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.

Figure 1.

- assigning

cadastral

committee

members

Decision

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-



Tel. 01/36 57-394, fax: 01/61 57-389 Klasa: 932-04/04-01/01 Urbroj: 541-01-04/1-04-44 Zagreb, 08. lipanj 2004. godine

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 obavit 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 izjerom obavit će stručno povjerenstvo u sastavu:

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

II

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



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

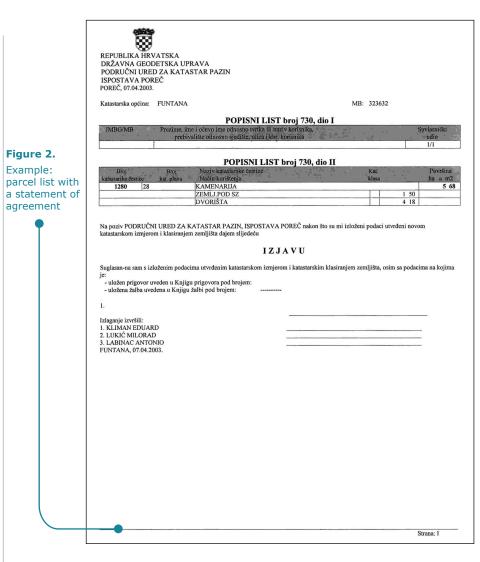
Meeting planning was done once a week for the following week, and after some time it was done for a few weeks in advance. The process began with calling involved parties who live in municipality where the process is happening. The courier hired by the Vrsar municipality delivered notification-invitations. 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 comitee. 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



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 comitee, and the other one is given to the party (picture 2.). At that point the cadastral comitee activities end. After that the parties go to the local court-land register comitee and they inform him about the ownership records and encumbrance records. With this comitee the party resolves issues about the ownership and some other real or personal rights which are entries into the land register.

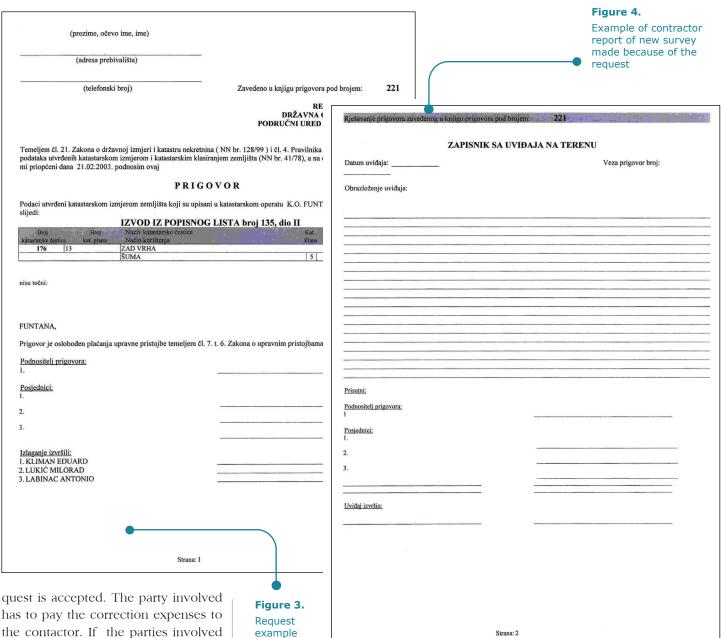
2. The party involved has requests concerning shape and area of his parcels (picture 3 and picture 4).

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 differencse 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-



quest is accepted. The party involved has to pay the correction expenses to the contactor. If the parties involved don't want the formation of new parcels, the owners of the old survey parcels are registered as co-owners of the new parcel.

• When we have a case of fixing out the boundaries between two people who made demarcation in good will, the wishes of involved parties are accepted despite the fact that comparison data consists of parts of a neighbouring parcel.

Besides that, we have cases when the party involved has requests concerning the land use. These requests are uncommon, but occur when a long period passes by after the survey and before the start of the process. That is the case of planting or clearing land (vineyards, orchard, oliveyards etc). In cases of invading of the municipal property the parties involved are informed aboue the area and shape of the invaded property. The municipality representative shows the price list made by municipality committee, with the cooperation of the civil engineering expert. The price list is made throughout urban zones and according to the urban plan. The parties involved show their interest for purchase or exchange of invaded property. When the party involved is interested in purchase, the purchase application must be approved by the municipality committee. After that a preliminary deed of sale is signed. Then with all documents needed the party returns to the local court-land register comitee to make a registration in the land register. When the parties involved have accorded a payment in delay, that encumbrance enters the land register until payed. When the party involved is not interested in purchase of invaded property, the municipality entered the land register in co-ownership with the party involved or the party involved made a

request for parcelling-out invaded property and that parcel entered the land register as ownership of the municipality. When the party involved was interested in an exchange, invaded property exchanged for another property or a combination of exchange and purchase of propetry parts are done (combination was usually carried through in cases of road parts which are not paid by the road administration office). The municipality representative made a great contribution to the process because she came every day, and she was aware of the meeting plan in advance, so she was prepared to deal with cases of invaded property. The process of informing all kind of parties involved (people, companies, etc) was the same. With the companies, we had unique cases which happened due to ownership disorder. In the process of cadastral survey data putting on the public opinion as the other persons they had a possibility to take care of the ownership problem with other parties, persons, other companies, municipality, The State, etc. The most common cases were that of parties that owned parcels inside camping sites, or parts of the roads inside tourist destination sites etc. If they didn't make an agreement they entered the land registry as co-owners of new formed property.

When the owner was The State of Croatia or The Croatian Privatization Fund the boundaries were not marked. The process of cadastral survey data putting on the public opinion and deciding about were done in the following way:

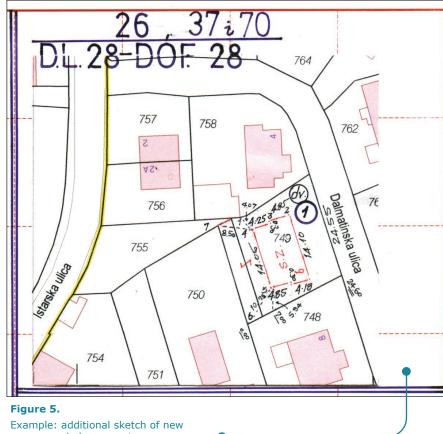
- when the parcels considered in comparison of cadastral parcel in the old and new cadastral surveys were already owned by companies, they entered the new land register as the owner
- when the parcels are in sites with some private property parcels, the share was calculated, and they entered the new land register in co-ownership with other part-owners
- when the companies have made a request consider parcelling out and their property formation, the contractor carried out the new survey and made corrections needed.

5. Decision about requests

Cadastral committee updates request register and appeal register. Contractor carries out the new survey considered in request. He carries out new field measurements and makes an additional sketch with measures written (picture 5), and he writes a report about the field work. (picture 4). Additional sketches are used for updating cadastral survey elaboration (SGA 2004).

6. Conclusion

The experience we got in performing the process of cadastral survey data putting on the public opinion for cadastral municipality Funtana is very precious. We noted that we could do some changes to simplify the process and shorten the duration time of the process. It was concluded that the comparison of cadastral parcel in the old and new cadastral surveys must be



Example: additional sketch of new survey made by request

performed by a cadastral officer because contractor's comparison has to be checked and this process is time-consuming. While cadastral survey is in process the contracor collects owner's and rightowner's names data on the field, and that kind of data is incomplete and insufficient for the process of cadastral survey data putting on the public opinion. We have to invite parties registered in the old cadastral register and the old land register. To be able to invite them we have to register their names manually while the meeting plan is done. Therefore, we made a demand for a better technical solution to combine data needed. The municipality is one of the investors, and municipality representatives engagement is essential in every step of the process, especially in the process of cadastral survey data putting on the public opinion. Considering the fact that companies don't respond on the first notification-invitation and don't mark their properties, they have to be involved in preliminary works, especially in the process of boundary marking. Meeting plan must consider that first invitations have to be sent to companies, so if they are not responding we don't waste any time and we don't prolong the process, but primarily we have to invite other persons at the same time. That experiences are used in preliminary work in the current process for Cadastral municipality Vrsar. Cadastral survey elaboration of cadastral municipality Funtana is one of the first ones in official usage. In The State of Croatia there are several cadastral surveyings in current process, and gained experience exchange is daily contributing in further processes.

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