

Experiences with cadastral survey data put on the public opinion

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Abstract. Cadastral elaboration is made based on data collected and processed from cadastral surveying, and before it becomes official the procedure of cadastral survey put on the public opinion must be done with simultaneously establishing new or renewal of land registry. This text is describing the procedure of cadastral survey put on the public opinion from the view of cadastral staff committee, reviewing obtained experience and problems that came through the procedure.

Key words. Cadastral surveying, comparison of cadastral parcel in the old and new cadastral surveys, public opinion, committee and request.

1. Introduction


In the regional cadastral office in Pazin, branch cadastral office in Poreč, there are several projects in process. They are dealing with a new new cadastral elaboration surveying. In Vrsar municipality cadastral elaboration surveying is done for cadastral municipality Funtana on the land area of 794 hectares, and it is in official use. In the same municipality there is another cadastral elaboration surveying for cadastral municipality Vrsar on the land area of 1596 hectares in process of cadastral survey data putting on the public opinion. In Poreč municipality there are processes dealing with a new cadastral elaboration for cadastral municipality Tar, Varbiga, Vrvari and parts of cadastral municipality Frata and Nova Vas on the total area of 2758 hectares (Stemberger 2004).

The process of putting on a cadastral survey data to public opinion begins after the contractor (private practising surveyors company who got the job through a public competition) delivers the cadastral elaboration. The State Geodetic Administration (SGA) central office and the municipal court decide about the members of committee who will conduct this process, and then the process may begin (picture 1).

2. Preliminary work

The comparison of a cadastral parcel in the old and the new cadastral sur-

Figure 1.
Decision
- assigning
cadastral
committee
members


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DRŽAVNA GEODETSKA UPRAVA
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Klasa: 932-04/04-01/01
Urbroj: 541-01-04/1-04-44
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Na temelju članka 46. Zakona o sustavu državne uprave (pročišćeni tekst NN br. 190/03) ravnatelj Državne geodetske uprave donosi

ODLUKU
o osnivanju stručnog povjerenstva
za provedbu postupka izlaganja na javni uvid podataka prikupljenih katastarskom
izmjerom katastarske općine Vrsar

I

Izlaganje na javni uvid podataka prikupljenih katastarskom izmjerom obaviti će **Područni ured za katastar Pazin, Ispostava Poreč**, zajedno sa istovremenim sastavljanjem zemljišnoknjižnih uložaka i postupkom koji provodi nadležni općinski sud.

II


Provedbu postupka izlaganja na javni uvid podataka prikupljenih katastarskom izmjerom obaviti će stručno povjerenstvo u sastavu:


1. Jugovac Dorijano
2. Milorad Lukić
3. Ines Jurić
4. Snježana Čanković

III

Povjerenstvo ima sljedeće zadatke:

- pozivanje nositelja prava na zemljištu i priopćavanje podataka prikupljenih katastarskom izmjerom i katastarskim klasiranjem zemljišta
- vođenje knjige prigovora i žalbi
- zaprimanje i dostava prigovora izvoditelju geodetskih radova
- zaprimanje žalbi na podatke o novoutvrđenim katastarskim kulturama i klasama i dostava žalbi Središnjem uredu Državne geodetske uprave
- podnošenje izvješća nadležnom područnom uredu za katastar i Središnjem uredu Državne geodetske uprave

Ravnatelj:

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veys must be done before the process of cadastral survey data putting on the public opinion begins. This is a case of Cadastral municipalities who's the old cadastral surveys and the old land registry already exists. The comparison of a cadastral parcel in the old and the new cadastral surveys is usually the contractor's responsibility, but if it is not written in the contract, this is the task of a cadastral officer (SGA 2005). In the process of the cadastral municipality Funtana the comparison has been done by the contractor. Before the parties were called to give their opinion or request, cadastral committee checked every comparison of the parcels and made changes if needed. This checking of parcels comparison was done simultaneously with meeting planning.

3. Meeting planning

Meeting planning was done once a week for the following week, and after some time it was done for a few weeks in advance. The process began with calling involved parties who live in municipality where the process is happening. The courier hired by the Vrsar municipality delivered notification-invitations. The process continued with delivering notification-invitation to involved parties who didn't live in municipality where the process was happening by post and municipality took care of all expenses. With the letter of notification-invitation a list with new parcels was sent to involved parties. At the end we called the companies etc.


4. Practice with the parties involved

The involved party first approaches to the cadastral committee. Cadastral officer informs the party with a new cadastral survey of his property, he shows him the cadastral map, orthophotomap, data about the area and land use, and often comparison data are needed to find or identify parcels in an easier way (SGA 2004).

After informing the party with a new cadastral survey several situations are possible:

1. The party involved has no requests on a new cadastral survey

Figure 2.
Example:
parcel list with
a statement of
agreement



REPUBLIKA HRVATSKA
DRŽAVNA GEODETSKA UPRAVA
PODRUČNI URED ZA KATASTAR PAZIN
ISPOSTAVA POREČ
POREČ, 07.04.2003.

Katastarska općina: FUNTANA MB: 323632

POPISNI LIST broj 730, dio I

JMBG/MB	Prezime, ime i očevo ime odnosno tvrtka ili naziv korisnika, prebivalište odnosno sjedište, ulica i kbr. korisnika	Stvarnički udio
		1/1

POPISNI LIST broj 730, dio II

Broj katastarske čestice	Broj kat. plana	Naziv katastarske čestice / Način korištenja	Kat. klasa	Površina ha a m ²
1280	28	KAMENARIJA		5 68
		ZEMLJ. POD SZ	1 50	
		DVORIŠTA	4 18	

Na poziv PODRUČNI URED ZA KATASTAR PAZIN, ISPOSTAVA POREČ nakon što su mi izloženi podaci utvrđeni novom katastarskom izmjerom i klasiranjem zemljišta dajem slijedeću

I Z J A V U

Suglasan-na sam s izloženim podacima utvrđenim katastarskom izmjerom i katastarskim klasiranjem zemljišta, osim sa podacima na kojima je:

- uloženi prigovori uvedeni u Knjigu prigovora pod brojem: -----
- uložena žalba uvedena u Knjigu žalbi pod brojem: -----

I.

Izlaganje izvršili:

1. KLIMAN EDUARD
2. LUKIĆ MILORAD
3. LABINAC ANTONIO

FUNTANA, 07.04.2003.

Strana: 1

data.

In that case the party signs a statement of agreement with a new cadastral survey data. One copy of that statement stays at the cadastral committee, and the other one is given to the party (picture 2.). At that point the cadastral committee activities end. After that the parties go to the local court-land register committee and they inform him about the ownership records and encumbrance records. With this committee the party resolves issues about the ownership and some other real or personal rights which are entries into the land register.

2. The party involved has requests concerning shape and area of his parcels (picture 3 and picture 4).

Cadastral officer interrogates involved parties if they carried out marking of the boundaries (article 24. item 3. of the Law), depends on the case, the decision is made:

- When the party involved has requests concerning area difference of the old and new survey, and he marked his property boundaries, the request is not accepted. The party involved is

given an explanation about the cause of area differences and is told that the correction is not possible. That request usually happens when the area data in the old survey is bigger than the area data in the new survey.

- When the party involved has requests concerning the shape of the parcel, and he marks his property boundaries, the request is accepted. Contractor has made a mistake when the draft of the parcel framework is done, and he carries out the correction expenses.

- When the party involved has request concerning the area or the shape of the parcel, and he didn't mark his property boundaries, the request is accepted. The party involved had a reason why he didn't mark his property boundaries, but his neighbours did. The request is accepted and the party is informed that he has to pay new survey and the correction expenses.

- When the party involved didn't mark parcel boundaries, which are formed in the old survey cadastral map, and the contractor made one parcel of a group of parcels, the re-

