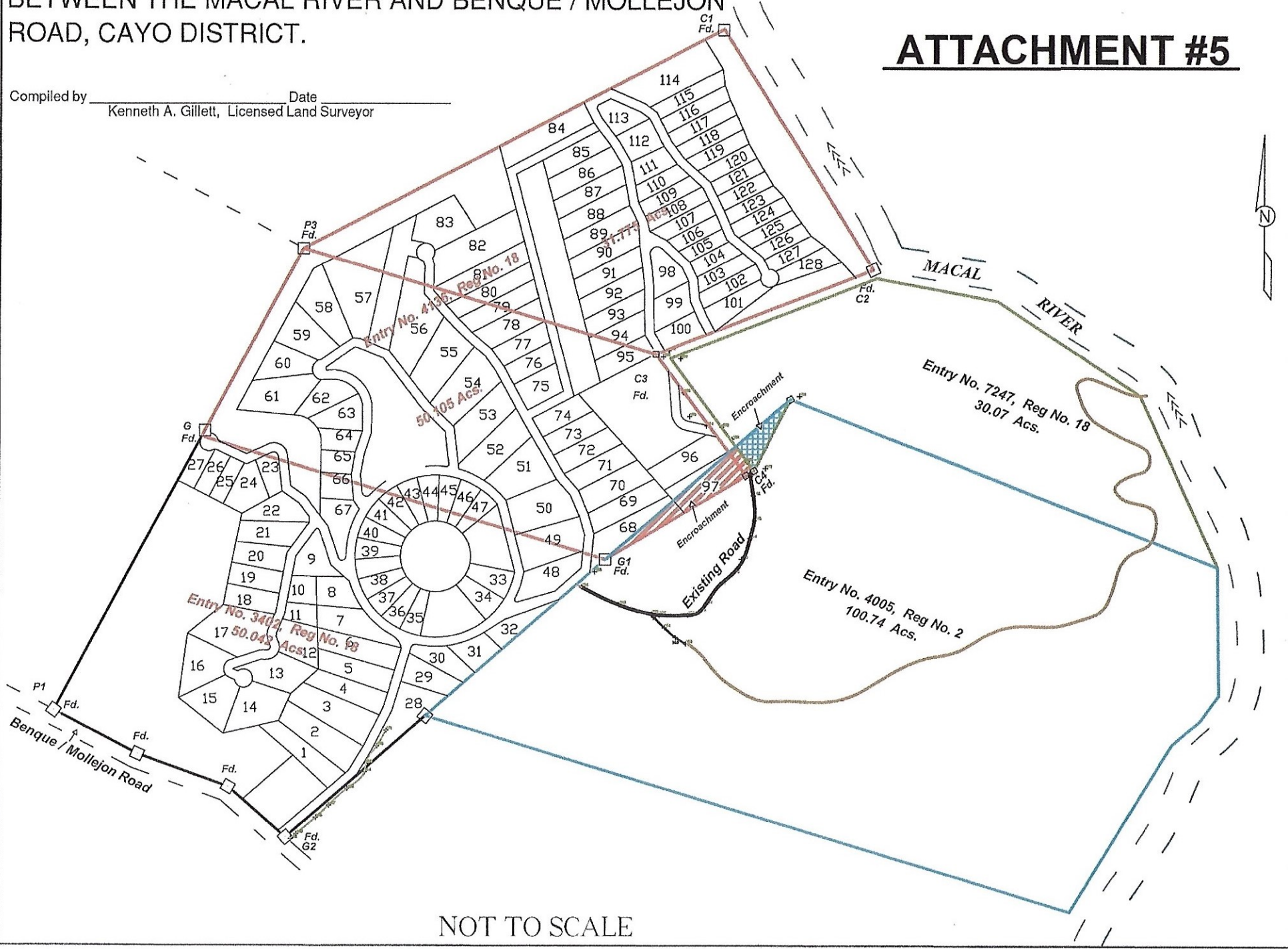
I certify that all the work performed in the field and in the office by my assistant Mr. Armando Pastrana has been carried out under my personal direction and I take full responsibility for all work so performed.  
 21-3-2003 *Keith*  
 DATE



COMPILATION OF PLAN OF SURVEYS IN THE WATER HOLE AREA  
BETWEEN THE MACAL RIVER AND BENQUE / MOLLEJON  
ROAD, CAYO DISTRICT.

**ATTACHMENT #5**

Compiled by \_\_\_\_\_ Date \_\_\_\_\_  
Kenneth A. Gillett, Licensed Land Surveyor



NOT TO SCALE

# ATTACHMENT #6

**Legend**  
★ Feature 1

1995



Google Earth

Image Landsat / Copernicus

4 km

