

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. 428 OF 2011

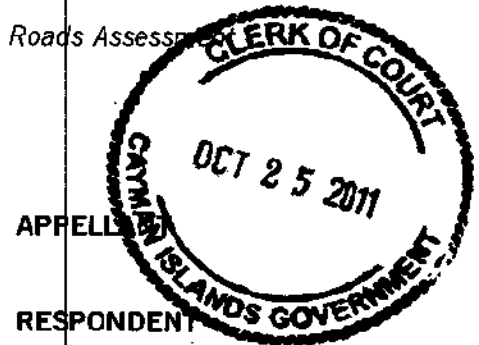
*In the Matter of an Appeal pursuant to paragraph 8 Roads Law (2005 Revision)*

*And in the Matter of an Appeal against the Amended Report of the Roads Assessment Committee dated 4 October 2011*

*And in the Matter of Grand Court Rules Order 55*

**BETWEEN: DAVID R. MYERS**

**AND: THE NATIONAL ROADS AUTHORITY (Acting by  
The Director of Lands & Survey)**



**NOTICE OF ORIGINATING MOTION**

**TAKE NOTICE** that a Judge of the Grand Court at the Law Courts, George Town, Grand Cayman, will be moved on \_\_\_\_\_ 2011 at \_\_\_\_\_ in the fore/afternoon or as soon thereafter as counsel can be heard on behalf of Mr. David R. Myers, the Appellant herein for the following relief:

1. An order setting aside that aspect of the Amended Report of the Roads Assessment Committee (the "RAC") dated 4 October 2011 whereby the RAC having determined that damage had been sustained by the Appellant with respect to Registration Section Prospect Block 23C Parcel 15 ("Property A") for severance and having assessed the loss to the Appellant for severance as "the full value of the land" held:

*"Pursuant to s 6(4) of the Roads Law (2005 Revision), the Committee signifies to the National Roads Authority that it is satisfied that the portion of contiguous land remaining to the Claimant comprising 5,227 sq ft is less than one-half acre and that the amount due to the Claimant is likely to exceed the market value of the whole portion. The National Roads Authority may acquire the whole portion at the market value of \$7 psf for a total of \$76,320.*

*ALTERNATIVELY, the Claimant may retain the land and combine it with the remainder of Parcel 16, in which case the Committee makes no award for severance." Notwithstanding the RAC's finding that the retained land with respect to Registration Section Prospect Block 23C Parcel 15 suffered severance and determined that the loss to the Appellant "for severance was the full value of the land."*

2. Such further or other orders as this Court deems appropriate.
3. And for an Order that the costs of and incidental to this Appeal be paid by the Respondent.

**AND FURTHER TAKE NOTICE** that the grounds of this Appeal are:


1. The RAC erred in law in applying paragraph 6(4) Second Schedule to the Roads Law in relation to the land identified as Property A.
2. The RAC erred in having determined that the Appellant did suffer loss for severance in relation to Property A, failed to make an award under this head to the Appellant.

3. The RAC misdirected itself by:

- i. Signifying to the NRA that it may acquire the whole of Property A pursuant to paragraph 6(4) Second Schedule to the Roads Law;
- ii. Concluding, in the alternative, that no award for severance would be made to the Appellant on the basis that as the owner of "contiguous parcels" the Appellant "may" retain Property A and combine it with the remainder of the land identified as Registration Section Prospect Block 23C Parcel 16 ("Property B").

4. The Appellant reserves the right to amend these grounds of appeal.

Dated the 25<sup>th</sup> day of October 2011



**CHARLES ADAMS RITCHIE & DUCKWORTH  
ATTORNEYS-AT-LAW FOR THE APPELLANT**

TO: The Clerk of the Court  
AND TO: The National Roads Authority (Acting by the Director of Lands & Survey)  
AND TO: The Legal Department  
AND TO: The Chairman of the Road Assessment Committee

**This Notice of Originating Motion** was issued by Charles Adams Ritchie & Duckworth, Attorneys-at-Law for and on behalf of the Appellant herein, whose address for service is that of its Attorneys, P.O. Box 709, Zephyr House, Mary Street, George Town, Grand Cayman.